5-21-1969

Session Law 69-106

Florida Senate & House of Representatives

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SB 922
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2483
June 5, 1969

Proof of Publication attached.

— and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable John E. Mathews, Jr.
June 5, 1969
President of the Senate

Sir:

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

By Representative Roberts and others—

HB 2993—A bill to be entitled An act relating to Monroe County; establishing the salary of the judge of the juvenile court; providing the fund out of which the salary shall be paid; repealing chapter 65-1058, Laws of Florida; providing an effective date.

Proof of Publication attached.

— and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable John E. Mathews, Jr.
June 5, 1969
President of the Senate

Sir:

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

By Representative Roberts and others—

HB 2999—A bill to be entitled An act relating to all counties in the state having a population of not less than three thousand four hundred (3,400) nor more than four thousand five hundred (4,500), according to the latest official decennial census, ratifying and confirming compensation paid to the supervisor of elections November 1961 through September 1965; providing an effective date.

Proof of Publication attached.

— and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable John E. Mathews, Jr.
June 5, 1969
President of the Senate

Sir:

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

By Representative Lancaster—

HB 2997—A bill to be entitled An act relating to all counties in the state having a population of not less than three thousand four hundred (3,400) nor more than four thousand five hundred (4,500), according to the latest official decennial census, ratifying and confirming compensation paid to the supervisor of elections November 1961 through September 1965; providing an effective date.

Proof of Publication attached.

— and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable John E. Mathews, Jr.
June 5, 1969
President of the Senate

Sir:

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

By Representative Culbreath and others—

HB 2998—A bill to be entitled An act relating to Hernando county; relating to the jurisdiction of the small claims court; amending section 1 of chapter 67-854 Laws of Florida 1967; providing for the jurisdiction of the court exclusive of interest and attorneys' fees and of matters not within the exclusive jurisdiction of the circuit court; providing an effective date.

Proof of Publication attached.

— and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable John E. Mathews, Jr.
June 5, 1969
President of the Senate

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ALLEN MORRIS
Clerk, House of Representatives

The Honorable John E. Mathews, Jr.
June 5, 1969
President of the Senate

Sir:

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

By Representative Culbreath and others—

HB 2992—A bill to be entitled An act relating to Monroe County; establishing the salary of the clerk of the criminal court of record; providing the fund out of which the salary shall be paid; repealing chapter 65-1112, Laws of Florida; providing an effective date.

Proof of Publication attached.

— and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives
Booze Allen Hamilton Study, 1969

Conceptual Plan, 1969
Senate Plan & computer analyses
SB 850 (original)
Implementation of reorg plan
Working papers & conf comm.
SB 850 events
Senate floor action
SB 850 engrossed
Statement of having on Exec Reorg Dec 1968

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Bill drafts, concept, plans, studies 1965-1970

Bill drafts
Research files, forms, travel vouchers, reports for Com
Pettigrew's notebook / background info
Governmental Reorganization, Senate Plan, April 22, 1969

1969 Executive Regorganization Act

Index to Senate Bill 650 - Reorganization of the Executive Branch of Government

Executive Reorganization, 1969 Session of the Florida Legislature

✓ Original Senate Bill 650
✓ Senate Bill 650 As Amended and Passed in Senate, May 8, 1969
✓ House Amendment to Senate Bill 650


Explanation of Senate Bill 650 By Senator Daniels

State Governmental Reorganization Subject to Final Action, June 27, 1969

*Guides to Agencies of the Florida Executive Department, 1969, 1973, 1975 and 1976

Letter to Representative Frederick H. Schultz, Speaker of the House from Gerald R. Riso, Vice-President, Boon, Allen & Hamilton Management Consultants re: proposal for the study of the overall reorganization of the Florida Executive Department.

"The Response of Florida Administrators to Change", by E. Lester Levine, J. Terry Edwards and David H. Pingree, Political Research Institute of Florida State University (draft)

Letter to Howard Walton from W. Samuel Tucker, Jr. re: Reorganization of certain top level positions

Organization Charts - Executive Agencies

* THESE PUBLICATIONS ARE FOUND IN THE LEGISLATIVE LIBRARY
Senate Governmental Operations Committee
Governmental Reorganization Files
1969-1976

Senate Natural Resources and Conservation Committee Report on the Executive Branch

The Department of Health and Rehabilitative Services - The Growth of Bureaucy, December 6, 1970


