

EDITOR'S NOTE

The plan for classifying and speedy publication of the General 1967 session laws provides for dividing Volume I into two parts—

Volume I, Part One, General Laws 1967, contains only the general laws of state-wide application.

Volume I, Part Two, General Laws 1967, contains population acts, relief acts and other general laws of local application.

The special or local laws of the 1967 session are printed in Volume II.

The laws enacted at the 1967 Extraordinary Sessions held subsequent to the Regular Session are printed in a separate book.

REGULAR SESSION 1967

GENERAL ACTS

ADOPTED BY THE

LEGISLATURE OF FLORIDA

At its Forty-first Regular Session

April 4th to July 14th, 1967

UNDER THE CONSTITUTION OF A. D. 1885



Published by Authority of Law
Under the Direction of
TOM ADAMS, SECRETARY OF STATE
Volume I, Part Two
1967

CERTIFICATE

STATE OF FLORIDA }
Office Secretary of State }ss

I, TOM ADAMS, Secretary of State of the State of Florida, do hereby certify that the acts contained in this volume have been compared with the original enrolled acts on file in this office and that the same are correct and true copies. The apparent omissions of words and inaccuracies of language appear in the enrolled acts.

(SEAL) IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the Great Seal of the State
of Florida, at Tallahassee, the Capital, this
the 31st day of August, A. D. 1967.

TOM ADAMS
Secretary of State.

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38th District John W. (Jack) Bell, Ft. Lauderdale (R)

39th District Chester W. (Chet) Stolzenburg, Ft. Lauderdale (R)

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41st District Robert M. Haverfield, Miami (D)

42nd District Lee Weissenborn, Miami Lakes (D)

43rd District Robert L. Shevin, Miami (D)

44th District George L. Hollahan, Jr., Coral Gables (D)

45th District Tom Spencer, Miami (D)

46th District Ralph R. Poston, Miami (D)

47th District Dick Fincher, Miami (D)

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 40th District Robert H. Shadley, Orlando (R)
 41st District David L. Lindsey, Orlando (R)
 42nd District William D. Gorman, Winter Park (R)
 43rd District Jan Fortune, Maitland (R)
 44th District E. Pope Bassett, Maitland (R)
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 50th District Ed. S. Whitson, Jr., Clearwater (R)
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 52nd District Don H. Stafford, Largo (R)
 53rd District William H. Fleece, St. Petersburg (R)
 54th District Jack Murphy, Clearwater (R)

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 56th District Ray Mattox, Winter Haven (D)
 57th District William H. "Bill" Bevis, Ft. Meade (D)
 58th District Quillian S. Yancey, Lakeland (D)
 59th District E. C. Rowell, Wildwood (D)

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 61st District James L. Redman, Plant City (D)
 62nd District William M. Register, Jr., Tampa (D)
 63rd District Elvin L. Martinez, Tampa (D)
 64th District Guy Spicola, Tampa (D)
 65th District Terrell Sessums, Tampa (D)
 66th District John L. Ryals, Brandon (D)
 67th District Paul W. Danahy, Tampa (D)
 68th District Richard S. Hodes, Tampa (D)
 69th District John R. Culbreath, Brooksville (D)
 70th District Tommy Stevens, Dade City (D)

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 72nd District Harry H. Pfeiffer, Cocoa Beach (R)
 73rd District Clifford A. McNulty, Melbourne (R)
 74th District William E. Powell, Indian River (R)

ST. LUCIE

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 77th District Joseph W. H. Humphrey, Boynton Beach (R)
 78th District Jack Poorbaugh, Boynton Beach (R)
 79th District Robert C. De Young, Riviera Beach (R)

80th District
81st District

Robert W. Rust, Palm Beach (R)
William G. James, Delray Beach (R)

BROWARD

82nd District
83rd District
84th District
85th District
86th District
87th District
88th District
89th District

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Arthur H. Rude, Ft. Lauderdale (R)
George L. Caldwell, Ft. Lauderdale (R)
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DADE

90th District
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110th District
111th District

Maxine E. Baker, Miami (D)
Maurice A. Ferre, Miami (D)
Carey Matthews, Miami Beach (D)
Louis Wolfson, II, Miami (D)
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Robert C. Hector, South Miami (D)
Robert Graham, Miami Lakes (D)
Robert C. Hartnett, Coral Gables (D)
Elton J. Gissendanner, N. Miami (D)
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Carl A. Singleton, Coral Gables (D)
George Firestone, Miami (D)
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112th District
113th District
114th District

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James Lorenzo Walker, Naples (D)
Bernie C. Papy, Jr., Key West (D)

HARDEE AND MANATEE

115th District
116th District

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117th District
118th District
119th District

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Kent S. McKinley, Sarasota (R)
Granville H. Crabtree, Jr., Sarasota (R)

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Secretary of State—Tom Adams

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Comptroller—Fred O. Dickinson, Jr.

Treasurer—Broward Williams

Superintendent of Public Instruction—Floyd T. Christian

Commissioner of Agriculture—Doyle Conner

Compiled by
TOM ADAMS
Secretary of State
Tallahassee, Florida

CHAPTER 67-614

House Bill No. 3161

AN ACT establishing the office of prosecuting attorney for the county judge's court in each county of the state having a population of not less than 64,000 and not more than 68,000, according to the latest official decennial census; providing for the election and term of office of said prosecutor; prescribing duties and powers of said prosecutor, providing the compensation of said prosecutor.

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

Section 1. There is hereby established the office of prosecuting attorney for the county judge's court in each county of this state having a population of not less than 64,000 nor more than 68,000, according to the latest official decennial census. The office of county prosecuting attorney shall be filled by an election thereof of an attorney at law to said office for a term of four years, and who shall take office on the first Tuesday after the first Monday in January following his election, said election to be conducted according to the general election laws of Florida, provided, however, that any prosecuting attorney presently holding an office by virtue of an election or appointment by the governor under a local law shall continue to hold such office until the expiration of the term for which he was elected or appointed.

Section 2. The prosecuting attorney of the county judge's court shall prosecute all persons charged with the commission of any kind of offense against the laws of the state in and for the county judge's court.

Section 3. The prosecuting attorney of the county judge's court shall be allowed the process of said court to summon witnesses to appear before him, in or out of term, at such convenient place and time as may be designated in the summons, to testify before him as to any violation of the criminal law upon which they may be interrogated; and he is hereby empowered to administer oaths to all witnesses summoned to testify by the process of the court and to all witnesses who may voluntarily appear before him, and he shall have authority to take recognizances of all witnesses summoned before him and

CHAPTER 67-615 LAWS OF FLORIDA

of all witnesses who voluntarily appear before him and are administered an oath by him, when he deems that their evidence is material on behalf of the state, to be and appear on the first day of the next term of the said county judge's court.

The compensation and mileage provided by law for witnesses in county judge's courts shall be paid to each witness who is compelled to appear before said prosecuting attorney under the provisions of this section.

Section 4. Compensation of the county prosecuting attorney shall be as provided by the general law.

Section 5. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-615

House Bill No. 3160

AN ACT relating to Taylor county, justices of the peace and constables; providing salaries of both such officers; providing for payment of office expense allowance for justice of the peace, district number 1; providing an expense allowance for constables in districts number 1 and number 3; abolishing the fee system of compensation; providing for the submission of budgets by both said officers; providing for disposition of fees and commissions; repealing chapter 65-2321, Laws of Florida, 1965; providing an effective date.

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

Section 1. The justices of the peace in Taylor county for justice of the peace districts numbers 1 and 3 shall each be paid an annual salary of fifteen hundred dollars (\$1500.00) payable in equal monthly installments. The salary of each such justice of the peace provided by this section shall be in lieu of all fees and commissions now authorized by law to be received by him for the performance of his official duties.

Section 2. The county commissioners of Taylor county are

authorized and directed to pay to the justice of the peace for district number 1 for the expenses of operating his office a sum not to exceed twelve hundred dollars (\$1200.00) per annum. The expense allowance authorized by this section shall be in addition to salary authorized by section 1.

Section 3. The constables in Taylor county for districts number 1 and number 3 shall be paid an annual salary of six thousand dollars (\$6,000.00). The salary of each such constable shall be in lieu of all fees and commissions now authorized by law to be received by him for the performance of his official duties.

Section 4. The board of county commissioners of Taylor county is authorized to pay to the constable for district number 1 and the constable for district number 3 and to each of them an annual expense allowance not to exceed the sum of twenty-four hundred dollars (\$2,400.00) for defraying the expenses incurred by each constable in the performance of his official duties. The expense allowance herein authorized shall be in addition to the salary authorized by section 2, and in addition to expenses authorized by general law for travel outside the state.

Section 5. The fee system of compensation of justices of the peace and constables in Taylor county is abolished.

Section 6. At the time fixed by law for the preparation of the county budget each justice of the peace and each constable in Taylor county shall submit to the board of county commissioners a proposed budget of expenditures for carrying out the powers and duties and operation of his office for the ensuing fiscal year. The fiscal year for justices of the peace and constables shall commence on October 1 and end September 30 of each year.

Section 7. All fees and commissions received by the justices of the peace and constables in Taylor county for the performance of their duties shall be deposited in the county fine and forfeiture fund and the salaries and expenses herein authorized shall be paid by the county commissioners from such fund.

Section 8. Chapter 65-2321, Laws of Florida, 1965 is repealed.

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Section 9. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-616

House Bill No. 3154

AN ACT providing for the payment by Broward county, Florida, of the salary of secretaries for the judges of the circuit court of the seventeenth judicial circuit, residing in Broward county, Florida, and for payment by said county of all the necessary and incidental expenses of the office of said judge.

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

Section 1. That from and after the passage of this act each judge of the circuit court of the seventeenth judicial circuit residing in Broward county, Florida, shall be entitled to the aid and assistance of a private secretary, and shall be entitled to have the salary of each private secretary paid by Broward county, Florida.

Section 2. That each judge shall be entitled to select and appoint his own private secretary.

Section 3. That the salary of the private secretary selected and appointed by each judge shall be in an amount to be determined and fixed by each judge and approved by the board of county commissioners of Broward county, Florida, and said secretary's salary shall be paid monthly by the said board to said secretary.

Section 4. That Broward county, Florida, shall also pay monthly all other necessary and incidental expenses of each office and necessary and incidental expenses relating to the chambers of each judge upon the presentation to the board of county commissioners of said county of a bill, or bills, for such expenses, with the approval of each judge endorsed thereon; and the approval of each judge of any such bill, or bills, by his endorsement thereon shall be deemed conclusive proof that such

bill, or bills, is for proper item or items of expenses within the purview of this act to be paid by said county.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-617

House Bill No. 3153

AN ACT to prescribe the jurisdiction of all small claims courts in all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census; prescribing fees chargeable for services of said courts; prescribing authority of clerks; prescribing compensation of judges of said courts; providing that the provisions of Chapter 42, Florida Statutes, shall apply to said courts in said counties as set forth in Section 1 hereof, except as herein provided; and providing an effective date.

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

Section 1. Jurisdiction. In all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three fifty thousand (350,000) inhabitants, according to the latest official decennial census, all small claims courts of such counties, whether established by general law or special or local law, shall have jurisdiction of all cases at law in which the demand or value of the property involved does not exceed four hundred dollars (\$400.00), exclusive of costs, attorneys fees, and interest, which jurisdiction shall be concurrent with that of any other courts in said counties having like jurisdiction.

Section 2. Filing fees. The maximum fees which may be

charged for services in such small claims courts may be as follows:

- (a) Approving bond—one dollar (\$1.00).
- (b) Certification of an instrument of record—fifty cents (\$.50).
- (c) Clerk's certificate, affixing to any document—one dollar (\$1.00).
- (d) Copying, by other than photographic means, and certifying any instrument of record:
 - First page of record or fraction thereof—one dollar (\$1.00).
 - Each additional page or fraction thereof—fifty cents (\$.50).
- (e) Examining, comparing, correcting, verifying and certifying transcripts of record, in appellate proceedings or otherwise, per page—fifty cents (\$.50).
- (f) Filing and docketing cases where demand or value of the property involved, exclusive of costs, interest and attorneys' fees, does not exceed one hundred dollars (\$100.00)—three dollars and fifty cents (\$3.50).
- (g) Filing and docketing cases where demand or value of the property involved, exclusive of costs, interest and attorneys' fees, exceeds one hundred dollars (\$100.00), but does not exceed three hundred fifty dollars (\$350.00)—six dollars and fifty cents (\$6.50).
- (h) Filing and docketing cases where demand or value of the property involved, exclusive of costs, interest and attorneys' fees, exceeds three hundred fifty dollars (\$350.00) but does not exceed four hundred dollars (\$400.00)—seven dollars and fifty cents (\$7.50).
- (i) Filing and docketing proceedings of garnishment, attachment, replevin and distress for rent—ten dollars (\$10.00).
- (j) Filing of notice of appeal—three dollars and fifty cents (\$3.50).
- (k) Issuance of orders, one (1) certified and one (1) true copy—one dollar (\$1.00).

(l) Issuance of writ, when not prepared by litigant—one dollar (\$1.00).

(m) Making copies of any pleading in appellate proceedings, per page—one dollar (\$1.00).

(n) Making exemplified copies, requiring clerk's certification and judge's certification—two dollars (\$2.00).

(o) Moneys received into registry of court and paying out:
First five hundred dollars (\$500.00)—one per cent (1%).

Balance thereafter—one half per cent ($\frac{1}{2}\%$).

(p) Notice of resets, when prepared by clerk—one dollar (\$1.00).

(q) Photographic copies, including making copies of exhibits received in evidence, per copy—twenty-five cents (\$.25).

(r) Service of notice by registered mail for each defendant—one dollar (\$1.00).

(s) Service and return of process by a person especially appointed by the judge for that purpose shall be the same fees chargeable by sheriffs or constables for like services.

(t) Subpoena for witnesses, not otherwise provided for herein preparing, issuing, docketing and filing—one dollar (\$1.00).

(u) Writing any paper other than herein specifically mentioned, same as for copying—one dollar (\$1.00).

Section 3. Compensation of judge. All fees collected by the judge of any such court shall be retained by said judge as his annual sole compensation, but in no event shall such sum to be retained exceed thirteen thousand five hundred dollars (\$13,500.00). All moneys collected by each such judge in excess of thirteen thousand five hundred dollars (\$13,500.00) annually, after deducting costs, shall be paid into the general fund of the county provided however that each such judge shall be entitled to the maximum herein prescribed or the net income of the office whichever is lesser.

Section 4. Clerk's authority. Clerks and deputy clerks employed by such judges may sign and issue writs of execution,

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writs of replevin, writs of attachment, writs of garnishment, and writs in distress for rent proceedings, after first being duly authorized by the judge of such court in which such proceedings are instituted.

Section 5. Application of this act. Except as otherwise provided herein, the provisions of chapter 42, Florida Statutes, shall apply to all small claims courts in said counties as set forth in section 1 hereof.

Section 6. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-618

House Bill No. 3147

AN ACT to amend chapter 65-1213 general laws of Florida, acts of 1965, relating to Volusia county felony court of record by adding thereto section 5(a) providing that the terms of said felony court may be held in facilities furnished by the board of county commissioners in the county jail of said county; providing an effective date.

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

Section 1. That chapter 65-1213, General Laws of Florida, Acts of 1965 relating to Volusia County Felony Court of Record be and the same is hereby amended by adding thereto, immediately after Section 5 thereof, Section 5(a) which shall read as follows:

“Section 5(a). The terms of said Felony Court may be held in the facilities furnished by the Board of County Commissioners in the County jail of said County.”

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That this Act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-619

House Bill No. 3142

AN ACT authorizing the board of county commissioners in any county of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census; to require that platted lands lying within a residentially or commercially zoned and inhabited area in the unincorporated areas be cleared of weeds, debris, and noxious material; providing a procedure whereby property owners may be required to clear land; providing that the county may clear land upon the owner's default; providing for a lien for the cost of clearing the land; providing for enforcement of the lien; providing for an effective date.

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

Section 1. For the purpose of promoting the health, safety and general welfare of the community, the board of county commissioners of any county having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census, may, by resolution, require that lands in the unincorporated areas of such county be cleared of weeds, debris and any noxious material of any kind which tend to be a breeding place for snakes or vermin, or tend to create a fire hazard; provided, however, that this act applies only to platted lands lying within a residentially or commercially zoned and inhabited area.

Section 2. If any property owner in the unincorporated areas of such county fails to comply with the requirements of a resolution adopted under section 1 hereof, said board may serve written demand on such property owner that his land be cleared in accordance with provisions of such resolution by registered mail, directed to him at his address as shown on the

current tax roll of said county, and notifying such owner that if such demand be not complied with within fifteen (15) days from the date thereof the land described in such demand will be cleared by the county crews and equipment and the cost thereof will constitute a lien against said land; provided further, that no duties or powers contained herein shall be delegated to any person, firm or corporation.

Section 3. If any property owner fails to comply with the written demand, the board may clear said land and, by resolution, assess a lien on behalf of such county against said land for the actual cost of clearance. A notice of lien in such form as said board shall determine may be recorded in the office of the clerk of the circuit court of said county. The notice of lien shall be prima facie evidence of the debt to the county, bear interest at the legal rate, and may be foreclosed as mortgages are foreclosed in the circuit court. The lien shall become void twenty (20) years after the date of the execution of the notice of lien.

Section 4. If any part of this act is held invalid, such holding shall not affect the remaining portions of this act.

Section 5. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-620

House Bill No. 1021

AN ACT relating to pari-mutuel plants; providing that the racing commission may grant an additional day of pari-mutuel operation to any pari-mutuel plant located in Hillsborough county, Florida, for a charity day for the benefit of St. Leo college, and one (1) additional day for a charity day for the benefit of the Arts Council of Tampa; providing for determination and distribution of the charity day profits; providing an effective date.

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

Section 1. (1) In addition to any charity days already authorized by the legislature, the Florida state racing commis-

sion is hereby authorized to extend the limitations of time for pari-mutuel operation for any pari-mutuel plant located in Hillsborough county, Florida, two (2) days so that any such pari-mutuel plant may conduct one (1) charity day of operation for St. Leo college located in Pasco county, and one (1) charity day of operation for the Arts Council of Tampa, which was created by the 1967 session of the legislature. The profits from such charity days of operation shall be determined and distributed to the college and the Arts Council of Tampa as provided by law.

(2) The provisions of this section are supplemental to other provisions of this chapter.

Section 2. This act shall become effective on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-621

Senate Bill No. 1585

AN ACT relating to office building construction; authorizing the board of commissioners of state institutions to construct a state office building in Pinellas county pursuant to sections 288.17 and 288.18, Florida Statutes, and other applicable statutes; authorizing the Florida development commission to issue revenue bonds to finance the cost thereof; providing an effective date.

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

Section 1. The board of commissioners of state institutions is authorized and directed to conduct a survey in order to determine the feasibility of construction and is authorized to make plans pursuant to sections 288.17 and 288.18, Florida Statutes, and other applicable statutes, for the construction of a state office building to be located in Pinellas county; provided, however, that such building shall be constructed only on lands which shall be conveyed to the state, without cost, by fee simple deed by the board of county commissioners of Pinellas

county or other persons. The board of commissioners of state institutions shall determine where the state office building shall be located within Pinellas county.

Section 2. Upon request of the board of commissioners of state institutions, the Florida development commission is authorized to issue interest bearing revenue bonds, payable from lease rentals, in an amount to be determined by the board of commissioners of state institutions and the Florida development commission, to finance the cost of such construction and other costs incidental thereto. Such revenue bonds shall be issued in the manner provided by chapter 288, Florida Statutes.

Section 3. This act shall not be deemed to repeal or supersede any other law or laws but shall be supplemental and additional authority to the board to carry out and perform the powers provided in this act.

Section 4. The board of county commissioners of Pinellas county, the board of public instruction of Pinellas county and all other governmental entities in Pinellas county, including any municipalities located therein, are hereby authorized to convey lands, expend public funds and to do any other act or thing necessary or desirable to implement the planning and construction of said building and the financing thereof.

Section 5. The legislative council is hereby directed to conduct a study regarding the feasibility of state office building complexes in other metropolitan areas in the state and to ascertain the advisability of such construction, and report the conclusions of its study at the regular session of the 1969 legislature.

Section 6. It is declared to be the intent of the legislature that if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 7. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-622

House Bill No. 2071

AN ACT relating to the construction of a state office building complex in the city of Miami, Florida, for the purpose of providing needed space for state departments and agencies of the state of Florida; confirming the necessity of such office building complex; sanctioning the financing and construction of same; providing effective date.

WHEREAS, the present administrative offices of the state of Florida in the Miami, Florida, area are overcrowded and dispersed throughout several private and state buildings in the city of Miami, Florida, with resultant inconvenience in public accessibility and extra expense and difficulty in the administration and maintenance of same; NOW, THEREFORE,

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

Section 1. The present dispersal of the administrative offices of the state of Florida throughout public and private buildings in the city of Miami, Florida, is uneconomical, constitutes an inconvenience to the public and hampers the administration of said offices.

Section 2. Present available space for administrative offices of the state of Florida, located in Miami, Florida, is inadequate, inconveniences the public and adversely affects the administration of said offices.

Section 3. The construction of an adequate state office building complex for the primary occupancy of administrative officials and personnel of the state of Florida would effectuate the consolidation of the state's offices with a consequent benefit to the public through increased efficiency of administration, public accessibility and economy.

Section 4. The necessity of the construction of such a building complex is hereby acknowledged by the legislature and the officials charged with the responsibility of initiating and effectuating such a project are hereby directed and encouraged to institute immediate action for the commencement and completion of construction of such building complex.

Section 5. Revenues derived from the rental of office space

in the building complex and from other appropriate utilizations and economies will be sufficient to pay all service charges, interest and to retire the principal severally upon revenue certificates issued by the Florida development commission with the approval of the state board of administration and the bond review board for the purpose of financing construction of the building complex; the financing of the building complex through this method and manner is hereby sanctioned. Present state office buildings may be disposed of by sale, transfer, or by leasing and the proceeds shall be used and pledged to retire any revenue certificates issued for the financing of the office building complex housing state agencies. Office space may be rented to other governmental agencies so long as sufficient office space is provided for state agencies. Parking facilities are authorized and adequate property shall be acquired for such purposes. The state is authorized to lease or rent facilities and the proceeds from the rental of the parking spaces shall be used towards retiring said revenue certificates.

Section 6. The construction of this building shall not be commenced until the state cabinet accepts and approves a favorable feasibility study of state office building complexes in metropolitan areas as it pertains to this building in Miami, Florida.

Section 7. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-623

Senate Bill No. 947

AN ACT authorizing the board of regents to employ and compensate a dean of engineering for Florida Atlantic University; providing an effective date.

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

Section 1. The board of regents of the State of Florida is hereby authorized to employ and to compensate, at a rate to

be determined by the said board of regents, a dean of engineering at Florida Atlantic University.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-624

House Bill No. 3158

AN ACT relating to the county court in Palm Beach County; exempting the county from the provisions of Section 34.21, Florida Statutes; providing for an effective date.

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

Section 1. In Palm Beach County, the provisions of Section 34.21, Florida Statutes, relating to the annual salary of the judge of the county court in each county where the population exceeds twenty-two thousand (22,000) people, shall not apply and the said judge shall receive no compensation as judge of the county court.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-625

House Bill No. 3007

AN ACT relating to the municipalities of Pensacola, Escambia county and Gulf Breeze, Santa Rosa county; relating to police jurisdiction on the Pensacola bay bridge; authorizing the above-mentioned municipalities to exercise police jurisdiction over the entire length of the bridge; providing an effective date.

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

Section 1. The municipality of Pensacola, located in Escambia county and the municipality of Gulf Breeze, located in Santa Rosa county, shall have and each is hereby granted, concurrent police jurisdiction on the Pensacola bay bridge, said bridge connecting the two (2) municipalities over a body of water known as Pensacola bay, and shall be authorized to exercise the arrest power granted to municipalities over the entire length of the bridge.

Section 2. When a person violates a municipal ordinance or commits a misdemeanor within the corporate limits of the municipality of Pensacola, or when any police officer of said municipality has reasonable grounds to believe that a person found within said municipality has committed or is committing a felony, police officers of said municipality may in fresh and continuous pursuit, whenever necessary to effect the arrest of such person, pursue such person outside of said municipality to any point within a radius of one (1) mile within Santa Rosa county from the east end of Pensacola bay bridge and there arrest him.

Section 3. When a person violates a municipal ordinance or commits a misdemeanor within the corporate limits of the municipality of Gulf Breeze, or when any police officer of said municipality has reasonable grounds to believe that a person has committed or is committing a felony, police officers of said municipality may, in fresh and continuous pursuit, whenever necessary to effect the arrest of such person, pursue such person outside of said municipality to any point within a radius of one (1) mile within Escambia county from the west end of Pensacola bay bridge and there arrest him.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-626

House Bill No. 2947

AN ACT relating to Escambia, Santa Rosa and Okaloosa counties, the conservation, protection and perpetuation of natural shrimp resources; authorizing the state board of conservation to require all commercial shrimp fishermen shrimping in the inland and offshore waters within the boundaries of Escambia, Santa Rosa and Okaloosa counties to report each day's catch to agents of the board or persons designated by the director of the board engaged in the shrimping industry in said counties; providing for the filing of reports with said director; making violation a misdemeanor.

WHEREAS, the state board of conservation is required by section 370.02(5a), Florida Statutes, to secure and maintain statistical records of the catch of fishes, crustaceans and shellfish in the waters of the state of Florida to assist in the broad objective of managing the salt water fisheries, and

WHEREAS, shrimp are among the most valuable of the salt water fishery resources of the state, and

WHEREAS, it is imperative that full and complete statistics of all shrimp catches in Florida waters be available to the board of conservation to assist in the development of sound management of this great natural resource, and

WHEREAS, a substantial number of shrimp vessels from the states of Alabama, Mississippi, Louisiana and Texas fish Florida waters in Escambia, Santa Rosa and Okaloosa counties, and

WHEREAS, these out-of-state shrimp vessels do not land their catches at Florida ports thereby depriving the board of conservation of vital statistical data required for proper management of the shrimp fishery of this state, NOW, THEREFORE,

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

Section 1. The board of conservation through its duly appointed agents is hereby authorized and directed to require all commercial shrimp fishermen taking or catching shrimp at all times and places in the inland and offshore waters within the

boundaries of Escambia, Santa Rosa and Okaloosa counties to report each day's taking or catching of shrimp to agents of the board or persons designated by the director of the board engaged in the shrimping industry in said counties.

Section 2. Each report so made shall state the date, location and amount of catch and a record thereof shall be made and preserved on forms prescribed by the board. Such record shall be open to inspection at all times by the director. A monthly report shall be made to the director covering such taking or catching of shrimp in the waters of said counties.

Section 3. The state board of conservation is authorized and directed to enforce the provisions of this act and to adopt and enforce rules and regulations consistent therewith.

Section 4. Violation of this act shall be a misdemeanor punishable as provided by law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-627

Senate Bill No. 113

AN ACT relating to bottle clubs in counties having a population of not less than three hundred and ninety thousand (390,000) and not more than four hundred and fifty thousand (450,000), according to the latest official decennial census; providing for a definition of the term bottle club; excluding restaurants from the act; requiring a license for operation; making bottle clubs subject to existing state and local laws regulating vendors of alcoholic beverages; providing for enforcement of the act; providing an effective date.

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

Section 1. The provisions of this act shall apply to all business establishments commonly known as bottle clubs within the unincorporated areas of counties having a population of not less than three hundred and ninety thousand (390,000)

and not more than four hundred and fifty thousand (450,000), according to the latest official decennial census.

Section 2. For purposes of this act, bottle club means any business establishment not holding a valid beverage license but which permits the consumption of alcoholic beverages on its premises and which, for monetary consideration, serves to its customers food, soft drinks, ice and mixes and provides some form of entertainment for the enjoyment of such customers.

Section 3. Nothing contained in this act shall be construed to apply to bona fide restaurants. Bona fide restaurants, for the purposes of this section, shall be defined as those establishments which derive fifty-one per cent (51%) or more of their gross profits from the sale of food to be consumed on the premises.

Section 4. Every bottle club doing business in such counties shall be required to purchase from the state beverage department a license at a fee equal to twenty-five per cent (25%) of the amount of the license tax provided for vendors operating places of business where consumption of alcoholic beverages on the premises is permitted.

Section 5. Said premises shall be subject to all laws regulating licensed vendors of alcoholic beverages.

Section 6. The enforcement of this act shall be the responsibility of the district supervisor of the state beverage department and the director of said department is hereby authorized to adopt necessary rules and regulations to enforce the provisions of this act.

Section 7. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-628

Senate Bill No. 772

AN ACT relating to wrecked and derelict property in all counties of the state having a population of more than three hundred twenty-five thousand (325,000), according to the latest official decennial census; defining abandoned property;

establishing procedures cumulative to the provisions of chapter 705, Florida Statutes, whereby counties may remove abandoned property from public and private property and destroy such abandoned property; providing penalty for obstructing enforcement of the act; granting immunity from prosecution to officers enforcing the act; authorizing incorporated municipalities in the counties to adopt the act by reference; providing an effective date.

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

Section 1. In any county in the state having a population of more than three hundred twenty-five thousand (325,000), according to the latest official decennial census, the rights, powers and procedures set forth in this act shall be supplemental to and cumulative to the rights, powers and procedures set forth in chapter 705, Florida Statutes.

Section 2. As used in this act:

(1) "Local government" means the board of county commissioners or the commission or council of any municipality in the county.

(2) "Abandoned property" means wrecked or derelict property having no value other than nominal salvage value, if any, and which has been left unprotected from the elements and shall include wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and any other similar article which has no value other than nominal salvage value, if any, and which has been left unprotected from the elements.

(3) "Public property" means lands and improvements owned by the federal government, the state of Florida, the county or municipalities lying within the county, and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights of way and other similar property.

(4) "Enforcement officer" means sheriff, director of public safety, police chief, marshal or any other officer designated by law, charter, ordinance or resolution of the governing body of the local government to enforce the provisions of this act.

Section 3. (1) (a) Whenever the enforcement officer of any

local government shall ascertain that an article or articles of abandoned property is present on public property within the limits of such governing body or unincorporated area of the county if a county, he shall cause a notice to be placed upon such article in substantially the following form:

**NOTICE TO THE OWNER AND ALL PERSONS
INTERESTED IN THE ATTACHED PROPERTY.**

This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within seventy two (72) hours from date of this notice. Otherwise it shall be presumed to be abandoned property and will be removed and destroyed by order of (setting forth name of local government). Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

(b) Such notice shall be not less than eight inches by ten inches (8" x 10") and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the name and address of the owner and, if such is reasonably available to the enforcement officer, he shall mail a copy of such notice to the owner on or before the date of posting.

(2) If at the end of seventy-two (72) hours after posting such notice, the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles from public property or shown reasonable cause for failure so to do, the enforcement officer may cause the article or articles of abandoned property to be removed and destroyed and the salvage value, if any, of such article or articles shall be retained by the local government to be applied against the cost of removal and destruction thereof.

Section 4. (1) (a) Whenever the enforcement officer of any local government shall ascertain that an article or articles of abandoned property are present on private property within the limits of such governing body or unincorporated area of the

county, if a county, in violation of any zoning ordinance or regulation, antilitter ordinance or regulation, or other similar ordinance or regulation of such local government, the enforcement officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS
INTERESTED IN THE ATTACHED PROPERTY.

This property, to wit: (setting forth brief description) located at (setting forth brief description of location) is improperly stored and is in violation of (setting forth ordinance or regulation violated) and must be removed within seventy two (72) hours from date of this notice. Otherwise it shall be presumed to be abandoned property and will be removed and destroyed by order of (setting forth name of local government). Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

(b) Such notice shall not be less than eight inches by ten inches (8" x 10") and shall be sufficiently weatherproof to withstand normal exposure to the elements for a period of seventy two (72) hours. In addition to posting, the enforcement officer shall mail a copy of the notice to the owner of the real property upon which the abandoned articles are located as shown by the real estate tax records used by the local government on or before the date of posting of such notice.

(2) If at the end of seventy two (72) hours after posting such notice the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles and complied with the ordinance or regulation cited in the notice, the enforcement officer may cause the article or articles of abandoned property to be removed and destroyed and the salvage value, if any, of such article or articles shall be retained by the local government to be applied against the cost of removal and destruction thereof.

Section 5. Whoever opposes, obstructs or resists an enforcement officer or any person authorized by the enforcement officer in the discharge of his duties as provided in this act is guilty of

a misdemeanor and upon conviction thereof shall be punished by fine not to exceed five hundred dollars (\$500.00) or imprisonment of not more than sixty (60) days in the county or municipal jail or both such fine and imprisonment.

Section 6. Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for trespass upon real property while in the discharge of duties imposed by this act.

Section 7. Any incorporated municipality in any county in the state having a population of more than three hundred twenty-five thousand (325,000), according to the latest official decennial census, may by ordinance adopt, by reference any or all of the provisions of this act.

Section 8. If any section or clause of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not impair or affect the validity of any other part of the act.

Section 9. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-629

Senate Bill No. 783

AN ACT designating and naming an interstate rest facility on interstate 10 in Leon county as the Frank Giles interstate rest facility; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

WHEREAS, Frank Giles began work with the Florida state road department on June 4, 1934; and

WHEREAS, Frank Giles diligently served the department in many capacities continuously from that date until his untimely demise on July 28, 1966; and

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WHEREAS, Frank Giles' devotion and loyalty to the department throughout those thirty-two (32) years brought to him the respect and admiration of all who were connected in any way with the Florida state road department, as well as all others connected with state government with whom he came in contact; and

WHEREAS, the legislature deems it appropriate that an expression of its appreciation be shown for the services of the said Frank Giles to the state of Florida; NOW, THEREFORE,
Be It Enacted by the Legislature of the State of Florida:

Section 1. That said proposed major interstate rest facility located on interstate 10, in Leon county, be, and it is hereby, named, designated and dedicated as the Frank Giles interstate rest facility, in honor of Frank Giles.

Section 2. The state road department is authorized and directed to erect and place thereon suitable plaques to designate this action.

Section 3. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-630

Senate Bill No. 1025

AN ACT relating to the state attorney and assistant state attorneys of the eighth judicial circuit; providing for one (1) additional assistant state attorney in said circuit and prescribing his duties, powers, etc.; prescribing the salary of such assistant state attorney and providing for its payment from state funds; authorizing the employment of an additional stenographer; providing an appropriation; and providing an effective date.

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

Section 1. (1) The state attorney of the eighth judicial circuit of Florida shall appoint one (1) assistant state attorney

in addition to those currently authorized by law for that circuit, who shall serve at the pleasure of the state attorney.

(2) The additional assistant state attorney provided for by this act is vested with all the powers, duties and responsibilities of the state attorney of the eighth judicial circuit, which he shall exercise under the supervision of the state attorney, except that he shall not have the power to file informations or appoint assistant state attorneys.

(3) No person shall be appointed as such additional assistant state attorney who is not admitted to practice law in Florida and a member of the Florida Bar.

(4) Said additional assistant state attorney may reside in any county in the eighth judicial circuit of Florida.

(5) The salary of said additional assistant state attorney shall be ten thousand dollars (\$10,000.00) per annum, provided that if the legislature at any time appropriates a larger amount for that purpose, then such larger amount shall be paid as such salary. The salary herein provided for shall be paid in equal monthly installments by the state treasurer upon warrants issued by the state comptroller.

(6) Said additional assistant state attorney shall take the oath of office provided by the constitution of Florida. The appointment herein provided shall be in writing and recorded in the minutes of the circuit court within said eighth judicial circuit in which the state attorney of said circuit resides, and the revocation of such appointment shall likewise be made in writing and shall be recorded in the minutes of the same court in which the appointment was recorded.

✓ Section 2. The state attorney of the eighth judicial circuit is authorized to employ a stenographer to assist him in the performance of his official duties, in addition to the stenographers now authorized by law for said state attorney.

Section 3. There is hereby appropriated from the general revenue fund of the state the sum of twenty-three thousand four hundred ninety-eight dollars (\$23,498.00) for the biennium 1967-69. This amount is in addition to other amounts appropriated during the 1967 session of the legislature.

Section 4. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-631

Senate Bill No. 1134

AN ACT relating to the relief of Chris A. Anderson; providing an appropriation to compensate him for loss sustained when his vessel, Sea Witch, was destroyed by fire while under contract to the state board of conservation; providing an effective date.

WHEREAS, on or about April 30, 1963, the vessel Sea Witch was being used by the state board of conservation pursuant to contract with the owner, Chris A. Anderson, and

WHEREAS, the vessel was under the exclusive custody and control of the state board of conservation on said date, and

WHEREAS, a fire started on the Sea Witch while said vessel was docked at the Diesel Shipbuilding Company dock located on the inland waterway near Atlantic boulevard in Jacksonville, Duval county, and

WHEREAS, the fire resulted in the total destruction of said vessel which was only partially covered by fire insurance, and

WHEREAS, Chris A. Anderson was entirely without fault, and

WHEREAS, the Florida legislature knows that Chris A. Anderson has no other recourse except to the legislature of the sovereign state of Florida, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated from any funds appropriated to the state board of conservation to be paid to Chris A. Anderson

of Oldtown, Dixie County, as relief for damages sustained by him as a result of the aforementioned fire.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of twenty-five thousand dollars (\$25,000.00) upon any appropriations to the state board of conservation in the state treasury in favor of Chris A. Anderson, and the state treasurer is authorized and directed to pay the same.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-632

Senate Bill No. 1359

AN ACT relating to alcoholic beverage licenses; authorizing one (1) additional club beverage license in each county of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census; providing an effective date.

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

Section 1. In each county of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section. The additional license authorized by this act in such counties shall be issued to the University Club of Cocoa Beach, Inc., Cocoa Beach, Florida.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-633

Committee Substitute for Senate Bill No. 1372

AN ACT providing for the payment of medical expenses and funeral expenses of Charles Christopher Beauchamp II; providing an appropriation from the Pinellas county board of public instruction; providing an effective date.

WHEREAS, Charles Christopher Beauchamp II of St. Petersburg, a seventeen (17) year-old scholar-athlete, was injured March 31, 1967, while participating in a high school baseball game, and

WHEREAS, Charles Christopher Beauchamp II did die of these injuries on April 5, 1967, and

WHEREAS, Charles Christopher Beauchamp II was Pinellas county's first athletic fatality in the county's public high school program, and

WHEREAS, Charles Christopher Beauchamp II excelled in sports, being outstanding in football and baseball, having won five (5) letters in less than three (3) years and being captain of the Boca Ciega high school football team in his senior year; outstanding to the extent that he was affectionately referred to as "Coach" by his coaches and teammates, and

WHEREAS, Charles Christopher Beauchamp II also was an academic leader in the upper one fifth ($\frac{1}{5}$) of his class, thus enabling him to be selected for the national honor society, and

WHEREAS, not being satisfied with his scholastic and athletic achievements, Charles successfully pursued the musical arts, was active in youth civic and religious groups, and

WHEREAS, at the time of the injury, Charles was under the athletic tutelage and control of a teacher and coach, and other school authorities, who were under a continuing contract of employment with the State of Florida through the Pinellas county board of public instruction; and

WHEREAS, no insurance was carried on the health and/or life of the deceased by the school, or parents of the deceased, although such insurance was a prerequisite to eligibility for participation in sports; and

WHEREAS, no protective head helmets were required by the school to be worn by the participants in defensive play prior to the time of the fatal accident; and

WHEREAS, immediately after the fatal accident such helmets were required to be worn by the participants at all times, both defensively and offensively; and

WHEREAS, the total of three thousand seventy-five dollars and twenty cents (\$3,075.20) represents the costs of hospital, medical, surgical and funeral expenses of the deceased, and

WHEREAS, the payment of these expenses by the parents of the deceased would present an insurmountable burden to the parents who reared one of Florida's finest young citizens, and

WHEREAS, the legislature of Florida hereby recognizes a need to compensate the hospitals, the doctors and the funeral home company in appreciation for their services and to relieve this burden from the parents, all of which would be provided for by the enactment of this act, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of three thousand seventy-five dollars and twenty cents (\$3,075.20) is hereby appropriated out of the funds of the Pinellas county board of public instruction, to be paid to the creditors of the deceased for services performed.

Section 3. The Pinellas county board of public instruction is required and directed to draw warrants totaling three thousand seventy-five dollars and twenty cents (\$3,075.20) from the general county school fund of Pinellas county in favor of the creditors of the late Charles Christopher Beauchamp II, the creditors being solely those to whom medical, funeral and memorial expenses were incurred, upon this act becoming law.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-634

Committee Substitute for House Bill No. 1064

AN act relating to conservation and perpetuation of natural shrimp resources; regulating the taking of shrimp in and from certain waters in Escambia and Santa Rosa counties; making unlawful the commission of certain acts in connection with the taking of shrimp in said water; fixing legal hours for taking of shrimp in said waters; providing an exception.

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

Section 1. Agents of the board of conservation are hereby authorized and directed to prohibit the taking or catching, killing or destroying or possessing of shrimp or prawn at all times and places within the waters of Escambia and Santa Rosa counties, wherever a majority of the shrimp or prawn being caught are small shrimp or prawn. Small shrimp or prawn are defined as follows: White shrimp, brown shrimp, Brazilian shrimp or any grooved shrimp called hobos or hoppers that require more than forty-seven (47) with the heads and seventy (70) without the heads to make a pound. This count shall be determined by random sampling in five (5) different locations in the catch at as widely separated distances and depths as practicable. Each sample shall consist of at least one (1) pound of shrimp. The average counts of these five (5) samples shall be the established count for the cargo with a five per cent (5%) tolerance being allowed. In the event shrimp of the aforementioned species which, when caught and landed were of legal size under the terms of this subsection, are thereafter graded for size for the purpose of packaging, processing or for other lawful purpose, and the smaller shrimp making up the average count of such entire lot as herein provided are graded out into separate lot or lots, and such shrimp so segregated from the

entire lot are above the average count as herein provided, the possession, purchase, sale, unloading, transporting or handling of such particular smaller graded shrimp shall not be unlawful. Nothing in this section shall apply to the size of live shrimp caught for bait.

Section 2. From January 1 through September 15 each year, it is unlawful to destroy, catch, take or remove with any net, trawl or other device or equipment except hand crab nets or cast nets any shrimp in or from that area of the waters of Escambia bay above or northerly of a line running east and west from the westernmost terminus of the new interstate 10 bridge on the westerly shore of said bay in Escambia county to the easterly shore of Escambia bay where said bridge intersects said shoreline in Santa Rosa county except as provided in section 5 of this act.

Section 3. From January 1 through September 15 of each year it is unlawful to destroy, catch, take or remove with any net, trawl or other device or equipment except hand crab nets, any shrimp in or from that area of the waters of East bay or Blackwater bay described as follows: From the waters of East bay or Blackwater bay, above, or northerly of a line running due east from Robinson point, and from the waters east of a line extending from Alexson point due north across East bay. The boundary of this area shall be posted by the state board of conservation.

Section 4. It is unlawful to shrimp at night in the waters described in section 3 of this act. The legal hours of taking or catching shrimp in said waters shall be from 6:00 a.m. until 9:00 p.m. each day during the period from September 15 to December 31 of each year.

Section 5. Sections 2, 3 and 4 shall not apply to the taking or catching of live bait shrimp which may be taken any time in the waters described in sections 1 and 2 provided the person taking such live bait shrimp is the holder of a current permit issued by the director of the state board of conservation authorizing such catching or taking and provided the shrimp are caught or taken pursuant to the conservation laws of this state and rules and regulations adopted pursuant thereto.

Section 6. The state board of conservation is authorized

and directed to enforce the provisions of this act and to adopt and enforce rules and regulations consistent therewith.

Section 7. If any provision of this act be declared invalid by a court of competent jurisdiction, it shall not affect the remainder thereof, it being the expressed intent of the legislature that each and every provision thereof shall stand alone.

Section 8. Violation of this act shall be a misdemeanor punishable as provided by law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-635

Senate Bill No. 1395

AN ACT relating to airfields and other public projects, in all counties in the state having a population of not less than two hundred sixty thousand (260,000) nor more than nine hundred thousand (900,000), according to the latest official decennial census; repealing senate bill 883, 1967, insofar as it may relate to the aforesaid population bracket; providing an effective date.

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

Section 1. Senate bill 883 enacted at the 1967 legislative session is invalid insofar as it may relate to all counties in the state having a population of not less than two hundred sixty thousand (260,000) nor more than nine hundred thousand (900,000), according to the latest official decennial census.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-636

Senate Bill No. 1429

AN ACT relating to downtown development authority in any municipality of the state having a population in excess of two hundred fifty thousand (250,000), according to the latest official census; amending sections 2, 5 and 8(i), chapter 65-1090, Laws of Florida, and amending said chapter by adding sections 4.5, 8.5 and 16.5; defining certain terms; providing for a board as governing body of authority; providing for terms of office, duties, qualifications and method of selection of board members; changing time for payment of operational expenses; providing additional powers relating to acquisition of property, eminent domain and construction and operation of public office buildings and related matters; providing for issuance and manner of selling revenue bonds, method of payment, terms, conditions, maturity, interest and liability limitations, and power and authority of the authority relating thereto; providing for notice that such revenue bonds are not an obligation nor pledge of credit of the state, the municipality and county in which such authority is located; validating all prior acts and proceedings by the authority and governing body, and creating such authority; providing for incumbents tenure of office; repealing section 4; providing an effective date.

WHEREAS, the amendments hereunder are for the purpose of preserving and furthering the public health, welfare and safety of the citizens of the state of Florida, NOW, THEREFORE,

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

Section 1. Section 2 of chapter 65-1090, Laws of Florida, is amended to read:

Section 2. As used in this act unless the context clearly requires otherwise:

“Authority” means the downtown development authority, the body corporate hereby created by this act, in any municipality of the state having a population in excess of two hundred fifty thousand (250,000), and any successor to its functions, authority, rights and obligations.

“Board” means the governing body of the authority selected as herein provided.

“Director” means the chief executive officer of the authority selected by the board as herein provided.

“Downtown” means a specifically defined area or zone of the city in the central business district, established by the governing body of the municipality.

“Municipality” or “city” means a municipality or city in the state having a population in excess of two hundred fifty thousand (250,000), according to the latest official census or attaining said population according to any future official census. The word “municipality” or the word “city” wherever it appears in this act, notwithstanding any references to a census used in conjunction therewith in the balance of this act, shall be construed in accordance with this definition.

“Planning board” means the department or agency of the city, by whatever name such department or agency may be known, which is chiefly responsible for community planning, and if no such agency or department exists as such, then “planning board” means the governing body of the municipality.

“Central business district” means the area in a municipality to which this act primarily relates, zoned and used principally for business.

“Governing body” means the elected body of a municipality having legislative powers.

“Public facility” means any street, park, parking lots, playground, right of way, structure, waterway, bridge, lake, pond, canal, utility lines or pipes, building, including access routes to any of the foregoing designed and dedicated to use by the public generally, or used by any public agency with or without charge, whether or not the same is revenue producing.

Section 2. Chapter 65-1090, Laws of Florida, is amended by adding section 4.5 to read:

Section 4.5 (1) The affairs of the authority created, shall be under the direct supervision and control of a board consisting of seven (7) members appointed by the governing body.

(2) Appointment of the original members of the board shall be recommended by the mayor to the governing body, except as otherwise provided herein.

(3) The board shall be constituted as follows:

(a) The mayor shall be chairman of the board and the seventh member.

(b) One (1) member shall be appointed for a term expiring June 30 of the year following the date of a resolution adopted by the governing body, effectuating and establishing the authority provided for in this chapter.

(c) One (1) member shall be appointed for a term expiring June 30 of the second year following the date of a resolution adopted by the governing body, effectuating and establishing the authority provided for in this chapter.

(d) One (1) member shall be appointed for a term expiring June 30 of the third year following the date of a resolution adopted by the governing body, effectuating and establishing the authority provided for in this chapter.

(e) One (1) member shall be appointed for a term expiring June 30 of the fourth year following the date of a resolution adopted by the governing body, effectuating and establishing the authority provided for in this chapter.

(f) One (1) member may be nominated by the board of county commissioners of the county in which the authority is located to the governing body for its approval and appointment. This member shall serve for a term expiring June 30 of the third year following the effective date of this act.

(g) One (1) member may be nominated by the cabinet of the state to the governing body for its approval and appointment. This member shall serve for a term expiring June 30 of the fourth year following the effective date of this act.

(h) In the event the governing body does not reject such nominee within ten (10) days from the date the governing body is notified of such nominee, the nominee shall be deemed appointed to the board.

(i) In the event a nominee provided for under paragraphs (f) or (g) is rejected by the governing body, or in the event

the board of county commissioners or cabinet of the state fails to nominate such member within thirty (30) days from the effective date of this act, the mayor shall recommend additional nominees until one (1) is approved and appointed by the governing body to fill such vacancy, in the case of the two additional original nominees only; thereafter, after the appointment of the first two additional members, the board shall nominate a successor, in the manner provided in section 5. In the event the mayor fails to recommend or nominate such member within ten (10) days from the date he is required to do so, the board shall nominate such nominee until one (1) is approved and appointed by the governing body.

(4) A member shall hold office until his successor has been appointed and qualified. Thereafter members shall serve terms of four (4) years from the expiration date of the terms of their predecessors. Appointments to fill vacancies shall be for the unexpired term only.

Section 3. Section 5 of chapter 65-1090, Laws of Florida, is amended to read:

Section 5. (1) Each appointed member of the board shall reside in or have his place of business or public office in the municipality where the authority is located. He shall be an individual of outstanding reputation for integrity, responsibility and business ability and acumen. No officer or employee of the municipality where the authority is located, other than the mayor shall be eligible for appointment to the board. Not less than thirty (30) days prior to the expiration of any member's term, or within thirty (30) days of the existence of a vacancy, the remaining members of the board shall nominate a successor and submit the name to the governing body for its confirmation of appointment; with the exception of the members who were nominated by the board of county commissioners and the cabinet of the state, or pursuant to section 4.5(i) in lieu thereof, who shall likewise be succeeded by persons nominated by the board of county commissioners and cabinet of the state in the manner provided in section 4.5(3) (f), (g), (h) and (i).

(2) In the event an appointment is not confirmed by the governing body by the final adjournment of the first regular meeting thereof occurring more than ten (10) days after the

submission of the nomination to it, the nominator shall make a new nomination and submit same to the governing body for confirmation by it within the time limited therein. The making of nominations, as herein provided shall be a continuing obligation of the board until membership on the board is completed by confirmation by the governing body. Before assuming the duties of the office each appointed member shall qualify by taking and subscribing to the oath of office required of officials of the city, and by posting a bond in the penal sum of ten thousand dollars (\$10,000.00) payable to the city for use and benefit of the authority, to be approved by the governing body and filed with the city clerk. The premium on such bond shall be deemed an operating expense of the authority, payable from funds available to it for expenses of operation.

(3) The board shall adopt and promulgate rules governing its procedures subject to approval by the governing body and shall hold regular meetings no less often than one (1) each month. Special meetings may be held when called in the manner provided in the rules of the board. All meetings of the board shall be open to the public. Each member of the board shall serve without compensation.

(4) Pursuant to notice and an opportunity to be heard, an appointed member of the board may be removed for cause by the governing body. Any such removal shall be subject to review by the circuit court of the circuit having jurisdiction.

Section 4. Paragraph (i) of section 8 of chapter 65-1090, Laws of Florida, is amended to read:

Section 8. It shall be the duty of the board, and it shall have the power to:

(i) Borrow money on a short-term basis to pay expenses of operation following the assessment and levy and prior to collection of the tax herein authorized, and to issue evidences of indebtedness for such loans to be signed by the chairman and the secretary of the authority. The rate of interest to be paid by the authority on any such debt, shall be the lowest rate of interest available not to exceed six per cent (6%) per annum. The authority shall hold the city harmless with respect to any debt created hereunder.

Section 5. Chapter 65-1090, Laws of Florida, is amended by adding section 8.5 to read:

Section 8.5 In addition and supplemental to the powers provided in section 8, the authority acting through its board shall have the right, power and authority to:

(a) Acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. The authority may exercise the power of eminent domain in the manner provided in chapters 73 and 74, Florida Statutes. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

(b) Acquire by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, own, convey or otherwise dispose of, lease as lessor or lessee any land and any other property, real or personal, or any rights or interests therein which it may determine is reasonably necessary for any project (hereafter defined) or purpose of this chapter; and to grant or acquire licenses, easements and options with respect thereto.

(c) Improve land, construct, reconstruct, equip, improve, maintain, repair and operate office buildings, and any necessary or desirable appurtenances thereto, within the boundaries of the authority for the housing in whole or in part of federal, state, county or municipal governmental entities or any agencies thereof or any other person or corporation or any combination of the foregoing (each such office building being herein called a "project").

(d) Fix, charge and collect fees, rents and charges for the use of any project or any part thereof or any facilities furnished thereby, or property under its control and to pledge such revenue to the payment of revenue bonds issued by it.

(e) Lease as lessor any project, projects or property under its control or any part thereof and charge rentals for the use

thereof sufficient with any other available revenues to pay the principal of and the interest on the revenue bonds issued to pay the cost of any such project or projects.

(f) Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.

(g) Receive the proceeds of the tax referred to in this chapter.

(h) Receive the revenues from any property, project or facility owned, leased, licensed, or operated by it or under its control, subject to the limitations imposed upon it by trusts or other agreements validly entered into by it.

(i) Cooperate and enter into agreements with any governmental agency or other public body.

(j) Make or receive from the municipality or the county in which the authority is located conveyances, leasehold interests, grants, contributions, loans and other rights and privileges.

(k) Issue, negotiate and sell, in accordance with the applicable provisions of the Laws of Florida, except as otherwise herein provided, revenue bonds of the authority, payable solely from revenues, to pay all or any part of the cost of any project, projects or purpose of this chapter, upon such terms and conditions, manner and form, and having such details, conditions and provisions as shall be determined by resolution of the authority not inconsistent with the provisions hereof, and to secure such revenue bonds by a trust agreement by and between the authority and a bank or trust company having trust company powers within or without the state; provided, that any such revenue bonds shall mature at such time or times not later than forty (40) years from their date, and shall bear interest at a rate or rates not exceeding six per cent (6%) per annum, to take all steps deemed by it necessary or expedient for efficient preparation and marketing of the revenue bonds at public sale upon ten (10) days published notice in the municipality where the authority is located or with the approval of the governing body at private sale, at the best price obtainable, including the entry into binding agreements with corporate trustees, underwriters, and the holders of the revenue bonds, and the employment and payment, as a necessary expense of issuance, for the services of consultants on valuations, costs

and feasibility of undertaking, revenues to be anticipated and other financial matters, architecture, engineering, legal matters, accounting matters, and any other fields in which expert advice may be needed to effectuate advantageous issuance and marketing; and such bonds shall be governed by the following conditions:

1. Any revenue bonds issued under the provisions of this section shall not be deemed to be a debt of the municipality where the authority is located, the county in which it is located or the state or a pledge of the faith and credit of such municipality, county or state but such bonds shall be payable solely from the revenues pledged for their payment as authorized herein. The municipality establishing such authority, the county in which it is located and the state is not directly or indirectly obligated to pay the principal of or the interest on the bonds and the faith and credit of such municipality is not pledged to the payment of such principal or interest; and all such bonds shall contain this statement on their face. The issuance of revenue bonds under the provisions of this section shall not, directly or indirectly or contingently, obligate such municipality, county or state to levy or to pledge any form of taxation whatever therefor, or to make any appropriation for their payment.

2. All revenue bonds issued pursuant hereto shall be negotiable instruments for all purposes.

(1) Exercise all powers incidental to the effective and expedient exercise of the foregoing powers to the extent not in conflict herewith or inconsistent herewith.

Section 6. Chapter 65-1090, Laws of Florida, is amended by adding section 16.5 to read:

Section 16.5 (1) In so far as any downtown development authority is authorized by the provisions of this section to issue revenue bonds and to exercise the powers relating thereto contained in this section, including the exercise of the power of eminent domain, all acts and proceedings heretofore taken and done by the governing body of a municipality under the provisions of said chapter 65-1090, Laws of Florida, in creating and establishing such downtown development authority together with all acts, proceedings, resolutions, contracts, agree-

ments and by laws of any such authority and its board are hereby ratified, legalized, validated and confirmed and declared to be legal in all respects; and such downtown development authority provided for in this chapter is hereby declared to be legally established, and binding and created, effective June 25, 1965.

(2) Nothing in this act shall in any way affect the incumbent board members of an authority established by a municipality pursuant to this chapter, who shall remain on the board and shall hold office as a member of such board until the expiration of their present terms.

Section 7. Section 4, chapter 65-1090, Laws of Florida, is repealed.

Section 8. The provisions hereof shall be liberally construed to accomplish the purposes expressed herein and if any section, paragraph, sentence, clause, phrase or word, or the application of any of them to any person, facts or circumstances, shall be held to be void and unconstitutional, such holding shall not affect the remainder of this act, or the application hereof to other persons, facts or circumstances, it being the intent of the legislature to have enacted this act without such void section, paragraph, sentence, clause, phrase, word or application.

Section 9. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-637

Senate Bill No. 1483

AN ACT relating to public hospitals, in all counties of the state having a population of not less than sixty nine thousand (69,000) and not more than seventy thousand (70,000), according to the latest official decennial census; providing that the auditing of all financial records and accounts be made by the state auditing department.

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

Section 1. In all counties of the state having a population of not less than sixty nine thousand (69,000) and not more than seventy thousand (70,000), according to the latest official decennial census, the board of trustees shall make and adopt such bylaws and rules and regulations for their own guidance and for the government of the hospital as may be deemed necessary or expedient for the economic and equitable conduct thereof, not inconsistent with this act or the ordinances of the municipality in which the hospital is located. The board of trustees shall elect from its members a chairman and a secretary and treasurer whose duties are to keep full and correct minutes of all proceedings of the board and to keep a separate itemized account of all expenditures and disbursements by the board of trustees. Said minutes and accounts shall be open to public inspection at reasonable and convenient times at the hospital premises on demand of any taxpayer in such counties. At least once a year the board of trustees shall cause the financial records and accounts of the hospital to be audited by the state auditing department.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-638

Senate Bill No. 1510

AN ACT relating to weights, measures and standards, in all counties in the state having a population of not less than four hundred thousand (400,000) nor more than nine hundred thousand (900,000) according to the latest official decennial census; repealing senate bill 631, 1967, insofar as they may relate to the aforesaid population bracket; providing an effective date.

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

Section 1. Senate bill 631, enacted at the 1967 legislative session, is repealed insofar as they may relate to all counties in the state having a population of not less than four hundred

thousand (400,000) nor more than nine hundred thousand (900,000) according to the latest official decennial census.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-639

Senate Bill No. 1525

AN ACT relating to circuit court reporters; amending section 1 of chapter 24143, Laws of Florida, 1947, relating to the salary of the official circuit court reporter for all judicial circuits in the state comprised of four (4) counties and having three (3) circuit judges; providing that a portion of such salary shall be paid from the general revenue fund of the counties comprising such judicial circuits; repealing chapter 57-479, Laws of Florida, relating to the same subject; providing an effective date.

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

Section 1. Section 1 of chapter 24143, Laws of Florida, 1947, is amended to read:

Section 1. The official circuit court reporter of all judicial circuits in the state comprised of four (4) counties and having three (3) circuit judges shall continue to receive the salary and allowance for expenses otherwise provided by law, from time to time to be paid to each such official circuit court reporter, and in addition he shall be paid the sum of one thousand two hundred dollars (\$1,200.00) each year out of the general revenue fund of the counties comprising such circuit, each county located within such circuit to pay an equal portion of said one thousand two hundred dollars (\$1,200.00). Provision therefor shall be made in the budget for each county involved and said additional compensation shall be paid by each county to such official court reporter in equal monthly installments.

Section 2. Chapter 57-479, Laws of Florida, is repealed.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-640

Senate Bill No. 1547

AN ACT relating to Nassau county, small claims court; amending chapter 27268, Laws of Florida, 1951; providing increase in jurisdiction, filing fee, and compensation of judge and clerk; providing for qualifications of judge; providing an effective date.

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

Section 1. Sections 1, 2, 3 and 10 of chapter 27268, Laws of Florida, 1951, are amended to read:

Section 1. There is hereby established in Nassau county a court to be known as the "Small Claims Court of Nassau County," which court shall have original jurisdiction in cases at law in which the demand or value of the property involved does not exceed six hundred dollars (\$600.00) exclusive of court costs, interest and attorney fees and in which the cause of action accrued or the defendant resides in Nassau county, and the jurisdiction of such court shall extend throughout Nassau county. Such court shall be vested with all powers requisite for the exercise and maintenance of its jurisdiction.

Section 2. Upon this act becoming a law, the governor shall forthwith appoint a judge of such court, who shall serve as such judge until his successor shall have been elected and duly qualified. Beginning with the general election of 1952, the judge shall be elected by the electors of Nassau county and shall hold office for four (4) years. The judge shall be a member of the Florida bar in good standing. The judge shall receive as his compensation two thirds (2/3) of all fees and commissions collected by the court, but in no event shall he receive more

than three thousand six hundred dollars (\$3,600.00) per annum nor less than three thousand six hundred dollars (\$3,600.00) per annum. The board of county commissioners of Nassau county is authorized and directed to pay from county funds to such judge the sum of three thousand six hundred dollars (\$3,600.00) per annum, payable three hundred dollars (\$300.00) per month, and the board of county commissioners shall have a settlement annually with the judge and in the event two thirds ($\frac{2}{3}$) of the fees and commissions collected by the court shall exceed the minimum amount paid by them to the judge as salary, then the board of county commissioners shall be paid from said fees and commissions an amount equal to the salary paid and the judge shall be entitled to retain two thirds ($\frac{2}{3}$) of the amounts of such fees and commissions over and above the salary payments, but not to exceed the sum of three thousand six hundred dollars (\$3,600.00) per annum. Should two thirds ($\frac{2}{3}$) of such fees and commissions exceed three thousand six hundred dollars (\$3,600.00) per annum, such amounts over that sum shall be paid by the judge into the funds of the county commissioners; provided that if the fees and commissions do not aggregate sufficient to repay the county commissioners such salary, there shall be no duty on the part of the judge to refund any deficiency amount since it is the intent of this act to authorize payment of the salary of such judge in the full amounts set forth above.

Section 3. The clerk of the circuit court for Nassau county shall be the clerk of the small claims court of Nassau county. The clerk shall appoint such assistants as may be necessary for the proper operation of his office. The clerk shall receive as his compensation one third ($\frac{1}{3}$) of all fees and commissions collected by the court, but in no event shall he receive more than two thousand one hundred dollars (\$2,100.00) per annum nor less than one thousand eight hundred dollars (\$1,800.00) per annum. The board of county commissioners of Nassau county is hereby authorized and directed to pay from county funds to such clerk the sum of one thousand eight hundred dollars (\$1,800.00) per annum, payable one hundred fifty dollars (\$150.00) monthly and the board shall have a settlement annually with the clerk and in the event one third ($\frac{1}{3}$) of the fees and commissions collected by the court shall exceed the minimum amount paid by them to the clerk as salary, then the board shall

be paid from such fees and commissions an amount equal to the salary paid and the clerk shall be entitled to retain one third (1/3) of the amounts of such fees and commissions over and above such salary payments, but not to exceed the sum of two thousand one hundred dollars (\$2,100.00) per annum. Should one third (1/3) of such fees and commissions exceed two thousand one hundred dollars (\$2,100.00) per annum, such amounts over that sum shall be paid by the clerk into the funds of the county commissioners; provided that if the fees and commissions do not aggregate sufficient to repay the county commissioners such salary, there shall be no duty on the part of such clerk to refund any deficiency amount since it is the intent of this act to authorize payment of the salary of such clerk in the full amounts set forth above. The sheriff of Nassau county shall be the executive officer of the small claims court and his powers, duties and qualifications shall be the same as those of the sheriff while acting as the executive officer of the circuit and county courts and as executive officer of courts generally, and his compensation shall be in fees the same as allowed for like services in the circuit and county courts; but the schedule of compensation of said sheriff as provided by law shall not be increased by reason of the duties herein prescribed.

Section 10. The fee for issuing summons and copies, trial, judgment and satisfaction in an action shall be five dollars (\$5.00), except proceedings of garnishment, attachment, replevin and distress, when the fee shall be seven dollars and fifty cents (\$7.50). The judge shall have full discretionary power to waive the prepayment of costs or the payment of costs accruing during the action upon the sworn written statement of the plaintiff and upon other satisfactory evidence of his inability to pay such costs. When costs are so waived the notation to be made on the records shall be "Prepayment of Costs Waived", or "Costs Waived". The term "Pauper" or "in forma pauperis" shall not be employed. The award of other court costs shall be according to the discretion of the judge who may include therein the reasonable costs of bonds and undertakings, and other reasonable court costs incident to the suit incurred by either party.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed. If any word, phrase, sentence, section or

part of this act is declared invalid or unconstitutional the remainder shall remain in full force and effect.

Section 3. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-641

Senate Bill No. 1549

AN ACT relating to compensation of justices of peace in all counties of the state having a population of not less than three hundred ninety thousand (390,000) nor more than four hundred fifty thousand (450,000), according to the latest official decennial census, amending section 1 of chapter 63-959, Laws of Florida, to provide the compensation for justices of the peace; providing an effective date.

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

Section 1. Section 1 of chapter 63-959, Laws of Florida, is amended to read:

Section 1. The justice of the peace in each county of the state of Florida having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, now paid in whole or in part by fees, salary or commissions or by one (1) or more of such methods of payment, shall receive as yearly compensation for official services from the whole or part of the fees, salary or commissions so collected, a sum of money as hereinafter provided.

(1) The justice of the peace for each district in which is located a municipality having a population in excess of two hundred thousand (200,000), according to the latest official decennial census, shall receive all the net income from such office not to exceed nineteen thousand dollars (\$19,000.00) per annum, payable in equal monthly installments; provided, however, that any such justice of the peace shall not be permitted

to engage in the private practice of law but shall devote his full time to his duties.

(2) The justice of the peace for each district other than those described in subsection (1) shall receive all the net income from such office not to exceed fourteen thousand five hundred dollars (\$14,500.00) per annum, payable in equal monthly installments.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-642

Senate Bill No. 1550

AN ACT relating to those counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; amending section 1 of chapter 61-1045, Laws of Florida, as amended by chapter 63-960, Laws of Florida; providing increased compensation of constables in any such county; providing an effective date.

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

Section 1. Section 1 of chapter 61-1045, Laws of Florida, as amended by chapter 63-960, Laws of Florida, is further amended to read:

Section 1. The constable of each justice of the peace district in each county of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, now paid in whole or in part by fees, salary or commissions or by one (1) or more of such methods of payment, shall receive as a yearly compensation for official services from the whole or part of the fees, salary or commission so collected, a sum only as hereinafter provided.

(1) The constable for each district in which a municipality

having a population in excess of two hundred thousand (200,000), according to the latest official decennial census, is located shall receive all of the net income from such office not to exceed twelve thousand dollars (\$12,000.00) per annum, payable in equal monthly installments.

(2) The constable for each district other than those described in subsection (1) shall receive all of the net income from such office not to exceed nine thousand dollars (\$9,000.00) per annum, payable in equal monthly installments.

The term "net income" as used in this section means the residue of the income from such office after deducting all reasonable expenditures for the salaries of clerks and assistants and the necessary expenditures for the proper operation of said office.

Section 2. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-643

Senate Bill No. 1551

AN ACT providing for the compensation of municipal judges in all municipalities having a population in excess of two hundred thousand (200,000) in those counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing an effective date.

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

Section 1. In all municipalities having a population in excess of two hundred thousand (200,000) in those counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, the municipal judges shall receive an annual salary of sixteen thousand dollars (\$16,000.00) each, payable in equal monthly in-

stallments. Each municipal judge shall be a member of The Florida Bar in good standing and a resident of the municipality. Each municipal judge shall devote full time to this duties and such judge shall not engage otherwise in the practice of law nor receive any compensation directly or indirectly therefrom.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-644

Senate Bill No. 1554

AN ACT relating to office of public defender in all counties of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing for compensation for public defender; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, the public defender shall receive from and be paid by such counties out of their general fund a sum, payable in twelve (12) equal monthly installments, which said sum, together with the compensation received from the state, shall amount to sixteen thousand dollars (\$16,000.00) annually.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-645

Senate Bill No. 1569

AN ACT relating to Hillsborough county, providing additional salary and benefits to be paid by the county to each circuit judge who is a resident of the county; making the same a county purpose; providing an effective date.

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

Section 1. Each judge of the circuit court residing in and who is a resident of Hillsborough county, in addition to such compensation as he may be entitled to receive from the state from time to time, shall receive from and be paid annually and in equal monthly installments by Hillsborough county from the general revenue of the county, a sum which, together with the compensation received from the state, shall amount to twenty-three thousand dollars (\$23,000.00) during the first year of the biennium, and twenty-four thousand dollars (\$24,000.00) during the second year of the biennium, notwithstanding any law to the contrary.

Section 2. In addition to the above compensation, each judge shall be entitled to participate in the same manner and on the same basis with the employees of Hillsborough county in the county's medical, health, accident and life insurance program.

Section 3. The provisions hereof and payments herein provided are declared to be for a county purpose.

Section 4. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-646

Senate Bill No. 1588

AN ACT relating to property tax relief commissions, in all counties of the state having a population of not less than sixty-nine thousand (69,000) and not more than seventy thousand (70,000), according to the latest official decennial

census; establishing county property tax relief commissions in such counties; prescribing duties and powers of said commissions; providing for the appointment of members of said commissions; providing appropriations; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than sixty-nine thousand (69,000) and not more than seventy thousand (70,000), according to the latest official decennial census, there is hereby created a special commission to study the structure, function and operation of property taxes in such counties and to determine whether tax relief for the citizens of such counties may be achieved through the revision of such structures, functions and operations. Such commission shall be known as the "county property tax relief commission" and shall be hereinafter referred to as the "commission."

Section 2. It shall be the further function and duty of the commission to draft a plan for the solution of any problem disclosed as a result of such research and study which it deems to be feasible, desirable and economical, and to submit such plan to the members of the Florida legislature from such counties.

Section 3. The commission shall be composed of seven (7) members to be appointed by the legislative delegation of each such county. In the event a vacancy occurs in the membership of the commission, whether caused by death, resignation or otherwise, the legislative delegation of each such county shall appoint a successor for the unexpired term.

Section 4. In making its study any such commission is authorized to call upon the state or any of its agencies or institutions for any aid or assistance which can be rendered it and to call upon the various departments and subdivisions of such counties and the municipalities therein for assistance. The commission may make investigations, conduct hearings, and employ any special, technical, clerical and legal assistance necessary to assemble the required data and information upon which to base its opinions, to analyze the same, and to draft a plan for improvement of the tax structure. Any such commission is authorized to enter into contracts with persons or agencies for

providing any or all of the data and information required in carrying out its purposes.

Section 5. It is declared that the creation of any such commission and the carrying out of its purposes is in all respects for the benefit of the people of such counties and is a proper purpose, and that any such commission will be performing an essential and governmental function in the exercise of the powers herein conferred upon it. This act shall be liberally construed to effect the purposes thereof.

Section 6. The expenses of the commission may be borne by such counties, and there may be appropriated out of the funds of such counties sufficient money for the purpose of carrying out the objects of this act. Such funds shall be administered and expended by such study commission in furtherance of this act and shall be accounted for in the same manner as other public funds.

Section 7. All laws or parts of laws in conflict herewith are repealed.

Section 8. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-647

Senate Bill No. 1603

AN ACT relating to alcoholic beverage licenses; authorizing one (1) additional club beverage license in each county of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census; providing an effective date.

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

Section 1. In each county of the state having a population of not less than eighty thousand (80,000) and not more than

one hundred twenty thousand (120,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section. The additional license authorized by this act in such counties shall be issued to the Loyal Order of Moose, Cocoa Beach Lodge 2069, Cocoa Beach, Florida.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-648

Senate Bill No. 1608

AN ACT relating to all counties having a population of not less than four hundred fifty thousand (450,000) or more than nine hundred thousand (900,000) according to the latest official decennial census; dividing the civil service into the classified and non-classified service and defining each; amending section 3, chapter 22263, as amended by chapter 57-1270, as amended by chapter 61-2099, by providing that the chief of detectives, the chief jail warden, the chief of the Duval county road patrol, and the chief administrative deputy of the office of the sheriff of Duval county shall be in the unclassified service except persons holding said offices on the effective date; providing that temporary appointees to said offices shall retain their classified status; providing an effective date and repealing all laws in conflict.

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

Section 1. That section 3 of chapter 22263, Laws of Florida, special acts of 1943, entitled "an act providing civil service for the employees of Duval county and creating a civil service board for said county," be, and the same is, hereby amended to read as follows:

Section 3. The civil service is hereby divided into the unclassified and classified service. The unclassified service shall comprise:

- (a) All officers elected by the people or appointed by the governor.
- (b) Members of any board or commission.
- (c) The county attorney and any assistant attorneys or other persons employed by or under him.
- (d) Practicing attorneys at law retained or employed by the county or county solicitor.
- (e) Persons of highly technical or professional training maintaining an independent practice in their chosen profession and employed on part-time basis by the county.
- (f) All persons who are required by law to have a teacher's certificate employed by the board of public instruction.
- (g) The county engineer.
- (h) The county purchasing agent.
- (i) The chief auditor-clerk employed by the clerk of the circuit court to audit the records of the county.
- (j) The county detective.
- (k) Those employees of the Duval county welfare board employed as executive director and assistant executive directors of the Duval county medical center.
- (l) The superintendent of the Duval county prison farm.
- (m) The chief, or fire department coordinator.
- (n) The superintendent of buildings and land agent.
- (o) The zoning director.
- (p) The building official, whose duties shall be the enforcement and carrying out of the provisions of a building code for Duval county.
- (q) The following offices of the office of the sheriff of Duval county:

- (1) The chief of detectives,
- (2) The chief jail warden,
- (3) The chief of the Duval road patrol, and
- (4) The chief administrative deputy;

Provided, that persons holding said offices on the effective date of this act shall not be subject to the provisions of this act and shall retain all civil service and pension rights they are entitled to on the effective date of this act; provided further, that whenever a person in classified service within the said office of the sheriff shall be appointed to any of said offices and shall subsequently return to classified service within the said office of the sheriff, that person shall have retained the classified service status he had at the time of the appointment.

The classified service shall comprise all officers, positions or employments now existing or hereafter created in or under the county of Duval, or any departments, boards of commissions thereof, including deputized officers, deputy sheriffs, road patrolmen and traffic officers which are not specifically included in the unclassified service.

Section 2. That chapter 61-2099, special acts of 1961, be, and the same is hereby, repealed, and all laws or parts of laws in conflict herewith are likewise repealed.

Section 3. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-649

Senate Bill No. 1612

AN ACT relating to Taylor county; amending chapter 63-816, Laws of Florida; setting the compensation to be paid to constables of Taylor county in cases involving a traffic violation upon certain public highways of this state; providing the

compensation to be paid from fees collected with provision for distribution of the excess; providing an effective date.

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

Section 1. Chapter 63-816, Laws of Florida, is amended to read:

Section 1. The constables of Taylor county shall receive as compensation an amount not to exceed one dollar (\$1.00) in each case made under the provision contained in chapter 317, Florida Statutes, involving a traffic violation on U. S. Highway 19 in Taylor county. Any fees received and collected in excess of one dollar (\$1.00) in each such case involving a traffic violation by the constables of Taylor county shall be paid into the fine and forfeiture fund of the said county.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-650

Senate Bill No. 1611

AN ACT relating to Taylor county, repealing chapter 63-1994, Laws of Florida, prescribing specifications of cars of constables enforcing chapter 317, Florida Statutes; providing an effective date.

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

Section 1. Chapter 63-1994, Laws of Florida, is repealed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-651

Senate Bill No. 1621

AN ACT relating to the use and sale of mullet in all counties of the state having a population of not less than 400,000 nor more than 900,000, according to the latest official decennial census; permitting use and sale of mullet for bait purposes; providing an effective date.

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

Section 1. In any county of the state having a population of not less than 400,000 nor more than 900,000, according to the latest official decennial census, it shall be lawful for any resident of such county to use and sell mullet, regardless of size, for bait purposes.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-652

Senate Bill No. 1625

AN ACT authorizing any municipality to construct buildings or other structures in any park where deemed to be in the best interests of the municipality, in all counties of the state having a population of four hundred thousand (400,000) or more, according to the latest official decennial census; providing an effective date.

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

Section 1. In all counties having a population of four hundred thousand (400,000) or more, according to the latest official decennial census, any municipality may construct buildings or structures in any park, or make any other inroads including parking lots or any other type of construction, which the local governing body deems to be in the best interest of the residents of the municipality.

Section 2. Any general or local law in conflict herewith is hereby repealed and of no further force and effect.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-653

Senate Bill No. 1632

AN ACT relating to Columbia county; authorizing the board of county commissioners to supplement the salary of secretary to the resident circuit judge in an amount not to exceed eighteen hundred dollars; providing an effective date.

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

Section 1. The board of county commissioners of Columbia county is authorized to supplement the annual salary now being paid the secretary to the resident circuit judge of Columbia county in an amount not to exceed eighteen hundred dollars (\$1,800.00). Said supplemental salary shall be paid from county funds in twelve (12) equal monthly installments. The payment of such supplemental salary is declared to be for a county purpose.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-654

Senate Bill No. 1633

AN ACT relating to juvenile courts in all counties in the state having a population of not less than seventy-four thousand two hundred (74,200) and not more than seventy-six thousand (76,000) according to the latest official decennial cen-

sus, creating separate juvenile courts therein pursuant to chapter 39, Florida Statutes; providing for continuance of term of office of present judge; providing for election of successors; providing compensation for said judge; providing an effective date.

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

Section 1. There is hereby created and established in any county of the state having a population of not less than seventy-four thousand two hundred (74,200) and not more than seventy-six thousand (76,000), according to the latest official decennial census, a separate juvenile court pursuant to chapter 39, Florida Statutes, which court shall be separate from the present county judge's court.

Section 2. The judge of any separate juvenile court of any county in which this act is applicable shall be a qualified elector of the county in which is established the court over which he shall preside. He shall be not less than twenty-five (25) years of age and shall have either served as a judge of a juvenile court in Florida or shall be a member of The Florida Bar. He shall be elected by the qualified electors of the county as other county and state officials are elected for a term of four (4) years. Any person serving, on the effective date of this act, as judge of a separate juvenile court in any such county shall continue to serve in that capacity during the remainder of the term for which he was elected. At the general election next preceding the expiration of his term the incumbent or a successor shall be elected to take office on the expiration of that term and shall serve for a period of four (4) years. The judge, if a member of The Florida Bar, shall be permitted to engage in the private practice of law if he so desires, but his first duty shall be to his court. It is also permissible for the judge to administer this court from his law office or the detention center as well as well as from the courthouse since it is the intent of the juvenile court to treat juveniles as other than criminals.

Section 3. The juvenile court of any such county shall have the authority to make investigations and recommendations concerning any matter pending before the circuit courts of the county at the request of the circuit judge having the case before him and with the approval of the juvenile court judge. Said

court shall also have the authority to supervise custody and support of children pending and after divorce, upon the request of the circuit judge having the case and with the approval of the juvenile court judge. Said court shall also have the authority to accept any and all other matters from the circuit court involving children by order of transfer from the circuit court judge handling the case and with the approval of the juvenile court judge; this authority to include modification, contempt, custody change but not so limited.

Section 4. This court shall be staffed with personnel of such caliber, training and experience so as to enable the court to carry out its duties effectively and to enable the court to qualify as a training center and for such federal and state funds as will become available for such purposes.

Section 5. The judge of the juvenile court shall receive compensation of six thousand four hundred eighty dollars (\$6,480.00) annually, to be paid in equal monthly installments.

Section 6. Except as set forth herein, all provisions of chapter 39, Florida Statutes, shall govern this court and be of full force and effect.

Section 7. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-655

Senate Bill No. 1644

AN ACT providing for the purchase of merchandise manufactured, processed or produced by the division of corrections by the sheriff of any county in the state having a population of not less than sixty-nine thousand (69,000) and not more than seventy thousand (70,000), according to the latest official decennial census; providing an effective date.

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

Section 1. The sheriff of any county in the state having a population of not less than sixty-nine thousand (69,000) and

not more than seventy thousand (70,000), according to the latest official decennial census, may purchase from the division of corrections and the division of corrections may sell to any sheriff of any such county all merchandise manufactured, processed or produced by said division not required for their use or the use of other state institutions under the control of the board of commissioners of state institutions, including the tuberculosis hospitals or the alcoholic rehabilitation center.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-656

Senate Bill No. 1655

AN ACT providing for the vesting of title in certain adjoining property owners of lands formerly owned by Fort Myers drainage district abolished by chapter 16031, Laws of Florida, 1933; providing an effective date.

WHEREAS, the legislature of the state of Florida, pursuant to house bill 1539, Laws of Florida, 1933, abolished that certain drainage district known as the Fort Myers drainage district; and

WHEREAS, the board of county commissioners of Lee county, Florida accepted for record a plat of that certain subdivision known as East Stadler Farms as the same is recorded in Plat Book 5 at page 6, public records of Lee county, Florida; and

WHEREAS, there is reflected upon said plat more particularly in the Northeast Quarter of Section 30, Township 44 South, Range 25 East a "right of way reserved for Fort Myers Drainage District"; and,

WHEREAS, the board of county commissioners of Lee county, Florida vacated that portion of the plat of said East Stadler Farms located in the said Northeast Quarter of Sec-

tion 30, Townshipp 44 South, Range 25 East by vesting the ownership of said lands in the then owners thereof, said vacation proceedings recorded in Miscellaneous Book 26, page 79, et sec., Public Records of Lee county, Florida; and

WHEREAS, the said act of the legislature abolishing the Fort Myers drainage district made no provision for the disposition or vesting of lands, particularly the right of way reserved to the Fort Myers drainage district by the plat of East Stadler Farms as recorded in the public records of Lee county, Florida; and

WHEREAS, the present owners of the adjoining lands located in said Northeast Quarter are the rightful and true owners of said lands, NOW, THEREFORE,

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

Section 1. That the North fifty (50) feet of the West Half of the Northeast Quarter of Section 30, Township 44 South, Range 25 East is herewith declared to be vested and owned by the board of public instruction of Lee county, Florida.

Section 2. That the North fifty (50) feet of the East Half of the Northeast Quarter of Section 30, Township 44 South, Range 25 East excepting the East two hundred fifty-three and eighty-three one-hundredths (253.83) feet is herewith declared to be vested and owned by John B. Joyce, trustee.

Section 3. That Lee Broadcasting Company is declared to be the owner of the West sixty-five (65) feet of the East two hundred fifty-three and eighty-three one-hundredths (253.83) feet of the North fifty (50) feet of the East Half of the Northeast Quarter of Section 30, Township 44 South, Range 25 East.

Section 4. That A. Bert Chabot, Nathan Mamiye, trustee, and Ralph Mahana are herewith declared to be the owners of the East one hundred eighty-eight and eighty-three one-hundredths (188.83) feet of the North fifty (50) feet of the East Half of the Northeast Quarter of Section 30, Township 44 South, Range 25 East.

Section 5. All laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Section 6. If any clause, section, or part of this act shall be held by any court of competent jurisdiction to be unconstitutional and invalid, such unconstitutional and invalid part shall be considered as eliminated and in no wise affecting the validity of the other provisions of this act.

Section 7. This act shall take effect September 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-657

Senate Bill No. 1657

AN ACT relating to Taylor county, superintendent of public instruction; fixing his annual salary; providing an effective date.

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

Section 1. The monthly and annual salary of the superintendent of public instruction of Taylor county shall be set by the board of public instruction of Taylor county in an amount not more than five per cent (5%) above the monthly and annual compensation received by the highest paid school personnel administrative or instructional, of the county connected with the kindergarten and grades one (1) through twelve (12), provided that the salary shall not be less than the salary authorized in section 145.08 (62), Florida Statutes.

Section 2. This act shall take effect July 1, 1966.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-658

Senate Bill No. 1662

AN ACT relating to racing tracks in any county in the state having a population of not less than nine hundred thousand (900,000) and in counties having a population of not less than

four hundred thousand (400,000) nor more than four hundred sixty-five thousand (465,000), according to the latest official decennial census; authorizing an extra day of racing and operations, and all profits from such day shall be used for scholarships at the Continuing Education Center operated under the direction of the Board of Regents in Dade County, Florida, and at Barry College in Dade County, Florida, said profits to be divided equally between the said two educational facilities; providing that such extra day shall be in addition to any other additional days of racing authorized by prior acts of the Legislature; and providing an effective date.

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

Section 1. In all counties having a population of not less than nine hundred thousand (900,000) and in all counties having a population of not less than four hundred thousand (400,000) nor more than four hundred sixty-five thousand (465,000), according to the latest official decennial census, the state racing commission is authorized to grant an extra day of racing to each dog and horse track and each jai-alai fronton located in such counties. This extra day may be granted by the racing commission upon application and agreement by the owner or operator that all profits, less actual operating costs from such specific day's operations, including all taxes payable to the state or any agency thereof for this extra day's operation, shall be paid to the board of public instruction of the counties affected.

These funds paid to such boards shall be used solely for granting scholarships to the Continuing Education Center operated under the direction of the Board of Regents in Dade County, Florida, and at Barry College in Dade County, Florida, said funds to be divided equally between said two educational facilities.

Section 2. Nothing in this act shall be construed to affect in any manner any law or statute of this state previously enacted authorizing any additional day of racing at any dog or horse track or jai-alai fronton, either in such counties or elsewhere in the state, but the extra day herein authorized shall be in addition thereto.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-659

Senate Bill No. 1686

AN ACT creating a small claims court in any county in the state having a population of not less than three thousand four hundred (3,400) and not more than four thousand five hundred (4,500), according to the latest official decennial census; providing for the appointment, duties, compensation and tenure of office of the judge of any such court; prescribing the jurisdiction, the pleading, practice and service of notice of process; prescribing filing fees; providing for a clerk and prescribing his duties; repealing chapter 27151, Laws of Florida, 1951, and chapter 61-1233, Laws of Florida; providing an effective date.

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

Section 1. This act shall be applicable to any county in the state having a population of not less than three thousand four hundred (3,400) and not more than four thousand five hundred (4,500), according to the latest official decennial census, herein called "the county."

Section 2. There is created and established in the county a court to be known as the small claims court, which court shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed seven hundred fifty dollars (\$750.00) and in which the cause of action accrued or the defendant resides in the county. Said jurisdiction shall be concurrent with the jurisdiction of any other court now or hereafter established in the county and shall include the power to issue writs of replevin, garnishment, attachment and distress for rent.

Section 3. The judge of the small claims court of the county serving in such office on the effective date of this act shall serve in such office until the expiration of the term for which appointed and upon the termination of said term of office the

governor shall forthwith appoint a resident of such county to be the judge of said small claims court for a two (2) year term beginning from the time of his appointment, and shall every two (2) years thereafter appoint a judge of said court, who is a resident of the county.

Section 4. Any duties herein prescribed to be performed by the clerk may be performed by the judge, although the judge may appoint a person to act as clerk of said small claims court. Said clerk shall be compensated from the fees hereinafter provided.

Section 5. All fees collected by the judge as authorized herein, after deducting costs, shall be retained by him as his sole remuneration.

Section 6. (1) Actions shall be commenced by the filing of a statement of claim, including the last known address of the defendant, in concise form and free from technicalities. The plaintiff or his agent shall verify the statement of claim by oath or affirmation in the form herein provided, or its equivalent, and shall affix his signature thereto. The judge or clerk may at the request of any individual, prepare the statement of claim and other papers required to be filed in an action.

(2) A copy of the verified statement of claim, together with a notice of hearing in the form hereinafter prescribed shall be served on the defendant, and such service shall be sufficient to give the court jurisdiction in the premises. Service of said notice shall be made only in the county by any official or persons authorized by law to serve process in circuit court; or by registered mail to the addressee only with return receipt; or by any person not a party to or otherwise interested in the suit, especially appointed by the judge for that purpose.

(3) When notice is to be served by registered mail, the clerk shall enclose a copy of the statement of claim, verification and notice in an envelope addressed to the defendant, at his last known address, prepay the postage with funds obtained from the plaintiff, and mail the same forthwith, noting on the record the day and hour of mailing. If such receipt is returned, the clerk shall attach the same to the original statement of claim, and it shall be prima facie evidence of service upon the defendant.

(4) When served by a private individual, as above provided, he shall make proof of service by affidavit, showing the time and place of such service upon the defendant.

(5) When served as provided, the actual cost of service shall be taxable as costs. The cost of services shall be advanced by the party demanding same in addition to the filing fee hereinafter provided, and shall be taxed as other costs.

(6) The plaintiff shall be entitled to a judgment by default, without further proof, upon failure of defendant to appear, when the claim of the plaintiff is for a liquidated amount; when the amount is unliquidated, plaintiff shall be required to present proof of his claim.

(7) Said notice shall provide the day and hour of the hearing, which shall be not less than five (5) nor more than fifteen (15) days from the date of the service of said notice; provided, however, that where service is made by registered mail the date of mailing shall be the date of service.

Section 7. A docket shall be maintained in which shall be indicated every proceeding and ruling had in each case.

Section 8. When the plaintiff files his claim he shall deposit with the court the following filing fees: For claims up to one hundred dollars (\$100.00), four dollars (\$4.00); for claims from one hundred one dollars (\$101.00) to five hundred dollars (\$500.00) six dollars (\$6.00); for claims from five hundred one dollars (\$501.00) to seven hundred fifty dollars (\$750.00) eight dollars (\$8.00) and in proceedings of garnishment, replevin and distress ten dollars (\$10.00), which shall cover all costs of proceedings except of service of the notice and as hereinafter provided. If a party shall fail to pay accrued costs, the judge shall have power to deny said party the right to file any new case while such costs remain unpaid, and likewise to deny such litigant the right to proceed further in any case pending. The award of other court costs shall be according to the discretion of the judge who may include therein the reasonable costs of bonds and undertakings, and other reasonable court costs incidental to the suit incurred by either party.

Section 9. (1) On the day set for the hearing or such later time as the judge may set, the trial shall be had. Immediately

prior to the trial of any case, the judge shall make an earnest effort to settle the controversy by conciliation. If the judge fails to induce the parties to settle their differences without a trial, he shall proceed with the hearing on the merits.

(2) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and all rules and regulations relating to pleading, practice and procedure shall be liberally construed so as to administer justice.

(3) If the plaintiff fails to appear, the suit may be dismissed for want of prosecution, or defendant may proceed to a trial on the merits, or the case may be continued as the judge may direct. If both parties fail to appear, the judge may continue the case, or order the same dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice may require.

Section 10. If any defendant has any claim against the plaintiff the judge may require a statement of setoff to be filed, or same may be waived. If plaintiff requires time to prepare his defense against such claim the judge may continue the case for such purpose. If any defendant has any claim against the plaintiff which exceeds the jurisdiction of the court he may use a part thereof to offset the claim of the plaintiff.

Section 11. When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay the entry of judgment, and to stay execution, and to order partial payments in such amounts, over such periods, and upon such terms, as shall seem just under the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied.

Section 12. The judge of said small claims court shall from time to time make rules for a simple, inexpensive, and speedy procedure to effectuate the purposes of this act and shall have power to prescribe, modify and improve the forms to be used therein. All rules and forms authorized by this section shall be effective upon approval by the judge of the circuit court in and for any such county.

Section 13. Jury trials may be had upon demand of the plaintiff at the time of the commencement of his suit or by the defendant within five (5) days after service of notice of suit by depositing with the judge or his clerk such sum as the judge may fix as reasonable to secure the payment of cost incurred by reason of a jury trial.

Section 14. (1) Judgments of small claims courts shall become a lien on the real estate of a defendant, situated in any county, from the time of the filing in the office of the clerk of the circuit court for said county, of a transcript of such judgment and the entry thereof by the clerk in a book to be kept by him for such purposes.

(2) Upon judgment being entered in any cause execution shall thereupon be issued against the party against whom the judgment is rendered for the amount of such judgment and cost, and such execution shall be directed to all and every, the sheriffs and constables of the state of Florida, and shall be of full force throughout the state.

Section 15. Appeals may be had from judgments returned in a small claims court, to the circuit court, and the same provisions now provided for by law for appeal from county judges court to the circuit court, shall be applicable to appeals from the small claims court to the circuit court.

Section 16. Until otherwise provided by rules of court the statement of claim, verification, and notice shall be in the following or equivalent form, and shall be in lieu of any forms now employed and of any form of summons now provided by law:

SMALL CLAIMS COURT

..... COUNTY, FLORIDA

..... (

Plaintiff

..... (

Address

vs.)

No.

.....)

Defendant

STATEMENT OF CLAIM

(Here the plaintiff, or at his request the court, will insert a statement of the plaintiff's claim, and the original to be filed with the court, may if action is on a contract, express or implied, be verified by the plaintiff or his agent, as follows:)

State of Florida (
County of _____)

_____ being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant or plaintiff, exclusive of all setoffs and just grounds of defense.

Plaintiff (or agent)

sworn and subscribed to before me this _____ day of _____, 19_____.

Notary Public

NOTICE

To _____ Defendant

_____ Home address

_____ Business Address

You are hereby notified that _____ has made a claim and is requesting judgment against you in the sum of _____ dollars (\$_____), as shown by the foregoing statement. The court will hold a hearing upon this claim on _____ at _____ M. at (address of court).

You are required to be present at the hearing in order to avoid a judgment by default against you.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of the hearing.

If you wish to have witnesses summoned, see the court at once for assistance.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

Clerk of the Small Claims Court

(SEAL)

Section 17. The board of county commissioners of any such county shall furnish within a reasonable time after the passage of this act suitable quarters to house the small claims court and shall provide such necessary equipment, maintenance and supplies to enable it to function in accordance with this act.

Section 18. Section 17 of this law shall have the effect of an appropriation of county funds for the purpose therein stated and shall be immediately effective, notwithstanding any lack of appropriations or absence of provisions therefor in the county budget and notwithstanding any budgetary restrictions.

Section 19. All forms, docket books, file jackets, and the like, required by this act shall be furnished by the county commissioners.

Section 20. Chapter 27151, Laws of Florida, 1951, and chapter 61-1233, Laws of Florida, are repealed.

Section 20. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-660

Senate Bill No. 1697

AN ACT relating to collective bargaining for firemen in certain counties of the state having a population of more than four hundred thousand (400,000) and less than nine hundred thousand (900,000) according to the latest decennial census; re-

pealing Senate Bill 891, 1967, as it may relate to counties in the aforesaid population bracket; providing an effective date.

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

Section 1. Senate Bill 891, of the 1967 legislative session, is repealed insofar as it may relate to counties of the state having a population of more than four hundred thousand (400,000) and less than nine hundred thousand (900,000) according to the latest decennial census.

Section 2. This act shall become effective upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-661

Senate Bill No. 1700

AN ACT relating to alcoholic beverage licenses in counties of over four hundred thousand (400,000) population insofar as such act may apply in counties of the state having a population of more than four hundred thousand (400,000) but less than nine hundred thousand (900,000) inhabitants according to the latest official decennial census; repealing Senate Bill 1260, 1967, insofar as it may relate to the aforesaid population bracket; providing an effective date.

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

Section 1. Senate Bill 1260, of the 1967 legislative session is repealed insofar as it may relate to counties of the state having a population of more than four hundred thousand (400,000) but less than nine hundred thousand (900,000) inhabitants according to the latest official decennial census.

Section 2. This act shall become effective upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-662

Senate Bill No. 1724

AN ACT relating to Lafayette county; providing for travel expenses for the board of county commissioners; providing an effective date.

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

Section 1. Each member of the board of county commissioners of Lafayette county shall receive, for all expenses incurred while on county business, including attendance of the meetings of the board, inspections and mileage travel within the county, one hundred dollars (\$100.00) annually to be paid in twelve (12) equal monthly installments out of the county general fund.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-663

Senate Bill No. 1703

AN ACT relating to weights, measures and standards in counties of the state having a population of not less than four hundred thousand (400,000) nor more than nine hundred thousand (900,000) according to the latest decennial census; repealing Senate Bill 869, 1967, insofar as it may relate to the aforesaid population bracket; providing an effective date.

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

Section 1. Senate Bill 869, of the 1967 legislative session, is repealed insofar as it may relate to counties of the state having a population of more than four hundred thousand (400,000) nor more than nine hundred thousand (900,000) inhabitants according to the latest official decennial census.

Section 2. This act shall become effective upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-664

Senate Bill No. 1744

AN ACT relating to counties having a population of in excess of 450,000 (four hundred fifty thousand) according to the last decennial census and not having home rule; authorizing the boards of county commissioners of said counties to regulate the operation of all water supply systems and sanitary sewerage systems having not less than 25 (twenty-five) connections in the unincorporated areas of the county excluding municipalities operating systems beyond their corporate limits; to compel owners of property to connect with any such regulated system; to grant exclusive or nonexclusive franchises to private utility companies and imposing certain conditions to said franchises; to provide authority to fix rates of private utility companies; to authorize the county commissions of such counties to make rules and regulations for the operation of water supply systems and sanitary sewerage systems; to require private utilities subject to this act to pay a gross receipts tax to defray the costs of regulation; providing that such counties may elect to come under the provisions of Chapter 367, Florida Statutes; providing that in event such counties elect to come within provisions of Chapter 367, Florida Statutes, the regulatory jurisdiction of the Public Service Commission in such counties shall extend to utilities having not less than 25 connections; providing an effective date.

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

Section 1. Short title: This act may be known as the county public works act.

Section 2. Legislative intent: It is the intent of this act to provide the means whereby the boards of county commis-

sioners of counties having a population in excess of 450,000 (four hundred fifty thousand) according to the last decennial census and not having home rule shall be able to alleviate public health problems that have arisen in such counties by reason of the growth of populations, extensive use of septic tanks in areas not served by water and sanitary sewerage facilities, the unsatisfactory functioning of septic tanks, substandard operation of private utility companies, and the resulting pollution of natural bodies of water and to provide a proper and suitable means of regulation, including the fixing of reasonable rates, of utility companies as defined herein.

Section 3. Definitions: As used herein, the following terms shall be defined as follows;

(a) "Board" shall mean the board of county commissioners of any county within the purview of this act.

(b) "Sewer system" shall mean and shall include any plant, system, facility or property and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources; and without limiting the generality of the foregoing definition shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all sewer mains and laterals for the reception and collection of sewage from premises connected therewith, and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(c) "Water system" shall mean and include any plant, system, facility or property and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment or purification and distribution of water for domestic or

industrial use, and, without limiting the generality of the foregoing, shall include dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, fire hydrants and pipes for the purpose of carrying water to the premises connected with such system and shall include all real and personal property and any interests therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(d) "Area of operation" shall mean an area designated by the board, by resolution duly adopted, as the area to be served by and in which a sewer system or water system or combined water and sewer system franchised by this act, may operate.

(e) "Utilities" shall mean either a sewer system or water system, or where the context so requires, a combination of sewer system and water system.

Section 4. Department of Public Works: The boards of county commissioners of those counties within the purview of this act are hereby authorized and empowered to create their respective departments of public works to administer the provisions of this act and to employ such persons as may be necessary to effectuate the purposes of this act.

Section 5. Powers: The respective boards of county commissioners, in order to effectuate the purposes of this act, shall have the power

(a) To regulate the operation of all water supply systems and sanitary sewerage systems in the unincorporated areas of the county having not less than 25 (twenty-five) connections, excluding municipalities operating systems beyond their corporate limits, specifically including, but not limited to, the fixing of rates, setting minimum standards of operation of such systems with respect to quality and quantity of water and treatment and disposal of sewage, constructing and maintaining fire hydrants, establishing uniform accounting systems, regulating construction of new facilities, requiring uniform service extension policies, regulating the discontinuance of service by such systems under specified conditions, establishing uniform meter standards for water and testing thereof; to establish health and sanitary standards and regulation, and the adoption of any

regulations deemed reasonable and necessary by the county in order to accomplish the purposes of this act;

(b) To prohibit the use and maintenance of out-houses, privies, and septic tanks, or similar devices as the board may direct and compel owners of buildings in such areas to connect with the water system or sanitary sewerage system of the county, or other private or municipal system;

(c) To grant exclusive or non-exclusive franchises to private utility companies for the operation of water systems or sanitary sewerage systems for terms not in excess of 30 (thirty) years, impose such conditions to said franchises as shall include, but not be limited to, standards of service, rate regulation, area of operation, payment of a gross receipts tax, as provided for in Section 8 of this act; provide that the franchise shall have no value as to the unexpired term of the franchise in the event of condemnation; provide for acquisition or operation of such systems when the franchise holder fails to furnish or perform or refuses to furnish or perform the standard of service required by the franchise; to prohibit the operation of any utility without a franchise as herein provided for; to establish procedures for application for franchises and to charge a reasonable initial application fee for same; and provide such other conditions of said franchise as shall be reasonable and necessary;

(d) To fix rates of utility companies, and in so doing to ensure that all rates or other charges by utilities within the purview of this act shall be fair, just, reasonable and compensatory, provided that in setting ratings, the board shall include contributions in aid to construction in the rate base where such factor is necessary to insure a fair, just, reasonable and compensatory rate of return to the utility.

(e) To, by resolution duly adopted, designate one (1) or more areas of operation which are to be served by and in which a sewer system or water system, or combined water and sewer system regulated pursuant to this act, may exclusively operate and to denominate such area or areas of operation by number, name or other appropriate descriptive title, except in areas where the legislature has previously granted permission to systems owned and operated by municipalities:

(f) To employ engineers, attorneys, accountants, financial or other experts and such other agents and employees as said

board may require or deem necessary to effectuate the purposes of this act, or to contract for any of such services ;

(g) To require and enforce the use of the facilities of regulated private utility companies whenever and wherever they are accessible.

Section 6. Report: The respective boards shall cause to be made at least once a year a comprehensive report of each water system or sewer system or combined water and sewer system within the county including all matters relating to rates, revenues, expenses of maintenance, repair and operation and renewals and capital replacements, principal and interest requirements and the status of all funds and accounts. Copies of such report shall be filed with the clerk of the board and shall be open to public inspection and available upon request at cost.

Section 7. Public Hearings: Prior to the any rates fixed or regulations fixed or promulgated by the board pursuant to the provisions of this act becoming effective, the board shall hold a public hearing to allow all interested parties to be heard. Notice of said hearing shall be published at least once a week for four (4) consecutive weeks immediately prior to said hearing in a newspaper of general circulation within the county. Said notice shall state the nature of or matters to be considered at said hearing including, as nearly as possible, a plain but brief description of the unincorporated areas of the county in which water and sewer services or rates may be affected by said hearing. Public hearings held under this section may be continued from time to time without further publication of notice of same.

Section 8. Gross Receipts Tax: In any county wherein the board of county commissioners elects to exercise the powers provided for by this act, each private utility subject to the provisions of this act shall pay a gross receipts tax of one dollar and fifty cents (\$1.50) for each one hundred dollars (\$100.00) or fraction thereof of the gross receipts of said private utilities. The gross receipts tax herein provided for shall be due and payable on the first day of November of each year commencing on the first day of November, 1967. Said tax shall be computed on the basis of the gross receipts of each utility for the year 1966. Thereafter, said tax shall be computed on the basis of

the gross receipts of each utility for the year preceeding the year in which said tax becomes due and payable. All revenues collected pursuant to this section shall be used exclusively by the county collecting same for the purpose of defraying the costs of administering this act, except as otherwise provided in Section 11 hereof. Provided, however, that in the event the costs of administering this act in any one budgetary year shall be less than the total revenues derived from the gross receipts tax hereby provided for, the utilities paying same shall be allowed a credit against said tax for the subsequent year equal to each utility's proportionate share of the amount of the revenue from said tax in excess of the actual costs of administering this act.

Section 9. Existing franchises: Any franchise heretofore granted by the board of county commissioners of a county within the purview of this act shall in no way be impaired by this act, and said board may ratify and confirm the provisions of such franchises granted under other legislative authority, provided, however, that all utilities operating under an existing franchise shall be subject to the rate fixing and regulatory provisions of this act.

Section 10. Injunctive Relief: Violations of this act may be enjoined or restrained upon application of the board to the court having proper jurisdiction and such relief shall not require the showing of a public nuisance or irreparable damage.

Section 11. County option to elect to place utilities under regulatory jurisdiction of Public Service Commission: The board of county commissioners of any county within the purview of this act shall have the option of electing to vest regulatory power over utilities as defined herein in the Public Service Commission in accordance with Chapter 367 of the Florida Statutes. In the event any county exercises the option herein provided, the regulation of utilities by the Public Service Commission shall be in accordance with the terms and provisions of Chapter 367, Florida Statutes, provided however, that the Public Service Commission shall have the authority and power to regulate utilities having not less than 25 connections and further provided, the gross receipts tax provided for by this act shall be payable to the Public Service Commission.

Section 12. In case any one or more of the sections or pro-

visions of this act, or the application of such sections or provisions to any situations, circumstances or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstance or person, and it is intended that this act shall be construed and applied as if such section or provision so held unconstitutional or invalid had not been included in this act.

Section 13. The provisions of this act shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein. The provisions of any act which are contrary or in derogation of the powers herein granted are hereby repealed.

Section 14. Effective date: This act shall take effect on October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-665

Senate Bill No. 1752

AN ACT relating to Apalachicola river navigation district; creating a navigation district; providing boundaries for said district; providing a governing authority; providing for supervision and control by the Florida board of conservation; providing for cooperation with other agencies; providing for a method of funding said district; providing an effective date.

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

Section 1. Creation of District.—The counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, and Liberty, be and the same are hereby created into and incorporated, for the purposes of this act into a special tax district of the state of Florida known as the "Apalachicola River Navigation District", hereinafter referred to as the district. Such district shall func-

tion and operate by and through its board of commissioners, hereinafter referred to as the board, but shall act in conjunction with and at all times under and subject to the control and supervision of the state board of conservation.

Section 2. Purpose of District.—The district herein created is for the purpose of raising funds to be used in acquiring and paying for rights-of-way and spoil easements and other requirements necessary for the improvement of the navigation channel of the Apalachicola river, which is hereby declared to be a part of the state waterways system.

Section 3. Governing Body.—A governing body of said district is hereby created and shall be known as the “Board of Commissioners of Apalachicola River Navigation District,” and shall be composed of six (6) members who shall be qualified electors residing in said district, each of whom shall respectively be a member of the board of county commissioners of the county incorporated in the district he represents on said board, and selected in each instance by the several county boards from the membership thereof.

Section 4. Powers of Governing Body.—Said board shall have all the powers of a body corporate, including the power to sue and be sued as a corporation in its name; to make contracts; to adopt and use a common seal and to alter the same; to buy, acquire by eminent domain, sell, own, lease and convey real estate, or interest therein, and personal property; employ such engineers, attorneys, agents and employees as said board may require; to borrow money and issue negotiable promissory notes, and other evidences of indebtedness thereof to enable it to carry out the provisions of this act, and generally to do and perform all things necessary to accomplish the purposes of this act.

Section 5. Operation of the Board.—

(a) The elected officers of said board shall be: chairman, vice-chairman, secretary, and treasurer; provided, however, that no one person shall hold more than one such office at the same time. Said officers shall be elected annually from said board by the members thereof. Four members of the board shall constitute a quorum. The affirmative vote of four members shall be necessary to the transaction of business. The chairman

shall have the right to vote. Special meetings may be called at any time by the Chairman or any other four commissioners.

(b) The board may if needed provide for the office of an executive director, and when such office is provided for, may employ some qualified person to act in such capacity, and by resolution shall define the term and duties of such office. The executive director when so appointed shall be the assistant secretary of the board and as such shall be the official custodian of the minute books, records, maps, seal, and other properties and records of the district. Such officer shall be authorized to affix the official seal of the district to its legal documents and to certify copies of any official proceedings of the district.

(c) The district is authorized to pay all reasonable expenses incurred by its board members in the fulfillment of their duties as members of the board, but no member of said board shall receive any compensation beyond reimbursement for reasonable expenses.

(d) The directors shall have the power to adopt, alter, and amend its bylaws and rules and regulations governing the transaction of its business and accomplishment of its purposes.

Section 6. Bond of Directors.—Each director of the district, before assuming office, shall be required to give a good and sufficient surety bond in the sum of ten thousand dollars (\$10,000) payable to the governor and his successors in office conditioned on the faithful performance of his duties. Such bond shall be approved by the board of conservation. The premiums on said bonds shall be an expense of the district.

Section 7. Investment of Funds.—Any excess funds of the district may be invested in securities of the United States or agency thereof.

Section 8. Deposit of Funds.—The funds of the district shall be deposited in a bank or banks, including federal savings and loan associations, to be designated by the directors of the board; provided, the bank depository shall furnish the district ample security to protect said deposits. Withdrawal of funds from said bank or banks shall be in such manner as the directors may, by resolution, prescribe.

Section 9. Levy of Taxes.—The district shall have the

power to levy, assess, collect, and enforce taxes upon all the taxable real and personal property in the district, subject to the following restrictions and limitations:

(1) The county tax assessor of each county within the district shall annually, commencing with the year in which the district is created, immediately upon the assessment rolls being equalized, report to the directors of the district the assessed valuation of the real and personal property in their respective counties, and the railroad assessment board shall annually, commencing with the year in which the district is created, report to the district directors the assessed valuation of all railroad lines and property, telephone and telegraph lines and property and all other taxable property within the district over which it has jurisdiction for valuation and assessment purposes. The total sum of all assessments so reported shall be the assessed value of taxable property of the district for that year.

(2) Upon receipt of all such assessments, the district directors shall by resolution determine the total amount of money to be raised by taxation in such year and shall also by the same resolution fix and determine the rate of taxation necessary when applied to the total assessed value of property in the district which will raise the amount of money so determined.

(3) The maximum rate of taxation which the district may levy in any one year shall be the rate which when applied to the total assessed value of property in the district for that year will raise not more than the following amounts, to-wit:

(a) The amount necessary for administrative and operating expenses of the district, the payment of any interest on loans made by the district for purchase of lands or rights of way or spoil easements or for other requirements for the project, such tax not to exceed one-fifth mill on the dollar on the assessed evaluation of the district.

(b) The balance of the amount raised by such annual levy shall be used for establishment of reserves to be available for future requirements for the project.

(4) The directors of the district shall immediately deliver to the tax assessor and tax collector of each county within the district and to the railroad assessment board, and to the board of conservation, certified copies of the above resolution.

(5) The tax assessor of each county within the district and the railroad assessment board shall each year levy and assess a tax at the rate fixed by the district directors by said resolution upon all of the real and personal property in said counties and to include the same on the tax rolls. The county tax collector shall, each year, collect the tax levied and assessed in the same manner and at the same time as state and county taxes are collected and shall remit the same upon collection, within the time and in the manner required by law, to the district directors.

(6) The collection of the taxes levied and assessed pursuant to this act shall be enforced in the same manner and at the same time as county taxes. Said taxes of the district shall constitute a lien of equal dignity to all other tax liens on all of the taxable property within the district.

Section 10. Budget.—The district directors shall each year, prior to fixing the rate of taxation for that year, prepare an itemized budget for administration, operations, payment of principal and interest on any indebtedness, and any other expenses contemplated for the ensuing year, and submit the same to the board of conservation for its approval.

Section 11. Statement.—The district directors shall publish annually in a newspaper published in each county of the district, a complete and detailed statement of all moneys received and disbursed by the district during the preceding year.

Section 12. Construction.—It is intended that the provisions of this act shall be liberally construed to accomplish the purposes provided for, or intended to be provided for, herein, and where strict construction would result in the defeat of the accomplishment of any of the acts authorized herein, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 13. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-666

Senate Bill No. 1754

AN ACT relating to all counties having a population in excess of 450,000 (four hundred fifty thousand) under the last decennial census and not having home rule; providing authority for the county commissioners of such counties to borrow funds to defray election expenses which may be required and necessary in excess of budgeted funds for holding a referendum election in such counties during 1967; providing an effective date.

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

Section 1. The county commissioners of all counties having a population in excess of 450,000 (four hundred fifty thousand) under the last official decennial census and not having home rule are authorized to borrow such funds as are required and necessary in excess of budgeted funds upon such terms and rates of interest as the commissioners deem appropriate to provide for the expenses incurred in the holding of a referendum during 1967 in such counties.

Section 2. This act shall become effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-667

Senate Bill No. 1756

AN ACT amending Chapter 28764, General Laws of 1953, as amended by Chapter 61-1295, Laws of Florida, 1961, by renumbering Section 1 as Section 1 (a) and adding subsection (b) to provide that the board of county commissioners in counties having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census, shall not

delegate the function of investing and depositing county funds according to law, to any person, officer, official or other governmental unit; providing an effective date.

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

Section 1 Chapter 28764, General Laws of 1953, as amended by Chapter 61-1295, is amended to read as follows:

Section 1. "Investment of County Funds

(a) In counties having a population of not less than 350,000 nor more than 385,000, according to the last official census, the county commissioners are authorized and empowered to deposit county funds or any portion thereof bearing bank accounts in banks which qualify, in and for the county making the deposit, as county depositories under Chapter 136, Florida Statutes, which in the discretion of said boards is advisable and in the public interest; said boards are also authorized and empowered to invest any of said funds in long or short term United States Government Obligations or securities, which are legal and proper as collateral under the Laws of the State of Florida for said funds, as in the discretion of the said Board is reasonable and in the public interest; it being the intent and purpose of this act that funds which are not in use or needed for immediate disbursement should be deposited in accounts and/or invested in said obligations and securities, in order that reasonable interest or income thereon might be earned and be of benefit to the taxpayers of said counties."

(b) The board of county commissioners shall not delegate the power and authority granted to such board in Section 1 (a) of this act to any person, officer, official or other governmental unit. It is the intent of this act that the board of county commissioners shall, at all times, exercise the full, complete and sole control over the investment and deposit of county funds and that such board shall employ such persons, authorize such accounting procedures, and maintain such records which are necessary to carry out the intent of this act.

Section 2. This act shall take effect on the first day of September, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-668

Senate Bill No. 1771

AN ACT relating to the compensation of county officials in all counties having a population of not less than two thousand eight hundred seventy (2,870) nor more than two thousand nine hundred twenty-five (2,925), according to the latest official decennial census; repealing chapter 61-1220, Laws of Florida; providing an effective date.

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

Section 1. Chapter 61-1220, Laws of Florida, is repealed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-669

Senate Bill No. 1779

AN ACT relating to contracts for school personnel in all counties of the state having a population of more than nine hundred thousand (900,000) and in counties of not less than three hundred thousand (300,000) nor more than three hundred fifty thousand (350,000), according to the latest official decennial census; providing for issuance of certain contracts on continuous service, excepting absences permitted by local boards; providing an effective date.

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

Section 1. In all counties of the state having a population of more than nine hundred thousand (900,000) and in counties of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census, notwithstanding the requirement in the introductory paragraph of section 231.36, Florida Statutes, that service be continuous except for leave duly authorized

and granted, service shall be continuous except for absences as permitted by the local board.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-670

Senate Bill No. 1781

AN ACT relating to alcoholic beverage licenses in any county of the state having a population of not less than four hundred thousand (400,000) nor more than nine hundred thousand (900,000) according to the latest official decennial census; repealing House Bill 3274, 1967, insofar as it may relate to the aforesaid population bracket; providing an effective date.

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

Section 1. House Bill 3274, of the 1967 legislative session is repealed insofar as it may relate to counties of the state having a population of not less than four hundred thousand (400,000) nor more than nine hundred thousand (900,000) inhabitants according to the latest official decennial census.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-671

Senate Bill No. 1784

AN ACT amending chapter 61-1220, Laws of Florida, relating to the compensation of county officials in all counties having a population of not less than two thousand eight hundred

seventy (2,870) nor more than two thousand nine hundred twenty-five (2,925), according to the latest official decennial census; specifically exempting the county tax assessor from the provisions of the act; amending provision relating to compensation of county judge as juvenile judge; providing an effective date.

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

Section 1. Chapter 61-1220, Laws of Florida, is amended to read:

Section 1. In all counties having a population of not less than two thousand eight hundred seventy (2,870) nor more than two thousand nine hundred twenty-five (2,925), according to the latest official decennial census, the clerk of the circuit court, county judge, and tax collector whose compensation for official duties is paid wholly or partly by fees or commissions or both, shall turn over all such fees or commission to the county general revenue fund and shall be paid instead of said commissions or fees the following amounts per annum in twelve (12) equal installments:

County Judge	\$5,600.00
Clerk of Circuit Court	\$4,800.00
Tax Collector	\$3,600.00

Section 2. Section 1 of this act shall not apply to the compensation of the county tax assessor in any such county but the provisions of chapter 145, Florida Statutes, relative to the compensation of county officials shall apply.

Section 3. The county judge's compensation in section 1 shall also be in lieu of salary as juvenile judge.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-672

House Bill No. 2533

AN ACT for the relief of Alice L. Hardy of Washington county, providing an appropriation to compensate her for retirement benefits not received under the teachers' retirement system of the state; providing an effective date.

WHEREAS, Mrs. Alice L. Hardy was a member of the teachers' retirement system when she was forced to stop teaching because of a heart attack, and

WHEREAS, Mrs. Hardy was absent from teaching for more than two (2) years and her membership was lost under the provisions of section 556 of chapter 19014, Laws of Florida, 1939, and

WHEREAS, if Mrs. Hardy had made application for disability retirement on September 1, 1941, she would have received benefits each month beginning on October 1, 1941, and

WHEREAS, if Mrs. Hardy's membership had not been lost, she could have retired on service at age sixty (60), having reached age sixty (60) on March 1, 1951, and

WHEREAS, the minimum benefit for 24.09 years of service at age sixty (60) is eighty dollars and thirty cents (\$80.30) a month under the provisions of section 238.07 (2), Florida Statutes, and this is the benefit Mrs. Hardy would have received under the teachers' retirement system, and

NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of the pension accumulation trust fund of the teachers' retirement system of the state.

Section 3. There is further appropriated out of the pension accumulation trust fund of the teachers retirement system of the state, such monthly payments as determined by section

238.07 (2), Florida Statutes, to be paid to Mrs. Hardy during her lifetime, said payments to commence on July 1, 1967.

Section 4. The comptroller of the state is authorized and directed to draw his warrants in such amounts as determined in sections 2 and 3 herein upon the pension accumulation trust fund of the teachers' retirement system in the state treasury not otherwise appropriated in favor of Alice L. Hardy and the state treasurer is authorized and directed to pay the same out of such funds.

Section 5. This act is effective immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-673

House Bill No. 1017

AN ACT to establish and name Blackwater River state park in Santa Rosa and Okaloosa counties and to establish and name Basin Bayou state park in Walton county on lands to be acquired by the Florida board of parks and historic memorials; providing for the development of Caladesi State Park; providing for the development of Wekiva Springs State Park; providing for the development of Oscar Scherer State Park; providing an appropriation; providing an effective date.

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

Section 1. The Florida board of parks and historic memorials is hereby authorized to acquire or to accept donations of lands in Santa Rosa and Okaloosa counties for the establishment of a public recreation and park area which shall be named Blackwater River state park.

Section 2. There is hereby appropriated the sum of seventy-five thousand dollars (\$75,000) for the development and maintenance of Blackwater River state park to be expended on

requisition by the Florida board of parks and historic memorials for the purposes hereinafter detailed:

Fixed Capital Outlay		\$21,000.00	
1968-1969 fiscal year—for			
Salaries—5 positions—.....	\$24,000.00		
Expenses	13,500.00		
Operating capital outlay—.....	14,500.00		
Other personal services—.....	2,000.00	54,000.00	
			<u>75,000.00</u>

Section 3. The Florida board of parks and historic memorials is hereby authorized to acquire or to accept donations of lands in Walton county for the establishment of a public recreation and park area which shall be named Basin Bayou state park.

Section 4. There is hereby appropriated the sum of Seventy-five thousand dollars (\$75,000.00) for the development and maintenance of Basin Bayou State Park to be expended on requisition by the Florida Board of Parks & Historic Memorials for the purposes hereinafter detailed:

1967-1968—fiscal year for operations:

Salaries—2 positions		\$10,000.00	
Expenses		6,000.00	
Operating capital outlay		13,500.00	
Other personal services		500.00	
			<u>\$30,000.00</u>

1968-69 fiscal year for operations:

Salaries		\$30,000.00	
Expenses		11,000.00	
Operating capital outlay		3,000.00	
Other personal services		1,000.00	
			<u>\$45,000.00</u>

Section 5. There is hereby appropriated the sum of Thirty thousand dollars (\$30,000.00) for the development of Caladesi State Park to be expended on requisition by the Florida board

of parks and historic memorials for the purposes hereinafter detailed:

1967-1968 fiscal year:
For development—\$15,000.00
1968-1969 fiscal year:
For development—\$15,000.00

Section 6. There is hereby appropriated the sum of thirty thousand dollars (\$30,000.00) for the development of Wekiva Springs State Park in Orange County to be expended on requisition by the Florida board of parks and historic memorials for the purposes hereinafter detailed:

1967-1968 fiscal year:
For development—\$15,000.00
1968-1969 fiscal year:
For development—\$15,000.00

Section 7. There is hereby appropriated the sum of thirty thousand dollars (\$30,000.00) for the development of Oscar Scherer State Park in Sarasota County to be expended on requisition by the Florida board of parks and historic memorials for the purposes hereinafter detailed:

1967-1968 fiscal year:
For development—\$15,000.00
1968-1969 fiscal year:
For development—\$15,000.00

Section 8. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-674

House Bill No. 1115

AN ACT providing for further and additional salary to be paid by Osceola county to each circuit judge who is a resident of Osceola county but who devotes the major part of his time to service in Orange county; making the same a county purpose,

repealing all laws in conflict herewith, and providing an effective date.

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

Section 1. The board of county commissioners of Osceola county, is hereby directed to supplement the salary of each circuit judge qualified and serving as such who resides in Osceola county but who devotes the major part of his time as circuit judge to service in Orange county as follows: Each such circuit judge shall be paid by the board of county commissioners of Osceola county in equal monthly installments a total supplementary compensation in an amount per annum equal to five thirteenths ($5/13$) of the difference between the annual compensation paid circuit judges by the state of Florida and twenty-two thousand dollars (\$22,000.00). The payment of such supplementary compensation is hereby declared to be a county purpose. In the event the legislature passes a general law providing for payment of compensation by the state of Florida of circuit judges salaries in excess of the amount provided for in this act, nothing in this act shall be construed to affect the amount of payment under such general act.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-675

House Bill No. 1118

AN ACT relating to annual compensation of the sheriff in any county in the state having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000) according to the latest official decennial census; providing for salary and payment of such sheriff; providing an effective date.

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

Section 1. On and after October 1, 1967, the sheriff in any county in the state having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000), according to the latest official decennial census, shall receive as his sole compensation for the performance of his official duties an annual salary of ten thousand five hundred dollars (\$10,500.00) which shall be paid by the board of county commissioners of such county in twelve (12) equal monthly installments, which shall be due and payable on the last day of the month in which it accrued.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-676

House Bill No. 1119

AN ACT relating to fixing the compensation of the tax collector in all counties of this state having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000) inhabitants according to the last official state-wide decennial census; providing an effective date.

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

Section 1. That the tax collector in all counties of this state having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000) inhabitants according to the last official state-wide decennial census, shall each receive a salary of not less than ten thousand five hundred and 00/100 dollars (\$10,500.00) per annum as their compensation, which shall be paid in fees and the net income from their respective offices, except as hereinafter provided.

Section 2. That in the event the provisions in Section 1 of this act shall not amount in the aggregate to the sum of ten

thousand five hundred dollars (\$10,500.00), the county commissioners shall allow and pay to the tax collectors from the general revenue funds of the county, the difference between the aggregate amount so received and ten thousand five hundred dollars (\$10,500.00) to the end that the tax collectors shall receive not less than ten thousand five hundred dollars (\$10,500.00) per annum.

Section 3. That after the tax collector shall file with the board of county commissioners, semi-annually, a sworn statement of the amount received under the provisions of section 1 hereof, the board of county commissioners shall cause to be drawn and paid to said tax collector semi-annually, from the general revenue funds of the county the amount as set forth in section 2 of this act.

Section 4. That the semi-annual payments as provided by section 3, shall be paid January 1st, and July 1st, of each year.

Section 5. That all laws or parts of laws in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. That this act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-677

House Bill No. 1215

AN ACT for the relief of Edwin F. Rubino; making an appropriation to compensate him for medical expenses and damages resulting from the injuries and wrongful death of his minor son, James Frederick Rubino; providing an effective date.

WHEREAS, James Frederick Rubino, the nine (9) year old son of Edwin F. Rubino, sustained fatal injuries on April 8, 1963, and

WHEREAS, said injuries occurred on the playground of William J. Bryant elementary school owned by the board of public instruction of Dade county, under circumstances in

which any person owning said playground would be liable for said injuries and wrongful death, and

WHEREAS, the board of public instruction of Dade county was adjudged not subject to legal proceedings in connection with said wrongful death by reason of sovereign governmental immunity in circuit court case no. 64L-1332, eleventh (11th) judicial circuit in and for Dade county, and

WHEREAS, Edwin F. Rubino was completely without fault in this tragedy, and

WHEREAS, his only recourse is through an act of this legislature, NOW, THEREFORE,

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

Section 1. The facts set forth in the preamble of this act are found and declared to be true.

Section 2. The sum of five thousand dollars (\$5,000.00) is appropriated from funds due the board of public instruction of Dade county from the state treasury not specifically appropriated to a particular use to be paid to Edwin F. Rubino as compensation for medical expenses and other damages which he sustained as a result of the wrongful death of his son James Frederick Rubino.

Section 3. The comptroller is authorized and directed to draw his warrant in the sum of five thousand dollars (\$5,000.00) upon funds in the state treasury due the board of public instruction of Dade county not specifically appropriated to a particular use, in favor of Edwin F. Rubino and the treasurer is authorized and directed to pay same.

Section 4. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-678

House Bill No. 1287

AN ACT relating to clerk of circuit court in all counties of the state having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000)

according to the latest official decennial census; setting the annual salary of said clerk; providing an effective date.

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

Section 1. The clerk of the circuit court in all counties of the state having a population of not less than forty thousand (40,000) nor more than forty-five thousand (45,000), according to the latest official decennial census, shall be paid an annual salary of ten thousand five hundred dollars (\$10,500.00).

Section 2. All acts in conflict herewith are repealed.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-679

House Bill No. 1264

AN ACT relating to the Florida highway code; exempting all counties of the state having a population of over four hundred thousand (400,000), according to the latest official decennial census, from the provision of section 336.59, Florida Statutes, providing that taxes levied by the board of county commissioners of such counties for road and bridge purposes need not be divided with any municipality; providing an effective date.

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

Section 1. In all counties of the state having a population of over four hundred thousand (400,000), according to the latest official decennial census, the board of county commissioners of such counties shall not be required to turn over to any municipality in such counties any moneys, proceeds or revenue derived from any taxes levied by such board of county commissioners for road and bridge purposes pursuant to the provisions of section 336.59, Florida Statutes.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-680

House Bill No. 1293

AN ACT defraying expenses incurred by the city of Vero Beach in constructing and furnishing temporary housing for the headquarters of the fourth appellate district; providing an appropriation; providing for an audit; providing an effective date.

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

Section 1. There is hereby appropriated from the general revenue fund the sum of fifty thousand (\$50,000.00) dollars to the city of Vero Beach to defray expenses incurred in constructing and furnishing temporary headquarters for the fourth appellate district.

Section 2. Within ninety days after this act becomes a law, the comptroller shall perform an audit of the expense records of the city of Vero Beach relative to said construction and furnishing and shall deduct from such expenses the residual value of personal property, but not of real property. Upon completion of the audit, the comptroller shall draw his warrant in the exact amount of the actual expenses not exceeding fifty thousand (\$50,000.00) dollars on the general revenue fund payable to the city of Vero Beach. If the actual expenses of the construction and furnishing subject to said audit do not exceed fifty thousand (\$50,000.00) dollars, any remaining funds shall revert to the general revenue fund.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-681

House Bill No. 1307

AN ACT for the relief of Eules Pettis growing out of loss sustained as a result of property damage caused by water pouring from a culvert off state road 173A; making an appropriation therefor; providing an effective date.

WHEREAS, early in 1966, Eules Pettis did timely call to the attention of the state road department that water pouring from a culvert off state road 173A was causing a five (5) foot deep gully on his property, and

WHEREAS, Eules Pettis did sign an easement for the condition to be repaired, and

WHEREAS, water continued to pour onto said property of Eules Pettis causing a gully, and

WHEREAS, on September 20, 1966, one (1) milch cow of Eules Pettis did fall into said gully and did subsequently die on September 21, 1966, and

WHEREAS, this loss has been reported to and inspected by the state road department, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of one hundred fifty dollars (\$150.00) is hereby appropriated out of funds to the credit of state road department in the state treasury nor otherwise appropriated, to be paid to Eules Pettis of Holmes county for the death of one (1) milch cow resulting from the failure of the state road department to repair an existing and continuingly dangerous condition on the said land of Eules Pettis.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of one hundred fifty dollars (\$150.00) upon any funds of the state road department in the state treasury not otherwise appropriated and the state treasurer is authorized and directed to pay the same out of such funds to Eules Pettis.

Section 4. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-682

House Bill No. 1308

AN ACT relating to public schools, county boards of public instruction; providing for the purchase of petroleum products in counties having a seven (7) member board of public instruction, having abolished the office of special tax school district trustees and having an appointive superintendent, authorizing said boards to purchase petroleum products at the lowest and best bid, including the highest fixed discount from posted tank wagon prices; providing an effective date.

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

Section 1. It is the intent of the legislature to authorize county boards of public instruction in counties having a seven (7) member board of public instruction, having abolished the office of special tax school district trustees and having an appointive superintendent, to purchase petroleum products as hereinafter prescribed.

Section 2. Boards of public instruction of the counties having a seven (7) member board of public instruction, having abolished the office of special tax school district trustees and having an appointive superintendent, may purchase petroleum products at the lowest and best bid, including the highest fixed discount from posted tank wagon price.

Section 3. This act shall be deemed to provide an additional and alternative method of purchasing petroleum products and shall not be taken in derogation of any other method or procedure now existing.

Section 4. This act shall be effective immediately upon becoming a law.

Became a law without the Governor's approval.
Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-683

House Bill No. 1311

AN ACT relating to public schools, county boards of public instruction; providing for the purchase of goods, materials, foodstuffs and other commodities, whose price is regulated by the federal government in counties having a seven (7) member board of public instruction, having abolished the office of special tax school district trustees and having an appointive superintendent, at the lowest and best bid, quoting the regulated price plus the lowest additional sum of money per unit above said regulated price; providing an effective date.

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

Section 1. County boards of public instruction in counties having a seven (7) member board of public instruction, having abolished the office of special tax school district trustees and having an appointive superintendent, may accept bids and make purchases of goods, materials, foodstuffs and other commodities whose price is regulated by the federal government or any unit thereof, on the basis of the lowest and best bid, quoting the regulated price per unit plus a specified sum of money per unit above said regulated price.

Section 2. This act shall be deemed to provide an additional and alternative method of purchasing goods, materials, foodstuffs and other commodities, whose price is regulated by the federal government and shall not be taken in derogation of any other method or procedure now existing.

Section 3. This act shall be effective immediately upon becoming a law.

Became a law without the Governor's approval.
Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-684

House Bill No. 1370

AN ACT for the relief of J. C. Gilbert; requiring the state comptroller to pay a certain sum of money to J. C. Gilbert from race track tax funds of Bay county board of public instruction because of certain injuries to a minor child through negligence of school board employees; providing an effective date.

WHEREAS, J. C. Gilbert is the father of James T. Gilbert, a minor now fifteen (15) years of age, and as such is responsible for the payment of his medical, hospital and doctor bills, and

WHEREAS, on January 31, 1963, at Parker elementary school in Bay county, said minor child received head injuries while participating in regular supervised physical education exercises when he and another child collided together, and

WHEREAS, said child was rendered unconscious for a period of time and although he developed headaches and nausea shortly thereafter the school officials failed to notify said child's father, and the father learned about the injury several days later from the child, and

WHEREAS, as a result of these injuries, the child has had to undergo a series of brain operations and the father, J. C. Gilbert, has incurred doctor, hospital and medical expenses in excess of one thousand six hundred dollars (\$1,600.00) and said child is permanently injured, and

WHEREAS, there is no provision of Florida law whereby the board of public instruction of Bay county is required to compensate J. C. Gilbert for these expenses, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The state comptroller is hereby directed and required to pay from funds which may legally accrue to the credit of the board of public instruction of Bay county in any subsequent distribution of county funds from the racing tax,

the sum of one thousand six hundred dollars (\$1,600.00) to J. C. Gilbert as the father and legal guardian of James T. Gilbert, a minor, for injuries sustained by James T. Gilbert while on a playground of the Bay county board of public instruction and under the supervision of employees of the Bay county board of public instruction, such injuries resulting from the negligence of such employees of the school board.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-685

House Bill No. 1402

AN ACT creating a small claims court in Dixie county; providing for the appointment, duties, compensation and tenure of office of the judge of such court; prescribing the jurisdiction, the pleading, practice and service of notice of process; prescribing filing fees; providing for a clerk and prescribing his duties; repealing chapter 27151, Laws of Florida, 1951 and chapter 61-1233 Laws of Florida; providing for an effective date.

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

Section 1. There is created and established in Dixie county a court to be known as the small claims court, which court shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed seven hundred fifty dollars (\$750.00) and in which the cause of action accrued or the defendant resides in the county. Said jurisdiction shall be concurrent with the jurisdiction of any other court now or hereafter established in any such county and shall include the power to issue writs of replevin, garnishment, attachment and distress for rent.

Section 2. The judge of the small claims court of Dixie county serving in such office on the effective date of this act shall serve in such office until the expiration of the term for

which appointed and upon the termination of said term of office the governor shall forthwith appoint a resident of such county to be the judge of said small claims court for a two (2) year term beginning from the time of his appointment, and shall every two (2) years thereafter appoint a judge of said court, who is a resident of Dixie county.

Section 3. Any duties herein prescribed to be performed by the clerk may be performed by the judge, although the judge may appoint a person to act as clerk of said small claims court. Said clerk shall be compensated from the fees hereinafter provided.

Section 4. All fees collected by the judge as authorized herein, after deducting costs, shall be retained by him as his sole remuneration.

Section 5.

(1) Actions shall be commenced by the filing of a statement of claim, including the last known address of the defendant, in concise form and free from technicalities. The plaintiff or his agent shall verify the statement of claim by oath or affirmation in the form herein provided, or its equivalent, and shall affix his signature thereto. The judge or clerk may at the request of any individual, prepare the statement of claim and other papers required to be filed in an action.

(2) A copy of the verified statement of claim, together with a notice of hearing in the form hereinafter prescribed shall be served on the defendant, and such service shall be sufficient to give the court jurisdiction in the premises. Service of **said** notice shall be made only in the county by any official or persons authorized by law to serve process in circuit court; or by registered mail to the addressee only with return receipt; or by any person not a party to or otherwise interested in the suit, especially appointed by the judge for that purpose.

(3) When notice is to be served by registered mail, the clerk shall enclose a copy of the statement of claim, verification and notice in an envelope addressed to the defendant, at his last known address, prepay the postage with funds obtained from the plaintiff, and mail the same forthwith, noting on the record the day and hour of mailing. If such receipt is returned,

the clerk shall attach the same to the original statement of claim, and it shall be prima facie evidence of service upon the defendant.

(4) When served by a private individual, as above provided, he shall make proof of service by affidavit, showing the time and place of such service upon the defendant.

(5) When served as provided, the actual cost of service shall be taxable as costs. The cost of services shall be advanced by the party demanding same in addition to the filing fee hereinafter provided, and shall be taxed as other costs.

(6) The plaintiff shall be entitled to a judgment by default, without further proof, upon failure of defendant to appear, when the claim of the plaintiff is for a liquidated amount; when the amount is unliquidated, plaintiff shall be required to present proof of his claim.

(7) Said notice shall provide the day and hour of the hearing, which shall be not less than five (5) nor more than fifteen (15) days from the date of the service of said notice; provided, however, that where service is made by registered mail the date of mailing shall be the date of service.

Section 6. A docket shall be maintained in which shall be indicated every proceeding and ruling had in each case.

Section 7. When the plaintiff files his claim he shall deposit with the court the following filing fees: For claims up to one hundred dollars (\$100.00), four dollars (\$4.00); for claims from one hundred one dollars (\$101.00) to five hundred dollars (\$500.00) six dollars (\$6.00); for claims from five hundred one dollars (\$501.00) to seven hundred fifty dollars (\$750.00) eight dollars (\$8.00) and in proceedings of garnishment, replevin and distress ten dollars (\$10.00), which shall cover all costs of proceedings except of service of the notice and as hereinafter provided. If a party shall fail to pay accrued costs, the judge shall have power to deny said party the right to file any new case while such costs remain unpaid, and likewise to deny such litigant the right to proceed further in any case pending. The award of other court costs shall be according to the discretion of the judge who may include therein

the reasonable costs of bonds and undertakings, and other reasonable court costs incident to the suit incurred by either party.

Section 8.

(1) On the day set for the hearing or such later time as the judge may set, the trial shall be had. Immediately prior to the trial of any case, the judge shall make an earnest effort to settle the controversy by conciliation. If the judge fails to induce the parties to settle their differences without a trial, he shall proceed with the hearing on the merits.

(2) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and all rules and regulations relating to pleading, practice and procedure shall be liberally construed so as to administer justice.

(3) If the plaintiff fails to appear, the suit may be dismissed for want of prosecution, or defendant may proceed to a trial on the merits, or the case may be continued as the judge may direct. If both parties fail to appear, the judge may continue the case, or order the same dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice may require.

Section 9. If any defendant has any claim against the plaintiff the judge may require a statement of setoff to be filed, or same may be waived. If plaintiff requires time to prepare his defense against such claim the judge may continue the case for such purpose. If any defendant has any claim against the plaintiff which exceeds the jurisdiction of the court he may use a part thereof to offset the claim of the plaintiff.

Section 10. When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay the entry of judgment, and to stay execution, and to order partial payments in such amounts, over such periods, and upon such terms, as shall seem just under the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied.

Section 11. The judge of said small claims court shall from

time to time make rules for a simple, inexpensive, and speedy procedure to effectuate the purposes of this act and shall have power to prescribe, modify and improve the forms to be used therein. All rules and forms authorized by this section shall be effective upon approval by the judge of the circuit court in and for any such county.

Section 12. Jury trials may be had upon demand of the plaintiff at the time of the commencement of his suit or by the defendant within five (5) days after service of notice of suit by depositing with the judge or his clerk such sum as the judge may fix as reasonable to secure the payment of cost incurred by reason of a jury trial.

Section 13.

(1) Judgments of small claims courts shall become a lien on the real estate of a defendant, situated in any county, from the time of the filing in the office of the clerk of the circuit court for said county, of a transcript of such judgment and the entry thereof by the clerk in a book to be kept by him for such purposes.

(2) Upon judgment being entered in any cause execution shall thereupon be issued against the party against whom the judgment is rendered for the amount of such judgment and cost, and such execution shall be directed to all and every, the sheriffs and constables of the state of Florida, and shall be of full force throughout the state.

Section 14. Appeals may be had from judgments returned in a small claims court, to the circuit court, and the same provisions now provided for by law for appeal from county judges court to the circuit court, shall be applicable to appeals from the small claims court to the circuit court.

Section 15. Until otherwise provided by rules of court the statement of claim, verification, and notice shall be in the following or equivalent form, and shall be in lieu of any forms now employed and of any form of summons now provided by law:

SMALL CLAIMS COURT

..... COUNTY, FLORIDA

.....	}	No.
Plaintiff		
.....		
.....	}	
Address		
vs.		
.....	}	
Defendant		
.....		

STATEMENT OF CLAIM

(Here the plaintiff, or at his request the court, will insert a statement of the plaintiff's claim, and the original to be filed with the court, may if action is on a contract, express or implied, be verified by the plaintiff or his agent, as follows:)

State of Florida }
 County of

..... being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant or plaintiff, exclusive of all setoffs and just grounds of defense.

.....
 Plaintiff (or agent)

Sworn and subscribed to before me this
 day of, 19.....

.....
 Notary Public

NOTICE

To.....
 Defendant

.....
 Home Address

.....
 Business Address

You are hereby notified that has made a claim and is requesting judgment against you in the sum of

_____ dollars (\$_____), as shown by the foregoing statement. The court will hold a hearing upon this claim on _____ at _____ M. at (address of court).

You are required to be present at the hearing in order to avoid a judgment by default against you.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of the hearing.

If you wish to have witnesses summoned, see the court at once for assistance.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

Clerk of the Small Claims Court

(SEAL)

Section 16. The board of county commissioners of any such county shall furnish within a reasonable time after the passage of this act suitable quarters to house the small claims court and shall provide such necessary equipment, maintenance and supplies to enable it to function in accordance with this act.

Section 17. Section 16 of this law shall have the effect of an appropriation of county funds for the purpose therein stated and shall be immediately effective, notwithstanding any lack of appropriations or absence of provisions therefor in the county budget and notwithstanding any budgetary restrictions.

Section 18. All forms, docket books, file jackets, and the like, required by this act shall be furnished by the county commissioners.

Section 19. Chapter 27152, Laws of Florida, 1951 and chapter 61-1233, Laws of Florida, are repealed.

Section 20. This act shall take effect upon becoming Law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-686

House Bill No. 1404

AN ACT for the relief of Eloise T. Bryant arising out of an accident on May 31, 1965, while she was riding as a passenger in a car driven by Willis T. Lightburn over the Flagler Memorial Bridge in West Palm Beach, Palm Beach county, which resulted in severe burns, contusions and other grievous injuries; providing an appropriation; providing an effective date.

WHEREAS, on May 31, 1965, Eloise T. Bryant, of West Palm Beach, was riding as a passenger in a car driven by Willis T. Lightburn over the Flagler memorial bridge in West Palm Beach, Palm Beach county, and

WHEREAS, as a result of the negligence of the bridge operator who failed to lower the safety gates before raising the draw span on the bridge, which resulted in the crashing and burning of the car driven by Willis T. Lightburn, in which Eloise T. Bryant was riding as a passenger, and

WHEREAS, Eloise T. Bryant received severe burns, contusions and other grievous injuries requiring past and future medical attention, and

WHEREAS, said injuries have greatly reduced the ability of Eloise T. Bryant to earn a living in the future and have caused her great pain and suffering, and

WHEREAS, the legislature hereby recognizes a need which can be and should be provided for by the enactment of this act, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of nine hundred dollars (\$900.00) is appropriated out of funds to the credit of the state road department in the state treasury, not otherwise expended or committed, to be paid to Eloise T. Bryant as compensation for her grievous injuries suffered as a result of the negligent operation of the safety gates on Flagler memorial bridge.

Section 3. The comptroller shall draw his warrant in the sum of nine hundred dollars (\$900.00) upon any funds of the state road department in the state treasury not otherwise expended or committed and the state treasurer shall pay the same to Eloise T. Bryant out of such funds.

Section 4. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-687

House Bill No. 819

AN ACT relating to the relief of Ann Flynn; making an appropriation to compensate for personal injuries sustained by her in an automobile accident caused by the opening of a drawbridge without first lowering the barriers to automobile traffic or operating the warning lights or bells in connection therewith; providing an effective date.

WHEREAS, Ann Flynn was a passenger in an automobile traversing Corey causeway in Pinellas county, Florida, in an easterly direction at nighttime on December 23, 1964, at which time and place the operator of the draw on said causeway caused the draw to open without giving any warning of his intention so to do by lowering wooden barriers or gates and without operating the warning bells and warning lights, and

WHEREAS, as a result of such lack of warning, the operator of the automobile in which Ann Flynn was a passenger drove the same across the partially open draw and collided head on with the road bed of the bridge projecting above the end of the draw on the other side, and

WHEREAS, Ann Flynn has sustained serious personal injuries, expended large sums of money for the payment of hospital and medical bills, endured great pain, suffering and anxiety, and will continue to sustain hospital and medical bills, and will suffer further pain and anxiety, in addition to the inconvenience of a further operation, and

WHEREAS, adequate compensation for said injuries, pain and suffering suffered by Ann Flynn is the sum of three thousand dollars (\$3,000.00), and

WHEREAS, the draw of said Corey causeway was operated by the state road department of the state of Florida, and there is no liability coverage for negligent operation of the same so that the said Ann Flynn is unable to bring suit and to recover for the damages sustained by her, and her only recourse is to the legislature of the sovereign state of Florida.

Now, therefore,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of three thousand dollars (3,000.00) is hereby appropriated out of unappropriated funds on deposit in the state treasury in the account of the state road department, not otherwise appropriated to be paid to Ann Flynn as relief of injuries suffered by said Ann Flynn as a result of the improper operation of a causeway drawbridge by an agent of the state of Florida.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of three thousand dollars (3,000.00) and charge the same to funds in the state treasury to the credit of the state road department in favor of Ann Flynn and the state treasurer is authorized and directed to pay the sum out of any state road department funds in the state treasury not otherwise appropriated.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-688

House Bill No. 822

AN ACT relating to the relief of Ethel Scott; making an appropriation to compensate for personal injuries sustained by her in an automobile accident caused by the opening of a

drawbridge without first lowering the barriers to automobile traffic or operating the warning lights or bells in connection therewith; providing an effective date.

WHEREAS, Ethel Scott was a passenger in an automobile traversing Corey causeway in Pinellas county, Florida, in an easterly direction at nighttime on December 23, 1964, at which time and place the operator of the draw on said causeway caused the draw to open without giving any warning of his intention so to do by lowering wooden barriers or gates and without operating the warning bells and warning lights, and

WHEREAS, as a result of such lack of warning, the operator of the automobile in which Ethel Scott was a passenger drove the same across the partially open draw and collided head on with the road bed of the bridge projecting above the end of the draw on the other side, and

WHEREAS, Ethel Scott has sustained serious personal injuries, expended large sums of money for the payment of hospital and medical bills, endured great pain, suffering and anxiety at the time of the accident, endured great pain, suffering, anxiety, discomfort and total disability while in the hospital, will continue to suffer great pain, and will be unable to carry on her normal activities for the remainder of her life, and

WHEREAS, adequate compensation for said injuries, pain and suffering sustained by Ethel Scott is the sum of twelve thousand dollars (\$12,000.00), and

WHEREAS, the draw of said Corey causeway was operated by the state road department of the state of Florida, and there is no liability coverage for negligent operation of the same so that the said Ethel Scott is unable to bring suit and to recover for the damages sustained by her, and her only recourse is to the legislature of the sovereign state of Florida.

Now, therefore,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of twelve thousand dollars (\$12,000.00) is hereby appropriated out of unappropriated funds on deposit

in the state treasury in the account of the state road department, not otherwise appropriated to be paid to Ethel Scott as relief of injuries suffered by said Ethel Scott as a result of the improper operation of a causeway drawbridge by an agent of the state of Florida.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of twelve thousand dollars (\$12,000.00) and charge the same to funds in the state treasury to the credit of the state road department in favor of Ethel Scott and the state treasurer is authorized and directed to pay the sum out of any state road department funds in the state treasury not otherwise appropriated.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-689

House Bill No. 821

AN ACT relating to the relief of Harry J. Scott; making an appropriation to compensate for personal injuries sustained by him in an automobile accident caused by the opening of a drawbridge without first lowering the barriers to automobile traffic or operating the warning lights or bells in connection therewith; providing an effective date.

WHEREAS, Harry J. Scott was the owner and operator of an automobile traversing Corey causeway in Pinellas county, Florida, in an easterly direction at nighttime on December 23, 1964, at which time and place the operator of the draw on said causeway caused the draw to open without giving any warning of his intention so to do by lowering wooden barriers or gates and without operating the warning bells and warning lights, and

WHEREAS, as a result of such lack of warning, Harry J. Scott drove his automobile across the partially open draw and

collided head on with the road bed of the bridge projecting above the end of the draw on the other side, and

WHEREAS, Harry, J. Scott has sustained serious personal injuries, expended large sums of money for the payment of hospital and medical bills and the loss of his automobile, has endured pain, suffering, anxiety, and total disability while in the hospital, lost the services of his wife for at least four months, and will lose most of the services of his wife, her company and companionship for the remainder of her life, and

WHEREAS, adequate compensation for said injuries, damages and losses sustained by Harry J. Scott is the sum of twelve thousand dollars (\$12,000.00), and

WHEREAS, the draw of said Corey causeway was operated by the state road department of the state of Florida, and there is no liability coverage for negligent operation of the same so that the said Harry J. Scott is unable to bring suit and to recover for the damages sustained by him, and his only recourse is to the legislature of the sovereign state of Florida.