Executive Reorganization Act Revision, 1970
Executive Reorganization Act Revision, 1971
Executive Reorganization Act Revision, 1972
Executive Reorganization Act Revision, 1973
Executive Reorganization Act Revision, 1974
Executive Reorganization Act Revision, 1975
Executive Reorganization Act Revision, 1976

*Guide to Agencies of the Florida Executive Department

State of Florida, Department of Administration Recommendations for Implementation of a Centralized Management Improvement Function, December,

*Guides to Florida Government


Governmental Reorganization, Treaurers Office - Cabinet Affairs
Summary of Senate Bill 497
Staff recommended Amendments to the 1969 Reorganization Bill
Organization Charts
Brief Outline of Chapter 20 History
Growth in Florida Government By Department
Florida Executive Branch, 1973-1974

*THESE PUBLICATIONS ARE FOUND IN THE LEGISLATIVE LIBRARY
Files Labeled:

Activities pending from the Meeting of Feb. 27, 1969 (Work Session)
Activities pending from meeting of Feb. 20, 1969 (no material included)
Activities pending from Meeting of Feb. 13, 1969 (Work Session)
Activities pending from Meeting of Feb. 6, 1969 (Work Session)
Activities pending from Meeting of Feb. 6, 1969 (Work Session)

Cabinet Officers & State Agencies - Hearing January 22, 1969
Cabinet & State Agencies - Hearing January 22, 1969 - Tallahassee
Data Retrieval - Hearing January 3, 1969
State Agency - Hearing Dec. 19 and 20, 1968
Letter from Senator Daniel to Senate Members re: Organization
Senate Committee on Governmental Organization, Subcommittee on
State Government, Senator Myers (statements, letters, documents,
etc. re governmental reorganization.)

Copy Miscellaneous materials, including Report for the Legislative
Committees on Governmental Organization and Efficiency by the
Florida Industrial Commission (initial report), Office of the
Comptroller, Department of Revenue, Department of Agriculture)
Senate Committee on Governmental Organization, Sen. Hollahan, Chairman.
State Government Subcommittee - Chairman, Senator Daniel (1969)

Files labeled:

Organizational Charts Transparencies
Conference Committee Amendment of Senate Bill 650
Journal of the Senate (Daily Journal) - Tuesday, June 3, 1969
Committee Substitute for Senate Bill 1308 (May 22, 1969)
Governmental Organization Committee Report to President Mathews

Remarks by Senator Daniel; Revenue Report by Mr. Straughn; Summary of Allocated Personnel; Report by Comptroller; Letter to Attorney General re Securities Committee language

Booklets titled:
- Index to Tentative Allocation of Revenue Items to Departments and Officers
- Senate Plan - Government Reorganization - 2 copies
- Senate Plan - Government Reorganization (Computer Analysis of Activities)
- Senate Bill 650 as Amended - Government Reorganization
- Executive Reorganization - 1969 Session of Florida Legislature
- Senate Bill 650 - Reorganization of Executive Branch of Govt. (with Index)
- Amendments to S. B. 650 - Adopted
- Summary of Amendments to S. B. 650
- Sections from Constitution re Reorganization
- Amendments Offered in Committee to S. B. 650
- Filed re Amendments, including among other miscellaneous materials
  - Listing of Amendments (1-44) offered in Committee to S. B. 650
  - by Myers - Adding Division of Vocational Rehab. to Health & Rehab. Services (withdrawn)
  - #18 - Dept. of Revenue
  - #19 - Bd. of State Canvassers
  - #21 - by Myers - Railroad Assessment Board
  - #23 - State Road Board
  - #24 - Employment, Director

Summary of H. B. 1436 (S. B. 650 as Amended)
Copy S. B. 650 (Engrossed) with Index

Conference Committee Amendments of S.B. 650 (137 pages) and other related information.

Files labeled:
- Conference Committee - June 1, 1969 6 P.M.
- Conference Committee - May 27, 1969
- Conference Committee - May 26, 1969
- Conference Committee - May 23, 1969
- Conference Committee - May 22, 1969
- Conference Committee - May 20, 1969
SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION, Sen. Hollahan, Chairman

State Government Subcommittee Meetings - Filed by date. 1969 material
Chairman, Senator Daniel

Files labeled:

Governmental Organization,
Summary of Bills for Meeting of 5/21/69
Governmental Reorganization Committee Report - 1969
Governmental Reorganization County Judges Salaries 1969
Governmental Reorganization Remarks by Sen. Hollahan
Full Committee - May 19, 1969 & May 21
Full Committee - May 19, 1969
Howard Walton
Full Committee - May 15, 1969
State Subcommittee Meeting - May 14, 1969
Full Committee Meeting - May 12, 1969
May 9, 1969 State Government Subcommittee
Full Committee - May 2, 1969
Full Committee - April 29, 1969
Full Committee Meetings - April 25 & 28, 1969
State Government Subcommittee - April 23, 1969
Subcommittee - April 18, 1969
Full Committee - April 11, 1969
Work Session - April 10, 1969
Work Session - April 9, 1969
Report to Full Committee
Work Session - March 27, 1969. Work Session April 3, 1969
Senator Welborn Daniel - State Governmental Organization
Activities Pending from Meeting of March 27, 1969 (Work Session)
Work Session - March 20, 1969
Activities Pending from Meeting of March 20, 1969 (Work Session)
Work Session March 13, 1969
Activities Pending from Meeting of March 13, 1969 (Work Session)
Work Session March 6, 1969
Activities Pending from Meeting of March 6, 1969 (Work Session)
Work Session February 27, 1969
Senator Haydon Bishop, Chairman

Files Labeled: (and containing information re)

Conference Committee - Government Organization
Conference Committee Amendment of S.B. 650

List of Highlights of House Bill Department Structure and Major Senate Differences
Schematic Diagram Reflecting Organization of the Executive Branch
Proposal by Senator Horne to Joint Senate & House Conference Committee on Executive Reorganization, re new reorg. Bill

Advisory Groups
Archives-Historical-Cultural
Citrus Committee
Department of Commerce (Industrial Commission)
Community Affairs
Department of Conservation & Natural Resources
Data Processing
Education, Department of
Health, Department of
Military Department
Motor Pool
Personnel & Retirement
Rehabilitative Services, Department of Transportation, Dept. of Sources of Revenue

State Government Subcommittee - March 19-20, 1970
Howard Walton Nov. 6 & 7, 1969 (Contains several disk tapes dated 11-7-69 and other information and materials re Government Reorganization
Faye Peacock Nov. 6 & 7, 1969

Minutes: Confirmation of W. Samuel Tucker (Sec'y - Dept. of Administration)
Confirmation of James Richardson (Sec'y - Dept.of Community Affairs
(Contains some transcriptions of testimony of agency heads re re-org.)

Senator C. Welborn Daniel 15th District (contains copy Food Inspection Program submitted by Fla. Dept. of Agriculture & Consumer Services, Senate Govt. Re-org. Subcommittee 11/7/69)

Governmental Organization 12/1/69 Re: Confirmations (Tucker & Richardson)
Faye Peacock/State Government 12/3/69

Transportation Subcommittee to consider appointment of Edward A. Mueller (as Secretary of Dept. of Transportation) 4/8/70; Chairman, Senator J. Broxson; Bishop, Daniel, Fincher & Young

Committee on Transportation re: Confirmation of O'Neil (as Secretary of Dept. of Transportation) 11/21/69 (File contains several tapes - presumably of testimony at meeting of committee members of Special Subcommittee of the Full Committee on Transportation; etc.)

Unicameral Legislature

Studies and laws re Welfare Programs in several states: Massachusetts, Maine, Hawaii, Vermont, Louisiana, Kansas.
AMENDMENTS OFFERED IN COMMITTEE TO SENATE BILL NO. 650
(EXECUTIVE REORGANIZATION)

No.

1. ADOPTED -- Creates a Division of Motor Vehicles in the Department of Highway Safety and Motor Vehicles.
   Section 51-P47

2 & 3. ADOPTED -- 2) Strikes Soil and Water Conservation Board from Department of Conservation and 3) Transfers it to Department of Agriculture, creates it into a Division and makes Board advisory.
   Section 81-P65 & 66.

4. ADOPTED -- Creates an Advisory Board in the Fine Arts in the Department of Records, Archives and History -- 15 members appointed by the Governor.
   Section 90-P72.

5. Withdrawn

6. ADOPTED -- Recreates the State Library and Historic Commission as an Advisory Board.
   Section 91-P73.

7. Withdrawn

8 & 9. ADOPTED -- 6) Strikes Securities Commission from Department of Business and Professional Regulation and 9) Transfers Securities Commission to the Department of Banking and Finance and creates a Division of Securities Regulation.
   Section 131-P98 & 99.
No.  