Now, therefore,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of twelve thousand dollars (\$12,000.00) is hereby appropriated out of unappropriated funds on deposit in the state treasury in the account of the state road department, not otherwise appropriated to be paid to Harry J. Scott as relief of injuries suffered by said Harry J. Scott as a result of the improper operation of a causeway drawbridge by an agent of the state of Florida.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of twelve thousand dollars (\$12,000.00) and charge the same to funds in the state treasury to the credit of the state road department in favor of Harry J. Scott and the state treasurer is authorized and directed to pay the sum out of any state road department funds in the state treasury not otherwise appropriated.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-690

House Bill No. 861

AN ACT directing the board of county commissioners of Orange County, Florida, to supplement the salary of each circuit judge who is a resident of Osceola County but who devotes the major part of his time to service in Orange County; making the same a county purpose; repealing all laws in conflict herewith; providing for an effective date.

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

Section 1. The board of county commissioners of Orange County is hereby directed to supplement the salary of each circuit judge qualified and serving as such who resides in Osceola County but who devotes the major part of his time as circuit judge to service in Orange County as follows: each such circuit judge shall be paid by the board of county commissioners of Orange County in equal monthly installments a total supplementary compensation in an amount per annum equal to eight-thirteenths (8/13) of the difference between the annual compensation paid circuit judges by the state of Florida and the total compensation authorized by law for circuit judges to be paid from all sources; provided, however, that the supplementary compensation paid by Orange County to such judge shall not exceed the annual sum of one thousand eight hundred fifty-six and no/100 (\$1,856.00) dollars. The payment of such supplementary compensation is hereby declared to be a county purpose.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-691

House Bill No. 1168

AN ACT providing for the annual compensation of the prosecuting attorney of Hendry county; providing an effective date.

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

Section 1. The total salary of the prosecuting attorney of Hendry county shall be set by the board of county commissioners of Hendry county. This salary shall be in lieu of any other compensation which may be authorized in any existing local or general act.

Section 2. The salary of the prosecuting attorney of Hendry county shall be paid by the board of county commissioners in equal monthly installments in the same manner and from the same funds as the prosecuting attorney is now being paid.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-692

House Bill No. 1139

AN ACT relating to Indian Trail Water Control District, a drainage district in Palm Beach County, Florida, as created by Chapter 57-646, Laws of Florida, Acts of 1957; amending sections 8, 9 and 10 of said Chapter 57-646; providing for the levy, collection and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county tax assessor on the county tax roll, and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing that district taxes shall be a lien on lands against which taxes are levied of

equal dignity with county and other taxes; providing for severability of the provisions of the act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing the manner of giving notice of intention to apply for this legislation; enacting other provisions relating to this subject; and providing an effective date.

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

Section 1. *Amending Section 8 of Chapter 57-646, Laws of Florida, Acts of 1957.*—Section 8 of Chapter 57-646, Laws of Florida, Acts of 1957, is hereby amended and changed so the same shall be and provide as follows:

Section 8. (a). *Installment and Maintenance Taxes, Levied and Apportioned, and the Collection Thereof.*—Taxes shall be levied and apportioned as provided for in the General Drainage Laws of Florida (Chapter 298, Florida Statutes, and amendments thereto), except that the provisions of Section 298.37, Section 298.38, Section 298.39, Section 298.40 and Section 298.41, Florida Statutes, and amendments thereto, shall not be applicable to said District. In lieu thereof, the following provisions shall apply to the said District.

The Board of Supervisors shall determine, order and levy the amount of the annual installments of the total taxes levied under Section 298.36, Florida Statutes, which shall become due and be collected during each year at the same time that county taxes are due and collected, which said annual installment and levy shall be evidenced to and certified by the said Board, not later than August 31st of each year, to the Tax Assessor of Palm Beach County, Florida. Said tax shall be extended by the County Tax Assessor on the County Tax Roll and shall be collected by the Tax Collector in the same manner and time as county taxes, and the proceeds thereof paid to said District. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

(b). *Maintenance Tax.*—Maintenance Taxes as provided for under Section 298.54, Florida Statutes, shall be apportioned and levied by the Board of Supervisors, and shall be evidenced to and certified by the Board of Supervisors not later than August 31 of each year, to the Tax Assessor of Palm Beach

County, and shall be extended by the County Tax Assessor on the County Tax Roll and shall be collected by the Tax Collector in the same manner and time as County Taxes and the proceeds therefrom paid to said District. Said tax shall be a lien until paid on the property against which assessed and enforceable in like manner as County taxes.

Section 2. *Amending Section 9 of Chapter 57-646, Laws of Florida, Acts of 1957.*—Section 9 of Chapter 57-646, Laws of Florida, Acts of 1957, is hereby amended and changed so the same shall be and provide as follows:

Section 9. (a) *Enforcement of Taxes and Discounts.*—The provisions of Section 298.45 and Section 298.46, Florida Statutes, and amendments thereto, shall not be applicable to said District. In lieu thereof, the following shall apply to said District.

The collection and enforcement of all taxes levied by said District shall be at the same time and in like manner as County taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent County taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent County taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to said District and the delinquent and unpaid taxes of said District to the same extent as if said statutory provisions were expressly set forth in this Act. All taxes shall be subject to the same discounts as County taxes. All discounts allowed shall be a charge against the Maintenance Tax only.

(b). *When Unpaid Taxes Delinquent: Penalty.*—All taxes levied by the District shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as County taxes.

Section 3. *Amending Section 10 of Chapter 57-646, Laws of Florida, Acts of 1957.*—Section 10 of Chapter 57-646, Laws of Florida, Acts of 1957 is hereby amended and changed so the same shall be and provide as follows:

Section 10. *Taxes and Costs, a Lien on Land Against Which Taxes Levied; Taxes Levied a Lien of Equal Dignity with Other*

Taxes.—All drainage taxes levied by the District, together with all penalties for default in payment of the same, all costs in collecting the same, shall constitute a lien of equal dignity with the liens for County taxes, and other taxes of equal dignity with County taxes, upon all the lands against which said taxes shall be levied. A sale of any of the lands within the District for County or other taxes shall not operate to relieve or release the lands so sold from the lien for subsequent installments of District taxes, which lien may be enforced against such lands as though no such sale thereof had been made.

Section 4. *Severability.*—In case any one or more of the sections or provisions of this Act or the application of such sections or provisions to any situation, circumstances or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Act or the application of such sections or provisions to any other situation, circumstances or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 5. *Effect of Conflict.*—In the event of a conflict between the provisions of this Act and the provisions of any other Act, the provisions of this Act shall control to the extent of such conflict.

Section 6. *Notice of Intention.*—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the Constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 7. *When Act to Take Effect.*—This Act shall take effect immediately upon its approval by the Governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-693

House Bill No. 1263

AN ACT relating to sheriff's compensation and budgets in all counties having a population of not less than 40,000 nor more than 45,000 persons according to the last official decennial census; repealing chapters 59-821 and 61-861, laws of Florida, and providing an effective date.

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

Section 1. Chapter 59-821, laws of Florida, and chapter 61-861, laws of Florida, are hereby repealed.

Section 2. It is the legislative intent that the sheriff's office in all counties having a population of not less than 40,000 nor more than 45,000 persons according to the last official decennial census shall come under the general budget law for the sheriffs' offices beginning with the fiscal year commencing October 1, 1967, and that sections 30.48 through and including 30.53, Florida statutes, shall thereafter be applicable in such counties.

Section 3. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-694

House Bill No. 1288

AN ACT to fix and provide for the compensation of members of the board of county commissioners in all counties having a population of not less than forty thousand (40,000) nor more than forty five thousand (45,000) according to the latest official decennial census; repealing chapter 61-1210, Laws of Florida, and other conflicting laws relating to the same subject; providing effective date.

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

Section 1. The compensation of the members of the board of county commissioners of all counties in the state of Florida having a population of not less than forty thousand (40,000)

nor more than forty five thousand (45,000) according to the latest official decennial census shall be One Hundred Fifty (\$150.00) Dollars per month.

Section 2. Chapter 61-1210, Laws of Florida, and all other laws relating to the same subject in conflict herewith are hereby repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-695

House Bill No. 1289

AN ACT relating to compensation of tax assessors in all counties of the state of Florida having a population of not less than forty thousand (40,000) nor more than forty five thousand (45,000) according to the latest official decennial census; providing each such county tax assessor shall receive as his annual compensation all the net income from his office, not to exceed ten thousand five hundred (\$10,500.00) dollars; repealing chapters 59-939, 61-854 and 63-755, Laws of Florida, insofar as they apply to or affect the tax assessor of Gadsden County, Florida, or his compensation; repealing all conflicting laws whether local, special, limited or general to the extent of such conflict; providing effective date.

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

Section 1. The tax assessors in all counties of the state of Florida having a population of not less than forty thousand (40,000) nor more than forty five thousand (45,000), according to the latest official decennial census, shall each receive as his respective annual compensation for official services the following sum only; all the net income from his office not to exceed ten thousand five hundred (\$10,500.00) dollars per annum.

Section 2. Chapters 59-939, 61-854 and 63-755, Laws of Florida, insofar as they apply to or affect the tax assessor of

Gadsden County, Florida, or his compensation are repealed. All laws and parts of laws in conflict herewith whether local, special, limited or general are repealed to the extent of such conflict.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-696

House Bill No. 1423

AN ACT relating to barber schools and colleges in all counties of the state having a population of not less than one hundred thirty thousand (130,000) nor more than one hundred ninety thousand (190,000) according to the latest official decennial census; providing for the regulation of barber schools and colleges in such counties; providing for enforcement and penalties for violation; providing an effective date.

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

Section 1. (1) In all counties of the state having a population of not less than one hundred thirty thousand (130,000) nor more than one hundred ninety thousand (190,000), according to the latest official decennial census, no school or college of barbering shall be approved by the barbers' sanitary commission and no license shall be issued to operate or conduct any such school or college of barbering unless and until it shall be demonstrated to the commission that the applicant is fully qualified to thoroughly educate and instruct students in all subjects necessary and required to fit them as competent barbers. An application for a license and approval as a registered school or college of barbering shall contain, under oath of the applicant or proper officer of a corporation or association, the following:

(a) The full name of the applicant, person, association or corporation.

(b) The nationality, race and residence of the applicant;

if an association or corporation, the same information of the members of the association and of the stockholders and directors of the corporation.

(c) The exact location where the school or college is located or proposed to be located.

(d) Whether or not the school or college is owned or leased, and if leased, the name, race and residence of the fee owner, or if a corporation, of the directors and stockholders thereof.

(e) A detailed drawing of the premises where the instruction is to take place, including the size of the building, number of chairs available, sanitary facilities, name, number and qualifications of teachers on the staff and proposed number of students.

(f) A statement (certified to by a public accountant licensed to practice in Florida) of the assets and liabilities of the person or firm making such application.

(g) Evidence that a performance bond of ten thousand dollars (\$10,000.00), payable to the governor guaranteeing the operation of such school or college for one (1) year has been secured.

(2) No school or college of barbering shall be approved by the barbers' sanitary commission in such counties and no license shall be issued to operate or conduct any such school or college of barbering unless and until the following provisions are complied with:

(a) Payment of one hundred dollars (\$100.00) a year to the commission for the issuance of a license to operate.

(b) One (1) chair for each student; the chair shall have five (5) feet of free space around it.

(c) One (1) teacher for every ten (10) students.

(d) The manager, person or teacher in charge of school must have had at least five (5) years experience as a barber teacher in Florida before he may be put in charge of said school.

(e) The teacher shall have at least two (2) years in an accredited college or university and shall have studied complete

basic courses in hygiene, bacteriology, sterilization and chemistry.

(f) The teacher shall have completed a post-graduate course in barber teacher theory in an approved school, which school shall regularly offer such a course.

(g) The teacher shall pay a teacher license fee of fifty dollars (\$50.00) per year.

(3) A school shall not charge for services rendered to the public nor permit students to charge for said services.

(4) The school shall be liable to any person for its torts.

(5) The commission may revoke or suspend any certificate or school license or registration upon finding that such school or college fails to comply with the provisions of this act or with the rules and regulations prescribed by the commission.

(6) The commission may commence and maintain all proper and necessary actions and proceedings including injunctions for the enforcement of the provisions of this act.

Section 2. The provisions of paragraphs (d), (e) and (f) of subsection (2) of section 1 shall not apply to any person licensed as a barber teacher in this state and regularly employed and teaching in any approved school or college of barbering for at least six (6) months prior to the effective date of this act.

Section 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-697

House Bill No. 782

AN ACT directing the board of county commissioners of Orange County, Florida, to supplement the salary of each circuit judge who is a resident of said county; making the same a county purpose; repealing all laws in conflict herewith; providing for an effective date.

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

Section 1. The board of county commissioners of Orange County is hereby directed to supplement the salary of each circuit judge qualified and serving as such who resides in Orange County, as follows: each such circuit judge shall be paid by the board of county commissioners of Orange County, Florida, in equal monthly installments a total supplementary compensation in an amount per annum equal to the difference between the annual compensation paid circuit judges by the state of Florida and the total compensation authorized by law for circuit judges to be paid from all sources; provided, however, that the supplementary compensation paid by Orange County shall not exceed the annual sum of three thousand and no/100 (\$3,000.00) dollars. The payment of such supplementary compensation is hereby declared to be a county purpose.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-698

House Bill No. 392

AN ACT relating to use of ad valorem taxes in central and southern Florida flood control district; amending section 3 of chapter 25270, Laws of Florida, 1949, by adding author-

ity to expend district tax moneys for provision of recreational facilities; providing an effective date.

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

Section 1. Section 3 of chapter 25270, Laws of Florida, 1949, is amended to read:

Section 3. For the year 1949 there is hereby levied upon all property subject to county taxes in said district a tax at the rate of three tenths ($3/10$) mill on the dollar of value of said property as determined for county taxing purposes. Said tax shall be for the general preliminary purpose of said district in lieu of the preliminary tax provided in chapter 378, Laws of Florida, 1949. After the year 1949, the governing board of said district is authorized to levy annually a uniform ad valorem tax on all property in the district as determined for county taxing purposes, not to exceed the amount necessary to provide the moneys determined to be necessary for the purpose of maintaining, operating and administering such district, obtaining the necessary rights-of-way for such district and for provision of recreational facilities and necessary land in conjunction therewith, provided such tax shall not exceed an annual rate of one (1) mill on the dollar on the assessed value of such property. Provided, further, that the amount of annual ad valorem tax funds expended for provision of recreational facilities and necessary lands in conjunction therewith shall not exceed one fiftieth ($1/50$) of one (1) mill on the assessed value. For the purposes of the tax herein levied or authorized the lands held by the trustees of the internal improvement fund are hereby assessed at an amount equal to other lands in the same vicinity, which amount the said trustees are required to ascertain and certify to the governing board of said district. Said tax shall be extended by the county tax assessor on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes. The proceeds therefrom shall be paid to said district. Said tax is a lien until paid on the property against which assessed and is enforceable in like manner as county taxes. The tax assessor, tax collector and clerk of the circuit court of the respective counties within or partly within said district shall be entitled to compensation for services performed in connection with said tax at the same rates as apply to county taxes.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-699

House Bill No. 2374

AN ACT fixing the salaries of judges of the criminal court of Palm Beach county, Florida; providing an effective date.

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

Section 1. Each judge of the Criminal Court of Record of Palm Beach County, Florida, shall be paid a salary equal to the total annual salary, including any county supplementary compensation, to which the lowest paid Circuit Judge of Palm Beach County (Fifteenth Judicial Circuit of the State of Florida) shall from time to time be entitled to receive. The salary of each judge of the said Criminal Court of Record of Palm Beach County, Florida, shall be paid in equal monthly installments by the Board of County Commissioners of said County.

Section 2. All laws or parts of law in conflict herewith are hereby repealed.

Section 3. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-700

House Bill No. 2359

AN ACT relating to the power and duties of circuit courts in domestic relations cases in any county having a population of not less than three hundred fifty thousand (350,000) in-

habitants or more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census; empowering circuit courts in any such counties to order the payment of alimony, separate maintenance or support money for minor children made through the clerk of the circuit court of said county; authorizing the clerk of the circuit court to charge a fee therefor; excepting payments made pursuant to chapter 88, Florida Statutes; providing for the service by the sheriff or constable of any rule to show cause issued as the result of the violation of such order under this act without an advance of costs; providing that the clerk of the circuit court shall advise the court of any default in payment; providing that this act is cumulative; providing a severability clause; providing an effective date.

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

Section 1. In any county having a population of not less than three hundred fifty thousand (350,000) inhabitants nor more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census, any circuit court, in addition to any other power given to it by law, upon entering an order involving the payment of alimony to a former wife, separate maintenance to a wife or support money for minor children may require that such payments be paid to the clerk of the circuit court of that county. The clerk of said court upon his request shall be furnished with a copy of said order for his use under this act. Payments shall be made by the person required by the court to make them to the clerk of said court who shall disburse the money paid him to the person or persons designated in said order. The service in connection herewith is hereby declared to be part of the official duties of said clerk.

Section 2. The clerk of the circuit court, in lieu of other fee allowed by law for such service, is hereby authorized to charge a fee in the sum of fifty cents (50¢) for each payment, said fee or charge shall be added to and become a part of such payment, shall be subject to enforcement in like manner, shall be paid by the person required to make such payments at the same time and in the same manner as said payment. Be it provided, however, that such charge shall not be made or collected for pay-

ments made pursuant to or by reason of chapter 88, Florida Statutes.

Section 3. Said orders for alimony, support or separate maintenance herein provided shall be enforced, amended, rescinded, or modified as the court, in its discretion, deems proper. Any rule to show cause issued by said court under this act shall be served by the sheriff or constable without an advance of costs, but the costs of such service may be taxed as costs by the court.

Section 4. Upon a failure by any person to make the required payments as provided for in this act, the clerk of the circuit court shall, within seven (7) days of said default, notify the court of said default and the court may take such action as in its discretion it deems advisable.

Section 5. This act shall be deemed as a remedy cumulative or additional to all other existing remedies in the circuit court of any county covered hereby.

Section 6. This act shall be liberally construed and if any part hereof is either declared unconstitutional or invalid, the remaining portion or portions hereof shall remain in full force and effect, as if such unconstitutional or invalid word, phrase, clause, sentence, or provision had not been incorporated herein.

Section 7. This act shall take effect on January 1, 1968.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-701

House Bill No. 2352

AN ACT relating to clerks of circuit courts, fees; authorizing collection of fee for receiving payments from defendants under alimony and support decrees, in any county having a population of not less than fifteen thousand seven hundred (15,700) and not more than sixteen thousand four hundred (16,400) according to the latest official decennial census; providing an effective date.

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

Section 1. The clerk of the circuit court in any county having a population of not less than fifteen thousand seven hundred (15,700) and not more than sixteen thousand four hundred (16,400), according to the latest official decennial census, is authorized to collect a fee of fifty cents (50¢) for each payment received by him under section 88.241, Florida Statutes, or for any other payments received by him to be paid out under a decree of support or alimony.

Section 2. This act shall become effective October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-702

House Bill No. 2345

AN ACT to authorize the sheriff of Monroe County, Florida, to grant monthly allowances in various amounts to such of his deputies for uniforms and clothing as in his discretion he may determine not to exceed \$35.00 monthly for each deputy; such allowances to be paid out of appropriate funds in the sheriff's budget; repealing all laws and parts of laws in conflict to the extent of such conflict; and declaring legislative intention that this act shall not be deemed repealed by any other act passed at the regular session of the legislature in 1967 unless specific reference is made to this act for such purpose; and providing the said shall take effect upon becoming a law.

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

Section 1. The sheriff of Monroe County, Florida is hereby authorized to grant monthly allowances in various amounts to such of his deputies for uniforms and clothing as in his discretion he may determine provided that such monthly allowance shall not exceed \$35.00 per each deputy; such monthly allowances shall be paid out of the appropriate fund in the sheriff's budget.

Section 2. All laws and parts of laws, whether general or special or general with local application which are in conflict with this act are hereby repealed to the extent of such conflict.

Section 3. It is hereby declared to be the intention of the legislature that this act shall not be deemed repealed by the passage of any act, whether general or special or local, at this regular session of the legislature in the year 1967 unless the act seeking to effect repeal of this act makes specific reference to this act for such purpose.

Section 4. This act shall take effect upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-703

House Bill No. 2315

AN ACT relating to the creation of a small claims court in all counties having a population of not less than seven thousand four hundred (7,400) nor more than seven thousand six hundred (7,600), according to the latest official decennial census; providing for the appointment of a judge for said court; providing for the pleading, practice and service of notice of proceedings therein; providing for a clerk and prescribing his duties; repealing chapter 28582, Laws of Florida, 1953; providing an effective date.

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

Section 1. There is created and established in all counties having a population of not less than seven thousand four hundred (7,400) nor more than seven thousand six hundred (7,600), according to the latest official decennial census, a court known as a small claims court which court shall have civil jurisdiction in cases at law in which the demand or value of the property involved does not exceed five hundred dollars (\$500.00), said jurisdiction to be concurrent with the jurisdiction of any other court now or hereafter established in said county.

Section 2. Upon this act becoming a law, the governor of Florida shall forthwith appoint a judge of the small claims court to serve until January 1, 1969, when such judge shall be reappointed or a successor appointed for a term of four (4) years and any vacancy in such office shall be filled by appointment by the governor.

Section 3. Any duties herein prescribed to be performed by the clerk may be performed by the judge although the judge may appoint a person to act as clerk of said small claims court, said clerk to be compensated from the fees hereinafter provided.

Section 4. All fees collected by the judge as authorized herein, after deducting costs, shall be retained by him as his sole remuneration, but provided that the compensation of such judge shall not exceed the amount of forty-eight hundred dollars (\$4800.00) per year and any surplus fees existing after payment of compensation of such judge, and the clerk, and the expenses of such office shall be paid into the general fund of such counties.

Section 5. Action shall be commenced by the filing of a statement of claim, including the last known address of the defendant, in concise form and free from technicalities. The plaintiff or his agent shall verify the statement of claim by oath or affirmation in the form herein provided, or its equivalent, and shall affix his signature thereto. The judge or clerk may at the request of any individual, prepare the statement of claim and other papers required to be filed in any action without cost.

(1) A copy of the verified statement of claim, together with a notice of hearing in the form hereinafter prescribed shall be served on the defendant and such service shall be sufficient to give the said court jurisdiction in the premises. Service of said notice shall be made in the state by any official or person authorized by law to serve process in circuit courts; or by registered or certified mail with return receipt; or by any person not a party to or otherwise interested in the suit, especially appointed by the judge for that purpose.

(2) When notice is to be served by registered or certified mail, the clerk shall enclose a copy of the statement of claim, verification and notice in an envelope addressed to the defendant at his last known address, prepay the postage from the filing fee

hereinafter provided for, mail the same forthwith, noting on the record the day and hour of mailing. If such receipt is returned, the clerk shall attach the same to the original statement of claim and it shall be prima facie evidence of service upon the defendant.

(3) When served by a private individual, as above provided, he shall make proof of service by affidavit, showing the time and place of such service on the defendant.

(4) When served as provided, the actual cost of service shall be taxable as costs. The cost of service by other than registered mail shall be advanced by the party demanding same in addition to the filing fee hereinafter provided, and shall be taxed as other costs.

(5) The plaintiff shall be entitled to a judgment by default, without further proof, upon failure of defendant to appear, when the claim of the plaintiff is for a liquidated amount; when the amount is unliquidated, plaintiff shall be required to present proof of his claim.

(6) Said notice shall provide the day and hour of the hearing, which shall be not less than five (5) nor more than fifteen (15) days from the date of the service of said notice; provided, however, that where service is made by registered or certified mail the date of mailing shall be the date of service.

Section 6. A docket shall be maintained in which shall be indicated every proceeding and ruling had in each case.

Section 7. The plaintiff, when he files his claim shall deposit with the court the sum of five dollars (\$5.00), except proceeding of garnishment, attachment, replevin and distress, when the fee shall be seven dollars and fifty cents (\$7.50), which shall cover all costs of the proceedings except of service of the notice other than by registered or certified mail and as hereinafter provided. If a party fails to pay accrued costs, the judge shall have power to deny said party the right to file any new case while such costs remain unpaid, and likewise to deny such litigant the right to proceed further in any case pending. The award of court costs, as between the parties, shall be according to the discretion of the judge and shall be taxed in the cause of his discretion.

Section 8. (1) On the day set for the hearing or such later time as the judge may set, the trial shall be had. Immediately prior to the trial of any case, the judge shall make an earnest effort to settle the controversy by conciliation. If the judge fails to induce the parties to settle their differences without a trial, he shall proceed with the hearing on the merits.

(2) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and all rules and regulations relating to pleading, practice and procedure shall be liberally construed so as to administer justice.

(3) If the plaintiff fails to appear, the suit may be dismissed for want of prosecution, or defendant may proceed to a trial on the merits, or the case may be continued as the judge may direct. If both parties fail to appear, the judge may continue the case, or order the same dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice may require.

Section 9. If any defendant has any claim against the plaintiff the judge may require a statement of setoff to be filed, or same may be waived. If plaintiff requires time to prepare his defense against such claim the judge may continue the case for such purpose. If any defendant has any claim against the plaintiff which exceeds the jurisdiction of the court he may use a part thereof to offset the claim of the plaintiff.

Section 10. When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay the entry of judgment, and to stay execution, and to order partial payments in such amounts, over such periods, and upon such terms as shall seem just under the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied.

Section 11. The judge of said small claims court shall from time to time make rules for a simple, inexpensive and speedy procedure to effectuate the purposes of this act and shall have power to prescribe, modify and improve the forms to be used therein. All rules and forms authorized by this section shall be

effective upon approval by the judge of the circuit court of all such counties.

Section 12. Jury trials may be had upon demand of the plaintiff at the time of the commencement of his suit or by the defendant within five (5) days after service of notice of suit by depositing with the judge or his clerk such sum as the judge may fix as reasonable to secure the payment of cost incurred by reason of a jury trial.

Section 13. Judgments of said small claims court shall become a lien on the personal property or real estate of a defendant, situated in any county, from the time of the filing in the office of the clerk of the circuit court for said county of a transcript of such judgment and the entry thereof by the clerk in a book to be kept by him for such purposes.

Section 14. Appeals may be had from judgments returned in said small claims court to the circuit court, and the same provisions now provided by law for appeal from county judge's court to the circuit court shall be applicable to appeals from the small claims court to the circuit court.

Section 15. Until otherwise provided by rules of court the statement of claim, verification and notice shall be in the following or equivalent form and shall be in lieu of any forms now employed and of any form of summons now provided by law:

SMALL CLAIMS COURT

FLORIDA

Plaintiff

Address
vs. No.-----

Defendant

Address

STATEMENT OF CLAIM

(Here the plaintiff, or at his request the court, will insert a statement of the plaintiff's claim, and the original to be filed

with the court, may if action is on a contract, expressed or implied, be verified by the plaintiff or his agent, as follows:)

State of Florida

County of _____

_____ being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant or plaintiff, exclusive of all setoffs and just grounds of defense.

Plaintiff (or agent)

Sworn and subscribed to before me this _____ day _____, 19_____

Notary Public

NOTICE

TO _____

Defendant

Home Address

Business Address

You are hereby notified that _____ has made a claim and is requesting judgment against you in the sum of _____ dollars (\$_____), as shown by the foregoing statement. The court will hold a hearing upon this claim on _____ at _____m. at (address of court).

You are required to be present at the hearing in order to avoid a judgment by default against you.

If you have witnesses, books, receipts or other writings bearing on this claim, you should bring them with you at the time of the hearing.

If you wish to have witnesses summoned, see the court at once for assistance.

If you admit the claim but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

SEAL

Clerk of the small claims court

Section 16. All forms, docket books, file jackets and the like required by this act shall be furnished by the county commissioners.

Section 17. All laws and parts of laws in conflict with this act are hereby repealed.

Section 18. If any word, phrase, sentence, section or part of this act is declared unconstitutional the remainder shall be in full force and effect.

Section 19. Chapter 28582, Laws of Florida, 1953, is repealed.

Section 20. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-704

House Bill No. 2355

AN ACT abolishing the office of prosecuting attorney in the civil and criminal court of record in all counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000), according to the latest official decennial census; transferring duties of said office to the state attorney and his assistants; providing an effective date.

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

Section 1. On and after the first Tuesday after the first Monday in January, 1969, the state attorney serving any county having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000), according to the latest official decennial

census, shall be the prosecuting attorney of the civil and criminal court of record of any such county. On and after said date, the office of prosecuting attorney of the civil and criminal court of record in any such county shall stand terminated and abolished and thereafter the state attorney and his assistant state attorneys, under his direction, shall perform all the duties and functions of office heretofore performed by the prosecuting attorney. Pending informations filed in any such civil and criminal court of record shall not be invalidated, and the state attorney, or his assistant state attorneys may file amended informations in any such cases if and when necessary.

Section 2. Upon the effective date of this act, all funds appropriated by law approved by the budget commission and budgeted by the board of county commissioners of any county having not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000), according to the latest official decennial census, shall thereafter be added to any unexpended funds budgeted and appropriated to the state attorney's office in the circuit of which said county is a part.

Section 3. This act shall take effect January 7, 1969.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-705

House Bill No. 2276

AN ACT to permit transferring from the jurisdiction and supervision of the sheriffs of each judicial circuit of the State of Florida comprised of three (3) counties having a total population according to the latest census of not less than two hundred thousand (200,000) and not more than three hundred thousand (300,000) inhabitants, to the jurisdiction and supervision of the presiding circuit judge of such judicial circuits; the employment, the rate of compensation, and the terms and conditions of employment of bailiffs of such circuits; to provide for the number, compensation and qualifications of such bailiffs; to provide for the appropriation of

funds from the treasury of the counties affected by this Act for the payment of compensation of such bailiffs; provide for the effective date hereof; to provide for the repeal of all conflicting laws.

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

Section 1.

(a) On and after the effective date of this Act, the bailiffs of each judicial circuit of the State of Florida which is comprised of three (3) counties having a combined total population of not less than two hundred thousand (200,000) and not more than three hundred thousand (300,000) inhabitants, may be chosen for employment and appointment and assigned to duty by the presiding circuit judge of such circuits; the said presiding judge is herewith given full power and authority to determine the number and fix the monthly rate of compensation of said bailiffs; the said presiding judge is herewith given the authority to:

1. Fix the tenure, term and conditions of employment of all bailiffs of said judicial circuits; and

2. Appoint all bailiffs upon the consent and advice of the judges of such circuits affected; and

3. Fix a minimum standard of qualifications to be met by each of the bailiffs to be chosen for employment and appointment hereunder;

(b) The compensation of bailiffs chosen for employment under the terms of this Act shall not exceed that of deputy sheriffs of such circuits.

Section 2. Should it become necessary or advisable for female bailiffs to be used, they shall be selected by the presiding circuit judge of such circuits, in the same manner and under the same conditions as provided for in the selection of bailiffs in Section 1 (a) above for which services the said female bailiffs shall be paid a minimum wage of fifteen dollars (\$15.00) per day.

Section 3. The sheriffs of such circuits shall appoint as a deputy sheriff of their respective counties each of the bailiffs appointed and employed under the terms of this Act, in each of

whom shall be vested the same power and authority as are vested in all deputy sheriffs of such circuits.

Section 4. Funds for the payment of salaries of the bailiffs appointed and employed under the terms of this Act shall be paid for out of the General Revenue Fund of the counties affected in keeping with the duties and places of employment of such bailiffs upon requisition by the presiding circuit judge of such circuits.

Section 5. All laws in conflict herewith are hereby repealed.

Section 6. This Act shall be liberally construed and if any part hereof is either declared unconstitutional or invalid, the remaining portion or portions shall remain in full force and effect, as if such unconstitutional or invalid part or provision had not been included herein.

Section 7. This Act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-706

House Bill No. 2263

AN ACT for the relief of the tax collector of any county in the state having a population of not less than sixty-four thousand (64,000) nor more than sixty-eight thousand (68,000), according to the latest official decennial census, providing reimbursement for funds lost without fault of the official; providing an effective date.

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

Section 1. Any county tax collector of any county of the state having a population of not less than sixty-four thousand (64,000) nor more than sixty-eight thousand (68,000), according to the latest official decennial census, is authorized to withhold ratably from tax funds collected for the county and for the school board in such a county, sufficient funds to reimburse such official in the amount of nine hundred sixty-six dollars (\$966.00) where such an amount has been charged against the

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official on account of a bad check given and accepted in payment of 1962 personal property taxes.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-707

House Bill No. 2264

AN ACT relating to Bay county, ratifying the repeal of chapter 57-527, Laws of Florida, by chapter 65-880, Laws of Florida, relating to juvenile court of Bay county; providing an effective date.

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

Section 1. Chapter 65-880, Laws of Florida, relating to juvenile court of Bay county is hereby ratified as repealing chapter 57-527, Laws of Florida, as of the first Tuesday after the first Monday in January 1967.

Section 2. This act is to take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-708

House Bill No. 2261

AN ACT amending Section 2 of Chapter 61-661, Laws of Florida, 1961, to redefine the maximum compensation of the members of the board of public instruction in counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thou-

sand (385,000) inhabitants according to the latest official decennial census; providing an effective date.

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

Section 1. Section 2 of Chapter 61-661, Laws of Florida, 1961 is amended to read:

“Section 2. The compensation of each member of the board of public instruction for attending each regular or special meeting of said board is seventy-five dollars (\$75.00); provided, however, that no member of the board shall receive compensation for more than fifty-two (52) meetings, regular or special, of the board annually, regardless of the number of such meetings such member attends.”

Section 2. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-709

House Bill No. 2260

AN ACT relating to distribution of certain race track and jai alai moneys in all counties of the state having a population of not less than four thousand five hundred fifty-five (4,555) nor more than four thousand six hundred (4,600), according to the latest official decennial census; authorizing such counties to expend race track and jai alai moneys for recreational and other community service facilities; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than four thousand five hundred fifty-five (4,555) nor more than four thousand six hundred (4,600), according to the latest official decennial census, the board of county commissioners is authorized to budget and expend moneys in said county in amount of not less than five thousand dollars (\$5,000.00) per annum from the race track and jai alai funds as provided by chapter 550, Florida Statutes.

Section 2. The county commission may in its discretion expend the moneys budgeted throughout the county.

Section 3. The moneys budgeted shall be used for the purposes of construction of community center buildings, swimming pools and necessary appurtenances, ball parks of all types, boat ramps, golf courses, fairgrounds, buildings, structures and fields providing recreational facilities or any other community facilities, the purchase of recreational facilities and equipment, books, and other reading material, and payment of personnel which will benefit and be for the use of all the citizens of the county; provided, however, that three-fourths ($3/4$) of the amounts to be expended may be pledged to secure bonds or loans for the construction of the above facilities.

Section 4. The county commission may in its discretion treat any moneys budgeted as surplus public funds and invest same for a period not to exceed ten (10) years in accordance with state laws.

Section 5. The county commissioners shall appoint a recreational advisory board composed of six (6) members to serve at the will of the county commissioners without compensation. The members of the recreational advisory board shall serve from districts to be created by the county commissioners. The purpose of this board is to serve as advisory board for the county commissioners and to advise as to how this money shall be expended each year. The advisory board shall hold at least two (2) public meetings per year and such other meetings as the chairman may call. The board is to submit recommendations in writing before May 15 of each year as to how this money shall be spent.

Section 6. The recreational advisory board shall elect one (1) of its own members as chairman. The county juvenile counsellor shall serve as secretary to the board without compensation.

Section 7. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-710

House Bill No. 2249

AN ACT providing for the relief of Richard J. Grier and Frances E. Grier, his wife, arising out of damages sustained by them and caused by carelessness of the state road department of Florida resulting in flooding of their property; providing an appropriation and providing an effective date.

Whereas, Richard J. Grier and Frances E. Grier, his wife, are permanent residents of Leon County, Florida, and are the equitable owners of certain property located in Leon county as following described:

The south 156 feet of that part of lot 367 of section 10, township 1 north, range 1 west, lying east of state road no. 63 of the plantation of the Florida pecan endowment company, recorded in plat book 1, page 4, of the public records of Leon county, Florida,

and

Whereas, when the said Richard J. Grier and Frances E. Grier, his wife, contracted to purchase said property on February 14, 1961, there existed no drainage problem in connection with said property, nor was there any drainage problem thereafter until October 30, 1963, and

Whereas, on October 30, 1963, said property was flooded by water resulting from careless construction by the state road department of Florida of certain right-of-way ditches which are parallel to state road 63 which was then being reconstructed by the state road department of Florida, and as a result of the careless construction of the said right-of-way ditches said property was repeatedly flooded causing water to stand on the property for long periods of time, making unusable a store building that was located on said property and which had theretofore been rented, making unusable an area of land that had formerly been used for a vegetable garden, making it impossible to harvest the crop of pecans from seven pecan trees, and causing considerable damage to the store building located on said property, and

Whereas, said repeated flooding of said property continued

until the said right-of-way ditches were repaired by the state road department of Florida on or about October 30, 1966, and

Whereas, on April 21, 1966, Richard J. Grier and Frances E. Grier filed suit in the circuit court in Leon county, Florida, against the state road department of Florida, and on September 26, 1966, a final decree was entered by one of the judges of the said court enjoining and commanding the state road department of Florida "to make such changes in the construction and drainage provided for state highway no. 63 in Leon county, Florida, so that said highway will not block the runoff of surface waters, causing said waters to back up on the property of plaintiffs", however, a money judgment could not be awarded to the plaintiffs in order to compensate them for the damages they had already sustained because of the state's immunity, and

Whereas, the legislature of Florida should award the said equitable owners of said property just and full compensation for the damages they have sustained as the result of the said carelessness of the state road department of Florida, and

Whereas, the legislature hereby recognizes a need which can be and should be provided for by the enactment of this act, now, therefore,

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

Section 1. The facts stated in the preamble to this act are found and declared to exist.

Section 2. The sum of two thousand seven hundred and sixty (\$2,760.00) dollars is hereby appropriated to be paid to the said Richard J. Grier and Frances E. Grier.

Section 3. The Comptroller of the state is hereby authorized and directed to draw a warrant in the sum of two thousand seven hundred and sixty (\$2,760.00) dollars upon the state treasury in favor of Richard J. Grier and Frances E. Grier upon funds from the credit of the state road department of Florida.

Section 4. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-711

House Bill No. 2206

AN ACT relating to Walton county; ratifying and confirming all actions of the board of county commissioners relating to payment of expenses; providing an effective date.

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

Section 1. All acts of the board of commissioners of Walton county relating to payment of expenses are hereby ratified and confirmed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-712

House Bill No. 2201

AN ACT relating to justice of the peace courts having trial jurisdiction in any county of the state having a population of not less than thirty thousand five hundred (30,500) and not more than thirty-five thousand (35,000), according to the latest official decennial census; providing for fees and maximum compensation; providing an effective date.

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

Section 1. Justices of the peace in any county of the state having a population of not less than thirty thousand five hundred (30,500) and not more than thirty-five thousand (35,000), according to the latest official decennial census, having trial jurisdiction of misdemeanors committed in their respective districts punishable by no more than a fine of five hundred dollars (\$500.00) or imprisonment for six (6) months or both shall be paid as fees for all services to be performed by him in any criminal proceeding, in lieu of all other fees heretofore charged, the sum of ten dollars (\$10.00) for each defendant. The fee shall be deemed earned upon the institution of the proceedings

and shall be paid by the board of county commissioners without regard to the disposition of the proceeding when billed for by the justice of the peace.

Section 2. The justice of the peace of each district in the county where the compensation for official duties is paid wholly or partly by fees or commission shall receive an annual compensation not to exceed nine thousand dollars (\$9,000.00) to be paid per annum from the income of the office in each district.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-713

House Bill No. 2156

AN ACT relating to alcoholic beverage licenses, in all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census; providing for the issuance of an exempt alcoholic beverage license for public owned or leased theater property; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred-fifty thousand (350,000), according to the latest official decennial census, not more than one (1) exempt license for the sale of alcoholic beverages issued or held under section 561.34 (4), Florida Statutes, as limited by section 561.20 (1), Florida Statutes, may be issued to any tenant, producer, or producer's authorized agent, for the sale of alcoholic beverages on the premises of any theater erected on land owned, or leased by any county or municipality, provided the principal use of such theater is the production and staging of live stage plays or musicals open to the public.

Section 2. The sale and consumption of alcoholic beverages on the theater premises shall be confined to the period of one

hour before commencement and one hour after closing of the performance being given on any one day.

Section 3. A resolution of the county or city commission or council, or similar governing body owning or leasing the theater property, consenting to the issuance of such license and certifying such theater is principally used for the production and staging of live stage plays or musicals open to the public shall be a pre-requisite for the issuance of such license.

Section 4. The discontinuance of the use of such theater for such plays or musicals for a continuous period of twelve months shall be grounds for revocation of such license.

Section 5. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-714

House Bill No. 2151

AN ACT relating to the superintendent of public instruction of Suwannee County, Florida; authorizing the board of public instruction of said county to supplement the compensation provided by general law in order to provide compensation to the county superintendent in excess of the compensation of any teacher, administrator or supervisor in the county school system; providing an effective date.

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

Section 1. The board of public instruction of Suwannee County, Florida, is hereby authorized to supplement the compensation of the county superintendent of public instruction of said county in order to provide compensation to the county superintendent not in excess of three hundred dollars (\$300.00) more than the highest compensation paid to any teacher, administrator or supervisor employed in the Suwannee County school system.

Section 2. The supplement to the compensation herein au-

thorized shall be in addition to the compensation provided for by any general law.

Section 3. The supplement shall be paid from county current funds in equal monthly or semi-monthly installments.

Section 4. This act shall take effect immediately upon its passage and approval by the governor, or its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-715

House Bill No. 2137

AN ACT relating to humane societies in all counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; amending section 1 of chapter 61-1722, Laws of Florida; providing for a contractual arrangement between the board of county commissioners and humane societies located and operating in such counties; providing an effective date.

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

Section 1. Section 1 of chapter 61-1722, Laws of Florida, is amended to read:

Section 1. In all counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, the county commissioners and the humane society are authorized to enter into a contractual arrangement whereby the humane society may perform for the county any necessary services relating to animals and livestock and be compensated therefor on the basis of the reasonable value of the services rendered.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-716

House Bill No. 2074

AN ACT for the relief of Aida Lubin of Dade county for damages suffered as a result of the negligence of the state road department in allowing a dangerous condition to exist on an incompleated road; providing an appropriation; providing an effective date.

WHEREAS, on December 18, 1965, Aida Lubin of Miami Beach was riding as a passenger in a car driven by Leon Kopel on northwest seventy-seventh avenue in Dade county, and

WHEREAS, northwest seventy-seventh avenue was an incompleated road and was left in a dangerous condition by the state road department through its failure to provide warning signs or protective devices at the road's dead end, and

WHEREAS, the car in which Aida Lubin was riding dropped about three (3) feet off the unmarked dead end, and

WHEREAS, Aida Lubin received severe injuries and permanent facial disfigurement requiring past and future medical expenses, and

WHEREAS, the facial disfigurement of Aida Lubin has resulted in pain and suffering in an untold amount, and

WHEREAS, Aida Lubin has no recourse at law against the state of Florida for the injury to her person, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of two thousand five hundred dollars (\$2,500.00) is appropriated out of state road department funds in the state treasury not otherwise appropriated to be paid to Aida Lubin as relief for damages suffered by her as a result of the accident described in the preamble hereof.

Section 3. The comptroller shall draw his warrant in the sum of two thousand five hundred dollars (\$2,500.00) upon state road department funds in the state treasury not otherwise ap-

propriated and the state treasurer shall pay the same to Aida Lubin out of such funds.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-717

House Bill No. 2007

AN ACT amending chapter 61-647, Laws of Florida, 1961, as amended by chapter 63-667, Laws of Florida, 1963, relating to justices of the peace in counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census; amending section 3 thereof relating to compensation of justices of the peace; amending section 5 thereof, to delete the budget of the office of constable from the budget of the justice of the peace; amending section 6 thereof to delete reference to the office of constable; providing an effective date.

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

Section 1. Section 3 of chapter 61-647, Laws of Florida, 1961, as amended is amended to read:

Section 3. In all counties coming under the provisions of this act, the justices of the peace of the various districts shall be paid as follows, to wit:

Justice of the Peace of District No. 1—9,500.00 per annum
Justice of the Peace of District No. 2—9,500.00 per annum
Justice of the Peace of District No. 3—9,500.00 per annum
Justice of the Peace of District No. 4—8,500.00 per annum
Justice of the Peace of District No. 5—9,500.00 per annum

Said salaries shall be payable monthly or semi-monthly by the counties wherein the justices are elected out of the fine and forfeiture fund.

Section 2. Section 5 of chapter 61-647, Laws of Florida, 1961, is amended to read.

Section 5. Each justice of the peace shall prepare a budget embodying the expenditures he deems to be necessary for the operation of his office and the complete performance of his duties as such justice of the peace, judge of the county district court and as judge of the small claims court, excluding therefrom his salary as justice. Said justice of the peace shall submit said budget to the board of county commissioners, for its approval. Upon approval each of said budgets shall be included by the board of county commissioners in the budget for the fine and forfeiture fund for the county and offices and courts.

Section 3. Section 6, chapter 61-647, Laws of Florida, 1961, is amended to read:

Section 6. Upon requisition by each justice of the peace the board of county commissioners of such county shall pay out of the fine and forfeiture fund and charge to the proper budget appropriation, the various items of expense as are necessary for the proper operation of the office of each justice of the peace as stated in Section 5.

Section 4. This act shall take effect on the first Tuesday after the first Monday of January, 1969.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-718

House Bill No. 2001

AN ACT to authorize the state road department to declare, designate and establish a certain state road in Santa Rosa county; providing for building, construction and maintenance.

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

Section 1. The state road department is authorized to take over, build, construct and maintain the following road which is declared, designated and established as a state road:

Begin at a convenient point on US 90 at or near the junction of said US 90 and State Road 191A in the area of

the center of Section 17, Township 1 North, Range 28 West and to extend a Southerly direction approximately three or four miles to the interchange of I-10 in the area of Avalon Beach Subdivision in Santa Rosa County, Florida.

Section 2. This road if so declared, designated and established shall be appropriately numbered by the state road department and shall be entitled to receive all rights and privileges of other designated primary state roads.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-719

House Bill No. 1988

AN ACT relating to constables in counties having a population not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census; fixing compensation; regulating expenses, disbursements and receipts of constables office; providing for reports and accounting of constables office; repealing chapter 63-969, Laws of Florida, 1963; and providing an effective date.

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

Section 1. This act applies in all counties having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census.

Section 2. All emoluments of the office of constable, specifically including all money received or credits due for services performed, shall become and be the property of the county. When money, if any, is received by such constable, it shall be held by said constable, in trust for such county until paid over to the county. All such constables shall be compensated by salary only, as provided herein.

Section 3. In all counties coming under the provisions of

this act and having five (5) justice of the peace districts, the constables of the various districts shall be paid as follows, to wit:

Justice of the Peace District No. 1. One dollar (\$1.00) per annum.

Justice of the Peace District No. 2. One dollar (\$1.00) per annum.

Justice of the Peace District No. 3. One dollar (\$1.00) per annum.

Justice of the Peace District No. 4. One dollar (\$1.00) per annum.

Justice of the Peace District No. 5. One dollar (\$1.00) per annum.

Said salaries shall be payable by the counties wherein the constables are elected and shall be paid out of the general fund.

Section 4. The county shall provide no budget or other expenditure of funds, except salaries as herein provided, in connection with or relative to the office of constable.

Section 5. All money collected or received, if any, by the constable for services rendered by virtue of his office, shall be promptly deposited in the regular course of business in a public depository designated by the board of county commissioners of the county wherein the justice district for said constable is located.

Section 6. The county commissioners shall furnish and the constable shall keep a set of records of accounts, according to well recognized and modern business principles, which shall at all times be a record for public examination and audit. Before the first Saturday of each month, each constable must account for all the moneys, if any collected, by him and pay over to the general fund of said county the said funds. If all or any part of the emoluments of said office consists of credits earned, the said constable must account for said credits earned to the county commission at the same time as designated above. Each constable annually on a date set by the board of county commissioners of the county shall file with the commission a sworn itemized statement of said records of account. If the board of county commissioners determines that any con-

stable has not fully complied with this act, said board shall report the matter to the governor of the state.

Section 7. Chapter 63-969, Laws of Florida, 1963, is repealed upon the effective date of this law.

Section 8. This act shall take effect on the first Tuesday after the first Monday of January, 1969.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-720

House Bill No. 1954

AN ACT relating to Jackson county; creating a small claims court of limited jurisdiction; providing for a judge and clerk and their duties; providing for the pleading, practice and service of notice of proceedings; providing a fee schedule; repealing chapters 27115, 1951; 28682, 1953; 59-992; 61-1483; and 61-1771, Laws of Florida, relating to the same subject; providing an effective date.

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

Section 1. There is established in Jackson county a small claims court, which court shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed seven hundred fifty dollars (\$750.00) and in which the cause of action accrued or the defendant resides in Jackson county. Said jurisdiction shall be concurrent with the jurisdiction of any other court now or hereafter established in Jackson county.

Section 2. Upon this act becoming a law the judge now authorized for the small claims court in Jackson county by pre-existing law shall continue in office until his term of office expires, when such judge shall be reappointed or a successor appointed by the governor for a term of four (4) years and any vacancy in such office shall be filled by appointment by the governor.

Section 3. Any duties herein prescribed to be performed by the clerk may be performed by the judge, although the judge may appoint a person to act as clerk of the small claims court, who shall be compensated from the fees hereinafter provided.

Section 4. All fees collected by the judge as authorized herein, after deducting costs, shall be retained by him as his sole remuneration, but provided that the compensation of such judge shall not exceed the amount of four thousand eight hundred dollars (\$4,800.00) per year and any surplus fees existing after payment of compensation of such judge and the clerk and the expenses of such office shall be paid into the general fund of the county.

Section 5. Actions shall be commenced by the filing of a statement of claims, including the last known address of the defendant, in concise form and free from technicalities. The plaintiff or his agent shall verify the statement of claim by oath or affirmation in the form herein provided or its equivalent and shall affix his signature thereto. The judge or clerk may, at the request of any individual, prepare the statement of claim and other papers required to be filed in an action without cost.

(1) A copy of the verified statement of claim, together with a notice of hearing in the form hereinafter prescribed, shall be served on the defendant, and such service shall be sufficient to give the court jurisdiction in the premises. Service of said notice may be made in any county by any official or person authorized by law to serve process in circuit courts or by registered mail with return receipt or by any person not a party to or otherwise interested in the suit, especially appointed by the judge for that purpose. Process of this court shall run throughout the state.

(2) When notice is to be served by registered mail, the clerk shall enclose a copy of the statement of claim, verification and notice in an envelope addressed to the defendant, at his last known address, prepay the postage from the filing fee hereinafter provided for, mail the same forthwith, noting on the record the day and hour of mailing. If such receipt is returned, the clerk shall attach the same to the original statement of claim, and it shall be prima facie evidence of service upon the defendant.

(3) When served by a private individual, as above provided, he shall make proof of service by affidavit, showing the time and place of such service on the defendant.

(4) When served as provided, the actual cost of service shall be taxable as costs. The cost of service by other than registered mail shall be advanced by the party demanding same in addition to the filing fee hereinafter provided and shall be taxed as other costs.

(5) The plaintiff shall be entitled to a judgment by default, without further proof, upon failure of defendant to appear, when the claim of the plaintiff is for a liquidated amount; when the amount is unliquidated, plaintiff shall be required to present proof of his claim.

(6) Said notice shall provide the day and hour of the hearing, which shall be not less than five (5) nor more than fifteen (15) days from the date of the service of said notice; provided, however, that where service is made by registered mail the date of mailing shall be the date of service.

Section 6. A docket shall be maintained in which shall be indicated every proceeding and ruling had in each case.

Section 7. The plaintiff, when he files his claim, shall deposit with the court for claims up to two hundred fifty dollars (\$250.00), three dollars and fifty cents (\$3.50); for claims more than two hundred fifty dollars (\$250.00) up to five hundred dollars (\$500.00), five dollars (\$5.00); for claims more than five hundred dollars (\$500.00) up to seven hundred fifty dollars (\$750.00), seven dollars and fifty cents (\$7.50), except proceedings of garnishment, attachment, replevin and distress, when the fee shall be six dollars (\$6.00), which shall cover all costs of the proceeding except of service of the notice other than by registered mail and as hereinafter provided. If a party fails to pay accrued costs, the judge shall have power to deny said party the right to file any new case while such costs remain unpaid and likewise to deny such litigant the right to proceed further in any case pending. The award of court costs, as between the parties, shall be according to the discretion of the judge and shall be taxed in the cause at his discretion.

Section 8. (1) On the day set for the hearing or such

later time as the judge may set, the trial shall be had. Immediately prior to the trial of any case, the judge shall make an earnest effort to settle the controversy by conciliation. If the judge fails to induce the parties to settle their differences without a trial, he shall proceed with the hearing on the merits.

(2) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and all rules and regulations relating to pleading, practice and procedure shall be liberally construed so as to administer justice.

(3) If the plaintiff fails to appear, the suit may be dismissed for want of prosecution or defendant may proceed to a trial on the merits or the case may be continued as the judge may direct. If both parties fail to appear, the judge may continue the case or order the same dismissed for want of prosecution or make any other just and proper disposition thereof, as justice may require.

Section 9. If any defendant has any claim against the plaintiff, the judge may require a statement of setoff to be filed or same may be waived. If plaintiff requires time to prepare his defense against such claim, the judge may continue the case for such purpose. If any defendant has any claim against the plaintiff which exceeds the jurisdiction of the court, he may use a part thereof to offset the claim of the plaintiff.

Section 10. When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay the entry of judgment and to stay execution and to order partial payments in such amounts, over such periods and upon such terms as shall seem just under the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied.

Section 11. The judge of the small claims court shall from time to time make rules for a simple, inexpensive and speedy procedure to effectuate the purposes of this act and shall have power to prescribe, modify and improve the forms to be used therein. All rules and forms authorized by this section shall be

effective upon approval by a judge of the circuit court of the fourteenth circuit.

Section 12. Jury trials may be had upon demand of the plaintiff at the time of the commencement of his suit or by the defendant within five (5) days after service of notice of suit by depositing with the judge or his clerk such sum as the judge may fix as reasonable to secure the payment of cost incurred by reason of a jury trial.

Section 13. Judgments of the small claims court shall become a lien on the real estate of a defendant, situated in Jackson county, from the time of the filing in the office of the clerk of the circuit court for said county, of a transcript of such judgment and the entry thereof by the clerk in a book to be kept by him for such purposes.

Section 14. Appeals may be had from judgments returned in the small claims court to the circuit court, and the same provisions now provided for by law for appeal from county judges court to the circuit court, shall be applicable to appeals from the small claims court to the circuit court.

Section 15. Until otherwise provided by rules of court the statement of claim, verification and notice shall be in the following or equivalent form and shall be in lieu of any forms now employed and of any form of summons now provided by law:

SMALL CLAIMS COURT

FLORIDA

Plaintiff

Address

vs.

No. -----

Defendant

Address

STATEMENT OF CLAIM

(Here the plaintiff or at his request the court will insert a statement of the plaintiff's claim, and the original to be filed

with the court may, if action is on a contract, express or implied, be verified by the plaintiff or his agent, as follows:)

State of Florida

County of _____

_____ being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant or plaintiff, exclusive of all setoffs and just grounds of defense.

Plaintiff (or agent)

Sworn and subscribed to before me this _____ day of _____, 19_____.

Notary Public

NOTICE

TO _____

Defendant

Home Address

Business Address

You are hereby notified that _____ has made a claim and is requesting judgment against you in the sum of _____ dollars (\$_____), as shown by the foregoing statement. The court will hold a hearing upon this claim on _____ at _____ M. at (address of court).

You are required to be present at the hearing in order to avoid a judgment by default against you.

If you have witnesses, books, receipts or other writings bearing on this claim, you should bring them with you at the time of the hearing.

If you wish to have witnesses summoned, see the court at once for assistance.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

Clerk of the small claims court

(SEAL)

Section 16. All forms, docket books, file jackets and the like required by this act shall be furnished by the county commissioners.

Section 17. If any word, phrase, sentence, section or part of this act is declared unconstitutional, the remainder shall remain in full force and effect.

Section 18. Chapters 27115, 1951; 28682, 1953; 59-992; 61-1483; and 61-1771, Laws of Florida, are repealed.

Section 19. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-721

House Bill No. 1946

AN ACT for the relief of Claude Thompson growing out of a loss sustained as a result of legal fees paid in defense of his acts as a public official; making an appropriation therefor; providing an effective date.

WHEREAS, Claude Thompson is the duly appointed harbor master of the port of Key West and had been since June 18, 1959, and

WHEREAS, the motor vessel Judy tied up along side another vessel at Mallory Dock (the city docks) in Key West on September 5, 1965, and

WHEREAS, hurricane Betsy became imminent on September 6, 1965, and the harbor master Claude Thompson advised the master of the M/V Judy to seek safer moorings nearby and arranged for Coast Guard assistance in so doing, and

WHEREAS, the master of the M/V Judy refused to move

the vessel at the suggestion of the harbor master and Coast Guard officials, and

WHEREAS, harbor master Claude Thompson was without legal authority to demand removal of the vessel to safer moorings, and

WHEREAS, the M/V Judy tore loose from her moorings, broke up and sank on September 8, 1965, during the height of hurricane Betsy, and

WHEREAS, the master of the M/V Judy thereafter brought suit against harbor master Claude Thompson as a public official alleging a duty to provide a berth for the Judy and further alleging a default in a public duty, and

WHEREAS, the harbor master Claude Thompson in fact had no duty to provide a berth for vessels in the harbor and had no public duty which he failed to perform, and

WHEREAS, the Federal District Court in dismissing the action against harbor master Claude Thompson held in effect that he had no obligation to the master of the M/V Judy and had not failed in the performance of his official duties, and

WHEREAS, \$933.76 in personal funds of harbor master Claude Thompson were expended in defense of his actions as a public official, and

WHEREAS, there are no suitable or available sources of funds to reimburse harbor master Claude Thompson for the expense incurred in the defense of this lawsuit brought against him as a public official,

NOW, THEREFORE,

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

Section 1. That the sum of nine hundred thirty-three dollars and seventy-six cents is hereby appropriated from the general revenue fund to compensate harbor master Claude Thompson for the loss sustained in the defense of a lawsuit brought against him as a public official in which he prevailed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-722

House Bill No. 1922

AN ACT for the relief of Stella Watson Courtney, widow of Levi Marion Courtney; providing retirement benefits to Stella Watson Courtney based upon the employment of Levi Marion Courtney with the State of Florida; providing an effective date.

WHEREAS, Levi Marion Courtney, born December 1, 1904, and employed with the state department of agriculture from January 1, 1957 until his untimely death on October 10, 1966, and

WHEREAS, at the time of his death Levi Marion Courtney had accumulated twenty working days annual leave, thereby bringing him to within fifty-two days of eligibility for retirement benefits, and

WHEREAS, Levi Marion Courtney left surviving him a widow, Stella Watson Courtney, who is in needy circumstances, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The comptroller of the state is authorized to draw a warrant monthly in favor of Stella Watson Courtney from the state and county officers and employees retirement trust fund an amount equal to the amount Levi Marion Courtney would have drawn if he had been eligible for retirement benefits at the time of his death; providing there is paid into the state and county officers and employees retirement trust fund an amount required for entitlement to retirement benefits.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-723

House Bill No. 1882

AN ACT relating to county line drainage district created under chapter 298 Florida Statutes; ratifying, restating, extending, establishing, and approving the district boundaries; making applicable to such district the provisions of chapter 298 Florida Statutes; finding a public benefit; finding that all lands in said district are benefited; providing for the levy, collection and enforcement of all taxes levied by said district at the same time and in like manner as county taxes; providing for the same discount and penalties as county taxes; declaring that waters in said district are a common enemy; providing for severability of the provisions of the act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; approving the manner of giving notice of intention to apply for this legislation; enacting other provisions relating to this subject; and providing an effective date.

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

Section 1. District formation ratified, restated and approved: The decree of the circuit court in and for the twelfth judicial circuit, Lee county, Florida, entered in civil case no. 67-72 with respect to county line drainage district, a public corporation of this state, and all subsequent proceedings taken in said circuit court concerning said district including provisions setting and extending the boundaries of said drainage district are ratified, confirmed and approved and established as the boundaries of said county line drainage district.

Section 2. Boundaries of the district. The territorial boundaries of the district shall be as stated in the various orders and decrees of the circuit court of the twelfth judicial circuit in and for Lee county, Florida, entered in civil case no. 67-72 and are established upon all of the following described property all located in Township 43 South, Range 27 East, Lee county, Florida:

The East one-half of the Southeast one-quarter of the Northeast one-quarter and the Southeast one-quarter of Section 1. All of Sections 2 and 3 The North one-half and the Southeast one-quarter of Section 12. The North three-

quarters of Section 13 except that portion owned by Central and Southern Florida flood control district and a parcel in the South one-half of the Southwest one-quarter of Section 13 as described hereinbelow.

All are ratified, confirmed and approved.

The boundaries are legally described as follows:

Beginning at the southeast corner of Section 12, Township 43 South, Range 27 East; thence North $00^{\circ} 29' 00''$ east along the east line of said Section 12 a distance of 2,676.24 feet to the east quarter corner of said Section 12; thence continuing North $00^{\circ} 29' 00''$ east, a distance of 2,676.24 feet along the east line of said Section 12 to the northeast corner of said Section 12; thence North $00^{\circ} 29' 20''$ east along the east boundary of Section 1, Township 43 South, Range 27 East, a distance of 2,672.17 feet to the east quarter corner of said Section 1; thence continuing North $00^{\circ} 31' 40''$ east along the east line of said Section 1 to the northeast corner of the east half of the southeast quarter of the northeast quarter of said Section 1; thence westerly along the north boundary of the east half of the southeast quarter of the northeast quarter of said Section 1 to the northwest corner of the east one-half of the southeast quarter of the northeast quarter; thence southerly along the west boundary of the east half of the southeast quarter of the northeast quarter of said Section 1 to the north line of the southeast quarter of said Section 1; thence westerly along the north line of the southeast quarter of said Section 1 to the northwest corner of the southeast quarter of said Section 1; thence southerly along the west boundary of the southeast quarter of Section 1; Township 43 South, Range 27 East, to the north quarter, corner of Section 12, Township 43 South Range 27 East; thence westerly along the north boundary of Section 12 to the Southeast corner of Section 2; thence northerly along the east boundary of Section 2 to the northeast corner of Section 2; thence westerly along the north boundary of Sections 2 and 3 to the northwest corner of Section 3; thence southerly along the west boundary of Section 3 to the Southwest corner of Section 3; thence easterly along the south boundary of Sections 3 and 2 to the northwest corner of Section 12; thence southerly along the west boundary of Section 12 to a point 2365 feet

south of the northwest corner of Section 12; thence run easterly on a line parallel to and 2365 feet south of the north boundary of Section 12 as measured perpendicular thereto to the west boundary of the east one-half of Section 12; thence southerly along the west boundary of the east one-half of Section 12 to the south quarter corner of said Section 12; thence north $89^{\circ} 45' 50''$ east a distance of 2,665.48 feet along the south line of Said section 12 to the southeast corner of Section 12, Township 43 South, Range 27 East, or the Point of Beginning of the lands hereinbefore described plus the following land in Section 13, Township 43 South, Range 27 East.

The North three-quarters of Section 13; and that portion of land in Section 13 described as beginning 412.5 feet west of the southeast corner of the southwest quarter of said Section 13, run west 990 feet thence north 1320 feet; thence east to the creek, thence southwesterly along the creek to the point north of the point of beginning thence south to the point of beginning, excepting from all the lands hereinabove described, a parcel of land in Section 13 Township 43 South, Range 27 East being more specifically described as follows:

From a 4" X 4" concrete monument marking the northwest corner of said Section 13, bear south $0^{\circ} 13' 15''$ east along the west line of said Section 13 a distance of 2124.00 ft. to the point of beginning; thence run south $89^{\circ} 36' 20''$ east parallel to the south line of said Section 13 a distance of 1800 ft.; thence south $0^{\circ} 13' 15''$ east parallel to the west line of said Section 13, a distance of 2360.11 ft.; thence north $89^{\circ} 36' 20''$ west a distance of 562.68 ft., thence, north $0^{\circ} 5' 00''$ west a distance of 524.79 ft. to an intersection thereof with north line of the south one-half of the southwest one-quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) of said Section 13, thence, north $89^{\circ} 47' 12''$ west along said north line to the west line of Section 13, Township 43 South, Range 27 East; thence northerly along the west line of said Section 13 of the point of beginning.

All of the above described lands lying and being in Section 13, Township 43 South, Range 27 East, Lee County, Florida.

Section 3. Provisions of chapter 298, Florida Statutes made applicable. County line drainage district, a public corporation of this state, created under chapter 298, Florida Statutes shall be governed by provisions of the general drainage laws of Florida applicable to such drainage districts or sub-drainage districts which are embodied in chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with his act or any subsequent special acts relating to county line drainage district. All actions approved by the court shall be deemed to be the action of the legislature as though the same were set forth herein.

Section 4. Installment taxes and the collection thereof. The provisions of Section 298.37, Section 298.38, Section 298.39, Section 298.40, Section 298.41 and Section 298.42 Florida Statutes and amendments thereto, shall not be applicable to said district. In lieu thereof the following provisions shall apply to said district.

Annual installment taxes which are levied under Section 298.36 Florida Statutes, shall become due and be collected during each year at the same time that county taxes are due and collected, and said annual installment and levy shall be evidenced to and certified to by the board of supervisors not later than August 31st of each year, to the tax assessor of Lee county. Said tax shall be extended by the said tax assessor of Lee county and shall be collected by the tax collector of Lee county in the same manner and time as county taxes, and the proceeds thereof paid to said district. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

Section 5. Maintenance tax. For the purpose of paying the cost of administering the affairs of the district generally, and for the purpose of maintaining, operating, preserving and rendering efficient ditches, canals, drains, dikes, levees and other improvements, and for the purpose of defraying expenses of the district, the board is hereby empowered to levy a tax upon the lands within the drainage district, not to exceed the sum of twenty dollars (\$20.00) per acre per year.

Maintenance taxes as provided herein and under section 298.54 Florida Statutes, shall be apportioned as determined by

the board of supervisors and shall be evidenced to and certified by the board of supervisors not later than August 31st of each year, to the tax assessor of Lee county and upon the county tax roll and shall be collected by the tax collector of Lee county in the same manner and time as county taxes and the proceeds therefrom paid to such district. Such tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

Section 6. The county tax assessor shall receive his compensation for the duties required of him by the provisions of this act at a commission of three per cent (3%) upon the amount of taxes of the district by him assessed, except errors, and one per cent (1%) on delinquent taxes when redeemed, and the county tax collector shall receive his compensation for the duties required of him by the provisions of this act a commission of three per cent (3%) upon the amount of taxes of the district by him collected and one per cent (1%) on delinquent taxes when collected.

Section 7. Enforcement of taxes. The provisions of section 298.43, section 298.44, section 298.45 and section 298.46 Florida Statutes and amendments thereto, shall not be applicable to said district. In lieu thereof, the following shall apply to said district.

The collection and enforcement of all taxes levied by said district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith, shall be applicable to said district and the delinquent and unpaid taxes of said district to the same extent as if said statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes.

Section 8. When unpaid taxes delinquent; penalty. All taxes provided for in this act shall become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 9. Water a common enemy. It is hereby determined,

declared and enacted that the lands in the district in their natural condition are wet and subject to overflow, and that the drainage, reclamation and protection of said lands from the effect of water and thereby the making of said lands available for agricultural, settlement, urban and subdivision purposes by drainage, reclamation and improvement, and the creation of said district with the powers vested in it by this act, are in the interest of and conducive to public welfare, health and convenience. It is further declared that in said district, surface waters, which shall include rainfall from the overflow of rivers and streams are a common enemy, and said district and any individual or agency holding a permit to do so from said district, shall have the right to dike, dam and construct levees to protect the said district or any part thereof, or the property of said individual or agency against the same, and thereby divert the course and flow of such surface waters or pump the water from within such dikes and levees.

Section 10. Severability. In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances or persons shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any of the sections or provisions of this act or the application of such sections or provisions to any other situation, circumstances or persons and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 11. Effect of conflict. In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 12. Notice of intention. It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the constitution and the laws. Said notice is found to be sufficient and is hereby validated and approved.

Section 13. When act to take effect. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-724

House Bill No. 1863

AN ACT relating to the department of motor vehicles; authorizing the director to designate agents for the distribution of license plates to applicants in cities having a population of two thousand three hundred seven (2,307) situated in all counties of the state having a population of not less than thirty-six thousand (36,000) and not more than thirty-six thousand seven hundred (36,700) according to the latest official decennial census; ratifying and confirming all registrations of motor vehicles made pursuant to chapter 23000, Laws of Florida, 1945; providing an effective date.

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

Section 1. The director of the department of motor vehicles is authorized to designate an agent for the distribution of motor vehicle license plates in cities having a population of two thousand three hundred seven (2,307) in all counties of the state having a population of not less than thirty-six thousand (36,000) and not more than thirty-six thousand seven hundred (36,700) according to the latest official decennial census. The agents shall deliver said license plates subject to the requirements and conditions as provided in section 320.03, Florida Statutes, for the delivery of such license plates by the tax collectors of the several counties of the state.

There shall be a service charge of fifty cents (\$.50) for each application which is handled, which service charge shall be collected from the applicant and retained by the agents as compensation for all services rendered in connection with the handling of the said applications.

Section 2. All registrations of motor vehicles made by any agent appointed by the state motor vehicle commissioner as authorized by chapter 23000, Laws of Florida, 1945, are hereby ratified and confirmed.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-725

House Bill No. 1855

AN ACT for the relief of Colonel George E. Steinmeyer, Jr.; appropriating money from the state road department fund in the state treasury to compensate him for attorneys' fees incurred as a result of a suit against him for acts committed by him while employed by the state road department; providing an effective date

WHEREAS, Colonel George E. Steinmeyer, Jr. was employed by the state road department, rendering good and faithful service to the state, and

WHEREAS, Colonel Steinmeyer was representing the state road department on Project No. 16180-3103 as project engineer and at no time was acting in any personal capacity, and

WHEREAS, all action taken by said Colonel Steinmeyer was under the authority vested in him by the state road department standard specifications for road and bridge construction, and

WHEREAS, as a result of the alleged acts as aforesaid, a damage suit was instituted against Colonel Steinmeyer as an individual, and

WHEREAS, as a result of said suit, Colonel Steinmeyer was forced to employ, and did employ, legal counsel to represent and defend him in the circuit court of the tenth judicial circuit, in and for Polk county, at a great personal expense to him for which legal services said Colonel Steinmeyer became indebted in the sum of seven hundred fifty dollars (\$750.00), and

WHEREAS, said suit was dismissed January 14, 1966, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of seven hundred fifty dollars (\$750.00) is hereby appropriated out of the state road department fund in the state treasury not otherwise committed or expended, to be paid to Colonel George E. Steinmeyer, Jr., of Polk county, as relief for damages sustained by him as a result of a suit

instituted against him as an individual for alleged acts while employed by the state road department in the capacity of project engineer, which suit has been dismissed, said Colonel Steinmeyer being exonerated.

Section 3. The comptroller of the state is directed to draw his warrant in the sum of seven hundred fifty dollars (\$750.00) upon the state road department funds in the state treasury in favor of Colonel George E. Steinmeyer, Jr., and the state treasurer is directed to pay the same out of any such funds in the state treasury not otherwise expended or committed.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-726

House Bill No. 1844

AN ACT relating to prosecuting attorney, compensation, in any county of the state having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000), according to the latest official decennial census; providing a salary for the prosecuting attorney of the county court in any such county; requiring that said attorney submit a budget annually to the board of county commissioners for the purpose of defraying office expenses; prescribing a method of payment, repealing chapter 65-724, Laws of Florida; providing an effective date.

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

Section 1. The salary of the prosecuting attorney of the county court in any county of the state having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000), according to the latest official decennial census, shall be ten thousand dollars (\$10,000.00) per year.

Section 2. The prosecuting attorney shall submit prior to October 1, of each year to the board of county commissioners in

any such county a proposed budget showing the anticipated expenses of operating his office for the ensuing year.

Section 3. The salary fixed in section 1 of this act shall be paid in twelve (12) equal monthly installments from the fine and forfeiture fund of the county and shall be paid by warrants issued by the chairman of the board of county commissioners and no other records shall be necessary in accounting for these payments. Any funds appropriated by the board for the purpose of defraying the expenses of the prosecuting attorney's office shall be paid in a like manner and shall come from the fine and forfeiture fund of the county.

Section 4. Chapter 65-724, Laws of Florida, is repealed.

Section 5. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-727

House Bill No. 1741

AN ACT for the relief of Ephriam Jones; providing for the payment of monies from funds under the jurisdiction of the legislature of the state of Florida; providing an effective date.

WHEREAS, on February 18, 1965, Ephriam Jones was drowned as a result of being thrown into Ocean Canal also known as the Hillsboro Canal along the right-of-way of state road 80, Palm Beach County, Florida, when riding as a passenger in a 1962 Ford panel van truck being operated by one Frank Manrow, which while being driven over a wooden bridge over said canal struck a loose plank which plank jammed into the steering mechanism or chassis thereof causing said vehicle to go out of control and to plunge into said canal; and

WHEREAS, the aforesaid accident which caused Ephriam Jones' death by drowning was the result of the negligent and careless construction or maintenance or control of said wooden bridge by the state of Florida or one of its several agencies; and

WHEREAS, there is no cause of action at law for the wrong-

ful death of the aforesaid Ephriam Jones, as no such action shall lie against the state of Florida or its several agencies unless there is liability insurance, of which there is none; and

WHEREAS, the aforesaid Ephriam Jones was 30 years of age at the time of his death and left surviving him a family to be provided for and supported by the aforesaid Ephriam Jones; and

WHEREAS, the sum of four thousand dollars (\$4,000.00) is a fair and reasonable sum of money to be paid to his survivors; and

WHEREAS, there are no such funds now available for said survivors; NOW, THEREFORE,

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

Section 1. The sum of four thousand dollars (\$4,000.00) is appropriated out of the funds of the Central and Southern Florida Flood Control District and the appropriate authority is authorized and directed to draw a warrant for and pay such sum from such monies, payable to the said Harold F. Edwards, as trustee for the survivors of Ephriam Jones.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-728

House Bill No. 1738

AN ACT for the relief of Leon Williams; providing for the payment of monies from funds under the jurisdiction of the legislature of the state of Florida; providing an effective date.

WHEREAS, on February 18, 1965, Leon Williams was drowned as a result of being thrown into Ocean Canal also known as the Hillsboro Canal along the right-of-way of state road 80, Palm Beach county, Florida, when riding as a passenger in a 1962 Ford panel van truck being operated by one Frank Manrow, which while being driven over a wooden bridge

over said canal struck a loose plank which plank jammed into the steering mechanism or chassis thereof causing said vehicle to go out of control and to plunge into said canal; and

WHEREAS, the aforesaid accident which caused Leon Williams' death by drowning was the result of the negligent and careless construction or maintenance or control of said wooden bridge by the state of Florida or one of its several agencies; and

WHEREAS, there is no cause of action at law for the wrongful death of the aforesaid Leon Williams, as no such action shall lie against the state of Florida or its several agencies unless there is liability insurance, of which there is none; and

WHEREAS, the aforesaid Leon Williams was 30 years of age at the time of his death and left surviving him a family to be provided for and supported by the aforesaid Leon Williams; and

WHEREAS, the sum of four thousand dollars (\$4,000.00) is a fair and reasonable sum of money to be paid to his survivors; and

WHEREAS, there are no such funds now available for said survivors; NOW, THEREFORE,

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

Section 1. The sum of four thousand dollars (\$4,000.00) is appropriated out of the funds of the Central and Southern Florida Flood Control District and the appropriate authority is authorized and directed to draw a warrant for and pay such sum from such monies, payable to the said Harold F. Edwards, as trustee for the survivors of Leon Williams.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-729

House Bill No. 1737

AN ACT for the relief of Derek Johnson; providing for the payment of monies from funds under the jurisdiction of the legislature of the state of Florida; providing an effective date.

WHEREAS, on February 18, 1965, Derek Johnson was drowned as a result of being thrown into Ocean Canal also know as the Hillsboro Canal along the right-of-way of state road 80, Palm Beach county, Florida, when riding as a passenger in a 1962 Ford panel van truck being operated by one Frank Manrow, which while being driven over a wooden bridge over said canal struck a loose plank which plank jammed into the steering mechanism or chassis thereof causing said vehicle to go out of control and to plunge into said canal; and

WHEREAS, the aforesaid accident which caused Derek Johnson's death by drowning was the result of the negligent and careless construction or maintenance or control of said wooden bridge by the state of Florida or one of its several agencies; and

WHEREAS, there is no cause of action at law for the wrongful death of the aforesaid Derek Johnson, as no such action shall lie against the state of Florida or its several agencies unless there is liability insurance, of which there is none; and

WHEREAS, the aforesaid Derek Johnson was forty-three (43) years of age at the time of his death and left surviving him a family to be provided for and supported by the aforesaid Derek Johnson; and

WHEREAS, the sum of four thousand dollars (\$4,000.00) is a fair and reasonable sum of money to be paid to his survivors; and

WHEREAS, there are no such funds now available for said survivors; NOW THEREFORE,

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

Section 1. The sum of four thousand dollars (\$4,000.00) is appropriated out of the funds of the Central and Southern Florida Flood Control District and the appropriate authority is authorized and directed to draw a warrant for and pay such sum from such monies, payable to the said Harold F. Edwards, as trustee for the survivors of Derek Johnson.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-730

House Bill No. 1638

AN ACT relating to and providing for the appointment and salary of secretaries for each judge of the circuit court of all judicial circuits of the state comprised of three (3) counties having an aggregate population of not less than two hundred thousand (200,000) and not more than four hundred thousand (400,000), according to the latest official decennial census.

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

Section 1. The board of county commissioners of each county in any judicial circuit of the state of Florida which is comprised of three (3) counties and having an aggregate population of not less than two hundred thousand (200,000) and not more than four hundred thousand (400,000), according to the latest official decennial census, are authorized and directed to employ a secretary for each circuit judge residing in said county. The secretary shall be of the judge's own selection. The board is authorized and directed to pay to such secretary an annual compensation payable in equal monthly installments, said salary to be determined by the judge in accord with prevailing wages in the county of residence.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-731

House Bill No. 1637

AN ACT relating to any judicial circuit of the state of Florida comprising three (3) counties and having a population in such judicial circuit of not less than two hundred thousand (200,000) nor more than four hundred thousand (400,000), according to the latest official decennial census; providing for employment of and compensation for child custody investigators and facilities therefor, and authorizing the expenditure of public funds to provide salaries, offices, facilities

and equipment by the boards of county commissioners of the counties therein.

WHEREAS, the enforcement of the duty of child support is in the public interest in order to diminish the expenditure of public welfare funds and to assure to those children the necessities of life, and some thirty-eight hundred (3,800) in one of said counties alone are now being supported through the medium of judicially enforced decrees.

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

Section 1. The board of county commissioners of all counties embraced within a judicial circuit of the state comprised of three (3) counties and having an aggregate population in excess of two hundred thousand (200,000) and not more than four hundred thousand (400,000), are hereby authorized and empowered to expend from the general fund of said county or counties money to provide salaries, expenses, office equipment, office space, communication equipment and other requirements for child custody investigators in amounts to be recommended by the judges of the circuit court and approved by said boards. The investigators shall be selected by said judges.

Section 2. The expenditure of said funds is declared to be for a public purpose.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-732

House Bill No. 1633

AN ACT relating to each county in the State having a criminal court of record and a population of more than one hundred seventy-five thousand (175,000) but less than two hundred thousand (200,000) according to the last decennial census; providing for the positions of official court reporters in each said court; fixing their number and providing the method of appointment, the terms, duties and compensation;

repealing all laws in conflict, specifically including chapter 61-1368, laws of Florida; providing an effective date.

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

Section 1. That in all counties of the State of Florida having a population of not less than 175,000 nor more than 200,000 inhabitants according to the latest official census in which there exists a criminal court of record, be and there is hereby created the position of an official criminal court reporter for each of the judges of the criminal court of record for such county or counties throughout the State of Florida.

Section 2. The said official criminal court reporters are required to report at the direction of the judges of said criminal court of record, or at the request of the county solicitor or counsel for the defendant, all testimony, all objections, grounds of objections, and the rulings of the court thereon had and taken in the trial of felony cases held in said criminal courts of record, and when so directed by one of the judges of said court to report, transcribe and file in the cause, all charges to the jury given by the judges of said court, all objections to the giving or failure to give any instruction, the grounds of objection, and the rulings of the said court thereon; and at all times to be subject to the call and order of the said judges of said court.

Section 3. The said official criminal court reporters shall report, at the direction of the judges or at the request of the county solicitor or counsel for the defendant, all testimony, objections and rulings thereon in the trial of misdemeanor cases and the said reporters shall be entitled to receive a per diem for each day or fraction of a day in which said reporters shall be engaged in reporting each such misdemeanor case not less than ten dollars (\$10.00); and said reporters shall, when ordered by the judges or by either party in any criminal case, report voir dire examinations, discussions off the record, and arguments of counsel and shall be entitled to receive as compensation therefor not less than ten dollars (\$10.00) for each such reporting assignment.

Section 4. The said reporters shall, when requested to prepare a transcript from the stenographic notes of the testimony and proceedings of any criminal case, be allowed to charge for such services the amount as may be authorized from time to

time by the judges of said criminal courts of record; however, said amount shall not exceed the authorized charges for similar services performed by official court reporters of the circuit courts in such counties; each transcript page shall consist of not less than twenty-five lines of double spaced pica typing; said fees for typing shall be paid in advance by the person ordering the transcript, except in cases in forma pauperis, in which cases the court reporters shall present his or her bill for such transcript to the county commissioners and the same shall be allowed and paid out of the fine and forfeiture fund by the board of county commissioners of such county, in addition to the regular salary of said official court reporters. The report of said official court reporters, when written out in longhand writing or written in type and certified to by him or her as being a correct transcript of the testimony and proceedings in the case, shall be prima facie a correct statement of such testimony and proceedings.

Section 5. That in each county in the State of Florida to which this act applies the offices of official criminal court reporters shall be filled by the judges of the criminal court of record of such county making an appointment thereto, which appointment shall be in writing and a copy thereof filed in the minutes of the criminal court of record of such county and a duplicate thereof filed with the board of county commissioners of such county, such persons receiving the appointment of official court reporter, after taking the oath of office, shall hold office at the pleasure of the judges of said court.

Section 6. The salary of the said official court reporters shall be determined and fixed by the judges of the said criminal court of record and shall be paid from the fine and forfeiture fund of each such county by the board of county commissioners.

Section 7. All laws and parts of laws in conflict herewith be and the same are hereby repealed, and specifically repealing Chapter 61, 1368, Laws of Florida of 1961.

Section 8. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-733

House Bill No. 1631

AN ACT relating to appointing of deputy constables in all counties of the state having a population of not less than one hundred seventy-five thousand (175,000) and not more than two hundred thousand (200,000), according to the latest official decennial census; amending section 1 of chapter 63-658, laws of Florida, to authorize three deputy constables in justice of the peace district number five (5) of each such county; and providing an effective date.

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

Section 1. Section 1 of Chapter 63-658, laws of Florida, is amended to read:

Section 1. In all justice of the peace districts in all counties of the State of Florida having a population of not less than one hundred seventy-five thousand (175,000), nor more than two hundred thousand (200,000), according to the latest official decennial census, the regularly elected or otherwise duly authorized and qualified constable of the justice of the peace district number five (5) may appoint three (3) deputy constables and all other regularly elected or otherwise duly authorized constables of any such justice of the peace district may appoint not more than one deputy constable. Such deputy constables are hereby vested with all the powers and shall discharge all the duties of the constable of such district under the direction of the constable, and may be dismissed from the service at the option of the constable appointing him or his successor in office.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-734

House Bill No. 1481

AN ACT relating to urban renewal by counties having a population of not less than three hundred and ninety thousand

(390,000) and not more than four hundred and fifty thousand (450,000), to all counties having a population of more than nine hundred thousand (900,000), according to the 1960 decennial census, and to all municipalities located within such counties; declaring and determining legislative necessity and intent; authorizing and providing for exercise of urban renewal powers after findings of necessity by counties and municipalities; providing for a referendum; and providing an effective date.

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

Section 1. This act shall apply to all counties having a population of not less than three hundred and ninety thousand (390,000) and not more than four hundred and fifty thousand (450,000), to all counties having a population of more than nine hundred thousand (900,000), according to the 1960 decennial census, and to all municipalities located within such counties.

Section 2. Short title.—This act shall be known and may be cited as the “urban renewal law”.

Section 3. Findings and declarations of necessity.—It is hereby found and declared that there exist in counties or municipalities of the state slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous county or municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of counties or municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties or municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities.

It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this act, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this act, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.

It is further found and declared that the powers conferred by this act are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

Section 4. Definitions.—The following terms wherever used or referred to in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) “Agency” or “urban renewal agency” shall mean a public agency created by section 21 of this act.

(b) “Public body” shall mean the state or any county, municipality, township, village, board, commission, authority, district, or any other subdivision or public body of the state.

(c) “Governing body” shall mean the council or other legislative body charged with governing the county or municipality.

(d) “Mayor” shall mean the mayor of a municipality, or, for a county, the chairman of the board of county commissioners, or such other officer as may be constituted by law to act as the executive head of such a municipality or county.

(e) “Clerk” shall mean the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(f) “Federal government” shall include the United States of

America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(g) "Slum area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(h) "Blighted area" shall mean an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, tax or special assessment delinquency exceeding the fair value of the land, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a county or municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; provided, however, that if such blighted area consists of open land the conditions contained in the proviso in subsection 8(d) shall apply; and provided further, that any disaster area referred to in subsection 8(g) shall constitute a "blighted area".

(i) "Urban renewal project" may include undertakings and activities of a county or municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

(1) acquisition of a slum area or a blighted area or portion thereof;

- (2) demolition and removal of buildings and improvements;
- (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this act in accordance with the urban renewal plan;
- (4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the county or municipality itself) at its fair value for uses in accordance with the urban renewal plan;
- (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (6) acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;
- (7) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;
- (8) acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income;
- (9) construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.
- (j) "Urban renewal area" means a slum area or a blighted

area or a combination thereof which the governing body designates as appropriate for an urban renewal project.

(k) "Urban renewal plan" means a plan, as it exists from time to time for an urban renewal project which plan (1) shall conform to the general plan for the county or municipality as a whole except as provided in subsection 8(g); and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.

(l) "Related activities" shall mean (1) planning work for the preparation of a general neighborhood renewal plan, or for the preparation or completion of a community-wide plan or program pursuant to section 9 of this act, and (2) the functions related to the acquisition and disposal of real property pursuant to section 10(d) of this act.

(m) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(n) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(o) "Obligee" shall mean and include any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the county or municipality.

(p) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(q) "Area of operation" shall mean, for a county, the area within the boundaries of the county, and for a municipality,

the area within the corporate limits of the municipality and such area within five miles of the corporate limits of the municipality which lies within the county in which the municipality is located and which does not lie within the corporate limits of another municipality.

(r) "Housing authority" shall mean a housing authority created by and established pursuant to the housing authorities law.

(s) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the county or municipality.

(t) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations or to other activities concerning dwellings in the county or municipality.

Section 5. Encouragement of private enterprise.—A county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this act, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. A county or municipality shall give consideration to this objective in exercising its powers under this act, including the formulation of a workable program, the approval of urban renewal plans, community-wide plans or programs for urban renewal, and general neighborhood renewal plans (consistent with the general plan of the county or municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

Section 6. Workable program.—A county or municipality for the purposes of this act may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid ac-

tivities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the county or municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

Section 7. Finding of necessity by counties or municipalities.—No county or municipality shall exercise the authority conferred by this act until after the governing body shall have adopted a resolution finding that (1) one or more slum or blighted areas exist in such county or municipality; and (2) the rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such county or municipality.

Section 8. Preparation and approval of plan for urban renewal project.—(a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) The county or municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to a county or municipality. Prior to its approval of an urban renewal project, the governing body shall submit such plan to the planning commission of the county or municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the county or municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of

the planning commission or, if no recommendations are received within said 30 days, then without such recommendations, the governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the governing body may approve an urban renewal project and the plan therefor if its finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the county or municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; provided, however, that if the urban renewal area consists of an area of open land to be acquired by the county or the municipality, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the county or municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses

is an integral part of and essential to the program of the county or municipality, or (2) if it is to be developed for non-residential uses, the governing body shall determine that such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a county or municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

(e) An urban renewal plan may be modified at any time; provided, however, that if modified after the lease or sale by the county or municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the county or municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

(f) Upon the approval of the governing body of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the county or municipality may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this act, where the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified, the need for disaster assistance under federal law, the governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a gen-

eral plan for the county or municipality and a public hearing on the urban renewal project.

Section 9. Neighborhood and community-wide plans.—(a) A municipality or county or any public body authorized to perform planning work may prepare a general neighborhood renewal plan for an urban renewal area or areas, together with any adjoining areas having specially related problems which may be of such scope that urban renewal activities may have to be carried out in stages. Such plan may include, but is not limited to, a preliminary plan which (1) outlines the urban renewal activities proposed for the area involved, (2) provides a framework for the preparation of urban renewal plans, and (3) indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment. A general neighborhood renewal plan shall, in the determination of the governing body, conform to the general plan of the locality as a whole and the workable program of the county or municipality.

(b) A county or municipality or any public body authorized to perform planning work may prepare or complete a community-wide plan or program for urban renewal which shall conform to the general plan for the development of the county or municipality as a whole and may include, but is not limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, and scheduling of urban renewal activities.

(c) Authority is hereby vested in every county or municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the county or municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related county or municipal planning activities, and to make available and to appropriate necessary funds therefor.

Section 10. Powers.—Every county or municipality shall have all the powers necessary or convenient to carry out and

effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted :

(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this act; provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict a county or municipality or other public body exercising powers hereunder, in the exercise of such functions with respect to an urban renewal project and related activities, unless the legislature shall specifically so state;

(d) with the approval of the governing body, (1) to acquire real property in an urban renewal area, demolish and remove

any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses; and (2) to assume the responsibility to bear any loss that the result of the exercise of authority under this subsection in the event that the real property is not made part of the urban renewal project;

(e) to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to section 13 of this act at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be cancelled;

(f) to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this act, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to federal laws as the county or municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this act;

(g) within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this act and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but are not limited to (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and

related activities; and to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income and to apply for, accept and utilize grants of funds from the federal government for such purposes;

(h) to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, non-profit organizations and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;

(i) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this act, and to levy taxes and assessments for such purposes; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority or an urban renewal agency vested with urban renewal powers under section 18 of this act (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), respecting action to be taken by such county or municipality pursuant to any of the powers granted by this act;

(j) to close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and to plan or replan any part of the county or municipality;

(k) within its area of operation, to organize, coordinate, and direct the administration of the provisions of this act, as they may apply to such county or municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved, and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively; and

(l) to exercise all or any part or combination of powers herein granted.

Section 11. Eminent domain.—(a) A county or municipality shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project and related activities under this act. A county or municipality may exercise the power of eminent domain in the manner provided in chapters 73 and 74, Florida Statutes, and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner; provided, however, that no real property belonging to the United States, the state, or any political subdivision of the state, may be acquired without its consent.

(b) In any proceeding to fix or assess compensation for damages for the taking of property, or any interest therein, through the exercise of the power of eminent domain or condemnation, evidence or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages, in addition to evidence or testimony otherwise admissible:

(1) any use, condition, occupancy, or operation of such property, which is unlawful or violative of, or subject to elimination, abatement, prohibition, or correction under, any law or any ordinance or regulatory measure of the state, county, municipality, other political subdivision, or any agency thereof, in which such property is located, as being unsafe, substandard, unsanitary or otherwise contrary to the public health, safety, morals, or welfare;

(2) the effect on the value of such property, of any such use, condition, occupancy, or operation, or of the elimination, abatement, prohibition, or correction of any such use, condition, occupancy, or operation.

(c) The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public officer toward the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation. Testimony or evidence that any public body or public officer charged with the duty or authority so to do has

rendered, made or issued any judgment, decree, determination or order for the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation shall be admissible and shall be prima facie evidence of the existence and character of such use, condition or operation.

Section 12. Disposal of property in urban renewal area.—

(a) A county or municipality may sell, lease or otherwise transfer real property or any interest therein acquired by it for an urban renewal project, and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial, educational or other uses or for public use or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this act; provided, however, that such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the county or municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, a county or municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the county or municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The county or municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the

real property without the prior written consent of the county or municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by a county or municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the county or municipality may determine) may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(b) A county or municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as provided in this subsection. A county or municipality may, by public notice by publication in a newspaper having a general circulation in the community (thirty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within 30 days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The county or municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the county or municipality in the urban renewal area. The county or municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this act; provided, however, that a notification of intention to accept such proposal shall be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county or municipality may execute such contract in ac-

cordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.

(c) A county or municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this act, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any real property acquired pursuant to subsection 10(d) may be disposed of without regard to other provisions of this section if the governing body has consented to the disposal.

(e) Notwithstanding any other provisions of this act, where the county or municipality is situated in an area designated as a redevelopment area under the federal area redevelopment act (public law 87-27), or the public works and economic development act of 1965 (public law 89-136), or any acts supplementary thereto, land in an urban renewal project area designated under the urban renewal plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practicable by the public body or corporation for redevelopment in accordance with the urban renewal plan and only the purchaser from or lessee of the public body or corporation, and their assignees, shall be required to assume the obligation of beginning the building of improvements within a reasonable time. Any disposition of land to a public body or corporation under this subsection shall be made at its fair value for uses in accordance with the urban renewal plan.

Section 13. Issuance of bonds.—(a) A county or municipality shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this act, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and shall have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely

from the income, proceeds, revenues, and funds of the county or municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this act; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects of the county or municipality under this act, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the county or municipality.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this act are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the governing body and may be issued in one or more series and shall bear such date or dates, by payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or ordinance, or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publication as the county or municipality may determine or may be exchanged for other bonds on the basis of par; provided, however, that such bonds may be sold to the federal government at private sale at not less than

par, and, in the event less than all of the authorized principal amount on such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the county or municipality of not to exceed the interest cost to the county or municipality of the portion of the bonds sold to the federal government.

(e) In case any of the public officials of the county or municipality whose signatures appear on any bonds or coupons issued under this act shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this act or the security therefor, any such bond reciting in substance that it has been issued by the county or municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this act.

Section 14. Bonds as legal investments.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a county or municipality pursuant to this act or by any urban renewal agency or housing authority vested with urban renewal project powers under section 20 of this act; provided, however, that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity

of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section 15. Property exempt from taxes and from levy and sale by virtue of an execution.—(a) All property of a county or municipality, including funds, owned or held by it for the purposes of this act shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against a county or municipality be a charge or lien upon such property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this act by a county or municipality on its rents, fees, grants or revenues from urban renewal projects.

(b) The property of a county or municipality, acquired or held for the purposes of this act, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof; provided, however, that such tax exemption shall terminate when the county or municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Section 16. Cooperation by public bodies.—(a) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project and related activities autho-

rized by this act, any public body may, upon such terms, with or without consideration, as it may determine; (1) dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a county or municipality; (2) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section; (3) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan and related activities; (4) lend, grant or contribute funds to a county or municipality, and borrow money and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county or other public body, or from any other source; (5) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the federal government, a county or municipality or other public body respecting action to be taken pursuant to any of the powers granted by this act, including the furnishing of funds or other assistance in connection with an urban renewal project and related activities; and (6) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places; plan or replan, zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the county or municipality. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the county or municipality, which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects and related activities (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of any may be enforced by such public body or governmental agency. As used in this subsection, the term "county or municipality" shall also include an urban renewal agency or a housing authority vested with all of the urban renewal powers pursuant to the provisions of section 20.

(b) Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.

(c) For the purpose of aiding in the planning, undertaking or carrying out of any urban renewal project and related activities of an urban renewal agency or a housing authority hereunder, a county or municipality may (in addition to its other powers and upon such terms, with or without consideration, as it may determine) do and perform any or all of the actions or things which, by the provisions of subsection (a) of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(d) For the purposes of this section, or for the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project and related activities of a county or municipality, such county or municipality may (in addition to any authority to issue bonds pursuant to section 13) issue and sell its general obligation bonds. Any bonds issued by a county or municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such county or municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this act.

Section 17. Title of purchaser.—Any instrument executed by a county or municipality and purporting to convey any right, title or interest in any property under this act shall be conclusively presumed to have been executed in compliance with the provisions of this act insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

Section 18. Counties with home rule charter.—In counties which have adopted home rule charters, the powers conferred by this act shall be exercised exclusively by the governing body of such county. Provided, however, that the governing body of any such county having adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon said county by this act within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer

only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county.

Section 19. Counties without home rule charters.—The powers conferred by this act upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a municipality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers conferred upon counties by this act shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.

Section 20. Exercise of powers in carrying out urban renewal project and related activities.—(a) A county or municipality, subject to the provisions and limitations of sections 18 and 19, may itself exercise its urban renewal powers (as herein defined) or may, if the governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency (created by section 21) or by the housing authority, if one exists or is subsequently established in the community. In the event the governing body makes such determination, the urban renewal agency or the housing authority, as the case may be, shall be vested with all of the urban renewal powers in the same manner as though all such powers were conferred on such agency or authority instead of the county or municipality. If the governing body does not elect to make such determination, the county or municipality in its discretion may exercise its urban renewal powers through a board or commissioner or through such officers of the county or municipality as the governing body may by resolution determine.

(b) As used in this section, the term “urban renewal powers” shall include the rights, powers, functions and duties of a county or municipality under this act, except the following: the power to determine an area to be a slum or blighted area or combination thereof and to designate such area as appropriate for an urban renewal project and to hold any public hearings required with respect thereto; the power to approve

(1) urban renewal plans and modifications thereof; (2) general neighborhood renewal plans and community-wide plans or programs for urban renewal, and (3) the acquisition, demolition, removal or disposal of property as provided in subsection 10(d); the power to establish a general plan for the locality as a whole; the powers to formulate a workable program under section 6; the power to make the determinations and findings provided for in section 5, section 7, and subsection 8(d); the power to issue general obligation bonds under section 16, the power to assume the responsibility to bear loss as provided in subsection 10(d); and the power to appropriate funds, levy taxes and assessments, and to exercise other powers provided for in subsection 10(i).

Section 21. Urban renewal agency.—(a) There is hereby created in each county or municipality a public body corporate and politic to be known as the “urban renewal agency” of the county or municipality; provided, however, that such agency shall not transact any business or exercise its powers hereunder until or unless the governing body has made the finding prescribed in section 7 and has elected to have the urban renewal powers exercised by an urban renewal agency as provided in section 20.

(b) If the urban renewal agency is authorized to transact business and exercise powers hereunder, the governing body of the county or municipality shall appoint a board of commissioners of the urban renewal agency which shall consist of five commissioners. The term of office of each such commissioner shall be one year.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting

business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be coterminous with the area of operation of the county or municipality) and are otherwise eligible for such appointments under this act.

The governing body of the county or municipality shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this act shall file, with the governing body, on or before March 31st of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

(d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least 10 days prior to such hearings and have had an opportunity to be heard in person or by counsel.

Section 22. Powers supplemental to existing urban renewal powers.—The powers conferred upon counties or municipalities by this act shall be supplemental to any urban renewal powers now being exercised by any county or municipality in accordance with the provisions of any population act, special act, or under the provisions of the home rule charter for Dade county.

Section 23. Interested public officials, commissioners or employees.—No public official or employee of a county or municipi-

pality (or board or commission thereof), and no commissioner or employee of a housing authority or urban renewal agency which has been vested by a county or municipality with urban renewal powers under section 20 shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such county or municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the governing body such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban renewal project, he shall immediately disclose this fact in writing to the governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, commissioner or employee shall not participate in any action by the county or municipality (or board or commission thereof), housing authority, or urban renewal agency affecting such property. Any disclosure required to be made by this section to the governing body shall concurrently be made to a housing authority or urban renewal agency which has been vested with urban renewal powers by the county or municipality pursuant to the provisions of section 20. No commissioner or other officer of any housing authority, urban renewal agency, board or commission exercising powers pursuant to this act shall hold any other public office under the county or municipality other than his commissionership or office with respect to such housing authority, urban renewal agency, board or commission. Any violation of the provisions of this section shall constitute misconduct in office.

Section 24. Separability; act controlling.—Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law.

Section 25. Referendum—This act shall not be effective in any municipality or county except upon its ratification by a majority of the electors of such municipality or county voting at a special or regular election on the question.

Section 26. This act shall not apply in any manner or form to any county or municipality to which any special, local or general act heretofore passed relating to urban renewal applies, unless a referendum be first held on the subject with favorable result.

Section 27. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-735

House Bill No. 1501

AN ACT relating to Brevard county; authorizing the board of county commissioners to supplement the salaries of circuit judges who are residents of the county; making the same a county purpose; repealing all laws in conflict herewith; and providing for an effective date.

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

Section 1. The board of county commissioners of Brevard county is hereby authorized to supplement the salary of each circuit judge qualified and serving as such who resides in Brevard county, in the following manner: Each such circuit judge may be paid by the board of county commissioners of Brevard county, Florida, in equal monthly installments a total supplementary salary in an amount per annum equal to the difference between the annual salary compensation paid circuit

judges by the state of Florida and the maximum salary which shall from time for time be authorized by general law. The payment of such supplementary salary is hereby declared to be a county purpose.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect on August 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-736

House Bill No. 1463

AN ACT relating to alcoholic beverages, club beverage licenses in each county in the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census; providing for three (3) additional beverage licenses; providing an effective date.

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

Section 1. In each county of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by three (3) more than the number of such licenses currently authorized to be issued pursuant to such section; provided, that such additional licenses authorized by this act in such county shall be issued to the following: (1) Pompano Beach Loyal Order of Moose Lodge No. 2157, (2) Polish American Club of Fort Lauderdale, Inc., (3) Polish American Club of Hollywood, 211 N. 21 Avenue, Hollywood, Florida. It is further provided such clubs meet all the requirements of the beverage laws.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-737

House Bill No. 1477

AN ACT relating to the east Bonita drainage district as it applies to Lee county, providing for taxation and enforcement of taxation in said district; providing an effective date.

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

Section 1. *District boundaries ratified and approved.*—The decree of the circuit court in and for the twelfth (12th) judicial circuit, Lee county, entered in chancery number 17124 on July 26, 1965, with respect to the east Bonita drainage district, a public corporation of this state, and the subsequent decree of the circuit court in and for the twelfth (12th) judicial circuit, Lee county.

Section 2. *Provisions of chapter 298, Florida Statutes, made applicable.*—The east Bonita drainage district, a public corporation of this state, created under chapter 298, Florida Statutes, shall be governed by provisions of the general drainage laws of Florida applicable to drainage districts or subdrainage districts which are embodied in chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with this act or any subsequent special acts relating to east Bonita drainage district.

Section 3. *Installment taxes and the collection thereof.*—The provisions of sections 298.37, 298.38, 298.39, 298.40 and 298.41, Florida Statutes, and amendments thereto, shall not be applicable to said district. In lieu thereof, the following provision shall apply to said district:

Annual installment taxes, which are levied under section 298.36, Florida Statutes, shall become due and be collected during each year at the same time that county taxes are due and collected, and said annual installment and levy shall be evidenced to and certified by the board of supervisors not later than August 31 of each year, to the tax assessor of Lee county, in which lands of the district are situated. Said tax shall be extended by the county tax assessor on the county tax rolls and shall be collected by the tax collector in the same manner and time as county taxes, and the proceeds thereof paid to said district. Said tax shall be a lien until paid on the property

against which assessed, and enforceable in like manner as county taxes.

Section 4. *Maintenance tax.*—Maintenance taxes as provided for under section 298.54, Florida Statutes, shall be apportioned upon the basis of the net assessments of benefits assessed as accruing from original construction, and shall be evidenced to and certified by the board of supervisors not later than August 31 of each year, to the tax assessors of counties in which lands of the district are situated, and shall be extended by the county tax assessor on the county tax rolls and shall be collected by the tax collector in the same manner and time as county taxes and the proceeds therefrom paid to said district. Said tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

Section 5. *Enforcement of taxes.*—The provision of sections 298.45 and 298.46, Florida Statutes, and amendments thereto, shall not be applicable to said district. In lieu thereof, the following shall apply to said district:

The collection and enforcement of all taxes levied by said district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds thereon, and all other procedure in connection therewith, shall be applicable to said district tax and the delinquent and unpaid taxes of said district to the same extent as if said statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes.

Section 6. *When unpaid taxes delinquent; penalty.*—All taxes provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 7. *Water a common enemy.*—It is hereby determined and enacted that lands in the district in their natural condition are wet and subject to overflow, and that the drainage, reclamation and protection of said lands from the effects of water and thereby the making of said lands available for agricultural,

settlement, urban and subdivision purposes by drainage, reclamation and improvement, and the creation of said district with the powers vested in it by this act, are in the interest of and conducive to public welfare, health and convenience. It is further declared that in said district, surface waters, which shall include rainfall and the overflow of rivers and streams, are a common enemy, and the said district and any individual or agency holding a permit to do so from said district, shall have the right to dike, dam and construct levees to protect the said district or any part thereof, or the property of said individual or agency against the same, and thereby divert the course and flow of such surface waters or pump the water from within such dikes and levees.

Section 8. *Severability.*—In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstances or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 9. *Effect of conflict.*—In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 10. *Notice of intention.*—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 11. *When act to take effect.*—This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-738

House Bill No. 2401

AN ACT relating to Palm Beach county, juvenile and domestic relations court; amending chapter 65-707, Laws of Florida; providing for a second judge of said court; providing the manner of selection, tenure and salary of both judges; providing that the salary of the chief counselor shall be determined by general law; providing that technical rules of evidence shall not exclude investigative reports from consideration by this court or the circuit court; providing an effective date.

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

Section 1. Sections 2, 3, 4, 5 and 9(1) of chapter 65-707, Laws of Florida, are amended to read:

Section 2. There shall be two (2) judges of the juvenile and domestic relations court of Palm Beach county, who shall be elected and serve for a term of four (4) years.

Section 3. The present judge of said court shall not be disturbed in the tenure of his office, his current term of office expiring on the first Tuesday after the first Monday in January, 1971. A second judge shall be appointed by the governor upon the effective date of this act whose term of office shall expire on the first Tuesday after the first Monday in January, 1969. The second judge herein provided for, after the initial appointment, shall be elected by the qualified electors of Palm Beach county in the general election of 1968 for a normal term of four (4) years, beginning on the first Tuesday after the first Monday in January, 1969.

Section 4. The judges of said court shall receive a salary equal to the total annual salary, including any county supplementary compensation, to which the lowest paid circuit court judge of Palm Beach county shall from time to time be entitled to receive, payable in equal monthly installments out of money and funds which the county commission shall provide.

Section 5. The salary of the chief counselor of said court shall be determined in the manner prescribed by section 39.18 (2) (f), Florida Statutes.

Section 9. (1) When requested by any court in Palm Beach

county, the juvenile and domestic relations court may cause an investigation to be made by its counselors of the family history and environment of any child which may be subject to the jurisdiction of said court or involved in any proceedings before it. Such investigations shall be concerned only with facts in the past history and environment of the adults and children involved in such cause. The technical rules of evidence shall not exclude such investigative reports from consideration by the court. These reports shall become a part of the record, unless all parties consent that said reports remain confidential for the sole use of the courts having jurisdiction.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-739

House Bill No. 2425

AN ACT relating to counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census. Authorizing civil service for employees of certain statutory and constitutional officers; creating a civil service board; providing for its powers, duties, and compensation; providing for competitive tests; providing for public hearings and appeals; authorizing expenditures of the board; prohibiting classified employees from political activities; providing penalties; providing for a method for employees to come under the provision of this act; providing an effective date.

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

Section 1. This act shall apply only to those counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census.

Section 2. The classified service to which this law shall apply shall include all positions and employees in the office and

under the employ of all of the elected or appointed statutory and constitutional county officers, except as herein otherwise provided, who shall elect that their employees shall come under this act, except for such officers, their chief deputies or assistants, and their personal secretaries.

Section 3. There is hereby created a civil service board composed of five (5) members to administer the terms of this act who shall be selected :

(a) Two (2) members of the board shall be elected by a majority vote of the officers who elect that their employees shall come under the provisions of this act. In the event only one (1) officer elects that his employees shall come under the provisions of this act, such officer shall appoint two (2) members of the board. In the event only two (2) officers elect that their employees shall come under the provisions of this act, each of such officers shall appoint one (1) member of the board. That prior to the initial creation of the board, any officer who wishes to elect that his employees come under the provisions of this act, shall notify each officer who may come within the provisions of this act, in writing, of such intention. That such notice shall include a statement of intention to choose the two (2) members of the board provided for in this section, and shall state a time and place within the county, at least thirty (30) days from the date of such notice, where all officers electing that their employees come within the provisions of this act may meet and by majority vote select the two (2) members of the board provided for in this section.

(b) Two (2) members of the board shall be elected by a majority vote of a five-person (5) committee representing the classified employees of all officers who elect that their employees shall come under the provisions of this act. Selection of this committee shall be by secret vote of all of the employees of such officers. That within thirty (30) days from the selection of the members of the board provided for in section 3 (a) above, the officers who have elected that their employees shall come within the provisions of this act shall conduct an election among all such employees to effect the purpose herein stated. That provision shall be made that any employee wishing to seek election to such committee may have his name placed upon the ballot. That such officers shall provide rules and regulations for the conduct of said election in accordance with the intent

of this act. That the five (5) employees receiving the highest number of votes shall be deemed elected to such committee. Such committee shall meet as soon as practicable thereafter for the purpose of selecting the two (2) members of the board provided for herein.

(c) The four (4) members of the board thus selected shall select a fifth member to serve on the board.

Section 4. The terms of the members of the board shall be as follows:

(a) The members appointed or elected by the officer or officers shall serve for a period of three (3) years.

(b) The members of the board elected by the committee representing the classified employees shall serve for a period of two (2) years.

(c) The member of the board selected by the other four (4) members of the board shall serve for a period of one (1) year.

(d) The term of each of the members of the board shall begin to run from the date of his appointment.

Section 5. Successor members of the board shall be selected by a procedure identical to that by which their predecessor was selected and they shall serve for a period of two (2) years. All vacancies on the board shall be filled by the procedures hereinabove set out. Any member of the board may be removed for cause at any time by a unanimous vote of the other members.

Section 6. All members of the board must be: over twenty-one (21) years of age; of good moral character; of good reputation in the community; a citizen of the United States; a permanent resident of Florida; and must reside in the county where they are appointed for at least two (2) years prior to their appointment. No person may serve who is the husband, wife or near relative of a member of the classified service of any officer who elects that his employees shall come under the provisions of this act, or of such officer.

Section 7. No member of the board shall hold office or be employed in any capacity by the United States, the state of Florida, or any city or county of this state. No member of the

board shall serve on a political committee or take an active part in the management of any campaign.

Section 8. The members of the board will receive no salary but each shall be paid twenty-five dollars (\$25.00) per month each month in which a minimum of one (1) meeting of the board is held to defray expenses incurred in performing the duties of the board.

Section 9. When appointed, the members of the board shall qualify by filing with the Secretary of State an oath to support and defend the Constitution of the United States and the state of Florida and to fully perform the duties of their office.

Section 10. The civil service board upon its organization shall elect one (1) of its members as chairman. The civil service board may employ one (1) person to serve as secretary of such board. The secretary shall perform such duties as may be required by the civil service board and this act. The salary of the secretary shall be set by the civil service board and paid from the appropriations as provided in section 27 of this act. Be it provided, however, that in addition hereto the civil service board may use the services of the county personnel department or they may employ such additional professional, administrative, secretarial or clerical assistance as may be required to comply with the provisions of this act. The expenses of such additional assistance shall be paid from the appropriations as provided in section 27.

Section 11. Each officer who elects that his employees shall come under the provisions of this act shall submit to the board a table of organization and a list of all officers, positions or classes and the pay scale of each of the officers, positions or classes now existing in the office of each officer who elects that his employees shall come under the provisions of this act.

Section 12. The board as a body shall have the power :

(a) To adopt and amend rules and regulations for the administration of this act by the affirmative vote of four (4) members of the board.

(b) To make investigations concerning the enforcement and effect of this act and to require observance of its provisions and the rules and regulations made thereunder.

(c) To hear and determine appeals and complaints respecting the administration of this act.

(d) To establish and maintain a roster of all employees of the classified service and the office of each officer who elects that his employees shall come under the provisions of this act showing their position, rank, compensation and places of residence.

(e) To ascertain and record the duties and responsibilities pertaining to all positions in the classified service and classify such positions in the manner hereinafter provided.

(f) Except, as otherwise provided in this act, to formulate and hold competitive tests to determine the qualifications of persons who seek employment in any position, and as a result of such tests, establish employment lists of eligibles for the various positions.

(g) To establish records of the performance and a system of service ratings to be used to determine promotions, the order of lay-offs and re-employment and for other purposes.

(h) To keep any other such records as may be necessary for the proper administration of this act.

Section 13. All persons in the employ of the office of each officer who elects that his employees shall come under the provisions of this act at the time this act becomes operative who have served for a period longer than six (6) months to be known under this act as a classified service shall be retained without preliminary or performance tests but shall thereafter be subject in all other respects to the provisions of this act. Any other persons in the classified service at the time this act becomes operative shall be regarded as holding their positions under provisional appointment and may be required to take preliminary or performance tests as deemed necessary by the officer employing them. The appointment of such employees shall be deemed complete and they shall be subject in all respects to the provisions of this act upon completion of one (1) year's service in their position.

Section 14. The board shall, as soon as practical after this act becomes operative, adopt a classification plan and make rules for its administration. The position classification plan, may, if desired, create different classes of positions within each posi-

tion in the classified service. The position classification plan shall show the duties, authorities, responsibilities, and character or work required of each position and each class thereof, if the board sees fit to create such classes. The title of each position shall, wherever possible, be indicative of the duties required of the holder thereof. The board shall determine the requirements of each position and class thereof as to education, experience, capabilities, knowledge and skill. As far as practical, the probable lines of promotion to and from the classes of position shall be indicated.

Section 15. The board shall, upon request of any officer who elects that his employees shall come under the provisions of this act and by his advice, create new positions or combine, alter or abolish existing positions in such manner as the board acting upon the advice of such officer deems necessary for the effective operation of such office. Provided, however, that no position in the classified service be abolished except upon approval of the board acting in good faith upon the advice of such officer.

Section 16. The board shall formulate reasonable rules governing the granting of leaves of absence to members of the classified service in good standing. Except as hereinafter provided, no leave of absence shall be given for more than one (1) year. However, such leaves may be extended with the approval of the board upon the showing of good cause.

The board shall request the advice of the officer who elects that his employees shall come under the provisions of this act upon any request for a leave of absence before acting thereon, and shall be guided by the requirements of adequate operational efficiency of such office when considering any such request for a leave.

All persons coming under the classified service who shall hereafter be inducted into the armed services of the United States of America, or who shall hereafter enter said service voluntarily, by enlistment or otherwise in time of war or other national emergency shall, upon application of the officer involved, receive a military leave of absence for the duration of the period of service required by the order of induction or until the end of the required services in time of actual war or other national emergency, and shall, during the period of serv-

ice, be entitled to all the benefits and privileges of this act, and shall retain all rights of seniority and shall be entitled to re-employment in the same capacity and position they held at the time of entering said military service; provided however, that application for reinstatement in such position be made by or on behalf of such employee within three (3) months after termination of active service in said armed forces. Any person whose employment shall have been necessitated because of the fact that some person or persons in the office in which he or she is employed shall have gone into the military service of the United States, shall be classified as a temporary employee and shall be subject to dismissal in the event their services are not required because of the re-employment of such person or persons who shall have been a member of the armed services of the United States as aforesaid. Such status shall not prevent said temporary employee from seeking employment in a permanent position.

All employees coming under the provisions of this act shall be entitled to an annual vacation which shall be accrued at the rate of five sixths ($5/6$) of a work day for each month of service.

After five (5) years service with the office of the officers who elect that their employees shall come under the provisions of this act, they shall be entitled to receive one (1) additional work day of vacation for each additional year of service in excess of five (5) up to a maximum of five (5) additional days, or a total maximum vacation of fifteen (15) working days, or a total maximum vacation of fifteen (15) working days per year after ten (10) years of service. The annual vacation shall be taken at such time as the employee and the officer employing him shall agree upon. Any employee who works for the officer employing him during his vacation period, shall be entitled to double pay for such period.

Section 17. Each officer who elects that his employees shall come under the provisions of this act shall keep the board informed by periodic reports of the employment needs of the office and the board shall, as often as required by the necessity of his office, hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. Such tests should be public, competitive and open to all persons who may be lawfully appointed under the rules promulgated by the board and existing prior to the announcement of the examina-

tion. Such rules may set limitations as to residence, age, health, habits, moral character and other necessary pre-requisites for the performance of the duties of the position for which examination is designed.

Promotion tests shall be public, competitive and free to all persons examined and appointed under the provisions of this act and who have held a position for at least one (1) year. In promotion tests, efficiency and seniority in service shall form part of such tests. A person who has served less than one (1) year shall not be eligible for promotion tests. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No questions in any tests shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of "catch" questions shall be asked. As many tests shall be held as may be necessary to provide for eligibles for each position and to fill all positions held by temporary appointees. From the results of such tests, the board shall prepare a list of all eligibles for each position consisting of the persons who shall attain such minimum marks as may be fixed for the various parts of the tests and whose general average standing upon the tests for such position is not less than the minimum fixed by the rules of the board and who may be otherwise lawfully appointed. The eligibles shall take rank upon the list in the order of their relative excellence as determined by the tests without reference to priority at the time of the tests. The board shall grade all tests given and all gradings shall be completed within a reasonable time and in any event not later than sixty (60) days from the date of the tests. No list of eligibles shall be valid after two (2) years. Gradings and test papers for each applicant shall be open to his or her own inspection. An applicant must call any error in the grading of any test to the attention of the board within one month after the posting of the eligible list provided, however, that if a correction is made such correction shall not invalidate any certification or appointment previously made. Notice of the time, place and general scope of each test and of the duties, pay and experience required for all positions for which the test is to be held, shall be given by the board to each applicant at least one week preceding the test. The notice must be in writ-

ing and addressed to the last known address supplied by the applicant. Notice of promotional tests shall be given as the board may prescribe. It must be in such manner as to give actual notice to all those who are eligible to take the particular test and such test must be given at a time and place to reasonably allow all qualified persons to attend and take such test. Should the time and place of such tests conflict with the working duties of the employee of the officer employing him, such officer shall allow such employee adequate time away from his regular duties to enable him to take such tests.

Section 18. Whenever a vacancy occurs in any position in the classified section of any officer who elects that his employees shall come under the provisions of this act, the said officer shall make requisition to the board for the names and addresses of all persons eligible for appointment thereto. The board shall certify the names of all persons on the eligible list for the position wherein the vacancy exists within thirty (30) days of the requisition to the board. The officer involved thereupon shall investigate each of the five (5) highest on the list of eligibles. The investigation shall cover such matters as residence, age, health, habits, moral character, credit standing in the community, and other pre-requisites for the performance of the duties of the position wherein the vacancy exists. In the event the investigations result in none of the five (5) eligibles being acceptable to such officer he shall investigate the next highest eligible on the list, one after another until one of the eligibles investigated is acceptable to him. The officer thereupon shall appoint this person to the position wherein the vacancy exists. The officer shall immediately inform the board of his action. The officer may, at any time he determines that the necessity of operational efficiency so requires, appoint a person without reference to an eligible list, to fill a vacant position or provide temporary additional help on a provisional basis. The officer shall immediately inform the board of his action. Such provisional appointee shall acquire no rights under the system by virtue of said appointment, and said appointment shall terminate immediately when an eligible person or persons are certified to the officer by the board and accepted by him, or the need for temporary additional help no longer exists. Provided that any person appointed on a provisional basis to provide temporary help shall not be retained for a period of more than six (6) months. Acceptance or refusal of a provisional appoint-

ment shall not prejudice, or in any way affect the standing of the person who is an applicant or who shall become an applicant for a permanent position.

No appointment or promotion for any position in the classified service, shall be deemed complete until after the expiration of a period of one (1) year probationary service during which time the officer may terminate the employment of any person certified and appointed if, during the performance thus afforded upon observation or consideration of the performance of his duties, the officer deems said person unfit or unsatisfactory for service in the office. Provided that whenever a position of the classified service is filled by promotion, and the services of the person promoted are terminated by the officer during the probationary period, such person shall forthwith be returned to duty in the former position held by him in the classified service unless such person's conduct during the promotional probationary period has given grounds for dismissal for cause under section 25 of this act. Any person dismissed during the probationary period shall not be eligible to a hearing before the board. Appointments may be regarded as taking effect upon the date the person appointed reports for duty.

A person certified to the officer who does not report for duty at the time so designated and who does not explain his said failure to report in writing within five (5) days, may be rejected by the officer who shall forthwith notify the board of the action taken and the reasons therefor. The board in its discretion may strike such person's name from all lists of eligibles provided such person so stricken may be reinstated to the list if such person can satisfy the board that the failure to report in the first instance resulted from good cause. If reinstatement is granted, and if the position for which he has been certified has been filled, such person must await his regular turn on the list.

Section 19. All employees in the classified service may be transferred from one position to another in the same class and not otherwise. Transfers may be instituted only by the officer employing him and shall be permitted only with the consent of such officer and the consent of the officer to whose employment he is to be transferred.

Section 20. No person within the classified service provided

for in this act shall receive anything other than legal compensation for his services.

Section 21. The practice and procedure of the board with respect to any investigation by the board authorized by this act, shall be in accordance with the rules and regulations to be established by the board which shall provide for a reasonable notice to all persons affected by order to be made by the board after such investigation, with the opportunity to be heard either in person or by counsel, and to introduce testimony in his behalf at a public hearing to be held for that purpose. The board, when conducting any investigations or hearings authorized by this act, shall have the power to administer oaths, take depositions and testimony.

Section 22. No person shall deceive or obstruct any person in respect to his or her right to test under the provisions of this act, or falsely mark, grade, estimate, or report upon the test or standing of any person except in answer to inquiries to the board, any special information for the purpose of either improving or injuring the rating of any such person for appointment or employment. No applicant shall deceive the board for the purpose of improving his chances or prospect for appointment. No person shall solicit, orally or by letter, and no public officer or employee shall receive or be in any manner concerned in receiving or soliciting any money or valuable things from any officer or employee holding a position in the classified service for any political party or purpose whatsoever. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position classified under this act as a reward or return for personal or partisan political service.

Section 23. Salaries of all employees of the office, a particular department or departments, or a particular class or classes of employees may be increased or decreased by any officer who elects that his employees shall come under the provisions of this act. The salary of an individual employee may be increased or decreased by any officer who elects that his employees shall come under the provisions of this act with the approval of the board. Each officer who elects that his employees shall come under the provisions of this act shall give a report in writing of all appointment reinstatements, vacancies, absences or other matters affecting the status of any member of the classified

service or the performance of duties of members of said classified service. The report shall be in the manner and form prescribed by the board.

Section 25. Each officer who elects that his employees shall come under the provisions of this act may suspend or dismiss an employee for any cause which will promote the efficiency of the service, upon filing with the board written reasons for such action and giving the person whose removal is sought reasonable notice of the same and of detailed charges preferred against him, and an opportunity to answer the same in writing, and to file with the board affidavits in support of such answer. Notice of the dismissal may be in the form of a thirty (30) day suspension without pay, the dismissal to take effect at the expiration of his suspension period. During the thirty (30) days period of notice, the employee must be given an opportunity for a hearing before the board with all the rights and privileges accorded under section 21 of this act. All papers filed in the case shall be public records. The board may reinstate the person removed only in case it appears as a result of a proper hearing that the removal was made for reasons other than just cause. For disciplinary purposes, any officer who elects that his employees shall come under the provisions of this act may summarily suspend an employee for a reasonable period not exceeding thirty (30) days; every such suspension shall be without pay.

Subject to the foregoing provisions of this section, no person holding a position in the classified service shall be removed or discharged, except for cause upon written charges after an opportunity to be heard in his own defense. Such charges may be filed by any officer whose employees elect to come under the provisions of this act, and shall, within thirty (30) days after the filing, be heard, investigated and determined by the board as provided by section 21 of this act.

Section 26. All records of the board shall be open to public inspection by any citizen under reasonable supervision.

Section 27. The civil service board shall prepare an annual budget and submit same to each officer who elects that his employees shall come under the provisions of this act. Each officer who elects that his employees shall come under the provisions of this act, after approving the budget submitted is au-

thorized and directed to pay a pro-rata share of the budgeted expenses of the civil service board out of the fees of his office or the funds budgeted to his office in the same manner in which other expenses are paid and they shall be considered a necessary expenditure for the proper operation of his office.

Section 28. At any time when it becomes necessary under the provisions of this act for the board to conduct hearings, meetings or requires any other use of public facilities for the conduct of its business, it shall be the duty of the authorities having charge of the public buildings of the county to allow the reasonable use of public buildings and rooms for the holding of any examinations or investigations provided for by this act.

Section 29. No person holding a position in the classified service shall take an active part in any political campaign, or serve as a member of a committee of any political club or organization, or circulate or seek signatures to any petition provided for by any primary or election law, or act as a worker at the polls, or distribute badges, colors or indicate favoring or opposing a candidate for the election or nomination to a federal, state, county or municipal public office, provided, however, that nothing in this act shall be construed to prohibit or prevent any such person from becoming or continuing to be a member of a political club or organization, or from attending any political meetings, or from enjoying entire freedom from all interference in casting his vote. Any person in the classified service violating the provisions of this section shall be dismissed from the service of the office of any officer who elects that his employees shall come under the provisions of this act.

Section 30. That upon the date that the board is fully constituted as provided in section 3 of this act, all of the employees of the officers that as of such date have elected that their employees shall come under the provisions of this act, shall be deemed included in the classified service as provided herein. That thereafter any officer who wishes to elect that his employees shall come under the provisions of this act may, at any time, notify the board of such election. That such notification shall be in writing and shall be dated. That the employees of such officer shall be deemed to come under the provisions of this act and be included in the classified service, as provided herein, upon the date of such notice.

Section 31. The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions. It is hereby declared the legislative intent of this act that it would have been adopted by the legislature had such unconstitutional provision not been included therein.

The act shall not be held nor construed to create any property rights or any vested interests in any position in the classified service and the right is hereby reserved to repeal, alter or amend this act, or any provision thereof at any time.

Section 32. All laws and parts of laws, insofar as they are inconsistent with this act, or any provisions thereof are, to the extent of such conflict, hereby repealed.

Section 33. That this act shall not apply to the office or employees of any office or officer coming within the provisions of Chapter 63-1794, Laws of Florida, 1963, or Chapter 63-996, Laws of Florida, 1963.

Section 34. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-740

House Bill No. 2431

AN ACT ratifying and confirming the legality of the payment of lump sum travel allowance by the board of county commissioners of Pinellas County to members of such board and employees of such county; providing an effective date.

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

Section 1. The legality of any payment heretofore made by the board of county commissioners of Pinellas County from the general fund of such county for lump sum travel allowance for members of such board and employees of such county is hereby ratified and confirmed.

Section 2. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-741

House Bill No. 2466

AN ACT relating to Palm Beach county, providing for the salary of the county solicitor of the criminal court of record in and for Palm Beach county; providing that said county solicitor shall be authorized to employ assistant county solicitors and investigators; providing for the compensation of said assistants and investigators; providing that said county solicitor and said assistants shall not engage in the private practice of law during his tenure of office; providing for the authorization of certain expenditures; providing for the repeal of Chapter 63-823; Laws of 1963; providing effective date.

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

Section 1. The county solicitor of the criminal court of record in and for Palm Beach county shall be paid an annual salary of eighteen thousand five hundred dollars (\$18,500.00), payable in equal monthly installments by the board of county commissioners of Palm Beach county.

Section 2. The county solicitor of the criminal court of record in and for Palm Beach county shall be authorized to appoint and employ assistants to be known as assistant county solicitors who shall hold office during the pleasure of the county solicitor. The county solicitor shall designate two members of his staff as first assistant county solicitor and second assistant county solicitor. The first assistant county solicitor shall be paid a maximum annual salary, at the discretion of the county solicitor, not to exceed fourteen thousand dollars (\$14,000.00) and the second assistant county solicitor shall be paid a maximum salary, at the discretion of the county solicitor, not to exceed thirteen thousand dollars (\$13,000.00). The salary budget account to be paid the remaining assistant county solicitors shall be fixed and set by the board of county commissioners of Palm Beach county, Florida on the basis of the needs of the

county, but in no event shall the total budget allowance for such assistant county solicitors be less than the sum of ninety five thousand dollars (\$95,000.00) per annum, if so requested by the county solicitor. The salaries of the county solicitor, his first assistant county solicitor, his second assistant county solicitor and the remaining assistant county solicitors shall be payable in equal monthly installments by the board of county commissioners of Palm Beach county, Florida.

Section 3. The county solicitor may employ a special investigator or investigators and they shall hold office during the pleasure of the county solicitor. Said special investigator or investigators shall be paid an annual salary to be set by the board of county commissioners of Palm Beach county.

Section 4. The county solicitor shall devote full time to the duties of his office and shall not engage in the private practice of law during his tenure of office. Assistant county solicitors may be employed as authorized by section 2 of this act on a full time basis and may not engage in the private practice of law.

Section 5. The county solicitor shall be authorized to incur expenses on behalf of the county of Palm Beach, when approved by the board of county commissioners of Palm Beach county, Florida, for the operation of the county solicitor's office. Said expenses shall include, but be not limited to, administration expenses for operation of the county solicitor's office, salaries for secretaries and clerical personnel, furniture and equipment, books and supplies, transportation expenses and the furnishing of vehicles and automobiles where required, services of accountants, services of court reporters, engineers or other experts where required in the investigation or preparation of cases, expenses for the establishment of an investigative fund for the payment of informers, expenses for attendance at professional meetings, conferences and schools, and other legitimate expenses incurred in the operation of the office. In the case of accountants, engineers or other experts as aforesaid, such expenses shall be allowed when authorized by order of one of the judges of the criminal court of record of said county, on a showing that such experts are necessary in the investigation or preparation of any case.

Section 6. This law expressly repeals Chapter 63-823, Laws

of 1963, and all other laws or parts of laws in conflict with this act are hereby repealed.

Section 7. This act shall take effect immediately upon becoming law.

Section 8. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-742

House Bill No. 2574

AN ACT relating to compensation of judges of the juvenile court; amending subsection (4) of section 39.18, Florida Statutes, by providing for compensation of the judge of the juvenile court in counties having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000) according to the latest official decennial census; providing an effective date.

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

Section 1. Subsection (4) of section 39.18, Florida Statutes, is amended to read:

39.18 Appropriation for juvenile court expenses; compensation of judge and counselor.—

(4) The salaries of the judge and counselor herein specified, the salaries paid to the assistant counselors and other employees, and the travel and other expenses paid to any juvenile court personnel in accordance with this section, shall be the entire compensation of those persons for their services in those capacities, and none of them shall receive or charge any fees in addition thereto for those services; provided, however, that in those counties having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census,

the judge of the juvenile court shall receive a salary equal to the total annual salary, including any county supplementary compensation, to which the circuit court judge in that county shall from time to time be entitled to receive, payable in equal monthly installments out of money and funds which the county commission shall provide.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-743

Committee Substitute for House Bill No. 2608

AN ACT relating to the supervision and regulation of motor carriers and to taxi cabs and taxi cab permits in all counties of the state having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty five thousand (385,000) and in counties having a population of not less than four hundred thousand (400,000) nor more than nine hundred thousand (900,000), according to the latest official decennial census; providing exceptions from previous enactments of the legislature during 1967 applicable to the aforesaid population bracket; providing an effective date.

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

Section 1. Provisions of Committee Substitute for House Bill 956 shall have no effect in and are inapplicable in counties having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty five thousand (385,000) and in counties having a population of not less than four hundred thousand (400,000) nor more than nine hundred thousand (900,000) persons according to the latest official decennial census.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-744

House Bill No. 2639

AN ACT relating to the Small Claims Court in and for Charlotte County; fixing the jurisdiction of said Court; fixing the fees for said Court; providing for the procedures and operation of said Court; and providing an effective date.

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

Section 1. There is hereby established in Charlotte County, Florida a Court to be known as the Small Claims Court in and for Charlotte County, which Court shall succeed to the powers and duties of the Small Claims Court now functioning in Charlotte County. All cases pending in the court now functioning at the time of the effective date of this law shall be carried on under this act.

Section 2. (a) The Small Claims Court in Charlotte County shall have original civil jurisdiction in cases at law in which the claim or demand, exclusive of interest, attorney's fees and cost, does not exceed the sum of Five Hundred Dollars (\$500.00), with the exception of proceedings in relation to forceful entry and unlawful detention of lands, proceedings for removal of delinquent tenants, proceedings involving distress for rent and proceedings for enforcement of statutory liens.

(b) Said jurisdiction shall be concurrent with the jurisdiction of any other court established in the county.

Section 3. (a) The plaintiff, when he files his claim, shall deposit with the court filing fees as follows:

Three dollars and fifty cents (\$3.50) when the claim or demand does not exceed two hundred and fifty dollars (\$250.00).

Seven dollars and fifty cents (\$7.50) when the claim or demand is in excess of two hundred and fifty dollars (\$250.00) but does not exceed five hundred dollars (\$500.00).

Ten dollars (\$10.00) for proceedings in garnishment, attachment and replevin.

(b) When additional postage is required because of additional defendants or special handling to be given the mail, the cost of such postage shall be advanced by the plaintiff and may be taxed as costs as are other costs.

Section 4. All laws and parts of laws in conflict with this act are hereby repealed, provided however, that any provisions and sections of Chapter 42 of the Florida Statutes, as are not in conflict with this act shall govern the procedures and operations of the Small Claims Court in and for Charlotte County, Florida, the same as if they were fully set out and included herein.

Section 5. If any word, phrase, sentence, section or part of this act is declared unconstitutional the remainder shall remain in full force and effect.

Section 6. This act shall become effective on October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-745

Committee Substitute for House Bill No. 2643

AN ACT relating to Putnam County establishing fees for constables; amending chapter 65-1050, providing an effective date.

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

Section 1. Section 1 of Chapter 65-1050 is amended to read: Section 1. In putnam county the fee charged by the sheriff in criminal cases is fixed at twenty-two dollars (\$22.00) plus statutory mileage for traveling outside of putnam county. The fees of the constables of putnam county shall be as provided for under section 30.23, Florida Statutes.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-746

House Bill No. 2701

AN ACT relating to the boards of county commissioners in all counties of the state having a population of not less than

fifteen thousand (15,000) and not more than fifteen thousand six hundred (15,600), according to the latest official decennial census; authorizing said boards to establish and promulgate county zoning regulations within said counties, outside of the corporate limits of municipalities; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than fifteen thousand (15,000) and not more than fifteen thousand six hundred (15,600), according to the latest official decennial census, the boards of county commissioners of said counties are authorized to establish and promulgate county zoning regulations within said counties, outside of the corporate limits of municipalities.

Section 2. The boards of county commissioners of said counties shall obtain a two thirds ($\frac{2}{3}$) vote in writing from the residents or property owners of area being considered for zoning.

Section 3. The action established by the above procedure will be effective thirty-five (35) days after two thirds ($\frac{2}{3}$) have approved the zoning request.

Section 4. Any resident living in the area or property owner may in writing request a reconsideration of the area within thirty (30) days after date an area has been zoned in accordance with section 2 above. By a two thirds ($\frac{2}{3}$) vote, the previous action will be rescinded and no further attempt will be made to zone the same area for a period of two (2) years.

Section 5. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-747

House Bill No. 2707

AN ACT relating to compensation of the county solicitor in large counties; amending subsection (1) of section 32.24, Florida Statutes, to provide for compensation of county solici-

tor in those counties having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest decennial census; amending subparagraphs (d), (e), and (f), of subsection (1) of section 32.24, Florida Statutes, by relettering them (e), (f), and (g) respectively; providing an effective date.

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

Section 1. Subsection (1) of Section 32.24, Florida Statutes, is amended by adding subparagraph (d) to read:

32.24 Compensation of county solicitor in large counties.—

(1) In the following counties the county solicitor of the criminal court of record shall receive the following compensation, in lieu of all other compensation, the same to be paid by the county in equal monthly installments, to wit:

(d) In all counties in the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census: eighteen thousand five hundred dollars (\$18,500.00).

Section 2. Subparagraphs (d), (e), and (f) of subsection (1) of section 32.24, Florida Statutes, are amended by relettering them (e), (f), and (g) respectively.

Section 3. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-748

House Bill No. 2718

AN ACT relating to the salary of each judge of the criminal court of record in each county having a population of more than one hundred seventy-five thousand (175,000) and less than two hundred thousand (200,000), according to the lat-

est official decennial census and having a criminal court of record; providing said salaries; and providing an effective date.

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

Section 1. In each county of the State having a population of more than one hundred seventy-five thousand (175,000) and less than two hundred thousand (200,000), according to the latest official decennial census and having a criminal court of record, the annual salary of each judge of said court shall be nineteen thousand five hundred dollars (\$19,500.00) to be paid in equal monthly payments by the Board of County Commissioners of each said county.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-749

House Bill No. 2719

AN ACT relating to the Pinellas County Civil and Criminal Court of Record; amending section 5 of Chapter 65-720, Laws of Florida, 1965 to provide a full time investigator for the office of the prosecuting attorney; providing for the salary and expenses of such investigator; providing for the power and authority of such investigator; providing for the assignment of such investigator to the office of the state attorney on and after the first Tuesday after the first Monday, 1969; providing for an effective date.

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

Section 1. Section 5 of Chapter 65-720, Laws of Florida, 1965, is amended to read:

Section 5. Prosecuting attorney. The prosecuting attorney of the court shall be elected to a term of four (4) years under the laws applicable to the election of state attorneys. The salary of the prosecuting attorney shall be nine thousand dollars (\$9,000.00) per annum, payable in twelve (12) equal monthly in-

stallments out of the general fund of the county and in addition thereto, he shall receive travel expenses at the rate of seven and one-half cents ($7\frac{1}{2}\text{¢}$) per mile for mileage actually traveled as such prosecuting attorney, said payments to be made out of the general fund of the county. The board of county commissioners of Pinellas County, Florida shall provide the prosecuting attorney with a full time investigator, to be selected and appointed by the prosecuting attorney, with an annual salary not to exceed seventy-five hundred dollars (\$7,500.00) per annum as to be determined by the prosecuting attorney. The said investigator shall have the same power and authority vested in investigators for the state attorney's office as provided by law. The board of county commissioners of Pinellas County shall provide the prosecuting attorney with such funds as are necessary to compensate the said investigator for such expenses as are instrumental to the function of such investigator, including but not limited to, mileage as provided by law, upon requisition of the prosecuting attorney, except as otherwise expressly provided herein, all provisions of chapter 34, Florida Statutes, with reference to prosecuting attorneys and methods of prosecution shall be applicable to the prosecuting attorney of this court.

Section 2. That on and after the first Tuesday after the first Monday of January, 1969, the investigator provided for in the preceeding paragraph, if such investigator is so employed at such time shall become an investigator upon the staff of the state attorney for the Sixth Judicial Circuit upon the request of such state attorney and the board of county commissioners shall thereafter provide the funds relating to such investigator to such state attorney.

Section 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-750

Senate Bill No. 109

AN ACT relating to appropriation of certain funds from the compensation of the clerks of the circuit courts and courts of record in all counties of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; amending sections 1, 4, 5, 7 and 8 of chapter 63-1047, Laws of Florida; providing sum to be charged by the clerk to parties instituting suit in circuit court, authorizing the board of county commissioners to appropriate sum to legal aid bureau; authorizing use of legal aid funds for legal aid bureau partially supported by federal funds and for a legal aid program coordinated with that of a legal aid bureau supported by federal funds; providing an effective date.

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

Section 1. Section 1 of chapter 63-1047, Laws of Florida, is amended to read:

Section 1. Upon the institution of any action, suit or proceeding in the circuit court in counties having a population of not less than three hundred ninety thousand (390,000) nor more than four hundred fifty thousand (450,000), according to the latest official decennial census, there shall be paid by the party or parties so instituting such action, suit or proceeding, as fees of the clerk of said court for all services to be performed by him therein, in lieu of all other fees heretofore charged, the sum of fifteen dollars (\$15.00).

Section 2. Sections 4 and 5 of chapter 63-1047, Laws of Florida, are amended to read:

Section 4. The board of county commissioners of any such county is authorized to appropriate funds to one or more legal aid bureaus sponsored by the county bar associations of such counties.

Section 5. The board may appropriate any sum not to exceed six dollars (\$6.00) from each fee charged by the clerk of the circuit court to institute any action, suit or proceeding in the circuit court of such counties to one (1) or more legal aid

bureaus. The board of county commissioners and the budget commission, if any, shall approve, alter or otherwise modify any budgets proposed by such county bar association for said legal aid bureaus.

Section 3. Sections 7 and 8 of chapter 63-1047, Laws of Florida, are amended to read:

Section 7. The legal aid fund shall be expended only for the purpose of establishing, equipping, furnishing and maintaining one or more legal aid bureaus for the purpose of making legal services available to the indigent and needy general public. Nothing contained herein prohibits the expenditure of legal aid funds to partially support a legal aid bureau which is partially supported by public donations or by funds from the government of the United States. Nothing contained herein prohibits a legal aid bureau from cooperating, contracting, merging or otherwise coordinating its program with a legal aid bureau which is partially supported by public donations or by funds from the government of the United States.

Section 8. The maintenance of a law library and one or more legal aid bureaus are hereby declared to be county purposes.

Section 4. This act shall become effective October 1, 1967. Became a law without the Governor's approval.

Filed in Office Secretary of State April 26, 1967.

CHAPTER 67-751

Senate Bill No. 222

AN ACT relating to civil service board in all counties of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; amending section 4, chapter 65-697, Laws of Florida, by setting forth the qualifications of the executive secretary; providing an effective date.

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

Section 1. Section 4 of chapter 65-697, Laws of Florida, as relating to all counties of the state having a population of not

less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, is amended to read:

Section 4. The civil service board is authorized to employ a competent executive secretary and such other employees as it may deem necessary to carry out the purposes of this act. The executive secretary shall meet the following minimum qualifications: graduation from an accredited four (4) year college or university with major course of study in business administration, public administration or psychology and at least five (5) years of progressively responsible personnel experience, preferably in government, including three (3) years in a responsible supervisory position. He should possess knowledge, in depth, of all aspects of personnel management in which the agency engages and the personal qualities essential to the executive head of a personnel agency. The executive secretary shall perform other such duties as may be required by the civil service board.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State April 28, 1967.

CHAPTER 67-752

Senate Bill No. 220

AN ACT relating to juvenile and domestic relations courts; providing for a third judge of said court in all counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing for the election, term of office and compensation of said judge; amending section 3 of chapter 61-1152, Laws of Florida, to provide for the election of a presiding judge by the judges of any juvenile and domestic relations court affected by this act and providing that the presiding judge shall be the administrative officer of said court; repealing all conflicting laws; providing for the effectuation of this act.

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

Section 1. There is hereby created an additional judge of the juvenile and domestic relations court in all counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census. Such judge and his successors shall have the same qualifications as now required for a judge of such court and shall serve for a four (4) year term. This shall be the third judge for this court.

Section 2. The judge of the juvenile and domestic relations court herein provided for shall be elected by the qualified electors of the county as other county and state officials are elected. The first election for the additional judge of such court herein authorized shall be had at the general election to be held in 1968 and such judge shall take office on the first Tuesday after the first Monday in January, 1969. No appointment shall be made to fill this position prior to the date last aforesaid. In all general, special and primary elections hereafter held in said county, candidates for the office herein created shall run in group 3 and shall be voted upon separately from the groups heretofore provided for by law.

Section 3. The compensation of the additional judge of the juvenile and domestic relations court herein provided for shall be in the same amount as now or hereafter fixed by law for the pre-existing judges of the juvenile and domestic relations court of such county and shall be paid in equal monthly installments by said county.

Section 4. Section 3 of chapter 61-1152, Laws of Florida, is amended to read:

Section 3. A presiding judge shall be elected by the judges of any court affected by this act which has more than two (2) judges, who, upon election, shall be the administrative officer of the court having all of the authority vested in the judge of this court by chapter 39, Florida Statutes, or other law relating to the administration of the court. Elections may be held annually on a date to be set by a majority of the judges of the court, provided that should a presiding judge not be elected on the date selected, the judge exercising administrative authority shall continue to do so until the judges of the court elect a new presiding judge.

Section 5. Nothing in this act is intended to in any manner affect the term of office of the present judges of such court.

Section 6. If any part of this act is declared unconstitutional or inoperative or should the application of this act to any official be declared unconstitutional or inoperative, it shall not affect any other part of this act nor the applicability of the remainder thereof.

Section 7. All laws or parts of laws in conflict herewith are hereby repealed.

Became a law without the Governor's approval.

Filed in Office Secretary of State April 28, 1967.

CHAPTER 67-753

Senate Bill No. 132

AN ACT providing for and relating to investigators for circuit courts of counties having a population of not less than three hundred ninety thousand (390,000) nor more than four hundred fifty thousand (450,000) according to the latest official decennial census; providing for employment, qualifications, and compensation of investigators; declaring the same to be a county purpose; providing an effective date.

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

Section 1. The circuit courts of counties having a population of not less than three hundred ninety thousand (390,000) nor more than four hundred fifty thousand (450,000) according to the latest official decennial census are authorized to employ investigators in addition to secretaries heretofore authorized to assist in the investigative work of the court in domestic relations cases involving the custody and support of children. The number and compensation of the personnel herein provided, together with the necessary facilities for such personnel, shall be as recommended by the presiding judge of said court subject only to the approval of the board of county commissioners of the county. The compensation and expense of such personnel shall be paid from the county general fund in the form and manner otherwise provided by law.

Section 2. Each investigator shall have a law or bachelor's degree from a college or university of recognized standing or shall have four (4) years experience as an investigator or in domestic relations work with a recognized organization or court.

Section 3. All personnel herein authorized shall be selected and appointed by the presiding judge of said court from a list of applicants approved by the circuit judges of the circuit. Said personnel shall be subject to and under the exclusive supervision and jurisdiction of said judges.

Section 4. The provisions hereof and payments herein provided are declared to be for a county purpose. The provisions of this act are cumulative and in addition to any other laws on this same subject and shall be liberally construed to accomplish its purpose.

Section 5. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State April 28, 1967.

CHAPTER 67-754

House Bill No. 291

AN ACT relating to the amount of and collection of notary fees, and the expense of becoming and continuing to be notaries public, by certain county officers and their employees in certain instances in counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest decennial census; providing that any elective county officer and his employees may perform public services for the public for compensation in the office of the officer; provided that fees received for service as notaries public by the officer or his employees shall be fee receipts of the office of the county officer; establishing fee rates for performing services as notaries public; providing that expenses incurred in becoming and continuing to be notaries public by the county officer and his employees shall be an expense of the office; providing for certain in-

stances where no notary fee shall be charged by the county officer or his employees; providing for an effective date.

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

Section 1. In all counties having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census, any elective county officer and any of his employees who are or who may become notaries public may perform notary public services for the public for compensation in the office of the county officer providing however that the following rules and regulations shall apply:

(a) All fees collected by the officer or his employees as notaries public shall be considered, as being fee receipts of the office of the county officer.

(b) Except as is hereinafter provided, the notary fees collected shall be at the rates provided for under Chapter 117 of the Florida Statutes; provided, however, that in case a situation shall arise in which the law shall provide a certain fee for the officer in charge for performing a specific duty and that fee is in excess of the rate which a notary can legally charge for the same duty, then the officer shall perform the duty in his official capacity as such officer and shall charge the higher rate, and his employees who are notaries, shall do likewise.

(c) Neither the county tax collector nor his employees shall charge notary fees in connection with or incidental to the issuance of motor vehicle license tags or titles.

(d) No notary public fee shall be charged for notarizing loyalty oaths of employees of the board of county commissioners or any of the elective county officers.

(e) If the county officer determines that the notarization of an instrument should be performed as a public service without charge, he may do so, upon authorization of the board of county commissioners.

(f) All expenses incurred by the county officer or his employees in becoming and continuing to be notaries public shall be considered proper expenses of the office.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State May 1, 1967.

CHAPTER 67-755

House Bill No. 173

AN ACT relating to clerks of circuit court, fees and fee accounts; validating the fees and fee accounts in civil cases of clerks of the circuit court in counties with a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census; providing an effective date.

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

Section 1. The services of the clerks of the circuit court in all counties with a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census, in civil cases filed before the effective date of Chapter 26931, Laws of Florida, 1951, shall be made without charge and all accounts of such clerks for such fees whether debit or credit are hereby settled.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 1, 1967.

CHAPTER 67-756

House Bill No. 171

AN ACT relating to payment of fees and commissions to the clerk of the circuit court in any county of the state having a population of not less than three hundred fifty thousand

(350,000) nor more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census; providing that the clerk of the circuit court in such counties may accept checks for payment of any fees or commissions provided by any law for compensation for services rendered by his office in connection with any of his official duties or functions; providing that the clerk of the circuit court in such counties may deduct from his excess fees paid to the board of county commissioners the amount of any checks so received in payment of fees or commissions which shall remain uncollected after exercise of due diligence by the clerk to collect such checks and thereupon the county may institute suit to recover the amount of such checks; repealing all laws or parts of laws in conflict herewith; providing an effective date.

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

Section 1. The clerk of the circuit court in any county of the state having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census may accept checks for payment of any fees or commissions provided by any law for compensation for services rendered by his office in connection with any of his official duties or functions.

Section 2. The clerk of the circuit court in such counties may deduct from his excess fees paid to the board of county commissioners the amount of any checks so received in payment of fees or commissions which shall remain uncollected after exercise of due diligence by the clerk to collect such checks and thereupon the county may institute suit to recover the amount of such checks.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 1, 1967.

CHAPTER 67-757

Senate Bill No. 125

AN ACT designating the Venice Avenue Bridge as the "Colonel George Kumpe Bridge"; providing for suitable plaques to be erected thereon by the State Road Department.

WHEREAS, Colonel George Kumpe passed away on June 25, 1966, and

WHEREAS, the late George Kumpe was the Executive Director of the West Coast Inland Navigation District from the time of his retirement from the United States Army with the rank of Colonel until his death, and

WHEREAS, through his industry, diligence and determination, the West Coast Inland Navigation District accomplished much in a short time toward its ultimate goal, and

WHEREAS, one of the major projects of the West Coast Inland Navigation District was that portion of the Canal east of Venice, and

WHEREAS, the said late George Kumpe was primarily instrumental in accomplishing the construction of three bridges across the Canal and it is fitting and proper that recognition of these services be perpetuated, NOW, THEREFORE,

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

Section 1. The bridge presently known as the Venice Avenue Bridge which crosses the West Coast Inland Navigation District Canal, east of Venice, is hereby named, designated and dedicated the "Colonel George Kumpe Bridge."

Section 2. The State Road Department is authorized, directed and empowered to erect appropriate markers to designate said bridge as the "Colonel George Kumpe Bridge."

Approved by the Governor May 3, 1967.

Filed in Office Secretary of State May 3, 1967.

CHAPTER 67-758

Senate Bill No. 187

AN ACT relating to state roads; designating a portion of state road 112 in Dade county as Robert Frost Highway.

WHEREAS, one of America's foremost literary figures, the late Robert Frost lived in the State of Florida a great deal of time prior to his death, and

WHEREAS, the influence of Robert Frost extended far beyond the literary world, with much of his philosophy to be found in the "New Frontier" envisioned by the late President John F. Kennedy, and

WHEREAS, the beloved poet Robert Frost is sorely missed by poetry lovers throughout the world and particularly by those here in our sovereign State of Florida, and

WHEREAS, it is fitting that the State of Florida desires to give special recognition to the great poet and his accomplishments, NOW, THEREFORE,

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

Section 1. That portion of the airport expressway in Dade county more particularly described as follows:

State Road 112 in Dade County, on the primary system, known as Section 87003, Airport Expressway, from Le-Jeune Road to the west end of the 36th Street Interchange.

be designated as Robert Frost Highway.

Section 2. The state road department is authorized and directed to erect appropriate markers to designate said highway as the Robert Frost Highway.

Approved by the Governor May 4, 1967.

Filed in Office Secretary of State May 4, 1967.

CHAPTER 67-759

Senate Bill No. 188

AN ACT relating to state roads; designating state road 828 in Dade County and the east and west extension as the "JOHN F. KENNEDY CAUSEWAY".

WHEREAS, there has been evidenced a growing desire to honor the memory of the late President John F. Kennedy by re-naming in an appropriate manner the 79th Street Causeway (S.R. 828) and its east and west extensions in Dade County, Florida; and

WHEREAS, several of the municipalities of the County of Dade have, by resolution, requested the naming of the 79th Street Causeway (S.R. 828) and its east and west extensions in Dade County, Florida, in honor of the late President John F. Kennedy, NOW, THEREFORE,

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

Section 1. That the 79th Street Causeway (S.R. 828) from the Atlantic Ocean on the east to the Palmetto Bypass on the west in Dade County, Florida, be hereby designated as the "JOHN F. KENNEDY CAUSEWAY."

Section 2. The state road department is authorized and directed to erect appropriate markers to designate said Causeway as the "JOHN F. KENNEDY CAUSEWAY."

Approved by the Governor May 4, 1967.

Filed in Office Secretary of State May 4, 1967.

CHAPTER 67-760

House Bill No. 113

AN ACT designating and naming a portion of state road 10 (U. S. 90) in Columbia county as the James A. Brewer highway; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

WHEREAS, James A. Brewer began work with the state road department in October, 1929; and

WHEREAS, James A. Brewer served continuously with the department in various capacities until his appointment as district engineer in 1951; and

WHEREAS, the said James A. Brewer served with distinction as district engineer from his said appointment until his untimely death on March 5, 1966; and

WHEREAS, the legislature deems it appropriate that an expression of its appreciation be shown for the services of the said James A. Brewer to the state of Florida; NOW, THEREFORE,

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

Section 1. That portion of state road 10 (U. S. 90) from Lake City to its intersection with interstate 75, located in Columbia county, be, and it is hereby, named, designated and dedicated as the James A. Brewer Highway, in honor of James A. Brewer.

Section 2. The state road department is authorized and directed to erect and place thereon suitable plaques to designate this action.

Section 3. This act shall take effect immediately upon becoming law.

Approved by the Governor May 5, 1967.

Filed in Office Secretary of State May 5, 1967.

CHAPTER 67-761

Senate Bill No. 366

AN ACT designating and naming the intersection of the north-south expressway and the east-west expressway in Miami, Dade County, as the Chelsie J. Senerchia interchange; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

WHEREAS, the Honorable Chelsie J. Senerchia was appointed as a member of the Florida state road board from the fourth district on January 5, 1965; and

WHEREAS, the Honorable Chelsie J. Senerchia served in

that capacity from January 5, 1965, until January 3, 1967, with diligence, vigor, industry, ingenuity and dedication; and

WHEREAS, during his tenure on the road board, the Honorable Chelsie J. Senerchia did, through his efforts, expedite the completion of the north-south expressway in Miami, and the construction of a new east-west expressway in Miami; and

WHEREAS, at the intersection of these two thoroughfares there is an interchange of huge proportions, extreme complexity and substantial cost; and

WHEREAS, the interchange will stand as a monument to the Honorable Chelsie J. Senerchia, to the Department, the fourth district, and to the people of the state of Florida as a whole; and

WHEREAS, the legislature deems it appropriate that an expression of its appreciation be shown for the services rendered by the Honorable Chelsie J. Senerchia to the state of Florida; NOW, THEREFORE,

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

Section 1. That the interchange of the north-south expressway and the east-west expressway in Miami, Dade county, be named, designated, and dedicated as the Chelsie J. Senerchia interchange, in honor of the Honorable Chelsie J. Senerchia.

Section 2. The state road department is authorized and directed to erect and place thereon suitable plaques to designate this action.

Section 3. This act shall take effect immediately upon becoming law.

Approved by the Governor May 5, 1967.

Filed in Office Secretary of State May 5, 1967.

CHAPTER 67-762

Senate Bill No. 460

AN ACT relating to the state road department, bridge designation; providing that the bridge constructed across the Ba-

nana river at the city of Cocoa be named the "Willard Peebles Bridge"; providing an effective date.

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

Section 1. The bridge constructed across the Banana river at the city of Cocoa in Brevard county shall be named the "Willard Peebles Bridge."

Section 2. The state road department is authorized and requested to erect and maintain at each end of the entrance to said bridge plaques or markers to indicate the designation herein provided.

Section 3. This act shall take effect immediately upon becoming a law.

Approved by the Governor May 5, 1967.

Filed in Office Secretary of State May 5, 1967.

CHAPTER 67-763

House Bill No. 570

AN ACT authorizing Lake County to reimburse the members of the Board of County Commissioners for office and traveling expenses incurred during certain months in the year 1965.

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

Section 1. Lake County is hereby authorized to reimburse the respective County Commissioners of Lake County for sums expended for office expense and for traveling expense incurred between the 1st day of June, 1965, and the 1st day of October, 1965, because of the effective date of Chapter 65-674, repealing Chapters 59-751 and 59-752 and the effective date of the Salary Bill, Chapter 65-356.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 5, 1967.

CHAPTER 67-764

House Bill No. 486

AN ACT relating to the establishment, powers and functions of the Reedy Creek Improvement District; changing the name of the Reedy Creek Drainage District created under authority of Chapter 298, Florida Statutes, to the Reedy Creek Improvement District; setting forth new territorial boundaries of the District in Orange and Osceola Counties and excluding certain lands from said boundaries; assuming all lawful debts and other obligations and continuing all proceedings for the construction of improvements and the condemnation of land and for tax levies; providing for refund of taxes heretofore levied on lands excluded from the District; making powers and authorities conferred by Chapter 298, Florida Statutes, applicable to the Reedy Creek Improvement District except provisions of sections 298.07, 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.20, 298.23-298.25, 298.35, 298.37-298.40, 298.401, 298.41, 298.42, 298.44-298.46, 298.48, 298.52, 298.56, 298.57, 298.61, 298.69-298.74, Florida Statutes, and amendments thereto; providing for the election of a Board of Supervisors by the landowners within the District and for membership, term of office, qualification, organization and compensation of the Board of Supervisors and the filling of vacancies; providing for meetings of the landowners and supervisors and other procedures relating to the management and operation of the District; providing for appointment of a treasurer, depositories, fiscal agent and other officers and their qualifications, powers and duties; providing powers and duties of the Board of Supervisors; providing additional powers and duties of the Reedy Creek Improvement District including the ownership, acquisition, mortgage, lease and disposal of property and facilities, and the furnishing of proprietary services and facilities of all kinds, among them reclamation, drainage, irrigation, water and flood control, erosion control, water and sewer systems, waste control and disposal systems, airport facilities, communication, cultural, recreational and educational facilities of all kinds, parking facilities and meters, public transportation and utilities, streets, toll roads and bridges, sidewalks, street lighting and related facilities, and other projects and experimental projects; authorizing

the District to control mosquitos and other pests within and without the District, subject to certain limitations to exercise exclusive jurisdiction within the District to regulate water supply and water levels and to divert waters from one area or body of water to another, to regulate sewers and other sanitary facilities and to impose penalties for non-compliance with District regulations, to provide fire protection, to advertise, to establish conservation areas and sanctuaries, to exercise the power of eminent domain, and to finance the projects and activities of the District through bonds and other obligations; exempting properties, easements and rights of the District from eminent domain by other public or private bodies or agencies except with concurrence of the Board of Supervisors; making the District eligible for state assistance to flood control and water management districts, navigation districts and agencies, and mosquito or pest control districts and for gasoline tax or other gasoline or fuel tax funds available for road construction; granting the District the benefits and privileges of special road and special road and bridge districts; subject to certain exceptions, granting the Board of Supervisors exclusive authority with respect to the construction of public roads within the District and the maintenance, franchizing and regulation of toll roads; authorizing the Board of Supervisors to enter sale, lease or other agreements with the State Road Department concerning the construction of roads within the District and the joint determination with the State Road Department of certain access and connecting roads and extensions within the District; authorizing the adoption, revision and revocation of plans of reclamation, subject to existing cooperative arrangements with Orange County; authorizing the division of the District into units for purposes of drainage and reclamation and providing the procedures to be followed in connection with the establishment and operation of a unit system of drainage and reclamation; authorizing the creation of subdistricts; authorizing the District to exercise its rights, powers, privileges and authorities in municipalities located within the District; authorizing the District to construct and furnish proprietary facilities and services to persons and property outside the District boundaries subject to certain limitations; providing authority to require use of certain District facilities and

services and prohibiting the construction or operation of like facilities or services without consent and approval of the Board of Supervisors subject to criminal penalties; authorizing the District to maintain projects across rights-of-way within or without the District; providing authority to set rates, fees, rentals, tolls, fares and charges, subject to certain requirements concerning public hearings and the sufficiency of revenues, and to make agreements and contracts for services without public hearing and pledge the same as security for District bonds; providing authority to recover delinquent charges, together with attorney's fees, expenses and penalties, and to discontinue services; authorizing agreements with private or public persons or agencies concerning the furnishing of facilities and services and the inclusion of other utility plants or systems as part of District projects; granting the District exclusive authority over District projects and budgets and providing exemption of District projects and activities and the District budget and finances from other regulatory laws and authorities, subject to certain limitations; exempting the area of the District from county zoning, building and construction, platting, subdivision, safety, sanitary and like codes and regulations and from state law pertaining to land use regulation, zoning and building codes, except to the extent that the Board of Supervisors may designate District areas subject to county codes and regulations; authorizing the District to adopt zoning, building and construction, platting, subdivision, safety, sanitary and like codes and regulations with respect to areas within the District including incorporated municipalities, subject to certain limitations; authorizing the District to adopt and revise a comprehensive general plan for physical development of the area within the District, building codes and other safety and sanitary codes, and to require building permits; requiring the approval by the Board of Supervisors and recording of plats, and making the failure to comply with such requirements a misdemeanor and subject to other penalties; authorizing the Board of Supervisors to adopt rules and regulations with respect to platting; authorizing the Board of Supervisors to vacate plats; requiring subdivision plans to be approved by the Board of Supervisors and authorizing the Board to adopt subdivision regulations; authorizing the Board of Supervisors to adopt

zoning regulations; authorizing the Board of Supervisors to grant variances and waivers with respect to subdivision, platting, recording, zoning and other regulations; authorizing the Board of Supervisors to set up a planning and zoning commission and a zoning board of adjustment and to prescribe the powers, duties, organization and functioning of the same; providing power and authority to levy ad valorem taxes based on county assessed valuation not to exceed thirty (30) mills on the dollar per annum; providing power and authority to levy a maintenance tax under section 298.54, Florida Statutes, and a special ad valorem maintenance tax not to exceed ten (10) mills on the dollar per annum; providing power and authority to levy utility taxes not to exceed ten per cent (10%) of the payments received by the seller, the method of collection of the same, and criminal and other penalties for violation of District regulations pertaining thereto; providing for determination of annual installments of drainage taxes; providing for collection of taxes by certification to the respective boards of county commissioners of Orange and Osceola Counties and assessment and collection of taxes by county tax assessors and collectors or as otherwise directed by the Board of Supervisors; providing for tax discounts and penalties; establishing tax and other liens and procedures for the foreclosure of liens; authorizing the District to pay taxes and redeem tax sales certificates with respect to property in the District and to participate in the proceeds of tax sales; providing power to issue general obligation bonds, revenue bonds, utility service tax bonds and refunding bonds; providing for the pledge of taxes, assessments, revenues and other properties as security to the payment of bonds; providing for the lien of pledges of revenues, taxes and assessments; providing for the making of special assessments for improvements and the procedure to be followed in connection therewith; providing for the collection of special assessments and the foreclosure of delinquent assessments or installments, including acceleration of payment and recovery of attorney's fees and costs; providing power to issue assessment certificates and bonds; providing power to issue bond anticipation notes; providing power to make short-term borrowings and to issue certificates of indebtedness; providing authority for making trust agreements; providing for the sale of bonds;

providing with respect to the authorization and form of bonds; providing for increase in maximum allowable interest on District bonds above six (6) per cent per annum under certain circumstances; providing for interim and replacement certificates and negotiability; providing for bond defeasance; making District bonds legal investment or security for other public and private bodies; authorizing agreements with the Florida Development Commission and others; providing authority to make bond covenants and to provide for the rights, remedies and security of bondholders; providing for validation of bonds by publication of notice of issuance and by validation proceedings under Chapter 75, Florida Statutes; providing independent authority to issue bonds and authorizing the issuance of District bonds without approval of the board of drainage commissioners or other public authorities; extending pledge to bondholders and safeguarding agreements with the Federal government against impairment of rights; providing for cooperation agreements with municipalities and for the joint discharge of common functions and the joint undertaking and financing of projects; authorizing cooperative agreements with Federal and State governments, agencies, subdivisions and others with respect to financial and other contributions and loans to the District, the furnishing of facilities and services by or to the District, and fire and police protection; providing for tax exemption of District properties, bonds and revenues; providing statute of limitations on claims, suits or actions against the District; providing for posting of notices in lieu of publication under certain circumstances; providing for annexation of lands to and exclusion from the District and revision of the District boundaries; authorizing the withdrawal of lands from the District within sixty (60) days after the effective date of the Act; limiting the establishment of municipalities within the area of the District and the annexation of land within the District by municipalities; providing for construction of District projects with or without competitive bidding; subject to certain conditions, permitting supervisors to have an interest in corporations contracting with the District; providing power of injunction and other relief for violation of District by-laws, regulations, resolutions, rules, codes and orders; providing criminal and other pen-

alties; providing for investment of funds by the District; providing for fiscal year of the District; providing severability; providing effective date.

WHEREAS, the economic progress and well-being of the people of Florida depend in large measure upon the many visitors and new residents who come to Florida from other parts of the United States and elsewhere to enjoy its beneficial climate, scenic beauty and natural resources and the many man-made attractions, sports and recreation facilities and economic opportunities offered to them in Florida; and

WHEREAS, tourists and other temporary visitors have for many years constituted a major source of income for the people of Florida, and the growing annual inflow of such visitors, together with the steady increase in the number of newcomers making Florida their permanent home and the many new industries that in recent years have been established in Florida, are largely responsible for the unprecedented high level of prosperity that has been attained by the people of Florida; and

WHEREAS, in order to assure the future welfare and continued prosperity of Florida and its people, Florida must continue to attract temporary visitors, permanent residents and new industries and offer to the public outstanding vacation, sports and recreation facilities and residential communities; and

WHEREAS, in light of the recent advances in technology and the rapidly increasing speed and capacity of modern air carriers, which have made accessible and led to the development of many new year-round resorts and recreation-oriented communities in other states and parts of the world that vie with Florida for the tourist trade, the maintenance of Florida's prosperity and its leadership as a tourist state make it imperative that appropriate measures be taken to promote the conservation of natural resources and attractions, the creation of vacation, sports and recreation facilities and residential communities of high quality and the utilization of the many technological advances achieved by American industry in developing new concepts in community living and recreation; and

WHEREAS, the conservation of natural resources and attractions, the creation of favorable conditions for the development

of high-quality vacation, sports and recreation facilities and residential communities and the utilization of new concepts, ideas, designs and technological advances in the establishment of such facilities and communities are valid public purposes and the legitimate concern of special taxing districts created for that purpose; and

WHEREAS, there has heretofore been established by proceedings under chapter 298, Florida Statutes, a drainage district, known as the Reedy Creek Drainage District, encompassing a large tract of land located in the southwestern part of Orange County and the northwestern part of Osceola County; and

WHEREAS, it is the intention of the Legislature through the within enactment to supplement, expand and otherwise modify the powers, functions and authorities of the Reedy Creek Drainage District, which shall hereafter be known as the Reedy Creek Improvement District, so as to enable that district to undertake the improvements herein provided for, to promote and create favorable conditions for the development and practical application of new and advanced concepts, designs and ideas for a recreation-oriented community and to undertake, and enable enterprises conducted within the District to undertake, a broad and flexible program of experimentation and development; and

WHEREAS, the objectives and purposes of the Reedy Creek Improvement District shall be to provide for the reclamation, drainage and irrigation of land, to establish water, flood and erosion control, to provide water and sewer systems and waste collection and disposal facilities, to provide for mosquito and other pest controls, to provide public airport, recreation, and parking facilities, to advertise, to provide for public transportation and public utilities, to create and maintain conservation areas and wild-life sanctuaries within the District, to provide streets, roads, bridges and street lighting facilities, to adopt zoning and building codes and regulations, and to exercise all of the other powers and authorities provided for in this Act; and

WHEREAS, the Legislature hereby finds and declares that the several powers and authorities provided for in this Act are each valid and independent objectives and purposes of the

Reedy Creek Improvement District and essential to the accomplishment of the purposes of this Act; and

WHEREAS, the Legislature further finds and declares that the purposes of this Act cannot be realized except through a special taxing district having the powers hereinafter provided and that the operation of the District and its facilities and services and the exercise by the Board of Supervisors of the District of the powers and authorities provided for herein are necessary for the convenience, comfort and welfare of the District and all its inhabitants and landowners, will benefit all properties, persons and enterprises within the District, and constitute a valid public purpose;

NOW, THEREFORE,

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

Section 1. *Creation of the District Ratified and Approved; Change of Name of District to Reedy Creek Improvement District; Boundaries Defined.*—The decree of the Circuit Court in and for the Ninth Judicial Circuit of the State of Florida, entered in chancery No. 66-1061, on the 13th day of May, 1966, creating and incorporating the Reedy Creek Drainage District as a public corporation of this State, and all subsequent proceedings taken in the Circuit Court concerning that District, are hereby ratified, confirmed and approved, except that the boundaries of said District henceforth shall be as provided in this Act. The Reedy Creek Drainage District shall henceforth be known by the name of Reedy Creek Improvement District, and shall continue to be a public corporation of this State and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions and other undertakings of the Reedy Creek Drainage District are hereby validated and shall continue to be valid and binding on the Reedy Creek Improvement District in accordance with their respective terms, conditions, covenants and tenor. All taxes heretofore levied by the Board of Supervisors of the Reedy Creek Drainage District on lands within the boundaries of the Reedy Creek Improvement District shall continue to be effective, binding and collectible and a lien on such lands in accordance with the provisions of this Act, provided that any such taxes levied on any lands within the boundaries of the Reedy Creek Drainage District as heretofore organized but not

within the boundaries of the Reedy Creek Improvement District as herein established shall be of no further force and effect with respect to lands not included within the Reedy Creek Improvement District and shall not constitute a lien on such lands, and any such tax heretofore collected with respect to such lands shall be refunded. Any proceeding heretofore begun by the Reedy Creek Drainage District under chapter 298, Florida Statutes, or any other law, for the construction of any improvements, works or facilities, for the assessment of benefits and damages or for the borrowing of money shall not be impaired or avoided by this Act, but may be continued and completed in the name of the Reedy Creek Improvement District. All proceedings for the condemnation of land heretofore brought by the Reedy Creek Drainage District may be continued and completed in the name of the Reedy Creek Improvement District. The Reedy Creek Improvement District shall include within its territorial boundaries all of the lands within the following-described boundaries :

- (1) Begin at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 6, Township 24 South, Range 28 East; then North along the west section line of said Section 6 to the West quarter corner of Section 6; then East along the North line of the Southwest quarter and the North line of the Southeast quarter to a point on the shore line of Lake Mabel; then meander the shore line of Lake Mabel in a Southwesterly direction to the South line of said Section 6; then continue meandering the shore line of Lake Mabel in a Southeasterly, Easterly and Northeasterly direction across the North quarter of Section 7, Township 24 South, Range 28 East, to the North line of said Section 7; then continue meandering the shore line of Lake Mabel in a Northeasterly direction across the Southeast quarter of Section 6, Township 24 South, Range 28 East, to a point on said shore line which is intersected by the South quarter line of said Section 6; then East along said South quarter line to the East section line of said Section 6; then South along the East section line of said Section 6 to the Southeast corner of the Southeast quarter of said Section 6; then East along the North section line of Section 8, Township 24 South, Range 28 East to the point where said North section

line intersects the shore line of South Lake; then meander the shore line of South Lake in a Southwesterly, Southeasterly and Northeasterly direction to a point where the shore line of South Lake intersects the West quarter line of Section 8, Township 24 South, Range 28 East; then South along the West quarter line of Section 8, Township 24 South, Range 28 East, and Section 17, Township 24 South, Range 28 East to the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 17; then East along the North line of the South half of said Section 17 to the Northwest corner of the East quarter of the Southwest quarter of said Section 17; then South along the West line of the East quarter of the Southwest quarter to the Northwest corner of the Southeast quarter of the Southwest quarter of the Southwest quarter of said Section 17; then East along the North line of the Southeast quarter of the Southwest quarter to the Northeast corner thereof; then North along the quarter section line to the Northwest corner of the Southeast quarter of said Section 17; then East along the North line of the South half of Section 17 to the East quarter corner of said Section 17; then South along the East section line of Section 17; Township 24 South, Range 28 East, and Section 20, Township 24 South, Range 28 East to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 21, Township 24 South, Range 28 East; then East along the North line of the Northwest quarter of the Southwest quarter of the Northwest quarter of Section 21, Township 24 South, Range 28 East, to the Northeast corner thereof; then South along the East line of the Northwest quarter of the Southwest quarter of the Northwest quarter to the Southeast corner thereof; then East along the North line of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 21, Township 24 South, Range 28 East to the Northeast corner thereof; then South along the West quarter line of Section 21, Township 24 South, Range 28 East to the Southeast corner of the Northeast quarter of the Northwest quarter of the Southwest quarter of said Section 21; then West along the South line of

the North half of the Northwest quarter of the Southwest quarter of Section 21 and the South line of the North half of the Northeast quarter of the Southeast quarter of Section 20, Township 24 South, Range 28 East, to the Northwest corner of Lot 94, Munger Land Company Subdivision of said Section 20; then South along the West line of said Lot 94 to the North line of the Southeast quarter of the Southeast quarter of said Section 20; then East along the North line of the Southeast quarter of the Southeast quarter of said Section 20 and the North line of the South half of the Southwest quarter of Section 21, Township 24 South, Range 28 East, to the Northwest corner of the East quarter of the Southeast quarter of the Southwest quarter of said Section 21; then South along the West line of the East quarter of the Southeast quarter of the Southwest quarter to the Southwest corner thereof; then East along the South line of said Section 21 to the South quarter corner of said Section 21; then North along the quarter section line to the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section 21; then East along the North line of the Southwest quarter of the Southwest quarter of the Southeast quarter to the Northeast corner thereof; then North along the West line of the Northeast quarter of the Southwest quarter of the Southeast quarter of said Section 21 to the Northwest corner thereof; then East along the South quarter line of said Section 21 to the East section line of said Section 21; then North along the East section line of Section 21, Township 24 South, Range 28 East to the East quarter corner of said section, and the West quarter corner of Section 22, Township 24 South, Range 28 East; then East along the North line of the South half of Section 22, Township 24 South, Range 28 East and the North line of the South half of Section 23, Township 24 South, Range 28 East to the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 23; then South along the West quarter section line of said Section 23 to the South section line of Section 23; then West along the South section line of Section 23, Township 24 South, Range 28 East and

Section 22, Township 24 South, Range 28 East to the North quarter corner of Section 27, Township 24 South, Range 28 East; then South along the East line of the Northwest quarter of Section 27, Township 24 South, Range 28 East to the Northeast corner of Lot 41, Munger Land Company Subdivision of said Section 27; then West along the North line of said Lot 41, 60 feet; then Southwesterly 700 feet, more or less, to a point 85 feet West of the East line of Lot 56, Munger Land Company Subdivision of said Section 27 on a line parallel to the South line of the Northwest quarter of said Section 27 which commenced at a point on the East line of said Lot 56 at a point 700 feet South from the Northeast corner of said Lot 41; then East along a line parallel to the South line of the Northwest quarter of said Section 27 to a point on the East line of said Lot 56 which is 700 feet South from the Northeast corner of said Lot 41; then South along the East line of said Lot 56 to a point on the shore line of Lake Bryan; then meander the shore line of Lake Bryan in a Southwesterly direction to a point on the South line of the Northwest quarter of Section 27, Township 24 South, Range 28 East; then West along the South line of the North half of said Section 27 to the West quarter corner of Section 27, and the East quarter corner of Section 28, Township 24 South, Range 28 East; then North along the West line of Section 27, Township 24 South, Range 28 East, to the Northwest corner of the Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 27; then East along the South line of Lot 48, Munger Land Company Subdivision of said Section 27, to the Southeast corner of said Lot 48; then North along the East line of Lot 48 to the North quarter line of said Section 27; then West along said North quarter line of Section 27 and the North quarter line of Section 28, Township 24 South, Range 28 East, to an intersection with the Westerly right-of-way line of U. S. Interstate Highway 4; then Southwesterly along said right-of-way line to an intersection with the South line of the North half of the Northwest quarter of the Southeast quarter of said Section 28; then West along said South line to the Southwest corner thereof;

then South along the quarter section line to the Southwest corner of the Northwest quarter of the Southeast quarter; then East along the South line of the Northwest quarter of the Southeast quarter to the Southeast corner of the Southwest quarter of the Northwest quarter of the Southeast quarter of said Section 28; then South along the West line of Lot 102, Munger Land Company Subdivision of said Section 28 to the Southwest corner of said Lot 102, then East along the South line of said Lot 102 to the Southeast corner thereof; then South along the West line of Lot 124, Munger Land Company Subdivision of said Section 28 to the South line of said Section 28; then West along the South section line of said Section 28 to the Southwest corner of the East three-eighths of the Southwest quarter of said Section 28; then North along the West line of the East three-eighths of the Southwest quarter of said Section 28 to the Northwest corner thereof; then West along the quarter section line to the West quarter corner of said Section 28 and the East quarter corner of Section 29, Township 24 South, Range 28 East; then North along the East section line of said Section 29 to the Northeast corner of the South half of the Southeast quarter of the Northeast quarter of said Section 29; then West along the North line of Lot 64, Munger Land Company Subdivision of said Section 29 to the Northwest corner of said Lot 64; then South along the West line of said Lot 64 to the quarter section line; then West along said quarter section line of Section 29 to the Northwest corner of the East half of the Southeast quarter of said Section 29; then South along the West line of the East half of the Southeast quarter to the Southwest corner thereof; then West along the South section line of Sections 29 and 30, Township 24 South, Range 28 East, to the Northeast corner of the West half of the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 31, Township 24 South, Range 28 East; then South along the East line of said West half of the Northwest quarter of the Northwest quarter of the Northeast quarter to the Southeast corner thereof; then East along the North line of the South half of the Northwest quarter of the

Northeast quarter of said Section 31 to the Northeast corner of the West half of the Southeast quarter of the Northwest quarter of the Northeast quarter of said Section 31; then South along the East line of said West half of the Southeast quarter of the Northwest quarter of the Northeast quarter and the East line of the West half of the Northeast quarter of the Southwest quarter of the Northeast quarter of said Section 31 to the Southeast corner thereof; then West along the South line of the North half of the Southwest quarter of the Northeast quarter to the Northeast corner of the West half of the Southwest quarter of the Southwest quarter of the Northeast quarter of said Section 31; then South along the East line of said West half of the Southwest quarter of the Southwest quarter of the Northeast quarter to the Southeast corner thereof; then East along the North line of the Southeast quarter of said Section 31 to the Northeast corner of the West half of the Northwest quarter of the Northeast quarter of the Southeast quarter of said Section 31; then South along the East line of the West quarter of the Northeast quarter of the Southeast quarter to the Southeast corner thereof; then West along the South line of the Northeast quarter of the Southeast quarter of said Section 31, to the Southwest corner thereof; then North along the West line of the Southwest quarter of the Northeast quarter of the Southeast quarter of said Section 31 to the Northwest corner thereof; then West along the South line of the North half of the Northwest quarter of the Southeast quarter to the Southwest corner thereof; then South along the quarter section line to the Northwest corner of the Southwest quarter of the Southeast quarter; then East along the North line of the Northwest quarter of the Southwest quarter of the Southeast quarter to the Northeast corner thereof; then South along the East line of the Northwest quarter of the Southwest quarter of the Southeast quarter to the Southeast corner thereof; then West along the South line of the Northwest quarter of the Southwest quarter of the Southeast quarter to the Southwest corner thereof; then South along the quarter section line to the South quarter corner of said Section 31; then

East along the South section line of said Section 31 to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 31; then North along the West line of the South half of the Southeast quarter of the Southeast quarter of said Section 31 to the Northwest corner thereof; then East along the North line of the South half of the Southeast quarter of the Southeast quarter to the Northeast corner thereof; then South along the East section line to the Southeast corner of said Section 31, Township 24 South, Range 28 East; then East along the South section line of Section 32, Township 24 South, Range 28 East to the Southeast corner of the West half of the Southwest quarter of the Southwest quarter of Section 32, Township 24 South, Range 28 East; then North along the East line of the West half of the Southwest quarter of the Southwest quarter of said Section 32 to the Northeast corner of Lot 114, Munger Land Company Subdivision of said Section 32; then East along the North line of Lots 115, 116 and 117, Munger Land Company Subdivision of Section 32, Township 24 South, Range 28 East to the Northeast corner of said Lot 117; then South along the East line of Lot 117 to the South line of said Section 32; then East along the South section line of Section 32, Township 24 South, Range 28 East to a point where said South section line is intersected by the North right-of-way line of U. S. Interstate Highway 4; then Southwesterly along the North right-of-way line of U. S. Interstate Highway 4 to a point where said North right-of-way line intersects the East section line of Section 6, Township 25 South, Range 28 East; then South along the East section line of said Section 6 to the Southeast corner of said Section 6; then East along the North section line of Section 8, Township 25 South, Range 28 East and Section 9, Township 25 South, Range 28 East to the Northeast corner of the Northwest quarter of the Northwest quarter of Section 9, Township 25 South, Range 28 East; then South along the West quarter section line of said Section 9 to a point where the West quarter section line of said section intersects the South quarter section line of said section; then East along the South quarter section line of Section 9,

Township 25 South, Range 28 East to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 9, Township 25 South, Range 28 East; then South along the West line of the Southeast quarter of the Southeast quarter of said Section 9 to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 9, Township 25 South, Range 28 East; then West along the South section line of said Section 9 to the Northeast corner of the Northwest quarter of the Northwest quarter of Section 16, Township 25 South, Range 28 East; then South along the East line of the Northwest quarter of the Northwest quarter of said Section 16 to the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 16; then West along the South line of the Northwest quarter of the Northwest quarter of said Section 16 to the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 16; then South along the West section line of Section 16, Township 25 South, Range 28 East to the West quarter corner of said Section 16; then East along the North line of the South half of said Section 16 to the Northeast corner of the Southwest quarter of said Section 16; then South along the East line of the Southwest quarter of said Section 16 to the Southeast corner of the Northeast quarter of the Southwest quarter of said Section 16; then West along the South quarter section line of said Section 16 to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 16; then South along the West section line of Section 16, Township 25 South, Range 28 East and Section 21, Township 25 South, Range 28 East to the Southeast corner of Section 20, Township 25 South, Range 28 East; then West along the South section line of said Section 20 to the Southwest corner of Section 20, Township 25 South, Range 28 East; then South along the East section line of Section 30, Township 25 South, Range 28 East, and Section 31, Township 25 South, Range 28 East to the Southeast corner of the Northeast quarter of the Southeast quarter of Section 31, Township 25 South, Range 28 East; then West along the South quarter line of said Section

31 to the Southwest corner of the Northeast quarter of the Southeast quarter of said Section 31; then North along the West line of the Northeast quarter of the Southeast quarter of said Section 31 to the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 31; then West along the North line of the South half of said Section 31 to a point on said North line equal distance between the Northeast corner and the Northwest corner of the Northwest quarter of the Southeast quarter of said Section 31; then North to a point on the North line of said Section 31 which is equal distance between the Northeast corner and the Northwest corner of the Northwest quarter of the Northeast quarter of said Section 31; then West along the South section line of Section 30, Township 25 South, Range 28 East, Section 25, Township 25 South, Range 27 East and Section 26, Township 25 South, Range 27 East to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 26; then North along the West line of said Southeast quarter of the Southeast quarter of Section 26 to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 26; then West along the South quarter section line of said Section 26 to the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 26; then North along the West line of the Northwest quarter of the Southeast quarter of Section 26 to the Northwest corner thereof; then West along the North line of the South half of said Section 26 to the Southwest corner of Lot 14, Block B, Florida Fruit and Truck Land Company Subdivision of Section 26, Township 25 South, Range 27 East; then North along the West line of said Lot 14 and the West line of Lot 7, Block B, Florida Fruit and Truck Land Company Subdivision of Section 26, Township 25 South, Range 27 East to the Northwest corner of said Lot 7; then East along the North line of said Lot 7 to the Northeast corner thereof; then North along the West line of the Southeast quarter of the Southwest quarter of Section 23, Township 25 South, Range 27 East to the Southerly right-of-way line of U. S. Interstate Highway

4; then Northeasterly along the Southerly right-of-way line of U. S. Interstate Highway 4 to the point where said Southerly right-of-way line intersects the North line of the Southeast quarter of the Southwest quarter of said Section 23; then East along the North line of the Southeast quarter of the Southwest quarter of said Section 23 to the Northeast corner thereof; then North along the half-section line of Section 23, Township 25 South, Range 27 East and Section 14, Township 25 South, Range 27 East to the Northeast corner of the Southeast quarter of the Southwest quarter of said Section 14; then West along the North line of said Southeast quarter of the Southwest quarter of Section 14 to a point which is 235 feet East of the Southwest corner of the East half of the Northeast quarter of the Southwest quarter of said Section 14; then North to a point on the North line of the South half of said Section 14 which is 235 feet East of the Northwest corner of the East half of the Northeast quarter of the Southwest quarter of said Section 14; then West along the North line of the South half of the said Section 14 to the Southwest corner of the East half of the Southeast quarter of the Northwest quarter; then North along the West line of the East half of the Southeast quarter of the Northwest quarter of said Section 14 to the North line of the Southeast quarter of the Northwest quarter of said Section 14; then West along the North line of the Southeast quarter of the Northwest quarter of said Section 14 to the Southwest corner of the East three-quarters of the Northeast quarter of the Northwest quarter of said Section 14; then North along the West line of the East three-quarters of the Northeast quarter of the Northwest quarter of said Section 14 to the Northwest corner of the East three-quarters of the Northeast quarter of the Northwest quarter of said Section 14; then West along the North section line of said Section 14 to the Southeast corner of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 11, Township 25 South, Range 27 East; then North along the East line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 11 to the Northeast

corner thereof; then West along the North line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 11 to the West section line of Section 11, Township 25 South, Range 27 East; then North along the West section line of said Section 11 to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 11; then East to the Southwest corner of the East half of the Southwest quarter of the Northwest quarter of the Southwest quarter of said Section 11; then North along the West line of the East half of the Southwest quarter of the Northwest quarter of the Southwest quarter of said Section 11 to the Northwest corner thereof; then East to the Southwest corner of the East half of the Northeast quarter of the Northwest quarter of the Southwest quarter of said Section 11; then North along the West line of the East half of the East half of the Northwest quarter of the Southwest quarter of said Section 11 to a point on said line 50 feet South of the Northwest corner of the East half of the East half of the Northwest quarter of the Southwest quarter of said Section 11; then East along a line parallel to the North line of the South half of said Section 11 to a point on the East line of the Northwest quarter of the Southwest quarter of said Section 11, 50 feet South of the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 11; then North along the East line of the Northwest quarter of the Southwest quarter of said Section 11, 50 feet to the Northeast corner thereof; then East along the North line of the South half of said Section 11 to the Southwest corner of the East half of the Southwest quarter of the Southeast quarter of the Northwest quarter of said Section 11; then North along the West line of the East half of the Southwest quarter of the Southeast quarter of the Northwest quarter of said Section 11 to the Northwest corner thereof; then East along the North line of the Southwest quarter of the Southeast quarter of the Northwest quarter of said Section 11 to the Northeast corner thereof; then North along the West line of the East quarter of the Northwest quarter of said Section 11 to the Southwest corner of the Northeast quarter of

the Northeast quarter of the Northwest quarter of said Section 11; then East along the South line of the Northeast quarter of the Northeast quarter of the Northwest quarter of said Section 11 to the Southeast corner thereof; then North along the half-section line of Section 11, Township 25 South, Range 27 East, Section 2, Township 25 South, Range 27 East and Section 35, Township 24 South, Range 27 East to the Northeast corner of the Southwest quarter of said Section 35; then West along the North line of the Southwest quarter of said Section 35 to the Southwest corner of the Southeast quarter of the Northwest quarter of said Section 35; then North along the West line of the Southeast quarter of the Northwest quarter of said Section 35 to the Northwest corner of the Southwest quarter of the Southeast quarter of the Northwest quarter of said Section 35; then West along the North line of the Southeast quarter of the Southwest quarter of the Northwest quarter of said Section 35 to the Northwest corner thereof; then South along the West line of the Southeast quarter of the Southwest quarter of the Northwest quarter of said Section 35 to the Southwest corner thereof; then West along the North line of the Southwest quarter of said Section 35 to the West quarter corner of said Section 35; then South along the West section line of said Section 35 to the Southeast corner of Section 34, Township 24 South, Range 27 East; then West along the South section line of Section 34, Township 24 South, Range 27 East to the Southeast corner of Section 33, Township 24 South, Range 27 East; then North along the East section line of said Section 33 to the Northeast corner of the Southeast quarter of the Southeast quarter of the Southeast quarter thereof; then West along the North line of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 33 to the Northwest corner thereof; then South along the West line of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 33 to the Southwest corner thereof; then West along the South section line of Section 33, Township 24 South, Range 27 East to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 33,

Township 24 South, Range 27 East; then North along the West line of the East quarter of said Section 33 to the Southwest corner of the Northeast quarter of the Northeast quarter of said Section 33; then East along the South line of the Northeast quarter of the Northeast quarter of said Section 33 to the Southeast corner thereof; then North along the East section line of said Section 33 to the Southwest corner of Section 27, Township 24 South, Range 27 East; then East along the South section line of Section 27, Township 24 South, Range 27 East to the half-section line of Section 34, Township 24 South, Range 27 East; then South along the half-section line of said Section 34 to the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 34; then East along the North quarter section line of said Section 34 to the Southwest corner of the East half of the Northeast quarter of the Northeast quarter of said Section 34; then North along the West line of the East half of the Northeast quarter of the Northeast quarter of said Section 34 to the Northwest corner thereof; then West along the North section line of said Section 34 to the South quarter corner of Section 27, Township 24 South, Range 27 East; then North along the half-section line of said Section 27 to the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 27; then West along the South line of the Northeast quarter of the Northwest quarter of said Section 27 to the Southwest corner thereof; then North along the West line of the Northeast quarter of the Northwest quarter of said Section 27 to the Northwest corner thereof; then West along the North section line of said Section 27 to the Southwest corner of Section 22, Township 24 South, Range 27 East; then North along the West section line of Section 22, Township 24 South, Range 27 East to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 22; then East along the North line of the Southwest quarter of the Southwest quarter of said Section 22 to the Northeast corner thereof; then North along the West quarter section line of said Section 22 to the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 22; then

West along the South line of the Northwest quarter of the Northwest quarter of said Section 22 to the Southwest corner thereof; then North along the West section line of said Section 22 to the Northwest corner of said Section 22; then West along the South section line of Section 16, Township 24 South, Range 27 East to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 16; then North along the East quarter section line of said Section 16 to the Southeast corner of the Southwest quarter of the Northeast quarter of said Section 16; then West along the South line of the Southwest quarter of the Northeast quarter of said Section 16 to the Southwest corner thereof; then North along the half section line of Section 16 to the Northwest corner of the Northeast quarter of said Section 16; then East along the North section line of said Section 16 to the Northeast corner of said Section 16; then North along the West section line of Section 10, Township 24 South, Range 27 East and Section 3, Township 24 South, Range 27 East to the West quarter corner of said Section 3; then East along the half section line of said Section 3 to the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 3; then South along the West line of the Northeast quarter of the Southeast quarter of said Section 3 to the Southwest corner thereof; then East along the South line of the Northeast quarter of the Southeast quarter of said Section 3 to the Southeast corner thereof; then North along the East section line of said Section 3 to the East quarter corner of the said Section 3, then continue North $1^{\circ} 16' 56''$ East 475.13 feet; then South $89^{\circ} 0' 35''$ East 1020.61 feet; then North $79^{\circ} 2' 48''$ East 1095.42 feet; then North $54^{\circ} 44' 3''$ East 1864.38 feet; then South $42^{\circ} 14' 45''$ East along the Westerly right-of-way of Reams Road 1408.11 feet; then along the arc of a curve concave to the Northeast, having a radius of 546.86 feet and an intersection angle of $46^{\circ} 21' 0''$ a distance of 442.39 feet; then South $88^{\circ} 35' 45''$ East along the Southerly right-of-way of Reams Road 341.61 feet; then South $1^{\circ} 6' 57''$ West 603.75 feet to the East quarter corner of Section 2, Township 24 South, Range 27 East; then East along the South line

of the Southwest quarter of the Northwest quarter of Section 1, Township 24 South, Range 27 East to a point 25 feet West of the Southeast corner thereof; then North parallel to the East line of the Southwest quarter of the Northwest quarter of said Section 1 a distance of 598.55 feet to the Southerly right-of-way line of Reams Road; then East along said Southerly right-of-way line a distance of 100 feet; then South $2^{\circ} 4' 3''$ East 523.60 feet; then North $89^{\circ} 43' 41''$ East a distance of 52 feet; then South $0^{\circ} 12' 22''$ East a distance of 49 feet; then North $89^{\circ} 43' 41''$ East a distance of 229 feet; then South $0^{\circ} 12' 22''$ East a distance of 26 feet; then East along the North line of the Northeast quarter of the Southwest quarter of said Section 1 to a point 90 feet East of the Northeast corner thereof; then South $5^{\circ} 34' 38''$ West a distance of 911.82 feet; then South along the East line of the Northeast quarter of the Southwest quarter of Section 1, Township 24 South, Range 27 East a distance of 420 feet to the Southeast corner thereof; then East along the South quarter section line of said Section 1 to the East section line of said Section 1 and the point of beginning,

(2) The following described parcels shall be excluded from the District as above described:

1. The west 150 feet of the North 300 feet of Lot 112, Munger Land Company Subdivision of Section 22, Township 24 South, Range 28 East; and
2. That part of the Northwest quarter of the Southeast quarter of the Southwest quarter of Section 22, Township 24 South, Range 28 East lying North of U. S. Interstate Highway 4 and East of State Road 535; and
3. That part of Lot 109, Munger Land Company Subdivision of Section 22, Township 24 South, Range 28 East lying North of U. S. Interstate Highway 4 and East of State Road 535; and
4. Lots 43 and 44, Munger Land Company Subdivision of Section 27, Township 24 South, Range 28 East; and
5. The North 150 feet of Lot 110 lying West of State Road 535, the North 150 feet of Lot 111 and the North 150

feet of Lot 112 (less the West 150 feet thereof), Munger Land Company Subdivision of Section 22, Township 24 South, Range 28 East; and

6. Lot 80, Munger Land Company Subdivision of Section 29, Township 24 South, Range 28 East.

Section 2. *Applicability of Certain Provisions of Chapter 298, Florida Statutes, to the Reedy Creek Improvement District; Inconsistent Laws Inapplicable.*—The provisions of chapter 298, Florida Statutes, and all amendments thereto, now existing or hereafter enacted, are hereby declared to be applicable to the Reedy Creek Improvement District insofar as not inconsistent with the provisions of this Act or any subsequent special acts relating to the Reedy Creek Improvement District. Except as may be otherwise provided in this Act, the Reedy Creek Improvement District shall have all of the powers and authorities mentioned in or conferred by chapter 298, Florida Statutes, and acts amendatory thereof. Notwithstanding the foregoing, the provisions of sections 298.07, 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.20, 298.23, 298.24, 298.25, 298.35, 298.37, 298.38, 298.39, 298.40, 298.401, 298.41, 298.42, 298.44, 298.45, 298.46, 298.48, 298.52, 298.56, 298.57, 298.61, 298.69, 298.70, 298.71, 298.72, 298.73, 298.74, Florida Statutes, and amendments thereto, shall not be applicable to the Reedy Creek Improvement District. In the event of a conflict between the provisions of this Act and the provisions of any other law, now existing or hereafter enacted, the provisions of this Act shall control to the extent of any such conflict unless such enactment shall specifically repeal or amend the provisions of this Act.

Section 3. *Definitions.*—Unless the context shall indicate otherwise, the following words as used in this Act shall have the following meanings:

(1) “Airport facilities” means airport facilities of all kinds including, but not limited to, landing fields, hangars, shops, terminals, buildings and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft and helicopters, and the unloading and handling of passengers, mail, express and freight, together with all necessary appurtenances and equipment and all properties, rights, easements and franchises re-

lating thereto and deemed necessary or convenient by the Board of Supervisors in connection therewith.

(2) "Assessable improvements" includes without limitation any and all drainage and land reclamation works and facilities, sewer systems, storm sewers and drains, water systems, streets, roads or other projects of the District, or that portion or portions thereof, local in nature and of special benefit to the premises or lands served thereby, and any and all modifications, improvements and enlargements thereof.

(3) "Bond" includes "certificate", and provisions applicable to bonds shall be equally applicable to certificates. "Bond" includes general obligation bonds, assessment bonds, refunding bonds, excise tax bonds, revenue bonds, and such other obligations in the nature of bonds as are provided for in this Act, as the case may be.

(4) "Board of Supervisors" means the Board of Supervisors of the Reedy Creek Improvement District, or if such District shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Board of Supervisors shall be given by law.

(5) "Cost", when used with reference to any project, includes, but is not limited to, the expenses of determining the feasibility or practicability of acquisition, construction or reconstruction; the cost of surveys, estimates, plans and specifications; the cost of acquisition, construction or reconstruction; the cost of improvements; engineering, fiscal and legal expenses and charges; the cost of all labor, materials, machinery and equipment; the cost of all lands, properties, rights, easements and franchises acquired; Federal, State and local taxes and assessments; financing charges; the creation of initial reserve and debt service funds; working capital; interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such period of time after completion of construction or acquisition as the Board of Supervisors may determine; the cost of issuance of bonds pursuant to this Act, including advertisements and printing, the cost of any election held pursuant to this Act and all other expenses of issuance of bonds; discount, if any, on the sale or exchange of bonds; adminis-

trative expenses; such other expenses as may be necessary or incidental to the acquisition, construction or reconstruction of any project or to the financing thereof, or the development of any lands within the District; and reimbursement of any public or private body, person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction or reconstruction of any project or improvements thereon, or in connection with any other development of land that the Board of Supervisors of the District shall determine to be necessary or desirable in carrying out the purposes of this Act, may be treated as a part of such cost.

(6) "District" means the Reedy Creek Improvement District.

(7) "Landowner" means the owner of the freehold estate, as appears by the deed record, including private corporations having such an ownership interest, and shall not include reversioners, remaindermen, trustees (other than persons owning the freehold estate as of deed record) or mortgagees, who shall not be counted and need not be notified by publication, or served by process, but shall be represented by the present owners of the freehold estate in any proceeding under this Act or under chapter 298, Florida Statutes. For purposes of this Act the landowner of condominium parcels or property shall be the association responsible for the operation of the condominium.

(8) "Parking facilities" means lots, garages, parking terminals and other structures (either single or multi-level and either at, above or below the surface) for the off-street parking of motor vehicles, open to public use with or without a fee, including, but without limiting the generality of the foregoing, facilities for trucks and buses, waiting rooms, lockers, and, if deemed necessary or desirable by the Board of Supervisors, space to be leased for such uses as the Board of Supervisors may deem advisable, and all facilities appurtenant thereto, including on-street parking meters, and all property rights, easements and interests relating thereto which the Board of Supervisors deems necessary or desirable for the construction or operation thereof.

(9) "Plat" means a map or drawing, depicting the division of lands into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated.

(10) "Project" means any development, improvement, property, utility, facility, works, road, sidewalk, enterprise, service or convenience, including without limitation public transportation facilities and devices and telephone and other communication facilities and services, now existing or hereafter undertaken or established, that under the provisions of this Act or under chapter 298, Florida Statutes, the District is authorized to construct, acquire, undertake or furnish for its own use or for the use of any other person, firm or corporation, owning, leasing or otherwise using the same, for any profit or non-profit purpose or activity, and shall include, without limitation, such repairs, replacements, additions, extensions and betterments of and to any project as may be deemed necessary or desirable by the Board of Supervisors to place or to maintain such project in proper condition for the safe, efficient and economic operation thereof.

(11) "Sewer system" means any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, including without limitation industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources; and, without limiting the generality of the foregoing, shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all sewer mains, laterals and other devices for the reception and collection of sewage from premises connected therewith, and all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(12) "Subdivision" means the division of a parcel of land, whether improved or unimproved, into two or more lots or parcels of land for the purpose, whether immediate or future,

of transfer of ownership or building development where the subdivider advocates, proposes, suggests or exhibits a proposed plan, map or plat of development of the land or where the subdivider proposes to create a street, right-of-way or easement that joins or connects to an existing public street for ingress and egress, or to change an existing public street.

(13) "Waste collection and disposal system" means all the facilities of the District for the collection and disposal of garbage and other waste matter, except sewage but including liquid waste material from septic tank and grease trap systems, together with digested sludge from sewage treatment plants, and shall include all such facilities, including incinerators, composting plants or other means of disposal constructed or acquired pursuant to the provisions of this Act, or hereafter constructed or acquired by the District from any other source whatsoever.

(14) "Water and flood control facilities" means any canals, ditches or other drainage facilities, reservoirs, dams, levees, sluiceways, dredging holding basins, floodways, pumping stations or any other works, structures or facilities for the conservation, control, development, utilization and disposal of water, and any purposes appurtenant, necessary or incidental thereto, and includes all real and personal property and any interest therein, rights, easements and franchises of any nature relating to any such water and flood control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation or maintenance thereof.

(15) "Water system" means any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment, or purification and distribution of water for domestic or industrial use and, without limiting the generality of the foregoing, includes dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all real and personal property and any interests therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(16) References in this Act to the territorial or corporate limits of the District mean such limits or boundaries as the same may from time to time be expanded, contracted or otherwise revised by law or in any proceedings taken under this Act, and any actions that may be taken by or on behalf of the District under this Act within the limits or boundaries of the District may be taken within such limits or boundaries as expanded, contracted or otherwise revised.

Section 4. Board of Supervisors; Elections; Organization; Term of Office; Quorum; Annual Meetings, Report and Minutes.

(1) The Board of Supervisors of the Reedy Creek Improvement District shall be the governing body of the District and shall, subject to the provisions of this Act, exercise the powers granted to the District under this Act and under chapter 298, Florida Statutes. The Board of Supervisors shall consist of five (5) members, and except as otherwise provided herein each member shall hold office for a term of four (4) years and until his successor shall be chosen and shall qualify. A majority of the members of the Board of Supervisors shall be residents of Orange or Osceola Counties, or some adjoining county. All of the members of the Board shall be owners of land within the District.

(2) The election of the three (3) members of the Board of Supervisors of the Reedy Creek Drainage District, held on June 6, 1966, is hereby ratified, confirmed and approved. The members of the Board of Supervisors of the Reedy Creek Drainage District in office on the date of enactment of this Act shall constitute members of the Board of Supervisors of the Reedy Creek Improvement District and shall continue to hold office until June 6, 1967 and thereafter for a term of two (2) years commencing on June 6, 1967 and until their successors are chosen and shall qualify.

(3) The first annual meeting of the landowners of the District under this Act shall be held in the month of May, 1967, for the purpose of electing two (2) supervisors for a term of four (4) years commencing on June 6, 1967 and until their successors are chosen and shall qualify. If for any reason such first annual meeting cannot be held in May, 1967, then such meeting shall be held as soon as practicable thereafter. There-

after, an annual meeting of the landowners shall be held during the month of May of each year.

(4) Following the first annual meeting of the landowners, elections of supervisors shall be held every two (2) years for the purpose of electing two (2) or three (3) supervisors, as the case may be, as successors to the supervisors whose terms expire in June of such year. Each supervisor so elected shall hold office for a term of four (4) years, commencing as of the first Tuesday in June of the year of his election, and until his successor is chosen and shall qualify. Such elections shall be held at the annual meeting of the landowners of the District held in such year.

(5) At all elections of supervisors, each landowner shall be entitled to one (1) vote in person or by written proxy for every acre of land and for every major fraction of an acre owned by him in the District. The ownership of land or lands aggregating in excess of one-half acre and less than one (1) acre shall entitle the landowner to one (1) vote with respect thereto. Except as otherwise provided hereinabove, there shall be no more than one (1) vote for every acre of land within the District, regardless of the number of fractional or other ownership interests held therein. Ownership of one-half acre or a lesser fraction of an acre shall not entitle the owner thereof to a vote. The person receiving the highest number of votes for the office of supervisor shall be declared elected. If at any meeting of the landowners more than one (1) office of supervisor is to be filled, a separate vote shall be taken on each such office. Tie votes shall be decided by lot.

(6) All supervisors shall hold office for the terms for which they are elected or appointed and until their successors shall be chosen and qualify. In case of a vacancy in the office of any supervisor, the remaining supervisor or supervisors (even though less than a quorum) may fill such vacancy until the sooner occurrence of (a) the next annual meeting of the landowners, when a successor to such appointee shall be elected by the landowners for the unexpired term, or (b) the election by the landowners of a successor to such appointee for the unexpired term, at a special meeting of the landowners called for such purpose at any time upon written request of the landowners as provided in section 5 of this Act. In the event any vacancy remains unfilled for more than thirty (30)

days after such vacancy occurs, it may be filled by vote of the landowners at a meeting of landowners called for such purpose, and the person so elected shall replace any person who may have been elected by the remaining supervisor or supervisors after the landowners have made a written request for such an election as provided in section 5 of this Act.

(7) As soon as practicable after each election, the Board of Supervisors of the District shall organize by choosing one of their number President of the Board of Supervisors and by electing a Secretary, who need not be a member of the Board. The Board of Supervisors shall adopt a seal which shall be the seal of the District.

(8) A majority of the members of the Board of Supervisors shall constitute a quorum.

(9) At each annual meeting of the landowners of the District the Board of Supervisors shall report all work undertaken or completed during the preceding year and the status of the finances of the District.

(10) The Board of Supervisors shall keep a permanent record book entitled "Record of Governing Board of Reedy Creek Improvement District", in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be opened to public inspection. Such record book shall be kept at an office or other regular place of business maintained by the Board of Supervisors in Orange or Osceola County.

(11) Whenever any election shall be authorized or required by this Act to be held by the landowners at any particular or stated time or day, and if for any reason such election is not held at such time or on such day, then in such event the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter when practicable, and in accordance with the procedures provided by this Act.

Section 5. *Notice and Call of Meetings of Landowners; Quorum; Adjournments; Representation at Meetings; Recall; Taking Action without Meeting.*—

(1) The Board of Supervisors shall provide for the giving of notice of all meetings of landowners by publication once a week for two (2) consecutive weeks prior to such meeting in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties. Meetings of landowners shall be held in a public place, or any other place made available for the purpose of such meeting, in Orange or Osceola County, and the place, date and hour of holding such meeting and the purpose thereof shall be stated in the notice. Landowners representing a majority of the number of acres in the District, present in person or by proxy, shall constitute a quorum at any meeting of the landowners.

(2) The Board of Supervisors shall have the power to call special meetings of the landowners at any time to receive reports of the Board of Supervisors or for such other purpose as the Board of Supervisors may determine. A special meeting of the landowners may also be called at any time upon notice as provided hereinabove at the written request of the owners of not less than twenty-five (25) per cent in acreage of the land within the District for the purpose of (a) filling any vacancy on the Board of Supervisors remaining unfilled for more than thirty (30) days after such vacancy occurs, (b) recalling any supervisor theretofore elected or designated and filling such vacancy for the unexpired term, or (c) taking any other action by the landowners of the District. Such special meeting shall be called by any court of competent jurisdiction in the event that the Board of Supervisors fails to do so upon request as provided in the preceding sentence. Except as otherwise provided in section 4 of this Act with respect to the election of supervisors, action taken at a meeting of the landowners shall be by the affirmative vote of the owners of at least a majority in acreage of the land within the District represented at such meeting.

(3) If no quorum is present or represented at a meeting of the landowners at the time and place the same is called to be held, the landowners present and represented, although less than a quorum, may adjourn to another time or day, and at such or any subsequent adjourned meeting may, if a quorum is then present or represented, take any action that the landowners could have taken at the meeting or meetings so adjourned for lack of a quorum.

(4) At any meeting of the landowners, guardians may represent their wards; executors and administrators may represent the estate of deceased persons; trustees may represent lands held by them in trust; and private corporations may be represented by their duly authorized proxy. All landowners, including guardians, executors, administrators, trustees and corporations, may be represented and vote by proxy.

(5) Any action required or that may be taken at a meeting of the landowners may be taken, without a meeting or notice of meeting being given, upon the written consent of all of the landowners.

Section 6. *Compensation of Board.*—Each supervisor shall be entitled to receive for his services a per diem of Twenty-Five Dollars (\$25.00) for each day actually engaged in work pertaining to the District, but not in excess in any one month of One Hundred Dollars (\$100.00). In addition, each supervisor shall receive reasonable travelling expenses for attending the place of meeting from his residence. Unless the Board of Supervisors by resolution otherwise provides, such travelling expenses shall not be in excess of the amounts provided by law for state and county officials.

Section 7. *Treasurer; Depositories; Fiscal Agent.*—

(1) The Board of Supervisors shall designate a person who is a resident of the State of Florida, or a bank or trust company organized under the laws of the State of Florida, as Treasurer of the District, who shall have charge of the funds of the District. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the Board of Supervisors by warrant or check signed by the Treasurer, or by such other person as may be authorized by the Board of Supervisors. The Board of Supervisors may give the Treasurer such other or additional powers and duties as the Board may deem appropriate, and fix his compensation. The Board of Supervisors may require the Treasurer to give a bond in such amount, on such terms and with such sureties as may be deemed satisfactory to the Board to secure the performance by the Treasurer of his powers and duties. The Board of Supervisors shall audit or have audited the books of the Treasurer at least once a year.

(2) The Board of Supervisors is authorized to select as

depositories in which the funds of the Board and of the District shall be deposited any banking corporation organized under the laws of the State of Florida or under the national banking act, doing business in the State of Florida, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the Board may deem just and reasonable.

(3) The State Comptroller may from time to time adopt, revise and rescind rules and regulations prescribing the qualifications of depositories of funds of the District and establishing requirements for security to be given by depositories with respect to such funds. In the absence of any such rules and regulations issued by the State Comptroller, the Board of Supervisors may prescribe the qualifications of depositories and the requirements for security to be given by depositories.

(4) The Board of Supervisors may employ a fiscal agent, who shall be either a resident of the State of Florida or a corporation organized under the laws of this or any other state and authorized by such laws to act as such fiscal agent for municipal corporations in the State of Florida and who shall assist in the keeping of the tax books, the collection of taxes and the remitting of funds to pay maturing bonds and coupons, and perform such other or additional services and duties as fiscal agent and receive such compensation as the Board of Supervisors may determine.

Section 8. *Powers and Duties of the Board of Supervisors.*
—Except as otherwise provided in this Act, all of the powers and duties of the District shall be exercised by and through the Board of Supervisors. Without limiting the generality of the foregoing, the Board shall have the power and authority to:

(1) Employ engineers, contractors, consultants, attorneys, auditors, agents, employees and representatives, as the Board of Supervisors may from time to time determine, on such terms and conditions as the Board of Supervisors may approve, and fix their compensation and duties.

(2) Adopt by-laws, rules, resolutions and orders prescribing the powers, duties and functions of the officers of the District, the conduct of the business of the District,

the maintenance of records, and the form of certificates evidencing tax liens and all other documents and records of the District. The Board may adopt administrative rules and regulations with respect to any of the projects of the District, on such notice and public hearing, if any, as the Board may determine.

(3) Maintain an office at such place or places as it may designate.

(4) Enter or direct the entry upon any lands, premises, waters or other property subject to the requirements of due process as to privately owned property.

(5) Execute all contracts and other documents, adopt all proceedings and perform all acts determined by the Board of Supervisors to be necessary or desirable to carry out the purposes of this Act. The Board may authorize one or more members of the Board to execute contracts and other documents on behalf of the Board or the District.

(6) Establish and create such departments, boards or other agencies as from time to time the Board of Supervisors may deem necessary or desirable in the performance of any acts or other things necessary to the exercise of the powers provided in this Act, and to delegate to such departments, boards or other agencies such administrative duties and other powers as the Board of Supervisors may deem necessary or desirable. The Board of Supervisors may appoint a person to act as general manager of the District, having such official title, functions, duties and power as the Board may prescribe.

(7) Examine, and authorize any officer or agent of the District to examine, the county tax rolls with respect to the assessed valuation of the real and personal property within the District.

Section 9. *Powers of the District.*—In addition to and not in limitation of the powers and authorities of the District under chapter 298, Florida Statutes, and amendments thereto, the District shall have the following powers:

(1) *Legal Proceedings.*—To sue and be sued by its name in any court of law or in equity.

(2) *Corporate Seal.*—To adopt and use a corporate seal and to alter the same at pleasure.

(3) *Ownership and Disposition of Property.*—To acquire property, real, personal or mixed, within or without its territorial limits, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, on such terms and conditions as the Board of Supervisors may deem necessary or desirable, and by condemnation (subject to the limitations of subsection 5 hereinbelow), all provided that the Board of Supervisors determines that the use or ownership of such property is necessary in the furtherance of a designated lawful purpose authorized under the provisions of this Act or chapter 298, Florida Statutes, and amendments thereto; to acquire mineral rights and leases; to acquire title to submerged lands and riparian rights and easements or rights-of-way with or without restrictions within or without the limits of the District; to accept the dedication of streets and other rights-of-way on such terms and conditions as the Board of Supervisors may approve; to make purchase money mortgages and deed trusts and other forms of encumbrance on any property acquired by the District and to purchase property subject to purchase money mortgages, or other encumbrances; and to mortgage, hold, manage, control, convey, lease, sell, grant or otherwise dispose of the same, and of any of the assets and properties of the District, with or without consideration.

(4) *Lease of Facilities.*—Whenever deemed necessary or desirable by the Board of Supervisors, to lease as lessor or lessee to or from any person, firm, corporation, association or body, public or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District and to carry out any of the purposes of the District, subject to the limitations of section 21 of this Act.

(5) *Eminent Domain.*—To exercise within or without the territorial limits of the District the right and power of eminent domain in all cases and under all circumstances provided for in sections 298.22 and 298.62, Florida Statutes, and amendments thereto. In addition to and not in limitation of the foregoing, the District may also exercise the right and power of eminent domain within the territorial limits of the District for the purpose of condemning any real, personal or mixed

property, public or private, including without limitation property owned by any other political body or municipal corporation, which the Board of Supervisors shall deem necessary for the use of, construction or operation of any of the projects of the District or otherwise to carry out any of the purposes of the District. The power of condemnation shall be exercised in the same manner as is now provided by the general laws of the State. In any proceeding under this Act or under chapter 298, Florida Statutes, for the taking of property by eminent domain or condemnation, the Board of Supervisors is authorized to file declaration of taking immediate possession of the property before the final trial by making deposit as to value as provided by the general statutes, and shall have all the benefits provided by chapters 73 and 74, Florida Statutes, and amendments thereto, or any other statutes of the State of Florida which give the right to immediate taking and possession. No public or private body, and no agency or authority of the State or any political subdivision thereof, shall exercise the power of eminent domain or condemnation with respect to any of the properties, easements or rights owned by the District and lying within the District except with the concurrence of the Board of Supervisors of the District, which shall not be unreasonably withheld.

(6) *Reclamation; Drainage; Irrigation.*—To adopt a plan of reclamation, and to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve canals, ditches, drains, dikes, levees, pumps, plants and pumping systems and other works for drainage purposes, and irrigation works, machinery and plants.

(7) *Water and Flood Control; Erosion Control; Eligibility for State Assistance.*—To own, acquire, construct, reconstruct, equip, maintain, operate, extend and improve water and flood control facilities; to regulate the supply and level of water within the District; to divert waters from one area, lake, pond, river, stream, basin, or drainage or water flood control facility to any other area, lake, pond, river, stream, basin, or drainage and water flood control facility; to regulate, control and restrict the development and use of natural or artificial streams or bodies of water, lakes or ponds; and to take all measures determined by the Board of Supervisors to be necessary or desirable to prevent or alleviate land erosion. Subject to the limi-

tations of subsection 2 of section 11 of this Act, the powers granted to the District by this subsection 7 shall be exclusive within the area of the District of the exercise of the same or like powers by any other public body, agency, authority or subdivision, and no other public body, agency, authority or subdivision shall within the area of the District exercise the same or like powers as are granted to the District under this subsection except upon the concurrence of the Board of Supervisors. The Legislature hereby finds and declares the District eligible to receive moneys, disbursements and assistance from the State available to flood control or water management districts and navigation districts or agencies.

(8) *Water and Sewer Systems.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve water systems and sewer systems or combined water and sewer systems; to regulate the use of sewers and the supply of water within the District and to prohibit or regulate the use and maintenance of out-houses, privies, septic tanks or other sanitary structures or appliances within the District; to prescribe methods of pretreatment of wastes not amenable to treatment with domestic sewage before accepting such wastes for treatment and to refuse to accept such wastes when not sufficiently pretreated as may be prescribed, and to prescribe penalties for the refusal of any person or corporation to so pretreat such wastes; to sell or otherwise dispose of the effluent, sludge or other by-products as a result of sewage treatment; and to construct and operate connecting, intercepting or outlet sewers and sewer mains and pipes and water mains, conduits or pipelines in, along or under any street, alleys, highways or other public places or ways within or without the District, when deemed necessary or desirable by the Board of Supervisors in accomplishing the purposes of this Act.

(9) *Waste Collection and Disposal.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve a waste collection and disposal system, and to sell or otherwise dispose of any effluent, residue or other by-products of such system.

(10) *Mosquito and Pest Controls; Eligibility for State Aid.*—To establish a program for the control, abatement and elimination of mosquitos and other noxious insects, rodents, reptiles and other pests throughout the District and to under-

take such works and construct such facilities within or without the District as may be determined by the Board of Supervisors to be needed to effectuate such program; to abate and suppress mosquitos and other arthropods, whether disease-bearing or pestiferous, within the District or without the District when in the judgment of the Board of Supervisors necessary or desirable for the health and welfare of the inhabitants of or visitors to the District; and to take any and all temporary or permanent eliminative measures that the Board of Supervisors may deem advisable. The Legislature hereby finds and declares the District eligible to receive State funds, supplies, services and equipment available or that may in the future become available to mosquito or pest control districts.

(11) *Airport Facilities.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve airport facilities.

(12) *Recreation Facilities.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve parks, playgrounds, picnic grounds, camping facilities, golf courses, athletic fields, marinas, piers, wharves, docks, harbors, boating and fishing facilities, swimming pools, bathing beaches and other water recreation facilities, stadiums, auditoriums, civic centers, aquariums, libraries, museums, recreational centers, convention halls and facilities, radio and television sending, transmission and receiving stations, community antenna television systems, and cultural, recreational and educational buildings, facilities and projects of all kinds and descriptions.

(13) *Parking Facilities.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve parking facilities, to install or cause to be installed parking meters at or near the curbs of streets, roads and other public ways within the District, and to adopt such regulations and impose such charges in connection with any parking facilities and parking meters as the Board of Supervisors may deem necessary or desirable.

(14) *Fire Protection.*—To own, acquire, construct, reconstruct, equip, maintain, operate, extend and improve fire control facilities for the District, including fire stations, water mains and plugs, fire trucks and other vehicles and equipment, and to undertake such works and construct such fa-

cilities as may be determined necessary by the Board of Supervisors to carry out a program of fire prevention and fire control within the District.

(15) *Advertising*.—To undertake a program of advertising to the public and promoting the businesses, facilities and attractions within the District and the projects of the District, and to expend moneys and undertake such activities to carry out such advertising and promotional program as the Board of Supervisors from time to time may determine.

(16) *Transportation*.—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve common, private or contract carriers, buses, vehicles, railroads, monorails, airplanes, helicopters, boats and other transportation facilities, whether now or hereafter invented or developed including without limitation novel and experimental facilities such as moving platforms and sidewalks, as may be determined from time to time by the Board of Supervisors to be useful or appropriate to meet the transportation requirements of the District and activities conducted within the District; and to extend such transportation facilities to areas outside the District in order to provide transportation to and from the District.

(17) *Public Utilities*.—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve electric power plants, transmission lines and related facilities, gas mains and facilities of any nature for the production or distribution of natural gas, telephone lines, plants and systems and other communications systems of any nature, transmission lines and related facilities and plants and facilities for the generation and transmission of power through nuclear fission and other new and experimental sources of power and energy; to purchase electric power, natural gas and other sources of power for distribution within the District; and to develop and operate such new and experimental public utilities, including but not limited to centrally distributed heating and air conditioning facilities and services, closed-circuit television systems, and computer services and facilities, as the Board of Supervisors may from time to time determine.

(18) *Conservation Areas and Sanctuaries*.—To designate, set aside and maintain lands and areas within the District

as conservation areas or bird and wild-life sanctuaries; to stock such areas with animal and plant life and to stock water areas with fish and other aquatic life; to promulgate and enforce rules and regulations with respect thereto and to protect and preserve the natural beauty thereof; and to do all acts necessary or desirable in order to qualify such lands and areas as conservation areas and sanctuaries under any of the laws of the State or under Federal law.

(19) *Issuance of Bonds.*—To issue general obligation bonds, revenue bonds, assessment bonds or any other bonds or obligations authorized by the provisions of this Act or any other law, or any combination of the foregoing, to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, maintenance or operation of any project or combination of projects, to provide for any facility, service or other activity of the District and to provide for the retirement or refunding of any bonds or obligations of the District, or for any combination of the foregoing purposes.

(20) *Other Powers; Research and Development.*—In addition to the powers specifically provided in this Act, the District shall have the power to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve such other projects as the Board of Supervisors may in its discretion find necessary or desirable to accomplish the purposes of this Act, and to exercise through its Board of Supervisors all powers necessary, convenient or proper to carry out the purposes of this Act. In connection with any of the projects that the District is authorized to undertake pursuant to the powers and authority vested in it by this Act, and in order to promote the development and utilization of new concepts, designs and ideas in the fields of recreation and community living, the District shall have the power and authority to examine into, develop and utilize new concepts, designs and ideas, and to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve such experimental public facilities and services, including by way of example and not of limitation facilities for the generation of power by nuclear fission, and otherwise to undertake, sponsor, finance and maintain such research activities, experimentation and development as the Board may from time to time determine.

Section 10. *Authority of the District with Respect to Roads, Bridges, Street Lighting, etc.—*

(1) The District shall have the powers, and shall be entitled to the benefits and privileges under law, of special road and special road and bridge districts. The District shall have the right and power to own, acquire, open, extend, close, vacate, abandon, construct, reconstruct, pave, operate, improve and maintain highways, streets, toll roads and bridges, alleys, sidewalks, promenades, boardwalks, bridges, tunnels, interchanges, underpasses, overpasses, causeways, storm drains and public thoroughfares of all kinds and descriptions (hereinafter collectively and severally referred to as "public roads") and connections to and extensions of any and all existing public roads within the District, deemed necessary or convenient by the Board of Supervisors to provide access to and efficient development of the territory within the District; to regulate and control the use, encroachments in, upon, over and under, and the obstruction thereof; to erect, maintain, from time to time change the location of and operate toll plazas, traffic control devices and signs and street signs; and to construct and maintain sidewalks and street lights along public roads in the District and elsewhere as may from time to time be deemed appropriate by the Board of Supervisors adequately to service the District and its residential, park, recreational, commercial and industrial areas.

(2) The right and authority of the District to construct, control and maintain public roads and connections to and extensions thereof now or hereafter acquired, constructed or maintained with public funds shall be exclusive of and supercede within the territorial limits of the District the jurisdiction and authority of the State Road Department of Florida and of any other agency or authority of the State or any political subdivision thereof, except as to those portions of State Roads 530 and 535 and Interstate Highway 4 lying within the District, which shall remain under the jurisdiction and authority of the State Road Department. No public road within the District or any connection to or extensions thereof shall constitute a part of the state highway system or the county road system unless so designated by the Board of Supervisors of the District, and no agency or authority of the State or any political subdivision thereof shall have the power or authority, except with the concurrence

of the Board of Supervisors, to acquire, construct or maintain public roads within the territorial limits of the District, excepting State Roads 530 and 535 and Interstate Highway 4.

(3) The District shall have the right and authority exclusive of any other agency or authority of the State or any political subdivision thereof to contract with and franchise public or private persons to own, acquire, open, extend, close, vacate, construct, pave, operate, maintain, and improve toll highways, roads and bridges within the territorial limits of the District, on such terms with respect to construction, maintenance, the levy of tolls and restrictions on the use of the roadways as the District may determine to be appropriate. No private toll road franchised by the District and no private road connected to or an extension of any State or any other public road within the District shall by reason of such connection with a public road, and when not otherwise dedicated to the use of the public, constitute or be deemed a public road.

(4) The Board of Supervisors of the District shall have the right and authority to sell or lease any road to the State Road Department, enter lease-purchase agreements with respect thereto with the State Road Department, and contract with the same for the construction or maintenance of any road, on such terms and conditions as the Board of Supervisors of the District and the State Road Department may agree. The State Road Department of Florida is hereby authorized and empowered to purchase or lease any road from the District, enter lease-purchase agreements with respect to the same and construct or maintain any road within the District pursuant to such agreement with the Board of Supervisors of the District. The cost of any road acquired, leased or constructed by the State Road Department may be defrayed in whole or in part out of the gasoline tax funds accruing to the State Road Department for use in Orange and Osceola Counties, as the case may be, under the provisions of Section 16 of Article IX of the Constitution of Florida, section 208.44, Florida Statutes, and any other laws of the State with respect to the application of taxes levied upon gasoline, special fuels or other like products.

(5) The location, design, and construction of access roads and connecting roads and extensions of State Roads 530 and 535 and Interstate Highway 4 within the territorial limits of the District shall be jointly determined by the Board of Super-

visors of the District and the State Road Department of Florida. The State Road Department of Florida is authorized and empowered to relinquish control over and transfer to the District all of its rights, title and interest to any access roads, connecting roads or extensions of State Roads 530 and 535 or Interstate Highway 4 located within the territorial limits of the District.

Section 11. Adoption, Revision and Revocation of Plan of Reclamation; September 29, 1966 Stipulation with Orange County Continued in Effect.—

(1) In addition to and not in limitation of its powers under section 298.27, Florida Statutes, and amendments thereto, the Board of Supervisors may at any time and from time to time adopt, revoke or modify, in whole or in part, any plan of reclamation or any plan providing for the drainage of lands within the District, including without limitation any such plan heretofore approved by the Circuit Court for the Ninth Circuit of the State of Florida, and may provide for such new and additional drainage facilities, canals, ditches, levees and other works as the Board may determine. In connection with the revision of any plan of reclamation or the providing of any new or additional drainage facilities, canals, ditches, levees or other works, or in the event that the total taxes and assessments theretofore levied or the funds derived from the sale of bonds are insufficient to pay the cost of any drainage works, benefits may be reassessed, additional assessments made and taxes levied in accordance with the procedures provided in this Act or in chapter 298, Florida Statutes. The Board of Supervisors may at any time approve and make effective technical changes or modifications in any plan of reclamation or drainage not affecting assessed benefits, levy of taxes or the security of bondholders.

(2) The stipulation dated September 29, 1966 by and between the Reedy Creek Drainage District and Orange County, filed and entered in the proceeding pending in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, being Case No. Chancery 66-1061, shall continue to be effective and binding on the Reedy Creek Improvement District and Orange County and applicable to any plan of reclamation now or hereafter adopted by the Reedy Creek Improvement District unless and until revised or terminated by agreement of the parties thereto.

Section 12. *Unit Development; Powers of Board of Supervisors to Designate Units of District and Adopt System of Progressive Drainage by Units; Plans of Reclamation and Financing Assessments for Each Unit; Amendment of Unit Plan.—*

(1) The Board of Supervisors of the District shall have the power and is hereby authorized in its discretion to drain and reclaim and place under water control or more completely and intensively to drain and reclaim and place under water control the lands in the District by designated areas or parts of the District to be called "units." The units into which the District may be so divided shall be given appropriate numbers or names by the Board of Supervisors, so that the units may be readily identified and distinguished. The Board of Supervisors shall have the power to fix and determine the location, area and boundaries of lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this Act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire District has been or is being or shall be instituted or carried on under the provisions of this Act or under chapter 298, Florida Statutes, or both.

(2) If the Board of Supervisors shall determine that it is advisable to conduct the work of draining and reclaiming the lands in the District by units, as authorized by this section, the Board shall, by resolution, declare its purpose to conduct such work accordingly, and shall fix the number, location and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. The entire District may also be designated as a unit for the proper allocation of such part of the plan of reclamation and drainage as benefits the entire District.

(3) As soon as practicable after the adoption of such resolution, the Board of Supervisors shall publish notice once a week for two (2) consecutive weeks in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties, briefly describing the units into which the District has been divided and the lands embraced in each unit, giving the name, number or other designation of such units, requiring all

owners of lands in the District to show cause in writing before the Board of Supervisors at a time and place to be stated in such notice why such division of the District into such units should not be approved, and said system of development by units should not be adopted and given effect by the Board, and why the proceedings and powers authorized by this section should not be had, taken and exercised. At the time and place stated in said notice, the Board of Supervisors shall hear all objections or causes of objection (all of which shall be in writing) of any landowner in the District who may appear in person or by attorney, to the matters mentioned and referred to in such notice, and if no objections are made, or if objections are made and overruled by the Board, then the Board shall enter in its minutes its finding and order confirming the resolution, and may thereafter proceed with the development, drainage and reclamation of the District by units pursuant to such resolution and to the provisions of this Act. The failure to make objection as provided hereinabove shall constitute a waiver of such objection, and if any objection shall be made and overruled or otherwise not sustained, confirmation of the resolution shall be the final adjudication of the issues presented unless a judicial proceeding is initiated within ten (10) days after such ruling as provided hereinafter.

(4) The Board of Supervisors may, as a result of any objections or of other matters brought forth at such hearing, modify or amend said resolution in whole or in part, confirm said resolution after overruling all objections, or reject said resolution, and if such resolution is confirmed, modified or amended, may proceed thereafter in accordance with said resolution as confirmed, modified or amended. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of the Board under this section, but the Board of Supervisors may at any time adopt other resolutions under this section and thereupon proceed on due notice in like manner as above provided. If the Board of Supervisors shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the District, or if any such landowner shall deem himself aggrieved by any action of the Board of Supervisors in respect to any objections so filed, such landowner may, within ten (10) days after the ruling of the Board, invoke the jurisdiction of the Circuit Court for the Ninth Circuit, and such suits shall be conducted like other

chancery suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus.

(5) When said resolutions creating said unit system shall be confirmed by the Board of Supervisors (or by the Circuit Court for the Ninth Circuit, if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized), the Board of Supervisors may adopt a plan or plans of reclamation for and in respect to any or all such units, and have the benefits and damages resulting therefrom assessed and apportioned (i) in like manner as is provided by chapter 298, Florida Statutes, in regard to plans of reclamation for and assessments of benefits and damages of the entire District, or (ii) in like manner as is provided for in section 40 of this Act for the assessments of benefits. The Board of Supervisors shall have the same powers in respect to each and all of such units as is vested in them with respect to the entire District. All the provisions of this Act shall apply to the drainage, reclamation and improvement of each, any and all of such units, and the enumeration of or reference to specific powers or duties of the Supervisors or any other officers or other matters in this Act, as hereinabove set forth, shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and reclamation of such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this Act where the entire District is mentioned or referred to. Unless the Board of Supervisors by resolution otherwise provides, all assessments, levies, taxes, bonds and other obligations made, levied, assessed or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made or issued, and not upon the remaining units or lands in the District.

(6) The Board of Supervisors may at any time amend its said resolutions by changing the location and description of lands in any such unit or units, provided that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be

had and done in that regard as are provided in this section for the original creation of such unit or units.

(7) If, after the determination of benefits with respect to any unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the Board of Supervisors finds the plan of reclamation of any such unit or units insufficient or inadequate for efficient development, the plan of reclamation may be amended or changed as provided in chapter 298, Florida Statutes, or as provided in this Act, and the unit or units may be amended or changed as provided in this section by changing the location and description of lands in any such unit or units or by detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of not less than the holders of a majority in principal amount of such bonds or other obligations, or such other percentage as may be required by the terms of such bonds or other obligations (or without such consent or approval, if the proceedings authorizing such bonds provide that such action may be taken without the consent or approval of the holders thereof). In the event of such amendment or change, all assessments, levies, taxes, bonds or other obligations made, levied, assessed, incurred or issued for or in respect to any such unit or units shall be allocated and apportioned to the amended unit or units in proportion to the benefits assessed with respect to the amended plan of reclamation. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units of assessments, levies, taxes, bonds and other obligations in proportion to the benefits assessed for the amended plan of reclamation, the holders of bonds or other obligations heretofore issued for the original unit shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such

bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended plan of reclamation. Conversely, in the event of the change of the boundaries of any unit whereby lands are detached therefrom, as provided for herein, said lands so detached shall be relieved and released from any further liability for the assessment, levy or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

Section 13. *Creation of Subdistricts.*—The Board of Supervisors shall provide for the furnishing of the services and facilities authorized by this Act throughout the District or in such part or parts thereof as the Board of Supervisors shall determine. For the purpose of furnishing such services and facilities to any part or parts of the District less than the entire area of the District, the Board of Supervisors shall have the power to divide the District into such subdistricts, units or zones as the Board may deem appropriate.

Section 14. *Exercise by District of its Powers Within Municipalities.*—The District shall have the power to exercise any of its rights, powers, privileges and authorities in any and all portions of the District lying within the boundaries of the City of Bay Lake, the City of Reedy Creek, and any other municipal corporation or other political subdivision, heretofore or hereafter created or organized, whose boundaries lie wholly or partly within the geographic limits of the District, to the same extent and in the same manner as in areas of the District not incorporated as part of a municipality or other political subdivision. With respect to any municipal corporation or other political subdivision whose boundaries lie partly within and partly without the geographic limits of the District, the District shall have the power to exercise its rights, powers, privileges and authorities only within the portion of such municipal corporation or other political subdivision lying within the boundaries of the District, except as otherwise provided in section 15 of this Act. In the event of a conflict between the provisions of this Act and the powers of the District herein provided for and the provisions of any charter or law, now or hereafter enacted or adopted, establishing or pertaining to any

municipal corporation or other political subdivision whose boundaries lie wholly or partly within the District, the provisions of this Act shall control in the portion of such municipal corporation or other political subdivision which lies within the geographic limits of the District, unless such other enactment specifically repeals or amends this Act.

Section 15. *Furnishing Facilities and Services Within the District Territory; Limitation on the Exercise of Powers Outside the District.*—

(1) The District shall have the power to construct, maintain and operate its projects within the geographic limits of the District, including any portions of the District located inside the boundaries of any incorporated municipality or other political subdivision, and to offer, supply and furnish the facilities and services provided for in this Act to, and to collect fees, rentals and other charges from, persons, firms, corporations, municipalities, counties, political subdivisions and other public or private agencies or bodies within the geographic limits of the District, and for the use of the District itself.

(2) The District shall have the power to construct, maintain and operate its projects outside of the geographic limits of the District, and to offer, supply and furnish the facilities and services provided for in this Act to, and to collect fees, rentals and other charges from, persons, firms, corporations, municipalities, counties, political subdivisions and other public or private agencies or bodies outside of the geographic limits of the District, provided, however, that the District shall not construct any project or offer, furnish or supply facilities and services outside of the territorial limits of the District except upon the consent, approval and certification of any regulatory agency or governing body of the State of Florida or of any municipality or other political subdivision thereof whose consent, approval or certification may be required by law, and provided further, that the District shall not engage in the business of furnishing telephone service or electrical power for sale to persons, firms or corporations outside of the territorial limits of the District.

Section 16. *Mandatory Use of Certain District Facilities and Services.*—The District may require all lands, buildings and premises, and all persons, firms and corporations, within the

District or within any zone or area within such District created for such purpose, to use the drainage and reclamation facilities, flood control facilities, water and sewer systems and waste collection and disposal systems of the District. Subject to such exceptions as may be provided by the resolutions, rules or by-laws of the Board of Supervisors, and subject to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders, no drainage and reclamation facilities, flood control facilities, water and sewer systems or waste collection and disposal systems shall be constructed or operated within the District unless the Board of Supervisors gives its consent thereto and approves the plans and specifications therefor. The violation of the foregoing user requirements shall be and constitute a misdemeanor and any person convicted in a court of competent jurisdiction of violating the same shall be subject to the penalties provided by section 775.07, Florida Statutes, and amendments thereto.

Section 17. *Maintenance of Projects across Rights-of-Way.*— The District shall have the power to construct and operate its projects in, along or under any streets, alleys, highways or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, railroad right-of-way, track, grade, fill or cut, provided, however, that just compensation shall be paid by the City for any private property taken or damaged by the exercise of such power.

Section 18. *Fees, Rentals, Tolls, Fares and Charges; Procedure for Adoption and Modification; Minimum Revenue Requirements.*—

(1) The District shall have the power to prescribe, fix, establish and collect rates, fees, rentals, tolls, fares or other charges (hereinafter sometimes referred to as "revenues"), and to revise the same from time to time, for the facilities and services furnished or to be furnished by the District, including but not limited to drainage facilities, water and sewer systems, waste collection and disposal systems, toll roads and bridges, transportation facilities and other public utilities, to recover the costs of making connection with any District facility or system, and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, tolls, fares or other charges that are delinquent.

(2) No such rates, fees, rentals, tolls, fares or other charges for any of the facilities or services of the District, other than parking facilities and parking meters, shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, tolls, fares or other charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, tolls, fares and other charges shall have been published in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties at least once at least ten (10) days prior to such public hearing, which may be adjourned from time to time. After such hearing such schedule or schedules, either as initially proposed, or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, tolls, fares or charges as finally adopted shall be kept on file in an office designated by the Board of Supervisors and shall be open at all reasonable times to public inspection. The rates, fees, rentals, tolls, fares or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing. Any change or revision of rates, fees, rentals, tolls, fares or charges may be made in the same manner as the same were originally established, as hereinabove provided, except that if such changes or revisions are made substantially pro rata as to all classes of the type of service involved no notice or hearing shall be required.

(3) Such rates, fees, rentals, tolls, fares and charges shall be just and equitable and uniform for users of the same class, and where appropriate may be based or computed either upon the amount of service furnished or upon the number or average number of persons residing or working or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the Board of Supervisors on an equitable basis.

(4) The rates, fees, rentals, tolls, fares or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues or funds available or

pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated: (i) to provide for all expenses of operation and maintenance of such facility or service including reserves for such purpose (unless the Board of Supervisors shall determine that in order to carry out the purposes of this Act to provide novel and experimental facilities and services the requirements of this clause (i) are inappropriate with respect to any such facility or service), (ii) to pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose, and (iii) to provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this Act.

(5) The Board of Supervisors shall have the power to enter into contracts for the use of the projects of the District and with respect to the services and facilities furnished or to be furnished by the District, including but not limited to service agreements with landowners and others within or without the District providing for the drainage of land by the District or the furnishing of any of the other services and facilities of the District, for such consideration and on such other terms and conditions as the Board of Supervisors may approve. Such contracts and agreements shall not be subject to the provisions and limitations of subsections (2), (3) and (4) above, but (a) shall be subject to the limitations of section 15 of this Act, (b) shall not be entered into for a period longer than forty (40) years from the effective date thereof, and (c) shall be fair and reasonable in relation to the rates, fees, rentals, tolls, fares or other charges to be paid by other users of the facilities and services concerned. No hearing or notice thereof shall be required prior to the authorization or execution by the Board of Supervisors of any such contract or agreement, and the same shall not be subject to revision except in accordance with their terms. Such contracts or agreements, and revenues or service charges received or to be received by the District thereunder, may be pledged as security for any of the bonds of the District.

Section 19. *Recovery of Delinquent Charges.*—In the event that any of the rates, fees, rentals, charges or delinquent penalties shall not be paid as and when due and shall be in default for thirty (30) days or more, the unpaid balance thereof and

all interest accrued thereon, together with attorney's fees and costs, may be recovered by the District in a civil action.

Section 20. *Discontinuance of Service.*—In the event that the fees, rentals or other charges for the services and facilities of any project are not paid when due, the Board of Supervisors shall have the power to discontinue and shut off the same until such fees, rentals or other charges, including interest, penalties and charges for the shutting off and discontinuance and the restoration of such services and facilities, are fully paid, and for such purposes may enter on any lands, waters and premises of any person, firm, corporation or other body, public or private, within or without the District limits. Such delinquent fees, rentals or other charges, together with interest, penalties and charges for the shutting off and discontinuance and the restoration of such services and facilities, and reasonable attorney's fees and other expenses, may be recovered by the District by suit in any court of competent jurisdiction. The District may also enforce payment of such delinquent fees, rentals or other charges by any other lawful method of enforcement.

Section 21. *Agreements With Private Parties Concerning the Furnishing of Facilities and Services.*—The District shall have the power to enter into agreements with any person, firm or corporation for the furnishing by such person, firm or corporation of any facilities and services of the type provided for in this Act to the District, and for or on behalf of the District to persons, firms, corporations and other public or private bodies and agencies to whom the District is empowered under this Act to furnish facilities and services, and the District may by agreement join with any public or privately owned utility plant or system in furnishing any of the facilities or services of the District, provided, however, that any telephone company, as defined in section 364.02, Florida Statutes, and amendments thereto, and any privately owned or operated electric power company, so contracting with the District, shall be subject to the provisions and requirements of general law pertaining to certification and regulation of telephone and electric power companies, and provided further that the District shall not enter into any franchise or other agreement with any person, firm or corporation to provide either independently, jointly with, as agent of the District or otherwise telephone service in any area of the District as to which area such person, firm or

corporation does not hold a certificate of convenience and necessity from the Florida public service commission.

Section 22. *Within Act is Full Authority for the Establishment of District Projects and District Finances.*—

(1) The Board of Supervisors shall have exclusive jurisdiction and control over all of the projects of the District, including but not limited to all drainage and reclamation facilities, water and flood control facilities, water and sewer systems, public utilities and transportation facilities, and over the budget and finances of the District, including without limitation expenditures and appropriations, except to the extent otherwise provided in this Act and except to the extent that the Board of Supervisors may by agreement with any other public or private body authorize the same to exercise jurisdiction or control over any of the projects of the District. Subject to the limitations of and as may be otherwise required in this section and in section 15 of this Act, it shall not be necessary for the District to obtain any certificate of convenience or necessity, franchise, license, permit or other authorization from any bureau, board, commission or like instrumentality of the State or any political subdivision thereof in order to construct, reconstruct, acquire, extend, repair, improve, maintain or operate any project, and the rates, fees, rentals, fares, tolls or other charges to be fixed and collected with respect to the facilities and services of the District shall not be subject to supervision, regulation or the rate-setting power of any bureau, board, commission or other agency of the State or any political subdivision thereof. Nothing in this section or any other section of this Act shall be deemed to exempt any privately owned or operated telephone company, as defined in section 364.02, Florida Statutes, and amendments thereto, or any privately owned or operated electric power company, or any person, firm or corporation other than the District acting either independently, jointly with, as agent of the District or otherwise, from the provisions or requirements of any other law pertaining to the certification or regulation of telephone or electric power companies, persons, firms or corporations, or from the jurisdiction of the Florida public service commission or other regulatory agencies.

(2) Except as otherwise provided in this Act, the budget and finances of the District, including without limitation expendi-

tures and appropriations, and the exercise by the Board of Supervisors of the powers herein provided, shall not be subject to the requirements, limitations or other provisions of chapters 24746 or 26084, Florida Laws, or any other laws of the State now or hereafter enacted pertaining to or regulating the budgets or finances of taxing districts, and the budget and finances of the District shall not be subject to approval or revision by or otherwise come under the jurisdiction or authority of the Budget Commission for Orange County, the State Comptroller or any other bureau, board, commission or agency of the State or any political subdivision thereof.

Section 23. *Planning; Building Codes; Safety Regulations; Platting and Subdivisions; Zoning.*—

(1) *Legislative Finding and Declaration.*—The Legislature hereby finds and declares that the provisions of this section and the powers accorded to the Board of Supervisors under this section are essential to guide and accomplish the coordinated, balanced and harmonious development of the District in accordance with existing and future needs, to promote the health, safety, morals and general welfare of the District and its inhabitants and property owners, to establish, maintain and preserve aesthetic values and preserve and foster the development and display of the natural beauty and attractiveness of the District area and of roadsides within the District, to prevent overcrowding and congestion, to regulate traffic, to secure safety from fire, storm, panic and other dangers, to conserve and provide adequate light and air and to avoid undue concentration of population.

(2) *Exemption from County Zoning and Regulation, State-wide Zoning and Other Zoning Laws.*—Anything in chapters 59-1646, 59-1673, 61-2592, 63-1705, 63-1716, 63-1731, 65-791, 65-975, 65-1171, 65-1999, 65-2004, 65-2015, 65-868, Florida Laws, and any other laws of the State now or hereafter enacted to the contrary notwithstanding, the jurisdiction and powers of the Board of Supervisors with respect to the matters provided for in this section shall be exclusive of any and all codes, ordinances, requirements, plans or other regulations of the respective Boards of County Commissioners of Orange and Osceola Counties or of any other agency or authority of Orange or Osceola County with respect to zoning, building and con-

struction, planning with respect to the subdividing of land, regulation of building safety, regulation of escalators, elevators and other lifting or transportation devices, regulation of amusement and recreation parks and facilities, regulation of plumbing and electrical installations and other safety or sanitary codes, regulation of water supply wells and drainage well drilling, the approval and vacating of plats and subdivisions and the regulation of subdivisions. The District, and all land, properties and activities within the District, shall be exempt from any and all such codes, ordinances, requirements, plans and regulations, and any and all requirements for building and construction permits and licenses pertaining to the same, now or hereafter promulgated by the respective Boards of County Commissioners of Orange and Osceola County, provided, however, that nothing herein shall exempt any general contractor, electrical contractor, builder, owner-builder or specialty contractor from the provisions and requirements of Chapters 65-1171, 65-791, 65-868, Florida Laws, or of any other laws of the State, with respect to examination and licensing, or from any of the fees and bonds required of such contractors or builders by law. The Board of Supervisors may by appropriate rule or regulation provide that the District or such areas or parts thereof as the Board of Supervisors may designate from time to time, shall, for such time or times as the Board of Supervisors may determine, remain or become subject to such county zoning, building and safety codes and regulations, and regulations and controls with respect to subdivisions and plats and the vacating thereof, or any of them, as the Board of Supervisors of the District may determine. The jurisdiction and powers of the Board of Supervisors provided for herein shall also be exclusive of any law now or hereafter enacted providing for land use regulation, zoning or building codes by the State of Florida or any agency or authority of the State, and the provisions of any such law shall not be applicable within the territorial limits of the District. The Board of Supervisors may exercise the powers granted to it in this section within the city limits of any municipality now or hereafter organized or existing within the District, except if the governing body of such municipality has under the terms of its charter or under law like powers as provided for herein, in which event the authority of such municipal governing body with respect to the matters herein provided for shall be exclusive within such city limits.

(3) *Comprehensive Planning; Building and Safety Codes.*—The Board of Supervisors shall have the power:

(a) To adopt, and from time to time review, amend, supplement or repeal, a comprehensive general plan for the physical development of the area within the District in accordance with the objectives and purposes of this Act.

(b) To adopt, and from time to time review, amend, supplement or repeal codes regulating building safety, elevators, escalators and similar devices, the prevention of fire hazards, plumbing and electrical installations, the operation of amusement and recreation parks and facilities, water supply wells and drainage wells, and such other safety or sanitary codes as the Board of Supervisors may determine to be necessary or desirable.

(c) To prohibit the construction, alteration, repair, removal or demolition, or the commencement of the construction, alteration, repair (excepting emergency repairs), removal or demolition, of any building or structure, including but not by way of limitation public utility poles, lines, pipes and facilities, without first obtaining a permit from the Board of Supervisors or such other officer or agency as the Board may designate, and and to prescribe the procedure with respect to the obtaining of such permit.

(d) To provide for the manner in which such comprehensive general plans, codes, regulations and restrictions shall be determined, established and enforced, and from time to time amended, supplemented, changed or repealed, with or without notice and public hearing, as the Board of Supervisors may determine.

(4) *Recording of Plats.*—

(a) Whenever land in the District is platted into lots, blocks, parcels, tracts or other portions, however designated, for residential or commercial purposes, a plat thereof shall be recorded in the public records of Orange or Osceola Counties, as the case may be. No such plat shall be recorded either as an independent instrument or by attachment to another instrument entitled to record unless and until it shall first be approved by the Board of Supervisors. Any plat recorded in violation of this section shall be invalid and subject to expungement. The recording by

or presentation for recording to any clerk of any circuit court of any plat in violation of this section shall constitute a misdemeanor.

(b) The Board of Supervisors shall be authorized and empowered to prescribe, as prerequisites to the approval for record of any plat or plats of lands within the District, the width and location of roads, streets, alleys, thoroughfares and ditches and setback therefrom; to adopt, prescribe and promulgate rules and regulations to effectuate the provisions and purposes of this Act; to prescribe specifications and requirements for regulations relating to the construction of roads, streets, alleys and drainage facilities, minimum lot sizes, maximum block sizes, building lines, names of streets and roads, bridge construction, water supply, sewage disposal and other related matters involving lands to be platted; to prescribe information to be shown on plats, including without limitation parks, recreation areas and open spaces; to require the furnishing to the Board of Supervisors of a good and sufficient bond conditioned upon the completion of the drainage, sewage, streets, roads and alleys and other improvements shown on the plat within such time or times as may be required by the Board of Supervisors, and the said bond shall be approved by the Board of Supervisors.

(c) The Board of Supervisors is further granted the authority and discretion to waive the platting and recording of land into lots, roads, blocks, parcels, tracts or other portions, however designated, in any instance in which the Board determines that the dividing or subdividing of the land without a recorded plat shall not be injurious to the public health, safety, comfort, convenience, welfare and morals of the inhabitants of the District.

(5) *Vacating of Plats.*—

(a) Plats or integrated portions or parcels of land heretofore or hereafter platted within the District may be vacated upon the resolution of the Board of Supervisors upon such terms and conditions as the Board of Supervisors may prescribe by regulation. Such regulation may require, inter alia, the payment of all taxes and assessments and the redemption from all outstanding tax sales, and the dedication to the public of all roads, streets, alleys and other thoroughfares, however designated.

(b) Upon approval by the Board of Supervisors of the re-

ording of a plat or the vacating of a plat or portions thereof, the approval or consent to such recording or vacating shall not be required of any other body, authority or agency of Orange or Osceola County or any political subdivision thereof.

(6) *Subdivision of Lands.*—

(a) In addition to and not in limitation of any of the other powers of the Board of Supervisors under this Act, whenever land in the District is to be subdivided, the proposed plan for subdivision and use of the land shall be presented to the Board of Supervisors for its approval, in accordance with the standards and provisions of this Act and in accordance with any rules and regulations that may be adopted by the Board of Supervisors. The Board shall have the power to adopt subdivision regulations providing:

1. Requirements for general information concerning existing conditions and proposed developments as a prerequisite to the approval of subdivision plans or plats. This information may include without limitation data on existing covenants, land characteristics, community facilities, and utilities and information describing the subdivision proposal, including maps and reports presenting the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other open areas, proposed protective covenants and proposed utilities, drainage and street improvements.

2. For proper density of population and intensity of use and the lengths, widths and shapes of blocks and lots.

3. That streets in proposed subdivisions, including streets bordering on proposed subdivisions, shall be of specified widths and grades and so located as to accommodate prospective traffic to serve proposed subdivisions adequately, afford adequate light and air, facilitate fire protection and provide access for fire-fighting equipment to buildings.

4. That such streets be properly arranged, coordinated and integrated with existing or planned streets, roads or highways.

5. That adequate easements or rights-of-way shall be provided for drainage and all utilities.

6. That the layout and design of proposed subdivisions shall conform to a comprehensive plan adopted by the Board of Su-

pervisors for the area and to measures adopted to implement the comprehensive plan.

7. The dedication or reservation of land for streets.

8. The extent to which grounds which are to be used for public purposes other than streets shall be dedicated or reserved as a condition precedent to approval of any subdivision or plat.

9. That such parks, playgrounds, sites for public building or other areas designated for public use shall be of suitable size and location for their designated uses.

10. The conditions prerequisite to subdivision and development of lands subject to seasonal or periodic flooding.

11. The manner in which and the extent to which streets, sidewalks, water, sewer and other utility connections or mains, piping and any other necessary physical improvements shall be installed, and the specifications therefor, as conditions precedent to final approval of the subdivision plan.

12. The requirements of covenants as a prerequisite to subdivision plan approval.

13. That sufficient and suitable monuments shall be placed to enable the survey of the subdivision or any part thereof to be retraced.

14. The numbering and naming of streets and the providing of street signs.

(b) Subdivision regulations may further provide that the Board shall not approve any subdivision plan or plat unless it finds after full consideration of all pertinent data that the subdivision can be served adequately and economically with such normal public facilities and services as are suitable in the circumstances of the particular case.

(c) Subdivision regulations may further require as a prerequisite to the approval of a subdivision plan that:

1. All required improvements shall be installed in accord with the provisions of the subdivision regulations or amendments thereto, or

2. A surety bond be executed by a company authorized to do business in the State of Florida that is satisfactory to the Board

of Supervisors, payable to the District in sufficient amount to assure the completion of all required improvements, and providing for and securing to the public the actual construction and installation of such improvements within a period required by the Board and expressed in the bond. The Board is hereby granted the power to enforce such bonds by resort to legal and equitable remedies. As an alternative to the provision of a surety bond, such regulations may also provide for the deposit of cash in an escrow account whereby the Board or its agent is put in an assured position to provide the required improvements.

(7) *Variances and Waivers.*—

(a) Where the Board of Supervisors finds that extraordinary hardships may result from strict compliance with its regulations concerning subdivision and platting, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the comprehensive general plan or the regulations of the Board.

(b) The regulations of the Board may further provide that the standards and requirements set out in the regulations may be modified by the Board in the case of a plan and program for a new town which comes under the provisions of this Act, a complete community, or a neighborhood unit, which, in the judgment of the Board, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity with and achievement of the comprehensive plan of the Board of Supervisors. In granting any such modifications, the Board may require such reasonable conditions and safeguards as will secure substantially the objectives of the standards or requirements so modified.

(c) The Board of Supervisors may waive any or all of the requirements of this section of the Act and the rules and regulations adopted thereunder, if it is determined upon the plans and data submitted by the subdivider that compliance with this section is not required because said plan or plat shall not conflict with or nullify the intent and purpose of this Act. If a waiver is granted, compliance with this section shall not be required as long as the plan, plat and use of the land upon which

the waiver is granted shall not be altered, changed or modified by the subdivider or subsequent owner. In granting variances and modifications, the Board may require such conditions as will in its judgment secure substantially the objectives of the standards or requirements so varied or modified.

(8) *Zoning; Planning and Zoning Commission; Zoning Board of Adjustment.*—In addition to and not in limitation of the foregoing, the Board of Supervisors shall have the power to:

(a) Regulate, restrict and determine the location, height, number of stories, size, cubic contents, area and design, and the erection, construction, reconstruction, alteration and repair, of buildings and other structures for trade, industry, residence and other purposes, and the materials used in the construction thereof; the number, location, height, size, appearance and use of billboards and all other advertising signs, banners, handbills and devices; the percentage and portion of lots and land that may be occupied or built on; setback lines, the size of yards, courts and other open spaces; the density of population; the use of buildings, structures, land and water for trade, industries, residences, apartment houses and any and all other purposes; the location, size and plan of parks and recreational areas, schools, school sites, churches, cemeteries, burial places, commercial and industrial facilities, public and private utilities, traffic, parking facilities and drainage and water control facilities; and to appoint inspectors.

(b) Adopt regulations to prohibit or control the pollution of air and water, and require electrical power, telephone and other utility lines, cables, pipes and ducts to be placed underground.

(c) Divide the District into zones or districts of such number, shape and area as the Board of Supervisors may deem best suited to carry out the purposes of this section, and within and for each such district make regulations and restrictions as provided for in subsections (a) and (b) above. All such regulations shall be uniform throughout each district, but the regulations in one district may differ from those in another district.

(d) Provide for the manner in which zoning regulations and restrictions and the boundaries of zones and districts shall be determined, established and enforced, and from time to time amended, supplemented or repealed.

(e) In appropriate cases, and subject to such principles, standards, rules, conditions and safeguards as may be provided by regulation, make special exceptions to the terms of the zoning regulations and restrictions in harmony with their general purpose and intent, and authorize variances from the strict application of the regulations and restrictions in such situations and subject to such limitations as may be provided by regulation.

(f) Establish a Planning and Zoning Commission, and prescribe the powers, duties and functions of such Planning and Zoning Commission, the requirements for membership on the commission, the term or terms of office of members of the commission, the rules and procedure to be followed in proceedings before or involving the commission and as to all other matters affecting the organization and functioning of the commission, and appoint the members thereof. The Board of Supervisors may by regulation authorize the Planning and Zoning Commission to discharge such of the administrative duties, powers and functions of the Board of Supervisors with respect to zoning as may be provided in such regulation.

(g) Hear and decide appeals from any order, requirement, decision or determination of the Planning and Zoning Commission or by any administrative official in connection with any zoning matter, hear and decide requests for special exceptions from the terms and provisions of any planning or zoning regulation or restriction, and grant variances from the terms of any planning or zoning regulation or restriction in appropriate cases. The Board of Supervisors may by regulation provide for a Zoning Board of Adjustment to discharge any or all of the foregoing administrative functions and duties, prescribe the requirements for membership on the Zoning Board of Adjustment, the term or terms of office, the rules and regulations for all proceedings before or involving such Zoning Board of Adjustment and as to all other matters affecting the organization and functioning of the Zoning Board of Adjustment, and appoint the members thereof.

(9) Any regulations adopted pursuant to the provisions of this section relating to safety, health, sanitation or building safety shall prescribe standards at least equivalent to the minimum standards in applicable statewide regulations protecting the general safety and welfare of the public.

Section 24. *Ad Valorem Taxes.*—The Board of Supervisors shall have the power to levy and assess an ad valorem tax on all the taxable real and tangible personal property in the District to pay the principal of and interest on any general obligation bonds of the District, to provide for any sinking or other funds established in connection with any such bonds, and to finance and defray the cost of any of the projects or activities of the District authorized by the provisions of this Act or under law. The total amount of such ad valorem taxes levied in any year shall not be in excess of thirty (30) mills on the dollar per annum on the assessed value of the taxable property within the District. The ad valorem tax provided for herein shall be in addition to county and municipal ad valorem taxes provided for by law.

Section 25. *Maintenance Taxes.*—In addition to the ad valorem taxes authorized by section 24 of this Act, the Board of Supervisors is authorized to levy and assess a maintenance tax as provided for in section 298.54, Florida Statutes, and amendments thereto, in an amount not to exceed the maximum rate therein provided; and in addition thereto, a special ad valorem maintenance tax on all of the taxable real and tangible personal property in the District, at a rate not exceeding ten (10) mills on the dollar per annum, for the purpose of defraying any of the costs and expenses of the District, including but not limited to maintenance, repair and operation of the projects of the District, costs incurred in connection with the financing of District projects, and costs of administration.

Section 26. *Determining Property Values for Ad Valorem Tax Purposes.*—Ad valorem taxes of the District shall be based on the assessed valuation for county taxes of the real and personal property subject to such District ad valorem taxes.

Section 27. *Utility Tax.*—

(1) The District shall have the right, power and authority by resolution of the Board of Supervisors to impose, levy and collect on each and every purchase of electricity, metered or bottled gas (natural, liquified, petroleum gas or manufactured), water service, telephone service and telegraph service in its geographic limits, a tax (straight percentage, sliding scale, graduated or other basis) in an amount not to exceed ten (10) per cent of the payments received by the seller of such utility

service from the purchaser for the purchase of such utility service, provided, however, that the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity or other forms of power shall not be deemed to be a utility service and purchases thereof under such circumstances shall not be taxable hereunder. In every case the tax shall be collected from the purchaser of such utility service and paid by such purchaser for the use of the District to the seller of such utility service at the time of the purchaser paying the charges therefor to the seller.

(2) It shall be the duty of every seller of such utility service, in acting as a tax collection medium or agency for the District, to collect from the purchaser, for the use of the District, any tax imposed and levied by resolution of the Board of Supervisors pursuant to this section, and to report and pay over to the Board of Supervisors or such other body or officer as the Board of Supervisors may designate all such taxes imposed, levied and collected in accordance with the accounting and other provisions of the resolution of the Board of Supervisors. Any such resolution may provide that federal, state, county and municipal governments and their commissions and agencies, other tax-supported bodies, public corporations, authorities, boards and commissions, and churches and other charitable organizations, shall be exempt from the payment of the taxes imposed and levied thereby. In the event any such resolution imposes such a tax on the purchase of one of the utility services described herein and a competitive utility service or services are purchased in the District, then such resolution shall impose a tax in like amount on the purchase of the competitive utility service or services whether privately or publicly owned or distributed; however, telephone service and telegraph service or other forms of communication shall not be required to be considered competitive services.

(3) Any tax levied pursuant to this section shall be separate and in addition to all other taxes, whether levied in the form of excise, license or privilege taxes.

(4) Any person, firm or corporation furnishing such utility service and required to collect any such tax who shall refuse to collect the tax or any portion thereof, shall be liable for and pay the tax himself.

(5) Each person, firm or corporation furnishing such utility service to users in the District may be required by resolution of the Board of Supervisors to keep accurate records of the number of such users, the amount of tax collected, and such other information as the Board of Supervisors may require, and to submit periodic reports of the same to the District or its agent for collection, together with remittance of the tax. The Board of Supervisors may prescribe the form of report and fix a date upon which the report and tax shall be due. Any such person, firm or corporation required to keep records, make reports, or remit taxes who shall neglect or refuse to do so shall be guilty of a misdemeanor.

(6) For the purpose of compensating the person, firm or corporation furnishing utility services hereunder for the keeping of records prescribed and proper accounting and remission, the Board of Supervisors is authorized to allow a credit in an amount set by the Board to be deducted from the amount of the tax submitted.

Section 28. *Determining Annual Installments of Drainage Taxes.*—The Board of Supervisors shall determine, order and levy the amount of the annual installments of the total taxes levied under section 298.36, Florida Statutes, and amendments thereto, which shall become due and be collected during each year.

Section 29. *Collection of Ad Valorem Taxes; Tax Discounts.*—

(1) The levy by the Board of Supervisors of the taxes authorized by or referred to in sections 24 and 25 of this Act shall be by resolution of the Board entered upon the minutes of the Board. Certified copies of such resolution executed in the name of the Board by its chairman, or such other officer as the Board may designate, under its corporate seal, shall be made and delivered to the respective Boards of County Commissioners of Orange and Osceola Counties not later than the 15th day of June of each year in which said taxes are levied. It shall be the duty of the respective County Commissioners of Orange and Osceola Counties to order and require the respective county tax assessors of said counties to assess, and the respective county tax collectors of said counties to collect, the amount of taxes so assessed or levied by the Board of Supervisors of the District

upon the taxable property within said District not exempt by law, at the rate of taxation adopted by the Board of Supervisors of the District for such year, and to include in the warrant of the tax assessor and attach to or show the same on the assessment roll of taxes for such year. The said tax collectors shall collect such taxes so levied by the Board of Supervisors of the District in the same manner as other taxes are collected and shall pay the same over to the Board of Supervisors of the District within the time and in the manner prescribed by law for the payment by the tax collector of county taxes to the county depository. The respective county tax collectors shall include and state separately on the official county tax bill and receipt each year the amount of District taxes. For their services rendered hereunder the respective county tax assessors and collectors shall be compensated by the District as prescribed by section 298.401, Florida Statutes, and amendments thereto.

(2) In lieu of the procedures prescribed in subsection (1) above, the Board of Supervisors may by resolution direct that any or all of the taxes of the District shall be assessed and collected in such manner and by such officers or employees of the District as the Board of Supervisors may prescribe, require the maintenance and prescribe the form of a District tax book and of District tax bills and otherwise provide for the assessment and collection of District taxes.

(3) The ad valorem taxes referred to and provided for in section 24 of this Act and the maintenance and special ad valorem maintenance taxes referred to and provided for in section 25 of this Act shall be subject to the same discounts as county taxes. None of the other taxes referred to or provided for in this Act or chapter 298, Florida Statutes, shall be subject to discounts for early payment unless the Board of Supervisors so provides by resolution adopted at the time of the levying or assessment thereof. Except as otherwise provided in this Act, all taxes remaining unpaid after the first day in April of the year following that for which said taxes are levied shall be and become delinquent and bear a penalty of two (2) per cent a month on the amount of said taxes from date of delinquency until paid. In computing said penalty, each fractional part of a month shall be counted as a full month.

Section 30. *Tax Liens; Service Charge Liens.*—

(1) All taxes of the District provided for in this Act or chap-

ter 298, Florida Statutes, together with all penalties for default in payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as costs in the action brought to enforce payment, shall from January 1 for each year the property is liable to assessment and until paid constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the real and personal property against which such taxes shall be levied. A sale of any of the real property within the District for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent District taxes, or installments of District taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of sections 192.21 and 200.02, Florida Statutes, and amendments thereto, shall be applicable to District taxes with the same force and effect as if said provisions were expressly set forth in this Act.

(2) Charges and fees due or to become due under any service agreements entered into by the District pursuant to subsection 5 of section 18 of the Act shall constitute a lien of equal dignity with District taxes, as provided for in subsection 1 above, upon all the real and personal property to which such service agreements relate or by which the same are secured, and the provisions of subsection 1 above shall be applicable to such charges and fees.

Section 31. *Foreclosure of Liens.*—

(1) Any lien in favor of the District arising under chapter 298, Florida Statutes, or under this Act may be foreclosed by the District by bringing foreclosure proceedings in the name of the District in the Circuit Court for the Ninth Circuit in like manner as is provided in chapter 173, Florida Statutes, and amendments thereto, and the provisions of said chapter shall be applicable to such proceedings with the same force and effect as if said provisions were expressly set forth in this Act. Any act required or authorized to be done by or on behalf of a city or town in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the District as the Board of Supervisors may designate. Such foreclosure proceedings may be brought at any time after the ex-

piration of one (1) year from the date any tax, or installment thereof, becomes delinquent.

(2) As an alternative to the foregoing, the District may at any time foreclose any lien for delinquent taxes or installments thereof by a chancery action brought in the name of the District in the Circuit Court for the Ninth Circuit. The pleadings, process, practice and sales in such proceedings shall be the same as in actions for the foreclosure of mortgages upon real property. One or more parcels of land may be included in the same suit.

(3) In any foreclosure action filed by the District pursuant to this section, the District may join as a party defendant Orange County or Osceola County, as the case may be, for the purpose of determining the amount of their respective tax liens. When a county is so joined in such a foreclosure action, the judicial sale held in such action shall operate to satisfy all county tax liens to the date of such sale, and the net proceeds of such sale shall be applied first against delinquent State and county taxes and thereafter against delinquent District taxes on the property affected. The decree of the court in any such foreclosure action shall operate to quiet title to the property that is the subject of the action.

Section 32. Payment of Taxes and Redemption of Tax Liens by the District; Sharing in Proceeds of Tax Sale under Section 194.21, Florida Statutes.—

(1) The District has the right to (a) pay any delinquent state, county, district, municipal or other tax or assessment upon lands located wholly or partially within the boundaries of the District; and (b) redeem or purchase any tax sales certificate issued or sold on account of any state, county, district, municipal or other taxes or assessments upon lands located wholly or partially within the boundaries of the District.

(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the District, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the District of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes, upon all the real property against which said

taxes were levied. The lien of the District may be foreclosed in the manner provided in this Act.

(3) In any sale of land pursuant to section 194.21, Florida Statutes, and amendments thereto, the District may certify to the clerk of the circuit court of the county holding such sale, the amount of taxes due to the District upon the lands sought to be sold, and the District shall share in the disbursement of the sales proceeds in accordance with the provisions of this Act and under law.

Section 33. *General Obligation Bonds.*—

(1) The District shall have the power from time to time to issue general obligation bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of fifty (50) percent of the assessed value of the taxable property within the District as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the District is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the issuance thereof shall have been approved at an election of freeholders held in accordance with the requirements for such election as prescribed by the Constitution of the State of Florida, such election to be called and held in the manner provided in the Constitution and statutes of the State of Florida for freeholder elections. Such elections shall be called to be held in the District by the respective Boards of County Commissioners of Orange and Osceola Counties upon the request of the Board of Supervisors of the District. The expenses of calling and holding such referendum elections shall be borne by the District, and the District shall reimburse the Board of County Commissioners of Orange and Osceola Counties, as the case may be, for any expenses incurred by said Boards in calling or holding such elections. In the alternative, at the option of the Board of Supervisors, the Board of Supervisors may make such other provision for the registration of such qualified electors who are freeholders and the calling and holding of such elections as the Board may from time to time deem appropriate.

(2) The District may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds, and for any reserve or other funds provided therefor, and may unconditionally and irrevocably pledge itself to

levy ad valorem taxes on all taxable property in the District, to the extent necessary for the payment thereof, subject, however, to the limitations on the total amount of ad valorem taxes that may be levied in any one year as specified in section 24 of this Act.

(3) If the Board of Supervisors shall determine to issue general obligation bonds for more than one different purpose, the approval of the issuance of the bonds for each and all such purposes may be submitted to the freeholders on one and the same ballot. The failure of the freeholders to approve the issuance of bonds for any one or more purposes shall not defeat the approval of bonds for any purpose which shall be approved by the freeholders.

Section 34. *Revenue Bonds.*—

(1) The District shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by or payable from the gross or net pledge of the revenues to be derived from any project or combination of projects, from the rates, fees, tolls, fares or other charges to be collected from the users of any project or projects, from any revenue-producing undertaking or activity of the District, or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the District, and the approval neither of the qualified electors nor of the qualified electors who are freeholders shall be required unless such bonds are additionally secured by the full faith and credit and taxing power of the District.

(2) Any two or more projects may be combined and consolidated into a single project, and may thereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more such projects separately, or to finance two or more such projects, regardless whether or not such projects have been combined and consolidated into a single project. If the Board of Supervisors deems it advisable, the proceedings authorizing such revenue bonds may provide that the District may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the District, and that revenue bonds to be thereafter issued by the District shall be on parity with the revenue bonds then being issued, all on such

terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent projects shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent projects. The District may pledge for the security of the revenue bonds a fixed amount, without regard to any fixed proportion of the gross revenues of any project.

Section 35. *Utility Service Tax Bonds.*—The District shall have the power to issue from time to time without limitation as to amount, bonds payable from the proceeds of any utility service taxes or funds of the District, or any combination of the same. Such bonds shall not constitute an indebtedness of the District and the approval neither of the qualified electors nor of the qualified electors who are freeholders shall be required unless such bonds are additionally secured by the full faith and credit and taxing power of the District.

Section 36. *Issuance of Additional Bonds.*—If the proceeds of any bonds shall be less than the cost of completing the project in connection with which such bonds are issued, the Board of Supervisors may authorize the issuance of additional bonds, upon such terms and conditions as the Board of Supervisors may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

Section 37. *Refunding Bonds.*—The District shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the District that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within ten (10) years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the Board of Supervisors. Refunding bonds may be issued at any time when in the judgment of the Board of Supervisors such issuance will be advantageous to the District. No approval of the qualified electors who are freeholders residing in the District shall be required for the issuance of refunding bonds except in cases where such approval is required by the Constitution of the State of Florida. The Board of Supervisors may by resolution confer

upon the holders of such refunding bonds all rights, powers and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which said refunding bonds are issued, including but not limited to the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment or diminution thereof. The provisions of this Act pertaining to bonds of the District shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the Board of Supervisors with respect to the same.

Section 38. Pledging Ad Valorem Taxes, Assessments and Other Revenues and Properties as Additional Security on Bonds.

—The District may pledge as additional security for the payment of any of the bonds of the District its full faith and credit and ad valorem taxing power, and provide that such bonds shall be payable as to both principal and interest, and as to any reserve or other funds provided therefor, from ad valorem taxes levied on the taxable real and tangible personal property in the District, to the full extent that any revenues (as defined in section 18 of this Act), taxes, assessments or other funds, or any combination thereof, pledged therefor are insufficient for the full payment of the same, but subject to the limitations on the total amount of ad valorem taxes that may be levied in any one year specified in section 24 of this Act, and provided further that no bonds shall be issued to the payment of which the full faith and credit and taxing power of the District is pledged unless approved at an election in the manner provided by law. The District by resolution of the Board of Supervisors may also pledge as additional security for any bonds the revenues from any project of the District, utility service taxes, assessments, and any other sources of revenues or funds, or any combination of the foregoing, and may pledge or mortgage any of the properties, rights, interests or other assets of the District, and such pledge shall not require the submission to or approval by the qualified electors who are freeholders of the District unless required by the Constitution of the State of Florida. The Board of Supervisors may also provide with respect to any bonds of the District that such bonds shall be payable, in whole or in part, as to principal amount or interest, or both, out of rates,

fees, tolls, fares, service charges or other charges collected with respect to any of the projects of the District.

Section 39. *Lien of Pledges.*—All pledges of revenues, taxes and assessments made pursuant to the provisions of this Act shall be valid and binding from the time when such pledges are made. All such revenues, taxes and assessments so pledged and thereafter collected shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the District, irrespective of whether such parties have notice thereof.

Section 40. *Assessable Improvements; Levy and Payment of Special Assessments; Assessment Bonds and Certificates.*—The District may provide for the construction or reconstruction of assessable improvements, and for the levying of special assessments upon benefited property for the payment thereof, under the provisions of this section.

(1) The initial proceeding under this section shall be the passage by the Board of Supervisors of a resolution ordering the construction or reconstruction of such assessable improvements, indicating the location by terminal points, routes or otherwise, and either giving a description of the improvements by their material, nature, character and size or giving two or more descriptions with the directions that the material, nature, character and size shall be subsequently determined in conformity with one of such descriptions. Assessable improvements need not be continuous and may be in more than one locality or street. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may be designated as an assessment district, followed by a letter or number or name to distinguish it from other assessment districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices required by this section.

(2) As soon as possible after the passage of such resolution the engineer for the District shall prepare in duplicate plans and specifications for each improvement ordered thereby and

an estimate of the cost thereof. Such cost shall include, in addition to the items of cost as defined in this Act, the cost of relaying streets, sidewalks and other public facilities or conveniences necessarily torn up or damaged and the following items of incidental expenses:

(a) Printing and publishing notices and proceedings;

(b) Costs of abstracts of title; and

(c) Any other expense necessary or proper in conducting the proceedings and work provided for in this section, including the estimated amount of discount, if any, upon the sale of assessment bonds or any other obligations issued hereunder for which such special assessments are to be pledged. If the resolution shall provide alternative descriptions of material, nature, character and size, such estimate shall include an estimate of the cost of the improvement of each such description.

The engineer shall also prepare in duplicate a tentative apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and in relation to apportionment of cost provided herein for the preliminary assessment roll. Such tentative apportionment of total estimated cost shall not be held to limit or restrict the duties of the engineer in the preparation of such preliminary assessment roll. One of the duplicates of such plans, specifications and estimates and such tentative apportionment shall be filed with the Board of Supervisors and the other duplicate shall be retained by the engineer in his files, all thereof to remain open to public inspection.

(3) The Board of Supervisors upon the filing with it of such plans, specifications, estimates and tentative apportionment of cost shall publish once in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties a notice stating that at a meeting of the Board of Supervisors on a certain day and hour, not earlier than fifteen (15) days from such publication, the Board of Supervisors will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location

thereof, and shall also state that plans, specifications, estimates and tentative apportionment of cost thereof are on file with the Board of Supervisors. The Board of Supervisors shall keep a record in which shall be inscribed, at the request of any person, firm or corporation having or claiming to have any interest in any lot or parcel of land or property, the name and post office address of such person, firm or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the Board of Supervisors to mail a copy of such notice to such person, firm or corporation at such address, at least ten (10) days before the time for the hearing as stated in such notice, but the failure of the Board of Supervisors to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

(4) At the time named in such notice, or to which an adjournment may be taken by the Board of Supervisors, the Board of Supervisors shall receive any objections of interested persons and may then or thereafter repeal or confirm such resolution with such amendments, if any, as may be desired by the Board of Supervisors and which do not cause any additional property to be specially assessed.

(5) All objections to any such resolution on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution or the plans or specifications or estimates, void or voidable in whole or in part, or that it exceeds the power of the Board of Supervisors, shall be made in writing in person or by attorney, and filed with the Board of Supervisors at or before the time or adjourned time of such hearing. Any objections against the making of any assessable improvements not so made shall be considered as waived, and if any objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in the Circuit Court for the Ninth Circuit to secure relief within twenty (20) days.

(6) Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefited property for the pay-

ment thereof shall have been confirmed, as hereinabove provided, or at any time thereafter, the Board of Supervisors may issue assessment bonds payable out of such assessments when collected. Said bonds shall mature not later than two (2) years after the last installment in which said special assessments may be paid, as provided in subsection (10), and shall bear interest at not exceeding six (6) percent per annum. Such assessment bonds shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this Act for revenue bonds, except as the same are inconsistent with the provisions of this section. The amount of such assessment bonds for any assessable improvement, after the confirmation of the initial resolution, shall not exceed seventy (70) percent of the estimated amount of the cost of such assessable improvements which are to be specially assessed against the land or property to be specially benefited thereby, as shown in the estimates of the engineer for the District referred to in subsection (2). The amount of such assessment bonds for any assessable improvement to be issued, after the confirmation of the preliminary assessment roll provided for in subsection (9), including any assessment bonds theretofore issued, shall not exceed the amount of special assessments actually confirmed and levied by the Board of Supervisors as provided in subsection (9).

Such assessment bonds shall be payable from the proceeds of the special assessments levied for the assessable improvement for which such assessment bonds are issued; provided, however, that the District may pledge the full faith and credit of the District for the payment of the principal of and interest on such assessment bonds if the issuance of such assessment bonds shall be approved in the manner provided by law.

(7) After the passage of the resolution authorizing the construction or reconstruction of assessable improvements has been confirmed as provided in subsection (4), the District may proceed with the construction or reconstruction work in accordance with the provisions of section 66 of this Act. Promptly after the completion of the work, the engineer for the District, who is hereby designated as the official of the District to make preliminary assessment of benefits from assessable improvements, shall prepare a preliminary assessment roll and file the same

with the Board of Supervisors, which roll shall contain the following:

(a) A description of the lots and parcels of land or property within the District which will benefit from such assessable improvements and the amount of such benefits to each such lot or parcel of land or property, and the preliminary assessment. Such lots and parcels shall include the property of the county or counties and any school district or other political subdivision within the District. There shall also be given the name of the owner of record of each lot or parcel where practicable, and a statement of the method of assessment used by such engineer.

(b) The total cost of the improvement and the amount of incidental expense.

In making such preliminary assessments the engineer may use any method of determining the amount of special benefits accruing to each lot or parcel of land or property from such assessable improvements as shall be approved by the Board of Supervisors. Such special benefits may be based on an acreage assessment where benefits from such assessable improvements are equal or nearly equal for lands or property in a particular area, front footage, or any other factors which the Board of Supervisors deems fair and equitable as between the different lots or parcels of land or property benefited. It shall be the duty of the engineer in making such preliminary assessment roll to view all lots or parcels of land or property to be assessed, and to determine, for the preliminary assessment roll, the amount of benefit which each lot or parcel of land or property will receive from such assessable improvements, under the method or methods prescribed by the Board of Supervisors, or any combination thereof.

(8) The preliminary roll shall be advisory only and shall be subject to the action of the Board of Supervisors as hereinafter provided. Upon the filing with the Board of Supervisors of the preliminary assessment roll, the Board of Supervisors shall publish at least once in a newspaper or newspapers published or of general circulation within Orange and Osceola Counties, a notice stating that at a meeting of the Board of Supervisors to be held on a certain day and hour, not less than fifteen (15) days from the date of such publication, which meeting may be a regular, adjourned or special meeting, all interested persons may

appear and file written objections to the confirmation of such roll. Such notice shall state the class of the assessable improvements and the location thereof by terminal points, route or otherwise. The Board of Supervisors shall also mail a copy of such notice to the persons, firms or corporations referred to in subsection (3) at least ten (10) days before the time for the meeting as stated in such notice, but the failure of the Board of Supervisors to mail any such notice shall not constitute a valid objection to holding such meeting or to any other action taken under the authority of this section.

(9) At the time and place stated in such notice the Board of Supervisors shall meet and receive the objections in writing of all interested persons as stated in such notice. The Board of Supervisors may adjourn the hearing from time to time. After the completion thereof the Board of Supervisors shall either annul or sustain or modify in whole or in part the preliminary assessment as indicated on such roll, either by confirming the preliminary assessment against any or all lots or parcels described therein or by cancelling, increasing or reducing the same, according to the special benefits which the Board of Supervisors decides each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from the preliminary roll, or if the preliminary assessment shall not have been made against it, the Board may place on such roll an apportionment to such property. The Board of Supervisors shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within thirty (30) days in the Circuit Court for the Ninth Circuit to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the Board of Supervisors shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be reduced or abated by the court, unless the assessment upon the entire District be reduced or abated, or the amount by which such assessment is so reduced or abated, may by resolution of the Board of Supervisors be made chargeable against the District at large; or, at the discretion of the Board of Supervisors, a new assessment

roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

(10) Any assessment may be paid at the office of the Board of Supervisors within sixty (60) days after the confirmation thereof, without interest. Thereafter all assessments shall be payable at such times, over such period of years not exceeding twenty (20) years, and in such annual or other installments, with interest at such rate not exceeding eight (8) percent per annum on the principal amount of such assessments from the expiration of said sixty (60) days, as the Board of Supervisors shall determine by resolution. The Board of Supervisors may provide that any assessment may be paid at any time before due, together with interest accrued thereon to the date of prepayment, if such prior payment shall be permitted by the proceedings authorizing any assessment bonds or other obligations for the payment of which such special assessments have been pledged.

(11) All such special assessments shall be collected by the respective tax collectors for Orange and Osceola Counties, as the case may be, (in which event the last sentence of subsection(1) of section 29 shall be applicable), or by such other officer or agent as the Board may designate, at such time or times as the Board of Supervisors shall specify in the proceedings authorizing or confirming the special assessments, and if no other time is specified then at the same time as general county taxes are collected in Orange and Osceola Counties.

(12) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the District by proceedings in the Circuit Court for the Ninth Circuit to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State; provided that any such proceedings to foreclose shall embrace all install-

ments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of the resolution passed pursuant to subsection (9) and by subsection (10), and all costs including interest and attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities, and the proceedings shall be dismissed. It shall be the duty of the District to enforce the prompt collection of assessments by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this Act in the Circuit Court for the Ninth Circuit by mandamus or other appropriate proceedings or action. Not later than thirty (30) days after any installments are due and payable, it shall be the duty of the Board of Supervisors to direct the attorney or attorneys whom the Board of Supervisors shall then designate to institute action within two (2) months after such direction to enforce the collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in a manner and under the conditions in and under which mortgages are foreclosed under the laws of the State. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interests of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the District, and the same shall be collectible as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the District may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the District may be sold or otherwise disposed of, the proceeds of such disposition to be placed in the fund provided by subsection (13) of this section, provided, however, that no sale or other disposition thereof shall be made unless the notice calling for bids therefor to be received at a stated time and place shall have been published at least once in a newspaper or

newspapers published or of general circulation in Orange and Osceola Counties.

(13) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any assessable improvements for which assessment bonds shall have been issued under the provisions of this law, or which have been pledged as additional security for any other bonds or obligations issued under this Act, shall be maintained in a special fund or funds and be used only for the payment of principal of or interest on such assessment bonds or other bonds or obligations.

(14) Orange and Osceola Counties and each school district and other political subdivision wholly or partly within the District shall possess the same power and be subject to the same duties and liabilities in respect of the special assessments under this section affecting the real estate of such county, school district or other political subdivision which private owners of real estate possess or are subject to hereunder, and such real estate of any such county, school district and political subdivision shall be subject to liens for said assessments in all cases where the same property would be subject to such liens had it at the time the lien attached been owned by a private owner.

(15) Subject to the terms of any bonds or other obligation payable from or secured by the assessments provided for herein, the Board of Supervisors may at any time and from time to time modify, in whole or in part, or revoke any plan or specification for any assessable improvement. In connection with the revision of any such plan or specification, benefits may be reassessed or additional assessments made in accordance with the provisions and procedures of this section 40. The Board of Supervisors may at any time approve and make effective technical changes and modifications of any plan for any improvement not affecting the determination of assessed benefits or the security of bond owners.

Section 41. *Issuance of Certificates of Indebtedness Based on Assessments for Assessable Improvements; Assessment Bonds.*—

(1) The Board of Supervisors may, after any assessments for assessable improvements are made, determined and confirmed as provided in section 40, issue certificates of indebtedness for the

amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments or otherwise in accordance with the installments of the special assessments for which they are issued. The Board of Supervisors may determine the interest to be borne by such certificates at a rate no greater than six (6) percent per annum, and may sell such certificates at either private or public sale and determine the form, manner of execution and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The District may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding paragraph may be deposited; or, if such certificates of indebtedness have not been issued, the District may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in section 40, unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The District is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebted-

ness deposited in said special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the Board of Supervisors, provided, however, that the maturities of such assessment bonds or other obligations shall not be more than two (2) years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

(4) Such assessment bonds or other obligations issued under this section shall bear interest at not exceeding six (6) percent per annum, shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this Act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

(5) All assessment bonds or other obligations issued under the provisions of this Act, except certificates of indebtedness issued against separate lots or parcels of land or property as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the laws of the State.

Section 42. *Issuance of Bond Anticipation Notes.*—In addition to the other powers provided for in this Act and not in limitation thereof, the District shall have the power, at any time and from time to time after the issuance of any bonds of the District shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal amount not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate or rates not in excess of six (6) percent per annum, mature at such time or times not later than five (5)

years from the date of issuance, be renewable for an additional term or terms in the aggregate not in excess of five (5) years from the date of first renewal, and be in such form and executed in such manner as the Board of Supervisors shall prescribe. Such notes may be sold at either public or private sale, or if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the Board of Supervisors shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The Board of Supervisors may in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but in such event a like amount of the bonds authorized shall not be issued.

Section 43. *Short Term Borrowings.*—The District at any time may obtain loans, in such amount and on such terms and conditions as the Board of Supervisors may approve, for the purpose of paying any of the expenses of the District or any costs incurred or that may be incurred in connection with any of the projects of the District, which loans shall have a term not exceeding two (2) years from the date of issuance thereof, and may be renewable for a like term or terms, shall bear interest in any amount not in excess of six (6) percent per annum, and may be payable from and secured by a pledge of such funds, revenues, taxes and assessments as the Board of Supervisors may determine. For the purpose of defraying such costs and expenses, the District may issue negotiable notes, warrants or other evidences of debt signed on behalf of the District by any one of the Board of Supervisors duly authorized by the Board, such notes or other evidences of indebtedness to be payable at such times, to bear interest at a rate not exceeding six (6) percent per annum and to be sold or discounted at such price or prices and on such terms as the Board may deem advisable. The Board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes and assessments of the District. The approval of the qualified electors who are freeholders residing in the District shall not be necessary except where required by the Constitution.

Section 44. *Trust Agreements.*—In the discretion of the Board of Supervisors, any issue of bonds may be secured by a trust agreement by and between the District and a corporate trustee or trustees, which may be any trust company or bank

having the powers of a trust company within or without the State. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the District and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the Board of Supervisors may approve, including without limitation covenants setting forth the duties of the District in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation and insurance of any projects, the fixing and revising of the rates, fees, tolls, fares and charges, and the custody, safeguarding and application of all moneys, and for the employment of counselling engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair or operation. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the District. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The Board of Supervisors may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

Section 45. *Sale of Bonds.*—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the Board of Supervisors may deem advisable but not in any event at less than ninety-five (95) percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the District of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchanged for any property, real, personal or mixed, including franchises, or services ren-

dered by any contractor, engineer or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the Board of Supervisors in its discretion shall determine. The price or prices for any bonds sold, exchanged or delivered may be (a) the money paid for the bonds, (b) the principal amount, plus accrued interest to the date of redemption or exchange, of outstanding obligations exchanged for refunding bonds, (c) in the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the Board of Supervisors.

Section 46. *Authorization and Form of Bonds.*—Bonds may be authorized by resolution or resolutions of the Board of Supervisors which shall be adopted by a majority of all of the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced, and need not be published or posted. The Board of Supervisors may by resolution authorize the issuance of bonds, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest, which shall not exceed six (6) percent per annum, the denomination of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates thereof, the date or dates of maturity, which shall not exceed forty (40) years from their respective dates of issuance, the medium of payment, the place or places within or without the State where payment shall be made, registration privileges, redemption terms and privileges (whether with or without premium), the manner of execution, the form of the bonds including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants and conditions thereof, and the establishment of reserve or other funds. Such authorizing resolution may further provide that such bonds may be executed manually or by engraved, lithographed or facsimile signature, provided that where signatures are engraved, lithographed or facsimile no bond shall be valid unless countersigned by a registrar or other officer designated by appropriate resolution of the Board of Supervisors. The seal of the District may be affixed, lithographed, engraved or otherwise reproduced in facsimile on such bonds. In case any officer whose signature or a facsimile of whose signa-

ture shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Section 47. *Increase in Maximum Allowable Interest on District Bonds.*—Anything in this Act or the laws of the State to the contrary notwithstanding, if at any time and from time to time the general laws of the State of Florida permit the counties, municipalities or political subdivisions of the State, or any of them, to issue general obligation, revenue, assessment or other bonds bearing interest in an amount or at a rate in excess of six (6) percent per annum, then the maximum allowable interest on any bonds of the District that may be issued during the effective period of such general law shall be the maximum amount or rate permitted under such general law.

Section 48. *Interim Certificates; Replacement Certificates.*—Pending the preparation of definitive bonds, the Board of Supervisors may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the Board of Supervisors may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Board of Supervisors may also provide for the replacement of any bonds which shall become mutilated or be lost or destroyed.

Section 49. *Negotiability of Bonds.*—Any bond issued under this Act and any interim certificate, receipt or temporary bond shall, in the absence of an express recital on the face thereof that it is nonnegotiable, be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of the State of Florida.

Section 50. *Defeasance.*—The Board of Supervisors may make such provision with respect to the defeasance of the right, title and interest of the holders of any of the bonds and obligations of the District in any revenues, funds or other properties by which such bonds are secured as the Board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and the interest and premium, if any, due and payable

upon the bonds or obligations then outstanding shall be paid, or sufficient moneys or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient moneys, shall be held or deposited in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title and interest of the holders of the bonds in any revenues, funds or other properties by which such bonds are secured shall thereupon cease, determine and become void, and the Board of Supervisors may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the District as the Board of Supervisors shall determine.

Section 51. *Bonds as Legal Investment or Security.*—Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this Act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency, instrumentality, county, municipality or other political subdivision of the State, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal or other public funds, or by insurance companies as required or voluntary statutory deposits.

Section 52. *Agreements with the Florida Development Commission and Others.*—The Board of Supervisors shall have the power to retain and enter into agreements with fiscal agents, financial advisers, the Florida Development Commission, engineers and other consultants or advisers with respect to the issuance and sale of any bonds, and the cost and expense thereof may be treated as part of the cost and expense of such project. Upon request of the Board of Supervisors, the Florida Development Commission may provide such technical assistance or other services relating to bond issues as may be necessary or desirable under the circumstances.

Section 53. *Covenants.*—Any resolution authorizing the issuance of bonds may contain such covenants as the Board of

Supervisors may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the District and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, taxes and assessments, the obligations of the District with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment, powers and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the District, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the District, the maintenance of deposits to assure the payment of revenues by users of District facilities and services, the discontinuance of District services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

Section 54. *Validity of Bonds; Validation Proceedings.*—(1) Any bonds issued by the District shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defects in the proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the District may, but is not required to, publish a notice at least once in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties, stating the date of adoption of the resolution authorizing such obligations, the amount, maximum rate of interest and maturity of such obligations, and the purpose in general terms for which such obligations are to be issued, and further stating that any action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within twenty (20) days after the first publications of such notice, or the validity of such obligations, proceedings and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such twenty (20) day period then the validity of such obligations, proceedings

and covenants shall be conclusive, and all persons or parties whatsoever shall be forever barred from questioning the validity of such obligations, proceedings or covenants in any court whatsoever.

(2) The power of the District to issue bonds under the provisions of this Act may be determined and any of the bonds of the District may be validated and confirmed by circuit court decree, under the provisions of chapter 75, Florida Statutes, and laws amendatory thereof or supplementary thereto.

Section 55. *Within Act Furnishes Full Authority for Issuance of Bonds.*—This Act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the District provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts or things by the Board of Supervisors, or any board, officers, commission, department, agency or instrumentality of the District, other than those required by this Act, shall be required to issue any bonds or to do any act or perform anything under this Act, and the issuance or sale of bonds pursuant to the provisions of this Act need not comply with the requirements of any other law applicable to the issuance or sale of bonds, except as otherwise provided in this Act, and shall not require the consent or approval of the board of drainage commissioners of the State of Florida or of any other board, officers, commission, department, agency or instrumentality of the State of Florida or any political subdivision thereof. Except as otherwise provided herein, no proceedings or procedures of any character whatever shall be necessary or required for the issuance of bonds other than the adoption of an appropriate resolution by the Board of Supervisors as provided in this Act with respect to the issuance of the same. The powers conferred by this Act on the District with respect to the issuance and sale of bonds shall be in addition and supplemental to the powers conferred by any other law.

Section 56. *Pledge by the State of Florida to the Bond Holders of the District and to the Federal Government.*—The State of Florida pledges to the holders of any bonds issued under this Act that it will not limit or alter the rights of the District to own, acquire, construct, reconstruct, improve, maintain, operate or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, tolls, fares and other charges provided

for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, that it will not in any way impair the rights or remedies of the holders, and that it will not modify in any way the exemption from taxation provided in the Act, until all such bonds together with interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The State of Florida pledges to and agrees with the Federal Government that in the event the Federal Government or any agency or authority thereof shall construct or contribute any funds, materials or property for the construction, acquisition, extension, improvement, enlargement, maintenance, operation or furnishing of any of the projects of the District, or any part thereof, the State will not alter or limit the rights and powers of the District in any manner which would be inconsistent with the continued maintenance and operation of such project, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the District and the Federal Government, and the District shall continue to have and may exercise all powers herein granted so long as the Board of Supervisors may deem the same necessary or desirable for the carrying out of the purposes of this Act and the purposes of the Federal Government in the construction, acquisition, extension, improvement, enlargement, maintenance, operation or furnishing of any of the projects of the District, or any part thereof.

Section 57. *Agreements with Municipalities within the District for the Joint Discharge of Common Functions.*—The Board of Supervisors of the District and the governing bodies of any one or more municipalities located wholly or partly within the District, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties and functions of the Board of Supervisors and other officers, agents and employees of the District, and the respective governing bodies of one or more such municipalities, and their respective officers, agents and employees, to the end that there may be effective cooperation between and coordination of the efforts of such municipalities and the District in discharging their common functions, powers and duties and in rendering services to the respective residents and property owners of such municipalities and the District. The Board of Supervisors of the District and

the governing bodies of one or more such municipalities are further authorized to enter into and carry into effect contracts and agreements for the performance of any of their common functions, powers and duties by a central agency or common agent of the contracting parties.

Section 58. Cooperation Agreements with the State, Counties and Municipalities.—

(1) The State of Florida and the counties, municipalities and other political subdivisions and public bodies and agencies thereof, or any of them, whether now existing or hereafter created, are authorized to aid and cooperate with the District in carrying out any of the purposes and projects of the District, to enter into cooperation agreements with the District, to provide in any such cooperation agreement for the making of loans, gifts, grants or contributions to the District and the granting and conveyance to the District of real or personal property of any kind or nature, or any interest therein, for the carrying out of the purposes and projects of the District, to covenant in any such cooperation agreement to pay all or any part of the costs of acquisition, construction, reconstruction, extension, improvement, operation and maintenance of any of the projects of the District, and to pay all or any part of the principal and interest on any bonds of the District and all or any part of the deposits required to be made into any reserve, renewal and replacement or other funds created and established by the indenture, resolution, deed of trust or other instrument securing such bonds.