10 Withdrawn

11 ADOPTED -- Recreates Council for the Blind as an Advisory Board.  
Section 161-p115 & 116.

12 - 15 ADOPTED -- A series of amendments which changes name of Division of State Office Buildings in Department of General Administrative Services to the Division of State Buildings.  
Section 15-p14 & 15.

16 ADOPTED -- Adds standard language concerning Southern Regional Educational Compact to make certain that all appropriations are transferred to Department of Education.

17 - 22 Withdrawn

23 ADOPTED -- (Housekeeping) -- Corrects language in the Bill, "State Revenue Commission" to "State Racing Commission" and relates that section to other sections in the Bill concerning revenue collection activities.  
Section 127-p96.

24 - 26 ADOPTED -- (Housekeeping) -- Corrects spelling of word "surety" as concerns name of agency.  
Section 176-p128  Section 143-p105

15 ADOPTED -- Corrects spelling of word "Purchasing" in Textbook Purchasing name.  
Section 101 (2) -p80.

27 ADOPTED -- Corrects the legal name of Board of Pilot Examiners to Boards of Pilot Commissioners.  
Section 129-p97.
No.

28  FAILED -- Provides that the Cabinet restricted to policy making -- only -- over department directors.  
     follow Sec 13-12.

29  FAILED -- Changing name of Department of General Administrative Services to Department of Administration.  
     Sec. 2-82.

30  ADOPTED -- Changes name of State Purchasing Division to Purchasing and Supply Division, in Department of General Administration Services.  
     Section 10-p9.

31 & 32 ADOPTED -- Changes name of Division of Retirement and Pension Funds to Division of Personnel and Retirement in two places. In effect, makes these two divisions a single division.  
     Section 13-p10  Section 19-p18.

33  Withdrawn

34 - 37 ADOPTED -- 34-36 change name of Department of Citrus Marketing to Department of Citrus Quality, Promotion and Development; places it under direct administration of the present Florida Citrus Commission and names the Board the Florida Citrus Commission. In effect, these amendments carry forward the existing Florida Citrus Commission not subject to new appointment and confirmation by Senate this year as is the case with other Boards in the Bill.  
     Section 151-p109 - 110
     37) Strikes Florida Citrus Commission from abolishing section of the Bill.  
     Section 176-p127.

38  Withdrawn
ADOPTED -- Places Department of General Administrative Services under the supervision and administration of the Governor rather than Governor and Cabinet.
Section 1-P3.

40-41 FAILED -- Places Department of Conservation and Natural Resources under Governor rather than Governor and Cabinet.

41 Withdrew -- Attempted to put Department of General Administrative Services under Governor.

40 FAILED -- Places Department of Conservation and Natural Resources under Governor rather than Governor and Cabinet.

42 FAILED -- Change name of Department of Highway Safety and Motor Vehicles to Department of Safety and Law Enforcement.

43 FAILED -- Places Department of Highway Safety and Motor Vehicles under Governor rather than Governor and Cabinet.

44 FAILED -- Senator Deeb's package of amendments re Education.

45 FAILED -- Amendment to place Law Enforcement under Attorney General rather than Governor and Cabinet.

46 FAILED -- Making the employment of Department Directors permissive rather than mandatory.

47-A ADOPTED -- An amendment which strikes Expressway Authorities from reorganization of the Executive Branch on the basis that they are local government agencies.
Section 62-p53, 54, 55.

47-B ADOPTED -- Places all the authority of the Canal Authority
No.

into a Division in the Department of Conservation and Natural Resources and reconstitutes Canal Authority as Canal Advisory Board.
Section 79 - P64, 65.

48 ADOPTED -- (Housekeeping) -- Corrects error - abolishing section of Bill -- removes Racing Commission as a Board "assigned" to a Department keeping its authority to issue and revoke licenses.
Section 176 - P125.

49 FAILED -- A series of amendments removing revenue collection activities from Department of General Administrative Services and place them in the Department of Banking and Finance.

50 ADOPTED -- Reinstates Florida Watchmakers Commission to Division of Occupations in Department of Business and Professional Regulation.
Section 129 - P97.

51 & 52 ADOPTED -- Transfers the State Board of Funeral Directors and Embalmers from Division of Occupations in Department of Business and Professional Regulation to the Division of Professions.
Section 128 - 129 P96 - 97

Withdrawn

54 ADOPTED -- Transfers Surplus Property from Division of Purchasing to a Division called Federal Surplus Property, in Department of General Administrative Services.
Section 12 - P10.
No.