(2) The State of Florida and the counties, municipalities and other political subdivisions and public bodies and agencies thereof, or any of them, whether now existing or hereafter created, and the District created by this Act, are further authorized to enter cooperative agreements to provide for the furnishing by the District to the State or any county, municipality or other political subdivision or public body or agency thereof of any of the facilities and services of the District, or by the State or any county, municipality or other political subdivision or public body or agency thereof to the District and to persons, firms or corporations within the District of facilities and services of the type that the District is authorized to furnish or undertake, or such other facilities and services as may be determined necessary or desirable by the Board of Supervisors for the carrying out of the purposes of this Act, all on such terms and conditions

as the Board of Supervisors may deem appropriate. Without limitation on the foregoing, such cooperation agreements may provide for the furnishing by any county, municipality or other political subdivision of fire and police protection for the District and persons and property within the District, and for the providing to the District of any services deemed necessary or desirable by the Board of Supervisors for the proper functioning of the District.

(3) Without limitation of the foregoing, the Board of Supervisors may undertake and finance any of the projects of the District, in whole or in part, jointly with the City of Bay Lake, the City of Reedy Creek, or any other municipality, now existing or hereafter created, or in any other manner combine the projects of the District with the projects of such municipality or municipalities, on such terms and conditions as the Board of Supervisors shall approve, and the provisions of this Act, including without limitation the provisions for the financing of District projects through bond issues, shall be applicable to such projects.

(4) Any agreement of the type authorized by this section may be made and entered into pursuant to this Act for such time or times, not exceeding forty (40) years, as shall be agreed by the parties thereto or for such longer time as any bonds of any of the contracting parties, including refunding bonds, remain outstanding and unpaid, and may contain such details, terms, provisions and conditions as shall be agreed upon by the parties thereto. Any such agreement may be made and entered into for the benefit of the holders of any bonds of the District as well as the parties thereto and in such event shall be enforceable in any court of competent jurisdiction by the holders of any such bonds or of the coupons appertaining thereto.

Section 59. *Contracts, Grants and Contributions.*—The District shall have the power to make and enter all contracts and agreements necessary or incidental to the performance of the functions of the District and the execution of its powers, and to contract with, and to accept and receive grants or loans of money, material or property from, any person, private or public corporation, the State of Florida or any agency or instrumentality thereof, any county, municipality or other political subdivision, or any agency, instrumentality or corporation of or created

by the United States of America, or the United States of America, as the Board of Supervisors shall determine to be necessary or desirable to carry out the purposes of this Act, and in connection with any such contract, grant or loan to stipulate and agree to such covenants, terms and conditions as the Board of Supervisors shall deem appropriate.

Section 60. *Tax Exemption.*—As the exercise of the powers conferred by this Act to effect the purposes of this Act constitute the performance of essential public functions, and as the projects of the District will constitute public property used for public purposes, all assets and properties of the District, and all bonds issued hereunder and interest paid thereon, and all fees, charges and other revenues derived by the District from the projects provided for by this Act shall be exempt from all taxes by the State or by any political subdivision, agency or instrumentality thereof, provided, however, that nothing in this act shall be deemed to exempt from taxation any property, project, facility business activity or enterprise that cannot validly be undertaken as a public function by special taxing districts or other public bodies under the laws and Constitution of the State of Florida, and provided further, that nothing in this act shall be deemed to exempt any property, project, facility or business activity or enterprise of the District, or revenues derived therefrom, which would be subject to taxation under the general laws of the State of Florida if such property, project or facility were owned or undertaken by a municipal corporation.

Section 61. *Suits Against the District.*—No suit or action shall be brought or maintained against the District for damages arising out of tort or breach of contract, including without limitation any claim arising upon account of an act causing a wrongful death, unless written notice of such claim is within ninety (90) days after receiving the alleged injury given to the Secretary of the Board of Supervisors, with detailed specifications as to the time, place and manner of injury. No such suit or action shall be brought or maintained unless brought within twelve (12) months from the time of the injury or damages.

Section 62. *Action Taken on Consent of Landowners.*—Any action required under this Act or under chapter 298, Florida Statutes, to be taken on notice to the landowners of the District and on public hearing for the purpose of receiving and passing

on objections by landowners may be taken without such notice or hearing upon the written consent of all of the landowners affected by such action.

Section 63. *Posting of Notice in Lieu of Publication.*—In the event that at any time or from time to time no newspaper or newspapers shall be published or of general circulation in Orange or Osceola Counties, as the case may be, any notice required by this Act or under any other law to be published in such newspaper or newspapers may be published by posting such notice in at least ten (10) different public places within the District.

Section 64. *Changing Boundary Lines; Annexation and Exclusion of Lands; Creation of Municipalities Within the Territorial Limits of the District; Limitations on the Furnishing of Services Within Annexed Areas.*—

(1) The Board of Supervisors may at any time strike out or correct the description of any land within or claimed to be within the boundary lines of the District upon the consent in writing of the owners of all of the land that would be included or excluded from the boundary lines of the District or otherwise affected by the taking of such action, and of the owners of not less than a majority in acreage of all the lands within the District. The Board of Supervisors may enlarge the territorial limits of the District to include any lands not then within the District (a) upon the written consent of the owners of all of the land to be included in the District and of not less than a majority in acreage of all the land then within the District, or (b) by resolution of the Board of Supervisors approved at a special election called for such purpose, by vote of a majority of the freeholders residing within the area to be annexed and a majority of the freeholders residing within the District. The Board of Supervisors may contract the territorial limits of the District so as to exclude from the District any land then within the District (a) upon the written consent of the owners of all of the land to be so excluded and of the owners of not less than a majority in acreage of all the land then within the District, or (b) by resolution of the Board of Supervisors approved at a special election called for such purpose, by vote of a majority of the freeholders residing within the area to be excluded and a majority of the freeholders residing within the District, or (c) by resolution of the Board of Supervisors approved by the

owners of not less than a majority in acreage of the land within the District.

(2) Land (including property situated thereon) added to the District in the manner hereinabove provided shall from the time of its inclusion within the District be subject to all of the taxes and assessments thereafter levied and assessed on other land or property of the District similarly situated. Land or property excluded from the District in the manner hereinabove provided shall from the date of such exclusion be exempt from taxes or assessments thereafter imposed by the District but shall not be exempt from any taxes or assessment theretofore levied and due with respect to such land or property, or from subsequent installments of taxes or assessments theretofore levied or assessed with respect thereto, and such taxes or assessments may be enforced and collected by or on behalf of the District in the same manner as if such land or property continued to be within the territorial limits of the District.

(3) The Board of Supervisors for and in behalf of the District shall have the right to file a petition in the Circuit Court for the Ninth Circuit, praying the court to amend its former decree incorporating the District by correcting the names of the landowners, by striking out any such names, by adding, striking out or correcting the description of any land within or alleged to be within the boundary lines of the District, or in any other manner amend its decree. Said petition may ask permission of the court to amend or change the plan of reclamation adopted with respect to the District, or to correct any errors, omissions or other mistakes that have been discovered in the plan of reclamation, or may ask that the boundary lines of the District be extended so as to include lands not described by, or included in, the petition and decree of the court incorporating the District. The proceedings on such petition shall be in accordance with the provisions of section 298.07, Florida Statutes, and amendments thereto, provided, however, that the court shall have no jurisdiction or power in any proceeding under section 298.07 to terminate the existence of the District or to limit or alter the rights, powers and authorities of the District provided in this Act.

(4) Any owner of land located within the geographic limits of the District may not later than sixty (60) days following the

effective date of this Act make written application to the Board of Supervisors of the District to have the land of such owner excluded from the boundaries of the District, and in the event of such written application made within such sixty-day period, the Board of Supervisors shall exclude the land of such owner from the District and revise the boundaries thereof accordingly. Any taxes theretofore levied on such excluded lands by the Board of Supervisors shall be of no further force and effect with respect to such lands and shall not constitute a lien on such lands, and any such tax theretofore collected with respect to such lands shall be refunded. No such application under this subsection shall be granted if made later than sixty (60) days after the effective date of this Act.

(5) Nothing in this section shall permit the annexation or exclusion of lands contrary to the terms, covenants or conditions of any of the bonds or obligations of the District, or in any manner that would impair the security of the holders of any bonds or other obligations of the District.

(6) No village, town, city or other municipal corporation having any of the powers or authorities of the District, or any like powers or authorities, shall hereafter be organized or established by any proceedings under the general laws of the State if upon such organization or establishment the territorial limits of such municipal corporation would lie wholly or partly within the territorial boundaries of the District, except upon the consent in writing given by a majority in acreage of the owners of the lands within the District proposed to be so incorporated within such municipality, and no land within the territorial boundaries of the District shall be annexed to or incorporated by any proceeding under any general or special law, now or hereafter enacted, into any village, town, city or other municipal corporation, now existing or hereafter created, except upon the consent in writing given by the owners of a majority in acreage of the lands within the District to be so annexed or incorporated.

(7) In the event that the territorial boundaries of the District, as set forth in section 1 of this Act, are revised so as to include within the District any areas not presently contained within the District, the District shall not engage in the business of furnishing telephone service in such annexed area unless the District (i) obtains from the Florida public service commission

a certificate of convenience and necessity authorizing the District to offer telephone service in such annexed area, and (ii) offers to purchase from any telephone company that is at the time engaged in the business of furnishing telephone service within such annexed area such portion of its plant and property suitable and used for such business in connection therewith as lies within the limits of such annexed area, in a manner consistent with the provisions of section 172.09, Florida Statutes, and amendments thereto, for determining the price thereof;

(8) In the event that the territorial boundaries of the District, as set forth in section 1 of this Act, are revised so as to include within the District any areas not presently contained within the District, the District shall not engage in the business of furnishing electric power for sale in such annexed area, unless the District shall offer to purchase from any person, firm or corporation that is at the time engaged in the business of making, generating or distributing electricity for sale within such annexed area such portion of its electric plant and property suitable and used for such business in connection therewith as lies within the limits of such annexed area, in a manner consistent with the provisions of section 172.09, Florida Statutes, and amendments thereto, for determining the price thereof.

Section 65. *Construction of District Projects.*—The Legislature hereby finds and declares that in order to accomplish the purposes of this Act, and in view of the novel and experimental nature of projects that the District is authorized to undertake, it is essential that the Board of Supervisors have discretion and authority with respect to the manner in which the construction of the projects of the District, including, but not by way of limitation, projects financed by District bonds, taxes or assessments, shall be undertaken. The Board of Supervisors shall have power and authority to acquire, construct, reconstruct, extend, repair, improve, maintain and operate any of the projects of the District, and to that end to employ contractors, to purchase machinery, to employ men to operate the same, and directly to have charge of and construct the projects of the District in such manner as the Board of Supervisors may determine. The District may undertake any construction work with its own resources, without public advertisement for bids. The Board of Supervisors in its discretion may, but shall not be required to, let contracts for the projects of the District, either as

a whole or in sections, with or without public advertising and the receiving of bids, all on such terms and conditions as the Board of Supervisors may deem appropriate. In the event the Board of Supervisors advertises and receives bids, the Board of Supervisors shall let the contract to the lowest responsible bidder, provided, however, that the Board of Supervisors may in its discretion reject any and all bids.

Section 66. *Interest of Board Members in Contracts.*—No member of the Board of Supervisors shall be deemed to have an interest in any contract of the District with any public or private corporation by reason of the fact that such supervisor is a director, officer, employee or non-controlling stockholder of such a corporation. Contracts of the District with any such public or private corporation shall not be invalid or unenforceable by reason of such interest, and no supervisor shall be disqualified from voting or otherwise acting upon such contract as a member of the Board of Supervisors by reason of such interest, provided that each member of the Board of Supervisors shall have submitted to the Board of Supervisors a statement of his interest in such corporation prior to the approval or authorization of the contract by the District. Such statement shall be maintained as part of the permanent record book of the District for as long as such contract continues in effect and for not less than one (1) year thereafter.

Section 67. *Enforcement and Penalties.*—

(1) The Board of Supervisors or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provision of this Act, including injunctive relief to enjoin or restrain any person violating the provisions of this Act, and any by-laws, resolutions, regulations, rules, codes and orders adopted under this Act, and the court shall, upon proof of such violation, have the duty to issue forthwith such temporary and permanent injunctions as are necessary to prevent such further violation thereof. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, land or water is used, in violation of this Act, or of any code, order, resolution or other regulation made under authority conferred by this Act or under law, the Board of Supervisors and any person residing in the District may institute any

appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or avoid such violation, to prevent the occupancy of such building, structure, land or water, and to prevent any illegal act, conduct, business or use in or about such premises, land or water.

(2) Any person violating the provisions of this Act or who shall fail to abide by and obey any of the by-laws, resolutions, regulations, rules, codes and orders adopted under this Act shall be guilty of a misdemeanor. Each day that the violation shall continue shall constitute a separate violation.

(3) It shall be unlawful and a misdemeanor for the owner of any land subject to this Act, or his agent, or other persons, to advocate, propose, suggest, use or exhibit a map, plat, survey or plan of subdivision or development of land except in conformity with this Act and the rules and regulations of the Board of Supervisors.

Section 68. *Investment of Funds.*—The Board of Supervisors may in its discretion invest funds of the District in (1) direct obligations of or obligations guaranteed by the United States of America or for the payment of the principal and interest of which the faith and credit of the United States is pledged; (2) bonds or notes issued by any of the following Federal agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Federal Land Banks; or the Federal National Mortgage Association (including debentures or participating certificates issued by such Association); (3) public housing bonds issued by public housing authorities and secured by a pledge of annual contributions under an annual contribution contract or contracts with the United States of America; (4) bonds or other interest-bearing obligations of any county, district, city or town located in the State of Florida for which the full faith and credit of such political subdivision is pledged; or (5) any investment authorized for insurers by sections 625.0105 through 625.0115, Florida Statutes, inclusive, and amendments thereto.

Section 69. *Fiscal Year of the District.*—The Board of Supervisors has the power to establish and from time to time re-determine the fiscal year of the District. Unless the Board of

Supervisors otherwise provides, the District shall be on a calendar fiscal year.

Section 70. *Severability of Provisions.*—If any section, clause, sentence or provision of this Act, or the application of such section, clause, sentence or provision to any person or bodies or under any circumstances shall be held to be inoperative, invalid or unconstitutional, the invalidity of such section, clause, sentence or provision shall not be deemed, held or taken to affect the validity or constitutionality of any of the remaining parts of this Act, or the application of any of the provisions of this Act to persons, bodies or in circumstances other than those as to which it or any part thereof shall have been held inoperative, invalid or unconstitutional, and it is intended that this Act shall be construed and applied as if any section, clause, sentence or provision held inoperative, invalid or unconstitutional had not been included in this Act.

Section 71. *Liberal Construction.*—The provisions of this Act shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein.

Section 72. *Notice.*—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the Constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 73. *Effective Date.*—This Act shall take effect immediately upon becoming a law.

Approved by the Governor May 12, 1967.

Filed in Office Secretary of State May 12, 1967.

CHAPTER 67-765

House Bill No. 25

AN ACT designating and naming a certain highway in Dade County as Interama Boulevard; providing an effective date.

WHEREAS, the State of Florida Inter-American Center Au-

thority has requested that the existing street names for Sunny Isles Boulevard and westerly extensions thereof, said extensions presently known as Northeast 163rd Street, North Miami Beach Boulevard, and 167th Street be renamed Interama Boulevard, and

WHEREAS, the City of North Miami Beach has proposed the aforementioned change, and

WHEREAS, the Honorable Claude Pepper, member of Congress, has enthusiastically endorsed this proposal, and

WHEREAS, the Director of the Public Works Department has recommended that the highway be designated in the manner prescribed in the act below, and

WHEREAS, the Board of County Commissioners of Dade County wholeheartedly endorses the proposal, NOW, THEREFORE,

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

Section 1. That portion of State Road No. 826 known as Sunny Isles Boulevard, also known as Northeast 163rd Street, North Miami Beach Boulevard, and 167th Street, is hereby renamed Northwest Interama Boulevard for that segment of the road between Northwest 2nd Avenue and North Miami Avenue and Northeast Interama Boulevard for that segment of the road between North Miami Avenue and Collins Avenue.

Section 2. This change is to be effective from the westerly terminus of the said road at the Golden Glades (Interama) Interchange to its intersection with Collins Avenue on the east.

Section 3. This act shall take effect immediately upon becoming a law.

Approved by the Governor May 16, 1967.

Filed in Office Secretary of State May 16, 1967.

CHAPTER 67-766

House Bill No. 878

AN ACT relating to the salaries and mileage allowances for members of the board of public instruction in all counties

having a population of more than 114,900 and less than 119,900 according to the federal census of 1950; repealing chapter 57-675, Laws of Florida providing for salaries and mileage allowances for the members of the board of public instruction of all counties of the state of Florida having a population of more than 114,900 and less than 119,900 according to the Federal census of 1950; providing an effective date.

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

Section 1. Chapter 57-675, Laws of Florida is repealed.

Section 2. This act shall take effect immediately upon becoming an act.

Approved by the Governor May 16, 1967.

Filed in Office Secretary of State May 16, 1967.

CHAPTER 67-767

House Bill No. 229

AN ACT for the relief of L. L. Giddens growing out of loss sustained as a result of property damage caused as a result of the escape of inmates from the Division of Corrections road prison at Floral City; making an appropriation therefor; providing an effective date.

WHEREAS, on July 21, 1966, two inmates escaped from a work crew in the Tarrytown area, and

WHEREAS, these two inmates broke into the residence of L. L. Giddens causing physical damage to the residence, and

WHEREAS, personal property was also stolen and not recovered, NOW, THEREFORE,

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

Section 1. The sum of one hundred ten dollars (\$110.00) is hereby appropriated from the appropriate funds of the Division of Corrections to compensate L. L. Giddens for the loss sustained as a result of the damage incurred as a result of the escape of the inmates from the custody of the Division of Corrections.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State May 18, 1967.

CHAPTER 67-768

House Bill No. 481

AN ACT relating to each county in the state having a population of not less than thirty thousand (30,000) nor more than thirty-two thousand (32,000), by the latest official state-wide decennial census; authorizing the Board of County Commissioners of such county to pay a salary to one or more of the constables of said county; creating a county constables' budget; providing for the disposition of fees and commissions; providing severability; providing for the repeal of Chapter 57-893, General Laws of Florida, and Chapter 61-898, General Laws of Florida; providing an effective date.

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

Section 1. In each county of the state having a population of not less than thirty thousand (30,000), nor more than thirty-two thousand (32,000), by the latest state-wide decennial census, the board of county commissioners of such county may authorize one or more constables to receive for the performance of their official duties as constable an annual salary of eight thousand dollars (\$8,000.00) which shall be due and payable on the first day of the month after the month in which it accrued; provided, that compensation for service in office for a part of the calendar month shall be paid in the proportion that the days served bear to the number of days in the month.

Section 2. *Budgets.*—At the time fixed by law for preparation of the county budget, each constable, who has been authorized to receive an annual salary under the provisions of this act, shall certify to the board of county commissioners a proposed budget of expenditures for the carrying out of the powers, duties, and operations of his office for the ensuing fiscal year of the county. The fiscal year of the constable shall henceforth commence on October 1, and end on September 30, of each year.

The constable shall submit with the proposed budget his sworn certificate, stating that the proposed expenditures are reasonable and necessary for the proper and efficient operation of the office for the ensuing year. Each proposed budget shall show the estimated amounts of all proposed expenditures for operating and equipping the constable's office and jail other than construction, repair, or capital improvement of county buildings during the said fiscal year. The expenditures shall be itemized as follows:

1. Salary of the constable.
2. Salaries of assistants.
3. Expenses, other than salaries.
4. Equipment, including automobile.
5. Investigations.
6. Reserve for contingencies.

The board of county commissioners or the budget commission, if there is a budget commission within the county, may require from the constable whatever reasonable information it may deem desirable concerning the proposed expenditures, and whatever reasonable information it may deem desirable concerning the expenditures of prior years; except that it may not require information concerning details of investigations. The said board or budget commission, as the case may be, may require the constable to correct errors in form and mathematical and mechanical errors in his budget, and it may increase any of the proposed expenditures, but it may not reduce any proposed expenditure without the consent of the constable unless within sixty (60) days after receipt of said proposed budget it first obtains the approval of such reduction in proposed expenditure by a majority vote of a board of county officers' budget appeals whose members shall be the governor, the attorney general, and the comptroller. Provided, however, that the total sum of the entire budget for the first year under this act shall not be less than the sum total of all expenditures of the office for the last past year, which expenditures shall include the salaries and expenses of the constable's office, cost of operation of the county jail, purchase, maintenance and operation of equipment, including patrol cars, radio systems, transporting prisoners, court duties, and all other salaries, expenses, equipment and investigation expenditures of the entire constable's office for the previous year. Unless such board of county

officers' budget appeals approves such reduction in expenditures within said sixty (60) day period, the budget, as submitted by said constable, shall be adopted. The said board of county officers' budget appeals is hereby constituted and shall approve or disapprove proposed reductions in budgets submitted under this section, keep minutes, prescribe the procedures and do any and all things necessary to accomplish the purposes of this section.

The board of county commissioners and the budget commission, if there is a budget commission within the county, shall include in the county budget the items of proposed expenditures as set forth in the budget required by this section to be submitted, after the said budget has been reviewed and approved as provided herein; and the said board or commission, as the case may be, shall include the reserve for contingencies provided herein for each budget of the constable in the reserve for contingencies in the budget of the appropriate county fund.

The reserve for contingencies in the budget of a constable shall be governed by the same provisions governing the amount and use of the reserve for contingencies appropriated in the county budget, except that the reserve for contingency in the budget of the constable shall be appropriated upon written request of the constable.

The items placed in the budget of the board of county commissioners pursuant to this law shall be subject to the same provisions of law as the county annual budget; provided, that no amendments may be made to the appropriations for the constable's office except as requested by the constable.

The proposed expenditures in the budget shall be submitted to the board of county commissioners or budget commission, if there is a budget commission within the county, by July 1 of each year, except that for 1967, the budget shall be submitted on or before July 15, and the said budget shall be included by the said board or commission, as the case may be, in the budget of either the general fund or the fine and forfeiture fund, or in part of each.

If in the judgment of the constable an emergency should arise by reason of which the constable would be unable to perform his duties without the expenditure of larger amounts than those provided in the budget, he may apply to the board of

county officers' budget appeals for the appropriation of additional amounts. The constable shall at the same time deliver a copy of his application to the board of county commissioners, and to the budget commission if there is a budget commission within the county. The board of county officers' budget appeals shall hold a hearing on the application, after due notice to the constable and to the boards, and may grant or deny an increase or increases in the appropriations for the constable's offices. If any increase is granted, the board of county commissioners, and the budget commission, if there is a budget commission in the county, shall amend accordingly the budget of the appropriate county fund or funds. Such budget shall be brought into balance, if possible, by application of excess receipts in the said county fund or funds. If such excess receipts are not available in sufficient amount, the county fund budget or budgets shall be brought into balance by adding an item of "Vouchers unpaid" in the appropriate amount to the receipts side of the budget, and provision for paying such vouchers shall be made in the budget of the county fund for the next fiscal year.

Section 3. *Payment of salaries and expenses.*—

(1) The constable shall requisition and the board of county commissioners shall pay him, at the first meeting in October of each year, and each month thereafter, one-twelfth ($1/12$) of the total amount budgeted for the office; provided, that at the first meeting in January of each year, the board shall, at the request of the constable, pay one-sixth ($1/6$) of the total amount appropriated, and one-twelfth ($1/12$) each month thereafter, which payments shall be not more than the total appropriation. Provided, further, that any part of the amount budgeted for equipment shall be paid at any time during the year upon the request of the constable.

(2) The constable shall deposit the county warrant or warrants in his official bank account as provided in section 4 (3) and draw his own checks thereon in payment of the salaries of himself and his clerks and employees and the expenses of his office. All salaries paid shall be supported by payrolls, and all expenses paid shall be supported by approved bills; provided, that the constable may draw a check to himself for the expense of an investigation, and may note on the voucher only the information that he may consider proper to divulge.

(3) The constable may set up a revolving fund for payment in cash of small items. The revolving fund shall be reimbursed from time to time by payment of the vouchers representing the cash payments.

(4) The constable shall keep necessary budget accounts and records, and shall charge all paid bills and payrolls to the proper budget accounts. The reserve for contingencies, or any part thereof, may be transferred to any of the budget appropriations, in the discretion of the constable. With the approval of the board of county commissioners, or of the budget commission if there is a budget commission in the county, the budget may be amended as provided for county budgets in section 129.06 (2), Florida Statutes.

(5) All expenses incurred in the fiscal year for which the budget is made shall be vouchered and charged to the budget for that year, and to carry out this purpose the books may be held open for thirty (30) days after the end of the year.

(6) All unexpended balances at the end of each fiscal year shall be refunded to the board of county commissioners, and deposited to the county fund or funds from which payment was originally made.

Section 4. *Fees and commissions.*—

(1) No bills shall be rendered to the county for any services, nor shall any fees, commissions, or other remuneration for official services as constable be paid by the board of county commissioners of any county to the constable of the county except as provided by this act. All fees, commissions and other remuneration provided by law for services other than criminal shall be charged by the said constables to other authorities and parties doing business with their offices, and shall be paid over to the county as provided in this section.

(2) The fees authorized, or a deposit sufficient to cover them, shall be collected in advance from the party who requests the service; provided, that services may be performed for any governmental agency or unit without advance payment, and the officer shall bill and collect the fees earned from such agency after the service is performed or when the amount due is determined.

(3) Deposits for fees shall be placed in a depository trust account. The officer who receives the deposit shall keep an account with the depositor, and shall withdraw monthly from the deposits the fees earned and shall remit them to the county fund or funds as provided by this act.

(4) Fees or commissions commingled when received with other official collections may be deposited with such other collections in the trust account or accounts and distributed to the county fund or funds at the time that the other collections, with which they were received, are distributed.

Section 5. *Handling of public funds.*—The constable shall keep public funds in his custody, either in his office in an amount not in excess of the burglary, theft, and robbery insurance provided, the cost of which is hereby authorized as an expense of the office, or in a depository in an amount not in excess of the security provided pursuant to section 659.24, Florida Statutes, and the comptroller's regulations. The title of the depository accounts shall include the word "constable" and the name of the county, and withdrawals from the accounts shall be made by checks signed by the duly qualified and acting constable of the county, or his designated deputy or agent.

Section 6. *Saving clause.*—If any section, subsection, sentence, clause, phrase or word of this act is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable, or void, such invalidity or unconstitutionality shall not be construed to affect the portions of the act not so held to be unconstitutional, void, invalid, or ineffective, or affect the application of this act to other circumstances not so held to be invalid, it being hereby declared to be the express legislative intent that any such unconstitutional, illegal, invalid, ineffective, inapplicable, or void, portion or portions of this act did not induce its passage and that without the inclusion of any such unconstitutional, illegal, invalid, ineffective, or void portions of this act, the legislature would have enacted the valid and constitutional portions thereof.

Section 7. *Repeal.*—Chapter 57-893, General Laws of Florida, is repealed, and Chapter 61-898, General Laws of Florida, is repealed.

Section 8. *Effective date.*—This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 18, 1967.

CHAPTER 67-769

House Bill No. 447

AN ACT relating to justice of the peace courts having trial jurisdiction in any county having a population of not less than thirty thousand (30,000) and not more than thirty-two thousand (32,000) according to the latest official decennial census; authorizing the board of county commissioners of each such county to fix the amount of the fees and compensation to be paid; providing an effective date.

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

Section 1. In each county of the state having a population of not less than thirty thousand (30,000) nor more than thirty-two thousand (32,000) by the latest statewide decennial census, the board of county commissioners of such county may authorize justices of the peace in said county, having trial jurisdiction of misdemeanors committed in their respective districts punishable by no more than five hundred dollars (\$500.00) fine or six (6) months imprisonment, or both, to be paid fees for all services to be performed by them not to exceed the sum of ten dollars (\$10.00) for each defendant. Any fee authorized by the board of county commissioners shall be deemed earned upon the institution of proceedings and shall be paid by the board of county commissioners without regard to the disposition of the proceedings when billed for by the justice of the peace.

Section 2. The board of county commissioners in each such county may authorize each justice of the peace of each district in which the compensation for official duties is paid wholly or partly by fees or commissions, to receive an annual compensation not to exceed nine thousand dollars (\$9,000.00) to be paid per annum from the income of the office in each district.

CHAPTER 67-771 LAWS OF FLORIDA

Section 3. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.
Filed in Office Secretary of State May 19, 1967.

CHAPTER 67-770

House Bill No. 605

AN ACT relating to alcoholic beverage licenses; authorizing one (1) additional club beverage license in each county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census; providing an effective date.

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

Section 1. In each county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section. The additional license authorized by this act in such counties shall be issued to The Atlantic Club, Inc., Golf View Drive, Boca Raton, Florida, regardless of the fact that such club may not have been in existence for a period of not less than two (2) years in one (1) of the counties aforesaid prior to the time of making application for such license.

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

Became a law without the Governor's approval.
Filed in Office Secretary of State May 23, 1967.

CHAPTER 67-771

House Bill No. 934

AN ACT relating to prosecuting attorney, compensation, in any county of the state having a population of not less than

seventy five thousand (75,000) nor more than eighty thousand (80,000), according to the last federal census; providing a salary for the prosecuting attorney of the county court in any such county; requiring that said attorney submit a budget annually to the board of county commissioners for the purpose of defraying office expenses; prescribing a method of payment; repealing chapter 61-1333, Laws of Florida; providing an effective date.

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

Section 1. The salary of the prosecuting attorney of the county court in any county of the state having a population of not less than seventy five thousand (75,000) nor more than eighty thousand (80,000), according to the last federal census, shall be twelve thousand five hundred dollars (\$12,500.00) per year, and shall be retroactive to January 1, 1967.

Section 2. The prosecuting attorney shall submit prior to October 1 of each year to the board of county commissioners in any such county a proposed budget showing the anticipated expenses of operating his office for the ensuing year. The expenses of operating his office between the time that this act becomes law and October 1, 1967 shall be paid by the board of county commissioners.

Section 3. The salary fixed in section 1 of this act shall be paid in twelve (12) equal monthly installments from the fine and forfeiture fund of the county and shall be paid by warrants issued by the chairman of the board of county commissioners and no other records shall be necessary in accounting for these payments. Any funds appropriated by the board for the purpose of defraying the expenses of the prosecuting attorney's office shall be paid in a like manner and shall come from the fine and forfeiture fund of the county.

Section 4. Chapter 61-1333 Laws of Florida, is repealed.

Section 5. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 23, 1967.

CHAPTER 67-772

House Bill No. 1079

AN ACT relating to the county superintendent of public instruction of each county within the state of Florida having a population of not less than 230,000 or more than 300,000 according to the latest decennial census; repealing chapter 61-1397, Laws of Florida, providing for compensation of the county superintendent of public instruction of each county within the state of Florida of not less than 230,000 nor more than 300,000, according to the latest decennial census; providing for an effective date thereof.

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

Section 1. Chapter 61-1397, Laws of Florida is repealed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State May 25, 1967.

CHAPTER 67-773

House Bill No. 677

AN ACT relating to Pinellas County small claims court; amending and republishing Chapter 65-1218, Laws of Florida, in its entirety; providing for compensation of the clerk; prescribing the filing fee for filing cases in such court; repealing Chapter 65-2449, Laws of Florida; providing an effective date.

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

Section 1. Small claims court established.—There is established and activated in Pinellas county a small claims court which shall be presided over by the judges of the civil and criminal court of record. The court shall be known as the "Pinellas county small claims court," and the judges shall sit at both Clearwater and St. Petersburg, according to the direction of the senior judge.

Section 2. Jurisdiction.—The court hereby created shall have original and concurrent jurisdiction of all cases at law, including proceedings of attachment, garnishment and replevin in which the demand or value of the property in controversy, exclusive of interest, attorney fees and costs does not exceed five hundred dollars (\$500.00). Said court shall have jurisdiction in all cases where the cause of action, in whole or in part, accrued in Pinellas county, or where the property involved is, in whole or in part, in Pinellas county, or where any one (1) or more of the defendants may be found in Pinellas county. Such jurisdiction shall be concurrent with that of any other court and shall extend to:

(1) Proceedings relating to the forcible entry or unlawful detention of lands or tenements;

(2) Proceedings for the removal of delinquent tenants, under the rules and procedure for the removal of tenants by the county judges' courts;

(3) Proceedings for the foreclosure of mortgages on personal property, under the procedure for the foreclosure of such mortgages by the justice of the peace courts;

(4) Proceedings for the enforcement and foreclosure of liens;

(5) Proceedings supplementary to executions issued out of said court in accordance with the provisions of law for like proceedings in other courts.

Section 3. Clerk, facilities, expenses.—The clerk of the circuit court shall be the clerk of the small claims court. The board of county commissioners shall furnish suitable quarters for courtroom facilities and all necessary office supplies, equipment and other things necessary for the continued maintenance and functioning of the court.

Section 4. The clerk of the small claims court shall receive as compensation for his services the same fees as the clerk of the circuit court receives for similar services at the time such services are rendered; provided, however, that the clerk shall receive the sum of ten dollars (\$10.00) for the filing of each civil suit.

(1) An additional fee of one dollar (\$1.00) shall be col-

lected in each case in which service by certified or registered mail is requested.

Section 5. The provisions of chapter 42, Florida Statutes, not inconsistent herewith, shall be applicable to the small claims court of Pinellas county.

Section 6. It is declared to be the legislative intent that if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 7. Chapter 65-2449, Laws of Florida, is hereby repealed.

Section 8. This act shall take effect July 1, 1967.

Approved by the Governor May 25, 1967.

Filed in Office Secretary of State May 25, 1967.

CHAPTER 67-774
House Bill No. 1065

AN ACT relating to all counties in the state of Florida having a population of not less than two hundred thirty thousand (230,000) nor more than three hundred thousand (300,000) according to the last decennial census; providing for the salary of the county solicitor of the criminal court of record in such counties; providing for appointment by such counties of class A and class B assistant county solicitors and providing for their compensation; authorizing appointment of administrative assistant and providing for compensation thereof; authorizing appointment of a special investigator and providing for compensation and duties thereof; providing for reimbursement for transportation expense of above personnel; providing for appropriation of county funds; providing severability clause; providing for repeal of chapter 65-774, Laws of Florida, 1965, and all other laws in conflict herewith; providing for an effective date.

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

Section 1. The provisions of this act shall be applicable to all counties in the state of Florida having a population of not

less than two hundred thirty thousand (230,000) nor more than three hundred thousand (300,000) according to the latest official decennial census.

Section 2. The county solicitor of the criminal court of record in such counties shall be paid an annual salary of fourteen thousand and no/100 (\$14,000.00) dollars, payable by the applicable county in equal monthly or semi-monthly installments.

Section 3. The county solicitor of the criminal court of record in such counties shall be authorized to appoint and employ assistants to be known as assistant county solicitors who shall hold office during the pleasure of the county solicitor. Such assistant county solicitors shall be of two classes: class A and class B, and their salaries shall be payable by the applicable county in monthly or semi-monthly installments.

There may be four class A assistant county solicitors, whose salaries shall be set by the county solicitor, and in no event shall the total budget allowance for such class A assistant county solicitor be less than the sum of thirty-four thousand and no/100 (\$34,000.00) dollars per annum if so requested by the county solicitor.

The salaries to be paid class B assistant county solicitors shall be fixed and set by the county solicitor with the approval of the board of county commissioners of the applicable county.

Section 4. The county solicitor of the criminal court of record in such counties shall be authorized to appoint and employ an administrative assistant who shall hold office during the pleasure of the county solicitor. Said administrative assistant shall be paid an annual salary not in excess of seven and no/100 (\$7,000.00) dollars, said salary to be fixed by the county solicitor. Said salary shall be payable by the applicable county in monthly or semi-monthly installments.

Section 5. The county solicitor of the criminal court of record in such counties shall be authorized to appoint and employ a special investigator who shall hold office during the pleasure of the county solicitor. Said special investigator shall be paid an annual salary not in excess of seven and no/100 (\$7,000.00) dollars, said salary to be fixed by the county solicitor. Said salary shall be payable by the applicable county in monthly or semi-monthly installments.

Section 6. The special investigator shall assist the county solicitor in the investigation, detection and punishment of all non-capital violations of state law committed in the county where his appointment is made. The special investigator shall have authority to bear arms, to make arrests and to serve legal process.

Section 7. Where automobile transportation is required in the performance of the duties of the county solicitor, any assistant county solicitor, or the special investigator, such transportation may be furnished by said county solicitor, assistant county solicitor or special investigator, and he shall be compensated for the use of such facilities, upon approval by the county solicitor, by the applicable county at the same rate and upon the same basis as other county employees may be compensated for the use of such facilities.

Section 8. This act shall have the effect of an appropriation of county funds for the purposes herein stated and shall be effective immediately notwithstanding lack of appropriation or absence of provisions therefor in the budget of such counties and notwithstanding any budgetary restrictions.

Section 9. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of this act shall not be affected.

Section 10. Chapter 65-774, Laws of Florida, 1965, is expressly repealed and all other laws or parts of laws in conflict with this act are hereby repealed.

Section 11. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1967.

CHAPTER 67-775

House Bill No. 670

AN ACT relating to fees to be received by the clerk of the circuit court for the filing of circuit civil suits in **each county**

having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census, providing that the clerk's fee for such services shall be in the sum of seventeen dollars, twelve dollars of which shall be the exclusive fee of the clerk and five dollars of which shall be the sum provided for in Section 1, Chapter 2668, Laws of Florida, Acts 1961; providing an effective date.

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

Section 1. That the clerk of the circuit court, in each county having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census shall receive the sum of seventeen dollars for the filing of each circuit civil suit, twelve dollars of which sum is to be the exclusive fee of the clerk's office and five dollars of which sum is to be paid into the "law library fund" as provided for in Section 1, Chapter 2668, Laws of Florida, Acts 1961.

Section 2. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1967.

CHAPTER 67-776

House Bill No. 675

AN ACT relating to fees to be received by the clerk of the civil and criminal court of record for the filing of civil suits, in each county having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census, providing that the clerk's fee for such services shall be in the sum of thirteen dollars, ten dollars of which shall be the exclusive fee of the clerk

and three dollars of which shall be the sum provided for in Section 2, Chapter 2668, Laws of Florida, Acts 1961; providing an effective date.

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

Section 1. That the clerk of the civil and criminal court of record, in each county having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census shall receive the sum of thirteen dollars for the filing of each civil suit, ten dollars of which sum is to be the exclusive fee of the clerk's office and three dollars of which sum is to be paid into the "Law Library Fund" as provided for in Section 2, Chapter 2668, Laws of Florida, Acts 1961.

Section 2. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1967.

CHAPTER 67-777

House Bill No. 493

AN ACT relating to alcoholic beverages, club beverage licenses in each county in the state having a population of not less than one hundred twelve thousand (112,000), and not more than one hundred seventy thousand (170,000), according to the latest official decennial census; providing for one (1) additional beverage license; providing an effective date.

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

Section 1. In each county of the state having a population of not less than one hundred twelve thousand (112,000) and not more than one hundred seventy thousand (170,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses,

shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section; provided, that such additional licenses authorized by this act in such county shall be issued to the Knights of Columbus, Daytona Beach Council #5422, providing such club meets all the requirements of the beverage laws.

Section 2. This act shall take effect immediately on becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1967.

CHAPTER 67-778

House Bill No. 937

AN ACT relating to Manatee County; amending Section 1 of Chapter 61-1313, Laws of Florida, General Laws of 1961; providing for the payment of mileage expenses to the County Commissioners of Manatee County for travel on official business within said county; ratifying such payments heretofore made; providing an effective date.

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

Section 1. Section 1 of Chapter 61-1313, Laws of Florida, General Laws of 1961, is amended to read as follows:

The Board of County Commissioners of Manatee County, in addition to their statutory salary, shall each be entitled to mileage at the rate of ten cents (10¢) per mile by each of them actually traveled in Manatee, not to exceed 2,000 miles or \$200 per month. The mileage payments provided for herein shall be in addition to any mileage for travel outside of Manatee County provided for by law. Such mileage shall be payable monthly from the general county fund to each commissioner upon his written and signed statement showing and stating the number of miles by him traveled on official county business during the preceding month, which statement shall be filed with the clerk of the board of county commissioners by the tenth day of each month. Payment of mileage heretofore made consistent with the provision of this section is hereby ratified and approved.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1967.

CHAPTER 67-779

House Bill No. 444

AN ACT relating to wrecked and derelict property in all counties of the state having a population of more than four hundred thousand (400,000), according to the latest official decennial census, defining abandoned property, establishing procedures cumulative to the provisions of chapter 705, Florida Statutes, and amendments thereto, whereby counties may remove abandoned property from public and private property and destroy such abandoned property, providing penalty for obstructing enforcement of the act, granting immunity from prosecution to officers enforcing the act, and authorizing incorporated municipalities in the counties to adopt the act by reference.

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

Section 1. In any county in the state having a population of more than four hundred thousand (400,000), according to the latest official decennial census, the rights, powers, and procedures set forth in this act shall be supplemental to and cumulative to the rights, powers, and procedures set forth in chapter 705, Florida Statutes, and any amendments thereto.

Section 2. Definitions. As used in this act the following terms shall mean:

(a) "Local government" means the board of county commissioners or the commission or council of any municipality in the county.

(b) "Abandoned property" means wrecked or derelict property having no value other than nominal salvage value, if any, and which has been left unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, wash-

ing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left unprotected from the elements.

(c) "Public property" means lands and improvements owned by the federal government, the state of Florida, the county, or municipalities, lying within the county, and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights of way and other similar property.

(d) "Enforcement officer" means sheriff, director of public safety, police chief, marshal, or any other officer designated by law, charter, ordinance, or resolution of the governing body of the local government to enforce the provisions of this act.

Section 3. (a) Whenever the enforcement officer of any local government shall ascertain that an article or articles of abandoned property is present on public property within the limits of such governing body, or unincorporated area of the county if a county, he shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within ten (10) days from date of this notice, otherwise it shall be presumed to be abandoned property and will be removed and destroyed by order of (setting forth name of local government). Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

Such notice shall be not less than eight inches by ten inches (8" x 10") and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting the enforcement officer shall make reasonable effort to ascertain the name and address of the owner, and if such is reasonably available to the enforcement officer he shall mail a copy of such notice to the owner on or before the date of posting.

(b) If at the end of ten (10) days after posting such notice the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles from public property or shown reasonable cause for

failure so to do, the enforcement officer may cause the article or articles of abandoned property to be removed and destroyed, and the salvage value, if any, of such article or articles shall be retained by the local government to be applied against the cost of removal and destruction thereof.

Section 4. (a) Whenever the enforcement officer of any local government shall ascertain that an article or articles of abandoned property are present on private property within the limits of such governing body, or unincorporated area of the county if a county, in violation of any zoning ordinance or regulation, anti-litter ordinance or regulation, or other similar ordinance or regulation of such local government, the enforcement officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) located at (setting forth brief description of location) is improperly stored and is in violation of (setting forth ordinance or regulation violated) and must be removed within ten (10) days from date of this notice, otherwise it shall be presumed to be abandoned property and will be removed and destroyed by order of (setting forth name of local government). Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

Such notice shall not be less than eight inches by ten inches (8" x 10") and shall be sufficiently weatherproof to withstand normal exposure to the elements for a period of ten (10) days. In addition to posting the enforcement officer shall mail a copy of the notice to the owner of the real property upon which the abandoned articles are located as shown by the real estate tax records used by the local government on or before the date of posting of such notice.

(b) If at the end of ten days after posting such notice the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles and complied with the ordinance or regulation cited in the notice, the enforcement officer may cause the article or articles of abandoned property to be removed and destroyed, and the salvage value, if any, of such article or articles

shall be retained by the local government to be applied against the cost of removal and destruction thereof.

Section 5. Whoever opposes, obstructs, or resists an enforcement officer or any person authorized by the enforcement officer in the discharge of his duties as provided in this act, upon conviction shall be punished by fine not to exceed five hundred dollars (\$500) or imprisonment of not more than sixty (60) days in the county or municipal jail or both such fine and imprisonment.

Section 6. Any enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for trespass upon real property while in the discharge of duties imposed by this act.

Section 7. Any incorporated municipality in any county in the state having a population of more than four hundred thousand (400,000), according to the latest official decennial census, may by ordinance adopt, by reference any or all of the provisions of this act.

Section 8. If any section or clause of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not impair or affect the validity of any other part of the act.

Section 9. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 30, 1967.

CHAPTER 67-780

House Bill No. 879

AN ACT relating to justice of peace in all counties having a population of not less than forty thousand (40,000) nor more than forty-five thousand (45,000), according to the latest official decennial census; providing for fees in criminal action to be paid to said justice of peace.

CHAPTER 67-782 LAWS OF FLORIDA

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

Section 1. In all counties having a population of not less than forty thousand (40,000) nor more than forty-five thousand (45,000), according to the latest official decennial census, the justice of peace of said counties shall be paid for all services to be performed by him in any criminal action or proceeding in said counties, in lieu of all other fees heretofore charged, a fee of seven dollars and fifty cents (\$7.50).

Became a law without the Governor's approval.

Filed in Office Secretary of State May 30, 1967.

CHAPTER 67-781

House Bill No. 1290

AN ACT relating to Escambia county; amending section 2 of chapter 57-1004, Laws of Florida, to add the judge of the juvenile division of the court of record to the list of county officers authorized to submit an annual budget to the county commission; providing an effective date.

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

Section 1. Section 2 of chapter 57-1004, Laws of Florida, is amended to add to the list of county officers authorized therein to submit annual budgets to the county commissioners the judge of the juvenile division of the court of record for Escambia county.

Section 2. This act shall be effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 30, 1967.

CHAPTER 67-782

Senate Bill No. 745

AN ACT to amend chapter 65-815, Laws of Florida; providing for four special assistant official court reporters in all judicial circuits embracing three (3) or more counties, one

(1) of which counties has a population in excess of four hundred fifty thousand (450,000) inhabitants, according to the latest official decennial census, providing for their compensation from the general fund of the county having the largest population in the circuit, making the same a county purpose, and providing an effective date.

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

Section 1, chapter 65-815, is hereby amended to read:

Section 1. In all judicial circuits of the state of Florida embracing three (3) or more counties, one (1) of which said counties has a population in excess of four hundred fifty thousand (450,000) inhabitants, according to the latest official decennial census, the governor may, upon the request and recommendation of the circuit judges of said circuits, appoint up to or as many as four (4) special assistant official court reporters, to serve in the circuit courts of said circuit, and hold office during his pleasure. The special assistant official court reporters shall work under the supervision of the senior official court reporter and at the direction of the circuit judges, and shall, in addition to such compensation as they may receive as provided by law for transcripts, per diems, and reporting arguments, be entitled to a salary of one thousand eight hundred dollars (\$1,800.00) per annum to be paid in equal monthly installments from the general fund of the county having the largest population in that circuit.

Section 2. All payments herein provided to be made by the counties hereunder are hereby declared to be payments of money for county purposes.

Section 3. This act shall become effective on July 1, 1967.

Approved by the Governor May 30, 1967.

Filed in Office Secretary of State May 30, 1967.

CHAPTER 67-783

Senate Bill No. 746

AN ACT to amend chapter 61-1148 providing for compensation to official court reporters for furnishing transcripts of testimony and proceedings in trials of civil and criminal cases in

the circuit court in all judicial circuits embracing three or more counties, one of which counties has a population in excess of four hundred fifty thousand (450,000) inhabitants according to the latest official census; and providing for their compensation for transcripts of testimony and proceedings in other state courts of said circuits; by providing additional compensation for transcripts of testimony and proceedings, to wit, seventy-five (\$.75) per page for original and forty cents (\$.40) per page for copy.

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

Section 1, chapter 61-1148, Laws of Florida, is amended to read:

Section 1. In all Judicial Circuits of the State of Florida embracing three or more counties, one of which said counties has a population in excess of four hundred fifty thousand (450,000) inhabitants according to the latest official census, the official court reporters shall receive for each typewritten transcript of notes of the testimony and proceedings taken at the trial of any civil or criminal cause, and furnished on demand of either party to the suit for which the testimony and proceedings were taken, the amount of seventy-five cents (\$.75) per page for the original, and the amount of forty cents (\$.40) per page for each carbon copy thereof; and each such transcript page shall consist of not less than twenty-five lines of double-spaced pica typing. Such reporters shall receive the same fees as provided in this Act when rendering similar service in other state courts of said circuits.

Section 2. This act shall become effective on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 31, 1967.

CHAPTER 67-784

House Bill No. 1198

AN ACT relating to small claims court in all counties of the state having a population of not less than ten thousand nine hundred (10,900) and not more than eleven thousand two

hundred thirty (11,230), according to the latest official decennial census; repealing chapter 65-1027, Laws of Florida, providing for a monetary jurisdiction of said court; providing that the judge of said court shall be an attorney appointed by the governor; providing an effective date.

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

Section 1. Chapter 65-1027, Laws of Florida, is repealed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State May 31, 1967.

CHAPTER 67-785

House Bill No. 938

AN ACT to name a certain wayside park on State Road No. 22-A for George Gaskin, a pioneer of the Apalachicola river valley; providing an effective date.

WHEREAS, George Gaskin was one of the earliest settlers along the Apalachicola river in what is now Gulf county and was a true pioneer who helped to settle and tame this country for the use of the present generation, and

WHEREAS, the descendants of George Gaskin have contributed much to the development of Florida as a whole, as well as to the Apalachicola valley area, and

WHEREAS, it is fitting that the name of this true pioneer should be memorialized in permanent form to inspire respect and veneration for such hardy founders of our state, NOW, THEREFORE,

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

Section 1. The state road department is hereby directed and authorized to give the name of George Gaskin memorial state wayside park to the wayside park presently built and operating on state road No. 22-A or the Tupelo parkway.

Section 2. The state road department is directed and authorized also to have prepared a bronze plaque to be erected at such wayside park, to contain a statement as to the contribution of George Gaskin to the Apalachicola valley area and to the state of Florida and to recognize the fact that the estate of George Gaskin and his heirs have donated five acres of land on which the park is situated, as well as to recognize the contribution of G. U. Parker of the Neal lumber company of Blountstown, who added additional acreage to the park.

Section 3. This act shall take effect immediately upon becoming a law.

Approved by the Governor May 31, 1967.

Filed in Office Secretary of State May 31, 1967.

CHAPTER 67-786

House Bill No. 939

AN ACT to name a certain state road the Tupelo parkway; providing an effective date.

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

Section 1. State road no. 22-A from its juncture with state road no. 71 to the Apalachicola river is hereby named the Tupelo parkway in recognition of the fact that the area traversed by this highway is renowned as the principal of two (2) places in the world where the tupelo tree flowers and, during the flowering season, where the finest honey on earth is produced by bees which operate not only from fixed ground locations but which also are carried by boat and barge up and down the Apalachicola river to take full advantage of the tupelo growth.

Section 2. The state road department of Florida is hereby directed to prepare and erect suitable signs along the Tupelo parkway to inform the transient of this unique asset of Florida.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 31, 1967.

Filed in Office Secretary of State May 31, 1967.

CHAPTER 67-787

House Bill No. 1162

AN ACT to name a state park in Gulf county for T. H. Stone; providing an effective date.

WHEREAS, Terrell Higdon Stone was born September 19, 1868, near Wewahitchka, in that part of Calhoun county, Florida, which is now Gulf county, and his parents, James Bennett and Jincy Stone, were pioneers in their area and whose father, James Bennett Stone, served as a delegate from Calhoun county to the constitutional convention in 1838 when the first Constitution of Florida was drafted, and

WHEREAS, T. H. Stone, also known affectionately as "Uncle Hig," married Annie Wynn in 1904 in Iola, Florida, and at that time moved to the present site of Port St. Joe as the first settlers, engaging in the naval stores business and bringing new life and activity to what had been St. Joseph until its destruction by hurricane and its depopulation by yellow fever, and

WHEREAS, T. H. Stone, by industry and hard work, became a leader in civic and community affairs, acquired considerable acreage and was instrumental in bringing the railroad into St. Joe in 1908 and in having the city incorporated in 1913, serving as commissioner and mayor-commissioner for twenty-two (22) years as well as being the city's first postmaster, and

WHEREAS, T. H. Stone was largely responsible for the formation of Gulf county in 1925 and served as one of the first commissioners of this new county, suggesting the name which the county now bears, working for seven (7) years to bring about this division and serving in the legislature from 1933 to 1935 as a representative from Gulf county, and

WHEREAS, T. H. Stone worked hard to bring the St. Joe Paper Company to Port St. Joe in 1935, and

WHEREAS, the land he had acquired included that on St. Joseph Peninsula and it was his dream to see this area become one of the finest recreational parks in the state of Florida, and

WHEREAS, some two thousand four hundred (2,400) acres of this land was taken in 1943 for defense purposes and later was acquired by the state of Florida at a cost in excess of two hundred dollars (\$200.00) an acre, and

WHEREAS, at the time of the death of T. H. Stone in Port St. Joe, on November 12, 1958, he was a man who had earned the honor and respect of all who knew him, a man of highest principles whose word was his bond, standing for what he believed to be right, even if it meant standing alone, and

WHEREAS, this legislature proposes to honor the name of the man who was responsible for the state park now located on St. Joseph Peninsula, NOW, THEREFORE,

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

Section 1. The area now known as St. Joseph peninsula state park, comprising some two thousand four hundred acres (2,400) in Gulf county, shall be named the T. H. Stone memorial state park and suitable markers designating this park by name and giving a short history of the life of T. H. Stone shall mark its site.

Section 2. The Florida board of parks and historic memorials is directed to take such steps as necessary to carry out the legislative purpose in this act.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 31, 1967.

Filed in Office Secretary of State May 31, 1967.

CHAPTER 67-788

House Bill No. 1031

AN ACT relating to and providing for compensation of members of examining committees in all sanity cases in all counties in the state having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty-five thousand (385,000) according to the latest official decennial census, repealing chapter 61-1366, Laws of Florida; providing an effective date.

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

Section 1. On and after the date this law becomes effective as hereinafter provided, each examining physician on commit-

tees in sanity inquisitions in all counties having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty-five thousand (385,000) according to the latest official decennial census, shall receive not less than ten dollars (\$10.00) and not more than twenty-five dollars (\$25.00) each, and the other committeemen, nonphysicians, shall receive seven dollars and 50/100 (\$7.50) each. Each such physician shall receive the minimum sum herein provided except where the file of the proceeding discloses that the time required of the physician in the proceeding demands a greater sum; and in such event, the county judge shall certify to the board of county commissioners the sum to be paid to the physician, not to exceed the maximum herein provided.

Section 2. Chapter 61-1366, Laws of Florida, is hereby repealed.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State June 1, 1967.

CHAPTER 67-789

Senate Bill No. 1041

AN ACT naming and designating that portion of state road 580 in Hillsborough County, Florida, from state road 685 through the intersection with S-583, August A. Busch, Jr., Boulevard; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

WHEREAS, August A. Busch, Jr. has and continues to perform many worthwhile services to the public and has distinguished himself not only as a businessman but as a civic leader and humanitarian, and

WHEREAS, August A. Busch, Jr., maintains a home in Pinellas County and his St. Louis Cardinals Baseball Team engages in spring training in St. Petersburg, and

WHEREAS, August A. Busch, Jr. has established in Hillsborough County Busch Gardens at Tampa involving 270 acres

of land and an investment of over 45 million dollars including a world renowned aviary of tropical birds and an African veldt over which passes a monorail, all of which is open to the public and which is attended by approximately three million people annually, and

WHEREAS, the said Busch Gardens at Tampa are located on state road 580, now known as Temple Terrace Highway, between state road 685 (Florida Avenue) and S-583 (56th Street) and is an outstanding tourist attraction bringing many visitors to the Tampa Bay area and thereby promoting the economic growth of the state, and

WHEREAS, the legislature deems it appropriate that an expression of its appreciation be shown for the many contributions of August A. Busch, Jr. to the state of Florida and its economic growth; NOW, THEREFORE,

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

Section 1. That portion of state road 580 from state road 685 through the intersection with S-583 be and the same is hereby named, designated and dedicated as August A. Busch, Jr. Boulevard.

Section 2. The state road department is authorized and directed to erect and place thereon suitable plaques to designate this action.

Section 3. This act shall take effect on January 1, 1968.

Approved by the Governor June 5, 1967.

Filed in Office Secretary of State June 5, 1967.

CHAPTER 67-790

House Bill No. 668

AN ACT relating to Sarasota county, county judge; fixing the filing fees, costs, charges and court expenses in estates having a value of less than five hundred dollars (\$500); determining the application of income from such fees, costs, charges and court expenses; providing an effective date.

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

Section 1. The county judge of Sarasota county is authorized to charge not less than one dollar (\$1.00) for filing fees and other court charges, fees and costs in estates having a value of less than five hundred (\$500), nor more than the amount fixed by law for the particular office.

Section 2. The income derived from the fees, costs, charges and court expenses heretofore set forth shall be income of the office of the county judge.

Section 3. All laws or parts of laws in conflict herewith are to the extent of such conflict repealed.

Section 4. Should any section of this act or any part of any section hereof be held inoperative or be void or should its application to any county judge be held inoperative or void, the same shall not affect the legality or applicability of the balance thereof.

Section 5. This act shall become effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 7, 1967.

CHAPTER 67-791

House Bill No. 1230

AN ACT relating to duties and fees of clerk of circuit court in Glades county, Florida; directing clerk to furnish copies of official records to governmental subdivisions and abstract companies; providing for fees; providing effective date.

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

Section 1. The clerk of the circuit court in Glades county, Florida, shall furnish copies of the official records to governmental subdivisions and abstract companies.

Section 2. The board of county commissioners of Glades county shall set the prices at which such copies shall be furnished.

Section 3. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.

Filed in Office Secretary of State June 7, 1967.

CHAPTER 67-792

Senate Bill No. 917

AN ACT relating to civil service boards in counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; amending chapter 65-697, Laws of Florida, by adding section 3A; authorizing municipalities within such counties to enter into cooperative agreements with the county civil service board; providing an effective date.

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

Section 1. Chapter 65-697, Laws of Florida, is amended by adding section 3A to read:

Section 3A. As an alternative to adopting the provisions of this law as provided in section 3 hereof, any municipality within such counties may enter into cooperative agreements with the county civil service board for the sharing of technical personnel services; for the adoption of a mutually acceptable classification in compensation plans, applying in whole or in part to their respective classified services; for the conducting of common examinations or sharing of eligible list and re-employment list; and for transfer of employees from jurisdictions with full protection of their status and earned rights and privileges.

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

Approved by the Governor June 7, 1967.

Filed in Office Secretary of State June 7, 1967.

CHAPTER 67-793

House Bill No. 679

AN ACT relating to the clerk of small claims court, compensation, in any county of the state having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census; providing compensation for said clerk, prescribing the filing fees for filing cases in such court, repealing Chapter 2449, Laws of Florida, Acts 1965; providing an effective date.

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

Section 1. The clerk of the small claims court in any county of the state having a population of not less than three hundred fifty thousand (350,000) nor more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census; shall receive as compensation for his services the same fees as the clerk of the circuit court receives for similar services at the time such services are rendered; provided, however, that the clerk shall receive the sum of ten dollars for the filing of each civil suit.

(1) An additional fee of one dollar (\$1.00) shall be collected in each case in which service by certified or registered mail is requested.

Section 2. Chapter 2449, Laws of Florida, Acts 1965, is hereby repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 8, 1967.

CHAPTER 67-794

House Bill No. 1399

AN ACT amending section 4, chapter 63-575, general laws of 1963, to provide that in counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) in-

habitants, according to the latest official decennial census, the county administrator shall receive a salary to be determined by the board of county commissioners, and that the county administrator shall receive no additional compensation from any board, agency or other governmental unit in addition to such salary; providing an effective date.

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

Section 1. Section 4, chapter 63-575, Laws of Florida, 1963, is amended to read as follows:

Section 4. The office of county administrator shall be full time employment. He shall be a highly qualified executive in business management and shall have such other qualifications as the county commissions coming under the provisions of this act shall require. He need not be a resident of the county appointing him or of the state of Florida. During his term of employment, however, he must reside within the county wherein he is employed. In the event there shall be a resident of the county applying for the position of county administrator who has equal qualifications with a resident of an area outside such county preference shall be given to employing the resident of such county. The same preference of employment shall be given Florida residents over non-residents of Florida. The county administrator shall receive a salary to be set by the board of county commissioners. In addition thereto the board of county commissioners is authorized to reimburse the county administrator, upon the receipt of an itemized request therefore, such travel and other expenses incurred by the county administrator in the fulfillment of his duties, and which the county commission shall find necessary and proper. The county administrator shall receive no additional salary, expense allowance, or compensation of any kind whatsoever from any board, agency or other governmental unit in addition to that herein provided for.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 8, 1967.

CHAPTER 67-795

House Bill No. 1553

AN ACT relating to race track funds; repealing chapter 65-963, Laws of Florida, relating to distribution of said funds in Madison county; making further provision for the distribution of such funds accruing to Madison county under provisions of chapters 550 and 551, Florida Statutes; providing an effective date.

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

Section 1. Chapter 65-963, Laws of Florida, is repealed.

Section 2. All moneys accruing to Madison county, under the provisions of chapters 550 and 551, Florida Statutes, relating to race tracks and jai alai frontons, shall annually be allocated and distributed as follows: The first twelve thousand five hundred dollars (\$12,500.00) of these moneys shall be allocated and paid for the use and benefit of the Madison county health and hospital board; all the remainder of the tax accruing from race tracks and jai alai frontons shall be distributed equally between the board of county commissioners of Madison county and the board of public instruction of Madison county.

Section 3. The moneys allocated to the board of county commissioners and the board of public instruction shall be paid directly by the appropriate state officials to such bodies as above named and provided. The moneys provided from this tax for the Madison county health and hospital board shall be paid by the appropriate state official to that corporate body.

Section 4. This act shall be effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 8, 1967.

CHAPTER 67-796

House Bill No. 2239

AN ACT to amend Section 1 of Chapter 65-1106, Laws of Florida, Acts of 1965, providing for the allocation of the first fifty

thousand dollars (\$50,000.00) of funds accruing to Hardee County under Chapters 550 and 551, Florida Statutes; validating and confirming all proceedings had or taken by the Board of County Commissioners of Hardee County in connection with the authorization and issuance by the Hospital District Board of Hardee County of seven hundred thousand dollar (\$700,000.00) certificates of indebtedness; providing that this act shall supersede all other acts heretofore enacted relating to the distribution of such funds accruing to Hardee County, and providing when this act shall take effect.

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

Section 1. That Section 1 of Chapter 65-1106, Laws of Florida, Acts of 1965, be, and the same is hereby amended to read as follows:

Section 1.—That race track funds accruing to Hardee County under Chapters 550 and 551, Florida Statutes, shall be allocated annually as follows:

(1) Based on the amount that shall accrue to Hardee County in the state fiscal year 1965-1966, one third ($\frac{1}{3}$) of the amount shall be allocated to the Hardee County Board of Public Instruction.

(2) Based on the amount that shall accrue to Hardee County in the state fiscal year 1965-1966, two thirds ($\frac{2}{3}$) of that amount shall be allocated to the Board of County Commissioners.

(3) Thereafter, all amounts received shall be divided between the Board of County Commissioners and the Board of Public Instruction in the same amounts as were allocated to them for the state fiscal year 1963-1964; provided, that any amount received in excess of the total amount received in 1963-1964 shall be allocated to the Board of County Commissioners, provided, further, however, that if in any year the excess shall be greater than fifty thousand dollars (\$50,000.00), such amount in excess of fifty thousand dollars (\$50,000.00) shall be divided two thirds ($\frac{2}{3}$) to the Board of County Commissioners and one third ($\frac{1}{3}$) to the Board of Public Instruction.

(4) Based on the allocation in subsection (3) above, the fol-

lowing amounts shall be distributed by the Board of County Commissioners as follows:

(a) The first forty-five thousand dollars (\$45,000.00) of said race track funds accruing to Hardee County annually under said Chapters 550 and 551, Florida Statutes, shall be allocated to the hospital district of Hardee County to be applied to the payment of principal of and interest on certificates of indebtedness issued by the Hospital District Board of Hardee County.

(b) The first five thousand dollars (\$5,000.00) of said race track funds remaining after the amount provided in subsection (a) above has been allocated to the hospital district of Hardee County shall be allocated to pay the principal of and interest on the certificates of indebtedness issued by the Hardee County Board of County Commissioners for acquiring a site, constructing, equipping and maintaining a county stadium.

Section 2. That all proceedings had or taken by the Board of County Commissioners of Hardee County in connection with the authorization and issuance by the hospital district of Hardee County of seven hundred thousand dollar (\$700,000.00) certificates of indebtedness to finance part of the cost of the construction of a new general hospital in Hardee County are hereby validated, approved and confirmed in all respects.

Section 3. This act shall supersede and be paramount to all other acts heretofore enacted relating to the distribution and allocation of race track funds by the Board of County Commissioners of Hardee County.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 8, 1967.

CHAPTER 67-797

Senate Bill No. 743

AN ACT amending chapter 65-1159, Laws of Florida, relating to the compensation of the superintendent of public instruction

in all counties in the state of Florida having a population, according to the last state or federal census, in excess of 450,000, having an appointive superintendent and not having home rule under the constitution; and providing an effective date.

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

Section 1. Chapter 65-1159, Laws of Florida, acts of 1965, is amended to read:

“Section 1. On and after the first day of January, 1966, the annual salary of the superintendent of public instruction in all counties of the State of Florida, in which the office of Superintendent of public instruction is provided to be or to become appointive pursuant to the provision of Article XII Section 2a of the Constitution, and having a population, according to the last federal or state census, in excess of four hundred and fifty thousand and (450,000) and not having home rule under the Constitution, shall be fixed by the board of public instruction of such counties, provided, that such annual salary shall not be less than twenty thousand dollars (\$20,000.00).”

Section 2. Section 1 above is a declaration of the legislative intent in the original enactment of chapter 65-1159 and said chapter 65-1159 shall be so construed as of the date it became a law.

Section 3. All laws or parts of laws, both general and special, in conflict herewith are hereby repealed.

Section 4. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 8, 1967.

CHAPTER 67-798

Senate Bill No. 870

AN ACT relating to salt water fishery resources in all counties of the state having a population of not less than seventy-five thousand (75,000) nor more than eighty thousand (80,000),

according to the latest official decennial census, prescribing nets; repealing all laws in conflict; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than seventy-five thousand (75,000) and not more than eighty thousand (80,000), according to the latest official decennial census, it is lawful to take food fish with a net made of not exceeding number 12 filament nylon seine twine with not less than three-fourth ($\frac{3}{4}$) inch bar and not to exceed twelve hundred (1,200) yards in length, from the salt waters thereof below the mean high water mark.

Section 2. All laws and parts of laws in conflict herewith are repealed to the extent of such conflict.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State June 8, 1967.

CHAPTER 67-799

Senate Bill No. 918

AN ACT relating to county civil service boards in all counties of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; amending section 16 of chapter 65-697, Laws of Florida; prohibiting payment for irregular employment; prescribing regulations; providing an effective date.

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

Section 1. Section 16 of chapter 65-697, Laws of Florida, is amended to read:

Section 16. No salary, wage or compensation for services shall be provided to any person in the classified service as defined in this act except upon certification by the civil service board or its agent that the position has been classified as re-

quired by this law and rules enacted pursuant thereto and that the incumbent in the position has been duly qualified and properly appointed. No disbursing officer may pay any salary or provide other compensation except upon certification that such payment is in accordance with this law and rules, and, in the event of any unauthorized payment, said disbursing officer shall be personally liable for reimbursing the county for any amount illegally paid. Any individual who in good faith accepts an appointment contrary to this law and becomes entitled to compensation therefor, shall have a cause of action against the appointing officer for recovery of salary or other compensation due. The civil service board may provide for the regular or occasional audit of payrolls to enforce this provision.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 8, 1967.

CHAPTER 67-800

House Bill No. 1196

AN ACT relating to the jurisdiction of the justice of the peace in all counties having a population of not less than eleven thousand nine hundred (11,900) nor more than twelve thousand four hundred (12,400), according to the latest official decennial census; increasing the jurisdiction in civil cases.

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

Section 1. In all counties having a population of not less than eleven thousand nine hundred (11,900) nor more than twelve thousand four hundred (12,400), according to the latest official decennial census, the justice of peace of said counties shall have jurisdiction to try civil cases enumerated in section 37.01, Florida Statutes, up to and not exceeding five hundred dollars (\$500.00).

Became a law without the Governor's approval.

Filed in Office Secretary of State June 9, 1967.

CHAPTER 67-801

Senate Bill No. 223

AN ACT relating to the purchase of foodstuffs, canned goods and other products by the sheriff, board of county commissioners or board of public instruction of all counties in the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing an effective date.

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

Section 1. The sheriff, board of county commissioners or board of public instruction of any county in the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, are authorized to buy from and the division of corrections of the state is authorized to sell to any sheriff, board of county commissioners or board of public instruction of such county, clothing, foodstuffs, produce, canned goods and any other products produced by state institutions.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 13, 1967.

CHAPTER 67-802

Senate Bill No. 883

AN ACT relating to airfield and other public projects in all counties of the state having a population of more than two hundred sixty thousand (260,000), according to the latest official decennial census; amending section 2 of chapter 22963, Laws of Florida, 1945, by adding subsection (31) to provide for the issuance or sale of certificates of indebtedness or bonds at rate of interest in excess of five per cent (5%) per annum but not to exceed six per cent (6%) per

annum when to the best interest of the county; providing for procedure in making such issuance or sale; providing for limitation of act; providing an effective date.

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

Section 1. Section 2 of chapter 22963, Laws of Florida, 1945, is amended by adding subsection (31) to read:

Section 2. When the population of any county according to the latest official decennial census shall exceed two hundred sixty thousand (260,000) then any such county and the county commissioners of any such county shall have the power, in addition to the powers otherwise conferred:

(31) To issue or sell certificates of indebtedness or bonds, in the manner authorized by law, at a rate or rates of interest in excess of five per cent (5%) per annum but not to exceed six per cent (6%) per annum when to the best interest of the county. Provided, however, before such issuance or sale shall be effected, a notice, setting forth that the board of county commissioners of such county intends to issue or sell such certificates of indebtedness or bonds at a rate or rates of interest in excess of five per cent (5%) per annum, shall be published in a newspaper of general circulation in the county, before the adoption of a resolution authorizing the issuance or sale.

Section 2. The provisions of this law are cumulative and the same shall not be deemed to limit, repeal or modify any law now in existence.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 13, 1967.

CHAPTER 67-803

Senate Bill No. 744

AN ACT relating to the state road department and the Jacksonville expressway authority; bridge designation; providing that the bridge at Commodores Point across the St. Johns

River at the city of Jacksonville be named the "Isaiah D. Hart Bridge"; providing for an effective date.

WHEREAS, Isaiah David Hart, being aware of the natural advantages of lands on the banks of the St. Johns river at a place then called Cow Ford and later to be known as Jacksonville, Florida, having come there in January, 1821; and

WHEREAS, Isaiah D. Hart bought eighteen (18) acres of the Taylor Grant, on which he built a double log house on the south side of Forsyth street between Market and Newnan, which he occupied with his family; and

WHEREAS, Isaiah D. Hart conceived the idea of laying out a town and caused a survey to be made and completed in June, 1822, known as Hart's Map of Jacksonville, comprising what is now the downtown area of the city; and

WHEREAS, Isaiah D. Hart served the city of Jacksonville in important capacities as postmaster for ten (10) years, as commissioner of pilotage and as clerk of court in those early days; and

WHEREAS, more than any other one man, Isaiah D. Hart established the city we know as Jacksonville, Florida, by having its streets laid out and mapped and by actively promoting its early development until his death in October of 1861; and

WHEREAS, the state road department and the Jacksonville expressway authority are about to complete a high level bridge across the St. Johns river at Commodores Point in Jacksonville, and that said bridge will further extend the original hopes and plans of Isaiah D. Hart for the development of a thriving city with adequate streets, and a suitable tribute to this founder of the city of Jacksonville would be to name the bridge in his honor and memory; NOW, THEREFORE,

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

Section 1. The bridge across the St. Johns river at Commodores Point in Jacksonville, Florida, is designated and named the "Isaiah D. Hart Bridge" in honor and memory of Isaiah D. Hart, the founder of the city of Jacksonville, Florida

Section 2. The state road department and the Jacksonville expressway authority are authorized to, and shall take appro-

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priate action to designate and name said bridge the "Isaiah D. Hart Bridge" and to erect and maintain at each end of the entrance to said bridge plaques or markers to indicate the designation herein provided.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 12, 1967.

Filed in Office Secretary of State June 13, 1967.

CHAPTER 67-804

House Bill No. 657

AN ACT repealing chapter 61-1624, Laws of Florida, Acts of 1961, entitled an act to require the publication of notice of intention to apply to the circuit court for a change of name under section 69.02, Florida Statutes, in all counties having a population of more than 450,000, according to the last official census.

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

Section 1. Chapter 61-1624, Acts of 1961, Laws of Florida, is repealed.

Section 2. This act shall become effective upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1967.

CHAPTER 67-805

House Bill No. 1197

AN ACT providing for annual salaries for constables in all counties of the state of Florida having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000) inhabitants according to the last federal decennial census; providing for the manner of payment; providing that all emoluments of the office of consta-

ble shall become and be the property of the county; providing for monthly accountings of all monies received by each constable; providing for the payment of such funds to the county; providing for the making of statements and reports; providing for the furnishing of forms, clerical supplies, supplies and equipment to the constables by the board of county commissioners; ratifying salaries heretofore paid consistent with the terms of this act; repealing conflicting laws; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000) inhabitants, according to the last federal decennial census, the annual salary of all constables of the various justice of the peace districts shall be as follows:

District No. 1	\$3,600
District No. 6	5,400
District No. 11	1,200

All other duly elected constables performing the functions of such offices in other and for other justice of the peace districts, the annual salary shall be one hundred dollars (\$100).

Section 2. The constable in justice of the peace district number 6 shall be entitled to mileage at the rate of ten cents (10¢) per mile for each mile actually traveled in Manatee county not to exceed one thousand (1,000) miles per month. Such mileage shall be payable monthly from the general county fund to the constable of justice of the peace district number 6 upon his written and signed statement showing and stating the number of miles traveled on county business during the preceding month, which statement shall be filed with the clerk of the board of county commissioners by the tenth of each month.

Section 3. All salaries provided for in this act shall be payable in the same manner and from the same fund as now being paid.

Section 4. All emoluments of the office of constable shall become and be the property of the county and when received

by such constable shall be held by him in trust for such county until paid over to the county.

Section 5. Each month each constable must account for all monies by him collected and disbursed during the preceding month and shall pay over to the general fund of said county all amounts due the county and shall submit a sworn statement each month showing the amounts received from each civil and criminal case and all disbursements made by him in each and all of such cases.

Section 6. The board of county commissioners shall furnish each constable the forms and clerical supplies necessary to make the reports and statements herein provided for.

Section 7. Each constable shall make such other reports of his receipts, disbursements, and work performed as may from time to time be requested by the board of county commissioners.

Section 8. The board of county commissioners is authorized to furnish each constable with any supplies or equipment, including but not limited to radio equipment, which the board deems reasonably necessary for the constables to carry out their duties. All such supplies and equipment shall remain the property of the county.

Section 9. All salaries heretofore paid by the county consistent with the provisions of this act are hereby ratified and confirmed.

Section 10. All laws or parts of laws in conflict herewith be, and the same are hereby, repealed.

Section 11. This act shall be effective immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1967.

CHAPTER 67-806

House Bill No. 1284

AN ACT relating to Manatee county, county judge; fixing the filing fees, costs, charges and court expenses, including cer-

tified copies of orders and decrees, in estates having a value of five hundred dollars (\$500.00) or less; determining the application of income from such fees, costs, charges and court expenses; providing an effective date.

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

Section 1. The county judge of Manatee county may, at his discretion, charge not less than one dollar (\$1.00) nor more than the amount fixed by law, as filing fee and other court charges, fees and costs in estates having a gross value of five hundred dollars (\$500.00) or less.

Section 2. The county judge of Manatee county, at his discretion, is authorized to waive the entire fee provided by chapter 61-2455, Laws of Florida, in those estates having a gross value of five hundred dollars (\$500.00) or less.

Section 3. The county judge of Manatee county, at his discretion, is authorized to waive the entire fee, as provided by law, or any portion thereof for certifying and making copies of any petitions, orders or decrees or other papers filed in estates having a gross value of five hundred dollars (\$500.00) or less.

Section 4. The income derived from the fees, costs, charges and court expenses heretofore set forth shall be income of the office of the county judge.

Section 5. All laws or parts of laws in conflict herewith are, to the extent of such conflict, repealed.

Section 6. Should any section of this act or any part of any section hereof be held inoperative or be void or should its application to any county judge be held inoperative or void, the same shall not affect the legality or applicability of the balance thereof.

Section 7. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1967.

CHAPTER 67-807

House Bill No. 1412

AN ACT relating to justices of the peace in all counties of the state of Florida, having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000) inhabitants according to the last federal decennial census; authorizing the board of county commissioners to furnish reasonable supplies and equipment for such justices; providing for payment of clerical help; providing for payment of office rent for the justices from the general fund; repealing conflicting laws; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000) inhabitants according to the last federal decennial census, the board of county commissioners shall furnish each justice the supplies and equipment reasonably necessary to manage, operate, and maintain their respective offices and pay for such clerical services as may be reasonably necessary for the most efficient operation of said offices from the general fund of such counties. In addition, the board of county commissioners is hereby authorized to expend reasonable sums from the general fund for the purpose of paying rent for offices for justices of the peace.

Section 2. All laws or parts of laws in conflict herewith be, and the same are hereby repealed.

Section 3. This act shall be effective immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1967.

CHAPTER 67-808

House Bill No. 1607

AN ACT to amend chapter 61-1422 general laws of 1961 entitled "An act authorizing the board of county commissioners in the counties in the state of Florida having a popula-

tion of not less than 112,000 and not more than 170,000 according to the last preceding federal census, to hire and employ life guards and to pay the cost and expense thereof out of the funds of any special road and bridge district bordering upon any body of water where such life guards are utilized, and ratifying and confirming the past employment of said life guards", by adding thereto section 2(a) thereof, providing that said board of county commissioners may pay over funds of any special road and bridge district bordering upon any body of water in said district to any city or town in said district for the employment of life guards by said city or town on said body of water and ratifying and confirming all such payments in the past; providing an effective date.

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

Section 1. That Chapter 61-1422, General Laws of Florida, Acts of 1961, entitled "An Act authorizing the Board of County Commissioners in the counties in the State of Florida having a population of not less than 112,000 and not more than 170,000 according to the last preceding federal census, to hire and employ life guards and to pay the cost and expense thereof out of the funds of any special road and bridge district bordering upon any body of water where such life guards are utilized, and ratifying and confirming the past employment of said life guards" be and the same is hereby amended by adding thereto Section 2 (a) in the words and figures following:

"Section 2(a). Said Board of County Commissioners in counties of the State of Florida having a population of not less than 112,000 and not more than 170,000 according to the last preceding federal census is hereby authorized and empowered to pay over funds of any special road and bridge district bordering upon any body of water in said district, to any city or town in said district for the employment of life guards by said city or town on said body of water, and all such payments in the past are hereby ratified and confirmed."

Section 2. That this act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1967.

CHAPTER 67-809

House Bill No. 1600

AN ACT limiting the allowance of expenses to the chairman and members of the board of county commissioners of Volusia County, Florida, in performing their official duties in Volusia County, Florida; providing an effective date.

Whereas, under the general law the Chairman and the members of the Boards of County Commissioners in the various Counties are allowed expenses in the performance of their official duties, and

Whereas, it is advisable to limit such expenses in Volusia County to a flat monthly allowance, Now Therefore,

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

Section 1. That the Chairman of the Board of County Commissioners of Volusia County, Florida, is hereby limited to a flat monthly expense account of One hundred (\$100.00) Dollars per month to cover his expenses in the performance of his duties in Volusia County, Florida, as Chairman of the Board of County Commissioners of Volusia County and as a member thereof.

Section 2. That each member of the Board of County Commissioners of Volusia County, when not acting as Chairman of said Board, is hereby limited to a flat monthly expense account of Fifty (\$50.00) Dollars per month to cover his expenses in the performance of his duties in Volusia County, as a member of the Board of County Commissioners of said County.

Section 3. That this act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1967.

CHAPTER 67-810

House Bill No. 1360

AN ACT relating to prosecuting attorneys in any county of the state having a population of not less than sixty-four

thousand (64,000) nor more than sixty-eight thousand (68,000), according to the latest official decennial census; fixing compensation; repealing section 6, chapter 57-478, Laws of Florida, relating to compensation; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than sixty-four thousand (64,000) and not more than sixty-eight thousand (68,000), according to the latest official decennial census, the salary of the prosecuting attorney of the county judge's court shall be six thousand dollars (\$6,000.00) per year, payable in twelve (12) equal monthly installments from the county fine and forfeiture fund and said salary shall be in lieu of all other compensation.

Section 2. Section 6 of chapter 57-478, Laws of Florida, is repealed.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State June 15, 1967.

CHAPTER 67-811

House Bill No. 1747

AN ACT relating to the Englewood Water District, employees; amending Section 4 (b) of Chapter 59-931, Laws of Florida; providing for insurance and retirement coverage; providing an effective date.

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

Section 1. Subsection (b) of section 4 of chapter 59-931, Laws of Florida, is amended to read:

Section 4. The District by and through the board, is hereby authorized and empowered:

(b) To employ such consulting and other engineers, technicians, construction and accounting experts, financial advi-

sors or fiscal agents, attorneys, and such other agents and employees as the board may require or deem necessary to effectuate the purposes of this act; to take such steps as are necessary to be taken to provide coverage by the old age and survivors insurance system embodied in the federal social security act to employees of the Englewood Water District on as broad a basis as permitted under the federal social security act and the laws of Florida; to take such steps as are necessary to provide for the officer and/or employees of the District full participation under the state and county officers and employees retirement system established by Chapter 122, Florida Statutes; and to provide for the officers and/or employees of the District life and/or health and/or accident and/or disability insurance coverage on a group insurance plan approved by the board, and to pay all or such portions of the premium or premiums thereon as the board by resolution may determine.

Section 2. It is declared to be the legislative intent that if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 15, 1967.

CHAPTER 67-812

House Bill No. 1981

AN ACT to repeal chapter 57-872, Laws of Florida, General Laws of 1957, entitled "an act regulating the catching of shrimp in certain areas of the St. Johns river; limiting the daily catch; limiting the length of trawl nets and boats used; requiring a permit and display of the permit number; providing penalties," providing an effective date.

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

Section 1. Chapter 57-872, Laws of Florida, General Laws of 1957, entitled "an act regulating the catching of shrimp in certain areas of the St. Johns river; limiting the daily catch; limiting the length of trawl nets and boat used; requiring a

permit and display of the permit number; providing penalties," be and the same is hereby repealed.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 15, 1967.

CHAPTER 67-813

House Bill No. 2308

AN ACT relating to Columbia county, constable; authorizing appointment of deputy constables; providing for duties, compensation and bond; providing an effective date.

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

Section 1. The constable of the justice of the peace district in Columbia county is authorized to appoint two (2) suitable qualified electors within the district as deputy constables under the direction and supervision of the constable. The duties of the deputy constables shall be the same as those performed by the constable.

Section 2. The deputy constables shall be paid by the constable appointing them and not by the county and the compensation shall be agreed upon by the constable and deputy constables. The constable shall collect all fees for services performed by the deputy constables just as though the services had been performed by the constable.

Section 3. Each deputy constable shall be required to give bond in the sum of one thousand dollars (\$1,000.00) with a bonding company duly qualified to do business in the state, payable to the governor, conditioned upon the faithful performance of the duties of his office. Such bond shall be approved by the county commissioners of Columbia county and shall be filed in the same manner as other official bonds are required to be filed.

Section 4. The tenure of office of the deputy constables shall extend throughout the term of the constable who ap-

pointed them; provided, however, that the constable may remove the deputy constables at his discretion.

Section 5. This act shall not repeal any other law but shall be cumulative and in addition to all other existing laws.

Section 6. This act shall take effect immediately upon becoming a law.

Approved by the Governor June 16, 1967.

Filed in Office Secretary of State June 16, 1967.

CHAPTER 67-814

House Bill No. 1799

AN ACT relating to plats, enabling the clerk of circuit court in any county in the state having a population of not less than thirty-seven thousand (37,000) and not more than thirty-nine thousand nine hundred (39,900), according to the latest official decennial census, in which a duly filed plat depicting a plan of canal system for a drainage district organized under the general drainage laws of the state has been partially destroyed, to reestablish such plat in its entirety as a part of the public records of such county; prescribing the procedure to be had in the circuit court of such county in connection therewith; providing that upon recording a certified copy of the reestablished plat, the same shall have the force and effect of the original from the date upon which the original plat was so filed; providing an effective date.

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

Section 1. The clerk of circuit court in any county of the state having a population of not less than thirty-seven thousand (37,000) and not more than thirty-nine thousand nine hundred (39,900), according to the latest official decennial census, is authorized to cause to be reestablished in the manner hereinafter provided a theretofore duly filed plat depicting a plan of canal system for a drainage district organized under the general drainage laws of the state which plat has been partially destroyed.

Section 2. All proceedings had under the provisions hereof shall be in the circuit court of the county where such plat existed before the partial destruction thereof.

Section 3. The clerk of circuit court shall file in such court a sworn petition setting forth that such plat has been partially destroyed; that a copy, to be attached to the petition, is a substantial copy of that which is partially destroyed; that the drainage district (name), and the landowners of such drainage district are the parties, and the only parties, interested for or against the reestablishment of such plat.

Section 4. Upon the filing of such petition, the judge of the court shall cause to be issued a notice, to which shall be attached a copy of the petition, requiring the said drainage district and all other parties interested, to appear before the judge of said court at a time to be fixed in the notice, not less than forty-five (45) nor more than sixty (60) days from the issuance of this notice, to show cause why the plat should not be reestablished, which notice shall be served upon the supervisors of the drainage district.

Section 5. The judge shall also cause to be published notice directed to landowners of (name of drainage district) and to all other persons interested, to appear in said court and show cause, as aforesaid, on a day to be named in the notice, not less than twenty-eight (28) nor more than sixty (60) days from the first publication of said notice. The notice shall contain a brief statement of the substance of the petition, and of the copy attached to it, and shall be published once each week for four (4) successive weeks in a newspaper published in the county in which the proceedings are taken.

Section 6. Answers filed by parties appearing in obedience to the notices aforesaid shall be sworn to and shall be filed on or before the day fixed for appearance. All issues of law or fact shall be determined by the court and evidence shall be by affidavit or in writing before an examiner to be appointed by the court or orally before the court, as the court may determine. Upon the hearing, the court may deny the prayer of the petition, or may grant the same, or may reestablish the plat in such form as the law and the evidence may justify. No application for reestablishment shall be granted without proof of the material matters set forth in the petition.

Section 7. Any reestablished plat shall have the force and effect of the original upon a certified copy thereof being filed and recorded in the book provided for the class of records to which it belongs, as and from the date upon which the original plat was filed in the office of the clerk of circuit court.

Section 8. This act shall take effect immediately upon becoming a law.

Approved by the Governor June 19, 1967.

Filed in Office Secretary of State June 19, 1967.

CHAPTER 67-815

House Bill No. 1854

AN ACT relating to permanent office space for legislative delegations; authorizing the board of county commissioners in all counties of the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000), according to the latest official decennial census, to provide the legislative delegations of these counties with permanent office space or offices, in one or more locations in the county, as to be determined by the legislative delegation, together with furnishings, supplies, telephone service, legal and secretarial assistants; providing for the payment of expenses necessary for the maintenance of the office or offices from county funds, and all other expenses necessary and proper; making such expenditures a county purpose; providing that this act shall be cumulative; providing an effective date.

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

Section 1. The board of county commissioners in all counties of the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000), according to the latest official decennial census, shall provide the legislative delegations of these counties with permanent office space or offices, in one or more locations in the county, as to be determined by the legislative delegation, together with furnishings, supplies,

telephone service, legal and secretarial assistants, and shall provide for the payment of all expenses therefor, and shall provide for the payment of all other expenses necessary for the maintenance of the office or offices which may be incurred by the delegation from time to time, including salaries for all legal and secretarial assistants, and any and all other expenses which are necessary and proper. The payment of such expenses shall be made from county funds and all such expenditures are declared to be for a county purpose.

Section 2. It is the intention of the legislature that the authority granted in this act shall be cumulative and in addition to all existing laws and that the funds expended hereunder shall be in addition to all other expenditures authorized by law.

Section 3. If any part or parts of this act shall be held unconstitutional, such holdings shall not affect the validity of the remaining parts of this act.

Section 4. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1967.

CHAPTER 67-816

House Bill No. 2018

AN ACT relating to all counties having a population of not less than four hundred fifty thousand (450,000) or more than nine hundred thousand (900,000) according to the latest official decennial census; providing for legislator's expense fund; providing for payment of such funds by the boards of county commissioners; repealing laws in conflict; providing for an effective date.

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

Section 1. Each legislator duly elected from a district which includes a county having a population of not less than four hundred fifty thousand (450,000) or more than nine hundred thousand (900,000) according to the latest official decennial census, shall receive, as a legislative expense fund, from

the county general fund of said county, the sum of fifteen hundred dollars (\$1,500.00) each year the legislature meets in general session.

Section 2. The board of county commissioners of said county shall, on or before May 29th of each year the legislature meets in general session, disburse the funds pursuant to section 1 of this act to the legislators who were elected to the legislature from districts including said county.

Section 3. All laws or parts of laws in conflict herewith, whether general, local or special, are hereby repealed.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1967.

CHAPTER 67-817

House Bill No. 1161

AN ACT relating to Franklin county, superintendent of public instruction; fixing his annual salary; providing an effective date.

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

Section 1. The monthly and annual salary of the county superintendent of public instruction of Franklin county shall be set by the Board of Public Instruction of Franklin County in an amount not more than five per cent (5%) above the monthly and annual compensation received by the highest paid school personnel, administrative or instructional, of the county connected with the kindergarten and grades one (1) through twelve (12), provided that the salary shall not be less than the salary authorized in section 145.08(19), Florida Statutes.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1967.

CHAPTER 67-818

House Bill No. 1872

AN ACT relating to the compensation of the superintendent of public instruction in Seminole county; authorizing the board of public instruction in Seminole county to fix the compensation of the superintendent of public instruction; repealing chapter 63-1017, Laws of Florida (1963); providing an effective date.

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

Section 1. The board of public instruction in Seminole county shall fix the compensation to be paid to the superintendent of public instruction of Seminole county.

Section 2. Chapter 63-1017, Laws of Florida (1963), is repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1967.

CHAPTER 67-819

House Bill No. 1989

AN ACT relating to Hamilton county dealing with the sheriff's compensation and budget in said county; repealing chapter 61-1419, Laws of Florida, and providing an effective date.

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

Section 1. Chapter 61-1419, Laws of Florida is hereby repealed.

Section 2. It is the legislative intent that the Hamilton county sheriff's office shall come under the general budget law for sheriffs' offices beginning with the fiscal year commencing October 1, 1967, and that section 30.48-30.53, Florida Statutes, shall thereafter be applicable in such counties.

Section 3. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1967.

CHAPTER 67-820

Senate Bill No. 648

AN ACT relating to the division of corrections; purchases by all counties in the state having a population of not less than sixty-four thousand (64,000) nor more than sixty-eight thousand (68,000), according to the latest official decennial census; authorizing the sheriff, board of county commissioners or board of public instruction to purchase certain items from the division of corrections; providing an effective date.

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

Section 1. The sheriff, the board of county commissioners or the county board of public instruction in all counties in the state having a population of not less than sixty-four thousand (64,000) nor more than sixty-eight thousand (68,000), according to the latest official decennial census, are authorized to purchase and the state division of corrections is authorized to sell goods, wares and merchandise produced, processed or manufactured by the said division not required for use therein.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1967.

CHAPTER 67-821

House Bill No. 1345

AN ACT establishing and creating a Fire Control District in a portion of Manatee and Sarasota Counties, Florida, to be known as the Whitfield Fire Control District; defining its territorial boundaries; providing for and limiting the

powers, duties and liabilities of said District in and about; obtaining and acquiring by purchase or otherwise fire fighting equipment, fire stations, fire hydrants and water supply for the prevention of all types of fires in said district; providing for the inspection of places of business, apartment houses, theatres and buildings where large groups of persons might congregate; providing for the exercise and administration of the powers of said District by Board of Commissioners to be named and appointed by the Governor of the State of Florida; providing for the levy, collection and enforcement of special assessments against and creating liens upon the lands embraced within said District in order to raise funds for the purpose of said District, and determining the priority and dignity of such liens; providing for limitations of claims, demands and suits against such District; authorizing and empowering such District to make and enter into contracts with firms, individuals and municipal corporations relating to any and all of the purposes of said District; repealing all Acts or parts of Acts insofar as a conflict with this Act and providing for a referendum.

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

Section 1. Upon this Act becoming a law, all of the lands in Manatee County and Sarasota County, Florida, hereinafter described, shall become and be incorporated into and as a Special Fire Control District, which shall become and be a public municipal corporation, having the powers and duties herein set forth under the name of Whitfield Fire Control District. The lands so to be incorporated being in Manatee and Sarasota Counties, and being more specifically described as follows:

1. All Section 23 South Bowlee's Creek
2. W $\frac{1}{2}$ Section 25, Township 35 South, Range 17 East
3. All Section 26 South of Bowlee's Creek
4. All sections 35 and 36, Township 35 South, Range 17 East, less any and all land owned by Sarasota-Manatee County Joint Airport Authority.

and the lands so to be incorporated being in Sarasota County and being more specifically described as follows:

all lands lying north of the City Limits of the City of Sarasota and lying between U.S. 41 and the waters of Sarasota Bay.

Section 2. The business and affairs of said district shall be conducted and administered by a Board of five (5) Commissioners; said Commissioners upon their appointment and qualifications, and annually in January, shall organize by electing from their number, a Chairman, a Vice-Chairman, a Secretary-Treasurer. Said Commissioners shall not receive any compensation for their services as such, but the Secretary-Treasurer may be paid not exceeding Three Hundred Dollars (\$300.00) per annum from the funds of said District for his services as such Secretary-Treasurer. Each Commissioner shall, before he enters upon his duties as such Commissioner, execute to the Governor of the State of Florida for the benefit of the said District, a good and sufficient bond approved by the Circuit Judge of Manatee County, Florida, in the sum of One Thousand Dollars, (\$1,000.00), with a qualified corporate surety conditioned to faithfully perform the duties of such Commissioner and to account for all funds to come into his hands as such Commissioner. The Treasurer shall execute an additional bond in the sum of Nine Thousand Dollars (\$9,000.00). All premiums for such surety on all such bonds shall be paid from the funds of said District.

Whenever vacancies exist in the office of Commissioner, The Whitfield Estates-Ballentine Manor Estates Association, Inc., a non-profit corporation existing under the laws of the State of Florida, shall submit a list of names of freeholders residing within said District, recommended for appointment as Commissioners of said District to the Governor, said list to be certified by the County Tax Assessor or the Supervisor of Registration of the County in which said freeholders reside, according to the respective official records of such officers; provided such list shall contain at least two (2) more nominees than vacancies.

Section 3. The Governor of the State of Florida shall appoint five (5) commissioners as provided in Section 2, for the respective terms of one (1), two (2) and three (3) years, as follows: One (1) for one (1) year, two (2) for two (2) years and two (2) for three (3) years. After the expiration of the initial terms each Commissioner shall be appointed for a three year term.

Each Commissioner when appointed, shall hold office until

his successor is appointed and qualified, unless such Commissioner ceases to be qualified to act as Commissioner or is removed from office.

Upon expiration of the term of any Commissioner any person appointed to fill the unexpired term of any such Commissioner for any cause, the Governor of the State of Florida shall appoint, from a list of names provided by the Whitfield Estates-Ballentine Manor Estates Association, Inc., a Commissioner for the said District to hold office for the term of three (3) years from date of said appointment; provided such list shall contain the names of at least two (2) more nominees than vacancies to be filled.

Section 4. Said District shall have the right, power and authority to levy special assessments against the taxable real estate lying within its territorial bounds in order to provide funds for the purpose of said District. The rate of such assessments shall be fixed by a resolution of the Board of Commissioners as hereinafter provided, but shall in no event exceed the following sums :

- (a) Business firms or buildings, fifty dollars (\$50.00) per annum. Apartment buildings and tourist courts are to be construed as business buildings.
- (b) Motels, twenty-five dollars (\$25.00) per annum, with an additional charge of one dollar (\$1.00) per annum per rental unit for all rental units in excess of fifteen (15).
- (c) Homes and dwellings, ten dollars (\$10.00) per annum, including mobile homes or trailers used as dwellings.
- (d) One Dollar (\$1.00) per lot on vacant lots and one dollar (\$1.00) per acre or fraction thereof on un-subdivided acreage, but not to exceed the sum of ten dollars (\$10.00) for any unsubdivided parcel.

The County Tax Assessor of Sarasota and Manatee Counties, Florida, shall furnish to the Board of Commissioners a tax roll covering all taxable properties within the District lying within their respective counties, and the District Commissioners shall place the levy for each piece of property thereon on or before September 1st of each year. Any property owner in the District shall each year have the right, during a ten (10) day

period to be set by the Board after the rolls have had the levy recorded thereon and prior to the billing being mailed, to file a protest in writing against the proposed special assessments for special fire protection benefits as to the amount, and to appear before the Board in support of such protest. The Board shall hold meetings during the said period to consider the protests and make adjustments to the rolls.

Immediately after the adjustment period, the Board shall adopt a Resolution, fixing the rate of special assessment for special fire protection benefits, noting upon the tax roll the amount of the levy against each parcel of property. The County Tax Assessors of the two counties shall then include in their respective tax rolls the special assessments for special fire protection benefits thus made by the Board of Commissioners and the same shall be collected in the manner and form as provided for the collection of county taxes and paid monthly by the tax collectors to the Board of Commissioners. The County Tax Collectors and the County Tax Assessors shall each receive compensation for their services regarding such special assessment, on property within their respective counties, for special fire protection benefits of one and one-half percent (1½%) instead of the commissions and fees usually earned for the assessment and collection of county taxes. Further, the services of the Tax Assessor and Tax Collector under this Act are hereby declared to be special services performed directly for this district and any payment therefor shall not be considered a part of the general income of such income of such official's offices, nor come under the provisions of Sections 116.03 and 145.03, Florida Statutes. The payment of personnel required to do special work shall be made out of the one and one-half percent (1½%) herein provided.

Section 5. Such special assessments shall be a lien upon the land so assessed along with the County taxes assessed against the same until said assessments and taxes have been paid, and if the same become delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees and remedies for enforcement and collection, and shall be enforced and collected as provided by the laws of the State of Florida for the collection of such taxes.

Section 6. The proceeds of said assessments and the funds

of said District shall be deposited in the name of the District in a bank authorized to receive deposits of county funds, which bank shall be designated by a Resolution of the Board of Commissioners. No funds of the District shall be paid out or disbursed save and except by check.

Section 7. The District Commissioners shall not create any indebtedness or incur obligations for any sum or amount which it is unable to repay out of District funds in its hands; provided that the District Commissioners may make contractual loans for the purchases of equipment and for the erection of fire stations on an installment basis, pledging the equipment or building real estate as security, provided that payment of the current years' installment on such equipment or building loans plus the amount due in that year on any other installments and/or the repayment of any bank loans or other existing indebtedness which may be due that year plus budgeted operative expenses for the remainder of the year does not exceed anticipated receipts. Neither the District Commissioners as a body or any one of them as an individual shall be personally or individually liable for the repayment of any loan.

Section 8. The Board of Commissioners shall have the power and authority to charge fees for services provided to individuals or entities who do not have a special assessment for special fire protection benefits within the Fire District. Such charges shall not exceed one hundred dollars (\$100.00) per call, or fifty dollars (\$50.00) per hour for each hour or major fraction thereof per fire truck used, whichever is greater, and the Fire District may attach liens against such property as has been serviced to insure payment.

Section 9. No funds of said District shall be used for any purpose other than the administration of the affairs and business of said District, for the construction, care, maintenance, upkeep, operation and purchase of fire fighting equipment or a fire station, payment for communication and public utilities such as electric lights and water, payment of salaries of a Fire Marshal, firemen and other officials as the Board of Commissioners may, from time to time, determine to be for the best interest of the District.

Section 10. The Board of Commissioners of the District shall have the power and the authority to acquire by gifts or

purchase a fire station and station site and such fire fighting equipment as is deemed necessary for the protection of said District. They shall have the authority to appoint a Fire Marshal and/or Fire Chief, Fire Department Officers and one (1) or more firemen, at salaries to be determined by the Board, who shall operate the Fire Department equipment and inspect all property and check fire hazards. Said Board shall also have the power to sell and convey any real or personal property acquired by gift or purchase.

Section 11. The officers of the said Board of Commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of said Board of Commissioners, and in such meetings concurrence of a majority of said Commissioners shall be necessary for any affirmative actions by said Board.

The Board of Commissioners may adopt such rules and regulations, not inconsistent with any portion of this Act, as it may deem necessary in and about the transaction of its business and in carrying out the provisions of this Act.

Section 12. The Board of Commissioners shall on or before the first day of August make an annual report of its actions and accounting of its funds as of the 30th day of June each year.

Section 13. The said Special Fire Control District shall exist until dissolved by law. Should any part of the territory covered in this Act be held not to be included herein, then this Act shall continue in effect as to the balance of said territory.

Section 14. No suits, action or proceeding shall be instituted or maintained in any Court against said District or the Commissioners or any Commissioner thereof, for or upon any claim, right or demand of any kind or nature, unless the person or persons making such claim or demand or claiming such right have, within ninety (90) days after the alleged accrual of such claim, right or demand, given to the Commissioners, or one of them, a notice in writing setting forth the nature of the right, claim or demand, the amount thereof, the place and manner in which such claim or right accrued, together with the names and addresses of all witnesses by whom such claims,

right or demands are to be proved or established, all with sufficient detail to enable the District and the Commissioners to fully investigate such claim, right or demand; and no suit, action or proceeding or any such demand shall be instituted within three (3) months after such notice shall be given.

Section 15. The word "District" shall mean the Fire Control District hereby organized, and the words "Board" and "Board of Commissioners" shall mean the Board of Commissioners of and for the Fire Control District hereby created when used in this Act unless otherwise specified.

Section 16. If any clause, Section or provision of this Act shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Act, and the remaining portion of said Act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 17. That all laws or parts of laws in conflict herewith are, to the extent of such conflict hereby repealed.

Section 18. The provisions of this Act shall be liberally construed in order to effectively carry out the purposes of this Act in the interest of the public and safety.

Section 19. This Act is to become a law immediately upon its passage and approval by the Governor or upon its becoming a law without such approval and is to become effective immediately upon ratification by the voting in said election of a majority of the qualified freeholders of the territory proposed to be constituted into the Whitfield Estates Fire Control District at an election to be held prior to July 1, 1967.

The County Commissioners of Manatee and Sarasota Counties, Florida, are hereby given power and authority to call a special election for the purpose of having this Act voted upon by all qualified freeholders in said territory, which election shall be held on the same date in each county.

Should a majority of the qualified Sarasota County freeholders participating in such election vote (FOR) and favorable to this Act, and should a majority of the qualified Manatee County freeholders participating in such election vote (FOR) and favorable to this Act, then this Act shall become effective

immediately, but should a majority of the qualified Manatee County freeholders participating in such election vote (AGAINST) and unfavorable to this Act, then this Act shall be void. Should a majority of the qualified Sarasota County freeholders participating in such election vote (AGAINST) and unfavorable and a majority of the Manatee County freeholders participating in such election vote (FOR) and favorable to this Act, then this Act shall become effective immediately, provided, however, the southerly boundary of this District shall in that event be the Manatee Sarasota County line.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 20, 1967.

CHAPTER 67-822

Senate Bill No. 1064

AN ACT relating to county boards of public instruction in all counties of the state having a population of not less than three hundred ninety thousand (390,000) nor more than four hundred fifty thousand (450,000), according to the latest official decennial census; authorizing the boards to determine the compensation to be paid to the superintendents of public instruction; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than three hundred ninety thousand (390,000) nor more than four hundred fifty thousand (450,000), according to the latest official decennial census, the boards of public instruction in each such county are authorized and empowered to determine the amount of compensation to be paid to the superintendent of public instruction in each such county.

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

Approved by the Governor June 21, 1967.

Filed in Office Secretary of State June 21, 1967.

CHAPTER 67-823

House Bill No. 1112

AN ACT relating to Escambia county; creating a juvenile advisory board for the juvenile division of the court of record in and for said county; providing an effective date.

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

Section 1. There is created a juvenile court advisory board for the juvenile division of the court of record in and for Escambia county, consisting of not less than seven (7) nor more than twenty-one (21) members who shall be appointed as provided by section 416.07, Florida Statutes. Said board shall perform all the duties of the board of visitors provided by section 416.08, Florida Statutes, and the juvenile court merit board as provided by section 39.16, Florida Statutes.

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

Approved by the Governor June 21, 1967.

Filed in Office Secretary of State June 21, 1967.

CHAPTER 67-824

Senate Bill No. 1065

AN ACT relating to members of county boards of public instruction in all counties of the state having a population of not less than three hundred ninety thousand (390,000), nor more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing for the election of two (2) additional members in each such county; providing terms of office; providing for non-partisan election of all members of the county boards of public instruction in each such county; providing a conflict of interest provision for members of the board; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than three hundred ninety thousand (390,000) nor

more than four hundred fifty thousand (450,000), according to the latest official decennial census, there shall be an increase in the membership of the board of public instruction, to seven (7) members.

Section 2. The five members of the board now provided for shall continue in office and stand for election at such time and for such term from their respective districts as is now provided by law, except as provided herein.

Section 3. The seven (7) members of the board shall henceforth be elected in nonpartisan elections. There shall be no political party affiliation shown on the ballot and no political party affiliation or association shall be used by any candidate during the campaign. Election of school board members shall be held at the same time as primary party nominations provided by law. If no candidate receives a majority of the votes cast in the first primary, a runoff election will be held at the same time as the second primary elections. The candidate who receives the most votes cast at the second primary election shall be elected to office and shall not be required to run at a general election.

Section 4. The two (2) additional members of the board provided in this act shall not be identified as representing any district, but shall be elected from the county at large for a term of four (4) years, respectively, from groups to be designated as group six (6) and group seven (7), respectively, and shall stand for election as follows:

(a) The member from group six (6) shall first be elected in a special election as hereinafter provided for a term to expire on the first Tuesday after the first Monday in January, 1971, and thereafter commencing with the election of 1970, the member from group six (6) shall be elected for a term of four (4) years.

(b) The member from group seven (7) shall be elected in the special election as hereinafter provided for a term to expire on the first Tuesday after the first Monday in January, 1969, and thereafter commencing with the general election of 1968, the member from group seven (7) shall be elected for a term of four (4) years.

Section 5. A special election will be held for the election of the new members from group six (6) and group seven (7) in the following manner. A special nonpartisan election will be held on the second (2nd) Tuesday in September, 1967. If no candidate receives a majority of the votes cast in said election, a runoff election will be held on the fourth (4th) Tuesday in September, 1967.

Section 6. The terms of office of the members of the board elected in such special election shall commence October 1, 1967.

Section 7. The terms of office of no more than four (4) members of the board shall expire simultaneously, except as provided herein. The elected term of all members of the board shall be four (4) years except as provided herein.

Section 8. No member of the board during the term for which he shall have been elected or appointed, and for one (1) year prior thereto, and for two (2) years after expiration of such term, shall be employed by the board in any capacity for which salary or emolument is provided by the board, or shall have any interest in any purchase or sale of any real or personal property by the board.

Section 9. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 26, 1967.

CHAPTER 67-825

Senate Bill No. 1107

AN ACT relating to alcoholic beverages, club beverage licenses in each county in the state having a population of not less than three hundred ninety thousand and not more than four hundred fifty thousand according to the latest official decennial census; providing for one additional beverage license; providing an effective date.

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

Section 1. In each county of the state having a population of not less than three hundred ninety thousand and not more than four hundred fifty thousand, according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one more than the number of such licenses currently authorized to be issued pursuant to such section; provided, that such additional licenses authorized by this act in such county shall be issued to the international independent showmen's association in Hillsborough county, providing such club meets all the requirements of the beverage laws.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 26, 1967.

CHAPTER 67-826

Senate Bill No. 819

AN ACT authorizing and permitting the game and fresh water fish commission to exchange certain lands in Charlotte county owned by the commission in the Cecil M. Webb wildlife management area for other lands in the Cecil M. Webb wildlife management area held in private ownership, where for the best interests of the state, and where independent appraisals show the value of the lands to be exchanged to be substantially equal.

WHEREAS, certain private interests own scattered parcels of land in the Cecil M. Webb wildlife management area totaling seven hundred thirty-five (735) acres, more or less, in the interior of the management area, and appear willing to trade or exchange said lands for lands owned by and under the jurisdiction of the commission to the extent of four hundred ten (410) acres, more or less, located on the outer edge of the management area; and

WHEREAS, it is to the best interest of the state to make such exchange, and an independent appraisal reflects that the values of the lands sought to be exchanged are substantially the same, NOW, THEREFORE,

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

Section 1. (1) The game and fresh water fish commission is authorized and empowered to trade or exchange lands in the Cecil M. Webb wildlife management area, Charlotte county, owned by and under the jurisdiction of the commission, for lands also located within the boundaries of the Cecil M. Webb wildlife management area, but owned, held and used by private interests, where the best interests of the state and the commission will be served by such exchange, and where an independent appraisal reflects that the respective values of the lands sought to be exchanged are substantially the same.

(2) The game and fresh water fish commission is authorized to execute and deliver such deeds as are necessary to convey the lands to be exchanged, and to accept such deeds as will convey good, merchantable title to the lands to be received in the exchange.

Section 2. This act shall take effect immediately upon its becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 26, 1967.

CHAPTER 67-827

House Bill No. 2214

AN ACT relating to Bay county; providing that the limitation as to the number of alcoholic beverage licenses as provided by section 561.20(1), Florida Statutes, shall not prohibit issuance of such licenses to bona fide restaurants fulfilling certain requirements; providing an effective date.

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

Section 1. In Bay county the limitation as to the number of alcoholic beverage licenses as provided by subsection (1)

of section 561.20, Florida Statutes, shall not prohibit issuance of such licenses to any bona fide restaurant containing all necessary equipment and supplies for and serving full course meals regularly and having accommodations at all times for service of two hundred (200) or more patrons at tables and occupying more than four thousand (4,000) square feet of floor space; provided, however, that any license heretofore or hereafter issued to any such restaurant under the provisions of any law shall not be moved to a new location, such licenses being valid only on the premises of such restaurant; providing further that any license issued to any restaurant under the provisions of this law shall be issued only to the owner of said restaurant or, in the event the restaurant is leased, to the lessee of the restaurant, and the license shall remain in the name of said owner or lessee so long as the license is in existence. Each tax collector shall mark "special" any license issued to a restaurant under the provisions of this law or any renewal of such license. The limitation upon the number of such licenses to be issued shall not apply to the renewal or transfer of such licenses.

Section 2. The word "bona fide restaurant" as used herein shall not be construed to include "night clubs" not fulfilling requirements set forth in section 1 of this act.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-828

House Bill No. 2153

AN ACT relating to Suwannee county, validating and confirming all acts of the county commission relating to expenditures under chapters 65-914 and 65-1086, Laws of Florida; providing effective date.

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

Section 1. All acts of the board of county commissioners of Suwannee county relating to expenditures made under chap-

ters 65-914 and 65-1086, Laws of Florida, for reimbursement to each member of said board for all expenses incurred, including attendance at the meetings of the board, inspections and mileage travel within the county, are hereby ratified, confirmed and validated.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-829

House Bill No. 2218

AN ACT relating to Suwannee county; ratifying, validating and confirming all acts of the board of public instruction relating to expenditures under chapter 65-1135, Laws of Florida; providing an effective date.

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

Section 1. All acts of the board of public instruction of Suwannee county relating to expenditures made under the provisions of chapter 65-1135, Laws of Florida, for reimbursement to each member of said board for all expenses incurred, including attendance of the meetings of the board, inspection and mileage travel within the county are hereby ratified, confirmed and validated.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-830

House Bill No. 2216

AN ACT relating to Suwannee county; authorizing payment of seventy-five dollars (\$75.00) per month to each member of the board of county commissioners for expenses in addi-

tion to all other compensation repealing chapters 65-914 and 65-1086; providing an effective date.

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

Section 1. Each member of the board of county commissioners of Suwannee county shall receive, in addition to any other compensation received, the sum of seventy-five dollars (\$75.00) per month, out of the general fund of said county, which funds shall be for all expenses incurred in attendance of the meetings of the board, inspections and mileage, traveled within the county.

Section 2. Nothing herein contained shall prevent the reimbursement to board member of a per diem and mileage under the general law for expenses for travel and per diem incurred outside the county.

Section 3. Chapters 65-914 and 65-1086 acts of Florida 1965 be and the same is hereby repealed.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-831

House Bill No. 2221

AN ACT relating to Suwannee county; authorizing payment of seventy-five dollars (\$75.00) per month to each member of the board of public instruction for expenses in addition to all other compensation repealing chapter 65-1135; providing effective date.

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

Section 1. Each member of the board of public instruction of Suwannee county shall receive, in addition to any other compensation received, the sum of seventy-five dollars (\$75.00) per month, out of the general school fund of said county, which funds shall be for all expenses incurred in attendance of the

meetings of the board, inspections and mileage, traveled within the county.

Section 2. Nothing herein contained shall prevent the reimbursement to board member of a per diem and mileage under the general law for expenses for travel and per diem incurred outside the county.

Section 3. Chapter 65-1135 acts of Florida 1965 be and the same is hereby repealed.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-832

House Bill No. 2721

AN ACT relating to the division of corrections, sale of items; authorizing the sale of items produced, processed or manufactured by the division to the sheriff, the board of county commissioners, the board of public instruction or any school or other public institution or agency financed by county or municipal funds and any municipality in Columbia county, Florida; providing an effective date.

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

Section 1. The sheriff, the board of county commissioners, the board of public instruction, or any school or other public institution or agency financed by county or municipal funds and any municipality in Columbia county, Florida, is authorized to purchase and the state division of corrections is authorized to sell any item, except new concrete products, including brick, produced, processed or manufactured by the division not required for use therein or for use in any institution under the supervision of the board of county commissioners of state institutions.

Section 2. This act shall become effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-833

House Bill No. 2242

AN ACT relating to the purchase of foodstuffs, canned goods and other products by the Board of Public Instruction of Lake County from the Division of Corrections; providing an effective date.

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

Section 1. The Board of Public Instruction of Lake County, Florida, is authorized to buy and the Division of Corrections is authorized to sell to the Board of Public Instruction of Lake County, foodstuffs, canned goods and other products.

Section 2. This Act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-834

House Bill No. 2305

AN ACT relating to Columbia county, coroners fees; providing for fees and disposition of said fees in certain situations after May 1, 1966; repealing chapter 65-703, Laws of Florida, relating to the same subject; providing an effective date.

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

Section 1. (1) After May 1, 1966, the compensation of judicial officers when acting as coroners in Columbia county for viewing a dead body, making preliminary inquiry and report to the judge or prosecuting attorney or his assistant as required in section 936.03, Florida Statutes, and for issuing death certificates where no inquest is held and where the deceased

was not attended by a physician in his last illness shall be five dollars (\$5.00).

(2) In addition to the above, for making preliminary investigations whether or not the judicial officer acting as coroner signed the death certificate, the fee shall be five dollars (\$5.00) per day or any part of a day.

(3) Where the coroner is required to travel, he shall be reimbursed for his expenses in accordance with the provisions of section 112.061, Florida Statutes. All other compensation shall be as provided by law.

Section 2. The income derived from the fees as provided in section 1 of this act shall be retained by the said judicial officers as compensation in addition to all other compensation as provided by law.

Section 3. Chapter 65-703, Laws of Florida, is repealed.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-835

House Bill No. 2437

AN ACT relating to supervisor of elections, in any county of the state having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000), according to the latest official decennial census; providing that the supervisor of elections furnish lists of democratic or republican electors upon the request of the chairman of the respective parties ninety (90) days prior to the general election; providing an effective date.

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

Section 1. Upon the timely request of the county chairman of the democratic or republican party, the supervisor of elections shall furnish a list of the registered electors of the respective party ninety (90) days prior to the general election, in any

county of the state having a population of not less than sixty-nine thousand (69,000) nor more than seventy thousand (70,000), according to the latest official decennial census.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-836

House Bill No. 1224

AN ACT relating to Collier county, Florida, establishing a criminal court of the justice of the peace in the fourth justice of the peace district thereof; prescribing the jurisdiction of the court; providing for a judge and the appointment, election, compensation and duties of said judge and successor judges of the court; providing for the payment of office expenses and salaries within limits of judge and clerks of court from county fine and forfeiture fund; providing for practice and procedure in said court; providing for an arbitration procedure for budgetary disputes; providing for severability; providing an effective date.

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

Section 1. *Application of act.*—The provisions of this act shall apply to Collier county, Florida.

Section 2. *Court established.*—Upon the effective date of this act there shall be established in the fourth justice of the peace district of Collier county, a court known as the criminal court of the justice of the peace, fourth district, Collier county, Florida, which court shall succeed to the powers and duties of any criminal jurisdiction of any justice of the peace court now functioning in such justice of the peace district. All cases pending in any currently functioning justice of the peace court on the effective date of this act shall be continued to completion by that court.

Section 3. *Jurisdiction.*—The court herein and hereby established shall have criminal jurisdiction of all misdemeanors

committed within the fourth justice of the peace district of Collier county, Florida. Said jurisdiction shall be concurrent with the criminal jurisdiction of any other court or courts established in the county having like jurisdiction. The process of the said court shall run throughout the state.

Section 4. *Judge, election, tenure, compensation.*—

(1) The judge of the justice of the peace court of the fourth district, Collier county, Florida, shall be the judge of the court herein established upon the effective date of this act, and shall continue in office until his present term expires and until his successor is duly elected and qualified.

(2) Any successor judge shall be a resident of the fourth justice of the peace district, Collier county, Florida, and shall be elected for a term of four (4) years by the electors of district four.

(3) The compensation of the judge of said court shall be a maximum of eleven thousand five hundred dollars (\$11,500.00) and a minimum of nine thousand dollars (\$9000.00) per annum, which shall be paid in twelve (12) equal monthly installments by the board of county commissioners of Collier county from the fine and forfeiture fund as provided in section 6.

Section 5. *Clerk of court executive officer.*—

(1) The judge of said court shall appoint a clerk and such clerical personnel as shall be necessary for the operation of the court, whose compensation shall be approved by the board of county commissioners and paid from the fine and forfeiture fund of the county as provided in section 6.

(2) The executive officer of the court shall be as provided in chapter 37, Florida Statutes and his powers and duties shall be the same as provided therein, and his compensation shall be as provided therein.

Section 6. *Remission of moneys by court to county, budget, arbitration procedure.*—

(1) All the moneys, including but not limited to fees, commissions, fines and forfeitures, collected by the judge and clerk of said court shall be remitted monthly to the board of

county commissioners of Collier county for deposit in the fine and forfeiture fund of the county. A complete record of all moneys collected shall be maintained by the court and a report of the same forwarded to the board of county commissioners of Collier county at the same time the remission of money is made pursuant to this section.

(2) All expenses of the court of every nature and kind whatsoever, including, but not limited to the salaries of the judge, clerk, and other personnel, shall be borne and paid by the board of county commissioners of Collier county.

(3) The judge of the court shall annually submit his estimate of proposed expenditures, reasonable and necessary for the proper and efficient operation of the court to the board of county commissioners for its approval as provided by budgetary law. The board of county commissioners shall annually appropriate in its budget sufficient funds to meet all the expenses of the operation of the court. Should the board of county commissioners fail to approve said budget within the time provided by general budgetary law, then either the judge of the court or the board of county commissioners may demand arbitration by notice in writing delivered to the other. In such event, the board of county commissioners shall appoint an arbitrator, the judge shall appoint an arbitrator, and the two (2) so chosen shall appoint a third arbitrator, to hear and consider the matter in dispute. The decision of the arbitrators, or a majority of them, shall be binding on both parties. The arbitrators shall reach a decision within fifteen (15) days from the demand for arbitration; otherwise, new arbitrators shall be appointed and the former arbitrators discharged. Any provision in any other law, general or local, shall not control in matters of budgetary disputes under this act.

Section 7. *Holding of court.*—The board of county commissioners of Collier county shall furnish suitable quarters for the holding of court within the fourth justice of the peace district, Collier county, Florida.

Section 8. *Practice and procedure.*—Practice and procedure in the court herein and hereby established shall be the same as in courts generally having like jurisdiction, except in all cases, the judge shall be the trier of fact. Appeals shall be governed by the Florida appellate rules of criminal procedure,

as amended from time to time, and shall be to the circuit court of the twelfth judicial circuit, Collier county, Florida.

Section 9. *Severability*.—In the event any word, phrase, clause, sentence, paragraph or section of this act shall be declared unconstitutional by a court of competent jurisdiction, then this shall not affect the remainder of the act and the unconstitutional portion shall be severable, it being the intent of the legislature that the remainder of this act shall continue in force and effect.

Section 10. *Effective date*.—This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-837

House Bill No. 848

AN ACT relating to game and fresh water fish commission; authorizing said commission to sell certain lands in Polk county to which it holds title; requiring the proceeds of sale of said lands to be deposited in the state game trust fund; providing an effective date.

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

Section 1. The game and fresh water fish commission is authorized to sell portions of the SW $\frac{1}{4}$ of Section 16, Township 29 South, Range 26 East, to which it holds title in Polk county. All funds derived from such sale shall be deposited in the state game trust fund.

Section 2. This act shall take effect September 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-838

House Bill No. 1994

AN ACT providing for an additional judge of the juvenile court in all counties having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official state-wide decennial census, and providing for the term of such judge; providing for interim appointment by the governor with the advice and consent of the senate for such additional judge; providing for the election of judges of the juvenile court of said counties, and the manner thereof; providing for the judge senior in point of service to be a member of the juvenile welfare board; providing for the salary of judges of this court and the manner of its payment; repealing all conflicting laws; providing an effective date.

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

Section 1. There is hereby created an additional judge of the juvenile court in all counties having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official statewide decennial census. Such judge and his successors shall have the same qualifications as now required for a judge of such court, and shall serve for a four (4) year term.

Section 2. The judges of the juvenile court of said counties shall be elected by the qualified electors of the counties as other county and state officials are elected. As soon as practicable after the effective date of this act, the governor with the advice and consent of the senate shall appoint a qualified person to the office of judge created by section 1 of this act, whose term of office shall expire upon the first Tuesday after the first Monday in January 1969. The first election for the additional judge of such court herein authorized shall be at the general election to be held in 1968 and such judge shall take office on the first Tuesday after the first Monday in January 1969.

Section 3. The judge senior in point of service shall be

the judge to serve as a member of the juvenile welfare board in such counties as a juvenile welfare board exists.

Section 4. That the salary of each juvenile court judge shall be sixteen thousand five hundred dollars (\$16,500.00) per annum, payable in equal monthly installments, and that the judges of said court shall not engage in the practice of law; said salaries to be paid by said counties from their general funds.

Section 5. If any part of this act is declared unconstitutional or inoperative, or should the application of this act to any official be declared unconstitutional or inoperative, it shall not affect any other part of this act, nor the applicability of the remainder thereof.

Section 6. Chapter 65-688, Laws of Florida, 1965 is hereby repealed.

Section 7. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-839

House Bill No. 1779

AN ACT relating to the legislative expense fund for those counties having a population of not less than two hundred thousand (200,000) nor more than two hundred sixty thousand (260,000), according to the latest official decennial census; authorizing the legislative delegation representing those counties to employ a staff to aid them in properly representing their county; authorizing the board of county commissioners to disperse certain legislative expense funds; providing an effective date.

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

Section 1. Any legislative delegation representing any county of this state having a population of not less than two hundred thousand (200,000) nor more than two hundred sixty

thousand (260,000), according to the latest official decennial census, is authorized to employ the following staff to aid them in properly representing the county :

1. An attorney on a contract or retainer basis, who shall be a member of the Florida Bar, who shall receive a salary of five thousand, two hundred dollars (\$5200.00) per annum, to be paid in equal monthly installments by the board of county commissioners of said county and, in addition thereto, he shall be paid a per diem of twenty dollars (\$20.00) for each day he spends outside of Palm Beach county when the legislature is in session, including Saturdays, Sundays, and holidays.

2. An attorney on a contract or retainer basis, who shall be a member of the Florida Bar, who shall receive a salary of one hundred dollars (\$100.00) per week while the legislature is in session, to be paid by the board of county commissioners.

3. An administrative aide on a contract or retainer basis, who shall receive a salary of fifty-five dollars (\$55.00) per week while the legislature is in session, to be paid by the board of county commissioners.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-840

House Bill No. 1468

AN ACT applying to all counties of this state having a population of not less than two thousand nine hundred (2,900) nor more than three thousand (3,000) inhabitants according to the latest decennial census, providing minimum salaries and compensation of certain elected officials therein, providing for payment, and providing for the confirmation of prior payments.

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

Section 1. In all counties of this state having a population of not less than two thousand nine hundred (2,900) and not more than three thousand (3,000) inhabitants according to the latest official decennial census, the elected officials who are specified below, shall be entitled to receive the minimum compensation hereafter specified and at the end of each year during which each official failed to receive such minimum compensation, the county commissioners shall immediately pay from the appropriate fund of the county to each such official an amount equal to the sum by which such net compensation received fell short of the minimum allowed.

Section 2. The officials and the minimum compensation to which they shall be entitled are as follows:

County Judge	\$7,500 per year net
Tax Assessor	\$7,500 per year net
Tax Collector	\$7,500 per year net

Section 3. All payments in accordance with the terms of this act made prior to the passage of this act are hereby ratified and confirmed.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

Section 5. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-841

House Bill No. 2325

AN ACT relating to insurance, certain county officers, employees and families; authorizing the purchase of hospitalization and medical and life insurance by boards of county commissioners in any county in the state having a population not less than six thousand eight hundred (6,800) and not more than seven thousand four hundred (7,400), according

to the latest official decennial census; repealing chapter 65-1166, Laws of Florida; providing an effective date.

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

Section 1. The board of county commissioners of any county in the state having a population of not less than six thousand eight hundred (6,800) and not more than seven thousand four hundred (7,400), according to the latest official decennial census is authorized to purchase and pay all or part of the premiums or charges for group hospitalization and medical and life insurance for its members and employees and their spouses and children.

Section 2. Chapter 65-1166, Laws of Florida, is repealed.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-842

House Bill No. 2266

AN ACT relating to Escambia county, clerk of the circuit court; authorizing said clerk to perform certain additional functions in his capacity as county auditor and clerk of the board of county commissioners; providing an effective date.

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

Section 1. The clerk of the circuit court of Escambia county acting as county auditor and clerk and accountant of the board of county commissioners as required by law is authorized to perform the following functions:

(1) Devise record systems in county camps, nursing homes and any other agency which handles funds of the county.

(2) Devise a system of records for cost accounting purposes.

(3) Maintain an accurate record of all judgments held by

the county, compute the proper amount due the county on such judgments prior to satisfaction and certify the amount so computed to the sheriff and board of county commissioners.

(4) Maintain record systems on all county equipment for the following purposes:

- (a) To show repairs to the equipment.
- (b) To show fuel consumption of the equipment.
- (c) To show that all equipment is in operable condition.

(5) Maintain inventories of fuels, equipment and supplies and set up a record of distribution of such material.

(6) Make audits when necessary to determine whether or not the operation of the various county agencies and facilities are being conducted in a proper manner.

(7) Maintain and audit the financial and other records of the board of county commissioners.

(8) Under the direction of the board of county commissioners, invest surplus funds of the county as a prudent man with regard to the permanent disposition of such funds, considering the probable income as well as the probable safety of the capital.

(9) Serve as county treasurer.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-843

House Bill No. 1080

AN ACT relating to Indian River Farms drainage district, a drainage district in Indian River county, Florida, providing for the levy, collection and enforcement of installment and maintenance taxes by said district at the same time and in

like manner as county taxes; providing that said taxes shall be extended by the county tax assessor on the county tax roll, and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing for severability of the provisions of the act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; enacting other provisions relating to this subject; and providing an effective date.

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

Section 1. Taxes shall be levied and apportioned as provided for in the General Drainage Laws of Florida (chapter 298, Florida Statutes, and amendments thereto), except that the provisions of section 298.37, section 298.38, section 298.39, section 298.40, and section 298.41, Florida Statutes, and amendments thereto, shall not be applicable to the Indian River Farms drainage district, a drainage district in Indian River county, Florida. In lieu thereof, the following provisions shall apply to the said district.

The board of supervisors shall determine, order and levy the amount of the annual installments of the total taxes levied under section 298.36, Florida Statutes, which shall become due and be collected during each year at the same time that county taxes are due and collected, which said annual installment and levy shall be evidenced to and certified by the said board, not later than August first of each year, to the tax assessor of Indian River county, Florida. Said tax shall be extended by the county tax assessor on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes, and the proceeds thereof paid to said district. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

Section 2. Maintenance taxes as provided for under section 298.54, Florida Statutes, shall be apportioned upon the basis of the net assessments of benefits assessed as accruing for original construction, and shall be evidenced to and certified by the board of supervisors not later than August 31 of each year,

to the tax assessor of Indian River county, and shall be extended by the county tax assessor on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes and the proceeds therefrom paid to said district. Said tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

Section 3. The provisions of section 298.45 and section 298.46, Florida Statutes, and amendments thereto, shall not be applicable to said district. In lieu thereof, the following shall apply to said district.

The collection and enforcement of all taxes levied by said district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to said district and the delinquent and unpaid taxes of said district to the same extent as if said statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes. All discounts allowed shall be a charge against the maintenance tax only.

Section 4. All taxes levied by the district shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 5. All drainage taxes levied by the district, together with all penalties for default in payment of the same, all costs in collecting the same, shall constitute a lien of equal dignity with the liens for county taxes, and other taxes of equal dignity with county taxes, upon all the lands against which said taxes shall be levied. A sale of any of the lands within the district for county or other taxes shall not operate to relieve or release the lands so sold from the lien for subsequent installments of district taxes, which lien may be enforced against such lands as though no such sale thereof had been made.

Section 6. It is declared to be the legislative intent that, if

any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 7. In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 8. This act shall take effect immediately upon its approval by the governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 27, 1967.

CHAPTER 67-844

Senate Bill No. 1225

AN ACT relating to any county in the state having a population of not less than two thousand eight hundred seventy (2,870) nor more than two thousand nine hundred twenty-five (2,925), according to the latest official decennial census; authorizing and directing the board of county commissioners of any such county to pay the sheriff thereof additional compensation for services performed pursuant to section 30.23, Florida Statutes, in connection with the care and custody of county prisoners; providing an effective date.

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

Section 1. In any county in the state of Florida having a population of not less than two thousand eight hundred seventy (2,870) nor more than two thousand nine hundred twenty-five (2,925), according to the latest official decennial census, the board of county commissioners is authorized and directed to pay to the sheriff compensation for services performed as jailer in the amount established for guard fees pursuant to section 30.23, Florida Statutes, in connection with care and custody of prisoners which compensation shall be in addition to compensation received by him pursuant to chapter 145, Florida Statutes.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 28, 1967.

CHAPTER 67-845

Senate Bill No. 1452

AN ACT relating to the employment of certain prisoners, in all counties of this state having a population of not less than 51,000 nor more than 53,000 inhabitants, according to the last official decennial census; providing for adoption of provisions of act upon the recommendation of the sheriff of such county and the adoption by the board of county commissioners of such county of a resolution declaring that such county is subject to the provisions of this law, authorizing board of county commissioners to enter into an agreement with the probation and parole commission of the state of Florida to make investigations and recommendations and to supervise the operation of said program; providing an effective date.

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

Section 1. In all counties of this state having a population of not less than 51,000 nor more than 53,000 inhabitants, according to the last official decennial census, any person sentenced to a county jail for commission of a crime, violation of a county ordinance, nonpayment of fine or forfeiture, or contempt of court, may, subject to such rules and regulations as the Florida probation and parole commission may, with the advice and consent of the sheriff, impose, be granted the privilege, under the supervision of the Florida probation and parole commission, of leaving the jail during necessary and reasonable hours for any of the following purposes:

- (1) Working at legal and gainful employment;
- (2) Conducting his own trade, labor or profession;
- (3) Pursuing academic or vocational training. Whenever

the prisoner is not released as provided above, he shall be confined.

Section 2. Unless such privilege is expressly granted by the court and agreed to by the prisoner, the prisoner is sentenced to ordinary confinement. The prisoner may petition the court in writing for such privilege at the time of sentence or thereafter, and in the discretion of the court may renew his petition in writing. The court may withdraw the privilege at any time with or without notice.

Section 3. If a prisoner is employed for wages or salary the sheriff shall collect the same. The sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment in the hands of either the employer or the sheriff during the prisoner's term, and shall be disbursed only as provided in this act; but for tax purposes they are income of the prisoner.

Section 4. Every prisoner gainfully employed is liable for the cost of his board in the jail as fixed by the county. The sheriff shall charge his account, if he has one, for such board. If the prisoner is gainfully self-employed he shall deposit with the sheriff an amount determined by the court, upon recommendation of the Florida probation and parole commission, sufficient to accomplish provisions 1, 2, 3, and 4 as provided hereafter in section five (5), in default of which his privilege under this section is automatically forfeited.

Section 5. By order of the court, the wages or salaries of employed prisoners shall be disbursed by the sheriff for the following purposes, in order stated:

- (1) The board of the prisoner;
- (2) Necessary travel expense to and from work and other incidental necessary expenses of the prisoner;
- (3) Support of the prisoner's dependents, if any;
- (4) Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment;
- (5) The balance, if any, to the prisoner upon his discharge.

Section 6. The board of county commissioners of said county and the probation and parole commission of the state of Florida are authorized to enter into an agreement on such terms as they may agree whereby the probation and parole commission may make investigations and recommendations, and supervise as provided in section (1). All investigations and recommendations shall be made only upon request of the judge or judges of the said court, said courts shall not be bound by such recommendations.

Section 7. The wilful failure of a prisoner to remain within the extended limits of his confinement or to return within the time prescribed to the place of confinement as provided for in section (1) shall be deemed an escape from custody and shall be punishable as prescribed by law.

Section 8. The provisions of this law shall become operative in any county of this state having a population of not less than 51,000 nor more than 53,000 inhabitants, according to the last official decennial census, immediately upon the recommendation of the sheriff of such county and the adoption by the board of county commissioners of such county of an agreement with Florida probation and parole commission as provided in section one, and a resolution declaring such county subject to the provisions of this law.

Section 9. The legislature finds this act accomplishes a county purpose. The board of county commissioners is authorized to provide in its annual budget in the fine and forfeiture fund for the payment of such funds to the probation and parole commission as may be agreed upon with said commission that are reasonable and necessary to carry out the purposes of this act.

Section 10. This act shall take effect immediately upon its becoming a law.

Approved by the Governor June 27, 1967.

Filed in Office Secretary of State June 28, 1967.

CHAPTER 67-846

Senate Bill No. 467

AN ACT relating to office building construction; authorizing state department of public welfare to construct office building in Panama City, Bay county, pursuant to section 288.17, Florida Statutes; authorizing the state agency to issue revenue certificates for payment thereof; providing an effective date.

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

Section 1. The state department of public welfare is authorized to construct in Panama City, Bay county, a building for use as office space on real property now owned by said department pursuant to and in compliance with section 288.17, Florida Statutes.

Section 2. The Florida development commission is authorized to issue interest bearing revenue certificates in the amount of one hundred fifty thousand dollars (\$150,000.00) to pay for the cost of such building to be used as office space. The certificates may be in coupon form and may be in any denomination and may mature at a date not exceeding thirty (30) years from the date of issue thereof, as may be determined by the development commission. The certificate shall not bear an interest rate in excess of six per cent (6%) per annum. The certificates may be made redeemable before maturity at the option of the Florida development commission at such price and under such terms and conditions as may be fixed by the commission prior to their issuance. The commission shall determine the place of payment of principal and interest which may be at any bank or trust company within or without the state.

Section 3. The state department of public welfare is authorized to pledge any funds which may be appropriated by the legislature for the use by such agency for expenses for the payment of service charges necessary to pay the interest and retire the principal serially on revenue certificates issued by the Florida development commission upon approval of the state board of administration, the proceeds of which are used for the construction of the building for use as office space. The authority to pledge funds as herein provided for is expressly limited

to any funds as, if and when appropriated, in that the legislature is under no obligation to make any future appropriation.

Section 4. The certificates shall be legal investments for any state, county, municipal or other public funds, for any bank, savings bank, trustee, executor, guardian and for any trust or fiduciary funds whatsoever. The certificates shall also be legal securities which may be deposited by any bank or trust company for the security of state, county, municipal and other public funds.

Section 5. No referendum or election of freeholders or qualified voters in any county of this state shall be required for the exercise of any of the provisions of this act, unless such referendum or election is specifically required by the constitution of Florida.

Section 6. The cost of the construction of the building shall be deemed to include also, but shall not be limited to, legal, engineering, fiscal and architectural fees and fees for any other experts or consultants employed by the board; engineering or architectural studies, surveys, plans and designs; the expense of the issuance, authorization and sale of certificates, including advertisement, notices and other proceedings in connection therewith; and such other purposes as are necessary, incidental or appurtenant to the purposes authorized hereunder.

Section 7. The legislature does hereby covenant with the holders of certificates issued pursuant to the provisions of this act that it will not enact any law which will repeal, impair or amend, in any manner, the rights of such holders which may be pledged to the payment of the principal of and interest on such certificates.

Section 8. Certificates issued pursuant to this act shall be negotiable instruments under the uniform commercial code as adopted by this state.

Section 9. This act shall not be deemed to repeal or supersede any other law or laws but shall be supplemental and additional authority to the board to carry out and perform the powers provided in this act.

Section 10. It is declared to be the legislative intent that if

any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 11. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.

Filed in Office Secretary of State June 28, 1967.

CHAPTER 67-847

Senate Bill No. 211

AN ACT relating to education; making an appropriation for expenses involved in organizing a junior college in Orange County; providing an effective date.

WHEREAS, the 1961 Legislature approved the establishment of a junior college in Orange County, and

WHEREAS, the state board of education has approved a junior college in Orange County to begin operation in the Fall of 1967, and

WHEREAS, organizational expenses have been provided for other junior colleges to begin operation, NOW, THEREFORE,
Be It Enacted by the Legislature of the State of Florida:

Section 1. There is hereby appropriated the amount of thirty thousand dollars (\$30,000.00) to the board of public instruction of Orange County to defray expenses incurred in organizing said junior college. Upon certification by the state superintendent of public instruction to the state comptroller, the comptroller shall draw his warrant in the amount of thirty thousand dollars (\$30,000.00) on the general revenue fund payable to the board of public instruction of Orange County. Upon receipt of such warrant said board of public instruction shall create and deposit said warrant in a junior college fund to be expended for expenses incurred in organizing said junior college.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 28, 1967.

CHAPTER 67-848

House Bill No. 1596

AN ACT relating to the annual compensation of county judges as judges of the county courts of their respective counties in counties in the state of Florida having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000) according to the latest official decennial census; repealing chapter 26589 Laws of Florida 1951; repealing chapter 61-862 Laws of Florida 1961; providing an effective date.

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

Section 1. That the salaries of the county judges as judges of the county courts of counties in the state of Florida having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000) according to the latest official decennial census, shall be four thousand eight hundred dollars (\$4,800) per annum, payable in twelve (12) equal monthly installments which shall be due and payable on the last day of the month in which it accrued.

Section 2. Chapter 26589 Laws of Florida 1951 and chapter 61-862 Laws of Florida 1961 are hereby repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 30, 1967.

CHAPTER 67-849

House Bill No. 2166

AN ACT relating to boards of county commissioners, purchasing procedures, in all counties of the state having a population of not less than thirty thousand five hundred (30,500) and not more than thirty-five thousand (35,000), according to the latest official decennial census; authorizing said boards to make purchases up to one thousand dollars (\$1,000.00) without advertising; prescribing purchasing proce-

dures for purchases in excess of one thousand dollars (\$1,000.00) ; providing an effective date.

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

Section 1. The board of county commissioners in all counties of the state having a population of not less than thirty thousand five hundred (30,500) and not more than thirty-five thousand (35,000), according to the latest official decennial census are authorized to make purchases where the purchase price is not in excess of one thousand dollars (\$1,000.00), without advertising, and in case such purchase price shall be in excess of one thousand dollars (\$1,000.00) such purchases shall be upon competitive bid; provided, however, that the following may be made without competitive bids: All purchases for items which are available from one (1) source only; provided further, that bidding shall be competitive and controlled by section 125.08, Florida Statutes, except as otherwise herein provided.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 30, 1967.

CHAPTER 67-850

House Bill No. 2259

AN ACT creating a street lighting district; providing method by petition and election for the creation within any area in any county having a population of not less than thirty thousand (30,000) nor more than thirty-two thousand (32,000), according to the latest official decennial census, of special tax districts to be known as "street lighting districts"; providing for the government and administration of any such district; providing for the appointment of a board of commissioners to prescribe the general powers, duties, privileges and liabilities of any such district; providing for an ad valorem tax not exceeding one half ($\frac{1}{2}$) mill on the dollar; providing for a referendum; providing an effective date.

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

Section 1. Any area of contiguous territory within any county of the state having a population of not less than thirty thousand (30,000) and not more than thirty-two thousand (32,000), according to the latest official decennial census, may be created into a special tax district to be known as a "street lighting district"; provided, however, that no portion of any incorporated town or city shall be included in said district.

Section 2. In order to create such a district, a petition signed by not less than fifteen per cent (15%) of the registered freeholders, residing within the proposed district, based on the most recent registration list, praying for the creation of said district may be presented to the board of county commissioners of any such county. The petition shall define the proposed boundaries of the proposed district.

Section 3. The board of county commissioners, upon receipt of said petition, shall give at least thirty (30) days notice of the filing of said petition by advertisement in a newspaper published in said county at least once a week for four (4) weeks advising of a public hearing and the date thereof, for the purpose of either approving or disapproving said petition, and to call a special election if said board deems it expedient in its discretion.

Section 4. The election notice shall include the boundaries of the proposed district and the name of the district and set forth in brief the purpose thereof.

Section 5. The inspectors and clerks for said election shall be appointed by and ballots to be voted shall be prepared and furnished by the board of county commissioners. The board shall designate the polling place or places at which the election shall be held and the inspectors and clerks shall make returns to the respective board of county commissioners. It shall not be necessary to use voting machines but same may be used if deemed desirable. The voters at said election shall be confined to registered freeholders residing within the boundaries of the proposed district.

Section 6. Not later than twenty (20) days after such election, the board of county commissioners shall hold a meeting and canvass the vote and declare the results. If a majority of

the registered freeholders, voting in said election, vote in favor of the formation of said district, the board of county commissioners shall so certify same to the governor and the secretary of state.

Section 7. The cost of any election held hereunder shall be borne by the persons petitioning for the creation of such special tax district, with the exception of advertising costs, which will be paid by the board of county commissioners.

Section 8 (1) The board may accept any existing lighting facilities and equipment within the boundaries of the district by gift.

(2) The board may contract with persons and corporations for the acquisition of street lights and for the supply of electric current for the operation thereof, and for any other thing reasonably incidental thereto.

Section 9. The millage for district purposes to be levied and collected shall not exceed one half ($\frac{1}{2}$) mill per dollar of value assessed.

Section 10. If any part or provision of this act shall be found invalid, it shall not affect any other part or provision thereof.

Section 11. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 30, 1967.

CHAPTER 67-851

House Bill No. 2275

AN ACT creating in all counties having a population of not less than three hundred fifty thousand (350,000) and not more than four hundred fifty thousand (450,000); and not less than thirty-six thousand seven hundred (36,700) and not more than thirty-eight thousand (38,000) inhabitants according to the latest official decennial census a commission to be known as the salary study commission; providing for

the appointment of the members of such commission; providing for the duties and authority of such commission; providing an effective date.

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

Section 1. There is hereby created in all counties having a population of not less than three hundred fifty thousand (350,000) and not more than four hundred fifty thousand (450,000); and not less than thirty-six thousand seven hundred (36,700) and not more than thirty-eight thousand (38,000) inhabitants according to the latest official decennial census a commission to be known as the salary study commission. Such commission shall be comprised of five (5) members to be appointed by a majority of the legislators representing such county in the 1967 session of the Florida legislature. One such member shall be designated as the chairman.

Section 2. The commission shall:

(a) Conduct a study of the salary of each elected or appointed county official of such county;

(b) Interview each such official in regard thereto:

(c) Make such study as it shall find necessary and proper regarding the operation of any office headed by such official.

(d) Submit to the legislative delegation representing such county on or before January 15th 1969, a written report of the studies and activities of the commission, including but not limited to:

(1) findings of fact stating the current salary, supplement, travel allowance, and expense allowance or other compensation, reimbursed or otherwise, of each such official;

(2) recommendations as to any or all of the items contained in the preceding paragraph but in any event recommendations pertaining to the salary of such official;

(3) findings of fact as to the operation of any office studied by the commission;

(4) recommendations if any, relating to the operation of any such office.

Section 3. The study of each such salary shall take into consideration, but not be limited to, the following criteria:

- (a) professional qualifications required
- (b) whether office is full or part time employment
- (c) opportunity for outside employment
- (d) time required for performance of duties
- (e) salary in equivalent position in private industry
- (f) comparable salary of same office in other counties of the state
- (g) comparison of salaries within such county
- (h) responsibility of the office.

Section 4. The members of such commission shall receive no compensation whatsoever.

Section 5. The term of the members of such commission shall run from the date of their individual appointment and shall terminate on the 15th day of January, 1969.

Section 6. The legislative delegation of such counties shall provide the commission secretarial assistance for the preparation of the commission report herein provided for.

Section 7. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State June 30, 1967.

CHAPTER 67-852

Senate Bill No. 1345

AN ACT relating to the office of county solicitor in all judicial circuits of the state comprising only one (1) county and having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing for assistant county solicitors, investigators, court reporters, clerical and administrative assistants;

providing for employment, appointment, qualifications, powers and duties; providing amount and manner of compensation; providing for office, office equipment and supplies; prohibiting the county solicitor from practicing law and prohibiting his assistants from practicing in certain areas of law; providing for the budgeting of expenses of the county solicitor's office; appropriating moneys out of the county general fund and providing for appropriations by the board of county commissioners and county budget commission for compensation and expenses of the county solicitor's office; providing an effective date.

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

Section 1. The provisions of this act shall apply to all judicial circuits in the state comprising only one (1) county and having a population of not less than three hundred ninety thousand (390,000) nor more than four hundred fifty thousand (450,000), according to the latest official decennial census.

Section 2. There shall be a county solicitor for each judicial circuit affected by this act who shall be elected at the general election by the qualified electors of such judicial circuit as other county officials are elected commencing with the general election in November, 1968, and who shall serve for a term of four (4) years and who, in addition to the powers and duties provided by the laws of this state, shall have the powers and duties provided herein. The salary of the county solicitor for such circuit shall be twenty thousand dollars (\$20,000.00), which salary shall be paid in equal monthly installments by the board of county commissioners.

Section 3. There shall be nine (9) assistant county solicitors and as many others as may be authorized by the board of county commissioners, who shall be appointed by the county solicitor and who shall serve at the pleasure of the county solicitor. The appointment of each such assistant county solicitor shall be made in writing and recorded in the minutes of the criminal court of record, and the revocation of appointment of any such assistant county solicitor shall likewise be made in writing and recorded in the minutes of the criminal court of record. Upon appointment, each assistant county solicitor shall

have full authority to do and perform any of the official duties and acts of the county solicitor.

Section 4. The salary paid to each assistant county solicitor shall be determined by the county solicitor subject to the approval by the board of county commissioners.

Section 5. No person shall be appointed an assistant county solicitor under the provisions of this law who is not admitted to practice law in Florida and a member of The Florida Bar.

Section 6. Upon appointment of the assistant county solicitors as provided herein each such assistant county solicitor shall take the oath of office provided by the state constitution, which oath shall be administered by a circuit judge or judge of the criminal court of record.

Section 7. Except as hereinafter provided, neither the county solicitor nor any of his assistants shall engage in the practice of law during his term of office other than in the capacity as county solicitor or assistant county solicitor. In the discretion of the county solicitor, five (5) assistant county solicitors may be permitted to engage in the private practice of civil law; provided, however, no assistant county solicitor shall engage in the practice of divorce or support law or criminal or quasi-criminal law or before any municipal court.

Section 8. The county solicitor is authorized to appoint two (2) investigators and as many others as may be deemed necessary by the board of county commissioners, which investigators shall serve at the pleasure of the county solicitor. The appointment of each such investigator shall be in writing and recorded in the minutes of the criminal court of record, and the revocation of appointment of any investigator shall likewise be made in writing and recorded in the minutes of the criminal court of record. The salary of each such investigator shall be determined by the county solicitor, subject to the approval of the board of county commissioners.

Section 9. The investigators provided by this act shall work under the supervision and direction of either the county solicitor or the assistant county solicitors and shall have full authority to investigate any crime committed in the county and to apprehend and arrest any person violating the laws of this state or any person who is charged with violating any of the laws of this state, in accordance with the laws of this state

relating to arrests. Each such investigator shall have full capacity to serve any process or any court orders in any criminal case relating to the investigation of any crime and such process and court orders as may be directed by the court, and he shall have all the powers and authority of a deputy sheriff. Each of such investigators is authorized to carry weapons on or about his person in the same manner as other law enforcement officers.

Section 10. The county solicitor shall employ such court reporters, secretaries, stenographers, typists and other clerical and administrative assistants as may be necessary in order for the office of the county solicitor to function properly. The salary and compensation of each of said employees shall be fixed by the county solicitor with the approval of the board of county commissioners. The board of county commissioners shall furnish and provide an office for the county solicitor with such office supplies, stationery, printing, equipment, furniture and furnishings, lawbooks, telephone and telegraph service, automobile expenses incurred in the performance of official duties and maintenance of office equipment as may be required for the proper functioning of said office. All salaries, compensation and expenses provided by this section shall be paid from the general fund of the county, provided that nothing in this section shall be construed to affect any law of this state providing for salaries, per diem and fees for such employees.

Section 11. (1) The county budget commission and the board of county commissioners are required to fix, set up and approve in the budget of the county annually such sums of money as are necessary and required to carry out the provisions of this act.

(2) All salaries provided herein shall be paid in equal monthly installments by the county from the general revenue fund.

(3) The total of each salary provided for herein shall include and the state shall pay the maximum amount now or hereafter provided and fixed by law to be paid by the state.

Section 12. In addition to the salaries and other sums provided by this act, the county solicitor and each assistant county solicitor and each investigator when so designated by the

county solicitor shall receive an allowance for the use of his automobile in performing his official duties. Such allowance shall be paid from the budget fund of the office of county solicitor as provided in section 10 upon a requisition therefor being signed and approved by the county solicitor.

Section 13. The county solicitor, each assistant county solicitor and each investigator shall be exempt from the county merit or civil service system. The county solicitor, each assistant county solicitor, each investigator and each employee shall be covered by the county retirement system as may be provided by law.

Section 14. If any part of this act shall be declared to be invalid or unconstitutional, it shall not affect any other section thereof.

Section 15. All laws or parts of laws in conflict with this act are repealed insofar as same affect the provisions hereof.

Section 16. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-853

Senate Bill No. 1529

AN ACT relating to the police powers of municipalities in all counties of the state having a population of more than four hundred thousand (400,000), according to the latest decennial census; providing that municipal governments are enabled to pass ordinances and impose penalties for the violation thereof; providing the maximum penalty for an offense made punishable by said ordinances; providing for its cumulative effect; providing an effective date.

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

Section 1. In all counties of the state having a population of more than four hundred thousand (400,000), according to the latest decennial census, the city or town council or the

governing body of any municipality whether incorporated under the provisions of chapter 165, Florida Statutes, or created by a special or local act of the legislature or incorporated pursuant to the provisions of section 11 of Article VIII, of the constitution of this state whether the ratification or approval of the charter of said municipality was the subject of a referendum election, may pass all such ordinances and laws as may be expedient and necessary for the preservation of the public peace and morals, for the suppression of riots and disorderly assemblies and for the order and government of the municipality, for the purpose of exercising the powers conferred by its charter, the constitution of this state or by any general law and to impose such pains, penalties and forfeitures as may be needed to carry the same into effect. Provided, that such ordinances shall not be inconsistent with the constitution and laws of the United States or of this state; and provided, further, that for no one (1) offense made punishable by the ordinances and laws of said municipality shall a fine of more than one thousand dollars (\$1,000.00) be assessed, nor imprisonment at hard labor in the streets or other works of said municipality for a period of time greater than one (1) year, but said punishment may include both fine and imprisonment.

Section 2. This act shall be deemed cumulative and supplemental to the provisions of any municipal charter, whether created by general law or special law or referendum election.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-854

House Bill No. 1502

AN ACT relating to Hernando county, the small claims court; amending sections 1, 4 and 7 of chapter 27335, Laws of Florida, 1951; increasing jurisdiction of the court to five hundred dollars (\$500.00); increasing fees; providing for the disposition of fees received; providing for handling of receipts and expenses of the court; providing for the compensation of

the judge; providing for the handling of expenses under the budget system; providing an effective date.

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

Section 1. Sections 1, 4 and 7 of chapter 27335, Laws of Florida, 1951, are amended to read:

Section 1. There is created in Hernando county a court known as a small claims court. The court shall have civil jurisdiction in cases at law in which the demand or value of property involved does not exceed five hundred dollars (\$500.00), said jurisdiction to be concurrent with the jurisdiction of any other court in the county.

Section 4. Expenses of the small claims court shall be included in the county judge's budget and all receipts of the small claims court shall be handled as other income of the county judge's office. The county judge shall serve as judge of the small claims court.

Section 7. The plaintiff, when filing his claim, shall pay a fee of three dollars and one half (\$3.50) when his demand or the value of property involved does not exceed one hundred dollars (\$100.00), and shall pay five dollars and one half (\$5.50) when the claim or demand exceeds one hundred dollars (\$100.-00) but does not exceed two hundred fifty dollars (\$250.00), and shall pay seven dollars and one half (\$7.50) when the claim or demand exceeds two hundred and fifty dollars (\$250.00). Said fee to cover all costs, except service by means other than certified mail. In addition, fifty cents (50¢) shall be collected on each case for the Hernando County Law Library. The Court shall have authority to waive collection of all costs, including the Law Library, when the plaintiff is indigent and his claim appears to have merit. The Court shall also have the right to waive filing fees in cases filed by Hernando County and its agencies, as the County Hospital.

Section 2. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-855

House Bill No. 1609

AN ACT relating to Hernando county; providing a method for determining the salary of the county judge; fixing the amount to be received by the county judge for his in-county travel; providing an effective date.

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

Section 1. The annual salary of the county judge of Hernando county shall not be less than twelve thousand dollars (\$12,000.00) inclusive of all amounts received in the performance of official duties in all capacities.

Section 2. For his travel in Hernando county as coroner, juvenile judge, small claims judge, judge in traffic and criminal matters, as chairman of the election board and other capacities, the county judge shall receive the sum of fifty dollars (\$50.00) per month.

Section 3. All laws and parts of laws, whether general, special or local, in conflict herewith are repealed to the extent of such conflict.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-856

House Bill No. 1995

AN ACT authorizing any municipality located within any county of this state having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census, to establish provisions for the clearing of land located within such municipality under certain conditions; providing for notice and public hearing for any property owner affected thereby; providing the procedure for assessing liens against affected

property for the actual cost of clearing such property; providing for certain exceptions; providing that the authority granted hereunder be cumulative; providing for the severability of the provisions hereof; providing an effective date.

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

Section 1. Any municipality located within any county of this state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census may for the purpose of promoting the health, safety and general welfare of the citizens and residents of such municipality, by resolution require that any lot, parcel or tract of land not exceeding five (5) acres in area within the corporate limits of such municipality, be cleared of weeds, rubbish, debris, including debris from fires or storms, or the demolition of buildings or other structures, or otherwise, and any noxious material of any kind which tends to be a breeding place or haven for snakes and vermin of all kinds and character, or which tends to create a fire hazard endangering the lives and property of the citizens and residents of such municipality, or which tends to create a traffic hazard, or which tends otherwise to endanger the health, safety and welfare of the citizens and residents of such municipality.

Section 2. Before the resolution referred to in section 1 of this act shall become effective, the property owner or owners affected thereby shall be given notice in writing of its adoption. Such notice shall include a copy of such resolution together with the time, date, and place at which a public hearing will be held giving the affected property owner or owners opportunity to present to the governing body of such municipality his or their objection to the making effective of the said resolution. Such public hearing shall be held not less than ten (10) days after notification of all affected property owners as provided herein. At such public hearing the governing body of the municipality shall determine, after taking into consideration all evidence presented, whether or not such lot, parcel or tract constitutes one or more of the hazards herein referred to. In the event the governing body of the municipality shall determine that one or more of such hazards do not exist such resolution shall be recinded. In the event such governing body finds that one or more of such hazards do exist and that it is

necessary to clear such property, then and in that event, upon majority vote of such governing body, said resolution shall become of full force and effect. Thereafter such governing body shall make written demand upon the owner or owners of such property, requiring the clearance of such property in accordance with the final resolution as adopted. In the event such property owner or owners shall fail or refuse to comply with said resolution and demand within fifteen (15) days from the delivery of such demand such municipality may have the property in question cleared in accordance with said resolution and the actual cost thereof shall constitute a lien against such property. Such lien shall arise upon resolution of the governing body of the municipality and may be recorded in the office of the clerk of the circuit court of such county as other liens upon property are recorded. The governing body of such municipality shall provide the form of such lien. The lien so recorded may be foreclosed by such municipality in the same manner as is provided by law for the foreclosure of mortgages. The recording of such lien shall constitute constructive notice of the claim of the municipality against such property.

Section 3. The powers and authority granted under this act shall be cumulative to any powers and authority now or hereafter possessed by such municipalities, and this act shall not be deemed the sole or exclusive method for the accomplishment of the purposes contained herein by such municipalities.

Section 4. If any section, sentence, clause, phrase or word of this act is for any reason held, or declared to be unconstitutional, unoperative or void, such holding or invalidity shall not affect the remaining portions of this act, and it shall be construed to have been the legislative intent to pass this act without such unconstitutional, invalid or inoperative part therein. If this act or any portion thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstance.

Section 5. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-857

House Bill No. 2746

AN ACT relating to Nassau county; authorizing members of board of county commissioners to be paid mileage for travel to and from meetings; providing an effective date.

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

Section 1. The members of the board of county commissioners of Nassau county are authorized to collect travel expenses for mileage to and from regular and special meetings of the board at the rate allowed by general law.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-858

House Bill No. 2796

AN ACT relating to the compensation of the Columbia County Superintendent of Public Instruction; providing that such compensation be fixed by the Board of Public Instruction of Columbia County; providing the basis for fixing such compensation repealing all laws or parts of laws, in particular Chapter 65-356, Laws of Public Instruction; providing an effective date.

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

Section 1. On and after the first day of July, 1967, the annual salary of the Columbia County Superintendent of Public Instruction shall be fixed by the Board of Public Instruction of Columbia County; provided however, that (1) said county superintendent shall not receive under this law a salary during any year which is less than the salary he lawfully received during 1966-1967, (2) said county superintendent shall receive an annual salary which shall be not less than the salary of the highest paid personnel connected with grades K-12.

Section 2. All laws or parts of laws in conflict with this Chapter are repealed, in particular Chapter 65-356, Laws of Florida, providing for the compensation of the County Superintendent of Public Instruction of Columbia County.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-859

House Bill No. 1622

AN ACT relating to salt water fishery resources in all counties of the state having a population of not less than seventy-five thousand (75,000) nor more than eighty thousand (80,000), according to the latest official decennial census, prescribing nets; repealing all laws in conflict; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than seventy-five thousand (75,000) and not more than eighty thousand (80,000), according to the latest official decennial census, it is lawful to take food fish with a net made of not exceeding number 12 filament nylon seine twine with not less than three-fourth ($\frac{3}{4}$) inch bar and not to exceed twelve hundred (1,200) yards in length, from the salt waters thereof below the mean high water mark.

Section 2. All laws and parts of laws in conflict herewith are repealed to the extent of such conflict.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 3, 1967.

CHAPTER 67-860

House Bill No. 2501

AN ACT relating to Charlotte County; amending Section 1 and Section 2 of Chapter 63-1200, Laws of Florida, relating to travel expenses compensation; ratifying and confirming expense allowances paid to the Chairman of the Board of Public Instruction to the effective date of this act; and providing expense allowance compensation for the Superintendent of Public Instruction.

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

Sections 1 and 2, Chapter 63-1200, Laws of Florida, Special Acts of 1963, are amended to read:

Section 1. In addition to the salary provided by the General Laws of the State of Florida for the members of the Board of Public Instruction and the Superintendent of the Board of Public Instruction, the Chairman shall receive an amount not exceeding one hundred dollars (\$100.00) per month and the Superintendent shall receive an allowance not exceeding one hundred fifty dollars (\$150.00) per month for travel expenses and other necessary expenses within the County, without the necessity of any itemization or accounting.

Section 2. All payments made by the Board of Public Instruction from August 1, 1961, to the Chairman of the Board of Public Instruction and to the Superintendent of the Board of Public Instruction for travel and other expenses are hereby approved, confirmed and ratified.

Sections 3 and 4 shall remain unchanged.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 3, 1967.

CHAPTER 67-861

House Bill No. 2245

AN ACT authorizing purchases by the board of public instruction of St. Lucie county from the division of corrections; providing an effective date.

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

Section 1. The board of public instruction of St. Lucie county is authorized to purchase from the division of corrections of the State of Florida all items manufactured, processed or produced by the division of corrections, which shall include but not be limited to, goods, wares, merchandise, clay brick and clay tile.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 4, 1967.

CHAPTER 67-862

House Bill No. 2861

AN ACT relating to circuit courts; providing for appointment by governor of a census committee pursuant to section 26.011, Florida Statutes, to determine population of the seventeenth judicial circuit; providing for the expenditure of county funds for the conduct of such census; providing an effective date.

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

Section 1. There shall be appointed by the governor a census commission as provided by section 26.011, Florida Statutes, to determine the population of the seventeenth judicial circuit in its relation to the number of circuit judges permitted by law.

Section 2. The board of county commissioners of Broward county is authorized and directed to pay all reasonable expenses and costs incident to the taking of said census and the execution of this act from any county funds not otherwise appropriated.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 4, 1967.

CHAPTER 67-863

Senate Bill No. 442

AN ACT relating to office building construction; authorizing state department of public welfare to construct office building in Duval county, pursuant to section 288.17, Florida Statutes; authorizing the Florida development commission to issue revenue certificates for payment thereof; providing an effective date.

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

Section 1. The state department of public welfare is authorized to construct in Duval county, a state office building pursuant to and in compliance with section 288.17, Florida Statutes.

Section 2. The Florida development commission is authorized to issue interest bearing revenue certificates in the amount of two million five hundred thousand dollars (\$2,500,000.00) to pay for the cost of such building to be used as office space. The certificates may be in coupon form and may be in any denomination and may mature at a date not exceeding thirty (30) years from the date of issue thereof, as may be determined by the development commission. The certificates shall not bear an interest rate in excess of six per cent (6%) per annum. The certificates may be made redeemable before maturity at the option of the Florida development commission at such price and under such terms and conditions as may be fixed by the commission prior to their issuance. The commission shall determine the place of payment of principal and interest which may be at any bank or trust company within or without the state.

Section 3. The state department of public welfare is authorized to pledge any funds which may be appropriated by the legislature for the use by such agency for expenses for the payment of service charges necessary to pay the interest and retire the principal serially on revenue certificates issued by the Florida development commission upon approval of the state board of administration, the proceeds of which are used for the construction of the building for use as office space. The authority to pledge funds as herein provided for is expressly limited to any funds as, if and when appropriated, in that the

legislature is under no obligation to make any future appropriation.

Section 4. The certificates shall be legal investments for any state, county, municipal or other public funds, for any bank, savings bank, trustee, executor, guardian and for any trust or fiduciary funds whatsoever. The certificates shall also be legal securities which may be deposited by any bank or trust company for the security of state, county, municipal and other public funds.

Section 5. No referendum or election of freeholders or qualified voters in any county of this state shall be required for the exercise of any of the provisions of this act, unless such referendum or election is specifically required by the constitution of Florida.

Section 6. The cost of the construction of the building shall be deemed to include also, but shall not be limited to, cost of purchase of the land the building is to be constructed upon, legal, engineering, fiscal and architectural fees and fees for any other experts or consultants employed by the board; engineering or architectural studies, surveys, plans and designs; the expense of the issuance, authorization and sale of certificates, including advertisement, notices and other proceedings in connection therewith; and such other purposes as are necessary, incidental or appurtenant to the purposes authorized hereunder.

Section 7. The legislature does hereby covenant with the holders of certificates issued pursuant to the provisions of this act that it will not enact any law which will repeal, impair or amend, in any manner, the rights of such holders which may be pledged to the payment of the principal of and interest on such certificates.

Section 8. Certificates issued pursuant to this act shall be negotiable instruments under the uniform commercial code as adopted by this state.

Section 9. This act shall not be deemed to repeal or supersede any other law or laws but shall be supplemental and additional authority to the board to carry out and perform the powers provided in this act.

Section 10. It is declared to be the legislative intent that

if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 11. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 5, 1967.

CHAPTER 67-864

Senate Bill No. 686

AN ACT designating and naming an interstate rest facility on interstate 4 in Seminole county as the Richey Green interstate rest facility; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

WHEREAS, Richey Green was employed by the Florida state road department on April 21, 1926; and

WHEREAS, Richey Green served continuously with the department in various capacities until his appointment as district engineer for the fifth district on January 15, 1953; and

WHEREAS, Richey Green served with distinction as district engineer from his appointment until his untimely death on March 22, 1966; and

WHEREAS, Richey Green was recognized by his fellow workers and the people of the state of Florida, as an outstanding engineer and an able administrator; and

WHEREAS, the legislature deems it appropriate that an expression of its appreciation be shown for the services of the said Richey Green to the state of Florida; NOW, THEREFORE,

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

Section 1. That the interstate rest facility located on interstate 4, one mile north of state road 434 intersection in Seminole county, Florida, be, and it is hereby, named, designated and dedicated as the Richey Green interstate rest facility, in honor of Richey Green.

Section 2. The state road department is authorized and directed to erect and place thereon suitable plaques to designate this action.

Section 3. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 5, 1967.

CHAPTER 67-865

House Bill No. 2750

AN ACT relating to Nassau county, juvenile court counselor; providing for additional expenses of counselor; repealing chapter 65-1952, Laws of Florida, relating to the same subject; providing an effective date.

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

Section 1. The board of county commissioners of Nassau county is authorized to pay from the juvenile court fund a sum of one hundred dollars (\$100.00) per month to the juvenile court counselor for expenses incurred within the county.

Section 2. This sum is in addition to any compensation or other amounts allowed under sections 39.18 and 112.061, Florida Statutes.

Section 3. Chapter 65-1952, Laws of Florida, is repealed.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 1, 1967.

CHAPTER 67-866

House Bill No. 3242

AN ACT relating to alcoholic beverage licenses in Leon County, Florida, providing for special restaurant licenses under the general provisions of section 561.34, Florida Statutes, and

subject to the general provisions of subsection 561.20(2), Florida Statutes; providing that restaurants in Leon County having a seating capacity of no less than one hundred fifty (150) seats at booths and tables, an overall floor capacity of no less than two thousand five hundred (2,500) square feet, and deriving no less than fifty-one percent (51%) of its gross income per annum from the sale of food consumed on the premises may obtain such special restaurant licenses; providing that the beverage department of the State of Florida shall administer the issuance and regulation of such special licenses; providing an effective date.

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

Section 1. The director of the beverage department of the State of Florida is hereby authorized to issue special restaurant licenses under the general provisions of section 561.34, Florida Statutes, and subject to the general provisions of subsection 561.20(2), Florida Statutes, to such restaurants located in Leon County, Florida, as have a seating capacity of no less than one hundred fifty (150) seats at booths and tables, an overall floor capacity of no less than two thousand five hundred (2,500) square feet and which derive no less than fifty-one percent (51%) of gross income per annum from the sale of food consumed on the premises. The director of the beverage department of the State of Florida is authorized to regulate and supervise restaurants to which such licenses are issued under the regulations of the beverage department and the general law not inconsistent herewith. The director of the beverage department shall have the authority to revoke or suspend any such license for violations of the beverage law and regulations of this state not inconsistent herewith.

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

Approved by the Governor July 5, 1967.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-867

House Bill No. 2373

AN ACT relating to the Lake Worth Drainage District, a corporation under the general drainage laws of the State of Florida, existing and operating in Palm Beach County, Florida; providing it to be a criminal offense to knowingly, willfully or with malicious intent disturb, interfere with, molest, destroy, injure, tamper with or obstruct a Lake Worth Drainage District right-of-way, sluice-way, spill-way, water control structure or other property, real or personal, belonging to the Lake Worth Drainage District, and the determination that such a criminal offense is a misdemeanor, punishable according to the Laws of the State of Florida, and prescribing an effective date.

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

Section 1. That hereafter it shall be unlawful for anyone to knowingly, willfully or with malicious intent disturb, interfere with, molest, destroy, injure, tamper with or obstruct a Lake Worth Drainage District right-of-way, sluice-way, spill-way, water control structure or other property, real or personal, belonging to the Lake Worth Drainage District.

Section 2. Whoever violates Section 1 of this Act shall be guilty of having committed a misdemeanor.

Section 3. This Act shall become effective immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-868

House Bill No. 2607

AN ACT relating to alcoholic beverages, authorizing the director of the state beverage department and tax collectors of all counties in the state of Florida having a population of not less than one hundred thirty thousand (130,000) nor more than one hundred ninety thousand (190,000) inhabitants,

according to the last preceding federal census, to issue one (1) additional club license for the service and distribution of alcoholic beverages under section 561.34 (11), Florida Statutes, to a chartered or incorporated club or social club, notwithstanding any limitation of number of licenses issued, as specified in section 561.20, Florida Statutes, or other statutes of the state of Florida; providing an effective date; and for other purposes.

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

Section 1. That the director of the state beverage department and/or the several tax collectors of all counties in the state of Florida having a population of not less than one hundred thirty thousand (130,000) nor more than one hundred ninety thousand (190,000), according to the last preceding federal census, be and they are hereby authorized to issue one additional club license for the service and distribution of alcoholic beverages under section 561.34 (11), Florida Statutes, to a chartered or incorporated club or social club in any such county, notwithstanding any limitation of number of licenses issued therein as specified in section 561.20, Florida Statutes, or any other applicable statutes of the state of Florida, provided any such club otherwise qualifies therefor under the provisions of section 561.34 (11), Florida Statutes, and other applicable statutes of the state of Florida.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-869

House Bill No. 2307

AN ACT relating to Columbia county, justice of the peace courts; providing trial jurisdiction in certain misdemeanor cases; providing for waiver of jury trial; providing for levy and disposition of costs, fines and forfeitures; providing for fees to be charged; repealing chapter 65-958, Laws of Flor-

ida, relating to the same subject; making retroactive provisions.

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

Section 1. Justices of the peace in Columbia county have jurisdiction to try civil cases enumerated in section 37.01, Florida Statutes, up to and not exceeding five hundred dollars (\$500.00).

Section 2. Justices of the peace in said county coming within the purview of this act shall have jurisdiction in criminal cases involving misdemeanors for which the penalty is not more than a fine of five hundred dollars (\$500.00) or imprisonment in the county jail not exceeding six (6) month or both such fine and imprisonment, except violations of section 317.201, Florida Statutes. Such justices of the peace also have jurisdiction to try violations of section 817.51, Florida Statutes; provided, however, in any case should the defendant after having been duly advised of his constitutional rights, demand a jury trial, he shall be bound over to the county judges court and be required to furnish good and sufficient bond to secure his appearance before said court; provided further, should the defendant arraigned before the justice of the peace elect to waive jury trial or enter a plea of guilty, he shall be required to sign a formal waiver certified by the justice of the peace. The formal waiver so executed shall be filed as other papers in such file.

Section 3. The fees charged by the justice of the peace in all proceedings shall be the same as those allowed and charged by the county judges court.

Section 4. All costs, fines and forfeitures levied under the provisions of this act shall be an amount as provided by law in misdemeanor cases and paid to the county commissioners monthly.

Section 5. The justices of the peace shall keep minute books, progress dockets and judgment records of all proceedings held under this act.

Section 6. Chapter 65-958, Laws of Florida, is repealed.

Section 7. The provisions of this act shall be retroactive to January 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-870

House Bill No. 2003

AN ACT relating to the board of county commissioners in all counties of the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census; authorizing the board of county commissioners to expend county funds for the advertisement and promotion of the county; for the entertainment by the county of prominent and distinguished persons, in the interest of promoting and engendering good will toward the county and interest in its several facilities, projects, advantages, resources, products, attractions and attributes; repealing chapter 57-1731, Laws of Florida, acts of 1957; repealing chapter 59-1737, Laws of Florida, acts of 1959; providing that the authority granted shall be cumulative; providing an effective date.

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

Section 1. The board of county commissioners in all counties of the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census is hereby authorized and empowered to use such means and media as said board deems advisable to publicize and make known the advantages, facilities, resources, products, attractions and attributes of such county; to promote the county as a site for conventions and gatherings of all kinds; to create a favorable climate of opinion concerning the said county; and to cooperate with any and all other governmental agencies in accomplishing these purposes. Such board is further authorized and empowered by resolution to expend funds for luncheons, dinners and other entertainment by the county of prominent and distinguished persons in the interest of promoting and engendering good will toward the county and

interest in its several facilities, projects, advantages, resources, products, attractions and attributes. These are hereby declared to be valid county and public purposes.

Section 2. The board of county commissioners of such county is hereby authorized and empowered to pay the expenses of such activities and costs of carrying out the purposes of this act out of the general fund of the county. Said payment may be made without regard to whether the expense or cost is incurred within or without the limits of such county except as otherwise herein provided.

Section 3. It is the intention of the legislature that the authority granted in this act shall be cumulative and that funds expended hereunder shall be in addition to all other expenditures authorized by law.

Section 4. Chapter 57-1731, Laws of Florida, Acts of 1957, and chapter 59-1737, Laws of Florida, Acts of 1959, are hereby repealed as of the effective date of this act.

Section 5. If any section, sentence, clause, phrase or word of this act is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not effect the remaining portions of this act, and it shall be construed to have been the legislative intent to pass this act without such unconstitutional, invalid or inoperative part therein; and the remainder of this act, after the exclusion of such part or parts shall be deemed and held to be valid as if such part or parts had not been included herein.

Section 6. This act shall take effect upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-871

House Bill No. 2375

AN ACT relating to Escambia county; fixing expense allowance of the members of the Escambia county board of public instruction; providing an effective date.

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

Section 1. The chairman of the board of public instruction of Escambia county shall receive annually eighteen hundred dollars (\$1800.00) as expense money to be paid in twelve (12) equal monthly installments. The remaining members of the board of public instruction of Escambia county shall receive annually twelve hundred dollars (\$1200.00) as expense money, to be paid in twelve (12) equal monthly installments.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-872

House Bill No. 2006

AN ACT amending Section 2 and Section 6, chapter 61-658, Laws of Florida, 1961, relating to the compensation of tax assessors in all counties of the state having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census; providing an effective date.

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

Section 1. Section 2, chapter 61-658, Laws of Florida, 1961, is amended to read:

Section 2. The tax assessors, now paid in whole or in part by fees, salary or commission, or by one or more of said methods of payment, shall each receive as yearly compensation for their official services from the whole or a part of the fees, salary or commissions so collected, the following sum only: All of the net income from such office not to exceed sixteen thousand five hundred dollars (\$16,500.00) per annum, payable in equal monthly installments; provided, that if the net income of any tax assessor in any month, plus any credit balance of net income brought forward from the preceding month or months of that calendar year is not sufficient to pay such installment of his

compensation for such month, the deficiency shall be paid to such tax assessor by the county from the general revenue fund upon requisition being filed by said tax assessor supported by his sworn statement showing the amount of receipts, expenses and net income of his office to the end of the month in which such deficiency exists. Any amount paid from the general revenue fund hereunder shall be repaid to that fund from the net income of the office before determination and remittance of excess income under section 145.05, Florida Statutes. It is the intent and purpose of the legislature by this act to authorize and direct payment of said compensation to tax assessors in such counties for their official services from the sources hereinabove stated from and after the effective date of this act. The tax assessors in such counties shall not be entitled to receive compensation in the form of a travel allowance or car allowance in a pre-determined amount to be paid monthly or otherwise.

Section 2. Section 6, chapter 61-658, Laws of Florida, 1961, is amended to read:

Section 6. All payments of compensation herein authorized, provided for and required to be made by the counties hereunder from the general revenue fund of the county and from the net income of the tax assessors affected, are hereby declared to be payments of money for county purposes. In the event of repeal, by this or any subsequent legislature of the State of Florida, of Section 145.01, Florida Statutes, it is declared to be the purpose of this act that each tax assessor aforesaid shall be paid a total annual salary or compensation of sixteen thousand five hundred dollars (\$16,500.00) per annum for his official services by each such county from its general revenue fund.

Section 3. This act shall take effect on the first Tuesday after the first Monday of January, 1969.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-873

House Bill No. 1862

AN ACT relating to Manatee county, supplemental compensation of court reporter; repealing Chapter 65-637, Laws of Florida, Acts of 1957, providing effective date.

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

Section 1. Section 1 of chapter 65-637, Laws of Florida, is repealed insofar as said section relates to Manatee county.

Section 2. This act shall be effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-874

House Bill No. 1997

AN ACT amending Section 2 and Section 6, chapter 61-657, Laws of Florida, 1961, relating to the compensation of tax collectors in all counties of the state having a population of not less than three hundred fifty thousand (350,000) inhabitants, and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census; providing an effective date.

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

Section 1. Section 2, chapter 61-657, Laws of Florida, 1961, is amended to read:

Section 2. The tax collectors, now paid in whole or in part by fees, salary or commissions, or by one or more of said methods of payment, shall each receive as yearly compensation for their official services from the whole or a part of the fees, salary or commissions so collected, the following sum only: All of the net income from such office not to exceed sixteen thousand five hundred dollars (\$16,500.00) per annum, payable in equal

monthly installments; provided, that if the net income of any tax collector in any month, plus any credit balance of net income brought forward from the preceeding month or months of that calendar year is not sufficient to pay such installment of his compensation for such month, the deficiency shall be paid to such tax collector by the county from its general revenue fund upon requisition being filed by said tax collector supported by his sworn statement showing the amount of receipts, expenses and net income of his office to the end of the month in which such deficiency exists. Any amount paid from the general revenue fund hereunder shall be repaid to that fund from the net income of the office before determination and remittance of excess income under section 145.05, Florida Statutes. It is the intent and purpose of the legislature by this act to authorize and direct payment of said compensation to tax collectors in such counties for their official services from the sources hereinabove stated from and after the effective date of this act. The tax collectors in such counties shall not be entitled to receive compensation in the form of a travel allowance or car allowance in a pre-determined amount to be paid monthly or otherwise.

Section 2. Section 6, chapter 61-657, Laws of Florida, 1961, is amended to read:

Section 6. All payments of compensation herein authorized, provided for and required to be made by the counties hereunder from the general revenue fund of the county and from the net income of the tax collectors affected, are hereby declared to be payments of money for county purposes. In the event of repeal, by this or any subsequent legislature of the State of Florida, of Section 145.01, Florida Statutes, it is declared to be the purpose of this act that each tax collector aforesaid shall be paid a total annual salary or compensation of sixteen thousand five hundred dollars (\$16,500.00) per annum for his official services by each such county from its general revenue fund.

Section 3. This act shall take effect on the first Tuesday after the first Monday of January, 1969.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-875

House Bill No. 1696

AN ACT fixing the compensation of the justices of the peace and constables in districts one (1), two (2), three (3) and four (4), in all counties having a population of not less than one hundred thirty thousand (130,000) nor more than one hundred ninety thousand (190,000), according to the latest official decennial census; providing an effective date.

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

Section 1. The compensation of the justices of the peace and constables in all counties having a population of not less than one hundred thirty thousand (130,000) nor more than one hundred ninety thousand (190,000) according to the latest official decennial census shall be as follows:

- (a) In district one (1) and district two (2), justices of the peace shall receive nine thousand five hundred dollars (\$9,500) annually, and constables shall receive nine thousand dollars (\$9,000) annually.
- (b) In district three (3) and district (4), justices of the peace shall receive nine thousand dollars (\$9,000) annually, and constables shall receive eight thousand five hundred (\$8,500) annually.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-876

House Bill No. 1141

AN ACT relating to office building construction; authorizing state department of public welfare to construct office building at Quincy, Gadsden county, pursuant to section 288.17, Florida Statutes; authorizing the state agency to issue revenue certificates for payment thereof; providing an effective date.

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

Section 1. The state department of public welfare is authorized to construct at Quincy, Gadsden county, a building for use as office space on real property to be acquired by said department pursuant to and in compliance with section 288.17, Florida Statutes.

Section 2. The Florida development commission is authorized to issue interest bearing revenue certificates in the amount of two hundred thousand dollars (\$200,000.00) to pay for the cost of such building to be used as office space. The certificates may be in coupon form and may be in any denomination and may mature at a date not exceeding thirty (30) years from the date of issue thereof, as may be determined by the development commission. The certificates shall not bear an interest rate in excess of six per cent (6%) per annum. The certificates may be made redeemable before maturity at the option of the Florida development commission at such price and under such terms and conditions as may be fixed by the commission prior to their issuance. The commission shall determine the place of payment of principal and interest which may be at any bank or trust company within or without the state.

Section 3. The state department of public welfare is authorized to pledge any funds which may be appropriated by the legislature for the use by such agency for expenses for the payment of service charges necessary to pay the interest and retire the principal serially on revenue certificates issued by the Florida development commission upon approval of the state board of administration, the proceeds of which are used for the construction of the building for use as office space. The authority to pledge funds as herein provided for is expressly limited to any funds as, if and when appropriated, in that the legislature is under no obligation to make any further appropriation.

Section 4. The certificates shall be legal investments for any state, county, municipal or other public funds, for any bank, savings bank, trustee, executor, guardian and for any trust or fiduciary funds whatsoever. The certificates shall also be legal securities which may be deposited by any bank or trust company for the security of state, county, municipal and other public funds.

Section 5. No referendum or election of freeholders or qualified voters in any county of this state shall be required for the exercise of any of the provisions of this act, unless such referendum or election is specifically required by the constitution of Florida.

Section 6. The cost of the construction of the building shall be deemed to include also, but shall not be limited to, legal, engineering, fiscal and architectural fees and fees for any other experts or consultants employed by the board; engineering or architectural studies, surveys, plans and designs; the expense of the issuance, authorization and sale of certificates, including advertisement, notices and other proceedings in connection therewith; and such other purposes as are necessary, incidental or appurtenant to the purposes authorized hereunder.

Section 7. The legislature does hereby covenant with the holders of certificates issued pursuant to the provisions of this act that it will not enact any law which will repeal, impair or amend, in any manner, the rights of such holders which may be pledged to the payment of the principal of and interest on such certificates.

Section 8. Certificates issued pursuant to this act shall be negotiable instruments under the uniform commercial code as adopted by this state.

Section 9. This act shall not be deemed to repeal or supersede any other law or laws but shall be supplemental and additional authority to the board to carry out and perform the powers provided in this act.

Section 10. It is declared to be the legislative intent that if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 11. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-877

House Bill No. 1117

AN ACT fixing the compensation of the prosecuting attorney of the county of Osceola, Florida, and providing for the monthly payment of such compensation.

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

Section 1. That the salary of the county prosecuting attorney of the county of Osceola shall be forty-eight hundred dollars (\$4800.00) per annum payable in equal monthly installments; that said salary shall be payable monthly by the county commissioners of said county.

Section 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-878

House Bill No. 1524

AN ACT relating to alcoholic beverage licenses; authorizing one (1) additional club beverage license in each county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census; providing an effective date.

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

Section 1. In each county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section. The

additional license authorized by this act in such counties shall be issued to The Veterans of Foreign Wars, Post 5438, Boynton Beach, Florida, regardless of the fact that such club may not have been in existence for a period of not less than two (2) years in one (1) of the counties aforesaid prior to the time of making application for such license.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-879

Senate Bill No. 885

AN ACT relating to official court reporters in the circuit courts of all counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000) according to the latest official decennial census; providing for appointment, duties and compensation of such reporters; providing an effective date.

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

Section 1. The circuit courts in counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000) according to the latest official decennial census, shall have such official court reporters as the judges of said court shall deem necessary. Such reporters shall have the qualifications and shall be appointed in the manner required by law. They shall serve subject to the pleasure and recommendations of a majority of the judges.

Section 2. Such court reporters shall devote their full time to the duties of their office. The compensation of the reporters of any such county including deputy reporters, and their fees for reporting and transcribing testimony in any civil or criminal cause at the request of any party to the suit shall be fixed and determined by the circuit judges of said circuit. Reporters and deputies shall receive the same fees and compensation when

rendering similar services in any judicial or legal proceeding in this state and the same shall be included as income of the office.

Section 3. One (1) such official court reporter shall be designated by the circuit judges to report all criminal cases and grand jury proceedings in that circuit as provided by chapter 29, Florida Statutes, and shall receive an annual salary of three thousand dollars (\$3,000) payable in the same manner and form as other like reporters' salaries. Such reporter, without additional compensation, shall report and transcribe any type of preliminary hearing in a criminal case and other official matters not specified by chapter 29, Florida Statutes, as shall be prescribed by the judges of said circuit. He shall perform such other services as are provided by law.

Section 4. The financial records of the official court reporter shall be audited annually and the audit report filed with the clerk of the circuit court.

Section 5. This act shall be effective July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-880

House Bill No. 2138

AN ACT relating to Liberty county; providing for distribution of race track funds allocated to said county pursuant to chapters 550 and 551, Florida Statutes; repealing chapter 61-795, Laws of Florida, relating to the same subject; providing an effective date.

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

Section 1. Race track funds allocated to Liberty county pursuant to chapters 550 and 551, Florida Statutes, or any act pertaining thereto, shall be distributed annually in the following manner and priority:

(1) First, fifty thousand dollars (\$50,000.00) towards the retirement of interest-bearing revenue bonds or certificates des-

ignated as the "school building construction fund," and the payment of interest thereon.

(2) Second, the remainder of the race track funds to be divided equally between the board of public instruction and the board of county commissioners.

Section 2. The race track funds distributed to the board of county commissioners in subsection (2) of section 1 of this act shall be allocated annually by the board of county commissioners, after the effective date of this act, in the following manner and priority:

(1) Twenty-three thousand dollars (\$23,000.00) to the county board of public instruction.

(2) One thousand dollars (\$1,000.00) to the Liberty county port authority.

Section 3. Chapter 61-795, Laws of Florida, is repealed.

Section 4. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-881

House Bill No. 218

AN ACT relating to teachers' retirement system; authorizing and directing the board of trustees of the teachers' retirement system of the state to pay survivor's benefits to the widow of a certain member of the teachers' retirement system; providing an effective date.

WHEREAS, Richard V. Shanklin, Jr. had been a member in full participation of the teachers' retirement system of the state, and at the time of his death had paid in full for the tenth (10th) year of participation in this retirement system, and

WHEREAS, Richard V. Shanklin, Jr. was fifty-nine (59) at the time of his death, and prior to that time had been assured by authorized spokesmen for the teachers' retirement system that he would receive full credit for his tenth (10th) year and

at the time he suffered a heart attack in July, 1965, was given sick leave, and

WHEREAS, after paying in full for the tenth (10th) year of moneys required for such full participation in the teachers' retirement system, Richard V. Shanklin, Jr. died, leaving his dependent widow, NOW, THEREFORE,

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

Section 1. The board of trustees of the teachers' retirement system is hereby authorized and directed to place the surviving widow of Richard V. Shanklin, Jr. on the list of those entitled to survivor's benefits as a dependent widow, fifty (50) years of age or more and less than sixty-five (65) years of age and to receive from the month of May, 1966, payment for such benefits at the rate of one hundred dollars (\$100.00) per month for the remainder of her life.

Section 2. This act shall take effect July 1, 1967.

Approved by the Governor July 5, 1967.

Filed in Office Secretary of State July 6, 1967.

CHAPTER 67-882

House Bill No. 534

AN ACT for relief of Linda Moore Benton and Mrs. Agnes M. Moore providing an appropriation to compensate them for damages sustained as a result of the negligence of Florida State University providing an effective date.

Whereas, on the night of October 6, 1966, at approximately 7:00 o'clock P.M. Linda Moore Benton was driving her automobile East on Call Street in Tallahassee, Florida and turned on to Stadium Drive on the Florida State University campus with her mother, Mrs. Agnes M. Moore, riding with her as a passenger. Within a few feet after turning, the car collided with a three foot high pile of rock gravel which had been left on the right side of the roadway, and

Whereas, a blockade with blinking lights had been put up around the gravel but had failed to be turned on, and

Whereas, the gravel was of the same material and coloring of the road and it was impossible for the driver to see the danger until it was too late, and

Whereas, the collision with the unlighted rock pile caused the driver, Linda Moore Benton, to collide with the windshield of the vehicle resulting in bruises, lacerations and a broken nose, and

Whereas, her mother, Mrs. Agnes M. Moore, suffered bruises, lacerations and aggravation of a pre-existing arthritic condition, and

Whereas, Linda Moore Benton's automobile was extensively damaged, and

Whereas, Linda Moore Benton was without any fault in the happening of the aforementioned accident, and

Whereas, the damages sustained by Linda Moore Benton is claimed to be thirteen hundred and fifty dollars and it is known that this citizen has no other recourse except to the legislature of the sovereign State of Florida, and

Whereas, the damages sustained by Agnes M. Moore is claimed to be one hundred and fifty dollars and it is known that this citizen has no other recourse except to the legislature of the sovereign State of Florida,

Now Therefore, Be It Enacted by the Legislature of the State of Florida :

(1) The facts stated in the preamble of this Act are declared to be true.

(2) The sum of thirteen hundred and fifty dollars is hereby appropriated out of the Florida State University fund in the state treasury not otherwise committed or expended to be paid to Linda Moore Benton as relief for injuries and expenses sustained.

(3) The sum of one hundred and fifty dollars is hereby appropriated out of the Florida State University fund in the state treasury not otherwise committed or expended to be paid to Agnes M. Moore as relief for injuries and expenses sustained.

(4) The comptroller of this state is directed to draw his

warrant in the sum of thirteen hundred and fifty dollars upon the Florida State University's fund in the state treasury in favor of Linda Moore Benton and the State Treasurer is directed to pay the same out of such funds in the state treasury not otherwise expended or committed.

(5) The comptroller of this state is directed to draw his warrant in the sum of one hundred and fifty dollars upon the Florida State University's fund in the state treasury in favor of Agnes M. Moore and the State Treasurer is directed to pay the same out of such funds in the state treasury not otherwise expended or committed.

(6) This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-883

House Bill No. 625

AN ACT for the relief of George W. Brown for damages sustained as the result of being cut and injured as the result of the collision with an unmarked floor to ceiling type non-safety glass window on the campus of Florida State University resulting in severe and painful cuts about his leg and hand; providing for an appropriation; providing for an effective date.

Whereas, on September 21, 1964, George W. Brown was enrolled as a student at Florida State University in Tallahassee, Leon County, Florida, and

Whereas, on September 21, 1964, at about the hour of 3:30 P.M., George W. Brown was inside the Florida State University Student Union Complex Bookstore and upon leaving the cash register in said bookstore with the intention of crossing the courtyard between said bookstore and the gift shop proceeded toward what appeared to be an open doorway, and

Whereas, said apparent open doorway was in fact a clear un-

marked non-safety glass window extending from the floor to the ceiling of said bookstore, and

Whereas, safety markings or decals had been removed from said window because they were "unsightly" thus making said window invisible to persons walking thereabout, and

Whereas, the said George W. Brown in walking slowly away from said cash register did come in bodily contact with said window and said window did thereupon break, shatter and fall, and

Whereas, said falling glass did severely and painfully cut and injure the left leg of George W. Brown exposing bone for more than ten inches and did severely and painfully cut and injure his right hand, and

Whereas, it was necessary for the said George W. Brown to be confined to the Tallahassee Memorial Hospital where he underwent surgery on his leg and thereafter to be confined to the Florida State University infirmary, and

Whereas, the said George W. Brown was then majoring in Physical Education and found it necessary to extensively curtail his training and education as a result of his said injuries, and

Whereas, the said George W. Brown did incur surgeon's, hospital and other medical expenses for which he has not been reimbursed, and

Whereas, George W. Brown has incurred injuries, pain, suffering, disfigurement, curtailment of his educational endeavors and numerous expenses as the direct and proximate result of the aforesaid accident, and

Whereas, George W. Brown has received no compensation for the above injuries and has no recourse except through this Legislature,

Now, therefore,

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

Section 1. The facts stated in the preamble of this act are found and declared to exist.

Section 2. The sum of four thousand seven hundred dollars

(\$4,700.00) is hereby appropriated out of the Florida State University fund in the state treasury not otherwise committed or expended to be paid to George W. Brown as relief for injuries and expenses sustained.

Section 3. The comptroller of the State of Florida is hereby authorized and directed to issue a warrant to George W. Brown in the amount prescribed in section 2.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-884

House Bill No. 1082

AN ACT for the relief of Mr. H. E. Harris; providing an appropriation to pay Mr. Harris for damages sustained from a fall into an open manhole in a sidewalk; providing an effective date.

WHEREAS, Mr. H. E. Harris, while walking about 8:00 p.m., June 9, 1966, on a sidewalk along state highway 15A in Volusia county, fell into an open manhole, sustaining injuries which required medical attention and resulted in six (6) months loss of wages, and

WHEREAS, persons who lived in the area testified the manhole had been uncovered for some time and that the state road department had been notified of the fact, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of one thousand one hundred fifteen dollars and fifty cents (\$1,115.50) is appropriated out of any funds of the state road department in the state treasury not otherwise appropriated to be paid to Mr. H. E. Harris to compensate him for his losses caused by the negligence of the state road department.

Section 3. The state comptroller shall draw his warrant in the sum of one thousand one hundred fifteen dollars and fifty cents (\$1,115.50) upon any funds of the state road department in the state treasury not otherwise appropriated and the state treasurer shall pay the same to H. E. Harris out of such funds.

Section 4. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-885

House Bill No. 576

AN ACT for the relief of Jack Boyette of Jackson county for the cost of repairing and replacing an automobile damaged by escapees from the Florida industrial school for boys at Marianna; providing an appropriation; providing an effective date.

WHEREAS, on February 7, 1967, a 1960 Ford Falcon automobile belonging to Jack Boyette of Jackson county was stolen by escapees from the Florida industrial school for boys at Marianna, and

WHEREAS, said vehicle was abandoned in a lake in Bay county, Florida, in a complete state of disrepair, and

WHEREAS, as a result of the damages done to said vehicle Jack Boyette has been required to expend the sum of four hundred dollars (\$400.00) for repair and replacement, and

WHEREAS, Jack Boyette has no recourse at law against the state of Florida for the injury done to his property, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of four hundred dollars (\$400.00) is appropriated out of funds to the credit of the Florida industrial

school for boys at Marianna in the state treasury not otherwise expended or committed, to be paid to Jack Boyette of Jackson county for injury to his automobile done by escapees from the Florida industrial school for boys at Marianna.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of four hundred dollars (\$400.00) upon any funds of the Florida industrial school for boys at Marianna in the state treasury not otherwise expended or committed and the state treasurer is authorized and directed to pay the same out of such funds.

Section 4. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-886

House Bill No. 892

AN ACT for the relief of Lois Clark Jenkins; making an appropriation to compensate her for the death of her son; providing an effective date.

WHEREAS, on February 7, 1966, Ronald Clark was an employee in the maintenance division of the state road department, and

WHEREAS, on February 7, 1966, Ronald Clark was assigned to chip and remove paint from the draw span of Gandy Bridge which crosses Tampa Bay, and

WHEREAS, there were no safety devices provided by the state road department for the protection of its employees engaged in such hazardous duty, and

WHEREAS, Ronald Clark fell from the draw span of Gandy Bridge while engaged in his work, and no rescue devices were available, and Ronald Clark drowned before measures could be taken to save his life, and

WHEREAS, Ronald Clark was twenty-three (23) years of age and resided with his mother and stepfather, contributing much to their well-being, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of five hundred eighty dollars and fifty cents (\$580.50) is appropriated out of the state road department funds in the state treasury not otherwise appropriated to be paid to Lois Clark Jenkins to compensate her for the tragic loss of her son who died while working for the state.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of five hundred eighty dollars and fifty cents (\$580.50) upon the state road department funds in the state treasury in favor of Lois Clark Jenkins and the state treasurer is authorized and directed to pay the same out of any state road department funds in the state treasury not otherwise appropriated.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-887

House Bill No. 1684

AN ACT relating to county commissioners, travel expense, in all counties having a population of not less than three hundred thousand (300,000) nor more than three hundred fifty thousand (350,000), according to the latest official decennial census; authorizing and fixing a monthly travel expense for each county commissioner of said counties for travel within said counties; repealing chapter 30205, Laws of Florida, 1955, relating to the same subject; providing an effective date.

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

Section 1. In all counties in the state having a population of not less than three hundred thousand (300,000) nor more than three hundred fifty thousand (350,000), according to the latest official decennial census, a travel expense allowance of one

hundred twenty-five dollars (\$125.00) monthly for each county commissioner of said counties for travel within said counties is authorized and fixed in lieu of all other travel expense allowance for travel within said counties.

Section 2. Chapter 30205, Laws of Florida, 1955, is repealed.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-888

House Bill No. 2274

AN ACT relating to compensation and expense of clerks of the circuit court in counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census; repealing Chapter 63-993 Laws of Florida, 1963; providing an effective date.

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

Section 1. In each county of the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census, the clerk of circuit court shall receive the sum of seventeen thousand five hundred dollars (\$17,500.00) per year as total compensation.

Section 2. Such circuit clerk shall receive no other income whatsoever emanating by, through, under or as a result of the performance of his duties of clerk of circuit court or from any other source whatsoever derived by the utilization of the employees, facilities, or equipment of his office as clerk of circuit court.

Section 3. All compensation of such clerk of circuit court shall be paid wholly from fees or commissions collected or earned from the operation of the clerk's office. All surplus there-

after shall be deposited by the clerk in accordance with existing law.

Section 4. The terms "fees" and "commissions" shall include all fees and commissions paid into the clerk's office or to the clerk by virtue of his holding such office, including all fees received by the clerk of the circuit court as agent of the trustees of the internal improvement trust fund and in all sales of documentary stamps.

Section 5. Chapter 63-993, Laws of Florida 1963, is repealed as of the effective date of this act.

Section 6. This act shall take effect on the first Tuesday after the first Monday of January, 1969.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-889

House Bill No. 2219

AN ACT relating to Suwannee county, superintendent of public instruction; validating and confirming all compensation received by said officer; providing effective date.

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

Section 1. All compensation received for the fiscal years 1962-63, 1964-65, and 1965-66 by the superintendent of public instruction of Suwannee county is hereby validated and confirmed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-890

House Bill No. 2482

AN ACT providing for the appointment, salary, and bond for the clerk of the small claims court in counties having a population of not less than thirty-seven thousand (37,000) and not more than thirty-nine thousand nine hundred (39,900) according to the last decennial census; providing an effective date.

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

Section 1. The clerk of the small claims court, in any county having a population of not less than thirty-seven thousand (37,000) and not more than thirty-nine thousand nine hundred (39,900) according to the last decennial census, shall be appointed by the judge of such small claims court and shall receive reasonable compensation to be determined by the board of county commissioners. Said clerk shall furnish a bond in the sum of two thousand dollars (\$2,000.00).

Section 2. This act shall be effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-891

House Bill No. 2850

AN ACT amending chapter 65-772, Laws of Florida, general laws of 1965, prescribing the compensation of the official court reporter and the deputy court reporter of the court of record of Broward county; providing an effective date.

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

Section 1. Chapter 65-772, Laws of Florida, general laws of 1965, section 15.e is amended to read as follows:

e. Compensation. In lieu of a per diem for reporting the trial of felony criminal cases in said court of record, the said official court reporter shall receive a salary in the sum of nine thousand

(\$9,000.00) dollars per annum. The first deputy court reporter shall receive a salary in the sum of five thousand (\$5,000.00) dollars per annum and each of the aforesaid salaries shall be payable in twelve (12) equal monthly installments to be paid by the board of county commissioners of Broward county, Florida, out of the fine and forfeiture fund upon certification by the presiding judge of said court. In addition to the aforesaid monies the board of county commissioners of Broward county, Florida, shall provide the sum of one thousand (\$1,000.00) dollars each fiscal year and are authorized to pay such sum as certified by the presiding judge to any special court reporter appointed under the provisions of paragraph g. of this section 15 to report any felony criminal proceeding. In all civil cases fees and per diem shall be paid to the court reporter by the party liable therefor and shall constitute extra compensation. Fees and the per diem to be charged by said court reporter in civil cases shall be fixed by order of the judges of this court.

Section 2. Payment of the amount of the compensation set forth in section 1 shall be retroactive to December 1, 1966, and the official court reporter and the deputy official court reporter shall be paid at the above-mentioned rate from December 1, 1966. The board of county commissioners shall pay the additional sums required to the court reporters immediately upon this act becoming a law.

Section 3. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-892

House Bill No. 1344

AN ACT to prohibit hunting and the discharge of firearms upon, from, across and within one-half mile of the Everglades Parkway in Broward and Collier counties; providing a penalty; providing an effective date.

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

Section 1. (1) It shall be unlawful for any person to hunt any wild animal or bird or to discharge or cause to be discharged any firearm on, from, across or within one-half mile on either side of the Everglades Parkway, commonly known as Alligator Alley, in Broward and Collier counties.

(2) This act shall not apply to any person hunting or discharging firearms on the homestead of such person situated within one-half mile of the Parkway, nor to any law enforcement officer acting in the discharge of his duties.

(3) This act shall not be construed as repealing any other acts pertaining to game preservation or the protection of game within the area defined in subsection (1), but shall be additional to and cumulative with such acts.

(4) Any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months, or both.

(5) The provisions of this act may be enforced by the duly authorized conservation agents of the game and fresh water fish commission under the powers granted them by section 372.07, Florida Statutes.

(6) If any part of this act or its application to any person or circumstance shall be held invalid or unconstitutional such holding shall not affect any other part of the act or its application to any other person or circumstance.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-893

House Bill No. 1472

AN ACT relating to small claims courts; establishing such a court in each county of the state having a population of not less than fifteen thousand seven hundred (15,700) and not

more than sixteen thousand four hundred (16,400), according to the latest official decennial census; prescribing the jurisdiction of the court; providing for the qualification, election, compensation and duties of the judge of said court; prescribing the amount and providing for disposition of filing fee; providing for the payment of office expenses and salaries of judge and clerk of court from county general fund; providing for pleadings and practice in said court; repealing chapters 30213, 1955, 61-803, 63-773 and 65-679, Laws of Florida; providing an effective date.

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

Section 1. The provisions of this act shall apply to any county of the state having a population of not less than fifteen thousand seven hundred (15,700) and not more than sixteen thousand four hundred (16,400), according to the latest official decennial census.

Section 2. Upon the effective date of this act, there shall be established in each such county a small claims court which court shall succeed to the powers and duties of the small claims court now functioning in said county. All cases pending in said court on the effective date of this act shall be continued to completion by the court hereby established.

Section 3. The small claims court in and for each such county shall have civil jurisdiction in cases at law in which the demand or value does not exceed one thousand dollars (\$1,000.00) exclusive of interest, attorneys' fees and cost. Said jurisdiction shall be concurrent with the jurisdiction of any other court or courts established in the county.

Section 4. (1) The judge of the small claims court now functioning in any said county shall be the judge of court hereby established and shall continue until his term expires and until his successor is duly elected and qualified.

(2) The judge shall be elected by the electors of any such county and shall hold office for a term of four (4) years.

(3) The judge shall be a member of The Florida Bar and a resident of the county from which elected.

(4) The compensation of said judge shall be six thousand dollars (\$6,000.00) per annum, which shall be paid in twelve

(12) equal monthly installments by the board of county commissioners from the county general fund as provided in section 6.

Section 5. (1) The judge of said small claims court shall appoint a clerk whose compensation shall be fixed by the board of county commissioners and paid by said board from the general revenue fund of the county as provided in section 6.

(2) The sheriff of said county shall be the executive officer of the court and his powers and duties shall be the same as when acting in his capacity as executive officer of courts generally and his compensation shall be in fees the same as those prescribed by general law for like services, but the schedule of compensation of said sheriff as provided by law shall not be increased by reason of duties herein prescribed.

Section 6. (1) All the moneys including but not limited to fees and commissions collected by the judge and the clerk of the small claims court for their official services shall be remitted quarter-annually to the board of county commissioners of the county for deposit in the general fund of the county. A complete record of the fees, commissions and other remunerations so collected shall be maintained by the court and a report of the same be forwarded to the board of county commissioners at the same time the remission of money is made pursuant to this subsection.

(2) All expenses of the court of every nature and kind whatsoever, including but not limited to the salaries of the judge and clerk, shall be borne and paid by the board of county commissioners of the county.

(3) The judge of the small claims court shall annually submit his estimate of proposed expenditures, reasonable and necessary for the proper and efficient operation of the court to the board of county commissioners for its consideration and approval as provided by budgetary law. The board of county commissioners shall annually appropriate in its budget sufficient funds to meet all the expenses of the operation of the small claims court including but not limited to the salaries of the judge and clerk of said court.

Section 7. The judge of the court herein established is authorized to hold sessions of court in his office at the county seat

or with the approval of the board of county commissioners in any community of the county.

Section 8. When the plaintiff files his claim with the court he shall deposit the following fees :

\$5.00 when the claim does not exceed \$100.00

\$10.00 when the claim exceeds \$100.00 but does not exceed \$1,000.00

\$15.00 for proceedings in garnishment, attachment, replevin and distress which shall cover all costs of the proceeding including the service of notice.

Section 9. The provisions of this act shall not be construed as repealing, amending or superseding any of the provisions of chapter 42, Florida Statutes, except as herein specifically provided.

Section 10. Chapters 30213, 1955, 61-803, 63-773 and 65-679, Laws of Florida, are repealed.

Section 11. This act shall become effective upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-894

House Bill No. 2369

AN ACT relating to alcoholic beverage licenses; authorizing one (1) additional club beverage license in each county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the last official decennial census; providing an effective date.

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

Section 1. In each county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the

latest official decennial census, beverage licenses issued under authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section. The additional license authorized by this act in such counties shall be issued to the West Palm Beach Junior Chamber of Commerce, West Palm Beach, Florida, regardless of the fact that such club may not have been in existence for a period of not less than two (2) years in one (1) of the counties aforesaid prior to the time of making application for such license.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-895

House Bill No. 2008

AN ACT relating to the compensation, expenses, budget, and appropriation of the supervisor of elections in the operation of his office and the execution of his duties in counties of the state having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census; repealing chapter 61-659, Laws of Florida, 1961; and providing an effective date.

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

Section 1. This act applies in all counties of the state having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants, according to the latest official decennial census.

Section 2. The compensation of the supervisor of elections in said counties shall be eleven thousand five hundred dollars (\$11,500.00) per annum, payable in equal monthly installments.

Section 3. Each supervisor of elections is entitled to travel and other necessary expenses including salaries, incurred in the functions of his office and duties, in addition to all other compensation allowed by law; provided, however, the expense of producing other income, i.e., preparation of voting list, etc., shall be borne by the supervisor of elections; provided, however, that the supervisor of elections shall not be entitled to receive compensation in the form of a travel allowance or car allowance in a pre-determined amount to be paid monthly or otherwise.

Section 3. Chapter 61-659, Laws of Florida, 1961, is repealed as of the effective date of this act.

Section 4. This act shall take effect on the first Tuesday after the first Monday of January, 1969.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-896

House Bill No. 2794

AN ACT relating to Liberty county; amending chapter 65-1165, Laws of Florida, providing for an appropriation to the Liberty county chamber of commerce from certain race track funds; providing an effective date.

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

Section 1. Section 1 of chapter 65-1165, Laws of Florida, is amended to read:

Section 1. There shall be allocated and appropriated annually by the board of county commissioners of Liberty county to the Liberty county chamber of commerce from the race track funds accruing to Liberty county the sum of one thousand dollars (\$1,000.00) for the purpose of attracting new industries and developing industrial resources in Liberty county.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1967.

CHAPTER 67-897

House Bill No. 2760

AN ACT relating to compensation of certain county officials in all counties in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, amending: Section 1 of Chapter 65-1186, Laws of Florida, 1965; Section 1 of Chapter 65-1185, Laws of Florida, 1965; Section 1 of Chapter 65-1190, Laws of Florida, 1965; Section 1 of Chapter 65-1192, Laws of Florida, 1965; Section 1 of Chapter 63-612, Laws of Florida, 1963; Section 7 of Chapter 59-555, Laws of Florida, 1959 as amended by Chapter 65-709, Laws of Florida, 1965; Section 1 of Chapter 65-1191, Laws of Florida, 1965; Section 4 of Chapter 59-555, Laws of Florida, 1959 as amended by Chapter 65-709, Laws of Florida, 1965 and providing compensation for Supervisor of Elections; providing an effective date.

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

Section 1. Section 1 of Chapter 65-1186, Laws of Florida, 1965, is hereby amended to read as follows:

Section 1. On and after October 1, 1965, the clerk of the circuit court in any county in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, shall receive as his sole compensation for the performance of his official duties an annual salary of thirteen thousand one hundred dollars (\$13,100.00) which shall be paid by the board of county commissioners of such county in twelve (12) equal monthly installments, which shall be due and payable on the last day of the month in which it accrued; provided, that compensation for service in office for a part of a calendar month shall be paid in the proportion that the days served bear to the number of days in that month. The annual salary herein provided shall be in lieu of all compensation authorized by any other law relating to this office. This section shall extend to fees received by the clerk of the circuit court as agent of the trustees of the internal improvement trust fund and in the sale of documentary stamp taxes, or in any other capacity.

Section 2. Section 1 of Chapter 65-1185, Laws of Florida, 1965, is hereby amended to read as follows:

Section 1. On and after October 1, 1965, the tax assessor in any county in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, shall receive as his sole compensation for the performance of his official duties an annual salary of thirteen thousand one hundred dollars (\$13,100.00) which shall be paid by the board of county commissioners of such county in twelve (12) equal monthly installments, which shall be due and payable on the last day of the month in which it accrued; provided, that compensation for service in office for a part of a calendar month shall be paid in the proportion that the days served bear to the number of days in that month. The annual salary herein provided shall be in lieu of all compensation authorized by any other law relating to this office.

Section 3. Section 1 of Chapter 65-1190, Laws of Florida, 1965, is hereby amended to read as follows:

Section 1. On and after October 1, 1965, the tax collector in any county in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census; shall receive as his sole compensation for the performance of his official duties an annual salary of thirteen thousand one hundred dollars (\$13,100.00), which shall be paid by the board of county commissioners of such county in twelve (12) equal monthly installments, which shall be due and payable on the last day of the month in which it accrued; provided, that compensation for service in office for a part of a calendar month shall be paid in the proportion that the days served bear to the number of days in that month. The annual salary herein provided shall be in lieu of all compensation authorized by any other law relating to this office.

Section 4. Section 1 of Chapter 65-1192, Laws of Florida, 1965, is hereby amended to read as follows:

Section 1. On and after October 1, 1965, the sheriff in any county in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand

two hundred (74,200), according to the latest official decennial census, shall receive as his sole compensation for the performance of his official duties an annual salary of thirteen thousand one hundred dollars (\$13,100.00) which shall be paid by the board of county commissioners of such county in twelve (12) equal monthly installments, which shall be due and payable on the last day of the month in which it accrued; provided, that compensation for service in office for a part of a calendar month shall be paid in the proportion that the days served bear to the number of days in that month. The annual salary herein provided shall be in lieu of all compensation authorized by any other law relating to this office.

Section 5. Section 1 of Chapter 63-612, Laws of Florida, 1963, is hereby amended to read as follows:

Section 1. On and after October 1, 1963, the county judge in any county in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, shall receive as his sole compensation for the performance of his official duties an annual salary of thirteen thousand one hundred dollars (\$13,100.00), which shall be paid by the board of county commissioners of such county in twelve (12) equal monthly installments, which shall be due and payable on the last day of the month in which it accrued; provided, that compensation for service in office for a part of a calendar month shall be paid in the proportion that the days served bear to the number of days in that month. The annual salary herein provided shall be in lieu of all compensation authorized by any other law relating to this office; provided however the board of county commissioners of any such county may pay additional compensation for duties performed by such county judge as judge of the juvenile court of such county.

Section 6. Sections 4 and 7 of Chapter 59-555, Laws of Florida, 1959, as amended by Section 2 of Chapter 65-709, Laws of Florida, 1965, are hereby amended to read as follows:

Section 4. There shall be a judge of said court who shall forthwith be appointed by the governor and whose term of office shall expire on the first (1st) Tuesday after the first (1st) Monday in January, 1961. Each succeeding judge of the court shall be elected by the qualified electors of the county for a term

of four (4) years. The first (1st) succeeding judge shall be elected at the general election in 1960 for the term beginning on the first (1st) Tuesday after the first (1st) Monday in January, 1961. All such elections shall be governed by the same laws that are applicable to the election of circuit judges. No person shall be eligible for the office of judge of the court unless he has been a resident of the county for five (5) years, and authorized to practice law in the state, and unless he shall have engaged in the practice of law in the state for at least five (5) years. The salary of said judge shall be the sum of fourteen thousand one hundred dollars (\$14,100.00) per year, payable in twelve (12) equal monthly installments, and the board of county commissioners of each county in which such court is established is hereby authorized and directed to pay said salary from the general funds of such county to the judge of the court of record. The judge shall not, during his term of office, engage in the practice of law.

Section 7. There is hereby created the office of county solicitor, who shall be the prosecuting officer to prosecute all misdemeanors arising in the county. The county solicitor of the court shall be elected by the qualified electors of the county for a term of four (4) years. Said county solicitor shall be elected at the general election in 1960 for the term beginning on the first (1st) Tuesday after the first (1st) Monday in January, 1961. All such elections shall be governed by the same laws as are applicable to the election of state attorneys. No person shall be eligible for the office of county solicitor of the court unless he is a resident of the county, and authorized to practice law in the state. The salary of the county solicitor shall be the sum of nine thousand one hundred dollars (\$9,100.00) per year, payable in twelve (12) equal monthly installments, and it shall be paid by the board of county commissioners from the general funds of the county in which such court is established. The county prosecuting attorney of the county, if there be one, shall be the prosecuting officer of the court until the county solicitor is elected by the qualified electors as above provided and takes office, and he shall receive the salary provided herein for the county solicitor in lieu of the salary to which he otherwise would be entitled as county prosecuting attorney.

Section 7. Section 1 of Chapter 65-1191, Laws of Florida, 1965, is hereby amended to read as follows:

Section 1. In any county of the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, the county board of public instruction, notwithstanding any other provision of law, shall not pay the county school superintendent an annual salary in excess of fifteen thousand six hundred dollars (\$15,600.00).

Section 8. The Supervisor of Registration in any county in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census shall receive as his sole compensation for the performance of his official duties an annual salary of eight thousand dollars (\$8,000.00), which shall be paid by the board of county commissioners of such county in twelve (12) equal monthly installments, which shall be due and payable on the last day of the month in which it accrued; provided, that compensation for service in office for a part of a calendar month shall be paid in the proportion that the days served bear to the number of days in that month. The annual salary herein provided shall be in lieu of all compensation authorized by any other law relating to this office.

Section 9. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1967.

CHAPTER 67-898

House Bill No. 1486

AN ACT relating to Bay county, the small claims court; amending chapter 65-1107, Laws of Florida; providing for compensation of the judge, clerical employees and clerk; providing filing fees; providing for jury trials and jurisdiction of the court; providing an effective date.

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

Section 1. Chapter 65-1107, Laws of Florida, is amended to read:

Section 1. The judge of the small claims court shall receive as compensation the sum of eight thousand four hundred dollars (\$8,400.00) per year, payable from the general fund of the county by the board of county commissioners of Bay county, upon the requisition of the judge. That portion of all fees of the office of judge of the small claims court not expended for service of process by mail, shall be paid monthly into the county general fund.

Section 2. The clerk of said court shall receive as compensation for services as clerk, the sum of three hundred fifty dollars (\$350.00) per month to be paid from the general fund of the county by the county commission.

Section 3. In addition to the clerk, there may be employed by the judge, as needed, extra part-time clerical employees at a cost not to exceed a total of one thousand eight hundred dollars (\$1,800.00) per year to be paid from the same fund and in the same manner as payment to the clerk upon requisition of the judge.

Section 4. In lieu of the filing fees provided by section 42.11, Florida Statutes, when such filing fees are required to be paid upon the institution of suit, the plaintiff, when he files his claim shall pay to the court the sum of five dollars (\$5.00) for each suit filed if his claim does not exceed five hundred dollars (\$500.00), or shall pay to the court the sum of seven dollars and fifty cents (\$7.50) if his claim does exceed five hundred dollars (\$500.00); such payments to be the court filing fees in all cases except attachment, replevin and distress in which the filing fee to be paid shall be ten dollars (\$10.00). Upon application for writ of garnishment, an additional filing fee of ten dollars (\$10.00) shall be paid to the court. The fees so paid shall cover all costs of the proceedings including one (1) certified copy of the final judgment and including the execution and including the service upon one (1) defendant of the notice by registered or certified mail but shall not include the service of any process by the sheriff. If service upon more than one (1) defendant or more than one (1) garnishee after garnishment is required by mail, then additional cost thereof shall also be paid to the court upon filing.

Section 5. The procedure for drawing, summoning and impaneling of jurors in the small claims court shall be from the

same jury box and in the same method and manner as provided by law for the drawing, summoning and impaneling of petit jurors in the county judge's court. Jury trial may be had by either party upon the demand made at the time of filing his initial pleading. The court shall have access to the county judge's court room for conducting trials and hearings when same is not in use by the county judge or circuit court. The board of county commissioners of Bay county shall otherwise provide adequate and suitable quarters for the small claims court. The small claims court of Bay county shall have civil jurisdiction up to and including seven hundred fifty dollars (\$750.00) exclusive of attorneys fees, interest and costs in all cases cognizable by such courts.

Section 6. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1967.

CHAPTER 67-899

Senate Bill No. 1560

AN ACT establishing a shellfish management area in any county of the state having a population of not less than twenty-three thousand (23,000) and not more than twenty-eight thousand (28,000) or in any county having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census; giving the state board of conservation authority over the area to accomplish the purposes of the act; providing an effective date.

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

Section 1. There is hereby established a shellfish management area in any county of the state having a population of not less than twenty-three thousand (23,000) and not more than twenty-eight thousand (28,000) or in any county having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census, for the purpose of taking advantage of proposed oyster depuration plants in such

counties, which shellfish management area shall extend over all the areas of the counties herein described and shall be subject to the jurisdiction of the state board of conservation as to marketing promotion for shellfish, open and closed season for taking such shellfish, types of equipment and method of taking shells and transporting the products outside such counties and all such other regulations for the improvement of the people of Florida who are engaged in the shellfish industry.

Section 2. All laws or parts of laws, general or special, in conflict herewith are expressly repealed to the extent of such conflict.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1967.

CHAPTER 67-900

Senate Bill No. 891

AN ACT relating to collective bargaining for firemen in any county in the state having a population of not less than three hundred and ninety thousand (390,000) according to the latest official decennial census; defining certain terms; establishing the right to organize and bargain collectively; providing for recognition of bargaining agents; providing for arbitration of disputes by an arbitration board; providing for composition of hearings by and expenses of the board; providing that the decisions of the board shall be advisory; defining collective bargaining contract; providing that firemen under the act shall not strike; providing for requests for collective bargaining; providing a savings clause; repealing conflicting laws; providing an effective date.

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

Section 1. Short title.—This act may be cited as the fire-fighters bargaining law.

Section 2. Definitions.—As used in this act the following

terms shall, unless the context requires a different interpretation, have the following meanings:

(1) The terms "firefighter and fireman" mean the permanent paid members of any fire department in the state.

(2) The term "governmental employing authority" means the proper officials within any political subdivision in and of the state whose duty or duties it is to establish the wages, salaries, rates of pay, hours, working conditions and other terms and conditions of employment of firefighters, whether they be the mayor, county commissioners, county manager, city manager, town manager, town administrator, city council, town council, director of personnel, personnel board or commission or by whatever other name the same may be designated or any combination thereof. It is not the intent of this subsection that the above named officials shall in any way be exclusive or limiting.

Section 3. Right to organize and bargain collectively: application of act.—This act shall apply and be effective in any county of the state having a population of not less than three hundred ninety thousand (390,000) according to the latest official decennial census and in such counties, the firefighters in any city, town or other political subdivision have the right to bargain collectively with their respective cities, towns or other political subdivisions and to be represented by a vocational organization in such collective bargaining as to wages, rates of pay, hours, working conditions and all other terms and conditions of employment.

Section 4. Recognition of bargaining agent.—The vocational organization selected by the majority of the firefighters in the governmental employing authority shall be recognized by the governmental employing authority as the sole and exclusive bargaining agent for all the classified members of the fire department unless and until recognition of such vocational organization is withdrawn by vote of a majority of the employees represented.

Section 5. Obligation to bargain.—It shall be the obligation of the city, town or other political subdivision, acting through its corporate authorities, to meet and confer in good faith with the representative or representatives of the bargaining agent

within ten (10) days after receipt of written notice from said bargaining agent of the request for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from negotiations to be reduced to a written contract, provided that no such contract shall exceed the term of one (1) year.

Section 6. Unresolved issues submitted to arbitration.—In the event that the bargaining agent and the corporate authorities are unable, within thirty (30) days from and including the date of their first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to arbitration.

Section 7. Arbitration board; composition.—Within five (5) days from the expiration of the thirty (30) day period referred to in section 6 hereof, the bargaining agent and the corporate authorities shall each select and name one (1) arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The two (2) arbitrators so selected and named shall, within ten (10) days from and after the expiration of the five (5) day period hereinbefore mentioned, agree upon and select and name a third (3rd) arbitrator. If on the expiration of the period allowed therefor the arbitrators are unable to agree upon the selection of a third (3rd) arbitrator, the American arbitration association shall select him upon request in writing from either the bargaining agent or the corporate authorities. The third (3rd) arbitrator, whether selected as a result of agreement between the two (2) arbitrators previously selected or selected by the American arbitration association, shall act as chairman of the arbitration board.

Section 8. Hearings.—The arbitration board shall, acting through its chairman, call a hearing to be held within ten (10) days after the date of the appointment of the chairman and shall, acting through its chairman, give at least seven (7) days' notice in writing to each of the other two (2) arbitrators, the bargaining agent and the corporate authorities of the time and place of such hearing. The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to administer oaths and to

require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues presented to them for determination. The hearing conducted by the arbitrators shall be concluded with twenty (20) days of the time of commencement and within ten (10) days after the conclusion of the hearings, the arbitrators shall make written findings and a written opinion upon the issues presented, a copy of which shall be mailed or otherwise delivered to the bargaining agent or its attorney or other designated representative and the corporate authorities. A majority decision of the arbitrators shall be advisory in nature and shall not be binding upon either the bargaining agent or the corporate authorities.

Section 9. Factors to be considered by arbitration board.—The arbitrators shall conduct the hearings and render their decision upon the basis of a prompt, peaceful and just settlement of wage or hour disputes between the firefighters and the governmental employing authority. The factors, among others, to be given weight by the arbitrators in arriving at a decision shall include:

(1) Comparison of wage rates or hourly conditions of employment of the fire department in question with prevailing wage rates or hourly conditions of employment of skilled employees of the building trades and industry in the local operating area involved.

(2) Comparison of wage rates or hourly conditions of employment of the fire department in question with wage rates or hourly conditions of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

(3) Comparison of wage rates or hourly conditions of employment of the fire department in question with wage rates or hourly conditions of employment of fire departments in cities, towns or other political subdivisions of comparable size.

(4) Interest and welfare of the public.

(5) Comparison of peculiarities of employment in regard to other trades or professions, specifically:

- (a) Hazards of employment.
- (b) Physical qualifications.
- (c) Educational qualifications.
- (d) Mental qualifications.
- (e) Job training and skills.

Section 10. Fees and expenses of arbitration.—Fees and necessary expenses of arbitration shall be borne equally by the bargaining agent and the corporate authorities.

Section 11. Collective bargaining contract; what constitutes.—Any agreements actually negotiated between the bargaining agent and the corporate authorities either before or within thirty (30) days after arbitration shall constitute the collective bargaining contract governing firefighters in the city, town or other political subdivision for the period stated therein, provided that such period shall not exceed one (1) year. Any collective bargaining agreement negotiated under the terms and provisions of this act shall specifically provide that the firefighters who are subject to its terms shall have no right to engage in any work stoppage, slowdown or strike, the consideration for such provision being the right to a resolution of disputed questions.

Section 12. Request for collective bargaining.—Whenever wages, rates of pay or any other matter requiring appropriation of moneys by any city, town or other political subdivisions are included as matter of collective bargaining conducted under the provisions of this act, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the corporate authorities at least one hundred twenty (120) days before the last day on which moneys can be appropriated by the city or town to cover the contract period which is the subject of the collective bargaining procedure.

Section 13. Savings clause.—It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 14. Conflicting laws.—All laws and portions of laws inconsistent herewith are repealed.

Section 15. Effective date.—This act shall take effect upon becoming a law.

Section 16. Expiration date.—This act shall expire on July 1, 1969, unless re-enacted by the 1969 regular session of the Legislature.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1967.

CHAPTER 67-901

House Bill No. 1878

AN ACT relating to east county water control district, created under chapter 298, Florida Statutes, and under chapter 63-1549, Laws of Florida, acts of 1963; authorizing the board of supervisors to construct, maintain and regulate navigational and boating facilities; authorizing the drainage, reclamation and irrigation of the lands in said district by units; providing for severability of the provisions of the act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; approving the manner of giving notice of intention to apply for this legislation; and providing that this act shall take effect upon its approval by the governor, or upon its becoming a law without such approval.

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

Section 1. *Additional powers of the district.*—The east county water control district shall have in addition to the powers provided for in chapter 298, Florida Statutes, and chapter 63-1549, Laws of Florida, acts of 1963, the power to construct and maintain navigational and boating facilities in its canals, including but not limited to locks and dams; to widen and deepen its canals, to make them usable for navigation and boating, and to regulate in all respects the use of its canals for navigation and boating, including but not limited to the size of boats, their speed and hours of use.

Section 2. *Unit development; powers of supervisors to designate units of district and adopt system of progressive drainage by units; plans of reclamation and financing assessments, etc.,*

for each unit.—The board of supervisors of east county water control district shall have the power and is hereby authorized in its discretion to drain and reclaim or more completely and intensively to drain and reclaim the lands in said district by designated areas or parts of said district to be called “units.” The units into which said district may be so divided shall be given appropriate numbers or names by said board of supervisors, so that said units may be readily identified and distinguished. The board of supervisors shall have the power to fix and determine the location, area and boundaries of and lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire district has been or is being or shall be instituted or carried on under the provisions of this act. If the board of supervisors shall determine that it is advisable to conduct the work of draining and reclaiming the lands in said district by units, as authorized by this section of this act, said board shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct such work accordingly, and shall at the same time and manner fix the number, location and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. As soon as practicable after the adoption and recording of such resolution said board of supervisors shall publish notice once a week for two consecutive weeks in a newspaper published in Lee and Hendry counties, Florida, briefly describing the units into which said district has been divided and the lands embraced in each unit, giving the name, number or other designation of such units, requiring all owners of lands in said district to show cause in writing before said board of supervisors at a time and place to be stated in such notice why such division of said district into such units should not be approved, and said system of development by units should not be adopted and given effect by said board, and why the proceedings and powers authorized by this section of this act should not be had, taken and exercised. At the time and place stated in said notice, said board of supervisors shall hear all objections or causes

of objection (all of which shall be in writing) of any landowner in said district to the matters mentioned and referred to in such notice, and if no objections are made, or if said objections, if made, shall be overruled by said board, then said board shall enter in its minutes its finding and order confirming said resolution, and may thereafter proceed with the development, drainage and reclamation of said district by units pursuant to such resolution and to the provisions of this act. If, however, said board of supervisors shall find as a result of such objections, or any of them, or the hearing thereon, that the division of said district into such units as aforesaid should not be approved, or that said system of development by units should not be adopted and given effect, or that the proceedings and powers authorized by this section of this act should not be had, taken or exercised, or that any other matter or thing embraced in said resolution would not be in the best interest of the landowners of said district or would be unjust or unfair to any landowner therein or otherwise inconsistent with fair and equal protection and enforcement of the rights of every landowner in the said district, then said board of supervisors shall not proceed further under such resolution, but said board of supervisors may, as a result of such hearing, modify or amend said resolution so as to meet such objections so made, and thereupon said board may confirm said resolution as so modified or amended and may thereafter proceed accordingly. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of said board under this section; but, at any time not less than one (1) year after the date of the hearing upon any such resolution, the board of supervisors may adopt other resolutions under this section and thereupon proceed on due notice in like manner as above. If said board of supervisors shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner shall deem himself aggrieved by any action of the board of supervisors in respect to any objections so filed, such landowners may, within ten (10) days after the ruling of said board, file his bill of complaint in the circuit court for Palm Beach county, Florida, in chancery, against said district, praying an injunction or other appropriate relief against the action or any part of such action proposed by such resolution or resolutions of said board, and such suits shall be conducted like other chancery suits, except

that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus. Upon the hearing of said cause said circuit court shall have the power to hear the objections and receive the evidence thereon of all parties to such cause and approve or disapprove said resolutions and action of said board in whole or in part, and to render such decree in such cause as right and justice require. When said resolutions creating said unit system shall be confirmed by the board of supervisors (or by the circuit court for Lee county, Florida, if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized), said board of supervisors may adopt a plan or plans of reclamation for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned by commissioners appointed by the circuit court, and the report of the said commissioners considered and confirmed, all in like manner as is provided by law in regard to plans of reclamation for and assessments for benefits and damages of the entire district. With respect to the plan of reclamation, notices, appointment of commissioners to assess benefits and damages, report of commissioners and notice and confirmation thereof, the levy of assessments and taxes, including maintenance taxes, and the issuance of bonds and all other proceedings as to each and all of such units, said board shall follow and comply with the same procedure as is provided by law with respect to the entire district; and said board of supervisors shall have the same powers in respect to each and all of such units as is vested in them with respect to the entire district. All of the provisions of this act shall apply to the drainage, reclamation and improvement of each, any and all of such units, and the enumeration of or reference to specific powers or duties of the supervisors or any other officers or other matters in this act as hereinabove set forth, shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and reclamation of such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this act where the entire district is mentioned or referred to. All assessments, levies, taxes, bonds and other obligations made, levied, assessed or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively,

for the benefit of which the same shall be levied, made or issued, and not upon the remaining units or lands in said district. The board of supervisors may at any time amend its said resolutions by changing the location and description of lands in any such unit or units; and provided, further that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units, provided, however, that no lands against which benefits shall have been assessed may be detached from any such unit after the confirmation of the commissioners' report of benefits in such unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon the lands within such unit or units.

Provided, however, that if, after the confirmation of the commissioners' report of benefits in such unit or units, or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the board of supervisors finds the plan of reclamation for any such unit or units insufficient or inadequate for efficient development, the plan of reclamation may be amended or changed as provided in chapter 298, Florida Statutes, and the unit or units may be amended or changed as provided in this section, by changing the location and description of lands in any such unit or units, by detaching lands therefrom or by adding land thereto, upon the approval of at least fifty-one per cent (51%) of the landowners according to acreage, in any such unit and of all of the holders of bonds issued in respect to any such unit, and provided that in such event all assessments, levies, taxes, bonds, and other obligations made, levied, assessed, incurred or issued for or in respect to any such unit or units may be allocated and apportioned to the amended unit or units in proportion to the benefits assessed by the commissioners' report for the amended plan of reclamation and said report shall specifically provide for such allocation and apportionment. The landowners and all of the bondholders shall file their approval of or objections to such amended plan of reclamation within the time provided in section 298.27,

Florida Statutes, and shall file their approval of or objections to the amendment of such unit as provided in this section.

No lands shall be detached from any unit after the issuance of bonds or other obligations for such unit except upon the consent of all the holders of such bonds or other obligations. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units of assessments, levies, taxes, bonds and other obligations in proportion to the benefits assessed by the commissioner's report for the amended plan of reclamation, the holder of bonds or other obligations heretofore issued for the original unit who consent to such allocations and apportionment shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended plan of reclamation.

Section 3. *Severability.*—In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstances or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 4. *Effect of conflict.*—In the event of a conflict between the provisions of this act and the provisions of any

other act, the provisions of this act shall control to the extent of such conflict.

Section 5. *Notice of intention.*—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 6. *When act to take effect.*—This act shall take effect immediately upon its approval by the governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1967.

CHAPTER 67-902

Senate Bill No. 1665

AN ACT relating to Leon and Wakulla counties; creating a port authority; providing for a governing body and membership thereof; prescribing the rights, powers, duties, authorities and methods of financing of the port authority; providing an effective date.

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

Section 1. There is hereby created a corporate body to be known as the Leon-Wakulla port authority.

Section 2. The corporate body shall be governed by a board of five (5) Port Commissioners, two (2) of whom shall be selected by the Wakulla Commission, approved and appointed by the Governor and two (2) of whom shall be selected by the Tallahassee City Commission, approved and appointed by the Governor. The foregoing four (4) Commissioners and a fifth Commissioner shall be appointed by the Governor, with the concurrence of the Senate. The Commissioners shall be appointed for terms of three (3) years. Appointments for the remainder of unexpired terms shall be made in the same manner as other appointments. As soon as practicable, the board shall organize and select one (1) of its members as chairman, who shall serve a term of two (2) years. For the

purpose of organizing and doing business, three (3) commissioners shall constitute a quorum. The port commissioners shall serve without salary but shall be reimbursed from funds of the port authority for travel, food and lodging expenses as permitted by general law for state employees, provided the expenses are incurred in pursuit of port authority business.

Section 3. The Leon-Wakulla port authority shall have the following rights, powers and authority :

(1) Right to acquire land and facilities, including the right to construct and maintain any facilities, and to promote, create, maintain and operate commercial ports for vessels, within the boundaries of Leon county and Wakulla county.

(2) Full right to contract.

(3) Right to sue and be sued.

(4) Authority to prescribe, fix, maintain and regulate charges for use of any of its facilities. Moneys so received shall be used for port authority purposes.

(5) Right of eminent domain including the right to vacate or condemn streets and roads, other than state or United States highways, where the same may be necessary or appropriate to development of port facilities by this port authority within either Leon or Wakulla county.

(6) Right to buy and sell real, personal and intangible property and authority to mortgage or hypothecate its property.

(7) Right to borrow money to carry out its lawful purposes, providing that the full faith and credit of the counties not be pledged unless approved in a referendum by its electors. Each property and facility financed hereunder and the income therefrom and any bonds issued under the provisions of this act and income therefrom shall at all times be free from taxation within this state.

(8) The Leon-Wakulla port authority shall be a special taxing district authorized to levy a tax not to exceed one (1) mill per year, on all taxable property within the port authority in order to pay appropriations permitted by this act.

(9) Right to adopt and enforce reasonable rules and regula-

tions pertaining to the operation of the port authority and facilities it may construct or operate.

(10) Right to do and acquire and perform all things empowered herein separately or jointly with a municipality or other political subdivision of the state.

(11) Authority to employ a secretary, attorney, engineers and other assistants and employees as the governing body shall deem necessary and to fix their compensation.

Section 4. The port authority hereby created shall have the right to act as a port authority within the boundaries of Leon and Wakulla counties.

Section 5. (1) The accounts and records of the port authority shall be audited at least annually, at the expense of the authority, by the state auditor. The authority shall furnish copies of said audit reports to the bodies appointing the authority and a copy of said report shall be kept as a public record in the offices of the authority.

(2) Any moneys paid by the authority for such audit shall be deposited in the state general revenue fund earmarked for the use and benefit of the state auditing department.

Section 6. This act shall take effect immediately upon becoming a law.

Approved by the Governor July 10, 1967.

Filed in Office Secretary of State July 10, 1967.

CHAPTER 67-903

House Bill No. 1636

AN ACT relating to the power and duties of circuit courts in domestic relations cases in all judicial circuits of the state comprising three (3) or more counties and having a total population of not less than two hundred ten thousand (210,000) and not more than two hundred seventy-five thousand (275,000), according to the last preceding federal census; empowering circuit courts in any such counties to order the payment of alimony, separate maintenance or sup-

port money for minor children made through the clerk of the circuit court of said county; authorizing the clerk of the circuit court to employ personnel to handle such payments and to charge a fee therefor; and providing for the service by the sheriff or constable of any rule to show cause issued as the result of the violation of such order under this act without an advance of costs; providing an effective date.

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

Section 1. In all judicial circuits of the state comprising three (3) or more counties and having a total population of not less than two hundred ten thousand (210,000) and not more than two hundred seventy-five thousand (275,000), according to the last preceding federal census any circuit court, in addition to any other power given to it by law, upon entering an order involving the payment of alimony to a former wife, separate maintenance to a wife or support money for minor children may require that such payment be made to the clerk of the circuit court of that county. The clerk of said court upon his request shall be furnished with a copy of said order for his use under this act. Payments shall be made by the person required by the court to make them to the clerk of said court who shall disburse the money paid him to the person or persons designated in said order. The clerk of the circuit court is hereby authorized to employ additional personnel or clerks to perform the service in connection herewith in such manner as is otherwise authorized by law and said services are hereby declared to be part of the official duties of said clerk.

Section 2. The clerk of the circuit court, in lieu of other fee allowed by law for such service, is hereby authorized to charge a fee in the sum of fifty cents (50¢) for each payment, said fee or charge shall be added to and become a part of such payment, shall be subject to enforcement in like manner, shall be paid by the person required to make such payments at the same time and in the same manner as said payment.

Section 3. By general order of the judges of the circuit involved, the fee may be decreased.

Section 4. Said orders for alimony, support or separate maintenance herein provided shall be enforced, amended, re-

scinded, or modified as the court, in its discretion, deems proper. Any rule to show cause issued by said court under this act shall be served by the sheriff or constable without an advance of costs, but the costs of such service may be taxed as costs by the court.

Section 5. In the event the clerk of the circuit court, or his employees, through honest and excusable mistake, should pay any sum received by said clerk to a support recipient other than the one for whom the payment was correctly intended, the presiding judge of said circuit or the said circuit judge who entered the support order, may authorize and direct payment to the correct recipient from the fees collected by the clerk as provided by this act. Such order of the circuit judge shall be upon written petition of the clerk setting forth the circumstances and shall be entered after hearing upon the same. No funds of the clerk, other than the fees received under this act may be used for this purpose. Payment may be upon any conditions prescribed by the said judge as he in his discretion may find to be just and equitable, including reimbursement of said fees from subsequent support alimony payments or by the clerk or by the person making the mistake.

Section 6. This act shall be deemed as a remedy cumulative or additional to all other existing remedies in the circuit court of any county covered hereby.

Section 7. This act shall be liberally construed and if any part hereof is either declared unconstitutional or invalid, the remaining portion or portions hereof shall remain in full force and effect, as if such unconstitutional or invalid word, phrase, clause, sentence, or provision had not been incorporated herein.

Section 8. This act shall take effect July 1, 1967.

Approved by the Governor July 10, 1967.

Filed in Office Secretary of State July 10, 1967.

CHAPTER 67-904

House Bill No. 2409

AN ACT to abolish the existing drainage district known as Hollywood Reclamation District, in the County of Broward and State of Florida; and to create, establish, organize and

constitute a new drainage district to be known as Hollywood Reclamation District, repealing all prior laws applicable to Hollywood Reclamation District; to define the territorial boundaries of the new drainage district; to provide for the governing body of the district; to define its powers and duties; to provide for the acquisition, construction and maintenance of drainage improvements; to provide for the levy of taxes and assessments and the collection and enforcement thereof; to provide for the financing of drainage improvements; and to provide for a referendum.

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

Section 1. *Abolish existing drainage district known as Hollywood Reclamation District.*—The existing drainage district known as Hollywood Reclamation District in the County of Broward and State of Florida is abolished.

Section 2. *Title to property reserved.*—The title, rights and ownership of all property, both real and personal, uncollected taxes, assessments, claims, judgments, decrees, choses in action, and all property and property rights held or owned by the drainage district named “Hollywood Reclamation District” abolished by this act, shall pass to and be vested in the drainage district organized under this charter to succeed the drainage district abolished.

Section 3. *Obligations unimpaired.*—No obligations or contracts of the said drainage district hereby abolished, including financial obligations heretofore made or any proceeding heretofore begun for any improvement, or for the borrowing of money, or issuing of bonds, shall be impaired or avoided by this charter, but such debts, obligations and contracts shall pass to and be binding upon the new drainage district hereby created and organized, and all such proceedings heretofore begun for the construction of any improvements or for the borrowing of money or issuing of bonds may be continued and completed and binding upon the said new drainage district; and likewise, all debts of and claims against the abolished drainage district shall be valid against the new drainage district created.

Section 4. *Establishment of new drainage district.*—The Hollywood Reclamation District as its boundaries are hereinafter designated and established, is hereby created and estab-

lished to be a body politic and corporate, to be known and designated as "Hollywood Reclamation District".

Section 5. *Officers hold over.*—All officers and employees heretofore elected or appointed and holding office under the said drainage district hereby abolished, shall continue to hold their respective offices and discharge their respective duties thereof under the new drainage district hereby created until their successors are elected or appointed and qualified under the provisions of this charter.

Section 6. *Rules, resolutions and regulations not impaired.*—All existing rules, resolutions and regulations of the said abolished drainage district not in conflict with the provisions of this charter shall continue in effect unless repealed, amended or modified by the drainage district which is hereby organized and created.

Section 7. *Charter and amendments to charter.*—This act shall hereafter be referred to as the Charter of Hollywood Reclamation District, and may from time to time be amended by duly enacted acts of the legislature of the State of Florida.

Section 8. *Boundaries.*—The following boundaries shall be the territory known as "Hollywood Reclamation District" over which the district shall exercise its general jurisdiction and powers, as provided in this act, to-wit:

Begin at the Northeast corner of Section 9, Township 51 South, Range 41 East, Broward County, Florida; Thence South along the East line of the said Section 9 to the Northwest corner of the S $\frac{1}{2}$ of Section 10, Township 51 South, Range 41 East; Thence East along the North line of the S $\frac{1}{2}$ of the said Section 10 and along the North line of the SW $\frac{1}{4}$ of Section 11, Township 51 South, Range 41 East to the Northeast corner of the SW $\frac{1}{4}$ of the said Section 11; Thence South along the East line of the SW $\frac{1}{4}$ of the said Section 11 and along the East line of the NW $\frac{1}{4}$ of Section 14, Township 51 South, Range 41 East to the Southeast corner of the NW $\frac{1}{4}$ of the said Section 14; Thence West along the South line of the NW $\frac{1}{4}$ of the said Section 14 to the Northeast corner of the S $\frac{1}{2}$ of Section 15, Township 51 South, Range 41 East; Thence South along the East line of the S $\frac{1}{2}$ of the said Section 15 and along the

East line of N $\frac{1}{2}$ of Section 22, Township 51 South, Range 41 East to the Southeast corner of the N $\frac{1}{2}$ of the said Section 22; Thence West along the South line of the N $\frac{1}{2}$ of the said Section 22 to the Northeast corner of the S $\frac{1}{2}$ of Section 21, Township 51 South, Range 41 East; Thence South along the East line of Sections 21, 28 and 33, Township 51 South, Range 41 East to the Southeast corner of the said Section 33; Thence West along the South line of Sections 33, 32 and 31, Township 51 South, Range 41 East to the Southwest corner of the said Section 31; Thence North along the West line of the said Section 31 to the Southeast corner of Section 36, Township 51 South, Range 40 East; Thence West along the South line of Sections 36, 35, 34, 33, 32 and 31, Township 51 South, Range 40 and along the south line of Sections 36, 35 and 34, Township 51 South, Range 39 East to the Southwest corner of Section 34, Township 51 South, Range 39 East; Thence North along the West line of Sections 34, 27, 22, 15 and 10, Township 51 South, Range 39 East to the Northwest corner of the said Section 10; Thence East along the North line of Section 10, Township 51 South, Range 39 East to its intersection with the West right-of-way line of Florida State Road No. 25; Thence North along the West right-of-way line of the said Florida State Road No. 25 through Section 3, Township 51 South, Range 39 East and through Sections 34 and 27, Township 50 South, Range 39 East to its intersection with the South right-of-way line of Central and Southern Florida Flood Control District Canal C-11 (South New River Canal); Thence East along the South right-of-way line of the said Canal C-11 to its intersection with the East line of the West 75 feet of the right-of-way of the said Florida State Road No. 25; Thence South along the East line of the West 75 feet of the right-of-way of the Florida State Road No. 25 through Sections 27 and 34, Township 50 South, Range 39 East and through Section 3, Township 51 South, Range 39 East to its intersection with the North line of Section 10, Township 51 South, Range 39 East; Thence East along the North line of Sections 10, 11 and 12, Township 51 South, Range 39 East and along the North line of Sections 7, 8, 9, 10, 11 and 12, Township 51 South, Range 40 East and along the North line of Sections 7, 8 and 9,

Township 51 South, Range 41 East and the point of beginning.

Section 9. *Definitions.*—Unless the context shall indicate otherwise, the following words as used in this act shall have the following meanings:

(1) “Assessable improvements” includes without limitation any and all drainage and land reclamation works and facilities, sewer systems, storm sewers and drains, water systems, streets, roads or other projects of the district, or that portion or portions thereof, local in nature and of special benefit to the premises or lands served thereby, and any and all modifications, improvements and enlargements thereof.

(2) “Bond” includes “certificate”, and provisions applicable to bonds shall be equally applicable to certificates. “Bond” includes assessment bonds, refunding bonds, and such other obligations in the nature of bonds as are provided for in this act, as the case may be.

(3) “Board” means the board of supervisors of the Hollywood Reclamation District, or if such district shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the board of supervisors shall be given by law.

(4) “Cost”, when used with reference to any project, includes, but is not limited to, the expenses of determining the feasibility or practicability of acquisition, construction or reconstruction; the cost of surveys, estimates, plans and specifications; the cost of acquisition, construction or reconstruction; the cost of improvements; engineering, fiscal and legal expenses and charges; the cost of all labor, materials, machinery and equipment; the cost of all lands, properties, rights, easements and franchises acquired; federal, state and local taxes and assessments; financing charges; the creation of initial reserve and debt service funds; working capital, interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such period of time after completion of construction or acquisition as the board may determine; the cost of issuance of bonds pursuant to this act, including advertisements and printing, the cost of any election held pursuant to this act and all other expenses of

issuance of bonds; administrative expense; such other expenses as may be necessary or incidental to the acquisition, construction or reconstruction of any project or to the financing thereof, or the development of any lands within the district; all fees and collection charges imposed on the district by the Broward County Tax Assessor and Tax Collector; and reimbursement of any public or private body, person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction or reconstruction of any project or improvements thereon, or in connection with any other development of land that the board shall determine to be necessary or desirable in carrying out the purposes of this act, may be treated as a part of such cost.

(5) "District" means the Hollywood Reclamation District.

(6) "Landowner" means the owner of the freehold estate, as appears by the deed record, including private corporations having such an ownership interest, and shall not include reversioners, remaindermen, trustees (other than persons owning the freehold estate in any proceeding under this act or under Chapter 298, Florida Statutes.

(7) "Plat" means a map or drawing, depicting the division of lands into lots, blocks, parcels, tracts, sites or other divisions, however, the same may be designated.

(8) "Project" means any development, improvement, property, utility, facility, works, road, enterprise, service or convenience, now existing or hereafter undertaken or established, that under the provisions of this act or under Chapter 298, Florida Statutes, the district is authorized to construct, acquire, undertake or furnish for its own use or for the use of any other person, firm or corporation, owning, leasing or otherwise using the same, for any purpose or activity, and shall include, without limitation, such repairs, replacements, additions, extensions and betterments of any to any project as may be deemed necessary or desirable by the board of supervisors to place or to maintain such project in proper condition for the same, efficient and economic operation thereof.

(9) "Subdivision" means the division of a parcel of land,

whether improved or unimproved, into two or more lots or parcels of land for the purpose, whether immediate or future, of transfer of ownership or building development where the subdivider proposes to create a street, right-of-way or easement that joins or connects to an existing public street for ingress and egress, or to change an existing public street.

(10) "Drainage and reclamation facilities" means any canals, ditches or other drainage facilities, reservoirs, dams, levees, sluiceways, dredging holding basins, floodways, pumping stations or any other works, structures or facilities for the conservation, control, development, utilization and disposal of water, and any purposes appurtenant, necessary or incidental thereto, and includes all real and personal property and any interest therein, rights, easements and franchises of any nature relating to any such drainage and reclamation facilities or necessary or convenient for the acquisition, construction, reconstruction, operation or maintenance thereof.

(11) References in this act to the boundaries of the district mean such boundaries as the same may from time to time be expanded, contracted or otherwise revised by law or in any proceedings taken under this act, and any actions that may be taken by or on behalf of the district under this act within the limits or boundaries of the district may be taken within such limits or boundaries as expanded, contracted or otherwise revised.

(12) The word "and" shall also mean "or", and the word "or" shall also mean "and", wherever the contents shall so require.

(13) The masculine pronoun shall designate and include the feminine and the neuter where the meaning so permits.

(14) The word "person" used herein in the masculine gender shall mean a male or female person.

(15) The words "District Manager" shall mean the manager of the Hollywood Reclamation District.

Section 10. *Board of supervisors; election; organization; terms of office; quorum; report and minutes.*—

(1) The board of supervisors of the district shall be the

governing body of the district and shall exercise the powers granted to the district under this act and under Chapter 298, Florida Statutes. The board shall consist of three (3) members, and except as otherwise provided herein each member shall hold office for a term of four (4) years and until his successor shall be chosen and shall qualify. A majority of the members of the board shall be residents of Broward County. All of the members of the board shall be residents of the State of Florida.

(2) The persons who are members of the board of supervisors of the Hollywood Reclamation District in office on the effective date of this act shall constitute the members of the board until the month of June of 1971.

(3) In the month of June of each fourth year commencing June of 1971, there shall be held a meeting of the landowners of Hollywood Reclamation District at the office of the district in Broward County, Florida, for the purpose of electing three (3) supervisors for said district. Notice of said landowners meeting shall be published as provided by section 20 of this act. The landowners when assembled at such meeting shall organize by electing a chairman who shall conduct the meeting. At such meeting each landowner shall be entitled to cast one vote for each person to be elected. A landowner may vote in person or by proxy in writing. Each landowner shall be entitled to cast one vote for each acre of land owned by him and located within the district boundaries. Fractions of an acre in excess of one-half acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. The three (3) persons receiving the highest number of votes for the office of supervisor shall be declared elected.

(4) Each supervisor before entering upon his official duties, shall take and subscribed to an oath of office as prescribed in Florida Statutes 298.13.

(5) All supervisors shall hold office for the terms for which they are elected or appointed and until their successors shall be chosen and qualify. In case of a vacancy in the office of any supervisor, the remaining supervisor or supervisors (even though less than a quorum) may fill such vacancy for the unexpired term of the supervisor who vacated his office.

(6) As soon as practicable after each election, the board

shall organize by choosing one of their number president of the board and by electing a secretary, who need not be a member of the board.

(7) A majority of the members of the board shall constitute a quorum.

(8) The board shall keep a permanent record book entitled "Record of Proceedings of Hollywood Reclamation District", in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be opened to the inspection of any landowner, taxpayer, resident or bondholder of the district, and such other persons as the board may determine to have a proper interest in the proceedings of the board. Such record book shall be kept at any office or other regular place of business maintained by the board in Broward County.

(9) Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reason such election is not held at such time or on such day, then in such event the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter when practicable, and in accordance with the procedures provided by this act.

Section 11. *Appointment and duties of district manager.*—For the purpose of preserving any ditch, road, drain, dike, levee or other work constructed or erected under the provisions of this act or under the provisions of Chapter 298, Florida Statutes, and for the taking care and the operation of the equipment owned by the district and the maintenance of the canals and other works of the district, including the removal of obstructions from the same, and such other duties as may be prescribed by the board, the board may employ a district manager who shall have charge and supervision of the works of the district.

Section 12. *Compensation of board.*—Each supervisor shall be entitled to receive for his services an amount not to exceed One Hundred (\$100.00) Dollars per month. In addition, each supervisor shall receive reasonable travelling expenses for attending the place of meeting from his residence. Unless the board by resolution otherwise provides, such travelling expenses

shall not be in excess of the amounts provided by law for state and county officials.

Section 13. *Powers.*—The district shall have, and the board may exercise, any or all of the following powers :

(1) To contract and be contracted with; to sue and be sued in the name of the district; to adopt and use a seal; to acquire by purchase, gift, devise, condemnation, eminent domain, or otherwise, property, real or personal, or any estate therein, within or without the district, to be used for any purpose necessary or to meet the needs of any of the purposes of this act.

(2) To establish, construct, operate and maintain a system of main and lateral canals, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways, pumping stations, syphons, culverts, storm sewers, and to connect some or any of them as within the judgment of the board is deemed advisable to drain and reclaim the lands within the district.

(3) To acquire and maintain appropriate sites for storage and maintenance of the equipment of the district; to acquire and maintain and construct a suitable building to house the office and records of the district.

(4) To clean out, straighten, widen, open up or change the course and flow, alter, or deepen any canal, ditch, drain, river, water course or natural stream as within the judgment of the board is deemed advisable to drain and reclaim the lands within the district; to acquire, purchase, operate and maintain pumps, plants and pumping systems for drainage purposes; to construct, operate and maintain irrigation works and machinery in connection with the purposes herein set forth.

(5) To regulate and set forth by appropriate resolution the drainage requirements and conditions to be met for plats to be entitled to record on any land within the district, including authority to require as a condition precedent for any platting that good and sufficient bond be posted to assure proper drainage for the area to be platted.

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

(7) To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district; to acquire, construct, operate, maintain, use, sell, convey, transfer or otherwise provide for machines and equipment for drainage and reclamation purposes; and to contract for the purchase, construction, operation, maintenance, use, sale, conveyance and transfer of the said machinery and equipment.

(8) To construct or enlarge, or cause to be constructed or enlarged any and all bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way tract, grade, fill or cut; to construct roadways over levees and embankments; to construct any and all of said works and improvements across, through, or over any public highway, railroad right-of-way, track, grade, fill or cut in or out of the district; to remove any fence, building or other improvements, in or out of the district for purposes of drainage and reclamation.

(9) To hold, control and acquire by donation, purchase or condemnation, any easement, reservation or dedication in or out of the district, for any of the purposes herein provided. To condemn or acquire, by purchase or grant or by exercise of the right of eminent domain, for use in the district, any land or property within or without the district and acquire or condemn any other property within or without the district. To exercise the right of eminent domain as provided by Chapters 73 and 74, Florida Statutes.

(10) To assess and impose upon all of the lands in the district an annual drainage tax, an administrative tax and a maintenance tax is hereinafter provided.

(11) To impose and foreclose special assessment liens as hereinafter provided.

(12) To prohibit, regulate and restrict by appropriate resolution all structures, materials, things, whether solid, liquid or gas, whether permanent or temporary in nature, which come upon, come into, connect to or be a part of any of the main or lateral drains, ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations

and syphons which may have been heretofore created or which may be hereafter created or which may be hereafter constructed.

(13) To administer and provide for the enforcement of all of the provisions herein, including the making, adopting, promulgating, amending and repealing of all rules and regulations necessary or convenient for the carrying out of the duties, obligations and powers conferred on the district created hereby.

(14) To cooperate with or contract with other drainage districts or other governmental agencies as may be necessary, convenient, incidental or proper in connection with any of the powers, duties or purposes of the district as stated in this act.

(15) To employ engineers, attorneys, agents, employees and representatives as the board of supervisors may from time to time determine necessary and to fix their compensation and duties.

(16) To exercise all of the powers necessary, convenient, incidental or proper in connection with any of the powers, duties or purposes of said district as stated in this act.

(17) To construct, improve and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban subdivision, homesites and other beneficial developments as a result of the drainage operations of the district.

(18) To make use of any dedication to public use or platted reservations within the boundaries of the district.

(19) To exercise any and all other powers conferred upon drainage districts by Chapter 298, Florida Statutes, including, but not limited to, the power to acquire and construct drainage improvements, to issue bonds to pay the cost thereof, and to levy and collect drainage taxes upon lands benefited by the improvements.

Section 14. *Treasurer; depositories; fiscal agent.*—The board shall designate a person who is a resident of the state of Florida, or a bank or trust company organized under the laws of the state of Florida, as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be

disbursed only upon the order of or pursuant to the resolution of the board by warrant or check signed by the treasurer, or by such other person as may be authorized by the board. The treasurer may hold any other office provided for in this act, except that the same person may not be president and treasurer. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate, and fix his compensation; and may require the treasurer to give a bond in such amount, on such terms and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.

(2) The board is authorized to select as depositories in which the funds of the board and of the district shall be deposited any banking corporation organized under the laws of the state of Florida or under the national banking act, doing business in the state of Florida, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

(3) The board may employ a fiscal agent, who shall be either a resident of the state of Florida or a corporation organized under the laws of this or any other state and authorized by such laws to act as such fiscal agent for municipal corporations in the state of Florida and who shall assist in the keeping of the tax books, the collection of taxes and the remitting of funds to pay maturing bonds and coupons, and perform such other or additional services and duties as fiscal agent and receive such compensation as the board may determine.

Section 15. *Within act is full authority for the establishment of district projects.*—The board shall have exclusive jurisdiction and control over all of the district, including but not limited to all drainage and reclamation facilities, except to the extent otherwise provided in this act and except to the extent that the board may by agreement with any other public or private body authorize the same to exercise jurisdiction or control over any of the projects of the district. It shall not be necessary for the district to obtain any license, permit or other authorization from any board, commission or like instrumentality of Broward County or any political subdivision therein in order

to construct, reconstruct, acquire, extend, repair, improve, maintain or operate any project.

Section 16. *Exercise by district of its powers within municipalities.*—Except as otherwise provided in this act, the district shall have the power to exercise any of its rights, powers, privileges and authorities in any and all portions of the district lying within the boundaries of the city of Hollywood, the city of Pembroke Pines, the city of Miramar, and any other municipal corporation or other political subdivision, heretofore or hereafter created or organized, whose boundaries lie wholly or partly within the geographic limits of the district, to the same extent and in the same manner as in areas of the district now incorporated as part of a municipality.

Section 17. *Seal.*—The official seal of the Hollywood Reclamation District hereby established shall bear the legend “Hollywood Reclamation District, Broward County, Florida, Seal, Established 1967”.

Section 18. *Fiscal year.*—The board of supervisors, by resolution, shall establish the fiscal year for the district.

Section 19. *Annual budget.*—Prior to May 15th of each year after this act is effective, the secretary of the district shall prepare a proposed budget to be submitted to the board for their approval. The proposed budget shall include an estimate of all necessary expenditures of the district for the next ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the secretary or modify the same in part or in whole. The board shall indicate their approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in Broward County, Florida, once a week for two (2) consecutive weeks providing that the second publication shall not be less than seven (7) days after the first publication. The notice shall be directed to all landowners in the district and shall state the purpose of the meeting. The notice shall further contain a designation of the date, time and place of the public hearing, which shall be not less than seven (7) days after the second publication. At the time and place designated in the notice, the

board shall hear all objections to the budget as proposed, and make such changes as the board deems necessary. At the conclusion of the budget hearing the board shall, by resolution, adopt the budget as finally approved by the board.

Section 20. *Notice and call of meetings of landowners; quorum; adjournments; representation at meetings; taking action without meeting.*—

(1) The board shall publish notice of all meetings of landowners once a week for two (2) consecutive weeks prior to such meeting in a newspaper of general circulation in Broward County. Meetings of landowners shall be held in a public place, or any other place made available for the purpose of such meeting, in Broward County, and the place, date and hour of holding such meeting and the purpose thereof shall be stated in the notice. Landowners representing a majority of the number of acres in the district, present in person or by proxy, shall constitute a quorum at any meeting of the landowners.

(2) The board may call special meetings of the landowners at any time to receive reports of the board or for such other purpose as the board may determine. A special meeting of the landowners may also be called at any time upon notice as provided hereinabove at the written request of the owners of not less than twenty-five (25) per cent in acreage of the land within the district for the purpose of taking any lawful action by the landowners of the district. Such special meeting shall be called by any court of competent jurisdiction in the event that the board fails to do so upon request as provided in the preceding sentence. Except as otherwise provided in Section 10 of this act with respect to the election of supervisors, action taken at a meeting of the landowners shall be by affirmative vote of the owners of at least a majority in acreage of the land within the district represented at such meeting.

(3) If no quorum is present or represented at a meeting of the landowners at the time and place the same is called to be held, the landowners present and represented, although less than a quorum, may adjourn to another time or day, and at such or any subsequent adjourned meeting may, if a quorum is then present or represented, take any action that the landowners could have taken at the meeting or meetings so adjourned for lack of a quorum.

(4) At any meeting of the landowners, guardians may represent their wards; executors and administrators may represent the estate of deceased persons; trustees may represent lands held by them in trust; and private corporations may be represented by their duly authorized proxy. All landowners, including guardians, executors, administrators, trustees and corporations, may be represented and vote by proxy.

(5) Any action required or that may be taken at a meeting of the landowners may be taken without a meeting or notice of meeting being given upon the written consent of all of the landowners.

Section 21. *Plan of reclamation; proceedings thereon.*—As soon as practicable after their appointment and qualification, as herein provided, the board shall cause to be made by the chief engineer or such other engineer or engineers as the board may employ for that purpose, a complete and comprehensive plan for the drainage and reclamation of the lands located within the district. The engineer or engineers designated by the board to make said plan shall make all necessary surveys of the lands within the boundary lines of said district and of all lands adjacent thereto that will be improved or reclaimed in part or in whole by any system of drainage that may be outlined and adopted, and shall make a report in writing to the board with maps and profiles of said surveys, which report shall contain a full and complete plan for drainage and reclaiming the lands located within the district from overflow or damage by water, with the length, width and depth of such canals, ditches, dikes or levees or other works as may be necessary in conjunction with any canals, drains, ditches, dikes, levees or other works heretofore constructed by any other drainage or reclamation district, or any other person or persons, or which may hereafter be built by any or either of such agencies that may be necessary or which can be advantageously used in such plan and also an estimate of the cost of carrying out and completing the plan of reclamation, including the cost of superintending the same and all incidental expenses in connection therewith.

(1) Upon the completion of such plan, the board shall hold a hearing thereon to hear objections thereto and shall give notice of the time and place fixed for such hearing by

publication once each week for two (2) consecutive weeks in a newspaper of general circulation published in Broward County, and shall permit the inspection of said plan at the office of the district by all persons interested. All objections to said plan shall be filed at or before the time fixed in said notice for the hearing and shall be in writing.

(2) After said hearing the board shall adopt a plan as the plan of reclamation of the district. If, however, any owner of lands within or without said district objects to said plan so adopted, then such person may within ten (10) days after the adoption of said plan, file in the office of the clerk of the circuit court of Broward county, his objections in writing, specifying the features of the plan to which objection is made, and thereupon the clerk shall fix a date for the hearing thereof before the court and at the time so fixed the court shall hear said objections and adopt, modify, reject or refer back said plan to the board.

If the court should reject said plan, then the board shall proceed as in the first instance under this act to prepare another plan. If the court should refer back said plan to the board for amendment, then the court shall continue the hearing to a day certain, without publication of notice. When the court shall approve a plan an order shall be entered thereon, and a certified copy thereof shall be filed in the office of the secretary and by him incorporated into the records of the district.

The plan of reclamation may be altered in detail from time to time until the appraisal record herein provided is filed, but not in such manner as materially to effect the conditions of its adoption. After the appraisal record has been filed no alterations of the plan or reclamation shall be made, except as provided by this act.

(3) Within twenty (20) days after the final adoption of the plan of reclamation by the board, or within twenty (20) days after the adoption and confirmation of such plan by the court, in the event objections thereto shall have been filed in the office of the clerk of said court, the secretary of the district shall prepare and transmit a certified copy thereof to the clerk of the circuit court and at the same time the board shall file with said clerk a petition that the said court appoint three (3) commissioners to appraise the lands within and without

the said district to be acquired for right-of-way, holding basins, and other drainage works of the district and to assess benefits and damages accruing to all lands within the district by reason of the execution of the plan of reclamation. Immediately after the filing of such petition the judge of said court in whose division the petition shall have been assigned shall by an order appoint three (3) commissioners, who shall be freeholders residing within the state of Florida, and who shall not be land-owners in said district, nor of kin within the fourth degree of consanguinity to any person owning land in said district. A majority of said commissioners shall constitute a quorum and shall control the action of the commissioners on all questions.

(4) Immediately upon the filing of said order of appointment, the secretary of the district shall notify each of said commissioners of his appointment, and in the said notice he shall state the time and place for the first meeting of said commissioners. The secretary of the district, or his deputy, shall attend such meeting and shall furnish to said commissioners a complete list of lands embraced in the district, or adjacent thereto, that will be affected by the execution of the plan of reclamation. The secretary shall also furnish to the commissioners a copy of the plan of reclamation and such other papers, documents and information as the commissioners require. The commissioners at the meeting shall each take and subscribe to an oath that he will faithfully and impartially discharge his duties as such commissioner and make a true report of the work performed by such commissioners, and shall elect one of their number chairman. The secretary of the district, or his deputy, shall be ex officio secretary to the commissioners, and the attorney for the district, and other agents and employees thereof shall cooperate with the commissioners and furnish to them such advice, assistance and cooperation as they shall require.

(5) Immediately after qualifying as provided in the previous paragraph, the commissioners shall commence the performance of their duties; the chief engineer, or one of his assistants, shall accompany said commissioners when engaged in the discharge of their duties and shall render his opinion in writing when called for. Said commissioners shall proceed to view the premises and determine the value of the lands within

or without the district to be acquired and used for rights-of-way, holding basins, and other works described in the plan of reclamation; they shall appraise all benefits and damages which will accrue to all lands by reason of the execution of the plan of reclamation. The commissioners in appraising benefits to lands, public highways, railroads and other rights-of-way shall not consider what benefits will be derived by such property after other ditches, improvements, or other plans of reclamation shall have been constructed, but they shall appraise only such benefits as will be derived from the construction of the works and improvements described in the plan of reclamation or as the same may afford an outlet for drainage or protection from overflow of such property. The commissioners shall give due consideration and credit to any other drainage works which have already been constructed and which afford partial or complete protection to any tract or parcel of land within the district. The public highways, railroads and other rights-of-way shall be appraised according to the increased physical efficiency and decreased maintenance cost of roadways by reason of the improvements. The commissioners shall have no power to change the plan of reclamation. The commissioners shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column 1 "Owner of Property Appraised"; Column 2 "Description of Property Appraised"; Column 3 "Number of Acres Appraised"; Column 4 "Amount of Benefits Appraised"; Column 5 "Amount of Damages Appraised"; Column 6 "Number of Acres to be Taken for Rights-of-way, Holding Basins, etc."; Column 7 "Value of Property to be Taken". They shall also, by and with the advice of the chief engineer, estimate the cost of the works described in the plan of reclamation, which estimate shall include the cost of property required for rights-of-way, holding basins, and other works, the probable expense of organization and administration as estimated by the board of supervisors, and all of the expenses of the district during the period of executing the plan of reclamation. Before appraisals of compensation and damages are made, the board may report to the commissioners the parcels of land it may wish to purchase and for which it may wish appraisals to be made, both for easement and for purchase in fee simple, and the board may specify the particular purpose for which, and the extent to which, an easement in any property is desired, de-

scribing definitely such purpose and extent. Wherever so instructed to do by the board, the commissioners shall appraise lands which it may be necessary or desirable for the district to own and when so requested by the board they shall also appraise both the total value of the land and also the damages due to any easement required for the purposes of the district. Upon such appraisal being confirmed by the court the board shall have the option of paying the entire appraised value of the property and acquiring full title to it in fee simple, or of paying only the cost of such easement. Upon written demand of the owner such option shall be exercised by the board within ninety (90) days after the date of the final judicial determination of such appraisals.

The report of the commissioners shall be signed by at least a majority of the commissioners and filed in the office of the clerk of the Circuit Court of Broward County, Florida. Each commissioner shall be paid Fifty (\$50.00) Dollars per day for his services and necessary expenses in addition thereto.

(6) In case the report of the commissioners shall contain assessments of benefits and damages to lands not included in the district the board shall file in the office of the clerk a petition praying that the court grant permission for the extension of the boundary lines of said district so as to embrace all lands that will be benefited as shown by the report of said commissioners. Upon the filing of such petition the court shall fix a place and time for hearing thereon, and thereupon the clerk shall cause notice by publication once each week for four (4) consecutive weeks in a newspaper published in Broward County, Florida, to be given of the filing of said petition and of the time and place of the hearing thereon. Upon such hearing the court shall have full power and authority to enter such orders as may be proper in the premises, including an order extending the boundary lines of the district to include all or any part of the lands which the commissioners have recommended should be included within the district, and if the court shall, by such order, extend the boundary lines of the district the lands so included shall thereafter be deemed to be included within the boundary lines of the district with the same force and effect as if described particularly in this act.

(7) Upon the filing of the report of the commissioners, the

clerk shall give notice thereof by causing publication to be made once a week for two (2) consecutive weeks in a newspaper of general circulation published in Broward County, Florida. It shall not be necessary for the clerk to name the parties interested, nor to describe separate lots or tracts of land in giving said notice, but it shall be sufficient to publish the said notice in the following form:

“NOTICE OF FILING COMMISSIONERS’ REPORT FOR HOLLYWOOD RECLAMATION DISTRICT.

Notice is hereby given that the Commissioners heretofore appointed to appraise benefits and damages to property and lands located within Hollywood Reclamation District in the State of Florida and to appraise the cash value of the land necessary to be taken for rights-of-way, holding basins and other works of said district did file their report in the office of the undersigned Clerk of the Circuit Court, upon the _____ day of _____, 19_____, and you, and each of you, are hereby notified that you may examine said report and file exceptions to same on or before the _____ day of _____, 19_____ (which date shall be not less than twenty-eight (28) days nor more than thirty (30) days from the first date of publication).

 Clerk of the Circuit Court
 of Broward County, Florida”

Provided that if lands in different counties are contained in said report the said notice shall be published in some newspaper in each county in which such lands so affected are situated, but the Circuit Court of Broward County, Florida, shall have jurisdiction to hear and determine all questions with reference to lands in all counties.

The state board of drainage commissioners, the drainage district, or any owner of land or other property to be affected by said report, may file exception to any part, or all, of the report of said commissioners within the time specified in the notice prescribed in the preceding paragraph. All exceptions shall be heard and determined by the court in a summary manner so as to carry out liberally the purposes and needs of the district. If no exceptions are filed, or if it is shown, upon

the hearing of all of said exceptions, that the estimated cost of construction of improvements contemplated in the plan of reclamation is less than the benefits assessed against the lands in said district, the court shall approve and confirm said commissioners' report; but, if the court upon hearing the objections filed, finds that any or all such objections should be sustained, it shall order the report changed to conform with such findings, and when so changed the court shall approve and confirm such report and enter its decree accordingly. The court shall adjudge and apportion the costs incurred by the exceptions filed, and shall condemn any land or other property, within or without the boundary lines of the district, that is shown by the report of the commissioners to be needed for rights-of-way, holding basins or other works, or that may be needed for material to be used in constructing said works, following the procedure provided in Chapters 73 and 74, Florida Statutes; provided, however, that any property owner may accept the assessment of damages in his favor made by the commissioners, or acquiesce in their failure to assess damages in his favor, and shall be construed to have done so, unless he gives the supervisors of the district, on or before the time shall have expired for filing exceptions, as provided in this act, notice in writing that he demands an assessment of his damages by a jury; in which event the supervisors of the district shall institute in the circuit court of the county in which the land is located an action to condemn the lands and other property that must be taken or damaged in the making of such improvements, with the right and privilege of paying into court a sum to be fixed by the circuit court or judge, and proceeding with the work, before the assessment by the jury; provided, any person or party interested may prosecute and appeal to the appropriate district court of appeal in the manner and within the time provided by the Florida appellate rules.

The clerk of the Circuit Court of Broward County, shall transmit a certified copy of the court decree and copy of the commissioners' report, as confirmed or amended by the court, to the secretary of the board, and the clerk of the circuit court shall also transmit a certified copy of the said decree and that part of the said report affecting land in each county to the clerk of the circuit court of each county having lands in the district, or affected by the said report, where the same shall be filed and become a permanent record, and each such clerk

shall receive a fee of Five (\$5.00) Dollars for receiving, filing and preserving same.

Section 22. *Adoption, revision and revocation of plan of reclamation.*—In addition to and not in limitation of its power to provide for and adopt a plan of reclamation provided in Section 21 herein and under Section 298, Florida Statutes, and amendments thereto, the board may at any time and from time to time adopt, revoke or modify in whole or in part, any plan of reclamation or any plan providing for the drainage of lands within the district, and may provide for such new and additional drainage facilities, canals, ditches, levees and other works as the board may determine. In connection with the revision of any plan of reclamation or the providing of any new or additional drainage facilities, canals, ditches, levees or other works, or in the event that the total taxes and assessments theretofore levied or the funds derived from the sale of bonds are insufficient to pay the cost of any drainage works, benefits may be reassessed, additional assessments made and taxes levied in accordance with the procedures provided in this act or in Chapter 298, Florida Statutes. The board may at any time approve and make effective technical changes or modifications in any plan of reclamation or drainage not affecting assessed benefits, levy of taxes or the security of bondholders.

Section 23. *Assessing land for reclamation; apportionment of tax; lands belonging to state assessed; drainage tax record.*—After the lists of lands, with the assessed benefits and the decree and judgment of court, have been filed in the office of the clerk of the circuit court as provided in section 21, then the board shall, without any unnecessary delay, levy a tax of such portion of said benefits, on all lands in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements, as shown in said plan of reclamation and in carrying out the objects of said district; and, in addition thereto, ten (10) per cent of said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract of land in said district in proportion to the benefits assessed, and not in excess thereof; and in case bonds are issued, as provided in this chapter, a tax shall be levied in a sum not less than an amount, ninety (90) per cent of which shall be equal to the principal of said bonds.

The amount of bonds to be issued for paying the cost of the works as set forth in the plan of reclamation shall be ascertained and determined by the board, provided, however, that the total amount of all bonds to be issued by the district shall in no case exceed ninety (90) per cent of the benefits assessed upon the lands of the district. The amount of the interest (as estimated by said board), which will accrue on such bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are equal to, or in excess of, the benefits assessed. The benefits, and all lands in said district belonging to the state, shall be assessed to, and the taxes thereon shall be paid by, the state out of funds on hand, or which may hereafter be obtained, derived from the sale of lands belonging to the state; this provision shall apply to all taxes in any drainage district including maintenance and ad valorem taxes, either levied under this or any other law, as well as to the taxes provided for in this section. The secretary of the board of supervisors, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well bound book, which book shall be endorsed and named "DRAINAGE TAX RECORD OF HOLLYWOOD RECLAMATION DISTRICT, BROWARD COUNTY, FLORIDA," which endorsement shall be printed or written at the top of each page in said book, and shall be signed and certified by the president and secretary of the board, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary.

Section 24. *Prepayment of taxes or assessments.*—The board may provide that any tax or assessment may be paid at any time before due, together with interest accrued thereon to the date of prepayment and any prepayment premiums or penalties, if such prior payment shall be permitted by the proceedings authorizing any bonds or other obligations for the payment of which special assessments have been pledged or taxes levied.

Section 25. *Tax liens.*—All taxes of the district provided for in this act or chapter 298, Florida Statutes, together with

all penalties for default in the payment of the same and all costs in collecting the same including a reasonable attorneys fees fixed by the court and taxed as cost in the action brought to enforce payment, shall from January 1 for each year the property is liable to assessment and until paid constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes which lien may be enforced against such property as though no such sale thereof had been made. The provisions of section 192.21, Florida Statutes, and amendments thereto shall be applicable to district taxes with the same force and effect as if said provisions were expressly set forth in this act.

Section 26. *Issuance of bond anticipation notes.*—In addition to the other powers provided for in this act and not in limitation thereof, the district shall have the power, at any time and from time to time after the issuance of any bonds of the district shall have been authorized to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate or rates not in excess of six (6) percent per annum, mature at such time or times not later than five (5) years from the date of issuance, be renewable for an additional term or terms in the aggregate not in excess of five (5) years from the date of first renewal, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale, or if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for

the payment of such bonds, but in such event a like amount of the bonds authorized shall not be issued.

Section 27. *Short term borrowing.*—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall have a term not exceeding two (2) years from the date of issuance thereof, and may be renewable for a like term or terms, shall bear interest in any amount not in excess of six (6) per cent per annum, and may be payable from and secured by a pledge of such funds, revenues, taxes and assessments as the board may determine. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants or other evidences of debt signed on behalf of the district by any one of the board duly authorized by the board, such notes or other evidences of indebtedness to be payable at such times, to bear interest at a rate not exceeding six (6) per cent per annum and to be sold or discounted at such price or prices and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes and assessments of the district. The approval of the qualified electors who are freeholders residing in the district shall not be necessary except where required by the constitution.

Section 28. *Trust agreements.*—In the discretion of the board, any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including without limitation covenants setting forth the duties of the district in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation and insurance of any projects, the fixing and revising of the rates, fees, tolls, fares and charges, and the custody, safeguarding and application of all moneys, and for

the employment of counselling engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair or operation. It shall be lawful for any bank or trust company incorporated under the laws the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

Section 29. *Sale of bonds.*—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable but not in any event at less than ninety-five (95) per cent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the district of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchanged for any property, real, personal or mixed, including franchises, or services rendered by any contractor, engineer or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged or delivered may be (a) the money paid for the bonds, (b) the principal amount, plus accrued interest to the date of redemption or exchange, of outstanding obligations exchanged for refunding bonds, (c) in the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

Section 30. *Authorization and form of bonds.*—Bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all of the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced, and need not be published or posted. The board may by resolution authorize the issuance of bonds, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest, which shall not exceed six (6) per cent per annum, the denomination of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates of maturity, which shall not exceed forty (40) years from their respective dates of issuance, the medium of payment, the place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether with or without premium), the manner of execution, the form of the bonds including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants and conditions thereof, and the establishment of revenue or other funds. Such authorizing resolution may further provide that such bonds may be executed manually or by engraved, lithographed or facsimile signature, provided that where signatures are engraved, lithographed or facsimile no bond shall be valid unless countersigned by a registrar or other officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved or otherwise reproduced in facsimile on such bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Section 31. *Increase in maximum allowable interest on district bonds.*—Anything in this act or the laws of the state to the contrary notwithstanding, if at any time and from time to time the general laws of the state of Florida permit the counties, municipalities or political subdivisions of the state, or any of them, to issue general obligation, revenue, assessment or other bonds bearing interest in an amount or at a rate in excess of six (6) per cent per annum, then the maximum allowable

interest on any bonds of the district that may be issued during the effective period of such general law shall be the maximum amount or rate permitted under such general law.

Section 32. *Interim certificates; replacement certificates.*—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated or be lost or destroyed.

Section 33. *Negotiability of bonds.*—Any bond issued under this act and any interim certificate, receipt or temporary bond shall, in the absence of an express recital on the face thereof that it is non-negotiable, be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of the state of Florida.

Section 34. *Defeasance.*—The board may make such provision with respect to the defeasance of the right, title and interest of the holders of any of the bonds and obligations of the district in any revenues, funds or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and the interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be paid, or sufficient monies or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient monies, shall be held or deposited in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title and interest of the holders of the bonds in any revenues, funds or other properties by which such bonds are secured shall thereupon cease, determine and become void, and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the

redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

Section 35. *Bonds as legal investment or security.*—Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency, instrumentality, county, municipality or other political subdivision of the state, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal or other public funds, or by insurance companies as required or voluntary statutory deposits.

Section 36. *Covenants.*—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, taxes and assessments, the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment, powers and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the district, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the district, the maintenance of deposits to assure the payment of revenues by users of district facilities and services, the discontinuance of district services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

Section 37. *Validity of bonds; validation proceedings.*—

(1) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and

shall not be invalid because of any irregularity or defects in the proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the district may, but is not required to, publish a notice at least once in a newspaper or newspapers published or of general circulation in Broward County, stating the date of adoption of the resolution authorizing such obligations, the amount, the maximum rate of interest and maturity of such obligations, and the purpose in general terms for which such obligations are to be issued, and further stating that any action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within twenty (20) days after the first publication of such notice, or the validity of such obligations, proceedings and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such twenty (20) day period then the validity of such obligations, proceedings and covenants shall be conclusive, and all persons or parties whatsoever shall be forever barred from questioning the validity of such obligations, proceedings or covenants in any court whatsoever.

(2) The power of the district to issue bonds under the provisions of this act may be determined and any of the bonds of the district may be validated and confirmed by circuit court decree, under the provisions of chapter 75, Florida Statutes, and laws amendatory thereof or supplementary thereto.

Section 38. *Within act furnishes full authority for issuance of bonds.*—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts or things by the board, or any board, officers, commission, department, agency or instrumentality of the district, other than those required by this act, shall be required to issue any bonds or to do any act or perform anything under this act, and the issuance or sale of bonds pursuant to the provisions of this act need not comply with the requirements of any other law applicable to the issuance or sale of bonds, except as otherwise provided in this act, and shall not require the consent or approval of the board of drainage commissioners of the state of Florida or of any other board, officers, commission, department, agency or

instrumentality of the state of Florida or any political subdivision thereof. Except as otherwise provided herein, no proceedings or procedures of any character whatever shall be necessary or required for the issuance of bonds other than the adoption of an appropriate resolution by the board as provided in this act with respect to the issuance of the same. The powers conferred by this act on the district with respect to the issuance and sale of bonds shall be in addition and supplemental to the powers conferred by any other law.

Section 39. *Pledge by the state of Florida to the bondholders of the district and to the federal government.*—The state of Florida pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, tolls, fares, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, that it will not in any way impair the rights or remedies of the holders, and that it will not modify in any way the exemption from taxation provided in the act, until all such bonds together with interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The state of Florida pledges to and agrees with the federal government that in the event the federal government or any agency or authority thereof shall construct or contribute any funds, materials or property for the construction, acquisition, extension, improvement, enlargement, maintenance, operation or furnishing of any of the projects of the district, or any part thereof, the state will not alter or limit the rights and powers of the district in any manner which would be inconsistent with the continued maintenance and operation of such project, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the district and the federal government, and the district shall continue to have and may exercise all powers herein granted so long as the board of supervisors may deem the same necessary or desirable for the carrying out of the purposes of this act and the purposes of the federal government in the construction, acquisition, extension, improvement, enlargement, maintenance, operation or

furnishing of any of the projects of the district, or any part thereof.

Section 40. *Annual installment taxes.*—

(1) The board shall annually determine, order and levy the annual installment of the total taxes which are levied under section 23 of this act or under chapter 298.36, Florida Statutes, which shall be due and be collected during each year that county taxes are due and collected and said annual installment and levy shall be evidenced to and certified by the board of supervisors not later than August 31st of each year to the Broward County tax assessor. Said tax shall be entered by the county tax assessor on the county tax rolls and shall be collected by the Broward County tax collector in the same manner and same time as county taxes and the proceeds thereof paid to the district. The tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

(2) In the alternative, the board may by resolution determine the amount of taxes as provided by chapter 298.37, Florida Statutes, and thereafter the annual installments shall be levied, collected and enforced as provided in chapter 298, Florida Statutes.

Section 41. *Operation and administrative tax.*—To carry on the business of the district and to pay the administrative and operational costs thereof and in addition to any other tax or assessment authorized to be levied, the district is authorized to levy a tax on all the lands within the district not to exceed Four (\$4.00) Dollars per acre for any one year for said purpose.

Section 42. *Maintenance tax.*—To maintain and preserve the drainage improvements of the district a maintenance tax shall be evidenced to and certified by the board of supervisors not later than August 31st of each year to the tax assessor and shall be entered by the tax assessor on the county tax rolls and shall be collected by the tax collector in the same manner and time as county taxes and the proceeds therefrom paid to the district. The tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes. If the maintenance is for original construction based upon an apportionment of benefits, the maintenance tax shall be apportioned on the same basis of the net assessments of benefits

assessed or accruing for original construction and shall not exceed ten (10) per cent thereof in any one year. If the maintenance is for other drainage improvements owned, operated or acquired by the district, the amount of said maintenance tax shall be determined by the board based upon a report of the chief engineer and assessed by the board, upon such lands, which may be all of the lands within the district benefited by the maintenance thereof.

Section 43. *Enforcement of taxes.*

(1) The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes and the provision of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith shall be applicable to the district to the same extent as if said statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(2) The provisions of subsection (1) of this section shall not be applicable if the board has determined to levy and collect taxes under section 40 (2) of this act.

Section 44. *When unpaid tax is delinquent; penalty.*

(1) All taxes provided for in this act shall become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

(2) The provisions of subsection (1) of this section shall not be applicable if the board has determined to levy and collect taxes under section 40 (2) of this act.

Section 45. *Special assessments.*—The board may provide for the construction or reconstruction of assessable improvements as defined in section 9 of this act, and for the levying of special assessments upon benefited property for the payment thereof, under the provisions of this section.

Such special assessments may be levied and assessed in either of the alternate methods provided in subsections (1) and (2)

below, and except for such procedure, all the other provisions of this section and this act shall apply to levy of such special assessments under either subsection (1) or subsection (2) hereof.

The initial proceeding under subsection (1) or subsection (2) of this section shall be the passage by the board of a resolution ordering the construction or reconstruction of such assessable improvements, indicating the location by terminal points and routes and either giving a description of the improvements by its material, nature, character and size or giving two or more descriptions with the directions that the material, nature, character and size shall be subsequently determined in conformity with one of such descriptions. Drainage improvements need not be continuous and may be in more than one locality. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may be designated as an assessment district, followed by a letter or number or name to distinguish it from other assessment districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices required by this section.

As soon as possible after the passage of such resolution the engineer for the district shall prepare, in duplicate, plans and specifications for each improvement ordered thereby and an estimate of the cost thereof. Such cost shall include, in addition to the items of cost as defined in this act, the cost of relaying streets and sidewalks necessarily torn up or damaged and the following items of incidental expenses:

- (1) Printing and publishing notices and proceedings;
- (2) Costs of abstracts of title; and
- (3) Any other expense necessary or proper in conducting the proceedings and work provided for in this section, including the estimated amount of discount, if any, financial expenses upon the sale of assessment bonds or any other obligations is-

sued hereunder for which such special assessment bonds or any other obligations issued hereunder for which such special assessments are to be pledged, and interest prior to and until not more than two (2) years after the completion of said assessable improvements. If the resolution shall provide alternative descriptions of material, nature, character and size, such estimate shall include an estimate of the cost of the improvement of each such description.

The district engineer shall next prepare in duplicate a tentative apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and in relation to apportionment of cost provided herein for the preliminary assessment roll. Such tentative apportionment of total estimated cost shall not be held to limit or restrict the duties of the engineer in the preparation of such preliminary assessment roll under subsection (1) hereof. One of the duplicates of such plans, specifications and estimates and such tentative apportionment shall be filed with the secretary of the board and the other duplicate shall be retained by the engineer in his files, all thereof to remain open to public inspection.

(1) If the special assessments are to be levied under this subsection (1) the secretary of the board upon filing with him of such plans, specifications, estimates and tentative apportionment of cost shall publish once in a newspaper published in the county where the benefited land is located and of general circulation in the county, a notice stating that at a meeting of the board on a certain day and hour, not earlier than fifteen (15) days from such publication, the board will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location thereof, and shall also state that plans, specifications, estimates and tentative apportionment of cost thereof are on file with the secretary of the board. A copy of the notice shall be mailed to the landowners of the land to be benefited by construction of the assessable improvement. The landowners shall be determined by reference to the last available tax roll of Broward county. The secretary of the board shall keep a record in which shall be

inscribed, at the request of any person, firm or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the secretary of the board to mail a copy of such notice to such person, firm or corporation at such address at least ten (10) days before the time for the hearing as stated in such notice, but the failure of the secretary of the board to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

At the time named in such notice, or to which an adjournment may be taken by the board, the board shall receive any objections of interested persons and may then or thereafter repeal or confirm such resolution with such amendments, if any, as may be desired by the board and which do not cause any additional property to be specially assessed.

All objections to any such resolution on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing in person or by attorney, and filed with the secretary of the board at or before the time or adjourned time of such hearing. Any objections against the making of any assessable improvements not so made shall be considered as waived, and if any objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issue presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within twenty (20) days.

Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefited property for the payment thereof shall have been confirmed, and said special assessments are levied under this subsection (1), as hereinabove provided, or at any time thereafter, the board may issue assess-

ment bonds payable out of such assessments when collected. Such bonds shall mature not later than two (2) years after the maturity of the last annual installment in which said special assessments may be paid, as provided in subsection (3) hereof, and shall bear interest at not exceeding six (6) per cent per annum. Such assessment bonds shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this act applicable to other bonds, except as the same are inconsistent with the provisions of this section. The amount of such assessment bonds for any assessable improvement, prior to the confirmation of the preliminary assessment roll provided for in this subsection (1) shall not exceed the estimated amount of the cost of such assessable improvements which are to be specially assessed against the lands and real estate of the engineer referred to in this section.

After the passage of the resolution authorizing the construction or reconstruction of assessable improvements has been confirmed as provided for above where special assessments are levied under subsection (1) or after the final confirmation of the assessment roll where such assessments are levied under subsection (2), the board may publish at least once in a newspaper published and of general circulation in the county where the benefited land is located, a notice calling for sealed bids to be received by the board on a date not earlier than fifteen (15) days from the first publication for the construction of the work, unless in the initial resolution the board shall have declared its intention to have the work done by district forces without contract. The notice shall refer in general terms to the extent and nature of the improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution shall have given two or more alternative descriptions of the assessable improvements as to its material, nature, character and size, and if the board shall not have theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more of such assessable improvements authorized by the same or different resolutions, but any bid covering work upon more than one

improvement shall be in such form as to permit a separation of cost as to each improvement. The notice shall require bidders to file with their bids either a certified check drawn upon an incorporated bank or trust company in such amount or percentage of their respective bids, as the board shall deem advisable, or a bid bond in like amount with corporate surety satisfactory to the board to insure the execution of a contract to carry out the work in accordance with such plans and specifications and insure the filing at the making of such contract, of a bond in the amount of the contract price with corporate surety satisfactory to the board conditioned for the performance of the work in accordance with such contract. The board shall have the right to reject any or all bids, and if all bids are rejected the board may readvertise or may determine to do the work by the district forces without contract.

Promptly after the completion of the work, in the case of special assessments levied under subsection (1), the engineer for the district, who is hereby designated as the official of the district to make the preliminary assessment of benefits from assessable improvements, shall prepare a preliminary assessment roll and file the same with the secretary of the board which roll shall contain the following:

(a) A description of abutting lots and parcels of land or lands which will benefit from such assessable improvements and the amount of such benefits to each such lot or parcel of land. Such lots and parcels shall include the property of Broward county and any school district or other political subdivision. There shall also be given the name of the owner of record of each lot or parcel where practicable, and in all cases there shall be given a statement of the method of assessment used by the engineer for determining the benefits.

(b) The total cost of the improvements and the amount of incidental expense.

The preliminary roll shall be advisory only and shall be subject to the action of the board as hereafter provided. Upon the filing with the secretary of the board of the preliminary assessment roll, the secretary of the board shall publish at least once in a newspaper published and of general circulation in the county where the benefited land is located, a notice stating that at a meeting of the board to be held on a certain day and

hour, not less than fifteen (15) days from the date of such publication, which meeting may be a regular, adjourned or special meeting, all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state the class of the assessable improvements and the location thereof by terminal points and route.

At the time and place stated in such notice the board shall meet and receive the objections in writing of all interested persons as stated in such notice. The board may adjourn the hearing from time to time. After the completion thereof the board shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any or all lots or parcels described therein or by cancelling, increasing or reducing the same, according to the special benefits which the board decides each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from the preliminary roll or if the prima facie assessment shall not have been made against it, the board may place on such roll an apportionment to such property. The board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation such assessment roll shall be delivered to the secretary of the board. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within thirty (30) days in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the secretary of the board shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be abated by the court, unless the assessment upon all benefited property be abated, or the amount by which such assessment is so reduced, may by resolution of the board be made chargeable against the district at large; or, at the discretion of the board, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

Pending the final confirmation of such special assessments in the manner provided in this subsection (1), the district shall have a lien on all such lands and real estate after the passage of the initial resolution, subject, however, to the final confirmation thereof in the manner provided in this subsection (1).

(2) The district engineer, under the procedure provided for in this subsection (2) shall next, after the passage of the initial resolution and filing of the plans and estimates of cost by the district engineer, prepare an assessment roll for the district in duplicate, which assessment roll shall contain an apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to the special assessment under the initial resolution, such apportionment to be made in accordance with the provisions of the initial resolution. One of the duplicates of said assessment roll shall be filed with the secretary of the board and the other duplicate shall be retained by the district engineer in his files, all thereof to remain open to public inspection.

Upon the completion and filing of said assessment roll the secretary to the board shall cause a copy thereof to be published once in a newspaper published in the county where the benefited land is located and of general circulation in the county, together with a notice directed to all property owners interested in said special assessments stating that at a meeting of the board on a certain day and hour, not earlier than fifteen (15) days from such publication, the board sitting as an equalizing board, will hear objections of all interested persons to the final confirmation of such assessment roll, and will finally confirm such assessment roll or take such action relative thereto as it deems necessary and advisable. A copy of the notice shall be mailed to the landowners of the land to be benefited by construction of the assessable improvement. The landowners shall be determined by reference to the last available tax roll of Broward county. The secretary of the board shall keep a record in which shall be inscribed, at the request of any person, firm or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the secretary of the board to mail a copy of such notice to such person, firm or corporation at such address at least ten

(10) days before the time for the hearing as stated in such notice, but the failure of the secretary of the board to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

At the time and place named in the notice provided for in the above paragraph, the board shall meet as an equalizing board to hear and consider any and all complaints as to said special assessments, and shall adjust and equalize the said special assessments on a basis of justice and right, and when so equalized and approved such special assessments shall stand confirmed and remain legal, valid and binding liens upon the properties upon which such special assessments are made, until paid in accordance with the provisions of this act; provided, however, that upon the completion of such improvements, if the actual cost of such assessable improvements is less than the amount of such special assessments levied, the district shall rebate to the owners of any properties which shall have been specially assessed for such assessable improvements the difference in the special assessments as originally made, levied and confirmed, and the proportionate part of the actual cost of said assessable improvements as finally determined upon the completion of said assessable improvements; and in the event that the actual cost of said assessable improvements shall be more than the amount of such special assessments confirmed and levied, finally determined upon the completion of said assessable improvements, the proportionate part of such excess cost of such assessable improvements may be levied against all of the lands and properties against which such special assessments were originally levied, or, in the alternative, the board may, in its discretion, pay such excess cost from any legally available funds.

All objections to any such assessment roll on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the assessment roll or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing in person or by attorney, and filed with the secretary of the board at or before the time or adjourned time of such hearing

on the assessment roll. Any objections against the making of any assessable improvements not so made shall be considered as waived, and if any objections shall be made and overruled or shall not be sustained, the confirmation of the assessment roll shall be the final adjudication of the issue presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within twenty (20) days.

All the provisions of subsection (1) not inconsistent with this subsection (2) shall apply to the levy of special assessments under this subsection (2).

(3) Any assessment may be paid at the office of the secretary of the board within sixty (60) days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal installments, with interest at not exceeding eight (8) per cent per annum from the expiration of said sixty (60) days in each of the succeeding number of years which the board shall determine by resolution, not exceeding twenty (20); provided, however, that the board may provide that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment, if such prior payment shall be permitted by the proceedings authorizing any assessment bonds or other obligations for the payment of which such special assessments have been pledged.

All such special assessments levied pursuant to this act may, in the discretion of the board, be collected by the tax collector of the county at the same time as the general county taxes are collected by the tax collector of the county, and the board shall in such event certify to the county tax collector in each year a list of all such special assessments and a description of and names of the owners of the properties against which such special assessments have been levied and the amounts due thereon in such year, and interest thereon for any deficiencies for prior years. The amount to be so certified by the board to the county tax collector to be collected in such year may include, in the discretion of the board, the principal installment of such special assessments which will become due at any time in the next succeeding fiscal year, and all or any part of the interest which will become due on such special assessments during such next fiscal year, together with any deficiencies for prior years.

The board may in lieu of providing for the collection of said

special assessments by the tax collector of the county, provide for the collection of said special assessments by the district under such terms and conditions as the board shall determine. In such event, the bills or statements for the amounts due in any fiscal year shall be mailed to the owners of all properties affected by such special assessments at such time or times as the board shall determine and such bills or statements may include all or any part of the principal and interest which will mature and become due on the annual installments of such special assessments during the fiscal year in which installments of such special assessments are payable.

All charges of the county tax collector or of the district, and the fees, costs and expenses of any paying agents, trustees or other fiduciaries for assessment bonds issued under this act, shall be deemed to be costs of the operation and maintenance of any drainage improvements in connection with which such special assessments were levied and the board shall be authorized and directed to provide for the payment each year of such costs of collection, fees and other expenses from the maintenance tax as provided in this act as shall be mutually agreed upon between the board and the county tax collector as additional compensation for his services for each such assessment district in which the special assessments are collected by him.

All assessments shall constitute a lien upon the property so assessed from the date of final confirmation thereof, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectable with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the line of assessments as a lien for mortgages is or may be foreclosed under the laws of the state; provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if, prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of subsections (1) or (2) of this section, and

by this subsection (3) and all costs, including interest and attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution passed pursuant to this subsection (3) and the proceedings shall be dismissed. It shall be the duty of the board to enforce the prompt collection of assessment by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this act in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than thirty (30) days after the annual installments are due and payable, it shall be the duty of the board to direct the attorney for the district to institute actions within two (2) months after such direction to enforce the collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney for the district, and the same shall be collectable as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district may be sold or otherwise disposed of.

All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any assessable improvements for which assessment bonds shall have been issued under the provisions of this act, or which have been pledged as additional security for any other bonds or obligations issued under this act, shall be used only for the payment of principal or interest on such assessment bonds or other bonds or obligations issued under this act, shall be used only for the payment of principal or interest on such assessment bonds or other bonds or obligations.

Broward county and each school district and other political

subdivision wholly or partly within the district shall possess the same power and be subject to the same duties and liabilities in respect of assessments under this section affecting the real estate of such county, school district or other political subdivision which private owners of real estate possess or are subject to hereunder, and such real estate of any such county, school district and political subdivision shall be subject to liens for said assessments in all cases where the same property would be subject to such liens had it at the time the lien attached been owned by a private owner.

Section 46. *Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.*—

(1) The board may, after any assessments for assessable improvements are made, determined and confirmed as provided in section 45, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates at a rate no greater than six (6) per cent per annum, and may sell such certificates at either private or public sale and determine the form, manner of execution and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding paragraph may be deposited; or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for

the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board, provided, however, that the maturities of such assessment bonds or other obligations shall not be more than two (2) years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

(4) Such assessment bonds or other obligations issued under this section shall bear interest at not exceeding six (6) per cent per annum, shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

(5) All assessment bonds or other obligations issued under

the provisions of this act, except certificates of indebtedness issued against separate lots or parcels of land or property as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the laws of the state.

Section 47. *Foreclosure of liens.*—

(1) Any lien in favor of the district arising under chapter 298, Florida Statutes, or under this act may be foreclosed by the district by bringing foreclosure proceedings in the name of the district in the circuit court in like manner as is provided in chapter 173, Florida Statutes, and amendments thereto, and the provisions of said chapter shall be applicable to such proceedings with the same force and effect as if said provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a city or town in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of one (1) year from the date any tax, or installment thereof, becomes delinquent.

(2) As an alternative to the foregoing, the district may at any time foreclose any lien for delinquent taxes or installments thereof by a chancery action brought in the name of the district in the circuit court. The pleadings, process, practice and sales in such proceedings shall be the same as in actions for the foreclosure of mortgages upon real property. On or more parcels of land may be included in the same suit.

(3) In any foreclosure action filed by the district pursuant to this section, the district may join as a party defendant Broward county, for the purpose of determining the amount of their respective tax liens. When the county is so joined in such a foreclosure action, the judicial sale held in such action shall operate to satisfy all county tax liens to the date of such sale. The decree of the court in any such foreclosure action shall operate to quiet title to the property that is the subject of the action.

Section 48. *Payment of taxes and redemption of tax liens*

by the district; sharing in proceeds of tax sale under section 194.21, Florida Statutes.—

(1) The district has the right to (a) pay any delinquent state, county, district, municipal or other tax or assessment upon lands located wholly or partially within the boundaries of the district; and (b) redeem or purchase any tax sales certificate issued or sold on account of any state, county, district, municipal or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes, upon all the real property against which said taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.

(3) In any sale of land pursuant to section 194.21, Florida Statutes, and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale, the amount of taxes due to the district upon the lands sought to be sold, and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under law.

Section 49. Changing boundary lines; annexation and exclusion of lands.—

(1) Whenever the owners of a majority of the acreage of the land within a prescribed area adjacent to the boundaries of the district petitions the board to include a specific area of lands within the boundaries of the district or when the board by resolution proposes that an area of land adjacent to the boundaries of the district be included within the boundaries of the district, the board shall publish once a week for two (2) consecutive weeks in a newspaper of general circulation published in Broward county, Florida describing the boundaries of the area which is proposed to be taken into the boundaries of the district; said notice shall be directed to the landowners within the area proposed to be taken into the boundaries of the

district and shall direct said landowners to show cause in writing before the board at a time and place to be stated in such notice why such area of land should not be brought into the boundaries of the district and why the proceedings and powers authorized by this act should not be exercised by the board. At the time and place stated in said notice the board shall hear all objections of any landowner within the area proposed to be taken into the boundaries of the district and if no objections are made or if said objections if made shall be overruled by the board, the board shall enter in its minutes its findings and adopt a final resolution of annexation confirming the new boundaries of the district as they may be extended. Thereafter the board may proceed with the development, drainage and reclamation of the new area of land brought into the district. If the board shall overrule any landowners' objections as provided herein or if such landowner shall deem himself aggrieved by the aforesaid action of the board, such landowner may within twenty (20) days after the board adopts its final resolution of annexation invoke the jurisdiction of the circuit court for Broward county, Florida. When said resolution annexing the new area to the boundaries of the district shall have been adopted by the board (or by a court of competent jurisdiction if such proposed action shall have been challenged by a landowner by the judicial proceedings hereinabove authorized), the said board may adopt a plan of reclamation for the newly-annexed area and thereafter proceed in a like manner as prescribed in section 21 of this act. Upon the adoption of the final resolution of annexation, all provisions of this act shall apply to the newly-annexed area of land. Lands lying within the boundaries of the district may be de-annexed in the same manner as the above procedure for annexation.

(2) Land added to the district in the manner hereinabove provided shall from the time of its inclusion within the district be subject to all of the taxes and assessments thereafter levied and assessed on other land or property of the district similarly situated. Land or property excluded from the district in the manner hereinabove provided shall from the date of such exclusion be exempt from taxes or assessments thereafter imposed by the district but shall not be exempt from any taxes or assessments theretofore levied and due with respect to such land or property, or from subsequent installments of taxes or

assessments theretofore levied or assessed with respect thereto, and such taxes or assessments may be enforced and collected by or on behalf of the district in the same manner as if such land or property continued to be within the territorial limits of the district.

(3) Nothing in this section shall permit the annexation or exclusion of lands contrary to the terms, covenants or conditions of any of the bonds or obligations of the district, or in any manner that would impair the security of the holders of any bonds or other obligations of the district.

Section 50. Unit development; powers of board of supervisors to designate units of district and adopt system of progressive drainage by units; plans of reclamation and financing assessments for each unit; amendment of unit plan.—

(1) The board of supervisors of the district is authorized in its discretion to drain and reclaim and place under water control or more completely and intensively to drain and reclaim and place under water control the lands in the district by designated areas or parts of the district to be called "units". The units into which the district may be so divided shall be given appropriate numbers or names by the board, so that the units may be readily identified and distinguished. The board shall have the power to fix and determine the location, area and boundaries of lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire district has been or is being or shall be instituted or carried on under the provisions of this act or under chapter 298, Florida Statutes, or both.

(2) If the board shall determine that it is advisable to conduct the work of draining and reclaiming the lands in the district by units, as authorized by this section, the board shall, by resolution, declare its purpose to conduct such work accordingly, and shall fix the number, location and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. The entire district may

also be designated as a unit for the proper allocation of such part of the plan of reclamation and drainage as benefits the entire district.

(3) As soon as practicable after the adoption of such resolution, the board shall publish notice once a week for two (2) consecutive weeks in a newspaper or newspapers published or of general circulation in Broward county, briefly describing the units into which the district has been divided and the lands embraced in each unit, giving the name, number or other designation of such units, requiring all owners of lands in the district to show cause in writing before the board at a time and place to be stated in such notice why such division of the district into such units should not be approved, and said system of development by units should not be adopted and given effect by the board, and why the proceedings and powers authorized by this section should not be had, taken and exercised. At the time and place stated in said notice, the board of supervisors shall hear all objections or causes of objection (all of which shall be in writing) of any landowner in the district who may appear in person or by attorney, to the matters mentioned and referred to in such notice, and if no objections are made, or if objections are made and overruled by the board, then the board shall enter in its minutes its finding and order confirming the resolution, and may thereafter proceed with the development, drainage and reclamation of the district by units pursuant to such resolution and to the provisions of this act. The failure to make objection as provided hereinabove shall constitute a waiver of such objection, and if any objection shall be made and overruled or otherwise not sustained, confirmation of the resolution shall be the the final adjudication of the issues presented unless a judicial proceeding is initiated within ten (10) days after such ruling as provided hereinafter.

(4) The board may, as a result of any objections or of other matters brought forth at such hearing, modify or amend said resolution in whole or in part, confirm said resolution after overruling all objections, or reject said resolution and if such resolution is confirmed, modified or amended, may proceed thereafter in accordance with said resolution as confirmed, modified or amended. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power

of the board under this section, but the board may at any time adopt other resolutions under this section and thereupon proceed on due notice in like manner as above provided. If the board shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner shall deem himself aggrieved by any action of the board in respect to any objections so filed, such landowner may, within ten (10) days after the ruling of the board, invoke the jurisdiction of the circuit court for the 17th circuit; and such suits shall be conducted like other chancery suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus.

(5) When said resolutions creating said unit system shall be confirmed by the board (or by the circuit court, if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized), the board may adopt a plan or plans of reclamation for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned (i) in like manner as is provided by chapter 298, Florida Statutes, in regard to plans of reclamation for the assessments of benefits and damages of the entire district, or (ii) in like manner as is provided for in this act for the assessments of benefits. The board shall have the same powers in respect to each and all of such units as is vested in them with respect to the entire district. All the provisions of this act shall apply to the drainage, reclamation and improvement of each, any and all of such units, and the enumeration of or reference to specific powers or duties of the supervisors or any other officers or other matters in this act, as hereinabove set forth, shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and reclamation of such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this act where the entire district is mentioned or referred to. Unless the board by resolution otherwise provides, all assessments, levies, taxes, bonds and other obligations made, levied, assessed or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made or issued, and not upon the remaining units or lands in the district.

(6) The board may at any time amend its said resolution by changing the location and description of lands in any such unit or units, provided that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units.

(7) If, after the determination of benefits with respect to any unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the board finds the plan of reclamation of any such unit or units insufficient or inadequate for efficient development, the plan of reclamation may be amended or changed as provided in chapter 298, Florida Statutes, or as provided in this act, and the unit or units may be amended or changed as provided in this section by changing the location and description of lands in any such unit or units or by detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of not less than the holders of a majority in principal amount of such bonds or other obligations, or such other percentage as may be required by the terms of such bonds or other obligations (or without such consent or approval, if the proceedings authorizing such bonds provide that such action may be taken without the consent or approval of the holders thereof). In the event of such amendment or change, all assessments, levies, taxes, bonds or other obligations made, levied, assessed, incurred or issued for or in respect to any such unit or units shall be allocated and apportioned to the amended unit or units in proportion to the benefits assessed with respect to the amended plan of reclamation. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units or assessments, levies, taxes, bonds and other obligations in proportion to the benefits assessed for the amended plan of reclamation, the holders of bonds or other obligations hereafter issued for the original unit shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original

unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended plan of reclamation. Conversely, in the event of the change of the boundaries of any unit wherein lands are detached therefrom, as provided for herein, said lands so detached shall be relieved and released from any further liability for the assessment, levy or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

Section 51. *Creation of subdistricts.*—The board shall provide for the furnishing of the services and facilities authorized by this act throughout the district or in such part or parts thereof as the board shall determine. For the purpose of furnishing such services and facilities to any part or parts of the district less than the entire area of the district, the board shall have the power to divide the district into such subdistricts, units or zones as the board may deem appropriate.

Section 52. *Mandatory use of certain district facilities and services.*—The district may require all lands, buildings and premises, and all persons, firms and corporations, within the district to use the drainage and reclamation facilities of the district. Subject to such exceptions as may be provided by the resolutions, rules or by-laws of the board, and subject to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders, no drainage and reclamation facilities shall be constructed or operated within the district unless the board gives its consent thereto and approves the plans and specifications therefor. The violation of the foregoing requirements shall be and constitute a misdemeanor and any person convicted in a court of competent jurisdiction of violating the same shall be subject to the penalties provided by section 775.07, Florida Statutes, and amendments thereto.

Section 53. *Bids required.*—No contract shall be let by the board for the construction or maintenance of drainage improvements, nor shall any goods, supplies or materials for drainage purposes or use be purchased when the amount thereof to be paid by the district shall exceed one thousand five hundred (\$1,500.00) dollars, unless notice of bids shall be advertized once a week for two (2) consecutive weeks in a newspaper in general circulation in Broward county, and in each case the bid of the lowest responsible bidder shall be accepted, unless all bids are rejected because the bids are too high. The board may require the bidders to furnish bond with responsible surety to be approved by the board. Nothing in this section shall prevent the board from undertaking and performing drainage and reclamation improvements by the employment of labor, material and machinery.

Section 54. *Furnishing facilities and services within and without the limits of the district.*—The district shall have the power to construct, maintain and operate its projects within or without the geographic limits of the district and to offer, supply and furnish the facilities and services provided for in this act, to, and to collect fees, rentals and other charges from persons, firms, corporations, municipalities, counties, political subdivisions and other public or private agencies or bodies within or without the geographic limits of the district, and for the use of the district itself.

Section 55. *Maintenance of projects across rights-of-ways.*—The district shall have the power to construct and operate its projects in, along or under any dedications to the public, platted rights-of-ways, platted reservations, streets, alleys, highways or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, railroad right-of-way, track, grade, fill or cut, within or without the district.

Section 56. *Agreements with the Florida Development Commission and others.*—The board shall have the power to retain and enter into agreements with fiscal agents, financial advisers, the Florida Development Commission, engineers and other consultants or advisors with respect to the issuance and sale of any bonds, and the cost and expense thereof may be treated as part of the cost and expense of such project. Upon request of the board the Florida Development Commission may provide such

technical assistance or other services relating to bond issues as may be necessary or desirable under the circumstances.

Section 57. *Agreements with municipalities within the district for the joint discharge of common functions.*—The board and the governing bodies of any one or more municipalities located wholly or partly within the district, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties and functions of the board and other officers, agents and employees of the district, and the respective governing bodies of one or more such municipalities, and their respective officers, agents and employees, to the end that there may be effective cooperation between and coordination of the efforts of such municipalities and the district in discharging their common functions, powers and duties and in rendering services to the respective residents and property owners of such municipalities and the district. The board and the governing bodies of one or more such municipalities are further authorized to enter into and carry into effect contracts and agreements for the performance of any of their common functions, powers and duties by a central agency or common agent of the contracting parties.

Section 58. *Fees, rentals, tolls, fares and charges; procedure for adoption and modification; minimum revenue requirements.*—The district shall have the power to prescribe, fix, establish and collect rates, fees, rentals, tolls, fares or other charges (hereinafter sometimes referred to as “revenues”), and to revise the same from time to time, for the facilities and services furnished or to be furnished by the district, including but not limited to drainage facilities.

Section 59. *Subdivision regulation.*—

(1) It is the intent and purpose of this act to promote and provide for the public health, safety, comfort, convenience and welfare necessary and required to promote the harmonious, orderly, progressive development of land within the district. It is the further intent of this act to secure the establishment of standards of subdivision designs, which will encourage the development of sound and economically stable communities, and the creation of healthful living environments.

(2) Any division of a parcel of land as a subdivision as defined in this act shall be subject to such plat and subdivision regulations hereafter adopted, amended or modified by the district under authority of law. Such regulations may provide for streets in the subdivision, to be of such width, grade and location as to facilitate drainage; and provide that adequate easements and rights-of-way be provided for drainage and that the lay-out of the subdivision conform to the comprehensive plan for drainage for the area; and provide for the drainage requirements to be met. The district shall not approve any subdivision plat unless the land included within the subdivision is suitable or shall be made suitable to the various purposes for which it is intended to be used, and in particular, unless all land intended for building sites can be used safely for building purposes, without the danger from flood or other inundation, or from any such menace to health, safety or public welfare. After the effective date of this act it shall be unlawful for anyone being an owner, or agent of an owner, of any land, to transfer, sell, agree to sell, or negotiate to sell such land by reference to, or exhibition of, or by any other use of a plat or subdivision of such land, without having submitted a plat of such subdivision to the district and obtaining its approval as required by this act. If such unlawful use be made of a plat before it is properly approved by the district, the owner, or the agent of the owner, of such land shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of transferring, shall not exempt the transaction from such penalties.

(3) It shall be unlawful to transfer lots or units of lots by metes and bounds description in order to circumvent the provisions of this act.

(4) The district, through its legal representative, may enjoin such transfers or sales or agreements by injunction or other appropriate action.

Section 60. *Action taken on consent of landowners.*—Any action required under this act or under chapter 298, Florida Statutes, to be taken on notice to the landowners of the district and on public hearing for the purpose of receiving and passing on objections by landowners may be taken without such notice

or hearing upon the written consent of all of the landowners affected by such action.

Section 61. *Exemption of district property from execution.*
—All district property shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues, provided that nothing herein contained shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

Section 62. *Enforcement and penalties.*—

(1) The board or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act, and any by-laws, resolutions, regulations, rules, codes and orders adopted under this act, and the court shall, upon proof of such violation, have the duty to issue forthwith such temporary and permanent injunctions as are necessary to prevent such further violation thereof. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, land or water is used, in violation of this act, or of any code, order, resolution or other regulation made under authority conferred by this act or under law, the board and any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or avoid such violation, to prevent the occupancy of such building, structure, land or water, and to prevent any illegal act, conduct, business or use in or about such premises, land or water.

(2) Any person violating the provisions of this act or who shall fail to abide by and obey any of the by-laws, resolutions, regulations, rules, codes and orders adopted under this act shall be guilty of a misdemeanor. Each day that the violation shall continue shall constitute a separate violation.

(3) It shall be unlawful and a misdemeanor for the owner

of any land subject to this act, or his agent or other persons, to advocate, propose, suggest, use or exhibit a map, plat, survey or plan of subdivision or development of land except in conformity with this act and the rules and regulations of the board.

Section 63. *Severability.*—In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances, or person, shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions as to any other situation, circumstances or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 64. *Effect of conflict.*—In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control the extent of such conflict.

Section 65. *Repeal of prior laws.*—All prior laws applicable to Hollywood Reclamation District are repealed.

Section 66. *Referendum.*—This act shall become effective only upon approval by a majority vote of landowners voting in a referendum election to be called by the board within ninety (90) days from the date this act is filed with the secretary of state. The board shall give notice of the time and place of the election by publishing notice thereof in a newspaper of general circulation in Broward County, said publication to be at least fifteen (15) days prior to the date of the election. At the election the landowners may vote in person or by written proxy, and each landowner shall have one vote for each acre of land owned within the district. The owner of a fractional acre shall be entitled to one vote.

Approved by the Governor July 10, 1967.

Filed in Office Secretary of State July 10, 1967.

CHAPTER 67-905

House Bill No. 2892

AN ACT to amend Sections 1 through 24 inclusive, of Chapter 25489, Laws of Florida, 1949, as the same shall have been amended, relating to the small claims court of Duval County. The amendments relating to and providing for: Name of court; jurisdiction; venue; judges; duties of judges; election of judges; terms of office for judges; qualifications for judges; and compensation for judges; payment of compensation; a clerk, chief deputy clerk, deputy clerks; duties and qualifications of clerk and deputy clerks; sheriff to be the executive officer of the court; seal for the court; a court of record entitled to the benefits of Chapter 57-274 of the Laws of Florida; purpose of the court; assignment of judge to the court when judge is unable to discharge duties; monies collected by the court; appropriation of funds for operation of the court and salaries; commencement of actions; service of process by mail, sheriff, constable; and constructive service of process; default judgments; costs, charges and fees collected by the court; waiver of costs; awarding of court costs; court procedure; counterclaims; orders deferring final judgment, staying writs of execution, attachment, garnishment and replevin; forms for the litigation of actions; jury trials; judgments to be liens on real estate; writs of execution; levy and sale; procedure for appeals; personnel, quarters, equipment, supplies, property, and appropriated funds transferred from small claims court to court of claims; court of claims to use name of small claims court; appropriation of funds; furnishing of forms for the litigation of actions; repealing all conflicting law; constitutionality of the act; and providing for an effective date.

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

Section 1. Section 1, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 1. *Name of Court and Jurisdiction and Venue.*

(1) Name of Court and Jurisdiction: There is hereby established in Duval County, Florida, a court to be known as the Court of Claims, in and for Duval County, Florida, which shall have exclusive, original jurisdiction in the following cases:

(1a) All civil claims at law in which the amount of the demand or value of the property involved does not exceed one thousand dollars (\$1,000.00), exclusive of interest, attorneys fees, and costs, and in which the cause of action in whole or in part arose or incurred in, or the property involved is located in, or one or more of the defendants is found in Duval County, Florida.

(1b) All cases that were lawfully filed in the Small Claims Court, in and for Duval County, Florida, prior to the effective date of this act.

(2) Exception to Jurisdiction: Provided the Court shall not have jurisdiction of the following cases :

(2a) Cases involving the legality of any tax assessment ;

(2b) Cases involving the action of ejectment ;

(2c) Cases involving forcible entry or unlawful detention of lands and tenements ; and

(2d) Cases lawfully filed in the Circuit Court, in and for Duval County, Florida, prior to the effective date of this act.

Where the jurisdictional sum or value is alleged, the jurisdiction of the court shall be prima facie presumed.

(3) Venue: The jurisdiction of all Notices to Appear, Judgments, Writs and other processes of the said Court shall extend throughout Duval County and throughout any other county or counties in which the defendant may be found if :

(3a) The cause of action accrued in Duval County, or

(3b) The property involved in whole or in part is located in Duval County, or

(3c) The defendant or one of the defendants is found in Duval County.

The court shall be vested with all powers requisite for the exercise and maintenance of its jurisdiction.

Section 2. Section 2, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 2. *Judges; Election and Term of Office; Qualifications; and Compensation.*

(1) Judges: There shall be two (2) Judges of the said Court who shall have the power and duty to administer the provisions of this act.

(2) Election and Term of Office: The Judges shall be elected in the general election in the year 1970 for a term of six (6) years and shall take office on the first Tuesday after the first Monday in January, 1971. Candidates for the office of Judge shall run in separate groups, each group to be voted on separately. The Judges of the Court shall be elected by the qualified electors of Duval County as other County and State elected officials are elected to serve. On the effective date of this act, the Judges of the Small Claims Court, Duval County, Florida, shall become the Judges of the court created by this act, and shall serve until their successors take office as herein provided.

(3) Qualifications: The Judges of the Court shall be members of the Florida Bar and shall not engage in the practice of law during their term of office.

(4) Compensation: The Judges of the Court shall receive a salary of nineteen thousand five hundred dollars (\$19,500.00) per annum. The Judges' salary shall be paid from the general revenue fund of Duval County in equal monthly installments.

Section 3. Section 3, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 3. *Clerks and Sheriff.*

(1) Clerks: The Judges of the Court shall appoint a Clerk and such Deputy Clerks as may be necessary for the operation of the Court. The Judges may appoint one of the Deputy Clerks to the position of Chief Deputy Clerk. Two (2) of the Clerks shall have the qualifications of Legal Secretaries as defined by the Civil Service Board for Duval County and shall be the Judges' Secretaries.

The Clerk and Deputy Clerks of the Court shall have the same powers and perform the same duties as the Clerk and Deputy Clerks of the Circuit Court, but the Clerk and Deputy Clerks shall not be entitled to any fees, and shall receive reasonable compensation for their services as shall be fixed by the

Judges of the Court and approved by the Civil Service Board of Duval County.

On the effective date of this act the Board of County Commissioners shall furnish the Court created by this act with all employees of the Small Claims Court, in and for Duval County, and the employees shall hold the same position with the Court of Claims as they formerly held with the Small Claims Court until changed in accordance with law and the rules of the Civil Service Board for Duval County, Florida.

(2) Sheriff: The Sheriff of Duval County shall be the Executive Officer of the Court and his powers and duties and qualifications shall be the same as those of the Sheriff while acting as the Executive Officer of Courts generally. The compensation for the Sheriff shall be in fees in the same amount as those allowed for like services in other courts in the County; but the schedule of compensation of the Sheriff as provided by law shall not be increased by reason of the duties herein prescribed.

Section 4. Section 4, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 4. *Seal; Court of Record.*

(1) Seal: The Board of County Commissioners of Duval County, shall provide a seal for the Court and shall deposit in the office of the Secretary of the State of Florida and of the Clerk of the Supreme Court an impression and description thereof, certified by the Chairman of the Board of County Commissioners. In the event of loss or destruction of such seal, the private seal of the Clerk of said Court shall suffice until an official seal is provided. The said Court of Claims established by this Act may use the seal of the Small Claims Court of Duval County until such time as additional seals are provided as herebefore directed.

(2) Court of Record: The Court shall be a civil court of record and the Judges of the Court shall be entitled to the reports and decisions of the Supreme Court and District Court of Appeals as provided in Chapter 57-274 of the Laws of Florida.

Section 5. Section 5, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 5. *Purpose.* The purpose of this act is to provide a court of summary procedure in Duval County for the inexpensive and speedy trial of certain cases according to law. The Court shall be in session continuously from day to day. Cases may be set for trial at any time. The Clerk of the Court shall keep and maintain a trial calendar.

Section 6. Section 6, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 6. *Duties of the Clerk.* The Clerk shall keep a docket book, in which he shall make fair and accurate entries of all cases brought before the Court, and minutes of all proceedings, including the service and return of process, appearance of the parties as may appear, the fact of trial, whether by court or jury, the verdict of the jury or finding by the Judge, the judgment, including damages and costs separately stated, the issuing of execution and to whom issued, with the date thereof and the return thereon, and a marginal memorandum of the items of all costs, including sheriff's or constable's fees and witness' fees; which docket or certified copy thereof, shall be evidence of the matters therein stated.

Section 7. Section 7, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 7. *Judge Unable to Discharge Duties.*

Whenever a Judge of the Court is unable to perform the duties of his office on account of absence, sickness, disqualification, or other disability, or because of assignment to special duty, or when necessary for the prompt dispatch of the business of the Court, the Judge, or any other Judge of the Court, or the Presiding Judge of the Circuit Court in Duval County, shall advise the Chief Justice of the Supreme Court who shall assign, pursuant to law, a Judge, active or retired, to perform the duties of such Judge.

Section 8. Section 8, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 8. *Monies Collected by Court.*

All monies, including but not limited to all fees and commissions, collected or received by the Judges of the Court, the Clerk, or any Deputy Clerk for their official services shall be

remitted to the Board of County Commissioners of Duval County, quarter-annually, for deposit in the general fund of the County. The Court shall not be subject to the Fee Accounting System, as defined and prescribed in Chapter 145, Florida Statutes. All expenses of the Court of every nature and kind whatsoever, including but not limited to the salaries of the Judges, Clerk, and Deputy Clerks shall be borne and paid by the Board of County Commissioners of Duval County. The Judges of the Court shall annually submit an estimate of proposed expenditures, reasonable and necessary for the proper and efficient operation of the Court, to the Board of County Commissioners of Duval County for its consideration and approval as provided by applicable budgetary law. The Board of County Commissioners shall annually appropriate in its budget sufficient funds to meet all the expenses of the operation of the Court, including but not limited to the salaries of the Judges, Clerk, Chief Deputy Clerk and Deputies of the Court.

Section 9. Section 9, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 9. *Commencement of Actions; Notice to Appear and Service of Process; Service by Mail; Constructive Service; Service by Sheriff or Constable; Judgment by Default; Copy of Notice to Plaintiff.*

(1) **Commencement of Actions:** Actions shall be commenced by the filing of a Statement of Claim, signed by the Plaintiff or his attorney, in concise form free from technicalities. The Court may require the statement of claim to be verified. Forms for the Statement of Claim may be prepared by the Court, and any claim filed on forms authorized by the Court shall not be dismissed for failure to state a cause of actions, or facts upon which relief may be granted, unless the Court orders the case to proceed under the Florida Rules of Civil Procedure. The Judges or Clerks of the Court, at the request of an individual not represented by an attorney at law shall aid in the preparation of a Statement of Claim to be filed in any action.

(2) **Notice to Appear and Service of Process:** A Notice requiring the Defendant to Appear, with a copy of the Statement of Claim, shall be served on each Defendant at least three (3) days before the return day thereof, Sundays and

legal holidays excluded. The Notice requiring the defendant to appear shall be used in lieu of any summons now required by law. All Notices requiring the defendant to appear, original, alias, or pleuries, except when service is to be made constructively, shall be made returnable at a given hour on a day not less than seven (7) nor more than thirty (30) days from the date of mailing of the Notice and at which time a hearing on the claim shall be had. The mode of service of the Notice, shall be by the sheriff or constable or by constructive service as provided by law; or by any type of United States mail with which a return receipt may be requested.

(3) **Service by Mail:** When a Notice requiring the defendant to appear is to be served by mail, the Clerk shall enclose the Notice together with a copy of the Statement of Claim, in an envelope addressed to the defendant, prepay the postage from the budgeted funds of the Court and mail it by United States mail with return receipt requested. The Clerk shall note on the docket the day of mailing and the day and hour to which the notice is returnable. When such return receipt is returned, signed by the addressee or addressee's agent, or the Notice is returned marked "Refused", the Clerk shall file and docket it and the return receipt or "Refused" notice shall constitute prima facie evidence of legal service thereof.

(4) **Constructive Service:** When service is to be made constructively, the Notice requiring the defendant to appear shall be made returnable and shall be served as otherwise provided by law for constructive service, and the cost of service shall be taxable as costs.

(5) **Service by Sheriff or Constable:** When service is by the sheriff or constable or by constructive service, the cost of service shall, in the discretion of the Court, be taxable as costs.

(6) **Judgment by Default:** The Plaintiff shall be entitled, in the discretion of the Court, to a Judgment by Default, without further proof, upon failure of any Defendant to appear, when the Plaintiff has filed sworn proof of his claim and the claim of the Plaintiff is for a liquidated amount. When the amount is unliquidated, the Plaintiff shall be required to present proof of damages. The Clerk, and Deputy Clerks of the Court, as well as the Judge of said Court, are hereby em-

powered to enter Default. The Clerk, and deputy clerks, at the direction of the Court may enter final judgment upon the entry of a default, when the Plaintiff's claim is for a liquidated amount. When the Plaintiff's claim, or any part thereof, is unliquidated, final judgments may be entered by the Judges only.

(7) Copy of Notice to Plaintiff: At the same time Notice to Appear is mailed to the Defendant, the Clerk shall, by ordinary mail or otherwise, furnish the Plaintiff with a Notice of Hearing or Memorandum of Trial showing the day and hour set for the hearing.

Section 10. Section 10, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 10. *Costs; Waiver of Costs; and Awarding of Court Costs.*

(1) Costs: The Court will charge the following fees:

(1a) Ten dollars (\$10.00) upon the filing of any claim or case;

(1b) Ten dollars (\$10.00) for the issuance of any Writ of Garnishment or Writ of Attachment after the issuance of one Writ of Garnishment or Writ of Attachment;

(1c) One dollar (\$1.00) for the issuance of any certified copy, other than the first certified copy of any final judgment;

(1d) One dollar (\$1.00) for the filing of and the docketing of a satisfaction of judgment; and

(1e) One dollar (\$1.00) per page for making copies of any pleading or document.

(2) Waiver of Costs: The Judges or the Clerk shall have full discretionary power to waive the prepayment of costs upon satisfactory evidence of a party's inability to pay costs, or when the Court finds that it is in the best interest of justice to do so.

(3) Awarding of Court Costs: The Court may award all court costs to the prevailing party including the cost of bonds and other undertakings and all other taxable costs authorized by law.

Section 11. Section 11, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 11. *Return Date and Dismissal or Judgment.*

(1) Return Date: On the return date or such later time as the Judge may set, the Court shall hold:

(1a) An appearance and pre-trial conference at which the court shall consider the Plaintiff's claim and all defenses thereto, which shall be presented orally to the court, or,

(1b) A final hearing on the merits.

At all hearings, the Court shall make earnest effort to settle the controversy by conciliation. When it is in the interest of justice to do such, the Court may order any case to proceed under the Florida Rules of Civil Procedure.

(2) Dismissal or Judgment: The Court on the return date or any later date may:

(2a) Dismiss any case if it appears that the Plaintiff has no right of recovery as a matter of law, or,

(2b) Enter final judgment, if one (1) of the parties would be entitled to a judgment as a matter of law under the law and facts presented and offered to be presented at a trial.

Section 12. Section 12, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 12. *Counterclaim; Notice to Defendant; Preparation and Notice to Plaintiff; Waiver of Time Limitation and Continuances; and Applicability of Rule 1.170, Florida Rules of Civil Procedure.*

(1) Counterclaim: The defendant shall assert in writing and file a counterclaim five (5) days prior to the return date set forth in the notice of first hearing, for any claim which the defendant has against the plaintiff whether the subject of the pending action or not, arising out of the transaction or occurrence that is the subject matter of the action brought by the plaintiff, which does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction.

(2) Notice to Defendant: The Clerk shall notify the defendant of his duty to counterclaim by appropriate language placed in a conspicuous place on the Statement of Claim.

(3) Preparation and Notice to Plaintiff: The Clerk shall aid any defendant not represented by an attorney in the preparation of a counterclaim; and shall at the time of filing, mail a copy of the counterclaim, if not mailed by the defendant or his attorney, to the plaintiff or his attorney.

(4) Waiver of Time Limitation and Continuances: The Judge shall have the power in his discretion to waive the time limitation for filing counterclaims, and may continue a case, if the plaintiff requires time to prepare his defense against a counterclaim.

(5) Applicability of Rule 1.170, Florida Rules of Civil Procedure: Rule 1.170 of the Florida Rules of Civil Procedure (1967 Revisions) shall apply, unless superceded by new rules of procedure, but the rules shall be liberally construed by the Court to effectuate the general purpose of this act.

Section 13. Section 13, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 13. *Orders Deferring Final Judgment, or Staying Writs of Execution, Attachment, Garnishment or Replevin.* When a Judgment is to be rendered, or after a Judgment has been rendered against a party, the Court may inquire into the earnings and financial status of the party and shall have full discretionary power to defer the entry of Judgment, or to stay Writs of execution, attachment, garnishment and replevin, and to order partial payments in such amounts, over such periods, and upon such terms, as shall seem just under the circumstances and as will assure a definite and steady reduction of the claim or judgment until it is finally and completely satisfied.

Section 14. Section 14, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 14. *Rules of Procedure and Forms.* The Judges of the Court shall prepare appropriate local rules concerning practice and procedure in the Court, and shall submit same to the Supreme Court of Florida for approval. The rules shall pro-

vide for a simple, inexpensive and speedy procedure to effectuate the purposes of this Act. The Judges shall have power to, and shall from time to time prescribe, modify and improve the forms to be used in the Court to insure the proper administration of justice and to accomplish the purposes of this Act.

Section 15. Section 15, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 15. *Jury Trials.* Jury Trials shall be deemed waived unless :

(1) Written demand is made by the Plaintiff at the time of the filing of the suit or by the Defendant five (5) days before the date set for the first hearing, and a copy of the demand is served on all parties, and,

(2) The party demanding the jury trial deposits with the Court, a reasonable sum the Judge shall fix by order, to secure the payment of costs incurred by the jury trial.

The Court in its discretion may allow a demand for jury trial to be filed at any time prior to the final hearing. The sum fixed by the Judge of the Court as reasonable to secure the payment of costs incurred by reason of a jury trial shall be such as to not make it difficult or impossible to secure a jury. Jurors shall be drawn, served and empanelled in the same manner as generally provided in other courts in said County. If the sum so fixed is insufficient to pay all costs, including per diem and mileage for jurors, excess cost shall be paid by Duval County as a proper expense for the operation of said Court upon requisition of the Judge of said Court.

Section 16. Section 16, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 16. *Judgments Lien on Real Estate; Writ of Execution; and Levy and Sale.*

(1) Judgements Lien on Real Estate: Judgements of this Court shall be a lien on the real estate of the Defendant, situate in any County of the State of Florida, from the time of filing in the office of the Clerk of the Circuit Court for the County, of a transcript of the judgment and the entry

thereof by the Clerk in a book to be kept by him for such purposes.

(2) Writ of Execution: Upon Judgment being entered in any cause, writ of execution as provided by laws or rules or procedure shall be issued against the party against whom judgment is rendered for the amount of such judgment and costs, damages and costs, and such execution shall be directed to all and singular the sheriffs and constables of the State of Florida, and shall be of full force and effect throughout the State.

(3) Levy and Sale: Levy and sale under executions issuing out of the Court shall be the same as those issuing out of the Circuit Court of the County, except, that the sales shall be had not less than seven (7) nor more than fifteen (15) days after levy, and the publication of only one (1) advertisement of sale published on any day, at least five (5) days before such sale, shall be sufficient notice of said levy and sale.

Section 17. Section 17, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 17. *Appeals.* Appeals may be had from judgments returned in the Court, to the Circuit Court, and the same provisions now provided for by law for appeals from County Judge's Court to the Circuit Court, shall be applicable to appeals from the Court of Claims to the Circuit Court.

Section 18. Section 18, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 18. *Personnel, Quarters, Equipment, Supplies, Forms, Property, and Appropriated Funds Transferred from Small Claims Court to Court of Claims.* On the effective date of this act, the Board of County Commissioners of Duval County shall furnish and transfer to the Court of Claims, all personnel, quarters, equipment, supplies, forms, property and appropriated funds previously furnished to and appropriated for the Small Claims Court of Duval County.

The Court of Claims, may use the name Small Claims Court, in and for Duval County, for a period not to exceed six (6) months after the effective date of this act, to save Duval County the expense of furnishing new forms immediately upon the effective date of this act.

Section 19. Section 19, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 19. *County Commissioners to Furnish Quarters, Personnel, Equipment, Maintenance, Supplies and Funds.* The Board of County Commissioners of Duval County shall furnish suitable quarters to house and operate the Court and shall provide such necessary personnel, equipment, maintenance, supplies and funds to enable the Court to function in accordance with law.

Section 20. Section 20, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 20. *Appropriation.* Section 19 of this act shall have the effect of appropriation of of County Funds for the purpose stated therein, and shall be immediately effective notwithstanding any lack of appropriations or absence of provisions therefore in the county budget, and notwithstanding any budgetary restrictions. The funds provided and budgeted for the Small Claims Court of Duval County shall upon the effective date of this act, be provided and budgeted for the court created by this act.

Section 21. Section 21, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 21. *Forms.* The Court shall provide forms for the initiation and litigation of actions and the Board of County Commissioners for Duval County shall provide the Court with necessary funds to make the forms available.

Section 22. Section 22, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 22. *Conflicting Law Repealed.* All laws and parts of laws in conflict with this act are hereby repealed.

Section 23. Section 23, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 23. *Constitutionality of Act.* If any word, phrase, sentence, section or part of this Act is declared unconstitutional, the remainder shall remain in full force and effect.

Section 24. Section 24, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows :

Section 24. *Effective Date.* This Act shall take effect on the 1st day of August, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 12, 1967.

CHAPTER 67-906

Committee Substitute for House Bill No. 956

AN ACT relating to the supervision and regulation of motor carriers; prescribing the type of carriage for compensation which may be authorized by permit as "for hire carriage" in all counties of the state having a population of three hundred fifty thousand (350,000) or more, according to the latest official decennial census; providing for definition of certain terms; subjecting applicants to rules and regulations of public service commission; subjecting applicants to road tax, method of collection and distribution; providing exception to such tax for taxicabs and expiration date of permits therefor; exempting motor vehicle operating within incorporated city or town or suburban territory adjacent thereto; subjecting such vehicle to local ordinances, rules and regulations; restricting issuance of for hire permits to certain population ratio; limiting carriage of passengers to vehicles of certain maximum capacity; exempting private carriage of one's own goods; prescribing contents of application for permit and providing for hearing; providing notice of application; providing powers and duties of commission with respect thereto; excluding application to existing permits; providing an effective date.

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

Section 1. The definitions of words, phrases or terms used in section 323.01, Florida Statutes, are adopted by reference and shall be used in construing this act where the context permits.

Section 2. (1) In all counties of the state having a population of three hundred fifty thousand (350,000) or more, according to the latest official decennial census; no motor carrier

shall operate any "for hire" motor vehicle on any public highway in this state in the transportation of persons or property for compensation without first having obtained from the commission a permit, which permit shall be issued only after a public hearing and proof that convenience and necessity requires the issuance of same and providing that the provisions hereinafter have been complied with and that the laws of the state touching such motor vehicle operation have also been complied with by the applicant.

(2) The permit so issued shall subject the applicant to the rules and regulations of the commission respecting the operation of such motor vehicle over state highways for compensation, and it shall also subject such applicant to the road tax imposed by chapter 323, Florida Statutes, which road tax shall be collected by the state comptroller and distributed by him in the same manner and for the same purpose as motor vehicle auto license taxes are distributed. Provided, however, in lieu of such road tax, all motor carriers operating taxicabs under this chapter shall procure a permit therefor from the commission and shall pay to said commission at the time application is made for said permit a tax of twenty-five dollars (\$25.00) per annum. Said permit shall entitle such motor carrier to which it is issued to register any number of taxicabs for operation under this chapter upon the payment of an annual tax to said commission of five dollars (\$5.00) for each such taxicab so registered subject, however, to the provisions of paragraph three (3) of this section. All for hire permits are hereby classified as taxicabs whether metered or unmetered. "For hire" permits and registrations thereunder for the operation of taxicabs shall expire on June 30, annually, but may be renewed upon proper application and the payment of the annual tax provided for herein. In the event any application is denied, the annual tax accompanying said application may be refunded. Provided, further, that the term "taxicab" as used herein shall be construed to include every motor vehicle of nine (9) passenger capacity or less, including the driver, subject to municipal regulation, engaged in the general transportation of persons for hire, not on regular schedule or between fixed termini or over regular routes, but over the streets generally of said municipality, with occasional unsolicited trips beyond the boundaries, thereof. Any and all annual taxes so collected shall be paid to

the state treasurer to the credit of the general revenue fund. Such taxes shall be deemed to be compensatory for the use of the public highways of this state just as mileage taxes under section 323.25, Florida Statutes.

(3) (a) No such permit shall be required in respect to the operation of for hire motor vehicles wholly within the limits of any incorporated city or town and the suburban territory immediately adjacent thereto, when such for hire carriage is regulated by the legislative body of such city or town. However, the legislative body of any city or town shall not issue any permits except on the following basis: not in excess of one (1) taxicab for each twelve hundred (1,200) residents, provided, however, that if the legislative body of such city or town determines by a unanimous vote of such body that public convenience and need require the operation of additional taxicabs, then such legislative body may issue additional permits for the operation of taxicabs up to but not in excess of one (1) taxicab for each eight hundred fifty (850) residents; provided further that nothing herein shall be construed to prevent a city or town from establishing a ratio which will result in the operation of less taxicabs in such city or town than herein allowed as the legislative body of such city or town determines will best serve the convenience and need of its residents. The governing body of said city or town and the public service commission shall use as the basis for population, the latest official decennial census.

(b) The ordinances, rules or regulations adopted by the legislative body of such city or town shall be applicable to for hire motor vehicles within the suburban territory immediately adjacent thereto and such cities and towns shall have police power to enforce such ordinances, rules or regulations in such suburban territory immediately adjacent thereto, over the roads and highways in such territory to the same extents as if the territory was within the corporate limits of such towns or cities.

(c) Reference herein to the "legislative body of any city or town" shall be applicable to any administrative agency or board duly and legally constituted by the legislative body of a city or town for purposes of regulation of taxicab permits within the incorporated area of such city or town.

(d) The right of the commission to issue taxicab permits shall be limited to the number of permits previously issued by said commission which shall include all permits issued by all municipalities of that county whether or not the permittees have been secondarily licensed by the commission. At no time shall the commission in its consideration of the issuance of permits issue more than one (1) taxicab for each twelve hundred (1,200) residents, which shall take into consideration the population of the entire county.

(e) No such permit shall be required in respect to the private carriage or distribution of his own goods, wares or merchandise over public highways by any person using his own motor vehicles in such carriage.

(4) For hire carriage of passengers shall not be permitted or authorized by the commission under this section or under this chapter in motor vehicles of a greater passenger-carrying capacity than nine (9), including the driver, and all for hire permits in passenger carriage issued by the commission hereunder shall specifically limit the authority so granted to such motor vehicles. In the interest of safety on the highways and safety of the traveling public, all carriage of passengers over public highways, for compensation, in groups of more than eight (8) and in "charter" carriage as defined in this chapter, in a single motor vehicle shall be deemed to be charter carriage and shall be authorized and permitted only in motor buses and as a part of the common carrier service of common carriers of passengers operating under certificates of public convenience and necessity issued under the provisions of this chapter and the rules and regulations of the commission applicable to common carriers of passengers.

(5) Application by a motor carrier for a permit to operate for hire over the public highways of this state shall be in writing verified by the applicant and shall specify among other things the following matters:

(a) The name and address of the applicant and the names and addresses of its officers, if any.

(b) A brief description of each vehicle which the applicant proposes to operate for hire.

(c) An agreement on the part of the applicant to keep such

records as may be prescribed by the commission and to abide by the terms of the permit issued and by the rules and regulations of the commission as to type and size of equipment, safety appliances and devices and regulations as to load which may be reasonably prescribed by the commission from time to time, within the limits prescribed by laws as to such motor vehicles.

(6) Upon filing of said application for a permit and payment of said fee, the railroad and public utilities commission shall fix a time for hearing said application, which shall not be less than twenty (20) or more than sixty (60) days subsequent to the filing of said application and no application shall be granted or permit issued without a hearing by the railroad and public utilities commission. Notice of such hearing shall be given to the applicant and to all transportation companies or permittees serving any part of the area proposed to be served by the applicant, and the mayor or chief magistrate of each city and town adjacent to the area in which the applicant desires to operate and the chairman of the board of county commissioners of each county in which the proposed permit would be operated and to the chairman of the state road department. Such notices shall contain a brief summary of the subject matter of the application or permit requested, the exact area or territory to be served and any other pertinent facts in connection therewith, and shall be mailed fifteen (15) days prior to the date assigned for hearing of such permit and shall within such fifteen (15) days be published by the commission in one (1) or more newspapers of general circulation in the territory proposed to be served. The commission may issue a permit as prayed for or refuse to issue the same or may issue the same with modifications or upon terms or conditions as in its judgment as convenience or necessity may require; provided that the commission in granting any such permit shall take into consideration the effect the grant of such permit may have upon transportation facilities within the territory sought to be served by said applicant or congestion of traffic on the highways or safety of traffic moving on the highways under such operations in relationship to other private or public traffic permitted by law to move over the same roads or in the same territory and also the effect upon transportation as a whole within said territory.

(7) This act shall not effect the validity of any permit

specifically authorizing for hire carriage issued by the commission or by any municipality, town or village, prior to the effective date of this act, but any such permit so issued may not hereafter be extended or expanded beyond these original terms or limitations except in accordance with provisions of section 323.05, Florida Statutes.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 12, 1967.

CHAPTER 67-907

House Bill No. 2147

AN ACT relating to Suwannee county race track funds; amending section 1 (c) of chapter 30250, Laws of Florida, acts of 1955, as amended by chapter 59-727, Laws of Florida, acts of 1959, and chapter 65-1215, Laws of Florida, Acts of 1965; providing a method of distribution of race track funds; providing an effective date.

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

Section 1. Subsection (c) of section 1, chapter 30250, Laws of Florida, acts of 1955, as amended, be and the same is hereby amended to read as follows:

“(c) All funds above twenty thousand dollars (\$20,000) received annually shall be paid one half (1/2) to the Suwannee county board of public instruction and one half (1/2) retained by the board of county commissioners of Suwannee county. The first (1st) five thousand dollars (\$5,000.00) of the one half (1/2) to be paid to the board of public instruction shall be paid to the Suwannee county development authority to be used by said authority in carrying out its functions as prescribed by law until Suwannee county development authority certificates of indebtedness dated January 1, 1964, are paid, at which time said five thousand dollars (\$5000.00) shall revert to the Suwannee county board of public instruction. The first (1st) fifteen thousand dollars (\$15,000.00) of the one

half (1/2) to be paid to the board of county commissioners shall be paid to the Suwannee county development authority, the first (1st) ten thousand dollars (\$10,000.00) thereof shall be used to pay principal and interest on Suwannee county certificates of indebtedness dated January 1, 1964, and five thousand dollars (\$5,000.00) thereof shall be used by said authority in carrying out its functions as prescribed by law. Upon the payment of the principal and interest of said Suwannee county development authority certificates of indebtedness, the first (1st) ten thousand dollars (\$10,000.00) of the one half (1/2) paid to the board of county commissioners shall be paid to the Suwannee county development authority, to be used in carrying out its functions as prescribed by law, and such additional sum from the one half (1/2) paid to the board of county commissioners as shall be annually budgeted to said authority by the board of county commissioners, likewise to be used by the authority in carrying out its functions as prescribed by law."

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 12, 1967.

CHAPTER 67-908

House Bill No. 553

AN ACT relating to the compensation of the supervisor of elections in any county having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000), according to the latest official decennial census; providing an effective date.

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

Section 1. The supervisor of elections in any county having a population of not less than forty thousand (40,000) and not more than forty-five thousand (45,000), according to the latest official decennial census, shall be paid an annual salary of three thousand six hundred dollars (\$3,600.00) per annum, payable monthly from the general revenue fund of the county.

Payment of compensation shall be retroactive to commence on January 1, 1967.

Section 2. All laws and parts of laws in conflict herewith are repealed.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 12, 1967.

CHAPTER 67-909

House Bill No. 2678

AN ACT designating and naming a portion of state road 76 in Martin County as the A. O. Kanner highway; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

WHEREAS, on the 13th day of April, 1967, in the death of Abram Otto Kanner, there was lost to Florida one who had long been an able and faithful servant in the legislative and judicial branches of government, a brilliant asset to civic and fraternal circles, and a gentleman of distinction in all walks of life where ability and integrity mark the man; and

WHEREAS, the contributions made by this truly great man to the betterment of government and humanity in general are such that the members of the Florida Legislature would record an expression of recognition, appreciation and bereavement, NOW, THEREFORE,

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

Section 1. That portion of state road 76 from Stuart to its intersection with U. S. highway 441, located in Martin County, be, and it is hereby, named, designated and dedicated as the A. O. Kanner Highway, in honor of Abram Otto Kanner.

Section 2. The state road department is authorized and directed to erect and place thereon suitable plaques to designate this action.

Section 3. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 12, 1967.

CHAPTER 67-910

Senate Bill No. 589

AN ACT for the relief of Joseph F. Shea for damages caused by the unlawful conviction and imprisonment of said individual, including expenses and costs incurred in securing his release; providing an appropriation; providing an effective date.

WHEREAS, Joseph F. Shea was indicted for the murder of Mary Meslener alleged to have occurred on February 23, 1959, and was thereafter tried, convicted and sentenced to life imprisonment at hard labor, and

WHEREAS, the sole basis for the indictment and conviction of the said Joseph F. Shea was evidence obtained from him by way of confessions obtained from him at a time when he was under psychiatric evaluation and treatment as a member of the armed services of this country in the United States Air Force, said confessions having been obtained by trickery and deceit and by threatening said individual with the electric chair, and

WHEREAS, after having obtained such confessions and the said Joseph F. Shea having recanted them, an additional confession was obtained from the said Joseph F. Shea by telling this individual who was immature and unstable at the time that he had failed certain lie detector tests that he had voluntarily taken, when in truth and in fact he had passed such tests and two different polygraph experts so informed the agents of the State of Florida prior to the time that they lied to him about the results of such lie detector and prior to his thereafter again confessing, and

WHEREAS, each of the alleged confessions given by Joseph F. Shea, although materially different from each other, at-

tempted to set forth in detail the actions of the said Joseph F. Shea prior to, during and after this alleged tragic act of murder, the State of Florida was not able in its investigation to corroborate one single fact set forth in said confessions; and such inability to corroborate the confessions was never at any time made known to the defense attorney of the said Joseph F. Shea or to the Circuit Court who tried said individual, thereby creating the impression the confessions were worthy of belief and depriving the defense of attacking said confessions as being the product of an immature, unstable individual in need of psychiatric treatment, and

WHEREAS, the only other evidence linking Joseph F. Shea with the crime as charged was a shirt belonging to said individual which he had produced and presented to his superior officer and which was offered into evidence at the time of the trial and represented by a Dade County lab technician to contain a large patch of Type O blood (that being the type of the victim, Shea's blood being Type B) when in truth and in fact said shirt had been examined by at least four individuals, two of whom were the leading specialists in this field in the world, in numerous tests, over twenty-five, performed on said shirt and only once was Type O blood purportedly found (never by the specialists) and that being a very small area of the patch testified to at the original trial, and

WHEREAS, the State of Florida never revealed either to the counsel for the defense or the Circuit Court of Dade County the above-stated facts and the further fact that there was evidence to indicate that a good deal of the Type B blood found on the shirt had been mechanically placed on said shirt, it appearing to have been administered on the inside of said shirt as well as the outside, although the State well knew that the defendant had given as an explanation for the blood being on said shirt that he himself had put the blood on said shirt for some unexplainable reason or purpose connected with securing a discharge from the Air Force; and

WHEREAS, the State of Florida prior to the original trial and conviction of the said Joseph F. Shea was in possession of facts which would clearly establish that Joseph F. Shea was in West Palm Beach at 6:30 p.m. on the day in question, and that the decedent left her place of employment at 7:36 p.m. on

the day in question, and that the time sequence of one hour and six minutes rendered impossible the alleged acts of Joseph F. Shea regarding his whereabouts on the night in question and the manner and means utilized by the said Joseph F. Shea to get to the Miami International Airport, it having been clearly established and within the knowledge of the investigators for the State of Florida that it required some two hours of straight driving at highway speeds to go from the International Airport to the base at West Palm Beach where Joseph F. Shea was on the night in question, if one was aware of his exact destination at the time that he got into the vehicle, and that such evidence was never revealed to the defense or to the court, although the State of Florida blatantly used the alleged confessions of the said Joseph F. Shea, which would have been impossible of truth, in view of the factual time sequence known by the State, and

WHEREAS, in addition to the above and foregoing the State of Florida had found two latent fingerprints, one on a locker in which the decedent's wallet was found only hours after her disappearance and another on the motor vehicle in question, which fingerprints could not be compared with either the victim or anyone known to have had contact with either of the items in question, including the defendant (it should be noted that no evidence regarding fingerprints or witnesses identifying the defendant were ever discovered); and although this evidence indicated at least one or more individuals who would have had knowledge relating to the facts of this case and were possible suspects, these facts were never made known to the defense for the purpose of utilizing in the preparation of their case nor were they ever made known to the Circuit Court of Dade County, and

WHEREAS, the day after the trial of this case in which the State of Florida had subjected the defendant to the death penalty, the State of Florida still seeking to obtain some concrete evidence of the guilt of Joseph F. Shea sent one of its investigators to West Palm Beach to search for the alleged bloody trousers of the accused which search was likewise unsuccessful, and

WHEREAS, Joseph F. Shea was unlawfully and illegally incarcerated May 18, 1959, when he was taken into custody

under a warrant for his arrest until February 19, 1966, when he was discharged from said custody by virtue of his retrial and acquittal on the charge that he had originally been indicted for, said incarceration being for a total of two thousand four hundred sixty-nine days, during which period of time he suffered severe mental breakdowns causing and requiring his incarceration as an inmate in the Florida State Mental Hospital, and

WHEREAS, he was caused to suffer a dishonorable discharge from the United States Air Force and deprived of his rank and pay, and

WHEREAS, Joseph F. Shea was deprived of his freedom for the aforementioned number of days, deprived of the right and opportunity of leading a normal life and whereas the said Joseph F. Shea was only granted a new trial after the constant and continuous and determined efforts of a brilliant and courageous newspaper man and an outstanding polygraph technician, Gene Miller and Warren Holmes, respectively, and

WHEREAS, the said Joseph F. Shea was represented in his efforts to secure an acquittal by Harry W. Prebish and Eugene P. Spellman and whereas certain moneys were expended by them in prosecuting the defense of said cause and untiring efforts and time were expended by them in preparing for and in defending the said Joseph F. Shea in his retrial, and

WHEREAS, it is the opinion of the Legislature of the State of Florida that compensation should be paid for all of the above and foregoing from the general revenue fund of the State and the said Joseph F. Shea has no relief other than by claim bill, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. There is appropriated from the general revenue fund of the state to be paid to Joseph F. Shea the sum of forty-five thousand dollars (\$45,000.00), which includes ex-

penses and costs incurred not to exceed the amount of five thousand dollars (\$5,000.00).

Section 3. The comptroller of the state is authorized and directed to draw a warrant in the sum of forty-five thousand dollars (\$45,000.00) upon the general revenue fund of the state and the state treasurer is authorized and directed to pay the same out of such funds.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 12, 1967.

CHAPTER 67-911

Senate Bill No. 1482

AN ACT relating to the water and sewer system in all counties of the state having a population of more than sixty nine thousand (69,000) and less than seventy thousand (70,000), according to the latest official decennial census; providing a certain covenant for bonds and for the auditing of records and accounts by the state auditing department.

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

Section 1. In all counties of the state having a population of more than sixty-nine thousand (69,000) and less than seventy thousand (70,000), according to the latest official decennial census, any resolution or resolutions authorizing the issuance of bonds for the county water and sewer system including re-funding bonds, under this act, shall contain covenants for the keeping of books of accounts relating to such utility system, and the audit by the state auditing department and inspection thereof.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 13, 1967.

CHAPTER 67-912

House Bill No. 2139

AN ACT relating to Union county, compensation of the superintendent of public instruction; providing that such compensation be fixed by the board of public instruction of Union county; providing the basis for fixing such compensation; providing an effective date.

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

Section 1. The annual salary of the Union county superintendent of public instruction shall be fixed by the board of public instruction of Union county on and after July 1, 1967; provided, however, that said county superintendent shall not receive under this law a salary during any year which is less than the salary he lawfully received during 1966-1967.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 13, 1967.

CHAPTER 67-913

Senate Bill No. 620

AN ACT providing for the relief of Robert LaMar Watson; providing an appropriation; and providing an effective date.

WHEREAS, Robert LaMar Watson of Sanford, Florida, was wrongly arrested on March 15, 1965, for armed robbery of a grocery store in Mulberry, Florida, and

WHEREAS, Robert LaMar Watson steadfastly contended he was innocent of such charge, entering a plea of not guilty and expending \$1,275.00 for bonding costs and legal defense, and

WHEREAS, Robert LaMar Watson was erroneously convicted and sentenced to ten years in state prison by the Criminal Court of Polk County in June, 1965, and

WHEREAS, because interested citizens and a courageous

and outstanding newspaper in this state brought to light the fact that Robert LaMar Watson was innocent and that another person had committed such crime; and in fact Bertram Dale Durden has since confessed to such crime and has since been convicted of such crime, and

WHEREAS, Robert LaMar Watson was exonerated and released from such charge and from state prison on September 17, 1965, with regret for the miscarriage of justice, and

WHEREAS, Robert LaMar Watson at the time of his arrest had a healthy wife and fine family of two sons, and he was employed as a plasterer and dry-wall finisher by firms in Sanford, Daytona Beach, Winter Park, and Orlando, at an average weekly salary of approximately \$175.00, and after his arrest in March and the mistaken criminal charge against him, his wife and his children suffered severe emotional trauma to such an extent that his wife's health was impaired and the children were left emotionally scarred for life to the extent that they currently and often express the fear that their father will be taken from them, and

WHEREAS, the out-of-pocket expenses for lost wages, bonding costs and defense fees all total approximately \$6,000.00 not counting the severe and permanent emotional damage done to Robert LaMar Watson and his wife and his children, and

WHEREAS, the legislature of the State of Florida hereby recognizes a need to compensate Robert LaMar Watson for his loss and the injustice done to him and his family which should be provided for by the enactment of this act, NOW, THEREFORE,

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

Section 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated out of funds in the general revenue fund not otherwise appropriated, to be paid to Robert LaMar Watson as compensation for damages sustained by virtue of a miscarriage of justice in Polk County, Florida, in the period from March 15, 1965, through September 17, 1965, when the said Robert LaMar Watson was arrested, convicted, sentenced and served time in the state prison as an innocent man for a crime which he did not commit.

Section 2. The Comptroller of the State of Florida is re-

quired and directed to draw a warrant for the said sum of fifteen thousand dollars (\$15,000.00) on the general fund of the treasury of the State of Florida from funds not otherwise appropriated in favor of the said Robert LaMar Watson upon this act becoming law; and the State Treasurer is authorized and directed to honor and pay said warrant.

Section 3. This act shall take effect immediately upon becoming a law.

Approved by the Governor July 13, 1967.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-914

House Bill No. 3194

AN ACT establishing and creating a Fire Control District in a portion of Manatee County, Florida, to be known as the Whitfield Fire Control District; defining its territorial boundaries; providing for and limiting the powers, duties and liabilities of said District in and about; obtaining and acquiring by purchase or otherwise fire fighting equipment, fire stations, fire hydrants and water supply for the prevention of all types of fires in said district; providing for the inspection of places of business, apartment houses, theatres and buildings where large groups of persons might congregate; providing for the exercise and administration of the powers of said District by Board of Commissioners to be named and appointed by the Governor of the State of Florida; providing for the levy, collection and enforcement of special assessments against and creating liens upon the lands embraced within said District in order to raise funds for the purpose of said District, and determining the priority and dignity of such liens; providing for limitations of claims, demands and suits against such District; authorizing and empowering such District to make and enter into contracts with firms, individuals and municipal corporations relating to any and all of the purposes of said District; repealing all Acts or parts of Acts insofar as a conflict with this Act and providing for a referendum; providing an effective date.

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

Section 1. Upon this Act becoming a law, all of the lands in Manatee County, Florida, hereinafter described, shall become and be incorporated into and as a Special Fire Control District, which shall become and be a public municipal corporation, having the powers and duties herein set forth under the name of Whitfield Fire Control District. The lands so to be incorporated being in Manatee County, and being more specifically described as follows:

1. All Section 23 South Bowlee's Creek
2. W $\frac{1}{2}$ Section 25, Township 35 South, Range 17 East
3. All Section 26 South of Bowlee's Creek
4. All Sections 35 and 36, Township 35 South, Range 17 East, less any and all land owned by Sarasota-Manatee County Joint Airport Authority.

Section 2. The business and affairs of said district shall be conducted and administered by a Board of five (5) Commissioners; said Commissioners upon their appointment and qualifications, and annually in January, shall organize by electing from their number, a Chairman, a Vice-Chairman, a Secretary-Treasurer. Said Commissioners shall not receive any compensation for their services as such, but the Secretary-Treasurer may be paid not exceeding Three Hundred Dollars (\$300.00) per annum from the funds of said District for his services as such Secretary-Treasurer. Each Commissioner shall, before he enters upon his duties as such Commissioner, execute to the Governor of the State of Florida for the benefit of the said District, a good and sufficient bond approved by the Circuit Judge of Manatee County, Florida, in the sum of One Thousand Dollars, (\$1,000.00), with a qualified corporate surety conditioned to faithfully perform the duties of such Commissioner and to account for all funds to come into his hands as such Commissioner. The Treasurer shall execute an additional bond in the sum of Nine Thousand Dollars (\$9,000.00). All premiums for such surety on all such bonds shall be paid from the funds of said District.

Whenever vacancies exist in the office of Commissioner, The Whitfield Estates-Ballentine Manor Estates Association, Inc., a non-profit corporation existing under the laws of the State of Florida, shall submit a list of names of freeholders residing

within said District, recommended for appointment as Commissioners of said District to the Governor, said list to be certified by the County Tax Assessor or the Supervisor of Registration of the County in which said freeholders reside, according to the respective official records of such officers; provided such list shall contain at least two (2) more nominees than vacancies.

Section 3. The Governor of the State of Florida shall appoint five (5) commissioners as provided in Section 2, for the respective terms of one (1), two (2) and three (3) years, as follows: One (1) for one (1) year, two (2) for two (2) years and two (2) for three (3) years. After the expiration of the initial terms each Commissioner shall be appointed for a three year term.

Each Commissioner when appointed, shall hold office until his successor is appointed and qualified, unless such Commissioner ceases to be qualified to act as Commissioner or is removed from office.

Upon expiration of the term of any Commission- or any person appointed to fill the unexpired term of any such Commissioner for any cause, the Governor of the State of Florida shall appoint, from a list of names provided by the Whitfield Estates-Ballentine Manor Estates Association, Inc., a Commissioner for the said District to hold office for the term of three (3) years from date of said appointment; provided such list shall contain the names of at least two (2) more nominees than vacancies to be filled.

Section 4. Said District shall have the right, power and authority to levy special assessments against the taxable real estate lying within its territorial bounds in order to provide funds for the purpose of said District. The rate of such assessments shall be fixed by a Resolution of the Board of Commissioners as hereinafter provided, but shall in no event exceed the following sums:

(a) Business firms or buildings, fifty dollars (\$50.00) per annum. Apartment buildings and tourist courts are to be construed as business buildings.

(b) Motels, twenty-five dollars (\$25.00) per annum, with

an additional charge of one dollar (\$1.00) per annum per rental unit for all rental units in excess of fifteen (15).

(c) Homes and dwellings, ten dollars (\$10.00) per annum, including mobile homes or trailers used as dwellings.

(d) One Dollar (\$1.00) per lot on vacant lots and one dollar (\$1.00) per acre or fraction thereof on un-subdivided acreage, but not to exceed the sum of ten dollars (\$10.00) for any unsubdivided parcel.

The County Tax Assessor of Manatee County, Florida, shall furnish to the Board of Commissioners a tax roll covering all taxable properties within the District lying within their county, and the District Commissioners shall place the levy for each piece of property thereon on or before September 1st of each year. Any property owner in the District shall each year have the right, during a ten (10) day period to be set by the Board after the rolls have had the levy recorded thereon and prior to the billing being mailed, to file a protest in writing against the proposed special assessments for special fire protection benefits as to the amount, and to appear before the Board in support of such protest. The Board shall hold meetings during the said period to consider the protests and make adjustments to the rolls.

Immediately after the adjustment period, the Board shall adopt a Resolution, fixing the rate of special assessment for special fire protection benefits, noting upon the tax roll the amount of the levy against each parcel of property. The County Tax Assessor of the county shall then include in his tax rolls the special assessments for special fire protection benefits thus made by the Board of Commissioners and the same shall be collected in the manner and form as provided for the collection of county taxes and paid monthly by the tax collector to the Board of Commissioners. The County Tax Collector and the County Tax Assessor shall each receive compensation for their services regarding such special assessments, on property within their county, for special fire protection benefits of one and one-half percent (1½%) instead of the commissions and fees usually earned for the assessment and collection of county taxes. Further, the services of the Tax Assessor and Tax Collector under this Act are hereby declared to be special services performed directly for this district and any payment therefor shall not be considered a part of the general income of such

income of such official's offices, nor come under the provisions of Sections 116.03 and 145.03, Florida Statutes. The payment of personnel required to do special work shall be made out of the one and one-half percent (1½%) herein provided.

Section 5. Such special assessments shall be a lien upon the land so assessed along with the County taxes assessed against the same until said assessments and taxes have been paid, and if the same become delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees and remedies for enforcement and collection, and shall be enforced and collected as provided by the laws of the State of Florida for the collection of such taxes.

Section 6. The proceeds of said assessments and the funds of said District shall be deposited in the name of the District in a bank authorized to receive deposits of county funds, which bank shall be designated by a Resolution of the Board of Commissioners. No funds of the District shall be paid out or disbursed save and except by check.

Section 7. The District Commissioners shall not create any indebtedness or incur obligations for any sum or amount which it is unable to repay out of District funds in its hands; provided that the District Commissioners may make contractual loans for the purchases of equipment and for the erection of fire stations on an installment basis, pledging the equipment or building real estate as security, provided that payment of the current years' installment on such equipment or building loans plus the amount due in that year on any other installments and/or the repayment of any bank loans or other existing indebtedness which may be due that year plus budgeted operative expenses for the remainder of the year does not exceed anticipated receipts. Neither the District Commissioners as a body or any one of them as an individual shall be personally or individually liable for the repayment of any loan.

Section 8. The Board of Commissioners shall have the power and authority to charge fees for services provided to individuals or entities who do not have a special assessment for special fire protection benefits within the Fire District. Such charges shall not exceed one hundred dollars (\$100.00) per call, or fifty dollars (\$50.00) per hour for each hour or major fraction thereof per fire truck used, whichever is greater, and the

Fire District may attach liens against such property as has been serviced to insure payment. The Board of Commissioners shall have the power and authority to enter into agreements in behalf of the District to furnish fire protection services to individuals or entities owning property in any other areas not having fire protection, within or without Manatee County, and the Board of Commissioners shall establish terms, provisions and rates to be charged for such services.

Section 9. No funds of said District shall be used for any purpose other than the administration of the affairs and business of said District, for the construction, care, maintenance, upkeep, operation and purchase of fire fighting equipment or a fire station, payment for communication and public utilities such as electric lights and water, payment of salaries of a Fire Marshal, firemen and other officials as the Board of Commissioners may, from time to time, determine to be for the best interest of the District.

Section 10. The Board of Commissioners of the District shall have the power and the authority to acquire by gifts or purchase a fire station and station site and such fire fighting equipment as is deemed necessary for the protection of said District. They shall have the authority to appoint a Fire Marshal and/or Fire Chief, Fire Department Officers and one (1) or more firemen, at salaries to be determined by the Board, who shall operate the Fire Department equipment and inspect all property and check fire hazards. Said Board shall also have the power to sell and convey any real or personal property acquired by gift or purchase.

Section 11. The officers of the said Board of Commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of said Board of Commissioners, and in such meetings concurrence of a majority of said Commissioners shall be necessary for any affirmative actions by said Board.

The Board of Commissioners may adopt such rules and regulations, not inconsistent with any portion of this Act, as it may deem necessary in and about the transaction of its business and in carrying out the provisions of this Act.

Section 12. The Board of Commissioners shall on or before

the first day of August make an annual report of its actions and accounting of its funds as of the 30th day of June each year.

Section 13. The said Special Fire Control District shall exist until dissolved by law. Should any part of the territory covered in this Act be held not to be included herein, then this Act shall continue in effect as to the balance of said territory.

Section 14. No suits, action or proceeding shall be instituted or maintained in any Court against said District or the Commissioners or any Commissioner thereof, for or upon any claim, right or demand of any kind or nature, unless the person or persons making such claim or demand or claiming such right have, within ninety (90) days after the alleged accrual of such claim, right or demand, given to the Commissioners, or one of them, a notice in writing setting forth the nature of the right, claim or demand, the amount thereof, the place and manner in which such claim or right accrued, together with the names and addresses of all witnesses by whom such claims, right or demands are to be proved or established, all with sufficient detail to enable the District and the Commissioners to fully investigate such claim, right or demand; and no suit, action or proceeding or any such demand shall be instituted within three (3) months after such notice shall be given.

Section 15. The word "District" shall mean the Fire Control District hereby organized, and the words "Board" and "Board of Commissioners" shall mean the Board of Commissioners of and for the Fire Control District hereby created when used in this Act unless otherwise specified.

Section 16. If any clause, Section or provision of this Act shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Act, and the remaining portion of said Act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 17. That all laws or parts of laws in conflict herewith are, to the extent of such conflict hereby repealed.

Section 18. The provisions of this Act shall be liberally construed in order to effectively carry out the purposes of this Act in the interest of the public and safety.

Section 19. This Act is to become a law immediately upon its passage and approval by the Governor or upon its becoming a law without such approval and is to become effective immediately upon ratification by the voting in said election of a majority of the qualified freeholders of the territory proposed to be constituted into the Whitfield Estates Fire Control District at an election to be held prior to December 1, 1967.

The County Commissioners of Manatee County, Florida, are hereby given power and authority to call a special election for the purpose of having this Act voted upon by all qualified freeholders in said territory, which election shall be held on the same date in said county.

Should a majority of the qualified Manatee County freeholders participating in such election vote (FOR) and favorable to this Act, then this Act shall become effective immediately, but should a majority of the qualified Manatee County freeholders participating in such election vote (AGAINST) and unfavorable to this Act, then this Act shall be void.

Section 20. This act shall become effective upon becoming a law.

Approved by the Governor July 13, 1967.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-915

House Bill No. 1000

AN ACT providing for the relief of Willie Davis, arising out of an accident on May 12, 1963, caused by carelessness of the Florida state road department, which resulted in total blindness in one (1) eye; providing reimbursement for related medical expenses, by Willie Davis; providing an appropriation; and providing an effective date.

WHEREAS, Willie Davis, is a permanent resident of Polk county, Florida; and

WHEREAS, on May 12, 1963, Willie Davis was in the process of cooking for for a school picnic at the Sunshine Skyway

bridge, Wayside park, Manatee county, Florida, which said park is maintained by the Florida state road department. At which time, because of faulty stones in the barbecue pit, the stones blew up without fault of the said Willie Davis; and

WHEREAS, these defective stones immediately hit and injured, Willie Davis, in the right eye and face; and

WHEREAS, Willie Davis was rushed to the hospital in Bradenton with a seriously injured and bleeding eye and face; and was thereafter referred to and was seen by Dr. Howard C. Lucas of Winter Haven, Florida, who performed a major operation on Willie Davis' right eye, including sewing up the eye to try and save it; and

WHEREAS, Willie Davis remained hospitalized for a period of days and was under the care of Dr. Lucas for approximately four hundred and eighty-five (485) days thereafter; and

WHEREAS, Willie Davis, prior to May 12, 1963, had two (2) normal healthy eyes but after the accident caused by the carelessness of the Florida state road department, he now has only one (1) good eye with total blindness in the right injured eye. And if the other good eye is ever permanently damaged or lost, he will be totally blind; and

WHEREAS, Willie Davis, has expended three hundred sixty-eight dollars and eighty-seven cents (\$368.87) in medical and incidental expenses, because of such injuries; and

WHEREAS, the legislature of Florida should award Willie Davis compensation for his major injuries and total blindness in the right eye together with reimbursement for his related medical expenses, all caused by carelessness of the Florida state road department through its employees; and

WHEREAS, the legislature of Florida has heretofore found in chapter 440, Florida Statutes, that blindness is a serious injury and that an established standard compensation of nine thousand dollars (\$9,000.00) plus medical expenses for such injuries in certain circumstances; and

WHEREAS, the average jury awards in Florida for such blindness according to the Florida jury verdict service, is the sum of twenty-five thousand dollars (\$25,000.00); and

WHEREAS, the legislature hereby recognizes a need which can be and should be provided for by the enactment of this act, NOW, THEREFORE,

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

Section 1. The sum of \$10,000.00 is hereby appropriated out of unappropriated funds on deposit in the state treasury in the account of the State Road Department, not otherwise appropriated to be paid to Willie Davis as relief of injuries suffered by said Willie Davis as a result of the negligence of the State Road Department.

Section 2. The comptroller of the state is authorized and directed to draw his warrant in the sum of \$10,000.00 and charge the same to funds in the state treasury to the credit of the State Road Department in favor of Willie Davis and the state treasurer is authorized and directed to pay the sum out of the state roads trust fund in the state treasury not otherwise appropriated.

Section 3. This act shall take effect immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-916

House Bill No. 1595

AN ACT relating to the relief of Myrtle Watts; making an appropriation to compensate for personal injuries sustained by her in an automobile accident caused by the failure of the state to put up warning signs; providing an effective date.

WHEREAS, Myrtle Watts was the driver of an automobile traversing state road S-359A in Taylor county in an easterly direction at about 12 o'clock midnight on November 18, 1965, at which time and place there was no sign warning of approaching deadend at an intersection, and

WHEREAS, as a result of such lack of warning, the driver of the automobile, Myrtle Watts, went across the highway,

running past the stopping place and into the ditch on the other side of an intersecting highway, and

WHEREAS, the mother of Myrtle Watts was killed, the father of Myrtle Watts was seriously injured and Myrtle Watts has sustained serious personal injuries, expended large sums of money for the payment of hospital, doctors' and medical bills and other costs, endured great pain, suffering and anxiety and will continue to sustain hospital, doctors' and medical bills and will suffer further pain and anxiety, in addition to living out her life with a speech impediment, and

WHEREAS, adequate compensation for said injuries, pain and suffering by Myrtle Watts is the sum of thirteen thousand one hundred seven dollars and forty cents (\$13,107.40), and

WHEREAS, though negligent, the state road department has no liability insurance coverage for their negligence, and Myrtle Watts is unable to bring suit against the state to recover for the damages sustained by her, her only recourse is to the legislature of the state, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of thirteen thousand one hundred seven dollars and forty cents (\$13,107.40) is appropriated out of any moneys in the state treasury in the account of state road department, not otherwise appropriated, to be paid to Myrtle Watts as relief of injuries suffered by Myrtle Watts as a result of the failure of the state road department to have warning signs posted at the proper distance before the intersection.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in the sum of thirteen thousand one hundred seven dollars and forty cents (\$13,107.40) and charge the same to funds in the state treasury to the credit of the state road department in favor of Myrtle Watts, and the state treasurer is authorized and directed to pay the sum out of any moneys in the account of the state road department in the state treasury not otherwise appropriated.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-917

House Bill No. 1660

AN ACT relating to that portion of state road 806, section 93550, beginning at the west city limits of Delray Beach and ending at the Sunshine State Parkway, designating said portion of state road 806 as "Ben Sundry Memorial Highway"; providing an effective date.

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

Section 1. That the portion of state road 806, section 93550, beginning at the west city limits of Delray Beach, Florida, westward to the Sunshine State Parkway shall hereafter be known and designated as Ben Sundry Memorial Highway.

Section 2. This act shall take effect September 1, 1967.

Approved by the Governor July 13, 1967.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-918

House Bill No. 1445

AN ACT relating to the state road department, park designation; providing that the wayside park on state road 331 between DeFuniak Springs and Paxton, Florida, be named the "Stanley Wayside Park"; providing for markers; providing an effective date.

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

Section 1. The wayside park adjacent to Gum creek located on state road 331 between DeFuniak Springs and Paxton, Florida, shall be named the "Stanley Wayside Park."

Section 2. The state road department is authorized and re-

requested to erect and maintain at the entrance to said park a plaque or marker to indicate the designation herein provided.

Section 3. This act shall take effect immediately upon becoming a law.

Approved by the Governor July 13, 1967.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-919

House Bill No. 2985

AN ACT directing the board of county commissioners of Seminole County, Florida, to supplement the salary of each circuit judge who is a resident of said county; making the same a county purpose; repealing all laws in conflict herewith; providing for an effective date.

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

Section 1. The board of county commissioners of Seminole County is hereby directed to supplement the salary of each circuit judge qualified and serving as such who resides in Seminole County as follows: each such circuit judge shall be paid by the board of county commissioners of Seminole County, Florida, in equal monthly installments a total supplementary compensation in an amount per annum equal to the difference between the annual compensation paid circuit judges by the state of Florida and the total compensation authorized by law for circuit judges to be paid from all sources; provided, however, that the supplementary compensation paid by Seminole County shall not exceed the annual sum of three thousand and no/100 (\$3,000.00) dollars. The payment of such supplementary compensation is hereby declared to be a county purpose.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect on July 1, 1967.

Approved by the Governor July 13, 1967.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-920

House Bill No. 3165

AN ACT providing for supplementary salaries for each of the Circuit Judges of each Judicial Circuit of the State of Florida comprised of three (3) counties having a total population, according to the latest census of not less than two hundred thousand (200,000) and not more than three hundred thousand (300,000) inhabitants, providing for a portion of such compensation to be paid by each of said counties from general funds, declaring such payments a county purpose, providing for the repeal of Chapter 65-626, Laws of Florida, and providing an effective date.

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

Section 1. Chapter 65-626, Laws of Florida, is repealed.

Section 2. From and after July 1, 1967, each Judge of the Circuit Court residing and serving in Judicial Circuits comprised of three (3) counties having a combined total population of not less than two hundred thousand (200,000) nor more than three hundred thousand (300,000) according to the latest official census, shall, in addition to such compensation as he may be entitled to receive from the State Treasurer from time to time, be entitled to receive from and be paid by such counties out of their general funds, an annual sum which, when added to the annual salary compensation, will equal twenty-three thousand dollars (\$23,000.00) for the period beginning July 1, 1967, and ending June 30, 1968, and twenty-four thousand dollars (\$24,000.00) for each of the like annual periods thereafter, such additional or supplementary compensation to be paid upon the requisition of each Judge in equal monthly installments.

Section 3. Such supplementary compensation shall be paid out of the general revenue funds of the counties within the Judicial Circuits affected by this Act, with the county having the largest population paying eighty-five percent (85%), the county having the next largest population paying ten percent (10%) and the remaining county paying five percent (5%).

Section 4. All payments herein provided to be made by said counties are declared to be for county purposes and as au-

thorized by law and by Article V of the Constitution of the State of Florida.

Section 5. This Act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-921

House Bill No. 2976

AN ACT relating to Franklin county, small claims court; providing for writs of garnishment and replevin; providing an effective date.

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

Section 1 of Chapter 65-770, Laws of Florida is amended to read:

Section 1. There is created and established in Franklin county a court known as a small claims court, which court shall have civil jurisdiction in cases at law in which the demand or value of the property involved does not exceed three hundred dollars (\$300.00), said jurisdiction to be concurrent with the jurisdiction of any other court now or hereafter established in the county.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-922

House Bill No. 2832

AN ACT relating to Columbia county; providing a monthly expense account for members of the board of county commissioners; providing an effective date.

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

Section 1. Members of the board of county commissioners of Columbia county may be allowed a monthly expense account of fifty dollars (\$50.00).

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-923

House Bill No. 2733

AN ACT relating to Lee and Charlotte counties; authorizing the Lee county port authority and the Charlotte county development commission to jointly finance, sponsor, acquire, and administer lawful projects within the boundaries of either county; declaring same to be a valid county purpose; providing an effective date.

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

Section 1. The Lee county port authority and the Charlotte county development commission, as now constituted by law, are hereby authorized to jointly engage in any project, program or undertaking heretofore authorized by law and in furtherance thereof may by mutual agreement jointly acquire, own, finance or administer lawful projects or exercise any right or authority heretofore granted, and the expenditure of public funds or other funds by either body for projects within the confines of either Charlotte or Lee county is hereby declared to be a valid public purpose or valid county purpose.

Section 2. This act is effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-924

House Bill No. 2050

AN ACT relating to the Dixie Drainage District in Broward County, Florida, providing for the levy, collection and enforcement of all taxes levied by said district at the same time and in like manner as county taxes; providing for the same discount and penalties as county taxes; providing an effective date.

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

Section 1. *Installment Taxes, Levied and Apportioned, and the Collection thereof.*—Taxes shall be levied and apportioned as provided for in the General Drainage Laws of Florida, (Chapter 298, Florida Statutes, and amendments thereto), except that the provisions of Sections 298.37, 298.38, 298.39, 298.40 and 298.41, Florida Statutes, and amendments thereto, shall not be applicable to said District. In lieu thereof, the following provisions shall apply to said District.

The Board of Supervisors shall determine, order and levy the amount of annual installments of the total taxes levied under Section 298.36, Florida Statutes, which shall become due and be collected during each year at the same time that county taxes are due and collected, which said annual installment and levy shall be evidenced to and certified by said Board, not later than July 1st of each year, to the Tax Assessor of Broward County, Florida. Said tax shall be extended by the County Tax Assessor on the County Tax Roll and shall be collected by the Tax Collector in the same manner and time as county taxes, and the proceeds thereof paid to said District. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

Section 2. *Maintenance Tax.*—The provisions of Section 298.54, Florida Statutes, and amendments thereto, shall not be applicable to said District. In lieu thereof, the following provisions shall apply to said District.

To maintain and preserve the improvements made pursuant to this Chapter and to repair and restore the same, when needed, and for the purpose of defraying the current expenses of the District, the Board of Supervisors may, upon the comple-

tion of said improvements, in whole or in part as may be certified to the said Board by the Chief Engineer, levy annually a tax upon each tract or parcel of land within the District, to be known as a "maintenance tax". Said maintenance tax shall be apportioned upon the basis of the net assessments of benefits assessed as accruing for original construction, and shall not exceed ten percent (10%) thereof in any one (1) year and shall be evidenced to an certified by said Board not later than July 1st of each year, to the Tax Assessor of Broward County, Florida, and shall be extended by the County Tax Assessor on the County Tax Roll and shall be collected by the Tax Collector in the same manner and time as County Taxes and the proceeds therefrom paid to said District. Said tax shall be a lien until paid on the property against which assessed and enforceable in like manner as County taxes.

Section 3. *Enforcement of Taxes.*—The provisions of Section 298.45 and Section 298.46, Florida Statutes, and amendments thereto, shall not be applicable to said District. In lieu thereof, the following shall apply to said District.

The collection and enforcement of all taxes levied by said District shall be at the same time and in like manner as County taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent County taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to said District and the delinquent and unpaid taxes of said District to the same extent as if said statutory provisions were expressly set forth in this Act. All taxes shall be subject to the same discounts as County taxes.

Section 4. *When Unpaid Taxes Delinquent: Penalty.*—All taxes provided for in this Act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as County taxes.

Section 5. *When Act to Take Effect.*—This Act shall take effect immediately upon its approval by the Governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.
Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-925
Senate Bill No. 1355

AN ACT relating to the office of state attorney in all judicial circuits of the state comprising only one (1) county and having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing for assistant state attorneys, investigators, court reporters, clerical and administrative assistants; providing for employment, appointment, qualifications, powers and duties; providing amount and manner of compensation; providing for office, office equipment and supplies; prohibiting the state attorney from practicing law and prohibiting his assistants from practicing in certain areas of law; providing for the budgeting of expenses of the state attorney's office; providing for appropriations by the board of county commissioners and county budget commission for compensation and expenses of the state attorney's office; providing an effective date.

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

Section 1. The provisions of this act shall apply to all judicial circuits in the state comprising only one (1) county and having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census.

Section 2. There shall be a state attorney for each judicial circuit affected by this act who shall be elected at the general election by the qualified electors of such judicial circuit as other state officials are elected commencing with the general election in November, 1968, and who shall serve for a term of four (4) years and who, in addition to the powers and duties provided by the laws of this state, shall have the powers and

duties provided herein. The salary of the state attorney for such circuit shall be twenty thousand (\$20,000.00).

Section 3. There shall be a minimum of two (2) assistant state attorneys and as many others as may be authorized by the board of county commissioners, who shall be appointed by the state attorney and who shall serve at the pleasure of the state attorney. The appointment of each such assistant state attorney shall be made in writing and recorded in the minutes of the circuit court, and the revocation of appointment of any such assistant state attorney shall likewise be made in writing and recorded in the minutes of the circuit court. Upon appointment, each assistant state attorney shall have full authority to do and perform any of the official duties and acts of the state attorney.

Section 4. The salary paid to each assistant state attorney shall be determined by the state attorney subject to approval by the board of county commissioners.

Section 5. No person shall be appointed an assistant state attorney under the provisions of this law who is not admitted to practice law in Florida and a member of The Florida Bar.

Section 6. Upon the appointment of the assistant state attorneys as provided herein each such assistant state attorney shall take the oath of office provided by the state constitution, which said oath shall be administered by a circuit judge.

Section 7. Except as hereinafter provided, neither the state attorney nor any of his assistants shall engage in the practice of law during his term of office other than in his capacity as state attorney or assistant state attorney. In the discretion of the state attorney, one (1) assistant state attorney may be permitted to engage in the private practice of civil law; provided, however, no assistant state attorney shall engage in the practice of divorce or support law or criminal or quasi-criminal law or before any municipal court.

Section 8. The state attorney is authorized to appoint one (1) investigator and as many others as may be authorized by the board of county commissioners, which investigator or investigators shall serve at the pleasure of the state attorney. The appointment of each such investigator shall be in writing and recorded in the minutes of the circuit court, and the revocation of appointment of any investigator shall likewise be

made in writing and recorded in the minutes of the circuit court. The salary paid to each investigator shall be determined by the state attorney subject to approval by the board of county commissioners.

Section 9. The investigators provided by this act shall work under the supervision and direction of either the state attorney or the assistant state attorneys and shall have full authority to investigate any crime committed in the county and to apprehend and arrest any person violating the laws of this state or any person who is charged with violating any of the laws of this state, in accordance with the laws of this state relating to arrests. Each such investigator shall have full capacity to serve any process or any court orders in any criminal case relating to the investigation of any crime and such process and court orders as may be directed by the court, and he shall have all the powers and authority of a deputy sheriff. Each of such investigators is authorized to carry weapons on or about his person in the same manner as other law enforcement officers.

Section 10. The state attorney shall employ such court reporters, secretaries, stenographers, typists and other clerical and administrative assistants as may be necessary in order for the office of the state attorney to function properly. The salary and compensation of each of said employees shall be fixed by the state attorney with the approval of the board of county commissioners. The board of county commissioners shall furnish and provide an office for the state attorney with such office supplies, stationery, printing, equipment, furniture and furnishings, lawbooks, telephone and telegraph service, automobile expenses incurred in the performance of official duties and maintenance of office equipment as may be required for the proper functioning of said office. All salaries, compensation and expenses provided by this section shall be paid from the general fund of the county, provided that nothing in this section shall be construed to affect any law of this state providing for salaries, per diem and fees for such employees.

Section 11. (1) The county budget commission and the board of county commissioners are required to fix, set up and approve in the budget of the county annually such sums of

money as are necessary and required to carry out the provisions of this act.

(2) All salaries provided for herein shall be paid in equal monthly installments by the county from the general revenue fund.

(3) The total of each salary provided for herein shall include and the state shall pay the maximum amount now or hereafter provided and fixed by law to be paid by the state.

Section 12. In addition to the salaries and other sums provided by this act, the state attorney and each assistant state attorney and each investigator when so designated by the state attorney shall receive an allowance for the use of his automobile in performing his official duties. Such allowance shall be paid from the budget fund of the office of state attorney as provided in section 10 upon a requisition therefor being signed and approved by the state attorney.

Section 13. The state attorney, each assistant state attorney and each investigator shall be exempt from the county merit or civil service system. The state attorney, each assistant state attorney, each investigator and each employee shall be covered by the county retirement system as may be provided by law.

Section 14. If any part of this act shall be declared to be invalid or unconstitutional, it shall not affect any other section thereof.

Section 15. All laws or parts of laws in conflict with this act are repealed insofar as same affect the provisions hereof.

Section 16. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-926

Senate Bill No. 1260

AN ACT relating to alcoholic beverage licenses in any county having a population in excess of four hundred thousand

(400,000), according to the latest official decennial census; providing for additional beverage licenses; providing an effective date.

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

Section 1. In any county in the state having a population in excess of four hundred thousand (400,000), according to the latest official decennial census, beverage licenses issued under the authority of section 561.34(11), Florida Statutes, such licenses being known as club licenses, shall be increased by thirteen (13) more than the number of such licenses currently authorized to be issued pursuant to said section; provided, however, that such additional licenses authorized by this act shall be issued to:

- (1) West Dade Lodge No. 1825, Loyal Order of Moose, Incorporated.
- (2) Lindley DeGarmo Post No. 70, The American Legion.
- (3) The Metropolitan Club of Miami, Inc.
- (4) All Sports Club, Inc.
- (5) The Pinetree Club, Inc.
- (6) The Rod and Gun Club of Miami, Inc.
- (7) North Dade Athletic Club, Inc.
- (8) The American Club in Miami.
- (9) Dade County Bar Association Educational Foundation, Inc.
- (10) YM-YWHA of Greater Miami.
- (11) Haulover Shark and Tarpon Club, Inc.
- (12) Italian-American Civic Association, Inc.
- (13) Edad Club, Inc.
- (14) Marine Corps Committee of South Florida, Inc.
- (15) Florida State Democratic League.
- (16) Florida Swimming Pool Operators Association, Incorporated.

(17) Aron Smith Post 4127 Veterans of Foreign Wars, Homestead, Florida.

Provided further that said clubs meet all the requirements of the beverage law.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-927

Senate Bill No. 1524

AN ACT relating to alcoholic beverage licenses; authorizing one (1) additional club beverage license in each county of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census; providing an effective date.

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

Section 1. In each county of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000) according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section. The additional license authorized by this act in such counties shall be issued to the Veterans of Foreign Wars, Post 4643, Satellite Beach, Florida, regardless of the fact that such club may not have been in existence for a period of not less than two (2) years in one (1) of the counties aforesaid prior to the time of making application for such license.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-928

Senate Bill No. 938

AN ACT relating to all counties having a population of not less than four hundred fifty thousand (450,000) and not more than six hundred thousand (600,000) according to the latest official decennial census; repealing Senate Bill 891, 1967 providing for collective bargaining for firemen insofar as it may relate to the aforesaid population; and providing an effective date.

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

Section 1. This act applies in all counties having a population of not less than Four Hundred Fifty Thousand (450,000) and not more than Six Hundred Thousand (600,000) according to the latest official decennial census.

Section 2. Senate Bill 891 adopted at the 1967 legislative session is repealed insofar as it may relate to the aforesaid population.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-929

Committee Substitute for House Bill No. 977

AN ACT relating to office building construction; authorizing the board of commissioners of state institutions to construct an office building in Daytona Beach, Volusia county, for use by the Florida council for the blind, pursuant to Section 288.17, Florida Statutes; authorizing the Florida development commission to issue revenue certificates in an amount not to exceed \$200,000 in payment thereof; providing an effective date.

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

Section 1. The board of commissioners of state institutions is authorized to construct in Daytona Beach, Volusia county,

a building for use as office space on real property now owned by the Florida council for the blind for use by such agency pursuant to and in compliance with Section 288.17, Florida Statutes.

Section 2. The Florida development commission pursuant to chapter 288, Florida Statutes and other applicable Statutes is authorized to issue interest bearing revenue certificates in an amount not to exceed two hundred thousand dollars (\$200,000) to pay for the cost of such building to be used as office space.

Section 3. This act shall take effect July 1, 1967.

Approved by the Governor July 14, 1967.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-930

House Bill No. 2394

AN ACT relating to cities and towns in all counties of the state having a population of not less than three hundred thirty thousand (330,000) and not more than three hundred forty thousand (340,000) and in counties having a population of more than nine hundred thousand (900,000), according to the latest official decennial census, authorizing such cities and towns, whose charter specifically permits, to impose, levy and collect a municipal resort tax not to exceed two per cent (2%) of certain rentals and sale of food and beverage; providing for the collection of such tax; authorizing the governing legislative body of such cities to appoint a resort tax authority, fixing the number of its members, their qualifications, tenure of office, their power and authority in the supervision and expenditure of the funds from such tax; providing the method of repeal or amendment of such ordinance creating such authority; providing for a referendum election.

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

Section 1. All cities and towns, in counties of the state having a population of not less than three hundred thirty thousand (330,000) and not more than three hundred forty thou-

sand (340,000) and in counties having a population of more than nine hundred thousand (900,000), according to the latest official decennial census, whose charter specifically provides now or whose charter is so amended prior to January 1, 1968, for the levy of the exact tax as herein set forth, are hereby given the right, power and authority by ordinance to impose, levy and collect a tax within their corporate limits, to be known as a municipal resort tax, upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp, as the same are defined in part I, chapter 212, Florida Statutes, and upon the retail sale price of all items of food, beverages and alcoholic beverages, other than beer or malt beverages, sold at retail for consumption on the premises of any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department; provided, however, this tax shall not apply to those sales the amount of which is less than fifty cents (50¢).

Section 2. The tax authorized by section 1 shall not exceed two per cent (2%) of the rent received by the person renting such room or rooms from the person paying said rent, and of the retail sales price paid by any guest, consumer or any person on the purchase of each sale of food, beverages and alcoholic beverages, other than beer or malt beverages, for consumption on the premises of any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department.

Section 3. The tax imposed by this act shall be collected from the person paying said rent of said retail sales price and shall be paid by such person for the use of the city or town to the person collecting and receiving the rent or the retail sales price at the time of the payment thereof. It shall be the duty of every person renting a room or rooms, as herein provided, and of every person selling at retail for consumption on the premises, food, beverages and alcoholic beverages, other than beer or malt beverages, as herein provided, in acting as the tax collection medium or agency of the city or town, to collect from the person paying the rent or the retail sales price, for the use of the city or town, the tax imposed and levied pursuant to this act, and to report and pay over to the city or town all

such taxes imposed, levied and collected, in accordance with the accounting and other provisions of the enacted ordinance.

Section 4. Any ordinance adopted under the provisions of this act shall exempt therefrom the persons and transactions exempted from the payment of the tax imposed by section 212.03, Florida Statutes, and such ordinance may further provide for such other exemptions from the tax hereby authorized as the governing legislative body of the city or town shall deem proper.

Section 5. Any ordinance adopted hereunder may provide such penalties for the violation of such ordinance as the governing legislative body of the city or town shall deem appropriate.

Section 6. Any funds received under and by virtue of the municipal resort tax imposed or levied under the authority of this act shall be used for the following purposes only: creating and maintenance of convention and publicity bureaus, cultural and art centers, enhancement of tourism, publicity and advertising purposes, and for the future cost, purchase, building, designing, engineering, planning, repairing, reconditioning, altering, expanding, maintaining, servicing and otherwise operating auditoriums, community houses, convention halls, convention buildings or structures, and other related purposes, including relief from ad valorem taxes heretofore levied for such purposes.

Section 7. The municipal resort tax imposed or levied under the authority of this act shall be in addition to the state tax provided for by part I, chapter 212, Florida Statutes.

Section 8. The governing body of any city or town adopting any ordinance imposing the tax hereby authorized may also, by ordinance create an authority or commission empowered to contract and be contracted with in its own name as an agency of the city and to administer and expend such portion of the proceeds of said tax as the governing body may determine. The membership, qualifications for membership, tenure, and any other powers to be exercised by said authority or commission shall be prescribed by ordinance. Provided, however, that no ordinance or measure abolishing any authority or commission, as herein described, which may be created pursuant

to this act, or curtailing, limiting or changing the powers of such authority or commission, or reducing or enlarging the number of its members, or reducing the percentage of funds to be administered or expended by said authority or commission, shall be valid unless such ordinance or measure so providing, shall first be approved by the electorate in a referendum election, unless such ordinance or measure is adopted by a four fifths ($4/5$) vote of the authority plus a five sevenths ($5/7$) vote of the council.

Section 9. No charter amendment authorized by this act shall become effective unless approved by a majority vote of the electors residing in such town or city at an election heretofore or hereafter held at a time to be fixed by the governing body of such town or city. In the event such election is not held as provided, this act shall be void in those towns or cities failing to hold such election.

Section 10. The provisions of this act to the contrary notwithstanding section 561.36(1), Florida Statutes, shall remain in full force and effect.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-931

House Bill No. 2966

AN ACT relating to county judges; providing for an additional county judge in Palm Beach county and for the administration of the office of county judge; providing an effective date.

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

Section 1. There is created an additional county judge for Palm Beach county.

Section 2. The first election for the additional county judge herein provided for shall be had at the general election to be held in the year 1968, and the term of office of the elected additional county judge shall be the same as now or hereafter provided by law and the constitution of this state for the office of

county judge. In all general or special elections and all party primary elections hereafter held in Palm Beach county, candidates for the two (2) offices of county judge shall run in separate groups, each group shall be voted upon separately. The governor shall, upon this act becoming law, appoint such additional county judge as herein provided whose appointment and term of office shall continue until his successor is elected at the general election to be held in the year 1968 and has qualified as provided by law and the constitution of this state.

Section 3. The compensation of such additional county judge shall be in the same amount as now or hereafter fixed by law for the compensation of the county judge of Palm Beach county which shall be the equivalent of the judge of the circuit court in Palm Beach county as fixed by law and shall be paid in the same manner and from the same funds as now provided by law.

Section 4. The county judge of Palm Beach county longest in continuous service and able to act shall be the administrative officer of the court and of the county judges' office and be responsible for the dispatch of business; provided, that if the county judge longest in continuous service is unable to act by reason of sickness, absence or other causes, then such duty shall devolve upon and be exercised by the next judge of the court longest in continuous service.

Section 5. This act shall take effect October 1, 1967.

Approved by the Governor July 14, 1967.

Filed in Office Secretary of State July 14, 1967.

CHAPTER 67-932

House Bill No. 33-X (66)

AN ACT relating to tax assessors and tax collectors, commissions, in any county having a population of not less than six thousand eight hundred (6,800) nor more than seven thousand four hundred (7,400), according to the latest official decennial census; ratifying certain commissions; providing an effective date.

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

Section 1. In any county having a population of not less than six thousand eight hundred (6,800) nor more than seven thousand four hundred (7,400), according to the latest official decennial census, all amounts paid to the tax assessor and tax collector by the board of county commissioners as commissions for the fiscal years of 1958, 1959, 1960, 1961 and 1962 for the assessment and the collection of any tax for any hospital authority in such county are ratified and confirmed.

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

Vetoed by the Governor March 16, 1966.

Passed over the veto by the House and Senate July 14, 1967.

CHAPTER 67-933

House Bill No. 38-X (66)

AN ACT relating to use of voting machines in all counties having a population of not less than ten thousand four hundred (10,400) and not more than eleven thousand (11,000), according to the latest official decennial census; providing that the county commission shall supply voting machines beginning with the May primaries; providing an effective date.

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

Section 1. In all counties having a population of not less than ten thousand four hundred (10,400) and not more than eleven thousand (11,000), according to the latest official decennial census, the county commission shall provide voting machines in all precincts as authorized in Chapter 65-1702, Laws of Florida, beginning with the May primaries and for the general election in 1966.

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

Vetoed by the Governor on March 15, 1966.

Passed over the Veto by the House and Senate July 14, 1967.

CHAPTER 67-934

Senate Bill No. 1682

AN ACT relating to the state attorney in judicial circuits including therein a county having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census; providing that the office of state attorney in such circuits shall be full time employment and that such state attorneys shall not engage in the private practice of law; providing for the compensation of such state attorneys; providing for a budget for such office; providing that the county with the greatest population in such circuit is authorized and empowered to supplement the budget of such state attorneys; providing that such state attorneys shall employ such staff as they find necessary and proper except as otherwise provided herein; providing that such state attorneys shall assume all of the duties of the county prosecutor of any county within such circuit having a civil and criminal court of record commencing on the first Tuesday after the first Monday in January, 1969; providing that such state attorneys shall assume the investigation and prosecution of all misdemeanor violations occurring on and after July 1, 1968, in all counties within such circuit having a civil and criminal court of record; providing for the appointment, number and compensation of assistant state attorneys; providing for the appointment, duties, powers and compensation of investigators; repealing chapters 65-1172, 65-1173, 65-1174 and 65-1175, Laws of Florida, 1965; repealing sections 2,3,4,5 and 6 of chapter 65-1176, Laws of Florida, 1965; repealing sections 2,3,4 and 5 of chapter 65-1177, Laws of Florida, 1965; repealing sections 2,3,4 5 and 6 of chapter 65-1178, Laws of Florida, 1965; repealing sections 2,3,4 and 5 of chapter 65-640, Laws of Florida, 1965; repealing section 2 of chapter 63-842, Laws of Florida, 1963; repealing section 2 of chapter 63-840, Laws of Florida, 1963; repealing section 2 of chapter 61-706, Laws of Florida, 1961; repealing section 2 of chapter 61-663, Laws of Florida, 1961; repealing chapters 61-1344, 61-1305, 61-1343, 61-1260, 61-1159, 61-1156, 61-1158, 61-1155, and 61-1345, Laws of Florida, 1961; providing an effective date.

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

Section 1. This act shall apply in all judicial circuits of this state having therein a county having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census.

Section 2. The office of state attorney in such circuits shall be full time employment and no such state attorney shall engage in the private practice of law. Such state attorneys shall receive as compensation the sum of twenty one thousand dollars (\$21,000.00) per annum for the 1967-68 fiscal year of such office, and shall receive the sum of twenty three thousand dollars (\$23,000.00) per annum for the 1968-69 fiscal year of such office and each succeeding year thereafter, said annual compensation to be paid to the state attorney in twelve (12) equal monthly installments. The salary of the state attorney shall be comprised of the salary appropriated to such office by the state and a supplement in an amount which when added to such salary appropriated by the state shall equal the total salary of such office provided herein, such supplement to be paid to the state attorney in twelve (12) equal monthly installments by the county within such circuit having the largest population. Such county supplement, if any, is deemed to be a valid county purpose and expenditure of such county. Such state attorneys shall receive no additional compensation of any nature whatsoever. Any law or part of a law, the effect of which would cause the state attorney to receive a total compensation in excess of the compensation provided for herein, is repealed insofar as it would cause said state attorney to receive a total compensation in excess thereof.

Section 3. The total budget of the office of state attorney shall be comprised of funds appropriated to such office by the state and funds appropriated to such office by the various counties within such circuit, and each such county within such circuit is hereby authorized and empowered to appropriate to the use of such office, funds from the general fund of such county and such appropriations and expenditures are declared to be for a valid county purpose of such county. That at the time fixed by law for preparation of the county budget of the county

within such circuit having the largest population, the state attorney is authorized and empowered to certify to the board of county commissioners of such county an itemized proposed budget of expenditures for the carrying out of the powers, duties, and operations of his office for the ensuing fiscal year of such county. Such proposed budget shall contain all anticipated expenditures of such office notwithstanding that all or part of any portion of such expenditures shall be paid solely from funds appropriated to such office by the state. Said proposed budget shall include all reasonable salaries and supplements of the employees of such office and of the staff of the state attorney. Such salaries and supplements which are not otherwise provided by law shall be fixed by the state attorney, except as otherwise herein provided. Nothing contained herein shall be interpreted to require the state attorney to submit such budget to the board of county commissioners in the event that no county funds are required or requested for the operation of such office. In conjunction with the submission of such budget the state attorney shall furnish to the board of county commissioners all relevant and pertinent information concerning expenditures made in previous years and to the proposed expenditures, which said board shall deem necessary, except that the board may not require confidential information concerning details of investigations.

The county within such circuit having the largest population, based upon the proposed budget submitted to the board of county commissioners by the state attorney, shall appropriate to the office of the state attorney those amounts of county funds requested in such proposed budget up to an amount which when added to the funds appropriated to such office by the state, shall equal a total combined amount not in excess of two hundred seventy-five thousand dollars (\$275,000.00) for the twelve (12) month period comprising the fiscal year of such county. Such county may, based upon such proposed budget or upon the request of the state attorney, appropriate such additional funds to the operation of such office as are shown to be necessary for the proper administration thereof. Upon approval of the board of county commissioners the total sum of county funds to be appropriated to the operation of the office of state attorney shall be included in the general budget of such county. All unexpended balances of county funds at the

end of each fiscal year shall be refunded to the board of county commissions. The county funds so appropriated to the operation of the office of state attorney shall upon requisition of the state attorney be paid out of the general fund of such county in twelve (12) equal monthly installments, or in such other manner as may be agreeable to both the state attorney and the board of county commissioners.

Section 4. (1) The state attorney is empowered to employ, in addition to the number of assistant state attorneys provided for by statute and paid salaries by the treasurer of the state, such additional assistant state attorneys as will make his total number of assistant state attorneys equal to the number of circuit judges serving in the circuit.

(2) Such assistant state attorneys employed by the state attorney as come within the provisions of this act, shall be attorneys who are members of the Florida bar, whose qualifications are approved by the state attorney, and who shall serve at the direction and pleasure of the state attorney of the circuit. The assistant state attorneys shall perform all duties assigned them by the state attorney in connection with the office and may perform all functions of the state attorney's office with the exception of those functions which are specifically required to be performed by the state attorney. The assistant state attorneys shall have such powers and perform such functions as authorized and performed by assistant state attorneys provided by the state.

(3) The salaries of the assistant state attorneys shall be determined by the state attorney. The maximum salary of the assistant state attorneys shall be a sum equal to the maximum salaries and supplements paid assistant state attorneys in such circuit whose salaries are paid by the treasurer of the state and supplemented and paid by the county having the largest population in said circuit, it being the intent hereof, that those assistant state attorneys who fall within the provisions of this act as set out herein shall be entitled to receive compensation equal to that paid the assistant state attorneys who are compensated by the state treasurer, and, further, that said assistant state attorneys who are compensated by the state treasurer may be supplemented by the county having the largest population falling within any circuit coming within the pro-

visions of this act. Provided, however, that the compensation of the assistant state attorneys, whether employed directly by the state attorney or those being compensated by the state treasurer, shall not exceed an amount in excess of ten thousand dollars (\$10,000.00) per annum. The salaries of the assistant state attorneys appointed pursuant to this act shall be paid by the state attorney from the funds budgeted to such office.

(4) Assistant state attorneys employed under the provisions of this act shall receive travel allowances as provided by statute and paid assistant state attorneys who receive their compensation from the treasurer of the state. Such expenses shall be paid by the state attorney from the funds budgeted to such office.

(5) In the event of a substantial increase in the work required by the state attorney's office as provided in this act, to the extent that additional assistant state attorneys are required other than those authorized by law to properly perform the function of his office, the state attorney may apply to the county commission of the county having the largest population in the judicial circuit for such additional assistant state attorneys as are required. Upon such application, the county commissioners may authorize additional assistant state attorneys other than those specifically provided for by this act who shall be classified by and serve under the direction and pleasure of the state attorney and who shall be paid from the general fund of such county and perform the duties in conformance with the terms of this act.

Section 5. The state attorney is empowered to employ four (4) investigators to be utilized in the function of his office, such investigators to serve under his direction, supervision and control. Such investigators shall have full authority to investigate any crime and apprehend any law violator or any person who is charged with violating the laws of this state in accordance with the laws relating to arrest. The investigators shall have the authority to serve process or court orders in any criminal case or in any case relating to the investigation of any crime or such other orders or process as may be directed by the courts in the circuit. Such investigators shall have powers and authorities equal to those of a deputy sheriff and are authorized to carry weapons on or about their persons in the

same manner as any other law enforcement officer. The salaries of such investigators shall be determined by the state attorney and shall be payable from the funds budgeted to such office. In addition to such salaries such investigators shall receive a monthly amount to be determined by the state attorney but not to exceed the sum of one hundred fifty dollars (\$150.00) per month as compensation for the use of their private automobiles in the performance of their official duties to be paid in like manner from the funds budgeted to such office.

Section 6. On and after the first Tuesday after the first Monday in January, 1969, the state attorney of such circuit shall be the prosecuting attorney of the civil and criminal court of record in all counties within such circuit having such court. On and after such date the state attorney and his assistant state attorneys, under his direction shall perform all the duties and functions of office heretofore performed by the prosecuting attorney of such civil and criminal court of record.

Section 7. On and after the first day of July, 1968, the state attorney shall assume the investigation and prosecution of all misdemeanor violations occurring in all counties within such circuit having a civil and criminal court of record and occurring on or after such date.

Section 8. Chapters 65-1172, 65-1173, 65-1174, and 65-1175, Laws of Florida, 1965; sections 2, 3, 4, 5 and 6 of chapter 65-1176, Laws of Florida, Florida, 1965; sections 2, 3, 4, 5 and 6 of chapter 65-1178, Laws of Florida, 1965; sections 2, 3, 4 and 5 of chapter 65-640, Laws of Florida, 1965; section 2 of chapter 63-842, Laws of Florida, 1963; section 2 of chapter 63-840, Laws of Florida, 1963; section 2 of chapter 61-706, Laws of Florida, 1961; section 2 of chapter 61-663, Laws of Florida, 1961; and chapters 61-1344, 61-1305, 61-1343, 61-1260, 61-1159, 61-1156, 61-1158, 61-1155, 61-1345, Laws of Florida, 1961, are hereby repealed.

Section 9. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of this act shall not be affected.

Section 10. This act shall take effect immediately upon becoming a law.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-935

House Bill No. 1998

AN ACT relating to the appropriation and expenditure of county funds by the board of county commissioners in all counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five (385,000) inhabitants, according to the latest official decennial census, for public purposes; providing an effective date.

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

Section 1. In all counties having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census, the board of county commissioners shall be authorized to appropriate and expend funds from the general fund of such counties for any public purpose.

Section 2. The authority granted under this act shall be cumulative to any and all powers and authority heretofore or hereafter granted to such boards of county commissioners.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-936

House Bill No. 888

AN ACT providing for the appointment by the governor of an additional assistant state attorney for the third judicial circuit; prescribing the powers, duties and responsibilities of

such additional assistant state attorney; prescribing the salary of such additional assistant state attorney and the method of payment thereof; providing that the term of office of such additional assistant state attorney shall always expire with the term of office of the state attorney of the third judicial circuit; and prescribing the effective date hereof.

WHEREAS, in recognition of the need of an additional assistant state attorney for the third judicial circuit the budget commission has included in the budget for the office of the state attorney of the third judicial circuit, sufficient funds with which to pay said additional assistant state attorney of the third judicial circuit, and

WHEREAS, such additional state attorney cannot be appointed unless a statute authorizing such appointment is enacted; NOW THEREFORE,

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

Section 1. The governor shall appoint one additional assistant state attorney for the third judicial circuit.

Section 2. Said additional assistant state attorney provided for by this act is vested with all of the powers, duties and responsibilities of the state attorney of the third judicial circuit, which he shall exercise under the supervision of said state attorney.

Section 3. The salary of such additional assistant state attorney shall be equal to that received by each of the other assistant state attorneys for said judicial circuit and shall be paid in equal monthly installments by the state treasurer upon warrants issued by the state comptroller.

Section 4. The term of office of such additional assistant state attorney shall always expire with the term of office of the state attorney of the third judicial circuit.

Section 5. This act shall take effect on July 1, 1967.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-937

House Bill No. 2196

AN ACT relating to the Small Claims Court of St. Lucie county; amending Section 5 of Chapter 65-1184, Laws of Florida, 1965, relating to the salary of the judge and providing for a referendum.

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

Section 1. Section 5 of Chapter 65-1184, Laws of Florida, 1965, is amended to read:

Section 5. All fees collected by the judge as hereinafter provided shall be deposited with the clerk of the circuit court of St. Lucie county. The judge shall receive as his annual remuneration the sum of six thousand dollars (\$6,000.00) payable monthly from the general fund of the county.

Section 2. This act shall become effective only upon its approval by a majority of the electors voting in a referendum election to be held in St. Lucie county at the next primary or general election or at a special election to be called by the board of county commissioners of St. Lucie county.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-938

House Bill No. 2712

AN ACT establishing a small claims-magistrate court in each county of the state having a population of not less than 200,000 and not more than 260,000, according to the latest official decennial census; providing for the jurisdiction, powers, process and procedure of said court; providing for the appointment and election of the judges and fixing their compensation, duties, and terms of office; providing for an executive officer, a clerk, and a prosecuting attorney; providing quarters for said court and the furnishing of certain expenses

by the county commission; providing a severability clause; providing an effective date.

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

Section 1.

(1) There is hereby established a small claims-magistrate court in each county of this state having a population of not less than 200,000 nor more than 260,000, according to the latest official decennial census, hereafter referred to as the county, and the functions of the small claims court and magistrate court now functioning are hereby consolidated and transferred to the small claims-magistrate court.

(2) This court shall be composed of a criminal division and a civil division.

Section 2. Jurisdiction.

(1) Civil jurisdiction.—

(a) This court shall have original civil jurisdiction in cases at law in which the claim or demand, exclusive of interest, attorney's fees and costs, does not exceed the sum of one thousand dollars (\$1,000.00), said jurisdiction to be concurrent with the jurisdiction of any other court established in the county.

(b) To have jurisdiction, the cause of action must have accrued in the county or one (1) or more of the defendants must reside in the county.

(2) Criminal jurisdiction.—

(a) This court shall have original jurisdiction to try and determine all misdemeanors committed in the county, said jurisdiction to be concurrent with the jurisdiction of any other court established in the county; provided, however, that all trials by jury must be held in the county seat.

(b) This court shall have the power of a committing magistrate.

Section 3. Powers.—The judge of the small claims-magistrate court shall have:

(a) The authority to make all orders or decrees, and to issue any process necessary to maintain and carry out the

court's jurisdiction, or to enforce its authority, and to enter and enforce the judgments and decrees in all matters within its jurisdiction.

(b) The same power in issuing warrants, attachments, summons and other process as may be exercised by the circuit courts in criminal cases.

Section 4. Process.—The process of this court shall run throughout the state and may be executed in the same manner and by the same officers as process of the circuit courts.

Section 5. Procedure.—The rules of procedure adopted by the supreme court of Florida for circuit courts shall, so far as they are applicable, govern the procedure of this court except where otherwise expressly provided by law, or by local rules adopted by this court not inconsistent therewith.

Section 6. Districts.—There shall be two (2) small claims-magistrate court districts:

(1) District one (1) shall be comprised of all lands lying west of the west boundary line of Range 40 east.

(2) District two (2) shall be comprised of all lands lying east of the west boundary line of Range 40 east.

Section 7. Judges; qualifications; selection; presiding judge.—

(1) The small claims-magistrate court shall be composed of five (5) judges who shall be elected by the electors of the county for a term of four (4) years commencing on the first Tuesday after the first Monday in January of the year following the general election.

(2) In all general or special elections and all party primary elections hereafter held, candidates for judge of the small claims-magistrate court shall run in separate groups and each group shall be voted upon separately.

(3) The judge of the small claims-magistrate court, district one (1) shall be so designated and he shall be a resident of district one (1); provided, however, that if no qualified resident of district one (1) is willing to assume this office, then there shall be no residency requirement henceforth.

(4) The judges of this court shall be members of the Florida Bar, at least twenty-five (25) years of age, residents of the county, and shall have practiced law in Florida for at least one (1) year.

(5) The judges of the small claims court and of the magistrate court, district one, now functioning, shall continue in office as judges of the small claims-magistrate court until their respective terms expire and until their respective successors are duly elected.

(6) The governor shall appoint two (2) additional judges who shall hold office until the first Tuesday after the first Monday in January of the year following the general election of 1968 and until their respective successors are duly elected in the general election of 1968 for a term of four (4) years.

(7) The judge of the small claims-magistrate court with the longest continuous service as judge of the small claims court, magistrate court, or small claims-magistrate court, and able to act, shall be the presiding judge for administrative purposes, and he shall provide by local rule for the schedule of such court and for the supervision of the office of the clerk of the civil division; provided, however, that the jurisdiction of each judge shall be equal and no judge shall be confined to only one division of this court.

Section 8. Judges; duties; compensation.—

(1) The judges shall devote full time to the duties of their office and shall not engage in the practice of law during their tenure in office.

(2) Each judge of the small claims-magistrate court shall be paid a salary of fourteen thousand, five hundred dollars (\$14,500.00) per annum, and in addition and supplemental thereto, the presiding judge of said court shall receive the sum of five hundred dollars (\$500.00) per annum, all to be paid in equal monthly installments by the board of county commissioners of said county.

Section 9. Clerks; compensation; seal.—

(1) The presiding judge shall appoint a clerk of the civil division of this court and such deputy clerks or assistants as may be necessary for the proper operation of this office. Said

clerk, deputy clerks, and assistants shall be compensated from the fees herein authorized.

(2) The clerk of the circuit court of Palm Beach county shall serve as clerk of the criminal division of this court and he may employ one (1) or more deputy clerks for each district. He shall not be entitled to receive any additional compensation for such duties other than fees allowed by law for like services in the criminal court of record.

(3) This court shall be a court of record with a seal to be furnished by the board of county commissioners which seal shall be designated "small claims-magistrate court, _____ county, Florida". In the case of the loss or destruction of such seal, the private seal of the clerk shall suffice until an official seal is provided.

(4) The clerks and deputy clerks shall have the power and authority to administer oaths and take acknowledgments in all matters pertaining to this court.

(5) The clerk of the civil division and the clerk of the criminal division shall each be furnished a seal and shall be custodian thereof.

Section 10. Sheriff; executive officer; fees.—

(1) The county sheriff shall be the executive officer of this court and his powers, duties and obligations shall be the same as those of the sheriff while acting as executive officer of courts generally. His compensation shall be the same as allowed by law for like services in other state and county courts generally.

(2) When the small claims-magistrate court is in session, the sheriff shall, if ordered by the court, furnish a deputy to be bailiff of said court. The schedule of compensation of said sheriff as provided by law shall not be increased by reason of the duties herein prescribed and the compensation of said bailiff shall not be paid for by fees of the small claims-magistrate court.

Section 11. Civil division; purpose; court open continuously; trials; calendar; notice.—It is the purpose of this act to provide a forum for the speedy and inexpensive trial of small claims cases. Said court shall be in session continuously from day to day. Cases may be set for trial at any time. The clerk

of this shall keep and maintain a trial calendar and the placing of any case on said trial calendar with the date of trial shall be notice to all persons.

Section 12. Civil division; docket and judgment book.—The clerk of this division shall keep a docket in which he shall make fair and accurate entries of all causes brought before the court and minutes of all the proceedings, including the service and return of process, the appearance of such parties as may appear, the fact of trial, whether by court or jury, the verdict of the jury or the finding of the judge, the judgment, including damages and costs separately stated, the issuing of execution and to whom issued with the date thereof and the return thereon, and a marginal memorandum of the items of all costs, including witness fees, which docket, or certified copy thereof, shall be evidence of the matters therein stated.

Section 13. Civil division; commencement of action; service of notice; failure to appear.—

(1) Actions shall be commenced by the filing of a statement of claim including the plaintiff's address and the last known address of the defendant, in concise form and free from technicalities. The common counts may be used where applicable with statement of particulars attached. The plaintiff shall verify the statement of claim by oath or affirmation in the form herein provided or its equivalent and shall affix his signature thereto; provided, however, that when signed and filed by a member of the bar the verification under oath may be dispensed with. The clerk of this division, his deputies, or his assistants shall at the request of any individual, firm or corporation prepare a statement of claim and assist in the preparation of other papers to be filed in the cause by any party.

(2) A notice to appear, by which the summons of the court shall be known, shall be served on the defendant. A copy of the verified statement of the claim shall be attached to the notice, and such service shall be sufficient to give the court jurisdiction in the premises. The summons shall state the time set for appearance which shall be not less than ten (10) nor more than twenty (20) days from the date of the service of said notice.

The mode of service shall be by the sheriff or constable as provided by law; or by registered or certified mail with re-

turn receipt requested; or by constructive service under the general laws.

When jurisdiction is obtained by constructive service the time fixed for the answers of the defendant pursuant to general law being employed shall be the trial date.

(3) When notice is to be served by registered or certified mail, the clerk of this division shall enclose a copy of the statement of claim, verification and notice in an envelope addressed to the defendant at his last known address, pre-pay the postage from the filing fee hereinafter provided and mail the same forthwith, noting on the record the date of mailing. When such receipt is returned, the clerk shall attach the same to the original statement of claim or notice and it shall constitute prima facie evidence of service upon the defendant when signed by the defendant or a member of his household over the age of fifteen (15) years, and on a partnership, if signed by a partner, and on a corporation, if signed by an officer or an authorized agent of said corporation.

(4) When served by the sheriff or constable the actual cost of service shall be paid to such officer and shall be in addition to the filing fee herein provided; likewise the cost of constructive service shall be in addition to the filing fee.

(5) The plaintiff shall be entitled to a judgment by default, upon failure of defendant to appear, and upon proof of his claim.

(6) The clerk shall furnish the plaintiff with a memorandum of the day and hour set for the hearing.

Section 14. Civil division; cases accepted for filing; trial at county annex office buildings; mileage.—

(1) Suits may be accepted for filing at the Palm Beach county annex office buildings, wherever established, with the deputy or assistant clerk of the civil division of the small claims-magistrate court. The case shall not be considered as filed until the case has been received and filed in the office of the clerk of the civil division of the small claims-magistrate court in the county seat.

(2) When the plaintiff requests it, and the defendant resides west of Range 40, or outside of the county, the cause may

be set for trial and heard at the Palm Beach county annex office building which may be located west of Range 40.

(3) When the plaintiff requests it, the judge may set the case for trial at any other county annex building when the convenience of both parties may be served.

(4) The presiding judge of the small claims-magistrate court is authorized, empowered and directed to set court proceedings in the county annex office buildings on as many days as the case load may require or permit.

(5) The judge and other court personnel shall be paid from funds to be provided by the board of county commissioners at the rate of ten cents (10¢) per mile, each way for attendance at trials or other court proceedings other than at the county courthouse; provided, however, that the judge and other court personnel of the small claims-magistrate court, district one, shall be entitled to ten cents (10¢) per mile each way for attendance at trails or other court proceedings other than at a county annex building which may be located west of Range 40.

Section 15. Civil division; filing fees; cost; waiver.—

(1) The plaintiff, when he files his claim shall deposit with the court filing fees as follows:

(a) Four dollars (\$4.00) when the claim or demand does not exceed one hundred dollars (\$100.00).

(b) Eight dollars (\$8.00) when the claim or demand is in excess of one hundred dollars (\$100.00) but does not exceed five hundred dollars (\$500.00); and for proceedings in garnishment after judgment.

(c) Ten dollars (\$10.00) for proceedings in garnishment before judgment, attachments, replevin, distress and for suits against nonresidents of this state growing out of the operation of a motor vehicle in this state by such nonresident.

(d) Fifteen dollars (\$15.00) in any and all types of cases where the claim or demand is in excess of five hundred dollars (\$500.00).

(e) Additional fees: (See also fees for registry of court, section 23).

(f) One dollar (\$1.00) certified copies of judgment.

(g) One dollar, fifty cents (\$1.50) for exemplified copies of judgment.

(h) Twenty-five cents (\$0.25) per page for photo-copies of pleadings, exhibits or other papers filed or to be filed in this court.

(2) When additional postage is required because of additional defendants or special handling to be given the mail, the cost of such postage shall be advanced by the plaintiff and may be taxed as costs as are other costs.

(3) If for any reason other than a clerical error of the judge or clerk the original notice fails to effectuate proper service on the defendant, the plaintiff shall deposit an additional fee of one dollar (\$1.00), together with the requisite postage if service is to be had by registered or certified mail for the purpose of issuing a second notice. If the sheriff or constable is to serve the notice, no deposit for postage shall be required.

(4) When a case is being continued and in the judgment of the court either party is entitled to additional notice before proceeding further with the case, a fee of fifty cents (50¢) may be required of the party requesting the hearing for notifying all parties thereof by regular mail. Parties may prepare and serve their own notices of hearings in the manner prescribed in the rules of a civil practice, provided that a copy of all such notices shall be filed with the court. There would be no fee involved in this instance.

(5) The judge shall have full discretionary power to waive the pre-payment of costs or the payment of costs accruing during the action, upon the sworn written statement of the plaintiff or upon other satisfactory evidence of his inability to pay such cost. When costs are so waived the notation to be made on the record shall be "pre-payment of costs waived" or "costs waived". The term "pauper" or "informa pauperis" shall not be employed. If the party shall fail to pay accrued cost, though able to do so, the judge shall have the power to deny said party the right to file any new case while such cost remain unpaid, and likewise to deny such litigant the right to proceed further in any case pending. The award of other court cost shall be according to the discretion of the judge who may include there-

in the reasonable costs of bonds and undertakings and other reasonable court costs incident to the suit incurred by either party.

Section 16. Civil division; trial; procedure; settlement.—

(1) On a return day or such time thereafter as parties may agree or the judge shall designate, the trial shall be had. Immediately prior to, during or following the trial of any case, the judge shall make earnest effort to settle the controversy by conciliation. If the judge fails to induce the parties to settle their differences, he shall proceed with the hearing on the merits.

(2) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and all rules and regulations relating to pleading, practice and procedure shall be liberally construed so as to administer justice.

(3) If the plaintiff fails to appear, the suit may be dismissed for want of prosecution, or defendant may proceed to a trial on the merits, or the case may be continued, as the judge may direct. If both parties fail to appear, the judge may continue the case, or order the same dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice may require.

Section 17. Civil division; defensive pleadings; counterclaims and setoffs; transfer of case.—

(1) Written defensive pleadings are not contemplated under this act but will be received and filed when tendered for the purpose of preserving a record. This act contemplates that the defendant or his attorney, be present at the time appointed in the notice.

(2) If any defendant has a counterclaim or setoff against the plaintiff, the judge may require the same to be filed in writing and if the plaintiff requires time to prepare a defense to such counterclaim or setoff the judge may continue the case for such purpose.

(3) When a counterclaim or setoff exceeds the jurisdiction of this court the cause shall, on order of this court, be transferred to the proper court having jurisdiction thereof. As

assurance of good faith, such counterclaimant shall, with his counterclaim, deposit with this court a sum sufficient to pay the filing fee in the court to which the case is to be transferred and thereupon all pertinent papers shall be transferred by the clerk of this court. Upon failure to make such deposit the case shall proceed to trial in this court.

Section 18. Civil division; stay of judgment; payment of claim.—When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay an entry of judgment, and to stay execution, and upon such terms as shall seem just under the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied.

Section 19. Civil division; rules of procedure; forms.—The judge of said court may from time to time make rules for a simple, inexpensive and speedy procedure to effectuate the purpose of this chapter and shall have power to prescribe, modify and improve the forms to be used herein, including forms of writs of attachment, distress, garnishment and replevin.

Section 20. Civil division; jury trials; waiver of; deposit for direct verdict.—

(1) Jury trials may be had upon the written demand of the plaintiff at the time of filing of the action or by the defendant within five (5) days of the service of notice to appear. The written demand for a jury shall be accompanied by a deposit with the court of the sum of not more than three hundred dollars (\$300.00) hereby declared to be a reasonable sum to secure the payment of costs incurred by reason of a jury trial, or otherwise jury trial shall be deemed waived. Selection and issuance of venire and summons and pay of jurors shall be the same as now or hereafter provided by law for county courts.

(2) The judge of this court shall have the same power and duty to direct verdicts as now or hereafter provided by law for other courts of record.

Section 21. Civil division; supplementary proceedings.—

Proceedings supplementary to execution may be had in accordance with proceedings provided by law.

Section 22. Civil division; guardians; defense attorneys under soldiers' and sailors' relief act.—Whenever it shall be necessary for the judge to appoint a guardian ad litem or an attorney to represent the defendant under the soldiers' and sailors' relief act, the judge may fix a reasonable fee for the attorney so acting and direct that such fee shall be taxed as costs.

Section 23. Civil division; court registry; cash bond allowed.—

(1) The court is authorized to maintain a registry into which litigants may pay or tender money in payment or settlement. The party entitled to said money may receive the same upon payment of two per cent (2%) thereof to the court to be accounted for as other fees.

(2) When a bond is required to be made by a litigant, including a supersedeas bond, a cash bond may be furnished which shall be deposited in the registry of the court. A fee of two per cent (2%) of such cash bond shall be charged and accounted for as other fees and may be taxed as costs against the defeated litigant.

Section 24. Civil division; sheriff; sales under execution.—

(1) Notice of all sales of personal property under execution shall be given by the sheriff by mailing a notice thereof to the defendant, giving the time and place the sale is to be held, at least three (3) days prior to the day of the sale. All such sales shall be held in the manner provided in chapter 55, Florida Statutes, except that such sales may be had on any day except Sunday and except that one (1) publication shall be sufficient, which publication shall appear at least one (1) week prior to said sale, and said sale shall not be had less than ten (10) days after the levy of execution.

(2) Sales of real property shall be as provided by general law.

Section 25. Civil division; judgments; when effective; execution.—

(1) Judgments of this court shall become a lien on the real

estate of a defendant, situated in any county, from the time of the filing in the office of the clerk of the circuit court for said county, of a certified copy of such judgment and the entry thereof by the clerk in a book to be kept by him for such purpose.

(2) Upon judgment being entered in any cause execution shall thereupon be issued against the party against whom the judgment is rendered for the amount of such judgment and costs, and such execution shall be directed to all and every, the sheriffs and constables of the state and shall be of full force throughout the state.

Section 26. Criminal division; court open continuously; trials; calendar; notice.—The court shall be in session continuously from day to day. Cases may be set for arraignment, hearing or trial at any time and at any place within the districts except all trials by jury shall be held in the county seat. Selection and issuance of venire and summons and pay of jurors shall be the same as now or hereafter provided by law for county courts. The clerk of the criminal division of said court shall keep and maintain a trial calendar and the placing of any case on said trial calendar with the date and place of trial shall be notice to all persons.

Section 27. Criminal division; records; fines; costs.—

(1) The clerk of the division shall keep and be custodian of a criminal docket in which he shall enter the title of all criminal cases brought before the court, the date when the first process was issued, the service and return thereof, the time and date of the trial, and disposition of the case, the judgment and sentence, including the costs allowed, the names of all witnesses sworn on the trial, the date of issuing of commitment, and all other proceedings had by and before the courts relative to each case. The clerk need not keep formal minutes or a minute book but a certified copy of the docket entries shall be the official record of the court for all purposes.

(2) All costs and fines shall be paid over to the sheriff of Palm Beach county and paid over and accounted for by him the same as in the criminal court of record.

Section 28. Criminal division; method of prosecution.—All prosecutions in the small claims-magistrate court shall be by

information filed by the prosecuting attorney of this court, except that all prosecutions on any charge involving any violation of chapter 317, Florida Statutes, or upon a charge of a violation of any statute regulating the control of traffic upon the highways of the state may be by a uniform traffic ticket, or duplicate thereof, issued at the time of arrest by a Florida highway patrol trooper or sheriff or deputy sheriff, or other law enforcement officer, except municipal officers, if sworn to by the arresting officer, unless the arrest is by warrant, in which case prosecution may be the same as for other misdemeanors.

Section 29. Criminal division; prosecuting officer.—The prosecuting attorney for the criminal court of record shall be the prosecuting attorney of this court.

Section 30. Criminal division; bail.—The judges shall set the amount of bail bonds in all cases over which they have jurisdiction. Said bail bonds shall be taken and approved by the sheriff or a trooper of the Florida highway patrol. In the event a trooper shall take and approve a bond said bond shall be turned over to the sheriff within twenty-four (24) hours after the taking and approving thereof.

Section 31. Transfer of pending cases.—All cases pending in the small claims court and the magistrate court, of which the small claims-magistrate court shall be given jurisdiction, shall be transferred by the clerks of such courts to the clerks of this court, transmitting at the same time to said clerks all papers and records connected with such cases, or certified copies thereof, and the prosecuting attorney shall proceed with the prosecution of the said criminal cases in accordance with law.

All cases pending in the criminal court of record of Palm Beach county, of which the small claims-magistrate court shall be given jurisdiction, may, upon order of the judge of the criminal court of record, be transferred in the same manner as provided for above.

Section 32. Appeals.—Appeals may be had from judgments rendered in this court to the circuit court. The same provisions provided by law for appeals from the small claims court to the circuit court shall govern appeals from the civil division of this court.

The same provisions provided by law for appeals from misdemeanors tried in criminal courts of records to the circuit court shall govern appeals from the criminal division of this court.

Section 33. Quarters for court; equipment; supplies.—

(1) The board of county commissioners shall furnish suitable quarters to house the small claims-magistrate court and shall provide all necessary office equipment, supplies, telephone service, record books, and in general all things necessary for the continued maintenance and functioning of this court. This section shall have the effect of an appropriation of county funds for the purpose stated herein. The amounts so expended for the civil division shall be first charged upon the excess earnings of the civil division of the court which earnings shall be paid annually into the county general funds.

(2) All money collected by the civil division of this court as herein authorized shall be paid annually into the general county funds, except that the court may pay for this act to be printed in pamphlet form for general public use and shall pay the expenses of postage stamps and compensation for a clerk, deputy clerks, and assistant clerks of the civil division as herein provided for.

(3) The board of county commissioners is authorized to purchase and maintain law books for the use of the court.

Section 34. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 35. This act shall take effect October 1, 1967.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-939

Senate Bill No. 1723

AN ACT to amend Sections 1 through 24 inclusive, of Chapter 25489, Laws of Florida, 1949, as the same shall have been

amended, including the amendments of House Bill 2892 of the 1967 Session of the Florida legislature, relating to the small claims court of Duval County. The amendments relating to and providing for: Name of court; jurisdiction; venue; judges; duties of judges; election of judges; terms of office for judges; qualifications for judges; and compensation for judges; payment of compensation; a clerk, chief deputy clerk; deputy clerks; duties and qualifications of clerk and deputy clerks; sheriff to be the executive officer of the court; seal for the court; a court of record entitled to the benefits of Chapter 57-274 of the Laws of Florida; purpose of the court; assignment of judge to the court when judge is unable to discharge duties; monies collected by the court; appropriation of funds for operation of the court and salaries; commencement of actions; service of process by mail, sheriff, constable; and constructive service of process; default judgments; costs, charges and fees collected by the court; waiver of costs; awarding of court costs; court procedure; counter-claims; orders deferring final judgment, staying writs of execution, attachment, garnishment and replevin; forms for the litigation of actions; jury trials; judgments to be liens on real estate; writs of execution; levy and sale; procedure for appeals; personnel, quarters, equipment, supplies, property, and appropriated funds transferred from small claims court to court of claims; court of claims to use name of small claims court; appropriation of funds; furnishing of forms for the litigation of actions; repealing all conflicting law; constitutionality of the act; and providing for an effective date.

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

Section 1. Section 1, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 1. *Name of Court and Jurisdiction and Venue.*

(1) Name of Court and Jurisdiction: There is hereby established in Duval County, Florida, a court to be known as the Small Claims Court, in and for Duval County, Florida, which shall have exclusive, original jurisdiction in the following cases:

(1a) All civil claims at law in which the amount of the demand or value of the property involved does not exceed one thousand dollars (\$1,000.00),

(1b) All cases that were lawfully filed in the Small Claims Court, in and for Duval County, Florida, prior to the effective date of this act.

(2) Exception to Jurisdiction: Provided the Court shall not have jurisdiction of the following cases:

(2a) Cases involving the legality of any tax assessment;

(2b) Cases involving the action of ejectment;

(2c) Cases involving forcible entry or unlawful detention of lands and tenements; and

(2d) Cases lawfully filed in the Circuit Court, in and for Duval County, Florida, prior to the effective date of this act.

Where the jurisdictional sum or value is alleged, the jurisdiction of the court shall be prima facie presumed.

(3) Venue: The jurisdiction of all Notices to Appear, Judgments, Writs and other processes of the said Court shall extend throughout Duval County and throughout any other county or counties in which the defendant may be found if:

(3a) The cause of action accrued in Duval County, or

(3b) The property involved in whole or in part is located in Duval County, or

(3c) The defendant or one of the defendants is found in Duval County.

The court shall be vested with all powers requisite for the exercise and maintenance of its jurisdiction.

Section 2. Section 2, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 2. *Judges; Election and Term of Office; Qualifications; and Compensation.*

(1) Judges: There shall be two Judges of the said court who shall have the power and duty to administer the provisions of this act.

(2) Election and Term of Office: Each of the judges of the court shall be elected to serve and hold office for a term of four years by the qualified electors of Duval County as other counth

and state officials are elected to serve and hold office. One of the judges shall be elected in the general election in the year 1968 and every four years thereafter, for a term of four years, and shall take office on the first Tuesday after the first Monday in January of the year following his election. The other judge shall be elected in the general election in the year 1970 and every four years thereafter for a term of four years, and shall take office on the first Tuesday after the first Monday in January of the year following his election.

Nothing in this act is intended in any manner to affect the term of office of the present judges of the court, who shall serve until their successors are elected as provided by law.

(4) Compensation: The Judges of the Court shall receive a salary of nineteen thousand five hundred dollars (\$19,500.00) per annum. The Judges' salary shall be paid from the general revenue fund of Duval County in equal monthly installments.

Section 3. Section 3, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 3. *Clerks and Sheriff.*

(1) Clerks: The Judges of the Court shall appoint a Clerk and such Deputy Clerks as may be necessary for the operation of the Court. The Judges may appoint one of the Deputy Clerks to the position of Chief Deputy Clerk. Two (2) of the Clerks shall have the qualifications of Legal Secretaries as defined by the Civil Service Board for Duval County and shall be the Judges' Secretaries.

The Clerk and Deputy Clerks of the Court shall have the same powers and perform the same duties as the Clerk and Deputy Clerks of the Circuit Court, but the Clerk and Deputy Clerks shall not be entitled to any fees, and shall receive reasonable compensation for their services as shall be fixed by the Judges of the Court and approved by the Civil Service Board of Duval County.

(2) Sheriff: The Sheriff of Duval County shall be the Executive Officer of the Court and his powers and duties and qualifications shall be the same as those of the Sheriff while acting as the Executive Officer of Courts generally. The compensation for the Sheriff shall be in fees in the same amount as those al-

lowed for like services in other courts in the County; but the schedule of compensation of the Sheriff as provided by law shall not be increased by reason of the duties herein prescribed.

Section 4. Section 4, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 4. *Seal; Court of Record.*

(1) Seal: The Board of County Commissioners of Duval County, shall provide a seal for the Court and shall deposit in the office of the Secretary of the State of Florida and of the Clerk of the Supreme Court an impression and description thereof, certified by the Chairman of the Board of County Commissioners. In the event of loss or destruction of such seal, the private seal of the Clerk of said Court shall suffice until an official seal is provided.

(2) Court of Record: The Court shall be a civil court of record and the Judges of the Court shall be entitled to the reports and decisions of the Supreme Court and District Court of Appeals as provided in Chapter 57-274 of the Laws of Florida.

Section 5. Section 5, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 5. *Purpose.* The purpose of this act is to provide a court of summary procedure in Duval County for the inexpensive and speedy trial of certain cases according to law. The Court shall be in session continuously from day to day. Cases may be set for trial at any time. The Clerk of the Court shall keep and maintain a trial calendar.

Section 6. Section 6, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 6. *Duties of the Clerk.* The Clerk shall keep a docket book, in which he shall make fair and accurate entries of all cases brought before the Court, and minutes of all proceedings, including the service and return of process, appearance of the parties as may appear, the fact of trial, whether by court or jury, the verdict of the jury or finding by the Judge, the judgment, including damages and costs separately stated, the issuing of execution and to whom issued, with the date thereof and the return thereon, and a marginal memorandum of the items of all costs, including sheriff's or constable's fees and witness' fees;

which docket or certified copy thereof, shall be evidence of the matters therein stated.

Section 7. Section 7, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 7. *Judge Unable to Discharge Duties.*

Whenever a Judge of the Court is unable to perform the duties of his office on account of absence, sickness, disqualification, or other disability, or because of assignment to special duty, or when necessary for the prompt dispatch of the business of the Court, the Judge, or any other Judge of the Court, or the Presiding Judge of the Circuit Court in Duval County, shall advise the Chief Justice of the Supreme Court who shall assign, pursuant to law, a Judge, active or retired, to perform the duties of such Judge.

Section 8. Section 8, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 8. *Monies Collected by Court.*

All monies, including but not limited to all fees and commissions, collected or received by the Judges of the Court, the Clerk, or any Deputy Clerk for their official services shall be remitted to the Board of County Commissioners of Duval County, quarter-annually, for deposit in the general fund of the County. The Court shall not be subject to the Fee Accounting System, as defined and prescribed in Chapter 145, Florida Statutes. All expenses of the Court of every nature and kind whatsoever, including but not limited to the salaries of the Judges, Clerk, and Deputy Clerks shall be borne and paid by the Board of County Commissioners of Duval County. The Judges of the Court shall annually submit an estimate of proposed expenditures, reasonable and necessary for the proper and efficient operation of the Court, to the Board of County Commissioners of Duval County for its consideration and approval as provided by applicable budgetary law. The Board of County Commissioners shall annually appropriate in its budget sufficient funds to meet all the expenses of the operation of the Court, including but not limited to the salaries of the Judges, Clerk, Chief Deputy Clerk and Deputies of the Court.

Section 9. Section 9, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 9. *Commencement of Actions; Notice to Appear and Service of Process; Service by Mail; Constructive Service; Service by Sheriff or Constable; Judgment by Default; Copy of Notice to Plaintiff.*

(1) **Commencement of Actions:** Actions shall be commenced by the filing of a Statement of Claim, signed by the Plaintiff or his attorney, in concise form free from technicalities. The Court may require the statement of claim to be verified. Forms for the Statement of Claim may be prepared by the Court, and any claim filed on forms authorized by the Court shall not be dismissed for failure to state a cause of actions, or facts upon which relief may be granted, unless the Court orders the case to proceed under the Florida Rules of Civil Procedure. The Judges or Clerks of the Court, at the request of an individual not represented by an attorney at law shall aid in the preparation of a Statement of Claim to be filed in any action.

(2) **Notice to Appear and Service of Process:** A Notice requiring the Defendant to Appear, with a copy of the Statement of Claim, shall be served on each Defendant at least three (3) days before the return day thereof, Sundays and legal holidays excluded. The Notice requiring the defendant to appear shall be used in lieu of any summons now required by law. All Notices requiring the defendant to appear, original, alias, or pleuries, except when service is to be made constructively, shall be made returnable at a given hour on a day not less than seven (7) nor more than thirty (30) days from the date of mailing of the Notice and at which time a hearing on the claim shall be had. The mode of service of the Notice, shall be by the sheriff or constable or by constructive service as provided by law; or by any type of United States mail with which a return receipt may be requested.

(3) **Service by Mail:** When a Notice requiring the defendant to appear is to be served by mail, the Clerk shall enclose the Notice together with a copy of the Statement of Claim, in an envelope addressed to the defendant, prepay the postage from the budgeted funds of the Court and mail it by United States mail with return receipt requested. The Clerk shall note on the docket the day of mailing and the day and hour to which the notice is returnable. When such return receipt is returned, signed by the addressee or addressee's agent, or the Notice is

returned marked "Refused", the Clerk shall file and docket it and the return receipt or "Refused" notice shall constitute prima facie evidence of legal service thereof.

(4) **Constructive Service:** When service is to be made constructively, the Notice requiring the defendant to appear shall be made returnable and shall be served as otherwise provided by law for constructive service, and the cost of service shall be taxable as costs.

(5) **Service by Sheriff or Constable:** When service is by the sheriff or constable or by constructive service, the cost of service shall, in the discretion of the Court, be taxable as costs.

(6) **Judgment by Default:** The Plaintiff shall be entitled, in the discretion of the Court, to a Judgment by Default, without further proof, upon failure of any Defendant to appear, when the Plaintiff has filed sworn proof of his claim and the claim of the Plaintiff is for a liquidated amount. When the amount is unliquidated, the Plaintiff shall be required to present proof of damages. The Clerk, and Deputy Clerks of the Court, as well as the Judge of said Court, are hereby empowered to enter Default. The Clerk, and deputy clerks, at the direction of the Court may enter final judgment upon the entry of a default, when the Plaintiff's claim is for a liquidated amount. When the Plaintiff's claim, or any part thereof, is unliquidated, final judgments may be entered by the Judges only.

(7) **Copy of Notice to Plaintiff:** At the same time Notice to Appear is mailed to the Defendant, the Clerk shall, by ordinary mail or otherwise, furnish the Plaintiff with a Notice of Hearing or Memorandum of Trial showing the day and hour set for the hearing.

Section 10. Section 10, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 10. *Costs; Waiver of Costs; and Awarding of Court Costs.*

(1) **Costs:** The Court will charge the following fees:

(1a) Ten dollars (\$10.00) upon the filing of any claim or case;

(1b) Ten dollars (\$10.00) for the issuance of any Writ of

Garnishment or Writ of Attachment after the issuance of one Writ of Garnishment or Writ of Attachment;

(1c) One dollar (\$1.00) for the issuance of any certified copy, other than the first certified copy of any final judgment;

(1d) One dollar (\$1.00) for the filing of and the docketing of a satisfaction of judgment; and

(1e) One dollar (\$1.00) per page for making copies of any pleading or document.

(2) **Waiver of Costs:** The Judges or the Clerk shall have full discretionary power to waive the prepayment of costs upon satisfactory evidence of a party's inability to pay costs, or when the Court finds that it is in the best interest of justice to do so.

(3) **Awarding of Court Costs:** The Court may award all court costs to the prevailing party including the cost of bonds and other undertakings and all other taxable costs authorized by law.

Section 11. Section 11, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 11. *Return Date and Dismissal or Judgment.*

(1) **Return Date:** On the return date or such later time as the Judge may set, the Court shall hold:

(1a) An appearance and pre-trial conference at which the court shall consider the Plaintiff's claim and all defenses thereto, which shall be presented orally to the court, or,

(1b) A final hearing on the merits.

At all hearings, the Court shall make earnest effort to settle the controversy by conciliation. When it is in the interest of justice to do such, the Court may order any case to proceed under the Florida Rules of Civil Procedure.

(2) **Dismissal or Judgement:** The Court on the return date or any later date may:

(2a) Dismiss any case if it appears that the Plaintiff has no right of recovery as a matter of law, or,

(2b) Enter final judgment, if one (1) of the parties would

be entitled to a judgment as a matter of law under the law and facts presented and offered to be presented at a trial.

Section 12. Section 12, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 12. *Counterclaim; Notice to Defendant; Preparation and Notice to Plaintiff; Waiver of Time Limitation and Continuances; and Applicability of Rule 1.170, Florida Rules of Civil Procedure.*

(1) Counterclaim: The defendant shall assert in writing and file a counterclaim five (5) days prior to the return date set forth in the notice of first hearing, for any claim which the defendant has against the plaintiff whether the subject of the pending action or not, arising out of the transaction or occurrence that is the subject matter of the action brought by the plaintiff, which does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction.

(2) Notice to Defendant: The Clerk shall notify the defendant of his duty to counterclaim by appropriate language placed in a conspicuous place on the Statement of Claim.

(3) Preparation and Notice to Plaintiff: The Clerk shall aid any defendant not represented by an attorney in the preparation of a counterclaim; and shall at the time of filing, mail a copy of the counterclaim, if not mailed by the defendant or his attorney, to the plaintiff or his attorney.

(4) Waiver of Time Limitation and Continuances: The Judge shall have the power in his discretion to waive the time limitation for filing counterclaims, and may continue a case, if the plaintiff requires time to prepare his defense against a counterclaim.

(5) Applicability of Rule 1.170, Florida Rules of Civil Procedure: Rule 1.170 of the Florida Rules of Civil Procedure (1967 Revisions) shall apply, unless superceded by new rules of procedure, but the rule shall be liberally construed by the Court to effectuate the general purpose of this act.

Section 13. Section 13, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 13. *Orders Deferring Final Judgment, or Staying Writs of Execution, Attachment, Garnishment or Replevin.* When a Judgment is to be rendered, or after a Judgment has been rendered against a party, the Court may inquire into the earnings and financial status of the party and shall have full discretionary power to defer the entry of Judgment, or to stay Writs of execution, attachment, garnishment and replevin, and to order partial payments in such amounts, over such periods, and upon such terms, as shall seem just under the circumstances and as will assure a definite and steady reduction of the claim or judgment until it is finally and completely satisfied.

Section 14. Section 14, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 14. *Rules of Procedure and Forms.* The Judges of the Court shall prepare appropriate local rules concerning practice and procedure in the Court, and shall submit same to the Supreme Court of Florida for approval. The rules shall provide for a simple, inexpensive and speedy procedure to effectuate the purposes of this Act. The Judges shall have power to, and shall from time to time prescribe, modify and improve the forms to be used in the Court to insure the proper administration of justice and to accomplish the purposes of this Act.

Section 15. Section 15, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 15. *Jury Trials.* Jury Trials shall be deemed waived unless:

(1) Written demand is made by the Plaintiff at the time of the filing of the suit or by the Defendant five (5) days before the date set for the first hearing, and a copy of the demand is served on all parties, and,

(2) The party demanding the jury trial deposits with the Court, a reasonable sum the Judge shall fix by order, to secure the payment of costs incurred by the jury trial.

The Court in its discretion may allow a demand for jury trial to be filed at any time prior to the final hearing. The sum fixed by the Judge of the Court as reasonable to secure the payment of costs incurred by reason of a jury trial shall be such as to not make it difficult or impossible to secure a jury. Jurors shall

be drawn, served and empanelled in the same manner as generally provided in other courts in said County. If the sum so fixed is insufficient to pay all costs, including per diem and mileage for jurors, excess costs shall be paid by Duval County as a proper expense for the operation of said Court upon requisition of the Judge of said Court.

Section 16. Section 16, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 16. *Judgments Lien on Real Estate; Writ of Execution; and Levy and Sale.*

(1) Judgements Lien on Real Estate: Judgments of this Court shall be a lien on the real estate of the Defendant, situate in any County of the State of Florida, from the time of filing in the office of the Clerk of the Circuit Court for the County, of a transcript of the judgment and the entry thereof by the Clerk in a book to be kept by him for such purposes.

(2) Writ of Execution: Upon Judgment being entered in any cause, writ of execution as provided by laws or rules or procedure shall be issued against the party against whom judgment is rendered for the amount of such judgment and costs, damages and costs, and such execution shall be directed to all and singular the sheriffs and constables of the State of Florida, and shall be of full force and effect throughout the State.

(3) Levy and Sale: Levy and sale under executions issuing out of the Court shall be the same as those issuing out of the Circuit Court of the County, except, that the sales shall be had not less than seven (7) nor more than fifteen (15) days after levy, and the publication of only one (1) advertisement of sale published on any day, at least five (5) days before such sale, shall be sufficient notice of said levy and sale.

Section 17. Section 17, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 17. *Appeals.* Appeals may be had from judgments returned in the Court, to the Circuit Court, and the same provisions now provided for by law for appeals from County Judge's Court to the Circuit Court, shall be applicable to appeals from the Small Claims Court to the Circuit Court.

Section 18. Section 18, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 18. *Personnel, Quarters, Equipment, Supplies, Forms, Property, and Appropriated Funds Transferred from Small Claims Court to Small Claims Court.* On the effective date of this act, the Board of County Commissioners of Duval County shall furnish and transfer to the Small Claims Court, all personnel, quarters, equipment, supplies, forms, property and appropriated funds previously furnished to and appropriated for the Small Claims Court of Duval County.

Section 19. Section 19, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 19. *County Commissioners to Furnish Quarters, Personnel, Equipment, Maintenance, Supplies and Funds.* The Board of County Commissioners of Duval County shall furnish suitable quarters to house and operate the Court and shall provide such necessary personnel, equipment, maintenance, supplies and funds to enable the Court to function in accordance with law.

Section 20. Section 20, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 20. *Appropriation.* Section 19 of this act shall have the effect of appropriation of County Funds for the purpose stated therein, and shall be immediately effective notwithstanding any lack of appropriations or absence of provisions therefore in the county budget, and notwithstanding any budgetary restrictions. The funds provided and budgeted for the Small Claims Court of Duval County shall upon the effective date of this act, be provided and budgeted for the court created by this act.

Section 21. Section 21, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 21. *Forms.* The Court shall provide forms for the initiation and litigation of actions and the Board of County Commissioners for Duval County shall provide the Court with necessary funds to make the forms available.

Section 22. Section 22, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 22. *Conflicting Law Repealed.* All laws and parts of laws in conflict with this act are hereby repealed.

Section 23. Section 23, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 23. *Constitutionality of Act.* If any word, phrase, sentence, section or part of this Act is declared unconstitutional, the remainder shall remain in full force and effect.

Section 24. Section 24, Chapter 25489, Laws of Florida, 1949, as amended is hereby amended to read as follows:

Section 24. *Effective Date.* This Act shall take effect on the 1st day of August, 1967, and shall supercede and repeal the provisions of House Bill 2892, Laws of Florida, Regular Session 1967.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-940

Senate Bill No. 1690

AN ACT relating to circuit courts; providing for appointment by governor of a census committee pursuant to section 26.011, Florida Statutes, to determine population of the sixth judicial circuit; providing an effective date.

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

Section 1. There shall be appointed by the governor a census commission as provided by section 26.011, Florida Statutes, to determine the population of the sixth judicial circuit in its relation to the number of circuit judges permitted by law.

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

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-941

Senate Bill No. 768

AN ACT for the relief of A. W. French for the cost of repairing damage done to his automobile by a heifer calf belonging to the Glades correctional institution at Belle Glade; providing an appropriation; providing an effective date.

WHEREAS, on December 19, 1966, a 1960 Chevrolet sedan belonging to A. W. French and driven by J. L. Dillon on airport road in Belle Glade unavoidably collided with a stray heifer calf belonging to the Glades correctional institution, and

WHEREAS, as a result of the damages done to the vehicle from the collision A. W. French has been required to expend the sum of one hundred dollars and sixty-three cents (\$100.63) for repairs, and

WHEREAS, A. W. French has no recourse at law against the state of Florida for the injury done to his property, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of one hundred dollars and sixty-three cents (\$100.63) is appropriated out of funds to the credit of the Glades correctional institution at Belle Glade in the state treasury not otherwise expended or committed, to be paid to A. W. French of Piqua, Ohio, for injury to his Chevrolet sedan done by the stray heifer calf belonging to the Glades correctional institution at Belle Glade.

Section 3. The comptroller of the state shall draw his warrant in the sum of one hundred dollars and sixty-three cents (\$100.63) upon any funds of the Glades correctional institution at Belle Glade in the state treasury not otherwise expended or committed and the state treasurer shall pay the same out of such funds.

Section 4. This act shall take effect July 1, 1967.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-942

Senate Bill No. 1076

AN ACT to establish and name Blackwater River state park in Santa Rosa and Okaloosa counties on lands to be acquired by the Florida board of parks and historic memorials; providing an effective date.

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

Section 1. The Florida board of parks and historic memorials is hereby authorized to acquire or to accept donations of lands in Santa Rosa and Okaloosa counties for the establishment of a public recreation and park area which shall be named Blackwater River state park.

Section 2. This act shall take effect July 1, 1967.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-943

Senate Bill No. 1319

AN ACT relating to juvenile and domestic relations court, additional judge, in all counties of the state having a population of over nine hundred thousand (900,000), according to the latest official decennial census, in which there has been established a juvenile and domestic relations court; providing for the term of such judge; providing for interim appointment by the governor for such additional judge; providing for the election of judges of the juvenile and domestic relations court; providing for the salary of judges; providing for the administration of such court by such judges; providing for the election of present judges of such court; repealing all conflicting laws; providing this act shall become effective upon the performance of certain acts by the county commission.

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

Section 1. There is created the office of an additional judge of the juvenile and domestic relations court in all counties of the

state having a population of over nine hundred thousand (900,000), according to the latest official decennial census, in which there has been established a juvenile and domestic relations court presided over by a judge required to be admitted to practice law in this state. Such judge and his successors shall have the same qualifications as now required for a judge of the court and shall serve for a four (4) year term.

Section 2. The judges of any such juvenile and domestic relations court shall be elected by the qualified electors of the county as other county and state officials are elected. As soon as practical after the effective date of this act, the governor shall appoint a qualified person to the office of judge created by section 1 of this act. The first election for the additional judge of such court herein authorized shall be had at the general election to be held in 1968, and such judge shall take office on the first Tuesday after the first Monday in January, 1969. In all general, special and primary elections hereafter held in such counties, candidates for the office of judge of the juvenile and domestic relations court shall run in four (4) separate groups, and each group shall be voted upon separately. Candidates for the office now held by the present judges, the incumbents, and successors thereof, shall be grouped in divisions one (1), two (2) and three (3), and candidates for the office for the additional judge of such court herein created, and successors thereof, shall be grouped in division four (4).

Section 3. The salary and compensation of the additional judge shall be in the same amount as now fixed by law for the compensation of the present judges of the court, or as the same may be hereafter fixed, and shall be paid in the same manner and from the same general funds as provided by law for which the county commissioners shall in the annual levy of taxes make due and legal provision for the payment thereof. Until such levy is made and such taxes are thus collected for such purposes, the same may be paid from any other surplus, unexpended or contingent funds of the county.

Section 4. The judge of the juvenile and domestic relations court in such counties, longest in continuous service, shall be the administrative officer of the court and shall be responsible for the dispatch of business and shall direct the operation of office of the judge of the court, including the exercise of any

extra judicial functions of the same, and including distribution and assignment of all judicial cases and causes or proceedings to be heard or disposed of, after consultation with any other judge of the court as to such matters, but with full authority to make a final and complete decision of such matters in case of any disagreement. In the event the judge of the court longest in continuous service is unable to act by reason of sickness, absence or other causes, then such duty shall temporarily devolve upon, and be exercised by, the other judge of the court next longest in continuous service, only during such period of sickness, absence or other causes, but not otherwise. The present provisions of law under which the county judge or a judge of the circuit court may also exercise such functions under such conditions shall continue and are not affected hereby.

Section 5. Nothing in this act is intended in any manner to affect the term of office of the present judges of the court except that hereafter any future vacancy in such office shall be filled through election by the qualified electors of such counties, the first election hereunder to be at the next general election to be held in 1968.

Section 6. If any part of this act is declared unconstitutional or inoperative, or should the application of this act to any official be declared unconstitutional or inoperative, it shall not affect any other part of this act nor the applicability of the remainder thereof.

Section 7. All laws or parts of laws in conflict herewith are repealed.

Section 8. The provisions of this act shall not become effective until the Board of County Commissioners of said counties adopts an ordinance creating the said office and authorizing the payment of salary from available funds.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-944

Senate Bill No. 1523

AN ACT relating to municipal judges in any county of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census; vesting said municipal judges with powers of conservators of the peace and committing magistrates.

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

Section 1. All municipal judges of all incorporated cities and towns in any county of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census, are defined to be judicial officers of this state and shall be conservators of the peace and committing magistrates, and may issue warrants against persons charged on oath with violating the criminal laws of the state except as to capital offenses, and may commit offenders to jail or recognize them to appear before the proper court at the next ensuing term thereof to answer the charge, or may discharge them from custody, according to the circumstances of the case and may require sureties of the peace when the same has been violated or threatened. When a complaint is made to a magistrate that an offense has been committed within his jurisdiction, he shall examine on oath the complainant and any witnesses he may produce.

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

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-945

Senate Bill No. 1552

AN ACT relating to Hillsborough county, board of public instruction; providing for the election of two (2) additional

members to such board; providing terms of office; providing for nonpartisan election of all members of the county board of public instruction; providing a conflict of interest provision for members of the board; providing an effective date.

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

Section 1. The membership of the board of public instruction of Hillsborough county is increased to seven (7) members.

Section 2. The five (5) members of the board now provided for shall continue in office and stand for election at such time and for such term from their respective districts as is now provided by law, except as provided herein.

Section 3. The seven (7) members of the board shall henceforth be elected in nonpartisan elections. There shall be no political party affiliation shown on the ballot and no political party affiliation or association shall be used by any candidate during the campaign. Election of school board members shall be held at the same time as second primary party nomination and general elections as provided by law. If no candidate receives a majority of the votes cast in a non-partisan primary held at the same time as the second party primary, a runoff election will be held at the same time as the general election.

Section 4. The two (2) additional members of the board provided in this act shall not be identified as representing any district, but shall be elected from the county at large for a term of four (4) years, respectively, from groups to be designated as group six (6) and group seven (7), respectively, and shall stand for election as follows:

(1) The member from group six (6) shall first be elected in a special election as hereinafter provided for a term to expire on the first Tuesday after the first Monday in January, 1971, and thereafter commencing with the election of 1970, the member from group six (6) shall be elected for a term of four (4) years.

(2) The member from group seven (7) shall be elected in the special election as hereinafter provided for a term to expire on the first Tuesday after the first Monday in January, 1969, and thereafter commencing with the general election of 1968,

the member from group seven (7) shall be elected for a term of four (4) years.

Section 5. A special election will be held for the election of the new members from group six (6) and group seven (7) in the following manner. A special nonpartisan election will be held on the second (2nd) Tuesday in September, 1967. If no candidate receives a majority of the votes cast in said election, a runoff election will be held on the fourth (4th) Tuesday in September, 1967.

Section 6. The terms of office of the members of the board elected in such special election shall commence October 1, 1967.

Section 7. The terms of office of no more than four (4) members of the board shall expire simultaneously, except as provided herein. The elected term of all members of the board shall be four (4) years except as provided herein.

Section 8. No member of the board during the term for which he shall have been elected or appointed and for two (2) years after expiration of such term, shall be employed by the board in any capacity for which salary or emolument is provided by the board or shall have any interest in any purchase or sale of any real or personal property by the board.

Section 9. This act shall take effect immediately upon becoming a law.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-946

Senate Bill No. 1645

AN ACT relating to a small claims court in Gulf county; amending section 1 of chapter 61-1635, Laws of Florida; providing for increased jurisdictional amount; providing an effective date.

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

Section 1. Section 1 of chapter 61-1635, Laws of Florida, is amended to read:

Section 1. There is established in Gulf county a court to be known as the small claims court, which court shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed five hundred dollars (\$500.-00) and in which the cause of action accrued or the defendant resides in the county. Said jurisdiction shall be concurrent with the jurisdiction of any other court now or hereafter established in any such county. The judge of said court may have his office and hold court in any municipality within the county.

Section 2. This act shall take effect July 1, 1967.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-947

House Bill No. 2484

AN ACT authorizing and empowering the Trustees of the Internal Improvement Fund of the State of Florida to execute and deliver, for the benefit of the City of Fort Pierce, Florida, a deed of conveyance or a disclaimer to certain submerged and overflowed lands in the Indian River and St. Lucie County, Florida, thereby eliminating the covenant in a previous deed limiting the use of said lands for only public and municipal purposes; providing an effective date.

WHEREAS, the lands hereinafter described consist of approximately four hundred seventy-five and sixty three hundredths (475.63) acres and is situate in the City of Fort Pierce north of and bordering on what is known as the Fort Pierce Harbor channel in the City of Fort Pierce, Florida, and the said body of land is not connected to either the mainland or what is known as the "island" or beach property, and is overflowed with water, and

WHEREAS, said parcel of land is designated and described as Tract No. 3, containing four hundred seventy-five and sixty three hundredths (475.63) acres, more or less, according to the survey of the Internal Improvement Board of the State of Florida, in St. Lucie County, Florida, and

WHEREAS, by the State Deed No. 17895, dated May 28, 1929, as recorded in Deed Book 81, at page 111, of the public records of St. Lucie County, Florida, as authorized by Chapter 13667, Acts of 1929, and House Bill No. 374, conveyed the same unto the City of Fort Pierce with the provision that the same be used for public and municipal purposes only, and

WHEREAS, it appears that the provisions limiting the use of said lands are ambiguous and set restrictions thereon which prevent the City from using the same to its advantage, and that a removal of the same or disclaimer thereof would be proper.

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

Section 1. That the Trustees of the Internal Improvement Fund of the State of Florida be and they are hereby authorized and empowered to execute and deliver a good and sufficient deed of conveyance to the City of Fort Pierce, Florida, describing the aforesaid lands, or an instrument in the nature of a disclaimer, which would eliminate the covenant in the conveyance heretofore made restricting the use of said lands for only public and municipal purposes.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect upon its becoming a law.

Approved by the Governor July 25, 1967.

Filed in Office Secretary of State July 26, 1967.

CHAPTER 67-948

Senate Bill No. 275

AN ACT relating to office building construction; authorizing the state department of public welfare to construct an addition to an office building in Marianna, Jackson county, pursuant to section 288.17, Florida Statutes; authorizing the Florida development commission to issue revenue certificates for payment thereof; providing an effective date.

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

Section 1. The state department of public welfare is authorized to construct an addition to a certain state office building in Marianna, Jackson county, now used and to be used as office space, on property now owned by the department in compliance with section 288.17, Florida Statutes.

Section 2. The Florida development commission is authorized to issue interest-bearing revenue certificates in the amount of one hundred fifty-five thousand dollars (\$155,000.00) to pay the cost of refinancing already existing indebtedness and to further finance construction of necessary additions and improvements to a building used as office space for the state department of public welfare. The certificates may be in coupon form in any denomination determined by the commission and may mature at a date not exceeding thirty (30) years from their date of issue. The certificates shall not bear an interest rate in excess of six per cent (6%) per annum and may be redeemable before maturity at the option of the Florida development commission at a price and under terms and conditions fixed by the commission prior to their issuance. The commission shall determine the place of payment of principal and interest which may be at any bank or trust company within or without the state.

Section 3. The state department of public welfare is authorized to pledge any funds which may be appropriated by the legislature for the use by such agency for expenses for the payment of service charges necessary to pay the interest and retire the principal serially on revenue certificates issued by the Florida development commission upon approval of the state board of administration, the proceeds of which are used for the construction of the building for use as office space. Authority to pledge funds as herein provided for is expressly limited to any funds as, if and when appropriated, in that the legislature is under no obligation to make any future appropriation.

Section 4. The certificates shall be legal investments for any state, county, municipal or other public funds, for any bank, savings bank, trustee, executor, guardian and for any trust or fiduciary funds whatsoever. The certificates shall also be legal securities which may be deposited by any bank or trust

company for the security of state, county, municipal and other public funds.

Section 5. No referendum or election of freeholders or qualified voters in any county of this state shall be required for the exercise of any of the provisions of this act, unless such referendum or election is specifically required by the constitution of Florida.

Section 6. Cost of construction of the building shall be deemed to include but not limited to legal engineering, fiscal and architectural fees and fees for any other experts or consultants employed by the board; engineering or architectural studies, surveys, plans and designs; the expense of the issuance, authorization and sale of certificates, including advertisement, notices and other proceedings in connection therewith and such other purposes as are necessary, incidental or appurtenant to the purposes authorized hereunder.

Section 7. The legislature does hereby covenant with the holders of certificates issued pursuant to the provisions of this act that it will not enact any law which will repeal, impair or amend, in any manner, the rights of such holders which may be pledged to the payment of the principal of and interest on such certificates.

Section 8. Certificates issued pursuant to this act shall be negotiable instruments under the uniform commercial code as adopted by this state.

Section 9. This act shall not be deemed to repeal or supersede any other law or laws but shall be supplemental and additional authority to the board to carry out and perform the powers provided in this act.

Section 10. It is declared to be the legislative intent that if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 11. This act shall take effect upon becoming a law.

Approved by the Governor July 26, 1967.

Filed in Office Secretary of State July 27, 1967.

CHAPTER 67-949

House Bill No. 3041

AN ACT relating to all counties in the state having a population of not less than fifteen thousand eight hundred (15,800) nor more than seventeen thousand (17,000), according to the latest decennial census; authorizing the county commissioners to expend the necessary funds to construct that portion of state secondary roads, outside their boundaries, necessary to make them a connecting link and integral part of the state secondary road system if the adjoining county does not have the funds; and providing an effective date.

WHEREAS, certain state secondary roads have been constructed at great expense and can not become a connecting link and integral part of the state secondary road system because the adjoining county does not have the funds to complete the project; and

WHEREAS, the legislature has recognized the necessity of cooperation between the several counties and other state agencies by granting them the authority to contract in matters that would allow them to render more efficient services to their mutual benefit and the benefit of the people of the state; and

WHEREAS, the recognition of inter-county and state cooperation has been further implemented by the authority to use gasoline monies to construct roads throughout the state because such activity is essential to the general welfare of the state and assures the construction of a comprehensive and integrated highway system; NOW, THEREFORE,

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

Section 1. In all counties in the state having a population of not less than fifteen thousand eight hundred (15,800) nor more than seventeen thousand (17,000), according to the latest official decennial census, the county commissioners are hereby authorized and empowered, in their discretion, to expend the necessary funds to construct that portion of state secondary roads, outside their boundaries, to make them a connecting link and integral part of the state secondary road system if the adjoining county does not have the funds.

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

Approved by the Governor July 26, 1967.

Filed in Office Secretary of State July 27, 1967.

CHAPTER 67-950

House Bill No. 1183

AN ACT to create, establish and incorporate a new drainage and reclamation district in Broward County, Florida under the name of Bailey Drainage District, defining its boundaries, prescribing its powers, privileges, duties, liabilities and officials; to provide for the election of three (3) commissioners; to provide for their term of office and the election of their successors, and prescribing their duties and powers and fixing their compensation; to authorize said board of commissioners to establish, construct, operate and maintain a system of main and lateral canals, swales, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways, pumping stations, syphons, storm sewers, and to connect some or any of them as within the judgment of said board of commissioners is deemed advisable, to drain and reclaim the lands within the said district created; to clean out, straighten, widen, open up or change the course and flow, alter or deepen any canal, ditch, drain, river, water course or natural stream as within the judgment of the said board of commissioners is deemed advisable to drain and reclaim the lands within the said district created; to construct, improve, pave and maintain roadways and roads; to authorize the board of commissioners of said district to borrow money and issue negotiable or non-negotiable instruments of indebtedness; to provide for the approval by such board of commissioners of any new or additional plats or a subdividing of any of the lands within said district without recording a plat; providing for the levy and assessment of an annual tax upon all of the lands in said district and for the collection and enforcement thereof and for the sale of land for non-payment thereof; providing for the forfeiture of title to tax delinquent lands to said district and for the sale of tax forfeited lands; authorizing the levy of special assessments on

lands in said district; providing for a recall petition and election for commissioners to be recalled; providing for the employment of a secretary; providing for the employment of a treasurer; providing for the appointment of a chief engineer; providing for the formulation and adoption of an annual district budget; providing that bonds shall be issued by said district without the approval of the State Board of Drainage Commissioners; authorizing extension of the boundaries of this district to include additional land upon petition; authorizing ouster of land from the district and providing the procedure therefor; authorizing the commissioners to obtain the consent of the United States on any plan of drainage or reclamation where such may be necessary; providing for the exercise of the right of eminent domain by the district; prohibiting obstruction of drainage canals or facilities and providing for the payment of damages and criminal penalties by imprisonment in the state prison not exceeding five (5) years or in the county jail not exceeding twelve (12) months or fines not exceeding Five Thousand Dollars (\$5,000.00) for violations thereof; authorizing the commissioners to adopt, promulgate and enforce rules and regulations necessary and appropriate to the administration and enforcement of this act; authorizing the commissioners to pay dues to the Florida Drainage Association; providing that this act shall take precedence over any conflicting law to the extent of such conflict; approving the manner of giving notice of intention to apply for this legislation; enacting other provisions relating to this subject; and providing that this act shall take effect upon its approval by the Governor or upon its becoming a law without such approval.

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

Section 1. *District created and boundaries thereof.—*

(a) The creation of the Bailey Drainage District hereby with the powers herein vested in it by this act is to further the best interests of the public welfare, health, convenience and benefit inasmuch as the said lands hereinafter described are to a great extent in their present condition subject to overflow and flooding, and proper drainage and reclamation is necessary to protect said lands hereinafter described from the ill effects of such wet conditions and thereby make said lands fit and suitable

for settlement, development and agricultural purposes. That for the purpose of draining and reclaiming the lands hereinafter described and protecting said lands from ill effects of water by means of the construction and maintenance of swales, canals, ditches, levees, dikes, pumping plants, streets, roads, sewers and other drainage works and improvements and for the purpose of making the lands within such district available and habitable for settlement, development and agriculture and for the public convenience, welfare, utility and benefit and for other purposes stated in this act, a drainage and reclamation district is hereby created and established in Broward County, Florida, to be known as the Bailey Drainage District.

(b) The territorial boundaries of the Bailey Drainage District shall include the following land lying, being and situate in Broward County, Florida, to-wit:

That portion of Section 31, Township 50 South, Range 40 East, situate, lying and being in Broward County, Florida, described as follows, to-wit: Commencing at the northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 31; thence run south $0^{\circ}49'14''$ west, along the west line of the East one-half (E $\frac{1}{2}$) of said Section 31 a distance of Three Hundred Thirty feet (330'), more or less, to the southwest corner of Tract 16, Section 31, Township 50 South, Range 40 East, according to FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2 at page 17 of the Public Records of Dade County, Florida; thence run easterly along the south line of said Tract 16, One Thousand Three Hundred Twenty feet (1,320'), more or less, to the southeast corner of said Tract 16; thence run southerly along the east line of Tract 15 of said Subdivision of Section 31, Township 50 South, Range 40 East, Three Hundred Thirty feet (330') more or less, to the southeast corner of said Tract 15; thence run westerly along the south line of said Tract 15, One Thousand Three Hundred Twenty feet (1,320') more or less, to the southwest corner of said Tract 15; thence run south $0^{\circ}49'14''$ west along the west line of the East One-half (E $\frac{1}{2}$) of said Section 31, Three Thousand Six Hundred Thirty feet (3,630') more or less, to the southwest corner of Tract 60 of said Subdivision; thence run easterly along the south line of Tract 60 and Tract 53 of said Subdivi-

sion to the east line of said Section 31; thence run north-
erly along the east line of said Section 31 to the northeast
corner of said Section 31; thence run westerly along the
north line of said Section 31 to the Point of Beginning.

Section 2. *Powers.*—The said district is hereby granted and
shall have full power and authority as follows, to-wit:

- (a) To contract and be contracted with;
- (b) To sue and be sued;
- (c) To plead and to be impleaded in all courts;
- (d) To acquire by purchase, gift, devise, condemnation,
eminent domain or otherwise, property, real or personal, or any
estate therein, within or without the district, to be used for any
purpose necessary or to meet the needs of any of the purposes
of this act;
- (e) To establish, construct, operate and maintain a system
of main and lateral canals, swales, drains, ditches, levees, dikes,
dams, sluices, locks, revetments, reservoirs, holding basins, flood-
ways, pumping stations, syphons, culverts, storm sewers, and
to connect some or any of them as within the judgment of the
said board of commissioners is deemed advisable to drain and
reclaim the lands within the said district created hereby;
- (f) To acquire and maintain appropriate sites for storage
and maintenance of the equipment of said district;
- (g) To acquire and maintain and/or construct a suitable
building to house the offices and records of the district;
- (h) To have all the powers and rights of a body corporate
and to adopt and use a seal and to alter the same at the pleasure
of a majority of the board of commissioners;
- (i) To clean out, straighten, widen, open up or change the
course and flow, alter or deepen any canal, ditch, drain, river,
water course or natural stream as within the judgment of the
said board of commissioners is deemed advisable to drain and
reclaim the lands within the said district hereby created;
- (j) To acquire, purchase, operate and maintain pumps,
plants and pumping systems for drainage purposes;

(k) To construct, operate and maintain irrigation works and machinery in connection with the purposes herein set forth;

(l) To construct, improve, pave and maintain roadways and roads;

(m) To regulate and set forth by appropriate order the drainage requirements and other auxiliary conditions to be met, whether for plats to be entitled to record or for other subdivision of any land within the district, including authority to require as a condition precedent for any platting or subdivision that good and sufficient bond be posted to assure proper drainage and reclamation for the area to be platted and subdivided, as hereinafter provided;

(n) To borrow money for periods over one (1) year and issue negotiable or other bonds of said district as hereinafter provided;

(o) To borrow money from time to time for periods under one (1) year and issue negotiable or such other notes of said district as hereinafter provided;

(p) To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district;

(q) To acquire, construct, operate, maintain, use, sell, convey, transfer or otherwise provide for pumping stations, including pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices or equipment for drainage and reclamation purposes;

(r) To contract for the purchase, construction, operation, maintenance, use, sale, conveyance and transfer of the said pumping stations, machinery, motive equipment, electric lines and appurtenant equipment, including the purchase of electric power and energy for the operation of the same;

(s) To construct or enlarge, or cause to be constructed or enlarged any and all bridges or culverts that may be needed in or out of said district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, track, grade, fill or cut;

(t) To construct, improve, pave and maintain roads and

roadways over levees and embankments; and such other roadways and roads necessary and convenient for the exercise of the powers and duties herein set forth.

(u) To construct any and all of said works and improvements across, through or over any public highway, railroad right-of-way, track, grade, fill or cut in or out of said district;

(v) To remove any fence, building or other improvements, in or out of said district for purposes of drainage and reclamation;

(w) To hold, control and acquire by donation, purchase or condemnation, any easement, railroad right-of-way, sluice, reservation, holding basin or franchise in or out of said district for right-of-way or holding basin, for any of the purposes herein provided, or for material to be used in constructing and maintaining said works and improvements for drainage, protecting and reclaiming the lands in said district;

(x) To condemn or acquire, by purchase or grant, or by exercise of the right of eminent domain, for use in the district, any land or property within or without said district and acquire or condemn any other property within or without said district, following in connection therewith the procedure set out in Chapter 73, Florida Statutes, which shall be construed so as to be applicable to this district created hereby;

(y) To assess and impose upon all of the lands in said district an annual tax as hereinafter provided;

(z) To impose and foreclose special assessment liens as hereinafter provided;

(aa) To prohibit, regulate and restrict by appropriate resolution of the board of commissioners all structures, materials, things, whether solid, liquid or gas, whether permanent or temporary in nature, which come upon, come into, connect to or be a part of any of the main or lateral drains, ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and syphons which may have been heretofore created or which may be hereafter created or which may be hereafter constructed.

(bb) To administer and provide for the enforcement of all the provisions herein, including the making, adopting, promul-

gating, amending and repealing of all rules and regulations necessary or convenient for the carrying out of the duties, obligations and powers conferred on the district created hereby and further for the proper administration and enforcement hereof;

(cc) To cooperate with or contract with other drainage districts, governmental agencies as may be necessary, convenient, incidental or proper in connection with any of the powers, duties or purposes of said district as stated in this act.

(dd) To employ engineers, attorneys, agents, employees and representatives as the board of commissioners may from time to time determine necessary and to fix their compensation and duties;

(ee) To exercise all of the powers necessary, convenient, incidental or proper in connection with any of the powers, duties or purposes of said district as stated in this act, provided however that none of the powers contained herein shall apply to the works of the Central and Southern Florida Flood Control District.

Section 4. *Board of commissioners.*—

(a) The governing board of said district shall be designated as the board of commissioners of the Bailey Drainage District and shall be composed of three (3) members who shall be known as commissioners.

(b) Within thirty (30) days after the effective date of this act, the landowners in the district shall assemble at some location within Broward County, Florida for the purpose of electing the first board of commissioners. The landowners when assembled at such meeting shall organize by electing a chairman and secretary who shall conduct the meeting. At said meeting each landowner shall be entitled to vote as provided hereinafter.

(c) The said first board of commissioners of the district created hereby shall hold office until the first Tuesday after the first Monday in June, 1972, except as hereinafter provided. All commissioners shall hereafter be elected on an at large non-partisan basis, in accordance with the procedure hereinafter provided.

(d) Except as hereinabove and hereinafter provided, all

commissioners shall serve for a term of four (4) years, provided that at the first meeting of commissioners so elected subsequent to the effective date hereof they shall, by lot, divide their body into two (2) groups, one of the two groups to be composed of two (2) members and the other of One (1) member. The two (2) member group (Group I) shall hold office for four (4) years, and the one (1) member group (Group II) shall hold office for the term of two (2) years. The Group II commissioner shall stand for election in 1970, and an election shall be held to elect successors for each group so as to have the various successors elected at the expiration of the term of office of the respective groups. A commissioner shall, at the time of his qualification for office be a resident of the State of Florida for three (3) years preceding the date of qualification, and shall be an owner in fee simple of land within the district; provided that a corporation or other legal entity owner of land may designate and file in writing with the Board the name of a person to represent its interests, who shall be eligible to be elected a commissioner, provided that such person meets the residence requirements and further provided that such person shall be the same person authorized to cast a vote for said corporation or other legal entity under the provisions of Section 5(e) hereof.

(e) (1) The compensation for each commissioner shall be set by appropriate resolution of the board of commissioners but shall not exceed One Hundred Fifty Dollars (\$150.00) per month.

(2) In addition to the aforeprescribed compensation for the commissioners, the board of commissioners may reimburse a commissioner for expenses incurred, up to Seventy-five Dollars (\$75.00) per month.

(3) Whenever a commissioner shall be absent from every commission meeting held in two (2) consecutive calendar months, such commissioner shall receive no compensation nor reimbursement of expense for the next succeeding two (2) month period. Such period shall be cumulative.

(f) In the event that a vacancy should occur in the office of a commissioner, the remaining commissioners shall forthwith elect by a majority vote a successor commissioner having the same qualifications as prescribed herein for the office vacated,

for the balance of the original unexpired term remaining to the vacated commissioner. If the commissioners shall fail to so elect a successor commissioner within thirty (30) days after a vacancy should occur, the Governor shall appoint a successor commissioner for the unexpired term remaining to the vacated commissioner.

(g) There is no prohibition on a commissioner succeeding himself in term of office.

(h) Elected commissioners shall be installed on the first Tuesday after the first Monday in June following their election.

Section 5. *Elections.*—

(a) All elections, unless otherwise provided in this act, shall be called by proclamation of the chairman of the board of commissioners, which proclamation shall set the place or places within the district set for such elections and the hour and date of such elections. Such proclamation shall be published once a week for not less than two (2) weeks in a newspaper with a general circulation in Broward County, Florida with first publication at least fifteen (15) days but not more than thirty (30) days prior to the date set for holding said election.

(b) Only such qualified persons for the respective offices shall be eligible to become candidates for such respective offices. The names of all candidates who qualify for an election shall be printed upon an election ballot. Every candidate for nomination to office shall pay to the secretary of the board of commissioners a filing fee in the amount of Twenty-five Dollars (\$25.00) and shall designate the office for which he has qualified. Each candidate for nomination for an office shall also take, sign and subscribe to an oath or affirmation in writing in substantially the following form:

(Form)

“STATE OF FLORIDA)
 SS:
 COUNTY OF BROWARD)

Before me, an officer authorized to administer oaths, personally appeared _____, to me well known, who, being duly sworn says that he is candidate for office of commissioner for the Bailey Drainage District;

that he has been a resident of the State of Florida for the past three (3) years immediately preceding the date of qualifying for nomination to office; that he is an owner in fee simple of land within the district, and that he is qualified under the Constitution and laws of Broward County and the laws of Florida to hold office for which he desires to be nominated.

(Signature of Candidate)

Sworn to and subscribed
before me on this -----
day of -----, 19-----.

Notary Public ”

(c) Candidates for office shall be required to file their qualification oath and fee with the secretary of the board of commissioners not later than noon on the tenth day before the day of the primary election. If a candidate fails to comply with the provisions herein, his name shall not appear on the ballot. The secretary shall forthwith, upon the filing of the oath and payment of the qualifying fee, make and deliver to such candidate a written certificate acknowledging receipt of said fee and oath. A candidate who has filed the required oath and has paid the qualifying fee shall be entitled to have his name printed on the official primary ballot.

(d) The district election shall be held on the third Tuesday in May of every other year, the first such election shall be in the year 1970.

(e) Each person to be allowed to vote in any election must be an owner of land within the district, provided that for the purposes of this act the term "owner" or "freeholder" shall include corporate or other legal entity owners of land. Corporations or other legal entity owners of land shall designate in writing, and file such writing with the board, the person who shall cast the vote or votes to which such corporation or legal entity owner shall be entitled.

(f) The board of commissioners shall prescribe by resolution the method and manner of holding all elections in said district; shall provide when and how special elections shall be

called and held whenever such elections are not provided by the terms of this charter, and shall appoint a district election board of not more than five (5) nor less than three (3) citizens who shall generally administer and supervise district elections and act as inspectors thereof.

(g) In all elections the regular assessment rolls of the tax assessor of Broward County, Florida covering the area of the district shall be used, and only those persons or legal entities shown thereon as freeholders shall be entitled to vote in said election.

(h) For the purposes of this act, the tax assessor's assessment roll shall be considered closed fourteen (14) days prior to holding of any election at which time a certified list of freeholders shall be available, as provided by law.

(i) In order to determine the number of freeholders entitled to vote in each particular election, the county tax assessor shall determine from the records of his office the freeholders appearing on said assessment roll and shall execute his certificate thereto, which shall be accepted as the determination prima facie of those entitled to vote in the election.

(j) Those landowners shown on the assessment roll to be freeholders shall be permitted to vote in the election.

(k) At said election each landowner shall be entitled to cast one (1) vote, in person or by proxy in writing, for each acre of land owned and located within said district.

(l) Any registered landowner who is not shown as a freeholder but who presents to the inspectors a tax receipt showing a payment of taxes on property in his name or a deed or certified copy thereof of property in his name, or makes a sworn affidavit of ownership giving either a legal description, address or location of the property in his name shall be entitled to vote in the election and shall be considered a freeholder. The number of persons qualifying in this manner shall be added to the number shown on the certificate of the supervisor in determining the number of persons qualified as freeholders.

(m) A person shall be deemed a freeholder who has an immediate beneficial ownership or interest, legal or equitable, in the title to a fee simple estate in land located within the district,

or has been designated to cast the vote or votes for a corporation or other legal entity, as herein provided.

(n) Each supervisor shall be compensated at reasonable rates for actual costs and services rendered in conducting such election by the district.

(o) Polls shall be open at 7 o'clock A.M. and shall close at 7 o'clock P.M. on election days. The results of the voting, when ascertained, shall be certified by return in duplicate, signed by the secretary of the board of commissioners and the majority of the inspectors of the election, one (1) copy delivered to the chairman of the board of commissioners and the other to the secretary of the board of commissioners, both of whom shall transmit such returns to the board of commissioners at a called meeting to be held not later than three (3) days after such election. At such meeting, the board of commissioners shall canvass the returns, and in absence of a declaration of contest by any of the candidates in such election, shall declare the results of such election as shown by the returns made by secretary and inspectors as valid. The secretary shall, within seven (7) days thereafter furnish each person shown to have been elected a certificate thereof. The candidates receiving the highest number of votes in a general election shall be determined to have been elected.

(p) In Group I elections the two (2) candidates receiving the highest number of votes shall be determined to have been elected. In Group II elections that candidate receiving the highest number of votes shall be determined to have been elected.

Section 6. *Recall.*—

(a) Whenever the owners of fifty percent (50%) of the land in the district created hereby shall sign a petition addressed to the board of commissioners demanding that a recall election be held, the board of commissioners shall take the following action:

(1) Said petition shall be referred and handed over to the secretary not later than ten (10) days after the board has been presented with the petition.

(2) After presentation of the petition, the board shall order the secretary to, and the secretary shall check the names and

eligibility of the persons signing the petition. The secretary shall have then ten (10) days in which to return same to the board of commissioners along with his certification as to whether or not the petition contains the proper percentage of registered landowners, as prescribed herein.

(3) If the petition is valid as to the percentage of petitioners, then the board shall issue its resolution proclaiming a recall election of those commissioners whom the petition names. The resolution shall contain all information required by this act.

(b) The recall petition shall state the name or names of the elected commissioners desired to be recalled. No reason or reasons for such recall shall be required to be stated in the petition.

(c) In addition to proclaiming the recall election of the commissioner or commissioners, the resolution shall state the date for the holding of the election, which shall be not more than sixty (60) days from the date of the resolution. Further, the resolution shall set the date of qualifying of candidates for the election, which said date shall be not more than twenty (20) days from the passage of the resolution.

(d) The elected commissioner sought to be recalled shall remain in office and carry on his regular duties until his successor, if any there be, is elected and takes office. In the event the commissioner sought to be recalled desires to stand for election in the recall election, he shall qualify in the same manner as any other candidate.

(e) The recall election shall be held as any other election of commissioners. The offices sought to be vacated shall be treated as though the term of the officers filling that post were expiring.

(f) The person elected to the office vacated or sought to be vacated shall take the oath of office and assume the duties of the office not later than seven (7) days after the final election.

Section 7. *Organization of board of commissioners.*—Within thirty (30) days after the effective date of this act and after elections, the said board of commissioners shall assemble and organize by choosing one of their members chairman of

the board, and choosing another member as secretary of the board. The board shall establish its own rules of procedure. In all matters, the board shall act by resolution and the vote of two (2) members of the board shall be required to make any determination or effect any action.

Section 8. *Principal office.*—The principal office of said board of commissioners shall be located within Broward County, Florida and the board shall hold general business meetings at such place or at such other places within the district as the board may agree upon not less than once per month. The board shall have the right to transact business or hold special meetings at such other place or places within Broward County as may be deemed necessary by a majority of the commissioners.

Section 9. *Clerk.*—The board may employ some competent person as clerk of the district, to administer all clerical and secretarial duties of the district and who shall be a full time employee of the district. The salary of said clerk shall be fixed by the board, but shall not exceed the sum of Six Thousand Five Hundred Dollars (\$6,500.00) per annum. The board may require the said clerk to execute a bond for the faithful performance of the duties. The said clerk shall keep a record of the proceedings of the board and of the minutes of the meetings of said board in a substantially bound book, which shall be open to inspection by any person interested in said district, his agent or attorney, at all reasonable times.

Section 10. *Treasurer.*—The board may employ some competent person or some bank or trust company as treasurer of the district. The said treasurer shall execute a bond to the district in such sum as shall be fixed by the board with a surety company as surety. The same person may act as clerk and treasurer of the said district at the discretion of the board of commissioners.

Section 11. *Chief Engineer.*—As soon as practicable after organizing, the board of commissioners shall appoint a chief engineer. The chief engineer shall have control of the engineering works in said district and he may, whenever he deems it necessary confer with the chief engineer of this State or the governing board of the Central and Southern Florida Flood Control District. When plans for drainage or reclamation of this

district shall involve the use of the works of the Central and Southern Florida Flood Control District, the chief engineer shall submit the plans to said Central and Southern Florida Flood Control District prior to commencement of work under said plans. The chief engineer may, by and with the consent of the board of commissioners, consult an eminent engineer or engineers and obtain his or their opinion or advice concerning the reclamation of lands in said district. No money shall be paid out for any work in said district to any contractor or contractors of such board until such payment has been approved by such engineer.

Section 12. *Taxation.*—

(a) For the year 1968 and subsequent years, the board of commissioners of the district created hereby is authorized to levy taxes on land within the district created hereby, up to and including five (5) mills on the dollar, based upon the valuation of the taxable property in said district, as set forth in the assessment roll of the tax assessor of Broward County, Florida, for the purposes of this act. Taxable property shall be construed, for the purposes of this act, to mean land and buildings or other improvements thereon.

(b) Such taxes as provided herein and as may be determined to be necessary by the board of commissioners, acting as a budget commission for this district for the operation of the affairs of said district, shall be certified to the tax assessor of Broward County, Florida by the board of commissioners of Bailey Drainage District, and shall be placed upon the tax rolls of Broward County, Florida by the tax assessor, and shall be collected by the tax collector of Broward County, Florida, as now provided by law; and such taxes so levied shall become a lien under the law against the property within the boundaries of the district and enforceable under the laws of the State of Florida pertaining to the Bailey Drainage District.

Section 13. *Special Assessments.*—The district created hereby may provide for the construction, reconstruction and repair of special drainage facilities; the widening, guttering of canals and ditches; the draining of lands, streets, boulevards and alleys; and may order the construction or reconstruction of storm sewers and drains, streets, boulevards and alleys, including the necessary appurtenances thereto; and may provide for the payment of all or any part of the costs of any such

improvements by levying and collecting special assessments on the abutting, adjoining, contiguous or other specifically benefited property.

(a) Special assessments against property deemed to be benefited by such improvements, as provided above, shall be assessed upon the property specially benefited by the improvement in proportion to the benefits to be derived therefrom, said special benefits to be determined and prorated according to the front footage or square footage of the respective properties specially benefited by said improvement, or by such other method as the board of commissioners may prescribe.

(b) Whenever the board of commissioners shall determine that it is wise and expedient to make any of the local improvements herein specified, the cost of which, or any part thereof is to be assessed against property benefited, it shall adopt a resolution declaring a necessity for the proposed improvement, describing the nature and extent of the work, the general character of materials to be used, a general description of such improvements, the estimated cost of the improvements and the location or area in which such improvements are to be made. Said resolution shall fix a date when the board of commissioners shall meet, which shall be not less than twelve (12) days after the date of the first publication of the notice herein provided, for the purpose of hearing any objections or remonstrances that may be made to said improvements. Notice of the hearing upon said resolution shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in said district (the first publication to be not less than twelve (12) days prior to the date fixed for hearing), which notice shall embrace substantially all the matters required to be set forth in the resolution of necessity.

(c) At said meeting for hearing objections, or at a time and place to which the same may be adjourned, any person aggrieved may appear in person, by attorney or by petition, and may object to or protest against said improvements. The board of commissioners shall consider the objections and protests, if any, and may confirm, amend, modify or rescind the resolution of necessity, and shall determine whether the said improvement shall be made, and how the cost thereof shall be paid. The determination of the board of commissioners shall be

final and conclusive. If the board of commissioners determines to proceed with such improvements as originally proposed or in an amended or modified form, it shall adopt a resolution determined to proceed, as hereinafter set out.

(d) The owner of any lot or land bounding and abutting upon a proposed special improvement, who claims that he will sustain damage by reason of the improvement, shall present such claim to the board of commissioners at the time of its meeting on the question of whether it should proceed with the improvement, as provided in the preceding section. Such claim shall be in writing, and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails so to do shall be deemed to have waived such damage, and shall be barred from thereafter filing a claim or receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising without his fault from acts of the district or its agents.

(e) If, after hearing the objections and protests, if any, the board of commissioners determine that it is expedient to proceed with such improvement in the original or modified form, said board of commissioners shall adopt a resolution determining to proceed with such improvement, which resolution shall disclose what part of the total cost and expenses of the improvement shall be chargeable against and assessed against the property benefited by the improvement, and what part or proportion of the total cost shall be paid by the board of commissioners from its general fund or any special fund on hand for such purposes. The resolution may direct that the whole or any part of the cost and expenses thereof be assessed against the property abutting upon the improvement; or may provide that all property benefited by the improvement may be assessed for such improvement in the manner set out therein.

(f) The board of commissioners shall have the power to pay out of its general fund, or out of any special fund that may be provided for the purpose, such portion of the cost of the proposed improvement as it may deem to be the proper portion to be borne by the district. Interest accrued while an improvement is under construction, and for six (6) months thereafter,

shall be deemed part of the cost of the improvement. All engineering and inspection costs, legal and advertising costs, including a proper proportion of the compensation, salaries and expenses of the engineering staff, properly chargeable to any improvement, shall be deemed a part of the cost of the improvement. When revenue bonds or certificates are issued in order to obtain money with which to make the improvement, all costs and estimated costs incurred in issuing such revenue bonds or certificates and obtaining such funds shall be deemed a part of the cost of the improvement. When local improvements are made by the district, all legal charges, advertising costs, engineering costs, payroll, materials, equipment rental at the prevailing rates, plus not more than fifteen percent (15%) of the total of payroll, material and equipment rental cost for general overhead expense, may be included in the cost of the improvement. When the improvement has been completed, the board of commissioners shall ascertain and determine the total cost of the improvement.

(g) When a majority of the recorded owners of the lands liable to be assessed for any special local improvement shall petition the board of commissioners for any such improvement, the board of commissioners may order such improvement to be made. In other cases, public improvement shall be made in the discretion of the board of commissioners.

(h) Upon the completion of any improvement hereunder, the board of commissioners shall cause to be prepared a roll or list to be called the assessment list, showing the improvement number, the number of the assessment lien, a description of each lot or parcel of land proposed to be assessed, the amount to be charged against each lot or parcel of land, and the name of each owner as shown on the tax roll or records of the district. Such list shall be a public record constituting notice to the public of the lien against the land so assessed, and no other record or notice thereof shall be necessary to any person or corporation for that purpose. No errors, omissions, or mistakes in regard to description of property shall be held to invalidate any assessment appearing upon such assessment list, where the description given is sufficient to identify the property. After the completion of said assessment list, the same shall be delivered to the secretary who shall thereupon

give notice by publication once a week for two (2) weeks in some newspaper of general circulation in Broward County that the assessment list has been delivered to him and is open for inspection at his office, and that at the time and place therein mentioned, not less than fifteen (15) days from the first publication. The board of commissioners will meet to hear and determine any objections or defenses that may be filed to such assessment or the amount thereof. Said notice shall state the number of the improvement, the general character of the work which has been performed, the name by which such improvement is generally known, and the location in which such improvement has been constructed.

(i) At the time fixed in such notice, or at an adjourned meeting, the board of commissioners shall hear objections to the amount of such assessment which may be made by the owners of real property assessed for such improvement, or by parties having an interest therein, and the board of commissioners shall determine and hear all objections and protests to the proposed assessments under such rules and regulations as it may adopt. The board of commissioners shall have a right to change or adjust any assessment appearing upon such assessment list, at such meeting, or at any adjourned meeting thereof. When such assessment list has been finally corrected and adjusted, the board of commissioners shall adopt a resolution approving and confirming assessment list and therein shall approve and confirm all assessments as finally fixed and adjusted at such hearing, such assessment shall, from the date of confirmation of such resolution, constitute a lien on the respective lots or parcels of land, or other real property upon which they are levied, superior to all other liens, except those for district and county taxes. All persons who fail to object to the proposed assessments in the manner herein provided, shall be deemed to have consented to and approved the same. All persons who appeared at such hearing and whose objections were overruled or denied shall be deemed to be bound by the action of the board of commissioners after thirty (30) days from the adoption of such resolution approving and confirming assessment list, unless suit challenging such assessment be filed, after which time no suit, action, writ or special proceedings in any manner questioning the legality of the said special assessment shall lie for any cause whatsoever. Substantial compliance with

the procedure outlined shall be all that is necessary to render such assessment liens valid and incontestable, it being the expressed intention of the legislature that the requirements are directory rather than mandatory.

(j) If any special assessment made hereunder to defray the whole or part of the expense of any local improvement shall be either in whole or in part annulled, vacated or set aside by the judgment of any court or if the board of commissioners shall be satisfied that any assessment is so irregular or defective that the same cannot be enforced and collected, or if the said board of commissioners shall have omitted to make such assessment when it might have done so, it is hereby authorized to take all steps to cause a new assessment for the whole or any part of any improvement or against any property benefited by any improvement, following as near as may be under the circumstances the provisions of this act; and in case such second assessment shall be annulled, the board of commissioners may obtain and make other assessments until a valid assessment shall be made. No omission, informality or irregularity in the proceedings preliminary to the making of any special assessment shall affect the validity of the same where the assessment list has been confirmed by the board of commissioners; and the assessment list and the record thereof kept by the district secretary shall be competent and sufficient evidence that the assessment was duly levied and the assessment list duly made and adopted, and that all other proceedings necessary for the adoption of said assessment list were duly had, taken and performed as required by this statute, and no variance from the direction herein contained as to the form and manner of any of the proceedings shall be held material, unless it be clearly shown that the party objecting was materially injured thereby. In case any special assessment shall, in any suit where its validity shall be questioned, be adjudged invalid, the board of commissioners may in its discretion notify the district treasurer and collector to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings either as in the case of an original special assessment for the same purpose or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid, and the district secretary before

delivering such new assessments to the district treasurer and collector for collection, shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments.

(k) Said assessments shall be payable at the time and in the manner stipulated in the resolution providing for said improvements, and said special assessments shall remain liens, co-equal with the lien of other taxes, superior in dignity to all other liens, titles and claims, until paid, and shall bear interest at a rate not to exceed eight percent (8%) per annum from the date of the acceptance of said improvement and may, by the resolution aforesaid, be made payable in not more than ten (10) equal yearly installments, to which, if not paid when due, there shall be added a penalty at the rate of one percent (1%) per month, until paid; provided that said assessments may be paid without interest at any time within thirty (30) days after the improvement is completed, and a resolution accepting the same has been adopted by the board of commissioners.

(1) The owner of the property desiring to pay his assessment in installments, if same shall be permitted, shall, within the thirty (30) days' period above provided, file with the district secretary a written application to pay said assessments in installments, which application shall state that the applicant and property owner waives all irregularities or defects, constitutional, jurisdictional or otherwise, in the proceedings for the improvement for which the assessments are levied, and in the apportionment of the cost thereof; and thereafter the validity of such assessments shall not be called in question. The payment of an assessment, in whole or in part, shall constitute a waiver of all defects, constitutional, jurisdictional or otherwise, in the proceedings. Said application shall also contain an agreement that the applicant and property owner shall pay the said assessment in installments at the date fixed by said resolution with interest at the rates specified in said resolution. Said application shall also make a reference to the number of the improvement, and shall contain a description of the lots or parcels of property of the applicant assessed for such improvement.

(2) Each annual installment provided for in this paragraph (k) shall be paid upon the dates specified in said resolution, with interest upon all deferred payments until the entire amount of said assessment has been paid, and upon the failure of any property owner to pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the board of commissioners may cause to be brought the necessary legal proceedings to enforce payment thereof with all accrued interest and penalties, together with all legal costs, including a reasonable attorneys' fee, to be assessed as part of the costs and in the event of default in the payment of any installment of an assessment or any accrued interest, said assessment, the whole assessment, with the interest and Penalties thereon, shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown or non-resident defendants may be had by publication, as now provided by law in other suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted under Chapter 173.

(1) After the equalization, approval and confirmation of the levying of the special assessments for improvements as herein provided and as soon as a contract for said improvement has been finally effected, the board of commissioners may by resolution authorize a loan or authorize the issuance of bonds, to be designated "improvement bond series No.", In an amount not in excess of the aggregate amount of said liens levied for such improvements. Said loans or bonds shall be payable from a special and separate fund to be known as the "improvement fund, Series No." which shall be used solely for the payment of the principal and interest of said loans or bonds and for no other purpose. Said fund shall be deposited in a separate bank account and all the proceeds collected by the district from the principal, interest and penalties of said liens shall be deposited and held in said fund. Said loans or bonds so issued shall never exceed the amount of the liens assessed, and said loans or bonds shall mature not later than six (6) months after the maturity of the last installment of said liens. Said loans or bonds shall bear certificates signed by the board of commis-

sioners certifying that the amount of liens levied, the proceeds of which are pledged to the payment of said loans or bonds, are equal to the amount of the loans or bonds issued. Said loans or bonds shall not be a charge on, or payable out of the general revenues of the district, but shall be payable solely out of said assessments, installments, interest and penalties. Any surplus remaining after payment of all bonds and interest thereon shall revert to the district and be used for any district purpose.

Section 14. *Annual district budget.*—For the year 1968 and subsequent years the board of commissioners of the Bailey Drainage District shall sit as a budget commission to pass and approve a budget for the operation of the affairs of said district. The fiscal and budget year of the district shall begin on the first day of January and shall end on the last day of December of each year, unless the board of commissioners by resolution establishes a different fiscal year. The annual budget shall be complete financial plan for the ensuing budget year and shall be based upon an operating budget and a capital budget. The capital budget shall provide for the acquisition of real estate, and other fixed assets and long term liability accounting. The operating budget shall provide for all other classes of expenditure. The proposed budget submitted by the board of commissioners shall include the following, to-wit:

(a) A budget message in which the board of commissioners shall:

(1) Report on the district's financial condition and prospects,

(2) Explain in both terms of money and work programs the important features of the operating budget,

(3) Identify the major projects in the capital budget, and

(4) Outline the financial policies proposed for the ensuing budget year.

(b) Appropriate statements showing for each fund the estimated transactions and balances for the ensuing budget year and comparative data for the current year, and the immediate past budget year.

(c) Detailed schedules of all estimated revenues for the en-

suing budget year and comparative data for the current year and the immediate past budget year.

(d) Operating budget schedules showing by activity or program the proposed operating expenditures for the ensuing budget year. Comparative expenditure data and information on work programs for the current year and the immediate past budget year should also be presented.

(e) Capital budget schedule showing the total proposed expenditures on each capital project during the ensuing budget year and a detailed project breakdown of the sources of funds showing the funds available and the amounts to be appropriated, borrowed or derived from other sources.

Section 15. *Formulation and submission of budget.*—The procedure for the formulation and submission of the annual budget shall be as follows:

(a) On or before a date specified by the board of commissioners, the chief engineer shall transmit to the board of commissioners estimates for the ensuing fiscal year of operating expenditures for the district, containing the following information:

(1) Detailed estimates of the expenses of conducting the program of the district for the next ensuing fiscal year.

(2) Expenditures for corresponding items for the immediate past fiscal year.

(3) Expenditures for corresponding items for the current fiscal year, including adjustments to or transfers between appropriations, plus an estimate of the necessary expenditures to complete the current fiscal year.

(4) Value of supplies and materials on hand at the date of preparation of the estimate.

(5) Increases or decreases of requests compared with corresponding appropriations for the current year, with reasons for such requested increases or decreases.

(6) Other works program information and supporting data as the board of commissioners may require.

(b) On or before a date specified by the board of commis-

sioners, the secretary shall transmit to the board of commissioners his financial report comprising the operating estimates of the following:

(1) An itemization of all taxable property and all probable income or revenues from fixed sources for the ensuing fiscal year.

(2) An itemization of the outstanding district debts with a schedule of maturities of such obligations.

(3) Schedule of necessary amounts for interest on the district debt, for sinking funds, and for payment of maturing obligations.

(4) Other information as may be required by the board of commissioners.

(c) The board of commissioners shall review all estimates and the capital improvement program prepared and shall formulate the proposed budget, making such revisions or estimates as it deems necessary.

Section 16. *Consideration and adoption of the budget by the board of commissioners.*—The board of commissioners shall determine the time and place at which it will hold a public hearing on the budget. The public hearing shall be scheduled on or before the first day of August of each year. Not more than thirty (30) days but at least fifteen (15) days prior to the date of the Bailey Drainage District board of commissioners shall sit as such budget commission, they shall publish one (1) time in a newspaper of general circulation in Broward County, Florida a notice to the property owners within the boundaries of the Bailey Drainage District that they will sit as such budget commission to adopt a budget for the operation of the Bailey Drainage District, which said notice shall be substantially as follows:

“Public notice is hereby given to all the property owners owning lands located within the present boundaries of the Bailey Drainage District that the board of commissioners of said district will at _____ o’clock, on the _____ day of _____, 19_____ sit for the purpose of going over and discussing the budget for necessary operations of the Bailey Drainage District with the property owners of said dis-

trict, and thereby adopting a budget and setting a tax on the lands located within the boundaries of said district.

(Signed) Chairman, board of
commissioners Bailey Drainage District"

After the hearing, the board of commissioners may revise the expenditures of the budget by increasing, decreasing, inserting or deleting appropriation items, except that it shall not reduce appropriations for debt service. The board of commissioners may revise revenue estimates. On or before the tenth day of August of each year, the board of commissioners shall by majority vote adopt a budget and thereby authorize appropriations for the ensuing budget year. The adopted budget shall be printed, and copies shall be made available for distribution.

Section 17. *Tax roll.*—Beginning with the year 1968 and from year to year thereafter, the county tax assessor of Broward County, Florida shall certify to the board of commissioners of the Bailey Drainage District the total number of taxable acres located within the boundaries of the district, on or before the first day of July, of each year, said certificate shall be prepared from the tax roll of Broward County, Florida.

(a) It shall be the duty of the tax assessor of Broward County to enter upon the tax roll of the county such taxes or assessments levied by the district upon certification of the same by the chairman and secretary of the board, which certification shall be delivered on or before September 1 of each year commencing with September 1, 1968. Such tax or assessment shall be entered upon the tax roll in a proper column under the heading of "Bailey Drainage District" opposite the name of the person or persons or corporation owning such land in the manner provided by law for making up the tax roll for state and county taxes, or in case the ownership of such land is not shown upon such tax roll, then opposite the word "unknown". The tax or assessment levied by this act shall constitute a lien upon the lands so assessed as of the first day of January of each year in which the entries aforesaid are made in said tax rolls, which lien shall be superior in dignity to all other liens upon said lands, except the lien for state and county taxes and other taxes of equal dignity, as to which taxes the said lien shall be co-ordinate. The tax assessor shall attach to said tax roll for

the year 1968 and subsequent years, a special warrant to the tax collector of such county for the collection of such drainage taxes, and such special warrant shall be signed by the tax assessor and shall be the authority of the tax collector for the collection of such taxes. Such warrant shall be in substantially the following form:

“Special warrant for collection of drainage taxes:

State of Florida, to _____ tax collector of the County of Broward, you are hereby commanded to collect, out of the real estate against which drainage taxes are assessed and set forth in this roll, and from the persons or corporations named therein against whose lands drainage taxes are assessed, the drainage tax set down in said roll opposite each name, corporation or parcel of land therein described, and in case such drainage tax is not paid on or before the first day of April next, you are to collect the same by levy and sale of the lands so assessed; and all sums collected for drainage taxes you are to pay to the treasurer of Bailey Drainage District.

Given under my hand and seal on this _____ day of _____, A.D., 19_____.

(Signed)

Assessor taxes, Broward
County, Florida”

Such warrant shall remain in full force until all the Bailey Drainage District taxes shown in said roll to be assessed shall be collected.

(b) The tax collector of Broward County, Florida shall make returns and remittances of money collected by him for Bailey Drainage District in the manner and time provided by law. Bailey Drainage District may, from time to time, make audits or checks of the tax assessment roll at the tax assessor’s office, and the tax collector shall furnish all that is required by law.

(c) No provision hereof shall in any way effect the power and authority of the Bailey Drainage District to levy or collect any special assessment.

Section 18. *Tax due date and sale of lands for non-payment.*—

(a) All drainage taxes or assessments levied by this act shall be payable on the first Monday in November of the year for which the same are assessed, and the collector shall collect the same on or before the first day of April following. The tax collector is authorized to receive said taxes and issue receipts therefor without requiring the payment of any other taxes.

(b) If such tax shall not be paid on any parcel or parcels of land on or before the first day of April in the year following that for which such assessment is made, the tax collector shall advertise and sell such lands in the manner as is now provided by law for the sale of lands for the non-payment of state and county taxes.

(c) The said collector shall advertise and sell such lands for sale by publishing notice thereof, or by posting in the same manner as is now provided by law for the sale of lands for non-payment of state and county taxes, except as herein otherwise provided, but no lands which have previously been sold for the non-payment of such taxes or assessments, and for which unredeemed certificates are outstanding in the name of Bailey Drainage District shall be again advertised and sold for the non-payment of such tax, but the tax or assessment for every year subsequent to such sale shall continue as a lien upon such land superior in dignity to all other liens and co-ordinate with the lien for state and county taxes and other taxes of equal dignity, until paid.

(d) The board of commissioners may select the newspaper in which the advertisement of sale shall be published, which shall be a newspaper as might legally be selected for the publication of notice of sale for state and county taxes; if the board shall not select such newspaper and notify the collector such selection on or before the first day of April of any year, the advertisement shall be published in the newspaper selected by the board of county commissioners for the advertisement of state and county taxes. The charges for the publication of such notice shall be the same as provided for sale for state and county taxes.

Section 19. *Publication of notice of tax sales.*—Proof of publication of such advertisement of sale shall be filed by the tax collector as provided in case of state and county tax sales, except that no copy of the newspaper containing such adver-

tisements need be furnished the comptroller, and that one (1) copy shall be filed in the office of the secretary of the district. All such sales for taxes levied under this act shall take place at the time and place provided for state and county tax sales and may continue from day to day until finished.

Section 20. *Minimum sales price at tax sales.*—At the time and place fixed for such sale, after advertising as in this act required, the collector shall publicly offer the said lands for sale to realize the amount of said tax, interest, penalties and costs. If the amount of the tax, interest, penalties and costs is not bid for any tract, piece or parcel of land, it shall be the duty of the collector making such sale to bid the whole amount thereof, as aforesaid, in the name of Bailey Drainage District, and to sell the same to the said district, and to execute his certificate therefor in the same manner as if the said Bailey Drainage District had purchased the same at the said public sale.

Section 21. *Immediate payment at tax sales.*—The tax collector shall require immediate payment by any person to whom any parcel of such land may be struck off, and in all cases where payment is not made within one (1) hour, he may declare the bid cancelled and sell the land again on the day or some day following such sale.

Section 22. *Tax certificate.*—As soon as practicable after said sale, the collector shall issue the purchaser or purchasers a certificate of sale for the land purchased, which certificate shall contain the name and address of the purchaser as given to him by the purchaser or his agent, a description of the land, the amount bid therefor and the date of such sale, which certificate shall be signed by the collector.

Section 23. *Compensation for tax assessor and tax collector.*—Each tax assessor placing the assessments herein provided for upon the tax roll, shall receive the same compensation therefor as had been heretofore and is now provided by law for the performance of like duties in connection with taxes and assessments, and each collector shall receive the same compensation for collecting the taxes hereby levied and for making of sales hereunder and issuing of certificates and the performance of other duties in connection therewith, as had been heretofore and is now provided by law for like duties.

(a) All fees and commissions provided for herein shall be

paid in the first instance by the board of commissioners, but shall be considered as a part of the costs of sale when such lands are redeemed or sold by the district.

Section 24. *Triplicate list of certificates.*—

(a) Immediately after any sale for the non-payment of drainage taxes levied hereunder, the tax collector shall make out a list in triplicate of all lands sold for such taxes, showing the date of sale and number of certificate, the name of the owner as shown on the tax roll, a description of the land sold, the name of the purchaser and the amount for which the sale was made; and each collector shall append to each of said lists a certificate stating further that such sale was made according to law. One (1) of such lists shall be filed in the office of the board of commissioners of said district; one (1) shall be retained by the collector, and the third shall be filed in the office of the clerk of the circuit court, who shall enter the same in a book to be provided by the said board for that purpose and the clerk shall receive the same fee for such recording as is paid for other recording, each five (5) figures to be counted as one (1) word; such fees to be paid by the board of commissioners.

(b) Such book shall be in substantially the same form as had been heretofore and is now provided by law in connection with taxes and shall have like force and effect.

Section 25. *Redemption of tax certificates.*—

(a) Any tax certificate issued under the provisions of this act may be redeemed by the owner of said lands covered by the said certificate, or any person claiming to be the owner thereof, or his agent or attorney by paying to the clerk of the circuit court for the county wherein such lands may lie on or before two (2) years from the date of such certificate, the amount of taxes provided for under this act for such year and all costs and charges as shown by said certificate, together with the principal amount of said certificate and penalty on said amount from the first day of April preceding such sale at the rate of two percent (2%) per month on the amount of said taxes from date of delinquency until paid, together with all subsequent omitted taxes or assessments imposed under this act due and payable thereon. In computing said penalty, each fractional part of a month shall be counted as a full month.

(b) In the event any certificate is not redeemed as herein provided for, the holder thereof may apply to the clerk of the circuit court of the county for a deed to said lands described in said certificate. The said clerk shall thereupon cause to be published at the expense of such applicant in a newspaper published in said county once each week for four (4) consecutive weeks, a notice of such application for a deed to said lands and of his intention to execute such deed, and during such time the owner of said lands, or anyone claiming the ownership thereof, or his agent or attorney may redeem such certificate by paying to said clerk the amounts required to be paid for redemption and the publication charge for said notice, but if at the expiration of the time fixed in said notice for the making of said deed, such certificate is not redeemed as aforesaid, the said clerk shall execute a deed to the holder of the said certificate for the lands therein described. Such deed shall be in substantially the same form as now provided for state and county tax deeds, and shall vest in the grantee the fee simple title to said lands therein described, free from all liens, except for state and county taxes and other taxes of equal dignity, and the said deed shall be entitled to record in the same manner as state and county tax deeds. Before being entitled to receive such deed, the grantee named therein or his agent or attorney shall pay to the clerk of said court all fees and charges that are now required to be paid upon the application for a tax deed in cases where lands have been sold for unpaid state and county taxes. Whenever any tax certificate is redeemed or deed issued thereon; the clerk shall enter such fact opposite the description of said lands in the book hereinabove required to be filed in his office, and shall enter the date when deed was executed, and by whom redeemed or to whom deeded, and the amount paid therefor. If the certificate so redeemed is held by Bailey Drainage District, the clerk shall transmit to the treasurer of the district the amount paid for the redemption of such certificate, and the treasurer shall forward to said clerk the certificate for cancellation. If such certificate is held by an individual or corporation other than the said district, the clerk shall pay such sum received for the redemption of such certificate to the holder thereof, or his attorney upon delivery of such certificate to the clerk for cancellation.

(c) No such tax deeds shall be set aside or deemed inef-

fectual to convey title because of any defect in description of the premises in the tax rolls, or collector's warrant, or advertisement of sale, or certificate of sale or tax deed or other document, notice or paper prescribed herein, provided the description given is sufficient to describe the premises with reasonable certainty, nor because of any defect in the form or execution of the tax rolls or collector's warrant or advertisement of sale or certificate of sale or the notice of such application shall have been made, or because the taxes were assessed, extended or sold without giving the correct name or any name of the owner of the premises, or because of any other matter or thing whether hereinabove expressly enumerated or not, save and except that the premises sold were not liable to the tax or that the tax thereon had been paid at the date of sale. If any deed or deeds be invalid for either of the reasons last given, the board of commissioners shall on application therefor refund to the purchaser or his assigns of the lands so sold, the amount of drainage taxes received in connection therewith, with interest at six percent (6%) per annum. All tax deeds and deeds issued by the board of commissioners pursuant to this act shall be and are hereby declared to be prima facie evidence of the regularity of the proceedings from the date hereof to the date of the issuance of the deed or deeds, and such deed or deeds shall be received in evidence in any and all courts of this state without regard to date of execution, and no defense shall be permitted thereto, except the two (2) defenses last hereinabove mentioned and the defense that no notice of application for the tax deed was at any time either posted or published as herein required.

Section 26. *Conveyances by board of non-redeemed lands and foreclosure of liens established by certificates.—*

(a) When land is bid off by the tax collector for the Bailey Drainage District, the certificate shall be issued by the tax collector as of the date of sale in the name of "Bailey Drainage District" and if the land is not redeemed on or before two (2) years from the date of such certificate, as herein provided, then the title of the same shall immediately vest in the said Bailey Drainage District without the issuance of any deed as provided in other cases, and the certificate held by the said district shall be evidence of the title of the said district. The said board may sell and convey the said lands by deed at the

best price obtainable therefor, provided such price shall not be less than the amount of all drainage taxes upon said lands which shall have become due and payable thereon pursuant to the provisions of this act; and provided further that no such lands shall be sold by the said board until notice of the board's intention to make such sale shall have been published once each week for four (4) consecutive weeks in a newspaper published in Broward County, Florida, the first publication of which shall be not less than thirty (30) nor more than forty-five (45) days prior to any sale, which said notice shall set forth the time and place of the sale and a description of the lands to be offered for sale. The board may reject any and all bids offered for said lands, and may thereafter sell said lands at any time without further publication.

(b) It shall be the further duty of the board to send by registered mail at least fifteen (15) days before the date of sale a copy of such proposed notice to the last known address of the person, firm or corporation to whom the lands described in said notice were last assessed, if known. However, the failure of the person, firm or corporation to whom said land was last assessed to receive such notice shall not invalidate the sale or affect the rights of the purchaser thereunder, nor shall the failure of the board to give such notice by mail invalidate the sale or affect the rights of the purchaser thereunder, it being the intention that this provision for mailing of said notice shall be directory only.

(c) The district or its board of commissioners may, before any tax sale certificates held by said district or its board of commissioners becomes two (2) years old, foreclose the lien established by such certificate by an appropriate court action. The pleadings, process, proceedings, practice and sales, incases brought for the foreclosure of such lien shall be the same as in actions for the enforcement of mortgages upon real estate; and one (1) or more parcels of land may be included in a single suit.

(d) The provisions hereof shall not be construed to invalidate county or other taxes against said property of equal dignity and provided that any amount paid by the district for any such other taxes shall operate to transfer the lien of such taxes to the district and such lien may be included and enforced and foreclosed in any suit or proceeding instituted by the district

or its board of commissioners for the enforcement or foreclosure of any district tax lien against the same land.

(e) The deeds of conveyance executed by the said board to such lands shall be signed by the chairman of the board of commissioners, attested by the secretary of the district, under the seal of said district, and shall vest in the grantee of such deed the fee simple estate to such lands, free from all liens of any character except such liens as may exist for state and county and Bailey Drainage District taxes thereon, and such deeds shall be incontestable.

Section 27. *Tax certificates held by treasurer and sales proceeds treated as taxes collected.*—All tax certificates issued in the name of the district under the provisions of this act shall be held by the treasurer of the district. The proceeds of the sales of any lands under the provisions of the preceding section shall be held and disposed of by the board in like manner as taxes collected are required to be held and disposed of by said board under the provisions of this act.

Section 28. *Short term indebtedness.*—The board of commissioners may from time to time issue warrants or negotiable notes or other evidences of debt of the district, with maturities not exceeding one (1) year from date of issuance, all of which shall be termed “Short term indebtedness” in order to distinguish the same from the long term debt hereinafter provided for. The said notes or other evidences of indebtedness shall be payable at such times and shall bear such rate of interest as the said board may deem advisable. The board shall have the right in order to provide for the payment thereof, to pledge the whole or any part of the taxes provided for in this act, whether the same shall be theretofore or thereafter levied, and said board shall have the right to provide that the said short term debt shall be payable from the proceeds arising from the sale of bonds, or from the proceeds of any such tax, or both.

Section 29. *Long term indebtedness.*—The said board is hereby authorized and empowered, in order to provide for the work to be performed by said board, to borrow money on loans for periods over one (1) year, and to incur obligations from time to time on such terms and at such rates of interest as they deem proper, for the purpose of raising funds to conduct and prosecute to final completion the canals, drains, dikes,

dams, streets, roads, locks and reservoirs now in process of construction in the territory embraced in said district, and to build and construct other canals, drains, dikes, dams, streets, roads, locks and reservoirs and other works as the board may deem advantageous to the territory embraced in the district, and to provide the expenses incident to such work and all expenses necessary or needful to be incurred in carrying out the purposes of this act. In order to facilitate said board in borrowing the money necessary to carry out the purposes aforesaid, the board is hereby authorized and empowered to issue in the corporate name of said district negotiable coupon bonds of said Bailey Drainage District.

Section 30. *Bonds.*—

(a) All bonds authorized by this act to be issued, shall be signed by the chairman of the board and such other member of the board designated by the board, under the seal of the said board. Said bonds shall be in such form as shall be prescribed by the said board, shall recite that they are issued under the authority of this act which shall be referred to by number of chapter, and shall pledge the faith and credit of the board of commissioners of Bailey Drainage District for the prompt payment of the principal and interest thereof. The said bonds shall be numbered consecutively in the order of their issuance. Interest coupons shall be attached to the said bonds and the said coupons shall be consecutively numbered, specifying the number of the bond to which they are attached, and shall be attested by the lithographed or engraved facsimile signature of the chairman or such other member of said board as said board shall designate.

(b) It shall be the duty of the board of commissioners in making the annual tax levy as hereinabove provided, to take into account the maturing bonds and interest on all bonds and expenses, and to make provision in advance for the payment of the same.

(c) After the said bonds shall have been executed and sealed and examined, herein provided, they shall be delivered to the treasurer who shall give his receipt to the board of commissioners therefor, and the treasurer shall enter in a book to be kept by him the number of each bond, the rate of interest, the time it becomes due, the date of sale, the person to whom sold

and his postoffice address. The treasurer shall hold said bonds and be the legal custodian thereof, and shall deliver the same to the purchasers upon resolution of the said board duly recorded in the minutes of said board.

(d) The treasurer shall at the time of the receipt by him of said bonds, execute and deliver to the chairman of the board of said district a bond with good and sufficient surety to be approved by said board; conditioned that he shall account for and pay over as required by law and as ordered by said board of commissioners, any and all moneys received by him on the sale of such bonds, or any of them, and that he will only sell and deliver such bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he will return to the board of commissioners and duly cancel any and all bonds not sold when ordered by said board to do so. Said bonds, when so returned, shall remain in the custody of the chairman of the board of commissioners, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested so to do. The said treasurer shall promptly report all sales of bonds to the board of commissioners.

(e) In case of the officers whose signatures, counter-signatures and certificates appear upon said bonds and coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or counter-signature and certificate shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

Section 31. *Payee of bonds.*—Any bonds issued under the provisions of this act shall be payable to bearer only, unless the same shall be registered in conformity with the resolution of the board authorizing such bonds, in which event the said bonds shall be payable to the registered owner thereof only, and the said resolution shall fully provide the manner and condition of such registration.

Section 32. *Bonds negotiable.*—

(a) This act shall, without reference to any other act of the legislature of Florida, be full authority for the issuance and sale of the bonds in this act authorized, which bonds shall have

all the qualities of negotiable paper under the law merchant and shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof; and shall be incontestable in the hands of bona fide purchasers or holders thereof. No proceedings in respect to the issuance of any such bonds shall be necessary, except such as are required by this act. The provisions of this act shall constitute an irrevocable contract between the said board of commissioners and the Bailey Drainage District and the holders of any bonds and the coupons thereof issued pursuant to the provisions hereof. Any holder of any of said bonds or coupons may either in law action or mandamus, enforce and compel the performance of the duties required by this act, of any of the officers or persons mentioned in this act in relation to the said bonds, or to the correct enforcement and application of the taxes for the payment thereof.

(b) All bonds issued hereunder regardless of the time of sale shall be of equal rank each with the other, and without priority one over the other, except as to time of payment therein stated.

(c) After the several bonds and coupons are paid and retired as herein provided, they shall be returned to the treasurer and they shall be cancelled and an appropriate record thereof made in a book to be kept for that purpose, which record of paid and cancelled bonds shall be kept at the office of the treasurer and shall be open to inspection of any bond holder at any time.

Section 33. *Approval of state board of drainage commissioners not required to issue bonds.*—The board of commissioners of this district may issue bonds under the provisions of this act as herein provided without the approval of the state board of drainage commissioners of the state of Florida.

Section 34. *Powers of commissioners to carry out plan.*—

(a) The board of commissioners of the district created hereby shall have full power and authority to build, construct, excavate and complete any and all works and improvements which may be needed to carry out, maintain and protect “the plan of drainage and reclamation”. To accomplish that end the said board of commissioners may employ men and teams,

and purchase machinery, employ men to operate same, and directly have charge of and construct the works and improvements in such manner or by use of other or more efficient means than provided for in the plans adopted.

(b) They may, at their discretion, let the contract for such works and improvements, either as a whole or in sections, and when such contracts are let they shall be advertised and let to the lowest and best bidder, who shall give a good and approved bond with ample security, conditioned that he will well and promptly carry out the contract for such work and improvements under such terms and conditions the board of commissioners shall deem necessary; which contract shall be in writing and to which shall be attached and made a part thereof complete plans and specifications of the work to be done and improvements to be made under such contract, which plans and specifications shall be prepared by the chief engineer and shall be incorporated in and attached to the contract; such contract shall be prepared by the attorney for the district and approved by the board of commissioners, and signed by its chairman or vice-chairman and the contractor, and executed in duplicate.

(c) The chief engineer shall be the superintendent of all the works and improvements, and shall at least once each year and when required, make a full report to said board of all work done and improvements made, and make suggestions and recommendations to the board as he may deem proper.

Section 35. *Rules and regulations.*—The board of commissioners is hereby authorized to adopt, promulgate and enforce all rules and regulations necessary and appropriate for the administration and enforcement of this law. No such action shall be taken by the board of commissioners until after the holding by this board of commissioners of a public hearing on the proposed rules and regulations. The provisions of Chapter 120 shall apply to all such rules and regulations. As soon as practicable and as necessary from time to time, the board of commissioners shall effect appropriate rules and regulations as deemed necessary including but not limited to the following:

(a) Conditions precedent to be met for land to be platted on the public records of the appropriate governmental authority to assure provision for proper drainage and reclamation and

the procedures to be followed in connection therewith, including cooperation with the county engineer, and the posting of such bonds in such amounts on such conditions as are deemed necessary in such plats to insure the proper and timely completion of such drainage and reclamation provisions. No plat for the subdivision of any land within the district shall be entitled to record without the approval of the board of commissioners.

(b) Code of general specifications and procedures for the obtainment of a permit and for hearings in connection therewith before the board of commissioners for approval of plans for all structural improvements coming into, over, onto or through any of the waterways of the district created hereby.

(c) Code of specifications as to content of discharge and effluents coming into the waterways of the district created hereby.

Section 36. *Commissioners authorized to pay dues to Florida Drainage Association.*—The board of commissioners of the district created hereby, being a member of the Florida Drainage Association, may pay out of any funds available for such purposes, any fees and dues required of it as a member of said association.

Section 37. *Commissioners authorized to obtain consent of United States.*—In case the plan of reclamation of the district organized and incorporated under this chapter and the improvement provided thereunder be of such nature as requires the permission or consent of the government of the United States, or any department or officer of the government of the United States, the board of commissioners may obtain the required permission or consent of the government of the United States or any proper officer or department thereof; and to that end the board of commissioners may bind the district created hereby to comply with any conditions that may be attached to such permission or consent, including the giving of any bond or other obligation for the faithful performance of such conditions.

Section 38. *Sureties on bonds may be bonding company; payable to district; provisions, etc.*—The sureties required on any or all bonds required to be given by this chapter may be a surety or bonding company approved by the board of commis-

sioners, and shall be made payable to the district by its corporate name, in which name all suits shall be instituted and prosecuted. All penalties herein named shall be payable to and recoverable by said district. All bonds required by this chapter shall cover defaults of deputies, clerks or assistants of the officers appointing them.

Section 39. *Eminent domain.*—The district created hereby may acquire by gift, purchase, exchange, donation or condemnation any lands within or without the said district for canal rights-of-way, or for other general purposes of the said district, and if acquired by condemnation the procedure shall be as prescribed in Chapter 73.

Section 40. *Obstruction of drainage canals, etc., prohibited; damages; penalties.*—No person may wilfully, or otherwise obstruct any canal, drain, ditch or watercourse or damage or destroy any drainage works constructed in any drainage district.

(a) Any person who shall wilfully obstruct any canal, drain, ditch or watercourse or shall damage or destroy any drainage works constructed by any drainage district, shall be liable to any person injured thereby for the full amount of the injury occasioned to any land or crops or other property by reason of such misconduct, and shall be liable to the drainage district constructing the said work for double the cost of removing such obstruction or repairing such damage.

Section 41. *Extensions of boundaries.*—

(a) The boundary line of the district hereby created as hereinbefore defined may be extended to include additional adjacent land at any time in the discretion of the board of commissioners upon such conditions as the board of commissioners of the district hereby created may prescribe upon petition of all the freeholders owning the land in the area sought to be included in this district by such boundary extension.

(b) The petition of such freeholders shall be directed to the board of commissioners of this district, shall be in writing and duly signed and acknowledged by each of the freeholders seeking to include such area in the extended boundaries of this district.

(c) The area included in this district shall be defined and

the inclusion thereof shall be affirmed by an appropriate resolution of the board of commissioners of this district at a regular or special meeting called for that purpose, which resolution shall be preserved in the minutes of such meeting, and shall be recorded in the public records of Broward County, Florida.

(d) The board of commissioners of this district shall thereafter have jurisdiction and hold and be entitled to exercise all of the right, power and authority for the drainage, reclamation and improvement of the land or area so included in this district as is granted such board of commissioners by this act with respect to the lands within the boundaries of this district as hereinabove set forth, it being the intention of the legislature to confer upon the board of commissioners for the drainage district hereby created the same rights, powers and authorities, duties, responsibilities and obligations over the lands so included in this district as is by this act conferred upon them with reference to the lands within the boundaries of this district as hereby created and established.

Section 42. *Subdivision Regulation.*—It is the intent and purpose of this act to promote and provide for public health, safety, comfort, convenience and welfare necessary and required to promote the harmonious, orderly, progressive development of land within the district. It is the further intent of this act to secure the establishment of standards of subdivision designs, which will encourage the development of sound and economically stable communities, and the creation of healthful living environments.

(a) A subdivision for the purposes of this act is hereby defined as: The division of a parcel of land, whether improved or unimproved, into three or more lots, or other divisions of land, for the purpose, whether immediate or future of transfer of ownership, or, if the establishment of any new street is involved, any division of such parcel; provided that the division of land into parcels of more than five (5) acres not involving any changes in street lines or public easements, shall not be deemed to be a subdivision within the meaning of this act. The term includes a re-subdivision and, when appropriate to context shall relate to the process of subdividing or to land subdivided. The singular usage includes the plural and the plural the singular.

(b) Any division of a parcel of land as a subdivision after the effective date of this act shall be subject to such plat and subdivision regulations heretofore adopted or hereafter adopted, amended or modified by the district under authority of law. Such regulations may provide for streets in the subdivision, to be of such width, grade and location as to facilitate drainage; and provide that adequate easements and rights-of-way be provided for drainage and that the lay-out of the subdivision conform to the comprehensive plan for drainage for the area; and provide for the drainage requirements to be met. The district shall not approve any subdivision plat unless the land included within the subdivision is suitable or shall be made suitable to the various purposes for which it is intended to be used, and in particular, unless all land intended for building sites can be used safely for building purposes, without the danger from flood or other inundation, or from any such menace to health, safety or public welfare. After the effective date of this act it shall be unlawful for anyone being an owner, or agent of an owner of any land, to transfer, sell, agree to sell or negotiate to sell such land by reference to, or exhibit of, or by any other use of a plat or subdivision of such land, without having submitted a plat of such subdivision to the district and obtaining its approval as required by this act. If such unlawful use be made of a plat before it is properly approved by the district, the owner or the agent of the owner of such land shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of transferring, shall not exempt the transaction from such penalties.

(c) It shall be unlawful to transfer lots or units of lots by metes and bounds description in order to circumvent the provisions of this act.

(d) The district, through its legal representative, may enjoin such transfers or sales or agreements by injunction or other appropriate action.

Section 43. *Ouster of land from district.*—Whenever it appears, in the opinion of the board of commissioners, that certain lands lying within said district, either as provided for under this act or any amendments hereto, or that become a part of the district by virtue of the provisions of Section 41 of this

act, can no longer be adequately and properly serviced or benefited by the facilities of the district; the board of commissioners shall adopt a resolution declaring a necessity for an investigation by the chief engineer of the district into such matter.

(a) Such resolution adopted by the board shall generally describe the boundaries of the affected land; the reasons of the board for taking such action, and shall direct the chief engineer to make an investigation into such matters and things and to file a report thereon with the board of commissioners.

(b) Said resolution shall fix a date when the board of commissioners shall meet, which date shall not be less than twenty (20) days after the date of the adoption of the resolution, for the purpose of hearing the report of the chief engineer and any objections that may be made to the proposed action of the board.

(c) Notice of the hearing upon said resolution shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Broward County, the first publication to be not less than twelve (12) days prior to the date fixed for such hearing, which notice shall embrace substantially all the matters required to be set forth in the resolution.

(d) The board shall send by certified mail, at least twelve (12) days before the date of such hearing, a copy of said notice of hearing to the last known address of the persons, firms or corporations to whom the lands described in said notice were last assessed, if known. The records of the tax assessor of Broward County shall be conclusive for the purposes of notice as to the last known address and last assessed owner. However, the failure of the person, firm or corporations to whom said land was last assessed to receive such notice shall not invalidate any action taken by the board, as provided for in this section.

(e) At said meeting for hearing the chief engineer's report and objections, or at a time and place to which the same may be adjourned, any property owner affected may appear in person, by attorney or by petition and may object to or protest against the said action. The board of commissioners shall consider the objections and protests, if any, and shall consider the report of the chief engineer of the district and his findings,

and shall determine whether the said lands shall be ousted from the district. The determination of the board of commissioners shall be final and conclusive. If the board makes a finding of fact to oust said land, as originally proposed or in an amended or modified form, from the district, it shall adopt a resolution so doing.

(f) The resolution of ouster shall describe the area deleted from the district and said resolution shall be preserved in the minutes of such meeting and shall be recorded in the public records of Broward County, Florida.

(g) Thereafter, the board of commissioners of the district shall cease to have jurisdiction over and unto said ousted lands.

Section 44. *Severability.*—In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstance or person, shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions as to any other situation, circumstance or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 45. *Effect of conflict.*—In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control the extent of such conflict.

Section 46. *Conflict of interest, board of commissioners.*—No member of the board of commissioners of Bailey Drainage District shall directly or indirectly contract with the district for the furnishing of any goods or services to the district. Any member of the board of commissioners violating this provision of this act shall be guilty of a misdemeanor and subject to immediate removal from office by the governor.

Section 47. *Notice of Intention.*—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 48. *When act to take effect.*—This act shall take effect immediately upon its approval by the governor, or upon its becoming a law without such approval.

Approved by the Governor July 26, 1967.

Filed in Office Secretary of State July 27, 1967.

CHAPTER 67-951

Senate Bill No. 734

AN ACT relating to the state board of conservation; providing for the establishment and operation of an oyster depuration plant in Brevard county or Indian River county; providing an effective date.

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

Section 1. The state board of conservation is hereby authorized to establish and operate an oyster depuration plant in Brevard county or Indian River county.

Section 2. The state board of conservation is authorized to commence the planning of an oyster depuration plant to be located in Brevard county or Indian River county upon the receipt of sufficient funds which may accrue for that purpose or which may otherwise become available. The state board of conservation is authorized to accept grants, donations, gifts and monies from any source whatsoever, including the federal government, for the purpose of planning, constructing and operating such a depuration plant.

Section 3. This act shall take effect on July 1, 1967.

Approved by the Governor July 26, 1967.

Filed in Office Secretary of State July 27, 1967.

CHAPTER 67-952

House Bill No. 1103

AN ACT relating to the Suwannee River authority; amending chapter 57-700, Laws of Florida, by adding section 7A to

authorize said authority to make investigations in connection with water pollution on or adjacent to the Suwannee River and its tributaries, to enforce all state laws relating to water pollution on said waters and to institute and maintain legal proceedings to enforce said section; providing an effective date.

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

Section 1. Chapter 57-700, Laws of Florida, is amended by adding section 7A to read:

Section 7A. The authority is authorized, subject to the direction of the pollution control agency of the State of Florida:

(a) To investigate the existence or cause of water pollution in, on or adjacent to the Suwannee River and its tributaries.

(b) To enforce all state laws relating to water pollution on or adjacent to the Suwannee River and its tributaries.

(c) Institute and maintain injunctive, civil or criminal proceedings where necessary.

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

Approved by the Governor July 27, 1967.

Filed in Office Secretary of State July 27, 1967.

CHAPTER 67-953

Senate Bill No. 1676

AN ACT relating to charter study committee in all counties of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census; creating a charter study committee; providing for study of municipal consolidation in a certain portion of any such county; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than eighty thousand (80,000) and not more than one

hundred twenty thousand (120,000), according to the latest official decennial census, there is established a charter study committee. Such charter study committee has as its purpose the study of any proposed charter which would consolidate the southern portion of any of the counties aforesaid, and to submit its findings together with recommended charter changes to the governing body of any city within the counties aforesaid which has been established as a result of a consolidation plan approved by a referendum vote as provided for by a proposed charter. The charter study committee is an advisory body only and any recommended charter changes submitted by the committee to a governing body in no way obligates said governing body to adopt or approve said recommendations.

Section 2. The council or commission of each municipality affected in any consolidation plan in the counties aforesaid, at its first regular meeting following the effective date of this act, shall select one (1) member to serve on the charter study committee. The board of county commissioners of the counties aforesaid shall select one (1) of its members for each county commission district affected by any proposed area of consolidation to represent unincorporated areas. The members shall then select by majority vote one (1) additional member at large. The members shall then by majority vote select a chairman. All appointments shall be made within twenty (20) days following the effective date of this act.

Section 3. The charter study committee shall meet at least twice a month beginning within two (2) weeks after such committee is formed.

Section 4. The charter study committee shall be dissolved without formal action on November 30, 1967. All findings and recommendations of said committee shall be submitted to the governing body of the consolidated area prior to dissolution.

Section 5. This act shall take effect July 20, 1967.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-954

House Bill No. 1403

AN ACT for the relief of Willis Lightburn, arising out of an accident on May 31, 1965, while driving his car over the Flagler memorial bridge in West Palm Beach, Palm Beach county, which resulted in severe burns, contusions, infections and other grievous injuries; providing an appropriation; providing an effective date.

WHEREAS, on May 31, 1965, Willis Lightburn, of West Palm Beach, was driving his car over the Flagler memorial bridge in West Palm Beach, Palm Beach county, and

WHEREAS, as a result of the negligence of the bridge operator who failed to lower the safety gates before raising the draw span on the bridge, which resulted in the crashing and burning of the car driven by Willis Lightburn, and

WHEREAS, Willis Lightburn received severe burns, contusions, infections and other grievous injuries requiring past and future medical attention, and

WHEREAS, said injuries have greatly reduced the ability of Willis Lightburn to earn a living in the future and have caused him great pain and suffering, and

WHEREAS, the accident resulted in a total loss of the car operated by Willis Lightburn, and

WHEREAS, the legislature hereby recognizes a need which can be and should be provided for by the enactment of this act, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of twelve hundred dollars (\$1,200.00) is appropriated out of any funds of the state road department in the state treasury, not otherwise expended or committed, to be paid to Willis Lightburn as compensation for his grievous injuries suffered as a result of the negligent operation of the safety gates on Flagler memorial bridge.

Section 3. The comptroller shall draw his warrant in the

sum of twelve hundred dollars (\$1,200.00) upon any funds of the state road department in the state treasury, not otherwise expended or committed, and the state treasurer shall pay the same to Willis Lightburn out of such funds.

Section 4. This act shall take effect immediately upon becoming law.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-955

House Bill No. 3275

AN ACT relating to the relief of Ralph C. Tyre; authorizing and directing compensation for personal injuries sustained by him when he slipped and fell down a flight of stairs due to insufficient lighting and slick marble surface; providing method of determining sum to be paid; providing an effective date.

WHEREAS, a member of the Legislature injured in the performance of his official duties has no recourse except a claim for relief to the legislature, and

WHEREAS, Ralph C. Tyre, a member of the Florida house of representatives, was required in the performance of the duties of his office to traverse the stairway leading from the first floor of the Holland Building to the basement, and

WHEREAS, the marble surface of said stairway had been recently waxed and the entire stairway was so dimly lighted that it was impossible for one descending to see the dangerous conditions thereof, and

WHEREAS, appropriate officers of the state had failed to give or post notice of the dangerous conditions aforesaid, and

WHEREAS, as a result of such lack of warning and the condition of said stairway, Ralph C. Tyre, on May 24, 1967, slipped thereon and fell down a flight of twelve stairs, and

WHEREAS, Ralph C. Tyre has sustained personal injuries,

expended large sums of money for payment of hospital and medical bills, has endured pain, suffering, anxiety, will continue to expend large sums of money on hospital and medical bills, will suffer additional pain and will be partially disabled for a long period of time, to wit, permanently, and

WHEREAS, compensation for said injuries and damages sustained by Ralph C. Tyre should be based upon the sum recoverable by an injured employee earning maximum salary considered pursuant to the workmen's compensation law of the state, and

WHEREAS, the Holland building is owned and presently maintained by the State of Florida for use by members of the house of representatives, and there is no liability coverage for negligent maintenance of the same so that the said Ralph C. Tyre is unable to bring suit and to recover for the damages sustained by him, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The house administration committee is authorized and directed to cause to be paid to Ralph C. Tyre out of funds on deposit in the state treasury in the legislative expense fund such sum or sums of money recoverable by an injured employee earning maximum salary considered under provisions of the workmen's compensation law of the state, including benefits under section 440.13, Florida Statutes, as determined by the appropriate deputy commissioner of the Florida industrial commission upon hearing and certified by him for approval to the speaker of the house of representatives.

Section 3. The comptroller of the state is authorized and directed to draw his warrant in such sum or sums as shall be approved and certified to him as due and payable by the speaker and the administration committee of the house of representatives pursuant to section 2 hereof and charge the same to funds in the state treasury to the credit of the legislative expense fund in favor of Ralph C. Tyre and the state treasurer is authorized and directed to pay the sum or sums out of the fund in the state treasury appropriated for legislative expenses.

Section 4. This act shall take effect immediately upon becoming a law.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-956

House Bill No. 3218

AN ACT to designate that certain park located on State Road 35 at or near that certain bridge commonly referred to as the Shady Brook Bridge; such park being approximately one-half the distance between the town of Sumterville and the City of Coleman in Sumter County, Florida; such park to be referred to as the "G. B. Tompkins Park".

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

Section 1. That certain park located on State Road 35, at or near that certain bridge commonly referred to as the Shady Brook Bridge; such park being approximately one-half the distance between the town of Sumterville and the City of Coleman in Sumter County, Florida, is hereby designated as the "G. B. Tompkins Park".

Section 2. The State Road Department is authorized and empowered to erect appropriate markers and signs to designate said park.

Section 3. This act shall take effect immediately upon becoming a law.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-957

House Bill No. 3377

AN ACT relating to state roads; designating the portion of state road 16 in St. Johns county as the F. Charles Usina Memorial Highway.

WHEREAS, one of Florida's leading citizens, the late F. Charles Usina lived in St. Johns county until his death, and

WHEREAS, F. Charles Usina served as a member of the house of representatives of Florida from 1947 to 1965 as the voice of the people of St. Johns county and on behalf of all the people of Florida, and

WHEREAS, it is fitting that the state of Florida desires to give special recognition to this great legislator and his accomplishments, NOW, THEREFORE,

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

Section 1. That portion of state road 16 in St. Johns county shall be designated as the F. Charles Usina Memorial Highway.

Section 2. The state road department is authorized and directed to erect appropriate markers to designate said highway as the F. Charles Usina Memorial Highway.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-958

House Bill No. 2000

AN ACT designating and naming that section of U. S. highway 92, also known as state highway 600, extending easterly from the intersection of U. S. highway 17, also known as state highway 15, mile post 0.000 north of De Land, Volusia county, Florida, to the intersection of U. S. highway 92, also known as state highway 600, with Lake Shore Drive, mile post 18.682, lying and being within the city limits of the city of Daytona Beach, county of Volusia, state of Florida, authorizing the county commissioners of Volusia county to erect markers bearing the name given, prescribing uniform requirements for these markers; providing an effective date.

WHEREAS, that section of U. S. highway 92, also known as state highway 600, set out with particularity hereinabove is a primary transportation link between the eastern and western sections of Volusia county, and

WHEREAS, at great expense, William H. G. France has built and constructed the Daytona International Speedway and

WHEREAS, the county commissioners of Volusia county have by resolution, recognized the special efforts of Daytona International Speedway Corporation, and

WHEREAS, the city commissioners of the city of De Land and the city commissioners of the city of Daytona Beach, have by resolution respectively recognized the value of Daytona International Speedway as a tourist attraction and of the service of William H. G. France performed on a state and national level, and

WHEREAS, the De Land chamber of commerce, the De Land committee of 100 and the Daytona Beach committee of 100, have by resolution recognized the special benefits accruing to the whole of Volusia county, the state, and the nation, of having a speedway of the size and dimension of the Daytona International Speedway, and

WHEREAS, that section of U. S. highway 92, also known as state highway 600, hereinabove described, is a primary transportation artery linking the rest of the county, the state, and the nation with the Daytona International Speedway, and

WHEREAS, these county commissioners, city commissioners, and members of the chambers of commerce have, as individual organizations, petitioned by their resolutions that this section of U. S. highway 92, also known as state highway 600, be named "International Speedway Boulevard".

NOW THEREFORE,

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

Section 1. That section of U. S. highway 92 which is also known as state highway 600, extending easterly from the intersection of state highway 15, mile post 0.000 north of De Land, Volusia county, Florida, to the intersection of U. S. highway 92 which is also known as state highway 600, with Lake Shore Drive, mile post 18.682, lying and being within the city limits of Daytona Beach, Volusia county, Florida, is hereby designated and named "International Speedway Boulevard."

Section 2. That the county commissioners of Volusia county, are hereby authorized and requested to dedicate this section of

road in the name designated in section one of this act and that they shall erect upon the part of the right-of-way a bronze metal plaque appropriate in size bearing the name designated.

Section 3. It is declared to be the legislative intent that if any section, sentence, clause or provision of this act is held invalid, the remainder of this act shall continue in full force and effect.

Section 4. This act shall take effect immediately upon becoming a law.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-959

House Bill No. 3225

AN ACT to establish a governmental study commission in each county in the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000) according to the latest official decennial census; providing that said governmental study commission shall study the structures, including salary structures and fee systems, functions and operations, including elections, of all government public bodies corporate, municipal governments, and all offices, including county judicial offices, agencies, commissions, boards, authorities, tax districts, and other subdivisions thereof; determining the need, if any, for revision of such structures; determining whether tax savings can be made and whether efficiency can be gained through such revisions; studying transportation systems and air and water control; providing that said commission may draft legislation, a plan or plans for any solution of problems disclosed as a result of such study and submit the same to the members of the Florida legislature from each such county; providing for selection of members of such commission and prescribing its duties and powers; providing for necessary funds for the cost of operation of such commission; providing an effective date.

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

Section 1. There is hereby created in each county in the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census, a commission to study the structures, including salary structures and fee systems, functions and operations, including elections, of all governmental units and bodies, including the county governments, county tax districts, the municipal governments, public bodies corporate, and all offices, including judicial offices, agencies, commissions, boards, authorities and other subdivisions thereof and existing transportation systems and air and water control. Such commission shall be known as the "governmental study commission" and shall herein be referred to as the "commission."

Section 2. The commission shall conduct research and study to determine the need, if any, for revision of the aforementioned local governmental structures, services, salary structures, fee systems, functions and operations and to determine whether efficiency or tax savings can be gained through revision of such structures, functions and operations.

Section 3. It shall be the function and duty of the commission to draft proposed legislation and to suggest a plan or plans for the solution of any problem disclosed as a result of such research and study, which it deems to be feasible, desirable and economical and to submit such legislation, plan or plans to the members of the Florida legislature who are serving currently from each such county.

Section 4. The commission, in addition to its other duties, is specifically directed to render a comprehensive study of the county school system which shall include independent audits and/or evaluation of and the employment of outside experts. It shall also examine bidding and purchasing procedures, construction of schools and the quality of educational processes.

Section 5. The commission shall be composed of twenty-three (23) members and a chairman and vice chairman to be named by the members of the Florida legislature who are serving currently from each such county. In the event a vacancy occurs in the membership of the commission, whether caused by

death, resignation or otherwise, such vacancy shall be filled for the unexpired term by appointment by such aforesaid legislators. The chairman shall divide the commission into five (5) sub-committees consisting of (1) county school system; (2) county tax districts and authorities; (3) air and water control; (4) municipal and county government and (5) transportation. Each sub-committee shall have a chairman and four (4) members except the subcommittee on transportation which shall have a chairman and two members. The chairman of each sub-committee shall constitute the executive committee of the commission together with the chairman and vice-chairman of the commission who shall serve as chairman and vice chairman of the executive committee. The chairman of the commission may appoint any member or members of the aforesaid sub-committees to serve on any of the other sub-committees in addition to the sub-committee to which he is first appointed.

Section 6. The commission as hereinabove constituted shall meet and organize on or before September 1, 1967, and adopt rules of procedure under which it will function. The proposed legislative bills and the plan or plans resulting from the commission's research and study shall, when signed by a majority of the commission, be filed with the members of the Florida legislature from each such county on or before November 1, 1968, on which date the commission shall dissolve and all terms of membership thereon shall terminate. The commission shall provide for the preparation of a reasonable number of copies of its legislation, plan or plans for the use by all governmental agencies affected thereby.

Section 7. (1) In making its study the commission is authorized to call upon the state or any of its agencies or institutions for any aid or assistance which can be rendered it and to call upon the various departments and subdivisions of each such county and the municipalities therein for assistance. The commission may make such studies, conduct such hearings and employ such special, technical, clerical and legal assistance as may be necessary to assemble the required data and information upon which to base its opinions, to analyze the same and to draft legislation, a plan or plans for the commission.

(2) The sub-committee on transportation is authorized to

also call upon the Florida department of mass transportation to assist in recommending improvements of mass transportation on an intra and inter-county basis including the feasibility of a transportation authority or expressway authority. The subcommittee on air and water control is also authorized to call upon the state board of health and all other such state and county agencies in seeking information on air and water pollution and the most feasible procedure for making such water available for recreational purposes and improved marine wildlife.

Section 8. The expenses of said commission shall be borne by the board of county commissioners of each such county and there shall be appropriated from moneys of said board of county commissioners a sufficient amount, not to exceed seventy-five thousand dollars (\$75,000), for the purpose of carrying out the objects of this act. Such funds shall be administered and expended by the commission in furtherance of this act and shall be accounted for in the same manner as other public funds. The board of county commissioners may appropriate from moneys distributable to the county pursuant to chapter 550 and 551, Florida Statutes, commonly called race track funds, or from the general fund of said county, or partially from each, sufficient money to carry out the objects of this act.

The commission shall advise the board of county commissioners of the expenses of its study and research of each individual local governmental structure, such as the county board of public instruction and the port authority of such county, and said county commission shall invoice such local governmental structure for said amount of expenses and shall be promptly reimbursed by such governmental structure.

Section 9. All laws or parts of laws in conflict with this act are hereby repealed.

Section 10. This act shall become effective August 1, 1967.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-960

House Bill No. 1754

AN ACT authorizing the Liberty county chamber of commerce to cooperate with the Florida board of parks and historic memorials in establishing a certain feature in Torreya state park in Liberty county; providing effective date.

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

Section 1. The Florida state board of parks and historic memorials is hereby authorized to cooperate with the Liberty county chamber of commerce in planning and establishing a replica of Noah's ark in Torreya state park.

Section 2. The Liberty county chamber of commerce and Florida state board of parks and historic memorials in planning and establishing the proposed replica of Noah's ark in Torreya state park is hereby authorized to receive such help as may be possible from the Florida state museum and from other public and private sources of assistance, exhibits or income.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor August 1, 1967.

Filed in Office Secretary of State August 2, 1967.

CHAPTER 67-961

House Bill No. 3157

AN ACT to amend section 9, chapter 63-665, Laws of Florida, 1963, entitled, "an act relating to the office of state attorney in each judicial circuit of the state of Florida embracing and including two (2) or more counties in which is one (1) county having a population of four hundred fifty thousand (450,000) or more inhabitants according to the latest official statewide decennial census;" providing for the position of office manager of the state attorney's office to be classified under the county civil service merit system; providing an effective date.

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

Section 1. Section 9 of chapter 63-665, Laws of Florida, 1963, is amended to read:

Section 9. The state attorney is authorized and empowered to employ an office manager who shall hold office under and by virtue of such employment; such position shall be a classified office under the county civil service merit system or the Duval county civil service act. The salary of such office manager shall be in the amount of seven thousand two hundred dollars (\$7,200.00) per annum and shall be paid by the county within said judicial circuit having a population of four hundred fifty thousand (450,000) or more inhabitants according to the latest official statewide decennial census, in equal monthly installments, from the general revenue fund of said county, and the board of county commissioners of said county is hereby authorized and directed to make said payments for a county purpose.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-962

House Bill No. 3380

AN ACT providing for supplementary compensation for each of the circuit judges of each judicial circuit of the state of Florida embracing two (2) or more counties among which is one county having a population of 450,000 (four hundred fifty thousand) or more inhabitants according to the last decennial census and not having home rule under the Constitution; providing for supplement to be paid by such counties; declaring same to be a county purpose; providing an effective date.

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

Section 1. Each circuit judge of each judicial circuit of the state of Florida embracing two (2) or more counties among

which is one (1) county having a population of 450,000 (four hundred fifty thousand) or more inhabitants according to the latest decennial census and not having home rule under the Constitution, which such circuit judge is a citizen and resident of the county thereof having a population of 450,000 (four hundred fifty thousand) or more inhabitants, shall be paid annually in equal monthly installments by the county thereof having the population of 450,000 (four hundred fifty thousand) or more inhabitants and not having home rule under the Constitution, as further and additional supplementary compensation over and above the amount received by him from the state of Florida, a sum sufficient and at such rate as may from time to time be necessary to make his total annual salary aggregate the sum of \$25,000 (twenty-five thousand dollars) per year.

Section 2. The payments provided to be made hereunder by the county having a population of 450,000 or more inhabitants according to the latest decennial census and not having home rule are hereby declared to be payments of money for county purposes.

Section 3. Nothing herein contained shall be taken or construed to repeal any other law or laws, as this law shall be cumulative in effect to any and all other laws on the same subject.

Section 4. This act shall take effect on the first day of October, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-963

House Bill No. 2349

AN ACT relating to Collier county, authorizing the board of county commissioners of said county to pay not less than nine thousand dollars (\$9,000.00) and not more than eleven thousand dollars (\$11,000.00) annually as salary for the county prosecuting attorney; providing an effective date.

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

Section 1. The board of county commissioners of Collier county, Florida, is authorized to pay not less than nine thousand dollars (\$9,000.00) and not more than eleven thousand dollars (\$11,000.00) annually as salary for the county prosecuting attorney in said county.

Section 2. This act shall take effect immediately upon becoming a law and shall become operative by way of payment on the first day of October, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-964

House Bill No. 2346

AN ACT providing for the distribution of all race track funds accruing to Glades county, Florida under the provisions of chapters 550 and 551, Florida Statutes; providing for the repeal of conflicting acts; and providing an effective date.

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

Section 1. All moneys accruing to Glades county, Florida, under the provisions of chapters 550 and 551, Florida Statutes, relating to race tracks and jai alai frontons shall annually be allocated and distributed equally between the board of county commissioners of Glades county and the board of public instruction of such county.

Section 2. The moneys allocated to the board of county commissioners of Glades county and the board of public instruction of such county shall be paid directly by the appropriate state official to such bodies as above named and provided.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall be effective immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-965

House Bill No. 3298

AN ACT granting compensation increases in monthly salaries to official court reporters of divisions "A", "B" and "C" for the criminal court of record in Duval county, Florida; providing an effective date.

WHEREAS, the official court reporters for divisions "A", "B" and "C" for the criminal court of record in Duval county, Florida, are currently paid as compensation for their services a salary of five hundred and fifty (\$550.00) dollars per month, and

WHEREAS, said salary has been in effect since 1965, and

WHEREAS, the case load for each of the divisions of said court has greatly increased since the date said salaries were fixed, and

WHEREAS, said divisions continue the trials held before said court until the late hours of the evening on numerous occasions, and

WHEREAS, each of the divisions of said court currently have pending a multitude of cases which will necessitate trials continuing until late in the evening, and

WHEREAS, the rate of pay of private court reporters has increased considerably in the past several years, and

WHEREAS, an increase in salary would prevent official court reporters from returning to private practice. NOW, THEREFORE,

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

Section 1. That the official court reporters in divisions "A", "B" and "C" of the criminal court of record of Duval county, Florida, shall be paid as compensation for their services a salary of seven hundred and fifty (\$750.00) dollars per month.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-966

House Bill No. 3068

AN ACT relating to the board of public instruction in any county of the state having a population of not less than nineteen thousand two hundred (19,200) and not more than twenty thousand (20,000), according to the latest official decennial census; authorizing said board in its discretion to assume a certain obligation; providing an effective date.

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

Section 1. In any county of the state having a population of not less than nineteen thousand two hundred (19,200) and not more than twenty thousand (20,000), according to the latest official decennial census, the board of public instruction may assume from the Orange Park Boosters Club the outstanding indebtedness in the amount of ten thousand two hundred ninety-three dollars and forty-five cents (\$10,293.45) due and owing on the construction of the Orange Park high school football stadium. Said board may pay off said outstanding obligation when such moneys are made available in the sole discretion of the board. Any such funds so appropriated and expended shall be deemed appropriated and expended for a county purpose.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-967

House Bill No. 2777

AN ACT relating to alcoholic beverage licenses, in all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census; providing for transfer and relocation of quota licenses from unincorporated areas of such counties into incorporated areas; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census, up to and not more than one (1) license for the sale of alcoholic beverages issued or held under subsections 561.34(3) and (4), Florida Statutes, as limited by section 561.20(1), Florida Statutes, may be transferred from unincorporated areas of said counties into each municipality which according to and as shown by the last regular statewide census did not have sufficient population to entitle them to a quota license; provided, however, that any such transfer shall be first approved by the governing body of such municipality, and that such municipality consist of a minimum of one hundred (100) freeholders who are registered voters in the said county at the time of said approval. Any such licenses transferred or relocated shall be counted in the quota for unincorporated areas so as not to increase the total number of quota licenses existing within said counties unless and until by a succeeding regular state wide census such municipality shall be shown to have at least a major fraction of two thousand five hundred (2,500) residents at which time any licenses so transferred or relocated shall be counted in the quota for such municipality and removed from the quota for unincorporated areas of such counties.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-968

House Bill No. 2296

AN ACT relating to the board of county commissioners and the board of public instruction in each county of the state of Florida having a population according to the latest official decennial census of more than one hundred seventy-five thousand (175,000) and less than two hundred thousand (200,-

000); authorizing any of said boards to accept bids and enter into contracts for the purchase of gasoline and other petroleum products and for the purchase of any perishable foods upon terms and prices which may fluctuate during the period of time covered by the contract; providing an effective date.

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

Section 1. The board of county commissioners and the board of public instruction in each county of the state of Florida having a population according to the latest official decennial census of more than one hundred seventy-five thousand (175,000) and less than two hundred thousand (200,000) are each authorized to accept bids and enter into contracts for the purchase of gasoline and other petroleum products and of any perishable foods upon terms and prices which may fluctuate during the period of time covered by the contract. Any such bids or contracts shall, however, provide for a maximum price for such products or foods.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-969

House Bill No. 2286

AN ACT relating to all counties having a population according to the last decennial census of more than one hundred seventy-five thousand (175,000), except those counties the electors of which have by the Florida constitution been granted power to adopt a home rule charter of government; providing what shall be considered office income of certain county officers; providing an effective date.

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

Section 1. In all counties of the state of Florida now or hereafter having a population of more than one hundred seventy-five thousand (175,000) inhabitants according to the

last decennial census, except those counties the electors of which have by the Florida constitution, as now or hereafter in effect, been granted power to adopt a home rule charter of government, the clerk of the circuit court, the tax assessor, the tax collector and the county judge shall include as income of his office all fees, costs and commissions authorized by law, and all other receipts from fees, costs and commissions on account of any service performed for the state, county or any municipal government, officer or agency thereof or any other taxing bureau, board or agency wherein any of the personnel or equipment of the office is employed.

Section 2. This law is supplementary in nature and shall not repeal, amend or modify any special act or general law of limited application.

Section 3. This act shall not be applicable to Palm Beach County.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-970

Senate Bill No. 1539

AN ACT relating to all counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; amending section 1 of chapter 63-1030, Laws of Florida, and adding new section 5; providing increased compensation of certain elective officers; providing that said salaries shall be inclusive of all fees and income received by said public officials by virtue of elective office; providing an effective date.

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

Section 1. Section 1 of chapter 63-1030, Laws of Florida, is amended to read as follows:

Section 1. In all counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, the salaries of certain county elective officers and judges shall be as follows:

Office	Compensation per annum
Clerk of the circuit court	\$16,000.00
Tax assessor	\$16,000.00
Tax collector	\$16,000.00
Sheriff	\$16,000.00
Clerk of criminal court of record	\$13,000.00
County commissioners	\$16,000.00
Supervisor of elections	\$12,000.00
Judges of criminal court of record	\$21,000.00
County judges	\$21,000.00
Judges of juvenile and domestic relations court	\$21,000.00
Judge of the civil court of record	\$21,000.00
Superintendent of public instruction	Salary to be set by board of public instruction

Section 2. Chapter 63-1030, Laws of Florida, is amended by adding new section 5 to read:

Section 5. The salaries provided by this law shall be inclusive of all fees and income received by said elective county officials by virtue of their office and should any of said officials receive any income from fees, licenses or any other source by virtue of their elective office, the salary paid by said county to said elected officials shall be reduced by the amount of said other income.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-971

Senate Bill No. 1758

AN ACT fixing the salary of the state attorney in each judicial circuit of the state of Florida embracing and including two

(2) or more counties in which is one (1) county having a population of four hundred fifty thousand (450,000) or more inhabitants according to the latest official state-wide decennial census and not having home rule; and providing an effective date of August 1, 1967.

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

Section 1. The salary of the state attorney in and for each judicial circuit of the state of Florida embracing and including two (2) or more counties in which is one (1) county having a population of four hundred fifty thousand (450,000) or more inhabitants according to the latest official state-wide decennial census and not having home rule shall be twenty-five thousand dollars (\$25,000), of which amount the state of Florida shall pay the maximum amount now or hereafter provided and fixed by law to be paid said state attorney in such judicial circuit and the remaining amount shall be paid by the counties within such judicial circuit as now or hereafter provided and fixed by law to be paid said state attorney by said counties; provided further that any deficit between said annual salary of twenty-five thousand dollars (\$25,000) and the salary now or hereafter provided and fixed by law to be paid said state attorney by the state of Florida and the counties within said judicial circuit shall be paid by the county within said judicial circuit having a population of four hundred fifty thousand (450,000) or more inhabitants according to the latest official state-wide decennial census, in equal monthly installments, from the general revenue fund of said county, and the board of county commissioners of said county is hereby authorized and directed to make said payments for a county purpose.

Section 2. This act shall take effect on August 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-972

Senate Bill No. 1349

AN ACT relating to taxicabs, providing for the maximum number of taxicabs in all municipalities having a population in

excess of two hundred thousand (200,000) in those counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census; providing an effective date.

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

Section 1. In all municipalities having a population in excess of two hundred thousand (200,000) in those counties having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, the maximum number of taxicabs authorized shall not exceed one (1) taxicab for each eight hundred fifty (850) inhabitants according to the latest official decennial census.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-973

House Bill No. 2731

AN ACT fixing the expense allowance of the Clerk of Criminal Court of Record, Monroe County, Florida; providing the manner of payment; authorizing and empowering the Board of County Commissioners of Monroe County to pay said expense allowance; repealing all laws or parts of laws, whether general or special, in conflict; herewith to the extent of such conflict; and providing an effective date.

Be It Enacted By The Legislature of the State of Florida:

Section 1. The automobile expense allowance the Clerk of Criminal Court of Record, of Monroe County, Florida for uses in connection with the official duties of such clerk shall be the sum of six hundred (\$600.00) dollars per year, payable in equal monthly installments.

Section 2. The board of county commissioners of Monroe

County, Florida, is hereby authorized and empowered to pay the expense allowance as set forth in section 1 hereof, in the same manner and from the same funds as the clerk of criminal court of record is now being paid.

Section 3. All laws or parts of laws, whether general or special, in conflict with the provisions of this act are hereby repealed to the extend of such conflict.

Section 4. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-974

House Bill No. 2734

AN ACT relating to Okaloosa county, authorizing a deputy constable for constable district No. 6; providing an effective date.

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

Section 1. The board of county commissioners of Okaloosa county is authorized to establish the position of deputy constable for constable district No. 6 in Okaloosa county, such deputy to be nominated by the constable of district No. 6 and employed by the board of county commissioners.

Section 2. The board of county commissioners is authorized to establish the compensation for a deputy constable for constable district No. 6 and to make provision in the forthcoming budget for its payment.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-975

House Bill No. 2761

AN ACT relating to circuit courts; providing for appointment by governor of a census committee pursuant to section 26.011, Florida Statutes, to determine population of the fifteenth judicial circuit; providing for the expenditure of county funds for the conduct of such census; providing an effective date.

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

Section 1. There shall be appointed by the governor a census commission as provided by section 26.011, Florida Statutes, to determine the population of the fifteenth judicial circuit in its relation to the number of circuit judges permitted by law.

Section 2. The board of county commissioners of Palm Beach county is authorized and directed to pay all reasonable expenses and costs incident to the taking of said census and the execution of this act from any county funds not otherwise appropriated.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-976

House Bill No. 2763

AN ACT repealing chapter 65-2455, laws of Florida, extraordinary session, 1965, same being an act relating to the prohibiting of zoning classification changes under certain circumstances, in any city having a population in excess of twenty-five thousand (25,000), according to the latest official decennial census, located in any county of the state having a population of not less than forty-five thousand (45,000) and not more than fifty-one thousand (51,000), according to the latest official decennial census; and providing when this act shall take effect.

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

Section 1. That chapter 65-2455, laws of Florida, extraordinary session, 1965, entitled

AN ACT prohibiting zoning classification changes under certain circumstances, in any city having a population in excess of twenty-five thousand (25,000), according to the latest official decennial census, located in any county of the state having a population of not less than forty-five thousand (45,000) and not more than fifty-one thousand (51,000), according to the latest official decennial census; providing an effective date.

be and the same is hereby repealed.

Section 2. All laws and parts of laws, whether general, special or local, in conflict with this act are hereby repealed to the extent of such conflict.

Section 3. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-977

House Bill No. 2773

AN ACT relating to approval of plats filed for record, exempting such plats from certain requirements, in all counties of the state having a population of not less than forty five thousand (45,000) and not more than fifty one thousand (51,000), according to the latest official decennial census; providing for an effective date.

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

Section 1. In all counties of the State having a population of not less than forty five thousand (45,000) and not more than fifty one thousand (51,000), according to the latest decennial census, subdivision plats submitted for approval and filing of record, if substantially the same as the sketch of survey sub-

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mitted with rezoning applications which were approved prior to June 25, 1965, and if otherwise conforming to applicable requirements, shall be approved without regard to conflicting lot size requirements.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-978

House Bill No. 2776

AN ACT relating to all judicial circuits in the state having a population of not less than two hundred sixty thousand (260,000) and not more than three hundred thousand (300,000) according to the latest official decennial census; authorizing each county affected by this act to supplement the budget of the state attorney for salaries of the state attorney and his assistants, office expenses; providing that the supplement is a proper county purpose; providing for an effective date.

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

Section 1. In all judicial circuits of the state having a population of not less than two hundred sixty thousand (260,000) and not more than three hundred thousand (300,000) according to the latest official decennial census, the counties are authorized to provide in their annual budgets, funds in such amounts as the board of county commissioners of said counties determines proper to supplement the salaries of the state attorney and his assistants, office expenses, including secretarial salaries and the purchase of office equipment of the state attorney of such circuit. Such supplement is declared to be a proper county purpose.

Section 2. This act shall become effective immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-979

House Bill No. 2783

AN ACT relating to Polk county, juvenile and domestic relations court judge and counselors; providing for reimbursement for per diem and travel expenses for court officers within or without the county; providing an effective date.

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

Section 1. In addition to all other remuneration, the judge, counselor and assistant counselors of the juvenile and domestic relations court of Polk county shall be reimbursed by the county commission for per diem and travel expenses incurred while on official business of the court. Such remuneration shall be allowed as follows:

(1) For travel within the county, officers shall be paid the sum of seventy-five dollars (\$75.00) per month in lieu of per diem and all other expenses except mileage which shall be reimbursed as provided in section 112.061, Florida Statutes, at the rate of ten cents (10¢) per mile, not to exceed fifty dollars (\$50.00) per month. Such reimbursement for mileage only shall be submitted and approved by the judge or chief counselor of the said court before being submitted to the commission for payment.

(2) For travel without the county, such officers shall be reimbursed according to the provisions of section 112.061, Florida Statutes. Such request for reimbursement shall be approved by the judge or chief counselor of the court before being submitted to the commission.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-980

House Bill No. 2778

AN ACT relating to the public defender in all judicial circuits having a county therein having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census; providing for the budgeting of funds for the operation of such office; providing that the county within such circuit having the largest population shall appropriate funds to the operation of such office and may supplement the salary of such public defender; providing for the employment, compensation, powers and duties of assistant public defenders and investigators; providing an effective date.

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

Section 1. This act shall apply in all judicial circuits having a county therein having a population of not less than three hundred fifty thousand (350,000) inhabitants and not more than three hundred eighty-five thousand (385,000) inhabitants according to the latest official decennial census.

Section 2. The public defender in any such county shall receive a salary as provided by law from the state general revenue fund and in addition thereto, the board of county commissioners is hereby specifically authorized to pay such public defender a supplementary salary in addition to that paid from the state general revenue fund, such supplement to be included in the funds budgeted to such office.

Section 3. The public defender may employ, in addition to the number of assistant public defenders authorized by law and paid by the treasurer of the state, such assistant public defenders as the public defender may from time to time deem necessary, each of whom shall serve at the pleasure of the public defender and be paid an annual salary, as determined by the public defender, not to exceed that authorized by law for assistant state attorneys in such county. Any assistant public defenders paid by the treasurer of the state as provided by law shall also be entitled to receive a supplement as determined by the public defender in an amount which when added to the

compensation paid by the state, shall provide total compensation to such assistant public defenders up to the maximum amount authorized by law for assistant state attorneys in such county. Such salaries and supplements to be paid out of the funds budgeted to the office.

Section 4. The public defender may employ, in addition to the number of investigators authorized by law and paid by the treasurer of the state, two investigators who shall serve at the pleasure of the public defender and who shall devote their full time and attention to assisting the public defender in the performance of his duties. Each such investigator shall be paid an annual salary to be determined by the public defender, and in addition thereto, each such investigator may be paid mileage and travel expenses in an amount not to exceed one hundred fifty dollars (\$150.00) per month.

Section 5. The total budget of the office of public defender shall be comprised of funds appropriated to such office by the state and funds appropriated to such office by the various counties within such circuit, and each such county within such circuit is hereby authorized and empowered to appropriate to the use of such office, funds from the general fund of such county and such appropriations and expenditures are declared to be for a valid county purpose of such county. That at the time fixed by law for preparation of the county budget of the county within such circuit having the largest population, the public defender is authorized and empowered to certify to the board of county commissioners of such county an itemized proposed budget of expenditures for the carrying out of the powers, duties, and operations of his office for the ensuing fiscal year of such county. Such proposed budget shall contain all anticipated expenditures of such office notwithstanding that all or part of any portion of such expenditures shall be paid solely from funds appropriated to such office by the state. Said proposed budget shall include all reasonable salaries and supplements of the employees of such office and of the staff of the public defender. Such salaries and supplements which are not otherwise provided by law shall be fixed by the public defender, except as otherwise herein provided. Nothing contained herein shall be interpreted to require the public defender to submit such budget to the board of county commissioners in the event

that no county funds are required or requested for the operation of such office. In conjunction with the submission of such budget the public defender shall furnish to the board of county commissioners all relevant and pertinent information concerning expenditures made in previous years and to the proposed expenditures, which said board shall deem necessary, except that the board may not require confidential information concerning details of cases handled by such office.

The county within such circuit having the largest population, based upon the proposed budget submitted to the board of county commissioners by the public defender, is authorized and empowered to appropriate to the office of the public defender those amounts of county funds requested in such proposed budget as are shown to be necessary for the proper administration thereof. Upon approval of the board of county commissioners the total sum of county funds to be appropriated to the operation of the office of public defender shall be included in the general budget of such county. All unexpended balances of county funds at the end of each fiscal year shall be refunded to the board of county commissioners. The county funds so appropriated to the operation of the office of public defender shall upon requisition of the public defender be paid out of the general fund of such county in twelve (12) equal monthly installments, or in such other manner as may be agreeable to both the public defender and the board of county commissioners. That the board of county commissioners of such county shall appropriate to the budget of the public defender all county funds requested in such budget up to an amount not to exceed the sum of seventy-nine thousand six hundred seventy-five dollars (\$79,675.00) for the twelve (12) month period comprising the fiscal year of such county. The board of county commissioners may appropriate to such office such additional funds as are requested by the public defender and which are necessary for the proper administration of such office.

Section 6. The public defender, assistant public defenders and secretaries shall be entitled to receive out of the funds budgeted to such office mileage, travel and per diem expense allowances in an amount equivalent to that paid such public defender and employees by the state, where the same is not compensated by the state.

Section 7. Whenever, it is by law required that the services of legal counsel be furnished to an indigent person in proceedings in the juvenile court or any indigent person charged with the commission of a misdemeanor, the public defender shall represent such person as provided by law in the case of a person charged with a felony; provided, however, that the public defender shall not represent any such person, or, upon order of court, shall cease to represent such person, in the event a volunteer member of the bar is available to provide such counsel.

Section 8. This act shall take effect upon becoming law, but shall not affect any amounts budgeted by such county for such purposes during the fiscal year ending September 30, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-981
House Bill No. 2786

AN ACT relating to Okaloosa County, travel expenses; validating and confirming payment of mileage to official meetings of the board of county commissioners for the years 1962, 1963, 1964, 1965 and 1966; authorizing payment of mileage to official meetings in 1967 and succeeding years; providing an effective date.

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

Section 1. The mileage of ten cents (10¢) per mile paid to members of the board of county commissioners of Okaloosa County for attending official meetings of said board for the years 1962, 1963, 1964, 1965 and 1966 is hereby validated and confirmed. The board is further authorized to pay mileage of ten cents (10¢) per mile to members attending official meetings of said board for 1967 and succeeding years.

Section 2. All laws or parts of laws in conflict herewith are repealed.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-982

House Bill No. 2793

AN ACT relating to Brevard county tax assessor and the Brevard county tax collector; amending section 8 of chapter 61-1917, as amended by chapter 65-708, Laws of Florida, to declare the commissions received by the Brevard county tax assessor and the Brevard county tax collector for assessing and collecting of municipal taxes in Brevard county to be additional compensation to the Brevard county tax assessor and county tax collector; providing an effective date.

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

Section 1. Section 8 of chapter 61-1917 as amended by chapter 65-708, Laws of Florida, is amended so as to read as follows:

(1) Fees for assessing and collecting municipal taxes.—The county tax assessor and the county tax collector shall be allowed and paid by each municipality whose taxes are assessed and collected upon such tax assessment rolls, a sum of money not to exceed the amount provided for collection and assessment of county taxes in section 193.65(2), Florida Statutes, to be agreed upon by the county tax collector and assessor and the municipalities. Such sums of money shall be paid to each official at the time and in the manner provided by the general laws relating to county taxation wherein the commissions of the county tax assessor and county tax collector are provided for. Eighty per cent (80%) of such amount due each officer shall be used to defray the additional expense of assessing and collecting the taxes of such municipalities and in reimbursement for such expense and twenty per cent (20%) shall be used as compensation for such officer.

(2) Notwithstanding anything to the contrary in this section, the services of the Brevard county tax assessor and the Brevard county tax collector in assessing and collecting muni-

cipal taxes in said county are hereby declared to be additional duties and special services performed directly for these municipalities and any payment therefor as above provided shall be deemed additional compensation for the Brevard county tax assessor and the Brevard county tax collector to be retained by said officials in addition to the compensation fixed by chapter 145, Florida Statutes, or any special or local law prescribing compensation for the assessment and collection of taxes other than taxes for municipalities, and not restricted by the limitation of section 145.12.

(3) All commissions or fees paid by such municipalities in Brevard county prior to December 31, 1964, and included in the reports of income and expenses of Brevard county tax assessor and the Brevard county tax collector for 1964 and prior years shall be considered closed accounts and not subject to any adjustments or refunds to such municipalities. All payments for services received by the Brevard county tax assessor and the Brevard county tax collector from such municipalities subsequent to January 1, 1965, for the 1964 and subsequent tax rolls shall be considered to have been paid as compensation in addition to all other compensation authorized by law. The amounts retained by the tax assessor and tax collector as compensation for the 1965-1966 tax rolls is hereby ratified and confirmed.

Section 2. This act shall take effect as of July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-983

House Bill No. 2800

AN ACT relating to the small claims court in all counties of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census; authorizing appearance in court of an official or employee in lieu of an attorney in all corporations having not more than four (4) stockholders; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than eighty thousand (80,000) and not more than one hundred twenty thousand (120,000), according to the latest official decennial census, any authorized officer may appear in litigation before the small claims court in said counties in lieu of an attorney, representing a corporation with not more than four (4) stockholders in matters before the court.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-984

House Bill No. 2797

AN ACT relating to county solicitor, court of record in all counties in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, authorizing payment of expense allowance for the county solicitor of the court of record; providing an effective date.

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

Section 1. The county solicitor of the court of record in all counties in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, shall receive one thousand two hundred dollars (\$1,200.00) per annum, payable in twelve (12) equal monthly installments out of the general fund of said counties as an allowance for office space, lights and utilities.

Section 2. This act shall become effective on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-985

House Bill No. 2831

AN ACT relating to Gilchrist county; amending section 1 of chapter 65-1221, Laws of Florida, to provide that the second twenty-five thousand dollars (\$25,000.00) of race track funds accruing annually to said county be used for payment of principal and interest of indebtedness and terminating the distribution of race track funds to the capital outlay fund of the county board of public instruction of said county; authorizing said board of public instruction to make major repairs and alterations at Bell and Trenton high schools in said county as recommended by the state department of education survey; authorizing said board to issue certificates of indebtedness payable from the second twenty-five thousand dollars (\$25,000.00) of race track funds received by and accruing annually to said county to pay the cost of such repairs and alterations; providing an effective date.

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

Section 1. Section 1 of chapter 65-1221, Laws of Florida, is amended to read:

Section 1. All race track funds annually accruing to the credit of Gilchrist county under the provisions of chapters 550 and 551, Florida Statutes, shall be allocated and distributed and are hereby earmarked for certain purposes according to the provisions of this act as follows:

(1) The first twenty-five thousand dollars (\$25,000.00) received, to the board of county commissioners of Gilchrist county to be used for the payment of principal and interest of county indebtedness provided by law;

(2) The second twenty-five thousand dollars (\$25,000.00) received, to the county board of public instruction to be used for the payment of principal and interest of said board's indebtedness provided by this act;

(3) The next two thousand dollars (\$2,000.00) received, to the board of county commissioners of Gilchrist county to be used for hospitalization of the indigent of the county;

(4) Five per cent (5%) of the annual accrual to the Gil-

christ county park board for the establishment or maintenance of a public park or parks;

(5) Three per cent (3%) of the annual accrual to the city of Trenton for the purpose of creating facilities relating to public health;

(6) One per cent (1%) of the annual accrual to the city of Bell for the use and benefit of the city;

(7) The balance of the annual accrual to be divided equally between the board of public instruction of Gilchrist county and the board of county commissioners of Gilchrist county, for such lawful use as each may determine.

Section 2. The county board of public instruction of Gilchrist county (hereinafter referred to as "board") is authorized to make major alterations not to exceed one hundred twenty-five thousand dollars (\$125,000.00) at Bell and Trenton high schools in said county as recommended by the state department of education survey of May, 1964, including converting classrooms to administrative suites, clinic, storage rooms, language laboratory, business education suite and to remodel the gymnasium at Trenton high school by adding new showers, dressing rooms and public facilities, and make other repairs approved by the survey.

Section 3. To pay the cost of such projects, as above described, the board is authorized to issue certificates of indebtedness, from time to time (hereinafter referred to as "certificates"). Such certificates may be in coupon form, in such denomination or denominations, bear interest at such rate or rates not exceeding five per cent (5%) per annum and shall mature at such time or times not exceeding thirty (30) years from their date or dates as may be determined by the board. The certificates may be made redeemable before maturity, at the option of the board, at such price or prices and under such terms and conditions as may be fixed by the board prior to their issuance. The board shall determine the place or places of payment of the principal and interest which may be at any bank or trust company within or without the state. The certificates shall be signed either by manual or facsimile signatures of the chairman and secretary of the board, provided that such certificates shall bear at least one (1) signature which is manu-

ally executed thereon, and the coupons attached to such certificates shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the board. The certificates shall have the seal of the board affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in the resolution or resolutions authorizing the issuance thereof. The certificates shall be sold at public sale at such price or prices as the board shall determine to be in its best interest, provided that the interest cost to the board on such certificates shall not exceed five per cent (5%) per annum.

Section 4. The principal of and interest on the certificates herein authorized shall be payable solely from the second twenty-five thousand dollars (\$25,000.00) accruing annually to Gilchrist county pursuant to chapters 550 and 551, Florida Statutes, and chapter 65-1221, Laws of Florida, as amended by this act.

Section 5. The certificates shall also be and they are hereby constituted negotiable instruments for all purposes under the negotiable instruments laws of the state.

Section 6. The certificates shall be and they are hereby constituted as legal investments for any state, county, municipal or other public funds or for any bank, savings bank, trustees, executors, guardians or any trust or fiduciary funds whatsoever. The certificates shall also be and constitute legal securities which may be deposited by any bank or trust company for the security of state, county, municipal or other public funds.

Section 7. No referendum or election of freeholders or qualified voters in said county shall be required for the exercise of any of the provisions of this act, unless such referendum or election is required by the constitution of Florida.

Section 8. The cost of improving said school buildings, and the furnishing and equipping of the school buildings shall be deemed to also include (but not be limited to), the cost of acquisition of sites, legal, engineering, fiscal, architectural fees and fees of any other experts or consultants employed by the county, engineering or architectural studies, surveys, plans and designs for the school buildings; the expense of the issuance, authorization and sale of said certificates including advertise-

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ment, notices and other proceedings in connection therewith; and such other expenses as are necessary, incidental or appurtenant to the purposes authorized hereunder.

Section 9. This act shall not be deemed to repeal or supersede any other law or laws but shall be supplemental and additional authority to the board to carry out and perform the powers provided in this act.

Section 10. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-986

House Bill No. 2847

AN ACT relating to Broward county; amending chapter 65-1222, Laws of Florida, prescribing the compensation for judges of the court of record of Broward county; providing an effective date.

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

Section 1. Section 1, chapter 65-1222, Laws of Florida, is amended to read:

Section 1. The annual salary of each judge of the court of record of Broward county shall be eighteen thousand five hundred dollars (\$18,500.00) payable in twelve (12) equal monthly installments and said salary shall be paid by the board of county commissioners of Broward county.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-987

House Bill No. 2867

AN ACT relating to the juvenile court of Broward county, Florida, amending section one of chapter 59-884, Laws of Florida, acts of 1959, by providing that the salary of the juvenile court psychologist shall be set by the Broward county board of county commissioners according to county employees pay plan; providing an effective date.

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

Section 1. Section 1, Chapter 59.884, Laws of Florida, Acts of 1959 is amended to read:

Section 1. There may be employed as a full time employee of the juvenile court of Broward County a clinical psychologist for the purpose of more effectively directing and assisting the juvenile court in implementing the duties imposed upon said court by and within the intent and meaning of Section 39.20, Florida Statutes. The duties of such a court psychologist shall be primarily diagnostic in nature and any therapy administered by such an employee shall be restricted to indigent persons coming before the juvenile court found subject to the jurisdiction of said court. Such a psychologist shall possess at least a masters degree in psychology received from a recognized college or university of good standing, and shall be selected in the manner and form in which assistant counselors are selected. The salary of such a court psychologist shall be based upon education, experience and ability and shall be set by the Board of County Commissioners of Broward County in the same manner as are the salaries of other county employees and shall be paid from the funds designated for the payment of the salaries and car expense allowances of other juvenile court employees.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-988

House Bill No. 2901

AN ACT relating to county solicitor of the criminal court of record in all counties of the state having a population of not less than two hundred thirty thousand (230,000) and not more than three hundred thousand (300,000), according to the latest official decennial census; amending sections 4 and 5 of chapter 67-774, Laws of Florida, by making references to the amount of salary of said county solicitor to agree; providing an effective date.

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

Section 1. Sections 4 and 5 of chapter 67-774, Laws of Florida, are amended to read:

Section 4. The county solicitor of the criminal court of record in such counties shall be authorized to appoint and employ an administrative assistant who shall hold office during the pleasure of the county solicitor. Said administrative assistant shall be paid an annual salary not in excess of seven thousand dollars (\$7,000.00), said salary to be fixed by the county solicitor. Said salary shall be payable by the applicable county in monthly or semimonthly installments.

Section 5. The county solicitor of the criminal court of record in such counties shall be authorized to appoint and employ a special investigator who shall hold office during the pleasure of the county solicitor. Said special investigator shall be paid an annual salary not in excess of seven thousand dollars (\$7,000.00), said salary to be fixed by the county solicitor. Said salary shall be payable by the applicable county in monthly or semimonthly installments.

Section 2. The provisions of this act shall be applicable to all counties in the state having a population of not less than two hundred thirty thousand (230,000) nor more than three hundred thousand (300,000), according to the latest official decennial census.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-989

House Bill No. 2910

AN ACT amending chapter 65-923, Laws of Florida, relating to the payment of commissions to tax collectors and assessors for taxes collected by them, by the board of county commissioners in all counties of the state having a population in excess of 450,000 and not having a consolidated or metropolitan government; providing for a single billing at least monthly by tax collectors and assessors for taxes collected and assessed; providing an effective date.

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

Section 1. Section 1, chapter 65-923, Laws of Florida, is amended to read:

On and after the 1st day of July, 1965, the commissions payable to tax assessors and tax collectors for taxes levied, assessed and collected from all agencies, boards, commissions and special districts, now in existence or hereinafter created, in all counties of the state of Florida having a population, according to the latest official decennial census, exceeding four hundred fifty thousand (450,000) and not having a consolidated metropolitan and county government, shall be paid by the board of county commissioners of such counties. For the purpose of this act, the tax collector and tax assessor shall submit at least monthly to the Board of County Commissioners a bill for commissions on taxes assessed and remitted, respectively. The bill for commissions shall show the amounts assessed or remitted for each taxing unit, but the amount of commissions due shall be calculated on the total amount of the taxes assessed or remitted.

Section 2. This act shall become effective upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-990

House Bill No. 2926

AN ACT relating to the juvenile court in all counties having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000) according to the latest official decennial census; providing for an annual salary of seventeen thousand dollars (\$17,000); repealing the allowance of automobile expense money for said judges; repealing any prior laws in conflict; providing an effective date.

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

Section 1. In all counties of the state with a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000) according to the latest official decennial census, the salary of juvenile court judges shall be seventeen thousand dollars (\$17,000) per annum. Such judges shall receive no other compensation, expense allowance, or subsidy from county fund.

Section 2. Any prior laws in conflict with this act are repealed.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-991

House Bill No. 2931

AN ACT to reduce burden and delay in purchase of teaching supplies by authorizing advance by county warrant from county school fund to individual school internal accounts not to exceed twenty-five per cent (25%) of amount budgeted to said schools for that purpose in all counties having a population according to the last state or federal census in excess of four hundred fifty thousand (450,000); and to provide for accounting therefor and auditing thereof; and providing an effective date.

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

Section 1. The purpose of this act is to reduce the burden of and delay in handling and processing the purchase of teaching supplies and materials in all counties of the state of Florida having a population according to the last state or federal census in excess of four hundred fifty thousand (450,000) to permit a more economical and efficient administration of the public business and affairs of such boards of public instruction.

Section 2. The boards of public instruction in all counties of the state of Florida having a population according to the last state or federal census in excess of four hundred fifth thousand (450,000) hereby are authorized to temporarily advance monies by county warrant to individual school internal accounts in amounts not to exceed twenty-five per cent (25%) of the allocation for each individual school in county budgets for accounts 2240, 2250 and 2260 as now designated or as hereafter may be designated by the state department of education. Such funds shall be kept in a school internal account separate from all other funds, and itemized receipts, invoices and other appropriate documents shall be taken for each expenditure. A statement of expenditures shall be made, from time to time, and at the end of each year, to the county board, and shall be entered into the record as other vouchers are entered. The account shall be audited periodically, both by the internal accounts auditor and by independent auditors. The funds shall be used for regular and lawful expense of the schools for supplies and materials in accordance with the provisions of county board policies. The funds may be used only for the purposes and in amounts budgeted and may not be used for salaries or capital improvement expenditures. Any unused portion of the funds shall be returned to the school board at the end of each fiscal year.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-992

House Bill No. 2942

AN ACT authorizing the board of county commissioners in all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census to include in the annual budget a sum not to exceed one hundred twenty-five thousand dollars (\$125,000.00) for the purpose of a grant or contribution to the Henderson clinic of Broward county, inc., a non-profit corporation of Florida; declaring such budgeting a county purpose and providing for an effective date.

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

Section 1. The board of county commissioners in all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census is authorized and empowered to include in the general fund of its annual budget not to exceed one hundred twenty-five thousand dollars (\$125,000.00) and to contribute and grant such funds to the Henderson clinic of Broward county, inc., a non-profit corporation of Florida.

Section 2. The budgeting and expending of such funds is declared a county purpose in the interests of the health of persons afflicted physically, mentally or emotionally in such counties.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-993

House Bill No. 2965

AN ACT relating to legislative expense fund for all counties in this state having a population of not less than two hundred thousand (200,000) nor more than two hundred sixty thou-

sand (260,000) according to the latest official decennial census; authorizing the county commissioners of such counties to disburse legislative expense funds; providing an appropriation; providing an effective date.

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

Section 1. Any legislative delegation representing any county of this state having a population of not less than two hundred thousand (200,000) nor more than two hundred sixty thousand (260,000), according to the latest official decennial census, is authorized to employ the following staff to aid them in properly representing the county:

(1) A secretary, who shall receive a salary as fixed by the legislative delegation representing the county, to be paid in equal monthly installments by the board of county commissioners of said county.

(2) A maximum of four administrative aides while the legislature is in session, regular or otherwise, who shall receive a salary as fixed by the legislative delegation representing the county, to be paid in equal monthly installments by the board of county commissioners of said county; provided however, that the senate members of any such legislative delegation shall have a minimum of one of such administrative aides whom they shall designate.

Section 2. The board of county commissioners shall furnish suitable quarters in the county courthouse or at some other appropriate place, for the maintenance of an office to be used by the legislative delegation and staff so as to serve the needs of the citizens of the county and shall provide all necessary office equipment, supplies, telephone service, and other things necessary to the continued maintenance and functions of this service.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-994

House Bill No. 2997

AN ACT relating to the issuance of special beverage licenses in any county in the state having a population of not less than seven thousand eight hundred (7,800) nor more than nine thousand one hundred (9,100), according to the latest official decennial census; providing an effective date.

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

Section 1. In any county in the state having a population of not less than seven thousand eight hundred (7,800) and not more than nine thousand one hundred (9,100) according to the latest official decennial census, a special beverage license shall be issued to any bona fide hotel, motel, or motor court of not less than one hundred (100) guest rooms or to any bona fide restaurant containing all necessary equipment and supplies for serving full course meals regularly and having accommodations at all times for serving of two hundred (200) or more patrons at tables and occupying more than four thousand (4,000) square feet of floor space.

Section 2. Such special licenses shall be issued in addition to any licenses provided for in section 561.20, Florida Statutes.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-995

House Bill No. 2998

AN ACT relating to salary of superintendents of public instruction in all counties in the state having a population of not less than seven thousand eight hundred (7,800) and not more than nine thousand one hundred (9,100), according to the latest official decennial census; permitting the school board to supplement compensation of the superintendent of public in-

struction; fixing maximum salary of superintendent; providing an effective date.

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

Section 1. In any county of the state having a population of not less than seven thousand eight hundred (7,800) and not more than nine thousand one hundred (9,100), according to the latest official decennial census, the board of public instruction may provide a supplement of no more than fifteen hundred dollars (\$1,500.00) to the salary of the superintendent of public instruction.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-996

House Bill No. 2999

AN ACT relating to Marion County Small Claims Court amending Chapter 61-1596, Laws of Florida, 1961, to increase the filing fee in certain cases, providing an effective date.

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

Section 1. Section 7 of Chapter 61-1596, Laws of Florida, 1961, is hereby amended to read as follows:

Section 7. When the plaintiff files a claim other than a proceeding in replevin, attachment or distress he shall deposit with the court the sum of five dollars (\$5.00). When he institutes a proceeding in replevin, attachment or distress he shall deposit with the court the sum of ten dollars (\$10.00). The foregoing filing fees shall include all costs of the proceeding except service of notice other than by registered or certified mail. If a party shall fail to pay accrued costs, the judge shall have power to deny said party the right to file any new case which such costs remain unpaid, and likewise to deny the litigant the right to proceed further in any case pending. The award of court costs, as between the parties, shall be according

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to the discretion of the judge and shall be taxed in the cause at his discretion.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-997

House Bill No. 3001

AN ACT relating to Hernando county, superintendent of public instruction; fixing salary and compensation received by superintendent; repealing chapter 28711, Laws of Florida, 1953.

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

Section 1. The annual salary of the superintendent of public instruction of Hernando county shall be twelve thousand dollars (\$12,000.00) per year including all compensation received in the performance of official duty.

Section 2. Chapter 28711, Laws of Florida, 1953, is repealed.

Section 3. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-998

House Bill No. 3002

AN ACT relating to Hernando county; fixing compensation of the sheriff; repealing chapter 65-1071, Laws of Florida; providing an effective date.

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

Section 1. The sheriff of Hernando county shall receive as

compensation the sum of eleven thousand five hundred dollars (\$11,500.00) per year.

Section 2. Chapter 65-1071, Laws of Florida, is repealed.

Section 3. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-999

House Bill No. 3010

AN ACT to establish a regional health advisory and planning council in any county of the state having a population of not less than one hundred thirty thousand (130,000) and not more than one hundred ninety thousand (190,000), according to the latest official decennial census, with adjoining counties desiring membership included within the regional framework of planning; providing an effective date.

WHEREAS, representatives of those professions and agencies dealing with matters of community health in Florida counties are concerned with the problems of providing health care in the most efficient and economical manner; and

WHEREAS, the health needs in the past have been met without reference to community planning; and

WHEREAS, the community health problems of adjoining counties are interrelated; and

WHEREAS, planning for therapeutic and preventive health concerns not a single county alone but the area or region;
NOW, THEREFORE,

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

Section 1. (1) In any county of the state having a population of not less than one hundred thirty thousand (130,000) and not more than one hundred ninety thousand (190,000), according to the latest official decennial census, there is authorized and established a regional health advisory and planning

council to concern itself with community health and the problems arising from the administration of same; to plan and recommend expansion or revision of facilities of community health; to project where possible those needs of the future; and to aid through planning those persons and institutions concerned with health on a community or regional basis.

(2) This advisory group may concern itself with hospital planning, medical services, community preventative health, pollution and health standards, nursing educational services, technical training needs, health programs within the school system or systems, industrial health programs, the programs of voluntary agencies, military programs as they pertain to the community, projection of needs, evaluation of services, nursing, rehabilitation, dental needs and college programs and those other matters and activities as they pertain to community health.

(3) Initial membership will consist of representatives of such county not to exceed twenty-one (21) persons in number and which may include: three (3) administrative representatives from hospitals; three (3) representatives of hospital staffs; four (4) representatives of the county medical society; a representative of voluntary services; a representative of the navy, civilian or military; a representative of a junior college located in such county; a representative of a university located in such county; a representative of government; a representative of the county health department; a representative of the county dental society; a representative of the public school system; a representative of nursing; a representative of industry or business; and a representative of labor.

(4) Appointment to the body will be for a period of two (2) years and by the governor upon recommendation of the legislative delegation of such county. From its membership the body will select its chairman to serve for a period of one (1) year. From its membership the body will select an executive committee not to exceed seven (7) in number to coordinate activities. Approval of activities will be by the membership majority.

Section 2. There is authorized and may be established a regional relationship of advisory and planning capacity with adjoining counties with representation of three (3) members

on the council from each county to consist of one (1) representative of the hospital system, one (1) representative of the medical profession and one (1) representative chosen at large from each county with appointment by the governor upon recommendation of the legislative delegation of the affected county.

Section 3. The council is further authorized to plan and coordinate with adjoining counties served by the center of specialties in the largest city of said county to provide improvements in health care and facilities and to advise and recommend upon the projection of needs so as to improve community health in services and standards for the affected region.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1000

House Bill No. 3019

AN ACT providing for the salaries of the judges of the criminal court of record of Orange County, Florida; providing that the salaries of said judges shall be twenty-one thousand and no/100 dollars (\$21,000.00) per annum; providing for the method of payment of said salaries; prohibiting said judges from engaging in the practice of law during their term of office; repealing chapter 63-781, Laws of Florida, 1963; providing for an effective date.

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

Section 1. The salary of each judge of the criminal court of record of Orange County, Florida, shall be twenty-one thousand and no/100 dollars (\$21,000.00) per annum. Said salaries shall be paid in equal monthly installments from the general revenue fund of said county. From and after the effective date of this law, the judges of said court shall devote full time to their judicial duties and they shall not engage in the practice of law during their term of office.

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Section 2. Chapter 63-781, Laws of Florida, 1963, and all other laws or parts of laws in conflict herewith are repealed.

Section 3. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1001

House Bill No. 3020

AN ACT relating to conservation, fishermen and equipment regulation in any two counties having a population of not less than three hundred eighty six thousand seven hundred (386,700) inhabitants and not more than four hundred twenty three thousand (423,000) inhabitants according to the latest official decennial census; making it unlawful to take certain sardine like fish with a purse seine, purse gill net, lampara net or similar net or device for any purpose other than use as bait; providing for a penalty; providing an effective date.

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

Section 1. In any two counties having a population of not less than three hundred eighty six thousand seven hundred (386,700) inhabitants and not more than four hundred twenty three thousand (423,000) inhabitants according to the latest official decennial census no person may take or attempt to take thread herring, hairy backs, greenbacks or other sardine like fish from the territorial waters of such counties for any purpose other than for use as bait with a purse seine, purse gill net, lampara net or any other similar net or device using rings on the lead line thereof.

Section 2. For purposes of enforcement it shall be unlawful to possess any such fish for sale, shipment reduction or any other purpose other than bait.

Section 3. Any person violating this act shall be guilty of a misdemeanor and shall be punished according to law.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1002

House Bill No. 3033

AN ACT relating to the central Broward drainage district, Broward County, Florida, amending chapter 61-1439, Special Acts of 1961; amending Section 28 by providing that the Board of Commissioners may borrow money and issue negotiable or non-negotiable instruments of indebtedness for a period not exceeding one year, providing that said short term indebtedness shall not exceed ninety per cent (90%) of the total amount of taxes levied by the district in the current fiscal year of any such borrowing; and providing that this act shall take precedence over any conflicting law to the extent of such conflict; approving the manner of giving notice of intention to apply for this legislation; and providing that this act shall take effect upon its approval by the governor or by its becoming a law without such approval.

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

Section 1. Section 28 of chapter 61-1439, Laws of Florida, acts of 1961, is amended to read:

Section 28. *Short term indebtedness.*—The board of commissioners may from time to time issue warrants and negotiable notes or other evidences of debt of the district as now created, or for any valid debt of the district with maturities not exceeding one year from date of issue, all of which shall be termed "short term indebtedness" in order to distinguish the same from the long term debt hereinafter provided for. The said notes or other evidences of indebtedness shall be payable at such times and shall bear such rate of interest as the said Board may deem advisable. The board shall have the right in order to provide for the payment thereof, and pledge the whole or any part of the taxes provided for in this Act, whether the same shall be there-

tofore or thereafter levied, and the Board shall have the right to provide that the said short term debt shall be payable from the proceeds arising from the sale of bonds, or from the proceeds of any such tax, or both. Provided that the amount of any short term indebtedness which may be outstanding at any time shall not exceed ninety percent (90%) of the total amount of taxes levied hereunder excluding special assessment taxes.

Section 2. *Effect of conflict.*—In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 3. *Notice of intention.*—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the Constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 4. *When act to take effect.*—This act shall take effect immediately upon its approval by the Governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1003

House Bill No. 3036

AN ACT relating to garbage disposal facilities in those counties of the State having a population in excess of four hundred fifty thousand (450,000) inhabitants according to the last preceding official census, and not having home rule under the Constitution; authorizing the Boards of County Commissioners of such counties to contract with any person, firm or corporation for disposal of garbage, waste and other refuse, in the unincorporated areas thereof, by process of composting or other processes that do not pollute the air; providing for the terms, conditions and procedures of such contract and declaring the same to be for a county purpose; providing for an effective date.

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

Section 1. That the Boards of County Commissioners of those counties of the State having a population in excess of four hundred fifty thousand (450,000) inhabitants according to the latest preceding official census, and not having home rule under the Constitution, may make and enter into contracts with any person, firm or corporation for the disposal of garbage, waste and other refuse, in the unincorporated areas of such counties, by process of composting, or other processes that do not pollute the air. That such contracts authorized herein may be for a term of years not to exceed twenty-five (25) years and the same shall provide that the person, firm or corporation receiving such contract shall bear all expenses incident to the operation and maintenance of any such facility. The Board of County Commissioners may require collectors, who are under franchise or otherwise, of garbage, waste or other refuse in such areas, to deliver and deposit such garbage, waste or other refuse collected by them at specified locations in the area for delivery to the disposal facilities provided by the disposal contractor. Any contract made pursuant to the authorization herein contained shall be exclusive or non-exclusive and shall cover such areas as the Board of County Commissioners may determine, in the areas in which this authorization may be operative. No such contract shall be made until after the Board of County Commissioners shall have called for competitive bids for the letting of any such contract and after publication of the call for bids having been made in a newspaper of general circulation published in such county for at least two (2) weeks prior to the letting of any such contract. Any contract awarded shall be to the lowest and best responsible bidder.

Section 2. Any county affected by the provisions of this act shall not expend any county funds received from ad valorem taxation; provided, however, any fees received for the collection of garbage, waste and refuse in the unincorporated areas may be used in making payments for the services rendered to the county by the disposal contractor. The authorizations provided for herein shall be deemed for a lawful county purpose.

Section 3. This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional

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to powers conferred by other laws, and shall not be regarded as being in derogation of any powers now existing.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1004

House Bill No. 3132

AN ACT providing for the compensation and salary of each of the justices of the peace and constables of Volusia county; providing for the method of payment; providing an effective date.

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

Section 1. Each duly qualified and elected justice of the peace and constable of the county of Volusia shall be paid a salary not to exceed ten thousand dollars (\$10,000.00) per annum.

Section 2. The method of computation of the above salaries shall be as follows: No justice of the peace nor constable of Volusia county shall receive a greater amount of compensation per annum than that sum arrived at in computing the entire legally authorized costs of each office.

Section 3. All laws and parts of laws in conflict with the provisions of this act are repealed insofar as the same conflict with the provisions of this act.

Section 4. This act shall take effect January 1, 1969, provided and only on condition that House Bill No. 3085 of the 1967 regular and extended session of the Florida legislature shall have been enacted into law and ratified by affirmative referendum by the qualified electors of Volusia county.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1005

House Bill No. 3131

AN ACT providing for the appointment of not more than one (1) deputy constable in each of the justice of the peace districts of Volusia county; providing for his duties and compensation; providing an effective date.

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

Section 1. Each duly elected and qualified constable of each of the justice of the peace districts in and for Volusia county is hereby authorized and empowered to select and appoint not more than one (1) suitable person, who is a duly qualified elector within the district in which said constable serves, to serve as deputy constable under the direction and supervision of said constable. The duties of said deputy constable shall be the same duties as are normally performed by the duly elected and qualified constable in and for each of said justice of the peace districts in and for Volusia county.

Section 2. Each deputy constable so appointed shall be paid seven thousand five hundred dollars (\$7,500.00) per year out of the earnings of the constable's office in which he serves by the county of Volusia out of the fine and forfeiture fund of such county. The constable shall collect all regular fees allowable by law for all services performed by the deputy constable just as though the services had been performed by the constable.

Section 3. The deputy constable shall be required to give bond in the same amount and under the same conditions as is required of each constable.

Section 4. The tenure of office of each deputy constable so appointed shall extend throughout the term of the constable who appointed him; provided, however, that the constable may remove the deputy constable at any time in his direction, with or without cause.

Section 5. All laws and parts of laws in conflict with the provisions of this act are repealed insofar as the same conflict with the provisions of this act.

Section 6. This act shall take effect January 1, 1969, pro-

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vided and only on condition that House Bill No. 3085 of the 1967 regular and extended session of the Florida legislature shall have been enacted into law and ratified by affirmative referendum by the qualified electors of Volusia county.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1006

House Bill No. 3108

AN ACT authorizing the canal authority of the state of Florida to acquire lands and rights of way by condemnation, purchase, gift or otherwise upon which are located cemeteries and places or enclosures for burial of the dead in counties having a population of not less than 51,000 and not more than 53,000 according to the latest official decennial census; authorizing the canal authority of the state of Florida to construct, own and maintain a canal known as the Cross-Florida barge canal upon or through such lands and rights of way: authorizing removal and relocation of cemeteries, places or enclosures for the burial of the dead which are located in or upon said lands and rights of way; providing that the provisions of this act are cumulative: and repealing Section 822.13, Florida Statutes, to the extent that it is in conflict with this act.

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

Section 1. In any county of the State having a population of not less than 51,000 and not more than 53,000 according to the latest official decennial census The Canal Authority of the State of Florida is authorized to acquire by condemnation, purchase, gift or other means, lands and rights of way in or upon which there is located cemeteries and places or enclosures for the burial of the dead and to construct, own and maintain upon or through said lands or rights of way a canal known as the Cross-Florida Barge Canal in a route designated, specified or approved by the Department of the Army or other appropriate department or agency of the United States as provided in Chapter 374, Florida Statutes.

Section 2. Before the construction of said canal the Canal Authority of the State of Florida shall remove and relocate any such cemetery, place or enclosure for the burial of the dead which is located upon said lands or rights-of-way so acquired. Disinterment of the dead required in carrying out the provisions of this act shall be done under the supervision of a licensed funeral director as provided by law.

Section 3. In administering and carrying out the provisions of this act the Canal Authority of the State of Florida shall have all the authority, powers and duties given to it under Chapter 374, Florida Statutes.

Section 4. The provisions of this act and the powers and duties given by it to the Canal Authority of the State of Florida shall be deemed cumulative and supplementary to those given to it under Chapter 374, Florida Statutes, and shall not be deemed as having a restrictive effect.

Section 5. Section 822.13, Florida Statutes, to the extent that it is in conflict with this act, is repealed.

Section 6. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of this act shall not be effected.

Section 7. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1007

House Bill No. 3104

AN ACT relating to superintendents of public instruction in all counties in the state having a population of not less than two thousand nine hundred (2,900) and not more than three thousand (3,000), according to the latest official decennial census; authorizing payments from federal funds to superintendents who serve as directors of federal school projects programs; providing an effective date.

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

Section 1. In any county in the state having a population of not less than two thousand nine hundred (2,900) and not more than three thousand (3,000), according to the latest official decennial census, the superintendent of public instruction is authorized to accept compensation from federal funds for service he renders to the federal school projects program. Such compensation shall be in addition to compensation otherwise payable to the superintendent. All such payments from federal funds received prior to the effective date of this act are hereby validated and confirmed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1008

House Bill No. 3103

AN ACT prescribing compensation of members of mosquito control districts in all counties of the state having a population of not less than fifteen thousand seven hundred (15,700) and not more than sixteen thousand four hundred (16,400), according to the latest official decennial census; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than fifteen thousand seven hundred (15,700) and not more than sixteen thousand four hundred (16,400), according to the latest official decennial census, the mosquito control district shall have the right to pay the members of its board of commissioners a salary of fifty dollars (\$50.00) per month in lieu of all other compensation provided by law.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1009

House Bill No. 3092

AN ACT relating to Marion County; creating a prosecuting attorney for the County Judge's Court; providing for the election and term of office of said prosecutor; prescribing duties and powers of said prosecutor, providing the compensation of said prosecutor.

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

Section 1. The office of County Prosecuting Attorney of Marion County is hereby created and established. The office of county prosecuting attorney shall be filled by an election thereof of an attorney at law to said office for a term of four years, and who shall take office on the first Tuesday after the first Monday in January following his election, said election to be conducted according to the general election laws of Florida provided, however, that any prosecuting attorney presently holding an office by virtue of an election or an appointment by the Governor under a local law, shall continue to hold such office until the expiration of the term for which he was elected or appointed.

Section 2. The prosecuting attorney of the county judge's court shall prosecute all persons charged with the commission of any kind of offense against the laws of the state in and for the county judge's court.

Section 3. The prosecuting attorney of the county judge's court shall be allowed the process of said court to summon witnesses to appear before him, in or out of term, at such convenient place and time as may be designated in the summons, to testify before him as to any violation of the criminal law upon which they may be interrogated; and he is hereby empowered to administer oaths to all witnesses summoned to testify by the process of the court and to all witnesses who may voluntarily appear before him, and he shall have authority to take recognizances of all witnesses summoned before him and of all witnesses who voluntarily appear before him and are administered an oath by him, when he deems that their evidence is material on behalf of the state, to be and appear on the first day of the next term of the said county judge's court.

The compensation and mileage provided by law for witnesses

in county judge's courts shall be paid to each witness who is compelled to appear before said prosecuting attorney under the provisions of this section.

Section 4. Compensation of the county prosecuting attorney shall be as provided by the general law.

Section 5. Notice of intention to apply for the passage of this Act by the Legislature has been published as required by Section 21 of Article III of the Constitution of the State of Florida, and affidavit of proof of such publication, together with true copy of such notice, was duly attached to this Act when the bill therefor was introduced in the Legislature and accompanied said bill throughout the Legislature as required by Sections 11.02 and 11.03, Florida Statutes, 1965; and the Legislature hereby determines that said notice and affidavit are sufficient in form and substance and that said Section 21 of Article III of the Constitution of Florida, and Sections 11.02 and 11.03, Florida Statutes, 1965, have been complied with in every respect.

Section 6. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1010

House Bill No. 3085

AN ACT to abolish existing justice of the peace districts in Volusia county; to establish five (5) justice of the peace districts in the county; providing for a referendum election on this act at the next special or general election; providing an effective date.

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

Section 1. On and after January 1, 1969, all existing justice of the peace districts in Volusia county shall be abolished by the terms of this act; and there are hereby created on and after this same date five (5) justice of the peace districts in Volusia county, Florida, which shall be numbered one, two, three, four and five.

Section 2. The territory to be embraced within justice of the peace district no. one shall be as follows:

Beginning at the Northeast corner of Section 1, Township 16 South, Range 31 East; run thence West, along the North line of said Township 16 South, to the Northwest corner of Section 6, Township 16 South, Range 31 East; thence South, along the West line of Range 31 East, a distance of 9 miles, more or less, to the intersection of said East line of Range 30 East and the center-line of State Road #44; thence Westerly, along said center-line of State Road #44 (New York Avenue) to a point of intersection with the East city limits of the City of DeLand (Hill Avenue); thence South, along said East city limits, to a point of intersection with the South city limits of the City of DeLand (Beresford Avenue); thence West, along said South city limits, to a point of intersection with the West city limits of the City of DeLand (Boundary Avenue); thence North, along said West city limits, to a point of intersection with the center-line of State Road #44 (New York Avenue); thence Westerly, along said center-line of State Road #44 to a point of intersection with the main channel of the St. Johns River; thence Southerly, along the thread of said St. Johns River, what is known as "Old River", and running on the South and West sides of what is known on the maps of public surveys as "Huntoon's Island" to a point of intersection with the Township line between Township 21 South and Township 22 South; thence East, along said Township line, to the Range line between Range 33 East and Range 34 East; thence North, along said Range line, to the Township line between Township 19 South and Township 20 South; thence West, along said Township line, to the Southwest corner of Section 34, Township 19 South, Range 33 East; thence North to the Northwest corner of Section 3, Township 19 South, Range 33 East; thence West to the Northwest corner of Section 6, Township 19 South, Range 33 East; thence North to the Northeast corner of Section 1, Township 18 South, Range 32 East; thence West to the Southwest corner of Section 31, Township 17 South, Range 32 East; thence North to the Northeast corner of Section 1, Township 16 South, Range 31 East and point of beginning of this description.

Section 3. The territory to be embraced within justice of the peace district no. two shall be as follows :

Beginning at the Northeast corner of Section 25, Township 14 South, Range 30 East, said point being on the boundary line between Volusia and Flagler Counties; thence South, a distance of 2 miles to the Southeast corner of Section 36, Township 14 South, Range 30 East; thence West, along the South line of Township 14 South, to the Northeast corner of Section 1, Township 15 South, Range 30 East; thence South, along the East line of Range 30 East, a distance of 15 miles, more or less, to the intersection of said East line of Range 30 East and the center-line of State Road #44; thence Westerly, along said center-line of State Road #44 (New York Avenue) to a point of intersection with the East city limits of the City of DeLand (Hill Avenue); thence South, along said East city limits, to a point of intersection with the South city limits of the City of DeLand (Beresford Avenue); thence West, along said South city limits, to a point of intersection with the West city limits of the City of DeLand (Boundary Avenue); thence North, along said West city limits, to a point of intersection with the center-line of State Road #44 (New York Avenue); thence Westerly, along said center-line of State Road #44 to a point of intersection with the main channel of the St. Johns River; thence Northerly, along the thread of said St. Johns River, what is known as "Old River", and running on the South and West sides of what is known on the maps of public surveys as "Huntoon's Island" and on the South and West shores of Lake George to the mouth of Sulphur Springs (now Salt Springs Run); thence Northeasterly, in a direct line across Lake George, to a point where the Southerly boundary of the Domingo Acosta Grant, also known as Section 38, Township 13 South, Range 27 East (said Acosta Grant lying and being in Putnam County) intersects the Easterly shore of Lake George, said point being South 65° West, a distance of 32 chains from the Southeasterly corner of said Acosta Grant, according to United States Government Survey of Township 13 South, Range 27 East; run thence North 75° 15' East to a point in the shore of Crescent Lake; thence along the Southeasterly shore of said Crescent Lake to the North Bank of Haw Creek; thence

Easterly along the North bank of said Haw Creek to the Range line between Range 28 East and Range 29 East; thence South, along said Range line, to the Northwest corner of Section 30, Township 14 South, Range 29 East; thence East along the North boundary of said Section 30 and other sections to the Northeast corner of Section 25, Township 14 South, Range 30 East and point of beginning of this description.

Section 4. The territory to be embraced within justice of the peace district no. three shall be as follows:

Beginning at the Northwest corner of Section 6, Township 16 South, Range 32 East, run thence East along the Township line between Township 15 South and Township 16 South and along the North City boundary of Port Orange to the East boundary line of the City of Port Orange; thence South, to the South boundary line of the City of Port Orange; thence West, along the said South boundary line of the City of Port Orange to a point of intersection with the Main Channel of the Intra-Coastal Waterway in the Halifax River; thence Southerly, along the main channel of said Intra-Coastal Waterway to a point of intersection with the Main Channel of Ponce deLeon Inlet; thence Easterly, along said Main Channel of Ponce deLeon Inlet to the shore line of the Atlantic Ocean; thence Southerly, along the said shore line of the Atlantic Ocean, to a point of intersection with the Township line between Township 19 South and Township 20 South; thence West, along said Township line to the Southwest corner of Section 34, Township 19 South, Range 33 East; thence North to the Northwest corner of Section 3, Township 19 South, Range 33 East; thence West to the Northwest corner of Section 6, Township 19 South, Range 33 East; thence North to the Northeast corner of Section 1, Township 18 South, Range 32 East; thence West to the Southwest corner of Section 31, Township 17 South, Range 32 East; thence North to the Northeast corner of Section 1, Township 16 South, Range 31 East and point of beginning of this description.

Section 5. The territory to be embraced within justice of the peace district no. four shall be as follows:

Beginning at the Northeast corner of Section 25, Township

14 South, Range 30 East, said point being on the boundary line between Volusia and Flagler Counties; thence South, a distance of 2 miles to the Southwest corner of Section 31, Township 14 South, Range 31 East, thence West, along the South line of Township 14 South, to the Northwest corner of Section 6, Township 15 South, Range 31 East; thence South, a distance of 6 miles, to the Southwest corner of Section 31, Township 15 South, Range 31 East; thence East, along the South line of Township 15 South, and along the North City Limits of Port Orange, to a point of intersection with the main channel of the Intra-Coastal Waterway in the Halifax River; thence Northerly, along the main channel of said Intra-Coastal Waterway, to a point of intersection with the North boundary of Volusia County, being the Section line running between Sections 29 & 30 and 31 & 32, Township 12 South, Range 32 East; thence West, along said Section line, to a point of intersection with Haul Over or Smith Creek; thence Southerly, along said Haul Over or Smith Creek, to a point of intersection with the line dividing the Bulow and Ormond Grants; thence West-erly, along said line dividing said Grants, to a point of intersection with Old King's Road; thence Southerly, along said Old King's Road, to a point of intersection with North line of Section 10, Township 13 South, Range 31 East; thence West along said North line of Section 10, to the Northwest corner of said Section 10; thence South, along the West line of said Section 10 and other Sections, to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence West, along the North line of Sections 27, 38, 29 & 30, Township 14 South, Range 31 East, to a point, said point being the point of beginning of this description.

Section 6. The territory to be embraced within justice of the peace district no. five shall be as follows :

Beginning at the intersection of the Main Channel of Ponce de Leon Inlet and the shore of the Atlantic Ocean, run thence Westerly, along said Main Channel of Ponce de Leon Inlet, to a point of intersection with the Main Channel of the Intra-Coastal Waterway in the Halifax River; thence Northerly, along the said Main Channel of the Intra-Coastal Waterway, to a point of intersection with the South boundary of the City of Port Orange; thence East

to the East Boundary line of the City of Port Orange; thence north to the north boundary line of the City of Port Orange; thence West, along said north line of City of Port Orange; to a point of intersection with the main channel of said Intra-Coastal Waterway; thence north, along said main channel of the Intra-Coastal Waterway to a point of intersection with the North boundary line of Volusia County, being the Section line running between Sections 29 & 30 and 31 & 32, Township 12 South, Range 32 East; thence East along said Section line, to a point of intersection with the shore of the Atlantic Ocean; thence South-erly, along the shore of the Atlantic Ocean, to an intersec-tion with the Main Channel of Ponce de Leon Inlet, said point being the point of beginning of this description.

Section 7. This act shall be submitted to the qualified elec-tors of Volusia county, Florida, by referendum at the next spe-cial or general election to be held in the county, and the act shall become effective, if ratified by a majority of the qualified electors of the county who participate in in such election, on January 1, 1969.

Section 8. This act shall take effect immediately upon be-coming a law, subject only to the referendum for which pro- vision is made herein.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1011

House Bill No. 3070

AN ACT relating to any judicial circuit in Florida comprised of two (2) counties and having a population in such judicial circuit of less than five hundred thousand (500,000) accord- ing to the latest official decennial census; providing for sup- plementary compensation of the duly commissioned official court reporter residing in the less populated county of said judicial circuit and maintaining an office in the courthouse of said county; providing an effective date.

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

Section 1. In any judicial circuit comprised of two (2) counties and having a population of less than five hundred thousand (500,000) according to the latest official decennial census, the board of county commissioners of the less populated county of said judicial circuit is authorized and directed to pay to the duly commissioned official court reporter who resides in said less populated county of said judicial circuit and who maintains an office in the courthouse of said county an annual compensation of thirty-six hundred dollars (\$3,600.00). Said sum shall be paid in equal monthly installments upon requisition of said official court reporter. This compensation shall be in addition to any other compensation said official court reporter is entitled to under existing law.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1012

House Bill No. 3065

AN ACT relating to beaches in any county of the State having a population of not less than thirty seven thousand (37,000) nor more than thirty nine thousand nine hundred (39,900), according to the latest official decennial census; authorizing the board of county commissioners in any such county to regulate, limit, restrict, control or prohibit any activities on the public beaches in the unincorporated area of St. Lucie county which may be harmful or dangerous to the public health, safety or welfare; providing a penalty for violations and providing an effective date.

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

Section 1. In any county of the State having a population of not less than thirty seven thousand (37,000) nor more than thirty nine thousand nine hundred (39,900), according to the latest decennial census, the board of county commissioners of such county may adopt regulations limiting, restricting, con-

trolling or prohibiting any activities on the public beaches in the unincorporated area of St. Lucie county which may be harmful or dangerous to the public health, safety or welfare.

Section 2. Such regulations shall be by resolution of the board, shall be recorded in the minutes of the meetings of the board when adopted and shall be promulgated by posting copies thereof at the courthouse for two consecutive weeks or by publication once each week in a newspaper published in said county for the same period.

Section 3. Such regulations shall be enforced as are the criminal laws. Violation thereof shall be a misdemeanor.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1013

House Bill No. 3048

AN ACT authorizing issuance of one additional license under Chapter 561.34(4) Florida Statutes, notwithstanding the provisions of Chapter 561.20, Florida Statutes, in counties having a population of more than 100,000 according to the last preceding census, for a business location on an island within the exterior boundaries of land leased by a county and administered by a county agency of the lessee; providing an effective date.

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

Section 1. Notwithstanding the provisions of Chapter 561.-20, Florida Statutes, one additional license as provided by Chapter 561.34(4), Florida Statutes, shall be granted in any county having a population of more than 100,000 according to the last preceding census, for a business location within the exterior boundaries of any land located on an island, leased by a county, from a county agency of the lessor or leasing county, which said leased land is made by law subject to administration by a county agency of the lessee; provided, however, no such license

shall be issued or transferred to any applicant unless such application is approved by the county agency of the said lessee. No license issued hereunder shall be transferred to a location without the leased land; provided, however, that this act shall not authorize or permit any county or county agency to secure or operate a business under such license secured under the provisions of Chapter 561.20 and 561.34(4) above mentioned.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1014

House Bill No. 3044

AN ACT relating to alcoholic beverages, club beverage licenses in each county in the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census; providing for one (1) additional beverage license; providing an effective date.

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

Section 1. In each county of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of Section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section; provided, that such additional license authorized by this act in such county shall be issued to the following: Greater Hollywood Junior Chamber of Commerce, Inc., a non-profit Florida corporation, 2930 Hollywood Boulevard, Hollywood, Florida. It is further provided such club meet all the requirements of the beverage laws.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1015

House Bill No. 3139

AN ACT providing for annual compensation in the budgets of 1966-1967 of Gulf county for members of the board of county commissioners of Gulf county and for the sheriff of Gulf county; providing an effective date.

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

Section 1. Each member of the board of county commissioners of Gulf county shall be paid two thousand four hundred dollars (\$2,400.00) per year as salary for the budget year 1966-1967, and such compensation shall be payable as the board of county commissioners of Gulf county shall determine within the budget year of 1966-1967.

Section 2. The sheriff of Gulf county shall be paid an annual salary of eleven thousand five hundred dollars (\$11,500.00) for the budget year 1966-1967 and such compensation shall be payable for such budget year from funds budgeted to the sheriff of Gulf county for the 1966-1967 budget year.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1016

House Bill No. 3133

AN ACT providing for the amount of fee to be charged by justices of the peace of Volusia county, for the issuance of warrants; providing an effective date.

CHAPTER 67-1017 LAWS OF FLORIDA

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

Section 1. The county commissioners of the county of Volusia shall pay the sum of eight dollars and fifty cents (\$8.50) for the issuance of each warrant by any duly qualified and elected justice of the peace of Volusia county.

Section 2. All laws and parts of laws in conflict with the provisions of this act are repealed insofar as the same conflict with the provisions of this act.

Section 3. This act shall take effect January 1, 1969, provided and only on condition that House Bill No. 3085 of the 1967 regular and extended session of the Florida legislature shall have been enacted into law and ratified by affirmative referendum by the qualified electors of Volusia county.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1017

House Bill No. 3248

AN ACT relating to alcoholic beverages, and club beverage licenses in each county in the state having a population of not less than four hundred thousand (400,000) and not more than nine hundred thousand (900,000), according to the latest official decennial census; providing for one (1) additional beverage license; providing an effective date.

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

Section 1. In each county of the state having a population of not less than four hundred thousand (400,000) and not more than nine hundred thousand (900,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section; providing, that such additional licenses authorized by this act in such county shall be issued to the Florida Air National Guard Non-

Commissioned Officers Club, providing such club meets all the requirements of the beverage laws.

Section 2. This act shall take effect immediately on becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1018

House Bill No. 3243

AN ACT relating to small claims court of Brevard County; changing name of court; expanding jurisdiction of court; continuing term of present judge; providing for additional judges; prescribing terms, elections, qualifications, duties and compensation of judges; providing for disposition of fees and fines; providing for court facilities and for payment of court expenses; providing for prosecution and trial of criminal offenses; providing for terms of court; providing for assignment when judge is disqualified; providing for clerk and assistants; fixing powers and duties, providing for clerk of court of record to continue as clerk of magistrate court should constitution revision abolish court of record, and providing in that event the election and term of office of clerk of magistrate court, empowering the county commissioners to supplement the salary of the clerk; providing for transfer of cases pending in court of record; providing for annual court report; incorporating certain statutes; amending sections 8 (2), (3), 9(2), 10 (1) (a), (5) 15 (1), respectively of chapter 65-1231, Laws of Florida; prescribing form of notice to appear, fixing place of trial; fixing filing fees and costs, providing for jury trials; amending section 17 of chapter 65-1231, Laws of Florida, by adding a subsection providing for disposition of funds collected by sheriff; repealing sections 2, 3, 4, and 7, chapter 65-1231, Laws of Florida; limiting applicability to civil jurisdiction of certain existing provisions; providing an effective date.

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

Section 1. Name of court changed; additional jurisdiction.—

(a) The small claims court of Brevard county, established by chapter 65-1231, Laws of Florida, shall be known as the magistrates court of Brevard county.

(b) In addition to the civil jurisdiction now being exercised by such court, such court shall have exclusive jurisdiction of all misdemeanors, including misdemeanor traffic offenses, which shall be committed in Brevard county. The criminal process of such court shall run throughout the state.

Section 2. Judge, initial term and election; additional judges, appointments, terms and elections; qualifications; judges to be committing magistrates.—

(a) The judge shall be elected by the electors of Brevard county and shall hold office for a term of four (4) years.

(b) The judge of such court now functioning shall continue in such office until his present term expires and until his successor is duly elected and qualified.

(c) There shall be appointed by the governor an additional judge or judges for said court upon receipt of a certificate signed by the majority of the county commissioners of Brevard county that there is needed another judge for the proper administration of the court's business. The term of any such appointed judge or judges shall expire on the first Tuesday after the first Monday in the first January after the first general election following such appointment.

(d) In order for a person to be eligible for appointment or election as judge of such court, he shall have practiced law in the state for at least five (5) years prior to his appointment or election, and he shall be a qualified elector of Brevard county.

(e) Each judge of such court shall be a committing magistrate and may issue arrest warrants, capias, search warrants, conduct preliminary hearings and admit to bail.

Section 3. Compensation of judges—Each judge of such court shall receive a salary of eighteen thousand six hundred

dollars (\$18,600.00) per annum. Said salary shall be paid from the general revenue fund of Brevard County in equal monthly installments. The judge or judges of such court shall not engage in the practice of law during the term of their office.

Section 4. Disposition of fees and fines; payment of court's expenses.—

(a) All moneys collected by the court as fees and charges in civil cases shall be paid monthly into the general revenue fund of Brevard county. All fines and forfeitures received by the court shall be paid into the county fine and forfeiture fund as provided for in chapter 142, Florida Statutes. All of the expenses of the court shall be paid directly by the board of county commissioners from the general revenue fund of Brevard county. Such expenses shall include, but not by way of limitation, compensation for the judges, judges' secretaries, clerk, deputy clerks, assistants, mileage and travel expenses for all court personnel, postage and post office box rental, telephone, business machine rental, professional dues, publications and books, conventions, seminars, and conferences, and printing not available from county facilities.

(b) The board of county commissioners of Brevard county shall furnish suitable quarters for the court and clerk, and shall provide the necessary equipment, office furniture, maintenance, and supplies, including printed forms, so as to enable the court to function in accordance with this act.

Section 5. Prosecution.—The solicitor of Brevard county shall be the prosecuting attorney of said court; provided, however, that in the event the office of solicitor is abolished, then the state attorney for the judicial circuit in which Brevard county is located shall be prosecuting attorney for such court.

Section 6. The trial of criminal offenses.—All offenses triable in the magistrates court shall be prosecuted upon indictment, information, affidavit, or complaint under oath, to be filed in the court. All traffic cases, including cases made under chapters 320, 322 and 324, Florida Statutes, may be prosecuted upon a uniform traffic ticket as set forth in section 317.112, Florida Statutes.

Section 7. Terms of court.—The terms of this court for

criminal cases shall be the same as now existing in the court of record in Brevard county.

Section 8. Disqualification of judge.—When any judge of said court is disqualified, ill, or for any reason unable to act as such judge, or to hold a term of court, then another judge shall be assigned and transferred to said court as now or hereafter provided by the rules of the supreme court, by statutes of the state, or by the state constitution.

Section 9. Clerk of Court

(1) The Clerk of the Court of Record for Brevard County shall also serve as Clerk of the Magistrate's Court.

(2) The Clerk of the Magistrate's Court shall be custodian of the seal of Magistrates Court, and also of the dockets, books, records, paper, and equipment of the Court.

Such Clerk shall have the same powers, duties and obligations now exercised by or imposed upon the Clerk of the Circuit Court. The Clerk and Deputy Clerks shall have the power and authority to administer oaths and take acknowledgements in all matters pertaining to the Court. The Clerk of Court may employ Deputy Clerks or assistants, and their salary shall be set by Board of County Commissioners.

(3) In the event that within the term of the present Clerk of the Court of Record the office of the Clerk of the Court of Record is abolished through revision of the Constitution, the present Clerk of the Court of Record shall continue to serve as Clerk of the Magistrate's Court until the end of that term of office presently in effect as if such office had not been abolished, but then such Clerk shall be known as Clerk of the Magistrate's Court. In the event of the abolition of the office of Clerk of Court of Record, the office of Clerk of the Magistrate's Court shall become elective upon the end of the term of office of the present Clerk of the Court of Record. In that event the Clerk of the Magistrate's Court shall be elected by the electors of Brevard County and shall hold office for a term of four (4) years.

The salary of such Clerk shall be as it had theretofore existed for the Clerk of the Court of Record.

Such election shall be governed by the same laws as are applicable to elections of the Clerk of Circuit Court.

(4) The compensation to be received by such Clerk shall not be affected by this act. However, the Board of County Commissioners of Brevard County is authorized and empowered to consider, act upon, grant or deny any request to increase or supplement salary of such clerk.

Section 10. Transfer of pending cases.—Upon the effective date of this act the court of record of Brevard county will transfer those cases pending before it, which are within the jurisdiction of the magistrates court, to the magistrates court for disposition.

Section 11. Annual report.—The court, with the assistance of its clerks, will prepare, by January 1 of each year, an annual report to the public of the court's activities for the preceding fiscal year.

Section 12. Other statutes applicable.—Except as otherwise specifically and expressly provided by the Florida constitution, or this act, the provisions of sections 32.08, 32.09, 32.11, 32.27, 32.30, Florida Statutes, shall apply, as if specifically included and set forth in this act, in all criminal proceedings, prosecutions and the trials in said court.

Section 13. Subsections (2) and (3) of Section 8, subsection (2) of section 9, subsections (1) (a) and (5) of section 10, and subsection (1) of section 15 chapter 65-1231, Laws of Florida, are amended to read:

Section 8. Commencement of action; service of notice; failure to appear.—

(2) A notice to appear, by which the summons of the court shall be known, to which shall be attached a copy of the statement of claim, shall be served on the defendant, and such service shall be sufficient to give the court jurisdiction in the premises. The time for appearance, at which time a hearing on the claim shall be had, shall be not less than five (5) nor more than thirty (30) days from the date of the service of said notice. The mode of service shall be as provided by law except that the notice to appear on which the sheriff's return is made may be a carbon or other copy of such notice to appear; pro-

vided the same has been stamped "original summons" by the clerk and bears the seal of the court; or by registered or certified mail with return receipt; or by constructive service under the general laws. When jurisdiction is obtained by constructive service, the time fixed for the answer of the defendant pursuant to the applicable general law shall be the trial date.

(3) When notice is to be served by registered or certified mail, the clerk shall enclose a copy of the statement of claim and notice to appear in an envelope addressed to the defendant, at his last known address, prepay the postage and mail the same forthwith, noting on the record the date of mailing. When the receipt for the registered or certified letter is returned the clerk shall attach the same to the original statement of claim or notice, and it shall constitute prima facie evidence of service upon the defendant when signed by the defendant or a member of his household over the age of fifteen (15) years, and on a partnership, if signed by a partner, and on a corporation, if signed by an officer or an agent of said corporation.

Section 9. Place of filing suits; place of trials.—The trial of any case will be heard in the area in which the clerk's office is located in which such case is filed unless the court otherwise orders it tried at a different location. The judge, or in the event the office of the associate judge is activated, the presiding judge, is authorized, empowered and directed to set hearings for the trial of cases in the various courthouses and branches in Brevard county on as many days as the case load may require or permit. The trial of any case may be held in some other public building in Brevard county if the courtroom facilities are not available.

Section 10. Filing fees; costs; waiver.—

(1) The plaintiff in civil cases, when he files his claim, shall deposit with the court filing fees as follows:

(a) Ten dollars (\$10.00), except proceedings in garnishment before judgment, garnishment after judgment, attachments, replevin, distress and for suits against nonresidents of this state growing out of the operation of a motor vehicle in this state by such nonresident.

(5) When a case has been continued and in the judgment

of the court either party is entitled to additional notice before proceeding further, a fee of one dollar (\$1.00) shall be required of the party requesting the hearing for notifying all parties thereof by regular mail. Parties represented by attorneys may prepare and serve their own notices of hearings in the manner prescribed in the rules of civil procedure and there would be no fee involved in this instance.

Section 15. Jury trials; waiver; deposit; directed verdict.—

(1) Jury trials in civil cases may be had upon the written demand of the plaintiff at the time of filing of the action or by the defendant within five (5) days of the service of notice to appear. The written demand for a jury shall be accompanied by a deposit to be fixed by the court of a reasonable sum calculated to secure the payment of costs incurred by reason of a jury trial, or otherwise jury trial shall be deemed waived. The costs incurred incident to a jury trial may be taxed by the court as cost. Selection and issuance of venire and summons and the pay of jurors shall be the same as now or hereafter provided by law for county courts.

Section 14. Section 17, chapter 65-1231, Laws of Florida, is amended by adding subsection (3) to read:

Section 17. Sheriff; sales under execution.—

(3) Any and all funds received and collected by the sheriff other than the sheriff's costs incidental to the service of a notice to appear, writ of replevin, distress for rent, or attachment, shall be paid by the sheriff into the registry of the court. When so collected, the amount collected shall include the registry fee hereinafter provided.

Section 15. Repeal of existing provisions.— Sections 2, 3, 4, and 7, chapter 65-1231, Laws of Florida, are hereby repealed.

Section 16. Limited applicability of certain existing provisions.—Sections 1(3), 8, 11, 12, 13, 14, 17, 18, 10, 20 and 22, chapter 65-1231, Laws of Florida, shall only apply to the court in the exercise of its civil jurisdiction.

Section 17. Legislative intent.—It is declared to be the legislative intent that in the event of the adoption of the new constitution for the state of Florida wherein magistrate courts shall be established that the court created by chapter 65-1231,

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Laws of Florida, as amended by this act, shall be the court in Brevard county which shall succeed to the functions of the court created by such constitution that exercises the jurisdiction, or approximately the same jurisdiction of the court existing by virtue of this act.

Section 18. Additional legislative intent.—It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 19. Preserving existing jurisdiction.—This act shall not affect the provisions of law relating to the creation, function, and jurisdiction of the small claims court, Brevard county, heretofore established and now existing, except as herein provided.

Section 20. This act shall be effective October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1019

House Bill No. 3236

AN ACT relating to the office of Special Investigator for the 7th Judicial Circuit in and for Volusia County, Florida; amending Section 4 of chapter 24217, Laws of Florida 1947 to provide for the compensation of such Special Investigator; providing an effective date.

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

Section 1. Section 4 of chapter 24217, Laws of Florida 1947 is amended to read:

Section 4. The Special Investigator herein provided for shall receive a salary of Six Hundred (\$600.00) Dollars per month, plus ten cents (10¢) per mile, for mileage actually traveled in the performance of his duties as such Special Investigator, during the term of such assignment, and said salary and compensation aforesaid, shall be paid monthly by the County Commis-

sioners of Volusia County, Florida, from and out of the Fine and Forfeiture Fund of said County.

Section 2. Effective date. This act shall become effective immediately upon becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1020

House Bill No. 3234

AN ACT relating to Polk county; amending chapter 65-619, Laws of Florida, providing for annual salary of the judge of the juvenile and domestic relations court in and for Polk county; providing an effective date.

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

Section 1. From and after the effective date of this act the judge of the juvenile and domestic relations court in and for Polk county shall receive an annual salary of fifteen thousand dollars (\$15,000.00). The said salary shall be paid in equal monthly installments by the board of county commissioners of said county.

Section 2. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1021

House Bill No. 3232

AN ACT relating to the use and sale of mullet in all counties of the state having a population of not less than 400,000 nor more than 900,000, according to the latest official decennial census; permitting use and sale of mullet for bait purposes; providing an effective date.

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

Section 1. In any county of the state having a population of not less than 400,000 nor more than 900,000, according to the latest official decennial census, it shall be lawful for any resident of such county to use and sell mullet, regardless of size, for bait purposes.

Section 2. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1022

House Bill No. 3227

AN ACT creating south county drainage district in Volusia County, ratifying, establishing and approving the district boundaries, making applicable to such district the provisions of Chapter 298 Florida Statutes; finding a public benefit; finding that all lands in said district are benefited; providing for the levy collection and enforcement of all taxes levied by said district at the same time and in like manner as county taxes; providing for the same discount and penalty as county taxes; declaring that waters in said district are a common enemy; providing for severability of the provisions of the Act; providing that the Act shall take precedence over any conflicting law to the extent of such conflict; approving the manner of giving notice of intention to apply for this legislation; enacting other provisions relating to this subject; and providing that this act shall take effect upon its approval by the Governor or upon its becoming a law without such approval.

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

Section 1. For the purpose of draining and conserving the lands hereinafter described, and protecting the same from the effects of water, for controlling the water in the district and the water tables with respect to the lands therein, for agricultural and sanitary purposes, and for the public health convenience, welfare, utility and benefit, and for the purpose of making

the lands within the district available and habitable for settlement and agriculture, a drainage district is hereby established to be known as "South County Drainage District", the territorial boundaries of which shall be as follows:

The North 5,280 feet of the West 7,920 feet of that property known as the John Lowe Grant being all of Sections 46 and 47, Township 18 South, Range 34 East and Sections 38, 39 and 40, Township 19 South, Range 34 East, the boundaries of which are described as follows:

Commence at the northwest corner of the said John Lowe Grant, thence run south $12^{\circ}06''$ east along the west line of said John Lowe Grant for a distance of 5,280 feet, thence run north $77^{\circ}30''$ east on a line parallel to the north boundary of the said John Lowe Grant, for a distance of 7,920 feet, thence run north on a line parallel to the west boundary previously described of the said John Lowe Grant, a distance of 5,280 feet to the north boundary of said John Lowe Grant, thence run west along the north boundary of the said John Lowe Grant to the point of beginning, comprising 960 acres more or less.

It is hereby determined, declared and enacted that said lands without the installation and maintenance of drainage facilities are wet and subject to overflow, and that the drainage, and protection of said lands from the effects of water and thereby the making of said lands available for habitation and agricultural purposes by drainage, reclamation and improvement, and the creation of said district with the powers vested in it by this act, are in the interest of and conducive to public welfare, health and convenience, and said district hereby created shall be a public corporation of this State.

Section 2. There has been commenced in the Circuit Court in and for Volusia County, Florida, a proceeding under Chapter 298 to organize South County Drainage District. Any decrees heretofore or hereafter entered by said Circuit Court and all subsequent proceedings taken in said Circuit Court covering said District including provisions setting and extending the boundaries of said South County Drainage District are ratified, confirmed and approved and established as the boundaries of said South County Drainage District. The provisions of this act shall

apply to such extended boundaries as though the same had been described herein.

Section 3. *Provisions of Chapter 298, Florida Statutes Made Applicable.* South County Drainage District, a public corporation of this State, created herein and under Chapter 298, Florida Statutes shall be governed by provisions of the general drainage laws of Florida applicable to such drainage districts or sub-drainage districts which are embodied in Chapter 298 Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with this act or any subsequent special acts relating to South County Drainage District. All actions approved by the Court shall be deemed to be the action of the Legislature as though the same were set forth herein.

4. *Board of Supervisors.* The provision of Section 298.11, Florida Statutes, requiring that two members of the Board of Supervisors be residents of Volusia County, shall not be applicable to said District. The members of the Board of Supervisors may reside in any county within the State of Florida.

5. *Installment taxes and the collection thereof.* The provisions of Section 298.37, Section 298.38, Section 298.39, Section 298.40, Section 298.41 and Section 298.42 Florida Statutes and Amendments thereto, shall not be applicable to said District. In lieu thereof the following provisions shall apply to said District:

Annual installment taxes which are levied under Section 298.36 Florida Statutes, shall become due and be collected during each year at the same time that county taxes are due and collected, and said annual installment and levy shall be evidenced to and certified to by the Board of Supervisors not later than August 31st of each year, to the Tax Assessor of Volusia County. Said tax shall be extended by the said Tax Assessor of Volusia County and shall be collected by the Tax Collector of Volusia County in the same manner and time as county taxes, and the proceeds thereof paid to said district. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

6. *Maintenance Tax.* For the purpose of paying the cost of administering the affairs of the District generally, and for the

purpose of maintaining, operating, preserving and rendering efficient ditches, canals, drains, dikes, levees and other improvements, and for the purpose of defraying expenses of the District, the Board is hereby empowered to levy an annual tax upon the lands within the drainage district, not to exceed the sum of \$10.00 per acre per year.

Maintenance taxes as provided herein and under Section 298.54 Florida Statutes, shall be apportioned as determined by the Board of Supervisors and shall be evidenced to and certified by the Board of Supervisors not later than August 31 of each year, to the Tax Assessor of Volusia County and upon the county tax roll and shall be collected by the Tax Collector of Volusia County in the same manner and time as county taxes and the proceeds therefrom paid to such District. Such tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

Section 7. The County Tax Assessor shall receive his compensation for the duties required of him by the provisions of this Act at a commission of three percent (3%) upon the amount of taxes of the District by him assessed, except errors, and one percent (1%) on delinquent taxes when redeemed, and the County Tax Collector shall receive his compensation for the duties required of him by the provisions of this Act, a commission of three percent (3%) upon the amount of taxes of the District by him collected and one (1%) on delinquent taxes when collected.

Section 8. *Enforcement of Taxes.* The provisions of Section 298.43, Section 298.44, Section 298.45 and Section 298.46 Florida Statutes and Amendments thereto, shall not be applicable to said District. In lieu thereof, the following shall apply to said District.

The collection and enforcement of all taxes levied by said District shall be at the same time and in like manner as County Taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith, shall be applicable to said Dis-

trict and the delinquent and unpaid taxes of said District to the same extent as if said Statutory provisions were expressly set forth in this Act. All taxes shall be subject to the same discounts as County taxes.

Section 8. *When Unpaid Taxes Delinquent; Penalty.* All taxes provided for in this Act shall become delinquent and bear penalties on the amount of said taxes in the same manner as County Taxes.

Section 9. *Water a Common Enemy.* It is hereby determined, declared and enacted that the lands in the District in their natural condition are wet and subject to overflow, and that the drainage, reclamation and protection of said lands from the effect of water and thereby the making of said lands available for agricultural, settlement, urban and subdivision purposes by drainage, reclamation and improvement, and the creation of said District with the powers vested in it by this Act, are in the interest of and conducive to public welfare, health and convenience. It is further declared that in said District, surface waters, which shall include rainfall from the overflow of rivers and streams are a common enemy, and said District and any individual or agency holding a permit to do so from said District, shall have the right to dike, dam and construct levees to protect the said District or any part thereof, or the property of said individual or agency against the same, and thereby divert the course and flow of such surface waters and/or pump the water from within such dikes and levees.

Section 10. *Severability.* In case any one or more of the Sections or provisions of this Act or the application of such Sections or provisions to any situation, circumstances or persons shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any of the Sections or provisions of this Act or the application of such Sections or provisions to any other situation, circumstances or persons and it is intended that this law shall be construed and applied as if such Section or provision had not been included herein for any unconstitutional application.

Section 11. *Effect of Conflict.* In the event of a conflict between the provisions of this Act and the provisions of any other Act, the provisions of this Act shall control to the extent of such conflict.

Section 12. *Notice of Intention.* It is found and determined that Notice of Intention to apply for this Legislation was given in the time, form and manner required by the Constitution and the Laws. Said Notice is found to be sufficient and is hereby validated and approved.

Section 13. *When Act to Take Effect.* This Act shall take effect immediately upon its approval by the Governor or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1023

House Bill No. 3223

AN ACT relating to all counties having a population of not less than fifty-six thousand (56,000) and not more than sixty-one thousand (61,000), according to the latest official decennial census; creating the office of prosecuting attorney for the county judge's court in such counties; describing his duties and powers, compensation, and providing an effective date.

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

Section 1. In all counties in the state having a population of not less than fifty-six thousand (56,000) or more than sixty-one thousand (61,000) according to the latest official decennial census, there is hereby created and established the office of county prosecuting attorney. The office of county prosecuting attorney shall be filled by an election thereof of an attorney at law to said office for a term of four years, and who shall take office on the first Tuesday after the first Monday in January following his election, said election to be conducted according to the general election laws of Florida provided, however, that any prosecuting attorney presently holding an office by virtue of an election or an appointment by the Governor under a local law, shall continue to hold such office until the expiration of the term for which he was elected or appointed.

Section 2. The prosecuting attorney of the county judge's court shall prosecute all persons charged with the commission

of any kind of offense against the laws of the state in and for the county judge's court.

Section 3. The prosecuting attorney of the county judge's court shall be allowed the process of said court to summon witnesses to appear before him, in or out of term, at such convenient place and time as may be designated in the summons, to testify before him as to any violation of the criminal law upon which they may be interrogated; and he is hereby empowered to administer oaths to all witnesses summoned to testify by the process of the court and to all witnesses who may voluntarily appear before him, and he shall have authority to take recognizances of all witnesses summoned before him and of all witnesses who voluntarily appear before him and are administered an oath by him, when he deems that their evidence is material on behalf of the state, to be and appear on the first day of the next term of the said county judge's court.

The compensation and mileage provided by law for witnesses in county judge's courts shall be paid to each witness who is compelled to appear before said prosecuting attorney under the provisions of this section.

Section 4. Compensation of the county prosecuting attorney shall be seven thousand five hundred dollars (\$7,500.00) per annum payable in equal monthly installments.

Section 5. Severability.—Should any section, paragraph, sentence, clause, or phrase of this law be declared unconstitutional or invalid for any reason, the remainder of this law shall not be affected thereby.

Section 6. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1024

House Bill No. 3213

AN ACT relating to any county in the state having a population of not less than twenty-three thousand (23,000) and not

more than twenty-eight thousand (28,000) according to the latest official decennial census; regulating contractors, plumbing contractors, electrical contractors and specialty contractors within the area of any county lying outside of incorporated municipalities; providing for this act to become applicable and effective within the corporate limits of consenting municipalities; defining contractors, plumbing contractors, electrical contractors and specialty contractors; prescribing the qualifications required of each and providing for the appointment of examining boards to examine qualifications and to issue certificates of competency; exempting certain owners from this act; providing for review of decisions denying certificates of competency or recommending revocation thereof; providing for the payment of fees; authorizing the expenditure of county funds to effectuate the purposes of this act; declaring such purposes to be county purposes; providing penalties for the violation of this act; making the provisions of this act contingent upon the adoption of a resolution by the board of county commissioners; providing an effective date.

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

Section 1. The provisions of this act shall be applicable in any county in the state having a population of not less than twenty-three thousand (23,000) and not more than twenty-eight thousand (28,000) according to the latest official decennial census herein called "the county."

Section 2. The purpose of this act is to protect the public health, safety and welfare by regulating contractors, plumbing contractors, electrical contractors and specialty contractors engaging in the construction, repair or alteration of buildings, structures or appurtenances in the unincorporated area of the county.

Section 3. The provisions of this act shall become applicable and effective within the corporate limits of any municipality located within the county in the event the governing body of said municipality consents to have such provisions become so applicable and effective, but this act shall not become so applicable and effective within the corporate limits of any municipality unless and until the governing body of such municipality so consents.

Section 4. Definitions.—As used in this act the following words and terms shall have the following meanings, unless a different meaning is clearly indicated:

(a) “Contractor” means any party engaged in constructing for others buildings, structures or appurtenances, or additions, modifications or alterations by contract for cost plus, fixed fee or percentage, or any compensation other than wages, who is responsible for substantially the entire project; said term does not include plumbing contractors, electrical contractors and specialty contractors.

Contractors are divided into three (3) classes defined as follows:

General contractor—A contractor whose work involves the use of two (2) or more unrelated building trades or crafts, who has financial means to undertake such work and who has knowledge equivalent to that ordinarily gained by ten (10) years’ experience as a superintendent for a general contractor or building contractor or as a licensed building contractor for said period as evidenced by satisfactorily passing a general contractors’ examination given by the board of examiners, and thus has shown that his scope of operation should be unlimited as to height and complexity of design.

Building contractor—A contractor whose work involves two (2) or more unrelated building trades or crafts, who has financial means to undertake such work, and who has knowledge equivalent to that ordinarily gained by not less than five (5) years’ experience as a superintendent for a general contractor or a building contractor or as a licensed sub-building contractor for said period, as evidenced by satisfactorily passing a building contractors’ examination given by the board of examiners, and thus has shown that his scope of operation should include buildings not more than two (2) stories in height, limited to the total area at one (1) property site or project.

Sub-building contractor.—A contractor whose work involves the use of two (2) or more unrelated building trades or crafts, who has financial means to undertake such work, and who has knowledge equivalent to that gained by three (3) years’ experience as a superintendent for a general contractor or a

building contractor, as evidenced by satisfactorily passing a sub-building contractors' examination given by the board of examiners, and thus has shown that he is qualified to engage in the construction work of simple one-story design with wall bearing loads or construction which does not require more advanced technical knowledge. The sub-building contractor is limited to the construction of simple one-story design buildings, not exceeding ten thousand dollars (\$10,000.00) in value on residential buildings and five thousand dollars (\$5,000.00) on commercial buildings.

(b) "Plumbing contractor" means any party who assumes responsible charge and direction of other persons in the installation of plumbing, which means all work done in connection with the installation, maintenance, extension and alteration of piping fixtures, appliances, and appurtenances thereto, and all apparatus or equipment used in connection with the water supply and sewage disposal systems.

(c) "Electrical contractor" means any party who assumes responsible charge and direction of other persons in the installation of electrical work, which means all work done in connection with the installation, maintenance, extension and alteration of a system of electrical wiring for lights, heat or power, and appurtenances thereto, and all apparatus or equipment used in connection therewith.

(d) "Specialty contractor" means any party who assumes responsible charge and direction of other persons in the performance of construction work requiring special skills (except contractors, plumbing contractors and electrical contractors as defined herein) and whose principal contracting business involves the use of specialized building trades and crafts, usually a minor part of the complete structure. Specialty contractors include, but are not limited to, the following crafts:

Air-conditioning	Masonry
Awning erection	Painting
Cabinet and millwork	Plastering
Cement and concrete	Roofing
Demolition	Roof waterproofing
Elevators	Sheet metal work
Fence erectors	Sign erection
Flooring	Steel reinforcing and Iron

Glazing	Structural steel erection
Gunite and sandblasting	Swimming pools (construction only)
Heating and ventilation	Termite treating
House Moving	Tile marble and terrazzo
Insulating	

(e) "Party" means any sole proprietorship, partnership, corporation, association or other type of business organization.

Section 5. No party shall engage in the work, business or occupation of contractor, plumbing contractor, electrical contractor or specialty contractor, as defined herein, in the area of the county lying outside incorporated municipalities or within the boundaries of any consenting municipality until such party has first obtained a certificate of competency as provided in this act.

Section 6. No state or county occupational license shall be issued to any party to engage in the business or occupation of contractor, plumbing contractor, electrical contractor or specialty contractor, as defined herein, within the unincorporated area of the county or within the boundaries of any consenting municipality thereof until the applicant shall exhibit a certificate of competency for the period for which such occupational license is sought.

Section 7. Revocation of any certificate of competency, as provided in this act, shall automatically revoke any state or county occupational license that may have been issued to the holder of any such revoked certificate of competency.

Section 8. It shall be unlawful for any party to engage in the business or occupation of contractor, plumbing contractor, electrical contractor and specialty contractor within the unincorporated area of the county or within the boundaries of any consenting municipality thereof without first obtaining a certificate of competency, as provided for in this act. In cases of firms or corporations, certificates of competency shall be issued to persons actively in charge of and superintending work being done or to be done, as representing such firms or corporations, and the holding of such certificates by such persons shall constitute compliance by such firms or corporations with the provisions of this act concerning certificates of competency. Should

the qualified representative of a firm or corporation sever his connection with the firm or corporation, the certificate of competency for such firm or corporation shall be revoked.

Section 9. In order to effectuate the purposes of this act, the board of county commissioners of the county, is authorized and empowered to create and appoint separate boards of examiners for contractors, plumbing contractors, electrical contractors and specialty contractors. Each examining board shall consist of five (5) citizens of the county who shall serve at the pleasure of the board of county commissioners without compensation. Any member of any such examining board may be removed from office by a majority vote of the complete board of county commissioners. A majority of the members of each of said examining boards (with the exception of the board of examiners for specialty contractors) shall be persons trained in the technical and business questions involved in the particular business or occupation for which such board is created. The members of the board of examiners for specialty contractors shall be, as nearly as possible, representative of and familiar with the trades included therein, and shall have both technical and business training in said trades whenever possible. Each such examining board may be reimbursed for its reasonable expenses upon requisition to and approval by the board of county commissioners. Three (3) members of any of such examining board shall constitute a quorum at any meeting, and a majority vote of those present shall be required to make any decision.

Section 10. The examining board authorized by the preceding section shall have the authority, responsibility and duty to examine and determine the qualifications of persons desiring to engage in the respective business or occupation of contractor (either general contractor, building contractor or sub-building contractor), plumbing contractor, electrical contractor or specialty contractor within the unincorporated area of the county or within the boundaries of any consenting municipality thereof and to issue to such persons as are determined to be qualified, certificates of competency, and to recommend revocation of such certificates of competency as herein provided.

Each such examining board shall conduct examinations of persons appearing before it therefor, each three (3) months, and at such additional times as in the opinion of such boards

may be required due to the number of applicants. Examinations shall consist of written and oral questions (and may include practical demonstrations) propounded by the examining board to enable it to determine the qualifications of applicants and their knowledge of the rules, regulations and technical codes governing the particular business or occupation in the county. Any persons failing to pass any examination may apply for re-examination at the next regular examination or any other time that may be set therefor.

A scale of fees for examinations and for the issuance of certificates of competency without examination, as provided for herein, and for renewals of such certificates, shall be adopted by the board of county commissioners. A fee in accordance with such scale, but not in any case to exceed twenty-five dollars (\$25.00) shall be charged for each examination and for each certificate of competency without examination, which shall be deposited in the general fund of the county. Each applicant who passes the examination satisfactorily shall be furnished a certificate of competency by the examining board giving the examination which shall be effective through the following September 30th. Each holder of a certificate of competency shall have the same renewed on or before October 1st of each year, for which renewal each holder shall pay a fee in accordance with the scale of fees adopted by the board of county commissioners, but not in any case to exceed twenty-five dollars (\$25.00), which shall be deposited in the general fund of the county.

Section 11. Upon complaint of any interested party, the examining board having jurisdiction may conduct a hearing on the question of whether or not a certificate of competency which has been issued shall be revoked.

At any such hearing, the complainant, the certificate holder and the examining board shall have the right to be represented by legal counsel, and said parties shall also have the right of cross-examination of any witnesses produced at such hearings. After such hearing the examining board concerned may recommend the revocation of any such certificate for gross incompetency or negligence in conducting work in violation of existing codes, or dishonest practices. Any such hearing may be had at any time after not less than fifteen (15) nor more than thirty (30) days' notice shall have been given by registered mail to

the holder of the certificate sought to be revoked. Such notice shall be mailed to the last address furnished by the certificate holder to the examining board conducting such hearing. The board of county commissioners shall review any recommendation by such examining board that any certificate of competency shall be revoked. If such recommendation be adopted by such board of county commissioners, the board shall state the period of revocation, which shall bear a reasonable relation to the gravity of the offense. After the expiration of the period of revocation, the applicant must reapply for a certificate of competency as provided herein. The person aggrieved may obtain judicial review of any such revocation by petition for certiorari filed in the circuit court of the county within sixty (60) days after the entry of such revocation but not thereafter.

Section 12. Should any applicant for any certificate of competency provided for in this act fail to pass the examination given by the examining board having jurisdiction to issue such certificate of competency, such applicant may, within thirty (30) days after being notified of his failure to pass the examination, apply to the board of county commissioners for a review of the decision of such examining board. The board of county commissioners may in its discretion review the decision of any such examining board, and such examining board shall furnish all of the written portions of the examination given to such applicant and all other papers, grades, and ratings in connection therewith to said board of county commissioners upon its request. If the board of county commissioners determines that such applicant is qualified to engage in the business or occupation for which a certificate of competency has been denied and adopts a resolution setting forth that it has reviewed the decision of the examining board and has found and determined that the applicant is qualified for a certificate of competency, the examining board involved shall forthwith issue to such applicant a certificate of competency. If the board of county commissioners finds and determines that such applicant is not qualified, the person aggrieved may obtain judicial review of any such denial by petition for certiorari filed in the circuit court of the county within sixty (60) days after the entry of such denial but not thereafter.

Section 13. Subsequent to the examination and prior to the issuance of a certificate of competency under this act, every

party shall be required to furnish proof to the appropriate board of examiners:

(a) That the requirements of the "Workmen's compensation law" of the state of Florida have been met.

(b) That said party maintains, in an insurance company authorized to do business in the state of Florida, public liability insurance within minimum limits of not less than fifty thousand dollars (\$50,000.00) for one person, and one hundred thousand dollars (\$100,000.00) for more than one person, in any one accident, and property damage insurance with a minimum of not less than five thousand dollars (\$5,000.00) for any one accident.

In the event a party fails to maintain in force a policy or policies required hereunder, the certificate of competency of such party shall automatically be revoked. The said certificate of competency may be reinstated when the said certificate holder has furnished proof to the appropriate board of examiners of compliance with the above insurance provisions.

Section 14. Any party now engaging in any business or occupation defined in this act may, within ninety (90) days after the board of county commissioners has created and appointed the examining boards provided for herein, apply to the examining board having jurisdiction over such business or occupation for a certificate of competency, and if it be found and determined that such applicant was engaged in such business or occupation as the principal business or occupation of such applicant within the area of the county lying outside of incorporated municipalities or within the boundaries of any consenting municipality of the county at the time of the effective date of this act, and further that such applicant exhibits proof of insurance coverage required hereunder, and satisfies said board as to his experience and financial responsibility, then such applicant shall be issued a certificate of competency for such business or occupation without the necessity of any examination, upon the payment of the applicable fee.

Section 15. Where an applicant produces to an examining board a current certificate of competency, or other like current certificate, duly issued him by a municipality in another county in Florida having codes and conducting examinations which

are equal to those of the county, where such applicant further exhibits proof of insurance coverage required hereunder, and satisfies said board as to his experience and financial responsibility, then such applicant may be issued a certificate of competency upon the payment of an amount equal to the examination fee for such certificates without taking an examination.

Section 16. The provisions of this act shall not apply to the following:

(a) An owner, as hereinafter defined, of residential property altering or repairing said property of which he is the owner.

(b) An owner, as hereinafter defined, of residential property who constructs a residential improvement thereon for his own use and occupancy.

(c) Any other class of owner specified by resolution of the board of county commissioners.

(d) As used in paragraphs (a) and (b) of this section, an owner is defined as follows: He or she is a single natural person (not a corporation, partnership, firm or association) who performs and supervises work in connection with the construction, care or alteration of a single family or duplex residential structure for his or her private occupancy. However, the application for a building permit for the construction of more than two (2) residences in one (1) year's time shall be construed as engaging in the construction business and therefore within the operation of this act.

Section 17. This act shall not apply to any person, firm or corporation contracting with or doing work solely for the United States of America, the state of Florida, the county, or any municipality, public or quasi-public corporation, body-politic, or political subdivision of the county.

Section 18. The board of county commissioners are authorized to annually budget and expend such county funds, employ such clerical and other help, and do all things necessary to effectuate the purposes of this act. Such purposes are determined and declared to be county purposes.

Section 19. Any person, firm or corporation violating any

of the provisions of this act or any orders or resolutions promulgated pursuant to this act shall be deemed guilty of a misdemeanor and shall be punished as provided by law. Each violation shall constitute a separate offense.

Section 20. The provisions of this act, including those requiring certificates of competency, are contingent upon the adoption by the board of county commissioners of a resolution creating and appointing boards of examiners for contractors, plumbing contractors, electrical contractors and specialty contractors and designating a date, not less than ninety (90) days after the adoption of said resolution, upon and after which the provisions of this act shall become fully effective and enforceable.

Section 21. If any portion of this act should be declared unconstitutional, or if the applicability of this act or any portion thereof to any person or circumstances should be held invalid, the remainder shall not be affected.

Section 22. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1025

House Bill No. 3210

AN ACT relating to future homemakers of America chapters in any county in the state having a population of not less than twenty-nine thousand (29,000) and not more than thirty thousand (30,000) according to the latest official decennial census; authorizing board of county commissioners to make a specified contribution thereto.

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

Section 1. In any county in the state having a population of not less than twenty-nine thousand (29,000) and not more than thirty thousand (30,000), according to the latest official decennial census, the board of county commissioners of such county is authorized to contribute an amount not to exceed

five hundred dollars (\$500.00) annually to the future home-makers of America chapters in such county.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1026

House Bill No. 3208

AN ACT relating to the county solicitor and assistant county solicitors in all criminal courts of record in all counties of the state having a population of not less than one hundred seventy-five thousand (175,000) nor more than two hundred thousand (200,000) according to the latest official decennial census; providing salary; providing for the method of appointment of such assistants and for the method of revocation of their appointments; prohibiting the county solicitor in each such county from participating in any private practice of law; providing an effective date.

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

Section 1. In any county of the state having a population of not less than one hundred seventy-five thousand (175,000) and not more than two hundred thousand (200,000), according to the latest official decennial census, the salary of the county solicitor shall be sixteen thousand five hundred dollars (\$16,500.00) per annum, payable in equal monthly installments by the board of county commissioners of any such county. Each such county solicitor shall devote his full time and interest to the duties of his office, and be prohibited from participating in any private practice of law.

Section 2. The county solicitor in any such county may appoint and employ seven (7) assistants, one (1) of whom shall be the first assistant, three (3) of whom shall be the second or trial assistants, and three (3) of whom shall be third or general assistants. All such assistant county solicitors shall hold office at the pleasure of the county solicitor. Each assistant county solicitor shall be paid by the board of county commissioners of any such county in equal monthly installments the following

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salaries; To the first assistant, the sum of ten thousand dollars (\$10,000.00) per annum; to the second or trial assistants the sum of seven thousand five hundred dollars (\$7,500.00) per annum each; to the three (3) general assistants, the sum of six thousand six hundred dollars (\$6,600.00) per annum each; these salaries shall be in lieu of all other compensation for the services of said assistants.

Section 3. All employment of assistants to the county solicitor of any such county shall be made in writing, which writing shall designate the assistant employed thereby as "first assistant," "second or trial assistant," or "general assistant," as the case may be, and a record of such writing shall be entered in the minutes of the criminal court of record, and when such employment shall be revoked, such revocation shall be made in writing and such writing shall be entered in the minutes of said court.

Section 4. Nothing in this law shall be construed to prevent the county solicitor of the criminal court of record from appointing other assistants, when such assistants' compensation is not to be paid out of public funds.

Section 5. All laws and parts of laws in conflict herewith are repealed.

Section 6. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1027

House Bill No. 3207

AN ACT relating to investigator for county solicitor; amending section 5 of chapter 61-551, Laws of Florida, relating to salaries for special investigator for county solicitor in all counties of the state having a population of not less than one hundred seventy-five thousand (175,000) nor more than two hundred thousand (200,000), according to the latest official decennial census; providing funds therefor; providing an effective date.

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

Section 1. Section 5 of chapter 61-551, Laws of Florida, is amended to read:

Section 5. Compensation for the special investigator herein provided for shall be determined and fixed by the county solicitor and state attorney; provided that such special investigator shall not be paid more than eight thousand five hundred dollars (\$8,500.00) per year. Such compensation shall be payable by any applicable county in monthly installments.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1028

House Bill No. 3203

AN ACT relating to San Sebastian Drainage District previously organized, created and existing in Brevard and Indian River Counties, Florida; providing for unit drainage and reclamation of lands in the District; authorizing the Board of Supervisors to designate units within the District and adopt a system or systems of progressive drainage by units; providing for plans of reclamation and financing assessments for each unit; providing for the amendment or change in units; and providing effective date.

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

Section 1. The Board of Supervisors of the San Sebastian Drainage District, Brevard and Indian River Counties, Florida, (hereinafter called "District") shall have the power and is hereby authorized in its discretion to drain and reclaim and place under water control or more completely and intensively to drain and reclaim and place under water control the lands in the District by designated areas or parts of the District to be called "units". The units into which the District may be so divided shall be given appropriate numbers or names by the Board

of Supervisors, so that the units may be readily identified and distinguished. The Board of Supervisors shall have the power to fix and determine the location, area and boundaries of lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this Act may be conducted and all of the proceedings by this Act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire District has been or is being or shall be instituted or carried on under the provisions of Chapter 298, Florida Statutes.

Section 2. If the Board of Supervisors shall determine that it is advisable to conduct the work of draining and reclaiming the lands in the District by units, as authorized by this Act, the Board shall, by resolution, declare its purpose to conduct such work accordingly, and shall fix the number, location and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. The entire District may also be designated as a unit for the proper allocation of such part of the plan of reclamation and drainage as benefits the entire District.

Section 3. As soon as practicable after the adoption of such resolution, the Board of Supervisors shall publish notice once a week for two (2) consecutive weeks in a newspaper or newspapers published or of general circulation in Brevard and Indian River Counties, briefly describing the units into which the District has been divided and the lands embraced in each unit, giving the name, number or other designation of such units, requiring all owners of lands in the District to show cause in writing before the Board of Supervisors at a time and place to be stated in such notice why such division of the District into such units should not be approved, and said system of development by units should not be adopted and given effect by the Board, and why the proceedings and powers authorized by this Act should not be had, taken and exercised. At the time and place stated in said notice, the Board of Supervisors shall hear all objections or causes of objection (all of which shall be in writing) of any landowner in the District who may appear in person or by attorney, to the matters mentioned and referred to in such notice, and if no objections are made, or if ob-

jections are made and overruled by the Board, then the Board shall enter in its minutes its finding and order confirming the resolution, and may thereafter proceed at one time or from time to time with the development, drainage and reclamation of the District by units pursuant to such resolution and to the provisions of this Act or of Chapter 298, Florida Statutes. The failure to make objection as provided hereinabove shall constitute a waiver of such objection, and if any objection shall be made and overruled or otherwise not sustained, confirmation of the resolution shall be the final adjudication of the issues presented unless a judicial proceeding is initiated within ten (10) days after such ruling as provided hereinafter.

Section 4. The Board of Supervisors may, as a result of any objections or of other matters brought forth at such hearing, modify or amend said resolution in whole or in part, confirm said resolution after overruling all objections, or reject said resolution, and if such resolution is confirmed, modified or amended, may proceed thereafter in accordance with said resolution as confirmed, modified or amended. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of the Board under this Act, but the Board of Supervisors may at any time adopt other resolutions under this Act and thereupon proceed on due notice in like manner as above provided. If the Board of Supervisors shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the District, or if any such landowner shall deem himself aggrieved by any action of the Board of Supervisors in respect to any objections so filed, such landowner may, within ten (10) days after the ruling of the Board, invoke the jurisdiction of the Circuit Court for the Ninth Circuit; and such suits shall be conducted like other chancery suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus.

Section 5. When said resolutions creating said unit system shall be confirmed by the Board of Supervisors (or by the Circuit Court for the Ninth Circuit, if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized), the Board of Supervisors may at one time or from time to time adopt a plan or plans of reclamation for in respect to any or all such units, and to have the benefits and

damages resulting therefrom assessed and apportioned in like manner as is provided by Chapter 298, Florida Statutes, in regard to plans of reclamation for and assessments of benefits and damages of the entire District. The Board of Supervisors shall have the same authority and powers in respect to each and all of such units as is vested in it with respect to the entire District by the provisions of Chapter 298, Florida Statutes. All the provisions of Chapter 298, Florida Statutes shall apply to the drainage, reclamation and improvement of each, any and all of such units, and the enumeration of or reference to specific powers or duties of the Supervisors or any other officers or other matters in such Chapter 298, shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and reclamation of such units. Unless the Board of Supervisors by resolution otherwise provides, all assessments, levies, taxes, bonds and other obligations made, levied, assessed or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made or issued, and not upon the remaining units or lands in the District.

Section 6. The Board of Supervisors may at any time amend its said resolutions by changing the location and description of lands in any such unit or units, provided that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this Act for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units.

Section 7. If, after the determination of benefits with respect to any unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the Board of Supervisors finds the plan of reclamation of any such unit or units insufficient or inadequate for efficient development, the plan of reclamation may be amended or changed as provided in Chapter 298, Florida Statutes, and the unit or units may be amended or changed as provided in this Act by changing the location and description of lands in any such unit or

units or by detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of not less than the holders of a majority in principal amount of such bonds or other obligations, or such other percentage as may be required by the terms of such bonds or other obligations (or without such consent or approval, if the proceedings authorizing such bonds provide that such action may be taken without the consent or approval of the holders thereof). In the event of such amendment or change, all assessments, levies, taxes, bonds or other obligations made, levied, assessed, incurred or issued for or in respect to any such unit or units shall be allocated and apportioned to the amended unit or units in proportion to the benefits assessed with respect to the amended plan of reclamation. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units of assessments, levies, taxes, bonds and other obligations in proportion to the benefits assessed for the amended plan of reclamation, the holders of bonds or other obligations heretofore issued for the original unit shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended plan of reclamation. Conversely, in the event of the change of the boundaries of any unit wherein lands are detached therefrom, as provided for herein, said lands so detached shall be relieved and released from any further liability for the assessment, levy or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

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Section 8. This Act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1029

House Bill No. 3188

AN ACT relating to Columbia county, small claims court; amending sections 1 and 7 of chapter 26694, Laws of Florida, 1951, by increasing the jurisdiction of the court and the filing fees; providing an effective date.

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

Section 1. Section 1 of chapter 26694, Laws of Florida, 1951, is amended to read:

Section 1. The small claims court of Columbia county, shall have civil jurisdiction in all cases at law, including proceedings of attachment, garnishment, replevin and distress for rent, in which the claim or demand, or value of the property involved, does not exceed the sum of six hundred dollars (\$600.00), exclusive of interest, attorney's fees and court costs; said jurisdiction to be concurrent with the jurisdiction of any other court now or hereafter established in the county. Process of this court shall run throughout the state.

Section 2. Section 7 of chapter 26694, Laws of Florida, 1951, is amended to read:

Section 7. (1) The plaintiff, when he files his claim, shall deposit with the court filing fees according to the following schedule:

(a) Three dollars and fifty cents (\$3.50) when the claim or demand does not exceed one hundred dollars (\$100.00).

(b) Five dollars (\$5.00) when the claim or demand is in excess of one hundred dollars (\$100.00) but does not exceed three hundred dollars (\$300.00).

(c) Seven dollars and fifty cents (\$7.50) when the claim or demand is in excess of three hundred dollars (\$300.00).

(d) Twelve dollars and fifty cents (\$12.50) in proceedings of attachment, garnishment, replevin and distress for rent and for suits against nonresidents of this state growing out of the operation of a motor vehicle in this state by such nonresident.

(e) One dollar (\$1.00) additional fee in each case for each defendant in excess of one (1).

(f) One dollar and twenty-five cents (\$1.25) additional fee for each certified copy of a final judgment.

(2) Provided, however, if for any reason, (not including a clerical error of the court) the original notice fails to effectuate proper service on the defendant, for issuing a second notice to the defendant or defendants, the plaintiff shall deposit an additional fee of one dollar (\$1.00) if service is to be had by registered or certified mail.

(3) The judge shall have full discretionary power to waive the prepayment of, or refund costs upon the sworn statement of the party or upon other satisfactory evidence of his inability to pay such costs. When costs are so waived, the notation to be made on the records shall be "prepayment of costs waived." The term "pauper" or "in forma pauperis" shall not be employed. The award of all court costs shall be according to the discretion of the judge who may include therein the reasonable costs of bonds and undertakings and all other taxable court costs incident to the suit incurred by either party and authorized by law.

(4) If a party fails to pay accrued costs, the judge shall have the power to deny said party the right to file any new case while such costs remain unpaid, and likewise to deny such litigant the right to proceed further in any case pending.

Section 3. All laws and parts of laws in conflict with this act are hereby repealed.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1030

House Bill No. 3185

AN ACT relating to school transportation, board of public instruction, in any county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census; providing that the board of public instruction may receive fees for transportation of certain pupils; reserving certain rights to said board; providing an effective date.

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

Section 1. In any county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census, the board of public instruction is authorized to provide on a voluntary basis transportation for pupils whose transportation may not be included in computing transportation units for purposes of fund allocation under the minimum foundation program and to assess and collect from parents of such pupils who are actually being transported by the county an amount determined by such board for transporting these pupils between their homes and public schools; provided, however, that the furnishing of such transportation shall be solely within the discretion of the board after considering distances of homes from schools, age of pupils, traffic conditions, safety of pupils and other criteria considered applicable by the board; provided, further, that the board shall have the right to limit, expand or discontinue such service at any time.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1031

House Bill No. 3184

AN ACT relating to the board of public instruction, expenses, in any county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census; authorizing the board of public instruction to reimburse members of the board for certain compensation and expense allowances; providing an exception; providing an effective date.

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

Section 1. In any county of the state having a population of not less than two hundred thousand (200,000) and not more than two hundred sixty thousand (260,000), according to the latest official decennial census, the board of public instruction is authorized to reimburse members of the board of public instruction, twenty dollars (\$20.00) per official meeting as compensation for expenses. Said board is further authorized to reimburse its members ten cents (10¢) per mile as reimbursement for travel expenses in the county incurred while engaged on official business, including travel to and from their residences for school board meetings. This section shall not preclude compensation for travel outside the county on official business as provided by general law.

Section 2. Reimbursement as herein provided shall come from the county school fund, but shall not be paid to any member of the board who receives an annual salary from the county school fund.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1032

House Bill No. 3173

AN ACT relating to permanent office space for legislative delegations; authorizing the board of county commissioners in

all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census, to provide the legislative delegations of these counties with permanent office space or offices, in one or more locations in the county, as to be determined by the legislative delegation, together with furnishings, supplies, telephone service, legal and secretarial assistants; providing for the payment of expenses necessary for the maintenance of the office or offices from county funds, and all other expenses necessary and proper; making such expenditures a county purpose; providing that this act shall be cumulative; providing an effective date.

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

Section 1. The board of county commissioners in all counties of the state having a population of not less than three hundred thousand (300,000) and not more than three hundred fifty thousand (350,000), according to the latest official decennial census, shall provide the legislative delegations of these counties with permanent office space or offices, in one or more locations in the county, as to be determined by the legislative delegation, together with furnishings, supplies, telephone service, legal and secretarial assistants, and shall provide for the payment of all expenses therefor, and shall provide for the payment of all other expenses necessary for the maintenance of the office or offices which may be incurred by the delegation from time to time, including salaries for all legal and secretarial assistants, and any and all other expenses which are necessary and proper. The payment of such expenses shall be made from county funds and all such expenditures are declared to be for a county purpose.

Section 2. It is the intention of the legislature that the authority granted in this act shall be cumulative and in addition to all existing laws and that the funds expended hereunder shall be in addition to all other expenditures authorized by law.

Section 3. If any part or parts of this act shall be held unconstitutional, such holdings shall not affect the validity of the remaining parts of this act.

Section 4. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1033

House Bill No. 3166

AN ACT relating to Hernando county; creating elective office of prosecuting attorney for county judge's court of Hernando county; fixing term of said office and method and time of filling same; establishing qualifications for said office; prescribing duties of prosecuting attorney; giving prosecuting attorney authority to subpoena witnesses before him; providing that compensation of said prosecuting officer be prescribed by general law; providing for confirmation of term of office of holder of said office under chapter 65-1000, Laws of Florida; providing an effective date.

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

Section 1. The elective office of county prosecuting attorney for the county judge's court in and for Hernando county is hereby created and established.

Section 2. The said county prosecuting attorney shall be elected at the same time that the county judge of Hernando county is elected and his term of office shall be for four (4) years; provided that the first election for county prosecuting attorney under this law shall be had at the general election to be held in the year 1968, and the term of office of the county prosecuting attorney then elected shall begin on the first Tuesday after the first Monday in January after his election.

Section 3. Any candidate for the office of county prosecuting attorney for the county judge's court of Hernando county, shall be a qualified elector of Hernando county and a member of The Florida Bar.

Section 4. The county prosecuting attorney shall be the prosecuting attorney for the county judge's court of Hernando

county and shall prosecute all criminal cases before that court. The prosecution of cases in the county judge's court may be on information filed by the county prosecuting attorney or by affidavit made by any person, including the county prosecuting attorney, before such county judge. In the event prosecution is instituted on information, it shall be done under oath of the county prosecuting attorney, and the judge or any clerk of the county judge's court may issue *capias* for the arrest of the defendant.

Section 5. The county prosecuting attorney shall be allowed the process of the county judge's court to summon witnesses to appear before him, in or out of term, at such convenient place and time as may be designated in the summons, to testify before him as to any violation of the criminal law of which they may be interrogated, and he is hereby empowered to administer oaths to all witnesses summoned to testify by the process of court, and shall have authority to take the recognizance of all witnesses summoned before him whose evidence is deemed material on behalf of the state, to be and appear before said court.

Witnesses who shall be compelled to appear before such county prosecuting attorney under the provisions of this section shall receive *per diem* and mileage to be paid as in case of other witnesses before the county judge's court.

Section 6. The county prosecuting attorney shall not be precluded from the private practice of law, except that he shall not represent defendants in criminal cases tried in any court in Hernando county.

Section 7. The county prosecuting attorney shall be paid such compensation for his services as county prosecuting attorney as is set by general law for prosecuting attorneys in the county judge's courts.

Section 8. The prosecuting attorney for the county judge's court presently holding office by virtue of election or appointment shall continue to hold such office until the expiration of the term for which he was elected or appointed.

Section 9. It is declared to be the legislative intent that, in any section, subsection, sentence, clause or provision of this

act is held invalid, the remainder of the act shall not be affected.

Section 10. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1034

House Bill No. 3174

AN ACT relating to Broward county, Florida, removing Broward county from the operation of that portion of section 3 of chapter 63-653, laws of Florida, acts of 1963, which requires judges of small claims courts to pay costs and expenses of maintaining the offices of such courts from fees; authorizing, ratifying, validating and confirming all actions of the board of county commissioners of Broward county in furnishing quarters to the small claims courts pursuant to the provisions of section 42.20, Florida Statutes; declaring expenditure of funds for such purposes a county purpose in and for Broward county, Florida; and providing for an effective date.

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

Section 1. Broward county is removed from the application of that portion of section 3 of chapter 63-653, laws of Florida, acts of 1963, which requires judges of small claims courts to pay the costs and expenses of maintaining the offices of such courts from fees collected by said judges.

Section 2. The board of county commissioners of Broward county is authorized to furnish quarters, necessary equipment, maintenance and supplies for small claims courts pursuant to the provisions of section 42.20, Florida Statutes, and all actions of said board of county commissioners in furnishing such quarters, by leasing same or otherwise, are hereby ratified, validated, confirmed and approved.

Section 3. The expenditure of funds by the board of county commissioners of Broward county, pursuant to the authority

granted in section 2 hereof and section 42.20, Florida Statutes, is declared to be a county purpose in and for Broward county, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the act, the Legislature hereby declaring that it would have passed this act, and each and every section, paragraph, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more other sections, paragraphs, sentences, clauses, phrases or words thereof may be declared to be unconstitutional or otherwise ineffective.

Section 5. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1035

House Bill No. 3252

AN ACT relating to club beverage licenses in each county in the State having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200) according to the latest official decennial census; amending Sub-section (6) of Section 561.20 and Sub-section (11) of Section 561.34, Florida Statutes; providing for additional club beverage licenses; providing an effective date.

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

Section 1. In each county of the State having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200) according to the latest official decennial census, the quota of beverage licenses to be issued under the authority of Sub-section (11) of Section 561.34, Florida Statutes and Section 561.20 (6), Florida Statutes, such licenses being known as club licenses, shall be increased to include any chartered or incorporated riding horse association owning and maintaining a club, stabling, and show facili-

ties consisting of at least forty (40) acres of land owned by such riding horse association may be issued a license under Section 561.34(11).

Section 2. The additional licenses provided for in Section 1, of this act shall be distributed to riding horse associations chartered or incorporated by orders of the circuit judges as provided in Sub-section (11) of Section 561.34, Florida Statutes, or the office of the Secretary of State. The recipients of such additional licenses must have been in existence prior to May 1, 1947.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1036

House Bill No. 3253

AN ACT relating to the Small Claims Court of Polk County; amending section 14 of chapter 63-633, Laws of Florida, 1963, to increase the cost deposit required in said court in connection with demand for a jury trial; providing an effective date.

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

Section 1. Section 14 of chapter 63-633, Laws of Florida, 1963, is amended to read:

Section 14. Jury trials may be had upon the written demand of the plaintiff at the time of filing of the action or by the defendant at or before the time for trial. The demand for a jury shall be accompanied by a deposit with the court of the sum of one hundred dollars (\$100.00), hereby declared to be a reasonable sum to secure the payment of costs incurred by reason of a jury trial, or otherwise jury trial shall be deemed waived. Selection and issuance of venire and summons and pay of jurors shall be the same as now or hereafter provided by law for county courts and county judge's courts. The judge

of this court shall have the same power and duty to direct verdicts as now or hereafter provided by law for other courts of record. A defendant who desires a jury trial shall on or prior to the trial date file his defense in writing together with his written request for a jury trial and serve a copy on the plaintiff or his attorney forthwith; and at the same time such defendant shall deposit with the clerk of this court the amount of the filing fee of the court in this county having jurisdiction in regular jury trials. The judge shall order the case transferred to such court and the clerk shall transfer the case and all papers filed, paying the fee from monies provided by the defendant. The plaintiff who desires a jury trial may file the case in a court having regular jury trials. When a counterclaim exceeding five hundred dollars (\$500.00) is filed in this court the plaintiff may request a jury trial. In such event the plaintiff shall file and serve his written defense to the counterclaim and request for a jury trial and deposit the fee required by the court having a regular jury all within ten (10) days of the service of the counterclaim on him. The case shall then be transferred as provided in this act.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1037

House Bill No. 3254

AN ACT relating to constables in all counties in the state not having home rule under the constitution and having a population of not less than thirty seven thousand (37,000) and not more than thirty nine thousand nine hundred (39,900) according to the latest official decennial census; authorizing each constable in said counties to employ deputies; providing the number and control of, and compensation for such deputies; providing an effective date.

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

Section 1. In all counties in the state not having home rule under the constitution and having a population of not less than

thirty seven thousand (37,000) and not more than thirty nine thousand nine hundred (39,900), according to the latest official decennial census, each constable may employ, appoint and deputize not more than two (2) deputy constables to act as law enforcement officers to serve under the supervision, direction and control of said constable.

Section 2. The duties of the deputy constable and the fee or commissions for services performed by said deputy shall be the same as those authorized by law to be performed and collected by the constable; provided however, that the fees or commissions received by the deputy constable for all services performed shall be paid over to the constable and made part of the income of the constable's office.

Section 3. Each deputy constable so employed and appointed shall be paid out of the earnings of the respective constable's office, but such earnings shall not exceed six thousand dollars (\$6,000.00).

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1038

House Bill No. 3255

AN ACT to amend subsection (a) of section 6, chapter 63-665, Laws of Florida, 1963, entitled, "An act relating to the office of state attorney in each judicial circuit of the state of Florida embracing and including two (2) or more counties in which is one (1) county having a population of four hundred fifty thousand (450,000) or more inhabitants according to the latest official decennial census"; providing for one (1) investigator in the state attorney's office to be an attorney-at-law and a member of the Florida bar or a law enforcement officer with at least ten (10) years investigative experience; providing an effective date.

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

Section 1. Subsection (a) of section 6 of chapter 63-665, Laws of Florida, 1963, is amended to read:

Section 6. (a) There shall be six (6) investigators in the office of the state attorney, which number shall include four (4) investigators assigned to the state attorney's office by any law enforcement agency or agencies, who shall be appointed by the state attorney and who shall serve at the pleasure of the state attorney. One (1) said investigator shall be paid a salary in the amount of six thousand dollars (\$6,000.00) per annum, as now provided and fixed by law; one (1) said investigator shall be paid an annual salary of four thousand dollars (\$4,000.00), which said investigator shall be an attorney-at-law and a member of the Florida bar or a law enforcement officer with at least ten (10) years investigative experience; and the salary of four (4) said investigators assigned to the state attorney's office by any law enforcement agency or agencies shall be paid by the respective law enforcement agency from which each said investigator is assigned, and each shall be paid a supplementary salary of six hundred dollars (\$600.00) per annum.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1039

House Bill No. 3269

AN ACT relating to counties in the state having a population in excess of 450,000 according to the latest official decennial census and not having home rule; regulating the taking of shrimp; declaring shrimp regulation in such counties to be a public need; providing for such shrimp regulation to be dependent upon the results of regular sampling in the waters of the counties concerned; providing for issuance of permits; providing for public notification of shrimp regulation; providing for the continuance of live bait shrimp operations

under close supervision; providing penalty for violations; providing an effective date.

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

Section 1. In all counties of the state not having home rule and having a population in excess of 450,000 according to the latest official decennial census, shrimping operations shall be regulated in accordance with the provisions of this act.

Section 2. For the purposes of this act, and to facilitate the regulation of shrimp fishing undertaken herewith, the following definitions are established;

(1) A sample consists of one (1) or more shrimp taken from an accurately defined part of the coastal waters of the area covered by the counties referred to in section 1.

(2) A series consists of ten (10) or more samples taken within a period of not more than one (1) week, each sample being taken at a different station within the pattern.

(3) A pattern consists of ten (10) or more stations set up at appropriate places on the shrimping grounds of the area covered by the counties referred to in section 1.

(4) A station is the location on the shrimping grounds of the area covered by the counties referred to in section 1 where a shrimp sample is taken.

(5) Director means the director of conservation as provided for in section 370.02 (a), Florida Statutes.

(6) Undersized shrimp are as defined in section 370.15 (2), Florida Statutes.

Section 3. The director shall have a complete series of shrimp samples taken at established stations within the pattern at reasonably frequent intervals.

Section 4. Whenever the samples so taken indicate that the shrimp in any particular area are undersized, he shall announce those findings in a newspaper of general circulation. Such announcement shall carry with it a statement that pursuant to law the area having small shrimp is closed. Those facts shall also be posted in the county courthouse of any and all counties concerned.

Section 5. Whenever an area which is closed due to presence of undersized shrimp is shown by later sampling to have shrimp which are not undersized, the director shall make these findings public in a newspaper of general circulation. He shall also announce that, pursuant to law, the area is open to the taking of shrimp. These facts shall also be posted in the county courthouse of any and all counties concerned.

Section 6. Live bait shrimp producers must have a permit from the director of conservation. Said permit may be issued by the director of conservation to only those persons who utilize the type equipment necessary for maintaining the shrimp alive after being caught. Application for said permit shall be made on forms prescribed by the director of conservation. Only one permit shall be issued to each boat, and it shall be on board boat with the operator and subject to inspection at all times.

Section 7. Whenever it shall appear that they will thereby not cause harm to shrimp productivity, live bait shrimp producers may continue to operate under permit, in areas closed to the taking of shrimp. The director shall have full authority to specify the type of gear to be used, the physical requirements for maintaining the shrimp alive after being caught, and the methods to be used throughout the catching, handling, processing, transporting and marketing of the live shrimp to insure their viability and to prevent such enterprises from becoming based upon the commerce in dead shrimp. In no case will any live bait producer be permitted to have in his possession on board his vessel more than five (5) pounds of dead shrimp. Possession of more than five (5) pounds of dead shrimp shall be cause for revocation of permit.

Any time that it shall appear to the director that any particular live bait shrimp producing operation is not in the best interests of the resources of the state and citizens thereof, said director is required to revoke the permit under which the harmful operation is carried out.

Section 8. Any person violating any provision of this regulation shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both.

Section 9. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1040

House Bill No. 3270

AN ACT creating the elective office of county prosecuting attorney for the county judge's court in any county in the state having a population of not less than thirty thousand five hundred (30,500) nor more than thirty-five thousand (35,000), according to the latest official decennial census; fixing the term of said office and the method of filing same; establishing the qualifications for candidates of said office; prescribing the duties of said county prosecuting attorney; giving such prosecuting attorney authority to subpoena witnesses to appear before him in or out of term; fixing and prescribing said prosecuting attorney's compensation; establishing a five dollar (\$5.00) conviction fee to be taxed in each conviction, plea of guilty or nolo contendere; providing that if any section should be held invalid the remainder thereof shall not be affected; and providing effective date.

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

Section 1. The elective office of county prosecuting attorney for the county judge's court in and for any county in the state having a population of not less than thirty thousand five hundred (30,500) nor more than thirty-five thousand (35,000), according to the latest official decennial census, is hereby created and established.

Section 2. The county prosecuting attorney shall be elected by the qualified electors of such county and shall hold office for four (4) years from the time of his election and qualification, and who shall take office on the first Tuesday after the first Monday in January following his election, said election to be conducted according to the general election law of Florida provided, however, that any county prosecuting attorney now

holding an office under any existing law, election or an appointment by the Governor under a local law, shall continue to hold such office until the expiration of the term for which he was elected or appointed.

Section 3. Any candidate for the office of county prosecuting attorney shall be a qualified member of the Florida bar.

Section 4. The county prosecuting attorney shall be the prosecuting attorney for the county judge's court in any county in the state having a population of not less than thirty thousand five hundred (30,500) nor more than thirty-five thousand (35,000), according to the latest official decennial census; and shall prosecute all criminal cases before that court. He shall investigate all cases of misdemeanors coming to him in the first instance or referred to him by the court or any committing magistrate of said county, and shall report to the court his findings and recommendations. The prosecution of cases in the county judge's court may be on information filed by the county prosecuting attorney or by affidavit made by any person, including the county prosecuting attorney, before such county judge. In the event prosecution is instituted on information, it shall be done under oath of the county prosecuting attorney, and the judge or any clerk of the county judge's court may issue *capias* for the arrest of the defendant.

Section 5. The county prosecuting attorney shall be allowed the process of his court to summon witnesses to appear before him in or out of term time, at such convenient places and times as may be determined in the summons, to testify before him as to any violation of the criminal law upon which they may be interrogated and said county prosecuting attorney may administer oaths to all witnesses summoned to testify by the process of his court and to all witnesses who may voluntarily appear before him to testify as to any violation or violations of criminal law. Witnesses who shall be compelled to appear before such prosecuting attorney under the provisions of this act shall receive a *per diem* as in case of other witnesses before county judge's courts, or as provided for by General Law.

Section 6. Compensation of the county prosecuting attorney shall be \$6,000.00 per annum payable in twelve (12) equal payments.

Section 7. A conviction fee of five dollars (\$5.00) shall be imposed for each conviction, plea of guilty or nolo contendere, and taxes as costs in all criminal cases prosecuted in said county judge's court, and such fees shall be paid into the fine and forfeiture fund of said county.

Section 8. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 9. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1041

House Bill No. 3271

AN ACT relating to the sheriff, eating and sleeping at jail, in any county having a population of not less than ten thousand four hundred (10,400) and not more than eleven thousand (11,000), according to the latest official decennial census; providing that the sheriff of such county and his immediate family may eat and sleep at the county jail; providing an effective date.

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

Section 1. The sheriff and his immediate family in any county having a population of not less than ten thousand four hundred (10,400) and not more than eleven thousand (11,000), according to the latest official decennial census, may at his option, eat and sleep at the county jail, at county expense.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1042

House Bill No. 3273

AN ACT relating to official court reporter, eighth (8th) judicial circuit; providing additional compensation; providing for prorating expense thereof; repealing chapter 65-1081, Laws of Florida; providing an effective date.

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

Section 1. After June 30, 1967, the official court reporter of the eighth (8th) judicial circuit shall receive, in addition to the compensation provided by section 29.04, Florida Statutes, the sum of three hundred fifty dollars (\$350.00) per month. Payment of the additional compensation shall be prorated among and paid by the counties in the circuit in the same proportion that the population of each county therein bears to the total population of the circuit, which said compensation shall be paid monthly by the county commissioners from the general county fund, upon the requisition of the official court reporter.

Section 2. Chapter 65-1081, Laws of Florida, is repealed.

Section 3. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1043

House Bill No. 3274

AN ACT relating to alcoholic beverage licenses in any county having a population in excess of four hundred thousand (400,000), according to the latest official decennial census; providing for an additional beverage license; providing an effective date.

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

Section 1. In any county in the state having a population in excess of four hundred thousand (400,000), according to the latest official decennial census, beverage licenses issued under

the authority of section 561.34 (11), Florida statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to said section; provided, however, that such additional license authorized by this act shall be issued to The Gladiators, Inc.; provided that said club meets all requirements of the beverage law.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1044

House Bill No. 3276

AN ACT relating to salaries of certain county officials in each county having a population of not less than one hundred seventy-five thousand (175,000) nor more than two hundred thousand (200,000) according to the last official decennial census, and having a criminal court of record; providing effective dates of salaries; providing an effective date of the act.

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

Section 1. From and after the effective date of this act, the clerk of the criminal court of record of each county having a population of not less than one hundred seventy-five thousand (175,000) nor more than two hundred thousand (200,000) according to the last official decennial census and having a criminal court of record shall receive an annual salary of eleven thousand six hundred dollars (\$11,600.00). Each such salary shall be paid by the respective boards of county commissioners of each such county in equal monthly installments.

Section 2. This act shall take effect July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1045

House Bill No. 3281

AN ACT relating to Gulf, Franklin and Wakulla counties; amending chapter 65-905, Laws of Florida 1965; relating to oysters by regulating transportation; providing an effective date.

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

Section 1. Subsection 5 of section 3 of chapter 65-905, Laws of Florida 1965, is amended to read:

65-905

Section 3. Regulation of oysters.—

(5) It is unlawful in Gulf, Franklin and Wakulla counties to transport oysters, except over water by boat or other similar conveyance, within said counties or transport oysters from said counties, unless and until the oysters have passed through a certified oyster shucking establishment; except that this act shall not apply to the transportation of oysters by licensed wholesale dealers of Gulf, Franklin and Wakulla counties to their licensed places of business.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1046

House Bill No. 3289

AN ACT amending Chapter 59-622, Laws of Florida, Acts of 1959, relating to small claims court of Leon County, Florida, to provide compensation for the judge and for additional deputy clerks.

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

Section 1. Sections 3 and 4 of Chapter 59-622, Laws of Florida, are amended to read:

Section 3. All fees collected by the judge as hereinafter

authorized shall be retained by him as his sole remuneration but in no event shall the sum be retained exceed eight thousand five hundred dollars (\$8,500.00) annually. All monies collected by the judge in excess of eight thousand five hundred dollars (\$8,500.00), except expenses as hereafter provided, shall be paid annually into the general county funds.

Section 4. The judge of said court shall appoint one (1) clerk and as many deputy clerks as he deems necessary, but all duties herein described to be performed by the clerk and deputy clerks of said court may be performed by the judge. The clerk of said court shall receive as compensation for services as such clerk a salary to be determined by the judge of such court. The board of county commissioners is authorized to contribute toward the salary of said clerk an amount not to exceed two hundred fifty dollars (\$250.00) per month.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1047

House Bill No. 3302

AN ACT relating to each county in the state having a population of not less than one hundred twelve thousand (112,000) nor more than one hundred seventy thousand (170,000) by the latest official state-wide decennial census, authorizing the Board of County Commissioners of such county to employ a county medical examiner; fixing his qualifications, the term of his employment and his compensation; prescribing the powers and duties of such county examiner; providing for an alternate county medical examiner; providing for autopsies; requiring such examiner to appear and testify at coroner's inquest when required; requiring examination of all dead bodies intended for cremation by such medical examiner or alternate; requiring authorization of such disposition; providing for a penalty for violation of such provisions; providing an effective date.

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

Section 1. In each county of the state having a population of not less than one hundred twelve thousand (112,000) nor more than one hundred seventy thousand (170,000) by the latest official state-wide decennial census, the board of county commissioners in each such county may employ a county medical examiner and an alternate to serve in his absence, to serve at the pleasure of the board, and who shall be licensed practicing physicians or surgeons of the state. The compensation of the county medical examiner and his alternate shall be fixed by the board of county commissioners of each such county. Provided, however, in the event such medical examiner or alternate is not certified or eligible for certification by the American board of pathology, he shall not have the authority to perform an autopsy, but shall designate a pathologist who is certified or eligible for certification by the American board of pathology to perform said autopsy, and the pathologist performing same shall receive a fee to be fixed by the board of county commissioners of such county for performing said autopsy.

Section 2. When in each such county, any person shall die of criminal violence, by casualty, by suicide, suddenly when in apparent good health or when unattended by a physician or other recognized practitioner, in any prison or penal institution or in any suspicious or unusual manner, the county medical examiner shall have the power and authority to perform such duties as may be provided by law and by this act and to make such examinations, investigation and autopsy as may be authorized by the state attorney for such county.

Section 3. Upon the report to or determination by any law enforcement officer or justice of the peace in each such county, of any death of a human being occurring under the circumstances and conditions as set forth in section 2 of this act, said officer or justice of the peace shall immediately notify the state attorney's office when possible, otherwise the county medical examiner, of the known facts concerning the time, place, manner and circumstances of said death. Immediately upon receipt of such notification, whether by the state attorney's office, a law enforcement officer or a justice of the peace, said county medical examiner or the said alternate county medical examiner, acting upon the authority of said county medical ex-

aminer, shall go to and may take charge of said dead body. Any physical or portable evidence coming into the possession of said county medical examiner, or said alternate county medical examiner, in connection with said investigation, shall be delivered by him to one (1) of the law enforcement officers assigned to the investigation of said death when practicable, otherwise to be retained by said county medical examiner or his alternate.

Section 4. If the cause of death shall be established beyond a reasonable doubt, the county medical examiner or the alternate county medical examiner shall so report to the state attorney in writing, a copy of said report to be retained by the county medical examiner for his records and files. If, however, in the opinion of said state attorney, an autopsy is necessary, the same shall be performed by the county medical examiner, his alternate or some other doctor, provided, however, that said autopsy shall not be performed by anyone other than a certified pathologist or one eligible for certification by the American board of pathology, and a detailed report of all findings and conclusions in connection with said autopsy shall be prepared and furnished said state attorney in writing with all convenient speed, a copy of said report being retained by the county medical examiner for his records and files. Also, in case of a coroner's inquest a copy of such report shall be furnished to the justice of the peace, and attendance of the county medical examiner, or the pathologist making such autopsy at any such inquest shall be mandatory when requested by the justice holding such inquest.

Section 5. It shall be the duty of any person who becomes aware of the death of any person occurring under the circumstances and conditions as set forth in section 2 of this act to report such death forthwith to the office of the state attorney or to a law enforcement officer of such county, who likewise shall forthwith notify the office of said state attorney or the county medical examiner as hereinabove provided.

Section 6. No dead body whose decease occurred under any of the circumstances set forth in section 2 hereof, shall be cremated within or transported without any such county for cremation elsewhere unless prior thereto the same shall have been viewed and examined by the county medical examiner or

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alternate county medical examiner and the written authorization of such county medical examiner or alternate county medical examiner of such disposition shall have been obtained. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided for by law.

Section 7. All funds paid under the provisions of this act shall be paid from the county fine and forfeiture fund.

Section 8. The prior employment of medical examiners for said counties and the payment of county funds to them is hereby ratified and confirmed.

Section 9. If any word, sentence, paragraph or provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remaining portions and provisions of this act or applications of this act which can be given effect without the invalid word, sentence, paragraph, provision or application, and to this end the provisions of this act are declared to be severable.

Section 10. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1048

House Bill No. 3397

AN ACT relating to all counties of this state having a population of not less than 37,600 and not more than 38,000 according to the latest official decennial census; setting the salary of the superintendent of public instruction at fifteen thousand two hundred twenty-five dollars (\$15,225.00); repealing all conflicting laws; providing an effective date.

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

Section 1. In all counties of this state having a population of not less than 37,600 and not more than 38,000 according to the latest official decennial census, the annual salary of the

superintendent of public instruction shall be fifteen thousand two hundred twenty-five dollars (\$15,225.00).

Section 2. All laws or parts of laws in conflict herewith are repealed.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1049

House Bill No. 3395

AN ACT relating to all counties in the state having a population of not less than 70,000 nor more than 74,200 providing for compensation of the members of the board of county commissioners of such counties, providing an effective date.

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

Section 1. In all counties of the state having a population of not less than 70,000 nor more than 74,200 the members of the board of county commissioners shall be entitled to receive as compensation for their official duties the sum of five thousand four hundred dollars (\$5,400.00) per annum payable in equal monthly installments of four hundred fifty dollars (\$450.00). Said compensation shall be in lieu of any compensation provided in Chapter 145, Florida Statutes.

Section 2. This act shall take effect on July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1050

House Bill No. 3381

AN ACT increasing the salary of justices of the peace in all counties having a population of not less than sixty-nine

thousand (69,000) and not more than seventy thousand (70,000), according to the latest official decennial census; amending Chapter 57-1007, Laws of Florida, as amended by Chapter 61-1793, Laws of Florida; as amended by Chapter 63-874, Laws of Florida; as amended by Chapter 65-1069, Laws of Florida; providing an effective date.

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

Section 1. Section 1 of Chapter 57-1007, Laws of Florida, as amended by Chapter 61-1793, Laws of Florida, as amended by 63-874, Laws of Florida, as amended by 65-1069, Laws of Florida, is amended to read:

Section 1. In all counties of the state having a population of not less than sixty-nine thousand (69,000) or more than seventy thousand (70,000) inhabitants according to the latest official decennial census, the annual salaries of the justices of the peace of the various districts shall be as follows:

District No. 1	\$7,000.00
District No. 6	\$8,500.00

All other justices of the peace districts wherein a duly elected justice of the peace is performing the functions of such office, the annual salary shall be six hundred dollars (\$600.00), all of said salaries to be paid monthly out of the general fund of the counties.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1051

House Bill No. 3376

AN ACT relating to all counties having a population in excess of 450,000 (four hundred fifty thousand) according to the latest decennial census and not having home rule; establishing a local government study commission to study the structures, functions, operations and rate bases of all privately

owned water and sewer companies located within such counties; providing that said commission may draft a plan or plans or make recommendations for any solution of problems disclosed as a result of such study and submit the same to the members of the legislative delegations of said counties; designating the members of such commission and providing a method of filling vacancies; prescribing its duties and powers; providing for the term of said commission; providing for appropriations for the payment of the cost of operation of such commission; providing an effective date.

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

Section 1 (a) There is hereby created in all counties having a population in excess of 450,000 (four hundred fifty thousand) according to the latest decennial census and not having home rule a commission to study structures, functions, operations and rates of all privately owned water and sewer companies located within the said county. Such commission shall be known as the "water and sewer study commission" and shall herein be referred to as the commission.

(b) The commission shall conduct research and study the operation, functions, services and rates of all privately owned water and sewer companies providing service in such counties.

Section 2. It shall further be the responsibility and duty of the commission to draft a plan or plans, make recommendations for the solution of any problems disclosed as a result of such research and study and to submit such plan, plans or recommendations to the members of the legislative delegations from such counties.

Section 3. The commission in each county within the purview of this act shall be composed of the nine (9) citizens who shall be appointed by the Governor of the state prior to August 26, 1967.

In the event a vacancy occurs in the membership of the commission whether caused by death, resignation or otherwise, such vacancy shall be filled for the unexpired term and the Governor of Florida may appoint the successor to such vacancy.

Section 4. In making its study, the commission is autho-

rized to call upon the state of Florida or any of its agencies or institutions for any aid or assistance which can be rendered to it and to call upon the various privately owned companies providing water and sewerage in the respective counties and any department or subdivisions of such county and the municipalities therein for assistance. The commission may make such investigations, conduct such hearings and employ such special, technical, clerical and legal assistance as may be necessary to assemble the required data and information upon which to base its opinions.

Section 5. (a) The commission as hereinabove constituted shall meet and organize on or before September 1, 1967, and shall elect a chairman from the members. The plan, plans or recommendations resulting from the commission's research and study shall, when approved by a majority of the commission, be filed with the members of the legislative delegation of the county.

(b) The expenses of said commission shall be borne by the county, and there shall be appropriated out of the funds of each county within the purview of this act not less than \$5,000 (five thousand dollars) nor more than \$10,000 (ten thousand dollars) for carrying out the purpose of this act.

The aforesaid funds shall be paid over to the commission by said county upon the request of the commission and such funds shall be administered and expended by the commission in furtherance of this act and shall be accounted for in the same manner as other public funds.

Section 6. This act shall become effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1052

House Bill No. 3374

AN ACT relating to counties not having home rule under the Florida Constitution and having a population in excess of

450,000 inhabitants according to the last and preceeding official decennial census; fixing the salaries of the judges of the juvenile court in those counties within the purview of this act; providing an effective date.

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

Section 1. The salaries of the judges of the juvenile courts in this state in those counties not having home rule under the Florida Constitution and having a population in excess of 450,000 inhabitants according to the last and preceeding official decennial census shall be twenty thousand dollars (\$20,000.00) per annum. Said salary shall be paid from the general revenue fund of the county in which such juvenile court is established in equal monthly installments.

Section 2. This Act shall take effect on October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1053

House Bill No. 3372

AN ACT relating to county executive committees in all counties in the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) according to the latest official decennial census, providing for an effective date.

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

Section 1. The county executive committee of each political party in all counties in the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) according to the latest official decennial census, shall consist of two members, a man and a woman, from each precinct within such counties who shall be elected for four years at the second primary held in the year 1970, and every four years thereafter; provided that in precincts where any political party has an official registration of more than one thousand qualified electors, an addi-

tional two members, a man and a woman, may, if desired, be authorized for each political party having more than one thousand registered electors in said precinct and their membership provided for as in other precincts; provided further that members of such county executive committees of each political party, whether elected or appointed to vacancy, shall before taking office establish by written oath or affirmation that he did vote for at least ninety per cent of the opposed nominees of his political party at the past general election, if he voted at said election, that he did not register as a member of any other political party during the two years immediately preceding, and that he pledges to vote for at least one hundred per cent of the opposed nominees of his political party at the next succeeding general election and during his term in office. The members of such committees shall, within thirty days after their election, meet at the county seat of such counties and organize by electing from among their members a chairman and a vice-chairman, one of whom shall be a man and the other a woman, and other officers as are necessary.

Section 2. In the event of no election of committeemen or committeewomen, or of a vacancy occurring from any other cause in any such county executive committee, the chairman shall call a meeting of the county executive committee by due notice to all members and the vacancy shall be filled by a majority vote of the members of the county executive committee attending from among the members of the party residing in the precinct where the vacancy occurs. In the event of no election or of a vacancy occurring from any other cause in the state executive committee, the executive committee, or a majority thereof, of the county so without representation, may fill the vacancy by the election of some person who is a member of the party in such counties. Any officer or member of any of the committees may be removed and his or her office declared vacant upon a two-thirds vote of the entire membership of the committee at any regular meeting or at any special meeting, after ten days notice to the membership of the committee that a motion for that purpose will be considered at a special meeting. The removal may be for any cause which in the opinion of two-thirds of the membership of the committee warrants the removal of the member. Any vacancy so created is filled as provided above.

Section 3. In the event of no election of precinct committeeman or committeewoman, or of a vacancy occurring from any other cause in any such county executive committees, where such vacancy is not filled by the county executive committee as herein provided, the chairman of the state executive committee of such party may fill such vacancy by appointment, if, after giving sixty days notice of his or her intention to do so, to the chairman of the county executive committee by registered mail, such vacancy is not filled by the county executive committee.

Section 4. In the event of no election of county committeemen or committeewomen of a political party in any such county the chairman of the state executive committee of such party may appoint a committeeman and a committeewoman in each precinct in said county from the members of the party residing in the precinct to which the appointment is made and all appointments so made shall constitute the county executive committee of such party until the next election in such county when a county executive committee shall be elected as herein provided.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1054

House Bill No. 3359

AN ACT relating to payment of salaries of constitutional and statutory officers in any county in the state having a population of not less than three hundred fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) according to the latest official decennial census, providing for an effective date.

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

Section 1. The board of county commissioners in any county in the state having a population of not less than three hundred

fifty thousand (350,000) and not more than three hundred eighty-five thousand (385,000) according to the latest official decennial census is authorized to pay the compensation of all constitutional and statutory officers in any such county in twelve (12) equal monthly payments or semi-monthly payments.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. This act shall take effect upon becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1055

House Bill No. 3356

AN ACT creating the office of Prosecuting Attorney for the County Judge's Court of Leon County, Florida; providing for the manner of filling the office and the term of office of the said prosecuting attorney, prescribing his powers and duties; and providing for his compensation; providing for an effective date.

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

Section 1. That the office of Prosecuting Attorney for the County Judge's Court of Leon County, Florida, be and the same is hereby created.

Section 2. That the Prosecuting Attorney for the County Judge's Court of Leon County, presently holding that office by virtue of election under prior local law, Chapter 14828, Laws of Florida, 1931, shall continue to hold such office until the expiration of the term for which he was elected. Thereafter such office shall be filled by the election thereof, of an attorney at law, to fill said office for a term of four years, and who shall take office on the first Tuesday after the first Monday in January following his election, said election to be conducted according to the general election laws of Florida.

Section 3. That the Prosecuting Attorney for the County Judge's Court of Leon County, Florida, shall prepare and take

all affidavits and/or informations in all criminal cases originating in the County Judge's Court, and he shall also prosecute all criminal cases and attend all preliminary hearings and coroner inquests had before the County Judge's Court.

Section 4. That the Prosecuting Attorney for the County Judge's Court of Leon County, Florida, shall be allowed the process of said court to summon witnesses to appear before him, in or out of term, at such convenient place and time as may be designated in the summons, to testify before him as to any violation of the criminal law upon which they may be interrogated; and the said prosecuting attorney is hereby empowered to administer oaths to all witnesses summoned to testify by the process of the court and to all witnesses who voluntarily appear before him. The compensation and mileage provided by law for witnesses in the County Judge's Court of Leon County shall be paid to each witness who is compelled to appear before said prosecuting attorney under the provisions of this section.

Section 5. That the compensation of the Prosecuting Attorney for the County Judge's Court of Leon County, Florida, shall be as is provided by general law.

Section 6. All laws and parts of laws which are in conflict with the provisions of this Act are hereby expressly repealed.

Section 7. If any provision, clause, section or part of section of this Act shall be held to be unconstitutional, it shall not affect the remainder of this Act.

Section 8. This Act shall take effect upon it becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1056

House Bill No. 3354

AN ACT relating to the compensation of the Superintendent of Public Instruction in any county having a population of

not less than seventeen thousand five hundred (17,500) and not more than nineteen thousand four hundred (19,400), according to the latest official decennial census; authorizing the board of public instruction of any such county to fix the compensation of the superintendent of public instruction of such county; providing for an effective date.

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

Section 1. The board of public instruction of any county having a population of not less than seventeen thousand five hundred (17,500) and not more than nineteen thousand four hundred (19,400), according to the latest official decennial census, shall fix the compensation to be paid to the superintendent of public instruction of such county, provided, however, said county superintendent shall receive an annual salary which shall be greater than that paid to any other employee of the county board of public instruction.

Section 2. All laws, or part of laws, in conflict herewith are repealed.

Section 3. This act shall become effective July 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1057

House Bill No. 3351

AN ACT authorizing the board of public instruction of Polk county, Florida, to pay an additional salary to the Superintendent of Public Instruction of Polk County, Florida, for the fiscal years beginning July 1, 1965, and ending June 30, 1967, on account of elimination of Polk Junior College A.D.A. units from salary computation for such years; and providing when this act shall take effect.

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

Section 1. The annual salary of the Superintendent of Public Instruction of Polk County, Florida, for the fiscal years beginning July 1, 1965, and ending June 30, 1967, shall be in-

creased and adjusted by the Board of Public Instruction of Polk County, Florida, to include an additional sum of \$5.00 for each unit or fraction thereof of the instruction units determined and allotted during such years for Polk Junior College under the provisions of Florida Statutes now in force and effect.

Section 2. This Act shall become a law immediately upon its passage and approval by the Governor of the State of Florida or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1058

House Bill No. 3349

AN ACT authorizing the board of county commissioners of any county having a population of not less than seventy-four thousand two-hundred (74,200) and in any county having a population of not more than seventy-six thousand (76,000) according to the latest official decennial census to expend county funds for the payment for services performed by inmates of county road prisons over and above the normal workload required of such inmates and providing an effective date.

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

Section 1. The board of county commissioners of any county having a population of not less than seventy-four thousand two-hundred (74,200) and in any county having a population of not more than seventy-six thousand (76,000) according to the latest official decennial census is hereby authorized to expend county funds for the payment for services performed by inmates of county road prisons over and above the normal workload required of such inmates.

Section 2. All prior acts of such county which come within the provisions of section 1 are hereby deemed ratified and confirmed as a county purpose.

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Section 3. This act will become effective immediately upon its becoming law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1059

House Bill No. 3344

AN ACT relating to Madison county, amending section 10 of chapter 28551, Laws of Florida, 1953, increasing the amount of fee for filing a claim in the small claims court of said county; providing an effective date.

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

Section 1. Section 10 of chapter 28551, Laws of Florida, 1953, is amended to read:

Section 10. The plaintiff, when he files his claim, shall deposit with the court the sum of five dollars (\$5.00) which shall cover all costs of the proceeding except of service of the notice other than by registered mail and as hereinafter provided. If a party shall fail to pay accrued costs, the judge shall have power to deny said party the right to file any new case while such costs remain unpaid, and likewise to deny such litigant the right to proceed further in any case pending. The award of court costs, as between the parties, shall be according to the discretion of the judge and shall be taxed in the cause at his discretion.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1060

House Bill No. 3339

AN ACT relating to alcoholic beverages, club beverage licenses, in any county in the state having a population of not less

than eighty thousand (80,000) nor more than one hundred twenty thousand (120,000), according to the latest official decennial census; providing for one (1) additional beverage license; providing an effective date.

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

Section 1. In any county of the state having a population of not less than eighty thousand (80,000) nor more than one hundred twenty thousand (120,000), according to the latest official decennial census, beverage licenses issued under the authority of subsection (11) of section 561.34, Florida Statutes, such licenses being known as club licenses, shall be increased by one (1) more than the number of such licenses currently authorized to be issued pursuant to such section; provided, that such additional license authorized by this act in any such county shall be issued to our Lady of Space Home association, inc., Titusville, Brevard county, provided such club meets all the requirements of the beverage laws.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1061

House Bill No. 3338

AN ACT creating a county court in and for Walton county; prescribing terms of said court; providing for judge and prosecuting attorney; providing an effective date.

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

Section 1. There is hereby created a county court in and for Walton county having jurisdiction as provided by the constitution and chapter 34, Florida Statutes.

Section 2. The terms of said court shall commence on the second Monday in February, April, July and October of each year; provided that the judge of said court may at his discretion hold special terms of said court for the trial of any

cases, civil or criminal, and may at his discretion dispense with any regular term of said court.

Section 3. The county judge of Walton county shall also serve as judge of the county court. The prosecuting attorney of the county judge's court of Walton county shall also serve as the prosecuting attorney for the county court until his successor is elected and qualified for a term of four (4) years at the next general election taking place in 1970.

Section 4. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1062

House Bill No. 3330

AN ACT relating to Manatee county, court of record; establishing a court of record in and for Manatee county; prescribing the civil and criminal jurisdiction of said court and the terms, practice and procedure therein; providing for the appointment, election, qualifications, terms, duties and compensation of a judge; providing for the prosecuting officers thereof; prescribing how and to what court appeals from such court of record may be taken; providing for a referendum.

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

Section 1. There is hereby created and established in Manatee county, a court to be known and designated as the court of record in and for Manatee county. The said court shall be a court of record and it shall have a seal to be prescribed and furnished by the county commissioners of Manatee county.

Section 2. (1) The said court shall have jurisdiction of all criminal cases not capital which shall arise in Manatee county, except as hereinafter provided.

(2) The judge of said court shall have the same powers, duties and obligations in the administration of the criminal

laws as are exercised by and imposed upon the judges of the circuit courts.

Section 3. The said court shall also have concurrent original jurisdiction of all cases at law in which the demand or value of property in controversy, exclusive of interest and costs, is not less than the maximum jurisdiction of the small claims court and does not exceed ten thousand dollars (\$10,000.00). The authority and jurisdiction of the court shall include the issuance of writs of attachment and such other writs, garnishment and replevin in any cause or action of which this court has jurisdiction. The said court shall have no jurisdiction except as specifically granted and provided in this act.

Section 4. The venue of said court shall be the same as now or hereafter provided by law.

Section 5. The term of court shall be the same as that of the Manatee county court. When the defendant and prosecutor waive trial by jury, the judge may hear, determine and try criminal cases pending in said court at any time.

Section 6. The sounding of the docket for each term of court shall be held in the county courthouse in Bradenton, Manatee county.

Section 7. (a) The first judge of the court of record of Manatee county shall be appointed by the governor as soon as practicable after the effective date of this act. The judge so appointed shall hold office until his successor has been duly elected and qualified at a general election to be held in Manatee county. Each succeeding judge of said court shall be elected by the qualified electors of Manatee county, for a term of six (6) years. The judge shall be nominated and elected the same as circuit judges and all laws applicable to the nomination and election of circuit judges shall be applicable and govern the nomination and election of the judge of said court. No person shall be eligible for the office of judge of said court unless he is a qualified elector of Manatee county, and has practiced law in the state for at least five (5) years prior to his appointment or election. The salary of said judge shall be seventeen thousand five hundred dollars (\$17,500.00) per year paya-

ble in equal monthly installments. The said judge shall not, during the term of his office engage in the practice of law.

(b) The court reporter and fees shall be the same as provided in the circuit court.

(c) The court reporter, in the discretion of the judge, or upon the request of the attorney of either side, shall report the testimony and proceedings in criminal trials of any felony case in the court and shall report the testimony and proceedings in the trial of any civil case in the court upon request by either party.

(d) Fees for the filing of felony cases shall be the same as provided by circuit court. Fees for the filing of misdemeanors shall be the same as provided by the county court.

Section 8. There shall be appointed by the governor an additional judge or judges for said court upon receipt of a certificate signed by a majority of the county commissioners that there is needed another judge for the proper administration of the court's business. The provisions of this act shall apply to additionally appointed judges as they apply to the original judge.

Section 9. The board of county commissioners of Manatee county, is authorized and empowered to consider, act upon, grant or deny any requests to increase or supplement salaries of the judge. However, the board of county commissioners is prohibited from reducing the salaries or compensation herein provided for said official other than the increase or supplemental salary above mentioned; and further the county commissioners are hereby prohibited from reducing any increase or supplemental salary granted hereunder, that would affect the next ensuing term of office, from and after seven (7) days before the first day to qualify for office.

Section 10. The county prosecuting attorney shall prosecute all misdemeanors before the court of record. The state attorney shall prosecute all felonies before the court of record as established by law.

Section 11. The clerk of the circuit court shall serve as the clerk of the court of record. His compensation shall continue as established.

(a) Civil fees for the court of record shall be the same as provided for the filing of civil cases in the circuit court.

(b) When not otherwise specified the clerk's fees shall be the same as fees and charges made for like services by the clerk of the circuit court.

(c) All fines and forfeitures collected by said court shall be paid into the county fine and forfeiture fund as provided by law.

Section 12. Except as otherwise specifically and expressly provided by the Florida constitution or this act, the provisions of sections 32.08, 32.09, 32.11, 32.18, 32.19, 32.20, 32.21, 32.22, 32.27 and 32.30, Florida Statutes, shall apply, govern and be applicable, the same as if specifically included and set forth in this act, in all criminal proceedings, prosecutions and trials in said court.

Section 13. The county commissioners of Manatee county shall provide a secretary for the judge of this court as well as proper chambers for said judge; and further the said county commissioners shall provide office equipment and facilities for the proper operation of said judge's offices.

Section 14. The sheriff of Manatee county shall be the executive officer of said court, shall execute and serve all civil and criminal processes of said court, and perform all duties in and about the court that are required by law to be performed by such executive officer. The compensation of the sheriff for his services shall be the same as he receives for like services in the circuit court of Manatee county. If the sheriff of Manatee county should arrest any person away from the county seat, and it appears probable that such person may obtain bail within a short time, then the sheriff may temporarily confine such arrested person in any city jail in Manatee county other than the city jail in the county seat of Manatee county.

Section 15. All rules and statutes governing pleading, practice, procedure and evidence, and the obtaining of jurisdiction of the parties and the issuance of service of jurisdiction of the parties and the issuance of service and writ of process, including warrants, attachments and summons which are applicable to civil actions in the circuit court and criminal actions

in the criminal courts and circuit courts shall, so far as they are applicable, govern civil and criminal cases in the court hereby established. Except as otherwise provided in this law, the said judge, and other officers of the court hereby established shall, in addition to the powers, duties and obligations herein authorized, conferred and imposed upon them, have the same powers, duties and obligations in all civil and criminal cases within the jurisdiction of the court as are now exercised by the circuit judge, state attorneys and other officers of the circuit courts of Florida.

Section 16. All laws now or hereafter applicable to the selection, service and compensation of jurors in the circuit court of Manatee county, shall be applicable to the selection, service and compensation of jurors in said court.

Section 17. The final appellate jurisdiction to review all orders and judgments of the court of record of Manatee county created by this act shall be to the district court of appeals except for misdemeanors and the final appellate jurisdiction for misdemeanors shall be the circuit court in and for Manatee county.

Section 18. When the judge of said court is disqualified, ill or for any reason unable to act as such judge, or to hold a term of court, then another judge shall be assigned and transferred to said court as now or hereafter provided by the state constitution.

Section 19. It is hereby declared to be the intention of the legislature that each and every of the provisions of this act are severable, and if any of said provisions are held to be invalid or unconstitutional, then all remaining provisions are intended to be passed as though the invalid or unconstitutional provisions had never appeared herein.

Section 20. The court of record of Manatee county is to have exclusive jurisdiction of all criminal offenses, save capital offenses, including traffic offenses.

Section 21. This act shall become effective only upon approval by a majority vote of electors voting in a referendum election to be held at the next regular primary or general election or at a special election to be called by the board of county

commissioners of Manatee county within six (6) months from date this act is filed with the secretary of state.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1063

House Bill No. 3324

AN ACT relating to the regulation of shrimp or prawn in Franklin county; providing a shrimp count of fifty-five (55) shrimp with heads on and eighty-five (85) shrimp with heads off makes one (1) pound; providing that the Board of Conservation by rule may reduce the count to forty-seven (47) with heads on or seventy (70) with heads off if necessary to conservation; providing special opening and closing dates for certain areas; repealing section 4 (3),(12) of chapter 65-905, Laws of Florida; providing an effective date.

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

Section 1. Regulation of shrimp or prawn.—The minimum size of shrimp or prawn which may be legally taken from the bays or sounds of Franklin county at any time, notwithstanding section 370.15(2), Florida Statutes, shall be of such size that no more than fifty-five (55) shrimp or prawn with heads on or eighty-five (85) shrimp or prawn with heads off make one (1) pound, provided that whenever it is determined by random sampling conducted as directed by this section that the taking of shrimp or prawn of a size that no more than fifty-five (55) shrimp or prawn with heads on or that eighty-five shrimp or prawn make one (1) pound is detrimental to conservation of the shrimp or prawn the Board of Conservation may by rule fix the number of shrimp or prawn that may be taken to forty-seven (47) with heads on or seventy (70) with heads off, such rule to be effective for no more than 45 days under any one order, and that successive orders may be entered. A count shall be determined by random sampling in five (5) different locations in the catch, at as widely separated distances and depths as practicable. Each sample shall consist of at least three (3) pounds of shrimp. The average count of

these five (5) samples shall be the established count for the cargo with a ten per cent (10%) tolerance being allowed. It is unlawful to take, possess, buy, sell, transport or destroy at any time any raw shrimp or prawn from the bays or sounds of Franklin county, smaller than the minimum legal size established by this section.

Section 2. Prohibitions.—Trawling or fishing for shrimp or otherwise catching or trying to catch shrimp in Apalachicola Bay, St. George Sound and St. Vincent Sound in Franklin county:

(1) Is unlawful at any time from July 15 until September 15.

(2) Is unlawful between the hours of sundown and sunrise from September 15 until December 31.

(3) Is lawful any time from January 1 until July 15.

Section 3. Subsections (3) and (12) of section 4 of chapter 65-905, Laws of Florida, insofar as they relate to Franklin county are repealed.

Section 4. In the event of a conflict between the provisions of this act and the provisions of any general or special law, the provisions of this act shall control to the extent of such conflict.

Section 5. If any part of this act is held invalid, the remainder of this act shall not be affected.

Section 6. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1064

House Bill No. 3321

AN ACT designating and naming that portion of state road no. 528, located in Orange county, running east of its intersection with state road no. 15, the Martin Andersen Beeline Expressway.

WHEREAS, Martin Andersen was uniquely responsible for making a reality that most important highway, state road no. 528, located in Orange county and running east of state road no. 15, and

WHEREAS, it is fitting that this highway should be named in his honor, NOW, THEREFORE,

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

Section 1. That portion of state road no. 528, located in Orange county, running east of its intersection with state road no. 15, is hereby named the "Martin Andersen Beeline Expressway" and shall be so designated.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1065

House Bill No. 3318

AN ACT providing for an aggregate millage levy up to ten (10) mills for support of the free public schools in those counties having a population of not less than three hundred fifty thousand (350,000) nor more than four hundred fifty thousand (450,000) according to the most recent official federal census, and which were subject to a revaluation of all property subject to ad valorem taxation in 1967, providing an effective date.

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

Section 1. In those counties having a population of not less than three hundred fifty thousand (350,000) nor more than four hundred fifty thousand (450,000) according to the most recent federal census, and which were subject to a complete revaluation of all property subject to ad valorem taxation in 1967, the board of public instruction shall have authority to levy up to an aggregate total of ten (10) mills for support of the free public schools under the provisions of Article XII, sections 8 and 10, and nothing contained in sections 193.03, 193.031, or 193.032 shall limit, restrict or prevent the board of public instruction

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from levying up to an aggregate total of ten (10) mills under Article XII, sections 8 and 10.

Section 2. This act shall take effect on January 1, 1968.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1066

House Bill No. 3313

AN ACT relating to supplemental compensation for the county tax assessor and county tax collector in each county of the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200) according to the latest official decennial census; providing for the payment of supplemental compensation by the board of county commissioners; and providing an effective date.

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

Section 1. In each county of this state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200) according to the latest official decennial census, the county tax assessor, who may be also designated as the tax assessor for any municipality within such county, shall receive as additional compensation for serving as tax assessor for such municipality, an amount equal to that proportion of one thousand nine hundred dollars (\$1,900.00) as the assessed value of such municipality bears to the total assessed value of all municipalities in the county.

Section 2. In each county of this state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200) according to the latest official decennial census, the county tax collector, who may be also designated as the tax collector for any municipality within such county, shall receive as additional compensation for serving as tax collector for such municipality, an amount equal to that proportion of one thousand nine hundred dollars

(\$1,900.00) as the assessed value of such municipality bears to the total assessed value of all municipalities in the county.

Section 3. The supplemental compensation provided for in section 1 and section 2 shall be paid from the county general fund in twelve (12) equal monthly installments.

Section 4. This act shall take effect on October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1067

House Bill No. 3311

AN ACT relating to juvenile court counselors, compensation; providing for the annual compensation of the juvenile court counselors and secretaries employed by the juvenile or county judge's court in any county of the state having a population of not less than sixty-four thousand (64,000) and not more than sixty-eight thousand (68,000), according to the latest official decennial census; repealing chapter 28360, 1953; chapter 31432, 1956; chapter 61-830; chapter 61-835; chapter 63-827, all Laws of Florida; providing an effective date.

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

Section 1. In all counties of the state having a population of not less than sixty-four thousand (64,000) and not more than sixty-eight thousand (68,000), the chief juvenile counselor shall receive and be paid a salary of not less than six thousand two hundred dollars (\$6,200.00) nor more than seven thousand six hundred dollars (\$7,600.00) per year in equal monthly installments, said amount of money to be set at the discretion of the judge of the court, plus one thousand two hundred dollars (\$1,200.00) per year travel expense allowance, payable in equal monthly installments. The assistant juvenile counselors shall receive and be paid a salary of not less than five thousand dollars (\$5,000.00) nor more than six thousand six hundred dollars (\$6,600.00) per year, payable in equal monthly installments, said amount of money to be set at the discretion of the chief counselor with the permission of the judge of the court,

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along with a travel expense allowance of one thousand two hundred dollars (\$1,200.00) per year, payable in equal monthly installments. The secretaries for the juvenile court shall receive and be paid a salary of not less than three thousand six hundred dollars (\$3,600.00) nor more than four thousand eight hundred dollars (\$4,800.00) per year, payable in equal monthly installments. All such compensation shall be paid by the county commissioners of said counties from the fund to be appropriated under section 39.18, Florida Statutes.

Section 2. Chapter 28360, 1953, chapter 31432, 1956, chapter 61-830, chapter 61-835 and chapter 63-827, all Laws of Florida, are repealed.

Section 3. This act shall take effect October 1, 1967.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1068

House Bill No. 3308

AN ACT relating to county judge's court, clerks; authorizing the county judge of all counties of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, to appoint a clerk, or clerks of county judge's court with duties in addition to those provided in section 36.04, Florida Statutes; prescribing the duties to be performed by said clerks; prescribing the method of payment of said clerks and the term of office, providing an effective date.

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

Section 1. The county judge of all counties of the state having a population of not less than three hundred ninety thousand (390,000) and not more than four hundred fifty thousand (450,000), according to the latest official decennial census, shall have the power to appoint a clerk, or clerks of the county judge's court, by order of the court, to perform duties in addi-

tion to those provided by section 36.04, Florida Statutes, for the proper execution of the duties of said court.

Section 2. (1) The said clerk, or clerks, may be authorized by order of the county judge, in addition to performing all nonjudicial functions, in all uncontested probate and guardianship matters, to appoint administrators, executors, guardians and curators; to fix and approve administration, guardian and curator bonds; to grant letters of administration, letters of guardianship, letters testamentary and letters of curatorship; to admit wills and codicils to probate and record; to approve annual returns when no objections have been filed; to appoint an examining committee to inquire into the physical and/or mental condition of an alleged incompetent; to give notice of hearings in all inquisitions of alleged incompetency as required by law.

(2) Any act of the clerk, or clerks, under the provision of this law shall be subject to supervision and direction of the county judge in such counties; provided, however, the judges shall hear all matters where there is a contest or where there is a request of any party for the personal action of the county judge.

Section 3. The clerks so appointed shall be paid in the same manner and from the same fund as other employees of said court are paid and shall serve as such clerks at the pleasure of and until said appointment is revoked by the appointing authority or his successor.

Section 4. It is declared to be the legislative intent that if any section, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 5. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

ALPHABETICAL
 1960 OFFICIAL FLORIDA STATE AND FEDERAL CENSUS
 (Total—4,951,560)

<i>County</i>	<i>Population</i>	<i>Suggested Brackets</i>
Alachua	74,074	70,000- 74,200
Baker	7,363	6,800- 7,400
Bay	67,131	64,000- 68,000
Bradford	12,446	12,380- 12,490
Brevard	111,435	80,000-120,000
Broward	333,946	300,000-350,000
Calhoun	7,422	7,400- 7,600
Charlotte	12,594	12,500- 13,000
Citrus	9,268	8,300- 9,400
Clay	19,535	19,200- 20,000
Collier	15,753	15,700- 16,400
Columbia	20,077	19,800- 21,900
Dade	935,047	over 900,000
DeSoto	11,683	11,300- 11,800
Dixie	4,479	3,400- 4,500
Duval	455,411	400,000-900,000
Escambia	173,829	130,000-190,000
Flagler	4,566	4,555- 4,600
Franklin	6,576	6,500- 6,600
Gadsden	41,989	40,000- 45,000
Gilchrist	2,868	not over 2,870
Glades	2,950	2,900- 3,000
Gulf	9,937	9,600- 10,200
Hamilton	7,705	7,500- 8,000
Hardee	12,370	11,900- 12,400
Hendry	8,119	7,800- 9,100
Hernando	11,205	10,900- 11,230
Highlands	21,338	20,500- 23,000
Hillsborough	397,788	390,000-450,000
Holmes	10,844	10,400- 11,000
Indian River	25,309	23,000- 28,000
Jackson	36,208	36,000- 36,700
Jefferson	9,543	9,400- 9,700
Lafayette	2,889	2,870- 2,925
Lake	57,383	56,000- 61,000
Lee	54,539	52,000- 54,800
Leon	74,225	74,200- 76,000
Levy	10,364	10,000- 10,800
Liberty	3,188	3,000- 4,400
Madison	14,154	13,900- 14,700
Manatee	69,168	69,000- 70,000
Marion	51,616	51,000- 53,000
Martin	16,932	15,800- 17,000
Monroe	47,921	45,000- 51,000
Nassau	17,189	17,000- 19,000
Okaloosa	61,175	60,000- 66,000
Okeechobee	6,424	6,100- 6,500
Orange	263,540	230,000-300,000
Osceola	19,029	17,500- 19,400
Palm Beach	228,106	200,000-260,000
Pasco	36,785	36,700- 38,000
Pinellas	374,665	350,000-385,000
Polk	195,139	175,000-200,000

ALPHABETICAL (continued)

1960 OFFICIAL FLORIDA STATE AND FEDERAL CENSUS

<i>County</i>	<i>Population</i>	<i>Suggested Brackets</i>
Putnam	32,212	30,500- 35,000
St. Johns	30,034	30,000- 32,000
St. Lucie	39,294	37,000- 39,900
Santa Rosa	29,547	29,000- 30,000
Sarasota	76,895	75,000- 80,000
Seminole	54,947	54,900- 56,000
Sumter	11,869	11,700- 12,300
Suwannee	14,961	14,200- 15,000
Taylor	13,168	13,000- 14,000
Union	6,043	5,800- 6,100
Volusia	125,319	112,000-170,000
Wakulla	5,257	4,600- 5,300
Walton	15,576	15,000- 15,600
Washington	11,249	11,225- 11,400

NUMERICAL

1960 OFFICIAL FLORIDA STATE AND FEDERAL CENSUS

(Total—4,951,560)

<i>County</i>	<i>Population</i>	<i>Suggested Brackets</i>
Dade	935,047	over 900,000
Duval	455,411	400,000-900,000
Hillsborough	397,788	390,000-450,000
Pinellas	374,665	350,000-385,000
Broward	333,946	300,000-350,000
Orange	263,540	230,000-300,000
Palm Beach	228,106	200,000-260,000
Polk	195,139	175,000-200,000
Escambia	173,829	130,000-190,000
Volusia	125,319	112,000-170,000
Brevard	111,435	80,000-120,000
Sarasota	76,895	75,000- 80,000
Leon	74,225	74,200- 76,000
Alachua	74,074	70,000- 74,200
Manatee	69,168	69,000- 70,000
Bay	67,131	64,000- 68,000
Okaloosa	61,175	60,000- 66,000
Lake	57,383	56,000- 61,000
Seminole	54,947	54,900- 56,000
Lee	54,539	52,000- 54,800
Marion	51,616	51,000- 53,000
Monroe	47,921	45,000- 51,000
Gadsden	41,989	40,000- 45,000
St. Lucie	39,294	37,000- 39,900
Pasco	36,785	36,700- 38,000
Jackson	36,208	36,000- 36,700
Putnam	32,212	30,500- 35,000
St. Johns	30,034	30,000- 32,000
Santa Rosa	29,547	29,000- 30,000
Indian River	25,309	23,000- 28,000
Highlands	21,338	20,500- 23,000
Columbia	20,077	19,800- 21,000
Clay	19,535	19,200- 20,000
Osceola	19,029	17,500- 19,400

NUMERICAL (continued)

1960 OFFICIAL FLORIDA STATE AND FEDERAL CENSUS

<i>County</i>	<i>Population</i>	<i>Suggested Brackets</i>
Nassau	17,189	17,000- 19,000
Martin	16,932	15,800- 17,000
Collier	15,753	15,700- 16,400
Walton	15,576	15,000- 15,600
Suwannee	14,961	14,200- 15,000
Madison	14,154	13,900- 14,700
Taylor	13,168	13,000- 14,000
Charlotte	12,594	12,500- 13,000
Bradford	12,446	12,380- 12,490
Hardee	12,370	11,900- 12,400
Sumter	11,869	11,700- 12,300
DeSoto	11,683	11,300- 11,800
Washington	11,249	11,225- 11,400
Hernando	11,205	10,900- 11,230
Holmes	10,844	10,400- 11,000
Levy	10,364	10,000- 10,800
Gulf	9,937	9,600- 10,200
Jefferson	9,543	9,400- 9,700
Citrus	9,268	8,300- 9,400
Hendry	8,119	7,800- 9,100
Hamilton	7,705	7,500- 8,000
Calhoun	7,422	7,400- 7,600
Baker	7,363	6,800- 7,400
Franklin	6,576	6,500- 6,600
Okeechobee	6,424	6,100- 6,500
Union	6,043	5,800- 6,100
Wakulla	5,257	4,600- 5,300
Flagler	4,566	4,555- 4,600
Dixie	4,479	3,400- 4,500
Liberty	3,138	3,000- 4,400
Glades	2,950	2,900- 3,000
Lafayette	2,889	2,870- 2,925
Gilchrist	2,868	not over 2,870

JUDICIAL CIRCUITS

<i>Circuits</i>	<i>Population</i>	<i>Suggested Bracket</i>
First—Escambia, Okaloosa, Santa Rosa, and Walton Counties	280,127	275,000-320,000
Second—Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla Counties	140,728	136,000-140,900
Third—Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties	77,433	60,000-100,000
Fourth—Clay, Duval, and Nassau Counties	492,135	490,000-500,000
Fifth—Citrus, Hernando, Lake, Marion, and Sumter Counties	141,341	141,000-142,000
Sixth—Pasco and Pinellas Counties	411,450	405,000-480,000
Seventh—Flagler, Putnam, St. Johns, and Volusia Counties	192,131	185,000-200,000
Eighth—Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties	113,158	110,000-135,000
Ninth—Orange and Osceola Counties	282,569	281,000-300,000
Tenth—Hardee, Highlands, and Polk Counties	228,847	228,500-240,000
Eleventh—Dade County	935,047	over 900,000
Twelfth—Charlotte, Collier, DeSoto, Glades, Hendry, Lee, Manatee, and Sarasota Counties	251,701	250,000-270,000
Thirteenth—Hillsborough County	397,788	360,000-400,000
Fourteenth—Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties	142,791	142,500-180,000
Fifteenth—Palm Beach County	228,106	210,000-228,400
Sixteenth—Monroe County	47,921	not to exceed 60,000
Seventeenth—Broward County	333,946	300,000-350,000
Eighteenth—Brevard and Seminole Counties	166,382	160,000-200,000
Nineteenth—Indian River, Martin, Okeechobee and St. Lucie Counties	87,959	80,000-120,000

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