55  FAILED -- Transfers Charitable Solicitations from Department of Business and Professional Regulation to Department of Records, Archives and History. Sec. 125 - p 94

56  FAILED -- Strike Citrus Commission from Bill. Sec. 151 - p 109

57 & 58  FAILED -- Change the name of the Department of Health and Rehabilitative Services to Department of Health and Rehabilitation or Department of Health and Social Services. Line 18 - p 110

59  FAILED -- Place Game and Fresh Water Fish Commission in Bill. Sec. 142 - p 67

60  FAILED -- Change name of Department of Community Affairs to Department of State - Local Affairs. Line 19 - p 25

61  ADOPTED -- Strikes Division status for authority of Board of Private Education.

   Section 105 - p82.

62  FAILED -- An effort to require that when the Governor and Cabinet administers a department, the Governor appoints Director and the Cabinet establishes general policy only. The Director would be responsible to the Governor. Sec. 4 - p 6 - 78 - p 81

63-A  ADOPTED -- Public School Board recreated as Advisory.

   Section 102 - p80.

63-B  ADOPTED -- Creates separate Division in Department of Agriculture to be called Everglades Fire Control Division.

   Section 124 - p93.

64  ADOPTED -- Transfers from Department of Community Affairs to Department of Banking and Finance - Division of County Finance, Division of Assessment Standards and authority of Railroad Assessment Board.

   Sections 34, 35 & 36 - p31, 32 & 33.
AUGMENTMENTS OFFERED IN COMMITTEE TO SENATE BILL NO. 650
(EXECUTIVE REORGANIZATION)

No.

ADOPTED -- Creates a Division of Motor Vehicles in the Department of Highway Safety and Motor Vehicles.
Section 51 - P 47.

2 & 3 ADOPTED -- 2) Strikes Soil and Water Conservation Board from Department of Conservation and 3) Transfers it to Department of Agriculture, creates it into a Division and makes Board advisory.
Section 81 - P 65 & 66.

4 ADOPTED -- Creates an Advisory Board in the Fine Arts in the Department of Records, Archives and History -- 15 members appointed by the Secretary of State.
Section 90 - P 72.

5 ADOPTED -- Recreates the State Library and Historic Commission as an Advisory Board.
Section 91 - P 73.

6 & 7 ADOPTED -- 6) Strikes Securities Commission from Department of Business and Professional Regulation and 7) Transfers Securities Commission to the Department of Banking and Finance and creates a Division of Securities Regulation.
Section 131 - P 98 & 99.

8 ADOPTED -- Recreates Council for the Blind as an Advisory Board.
Section 161 - P 115 & 116.
No.

20 & 21  ADOPTED -- Changes name of Division of Retirement and Pension Funds to Division of Personnel and Retirement in two places. In effect, makes these two divisions a single division.
Section 13 - p 10  Section 19 - p 18.

22 - 25  ADOPTED -- 22-24 change name of Department of Citrus Marketing to Department of Citrus Quality, Promotion and Development; places it under direct administration of the present Florida Citrus Commission and names the Board the Florida Citrus Commission. In effect, these amendments carry forward the existing Florida Citrus Commission not subject to new appointment and confirmation by Senate this year as is the case with other boards in the Bill.
Section 151 - p 109, 110.
25) Strikes Florida Citrus Commission from abolishing section of the Bill.
Section 176 - p 127.

26  ADOPTED -- Places Department of General Administrative Services under the supervision and administration of the Governor rather than Governor and Cabinet.
Section 1 - p 3.

27  ADOPTED -- An amendment which strikes Expressway Authorities from reorganization of the executive branch on the basis that they are local government agencies.
Section 62 - p 53, 54, 55.

28  ADOPTED -- Places all the authority of the Canal Authority into a Division in the Department of Conservation and Natural Resources and reconstitutes Canal Authority as Canal Advisory Board.
Section 79 - p 64, 65.
SUMMARY OF AMENDMENT NO. 27 --- by Senator Slade

An amendment which strikes Expressway Authorities from reorganization of the Executive Department of State government on the basis that they are local government agencies. Section 62 - p 53, 54, 55.
Committee on Governmental Organization Amendment 27
Senator GLADDY offered the following amendment:

PART VII

In Section 62, line 9, page 53, strike: THE ENTIRE SECTION

Insert the following:

(Original Bill)
HOUSE AMENDMENT TO
SENATE BILL 650

AS ADOPTED MAY 12, 13, 14 and 15

ENGROSSED ON SECOND READING MAY 15, 1969
A bill to be entitled

An act relating to the executive branch of government; restructuring the executive branch of government and consolidating and reorganizing existing agencies into named departments pursuant to section 6 of article IV of the state constitution; providing definitions; providing powers and duties of the departments; providing for rules and regulations; creating commissions within departments with certain rule-making and review authority, namely, the budget appeals commission, elections canvassing commission, career service commission, business regulation commission, industrial relations commission, and environmental appeals commission; providing for central services and procedures in purchasing, data processing, motor pool, communications and building construction, use and maintenance; creating a department of community affairs with powers and duties in assisting and supervising local governments and officers; providing for advisory bodies; abolishing the state auditing department and the
accordance with the provisions of section 112.061, Florida Statutes.

(4) If not otherwise required by law, have authority to require that any officer or employee of the department give an official bond.

(5) Have authority to promulgate rules, subject to the requirements of chapter 120, Florida Statutes (administrative procedure act), pursuant to the powers, duties and functions transferred herein and enacted hereby.

(6) If a department is under the direct supervision of a board, employ an executive director to serve at its pleasure.

(7) Make recommendations concerning more effective internal structuring of the department to the 1970 regular session and ensuing sessions of the legislature.

Section 5. Method of reorganization.--The executive branch of state government shall be reorganized by transferring the specified agencies, programs, and functions to the departments, commissions or offices created or referred to herein. Types of transfers used herein are defined as follows:

(1) TYPE ONE (1) TRANSFER.--A type one (1) transfer is the transferring intact of an existing agency or of an existing agency with certain identifiable programs, activities or functions transferred or abolished so that the agency becomes a unit of a
(4) TYPE FOUR (4) TRANSFER.--A type four (4) transfer is the merging of an identifiable program, activity or function of an existing agency into a department or other agency. Any program or activity assigned by a type four (4) transfer shall have all its statutory powers, duties, records, personnel, property, unexpended balances of appropriations, allocations or other funds transferred to the department or agency to which it is assigned. The transfer of segregated funds shall be made in such manner that the relation between program and revenue source as provided by law is retained.

(5) TYPE FIVE (5) TRANSFER.--A type five (5) transfer is identical with a type three (3) transfer except that the board heretofore assigned policy-making responsibility is hereby renamed a "council" and its powers shall be strictly advisory to the division or bureau to which it is attached, if specified, or, if not specified, then to the head of the department or agency. If the board involved, however designated, is already advisory, then the board is hereby renamed a "council".

(6) TYPE SIX (6) TRANSFER.--A type six (6) transfer is the termination of an existing agency, and the transfer of all its statutory powers, duties and functions, records and property to a department or another agency. All personnel positions affected by a type six (6) transfer are
Section 25. The probation and parole commission.--

(1) The probation and parole commission, authorized by article IV, section 8(c), Florida Constitution of 1968, is continued and retains its powers, duties and functions.

(2) All powers, duties and functions of the board of commissioners of state institutions relating to the appointment of the probation and parole commission as provided in section 947.02, Florida Statutes, shall be exercised and performed by the governor and the cabinet. Henceforth, however, each appointment shall be made from among the first three eligible persons on the list of the persons eligible for said position.

Section 26. Department of transportation.--

There is created a department of transportation.

(1) The head of the department of transportation is the secretary of transportation. The secretary shall be appointed by the governor subject to confirmation by the senate. The secretary shall serve at the pleasure of the governor.
governor in coordinating Florida's participation in
the federal highway safety act of 1966, or
prescribed in section 321.001, Florida Statutes, are
assigned by a type 7 transfer to the department of
transportation, division of highway safety.

(16) All powers, duties and functions of the
state treasurer and insurance commissioner relating to the administration and enforcement of the
financial responsibility law, chapter 324, Florida
Statutes, are assigned by a type four (4) transfer
to the department of transportation, division of
motor vehicles.

(13) It is the duty of the department of
transportation, division of transportation planning,
to coordinate and assist the activities of all public
bodies, authorities, agencies and special districts
charged with the development of expressway systems
within the state or any of its counties, whether such
bodies, authorities, agencies or special districts
now exist or may hereafter be created by general or
special act of the legislature. All powers, duties
and functions of the state road department in super-
vising local expressway authorities, as prescribed in
chapters 348 and 349, Florida Statutes, are
transferred by a type four (4) transfer to the depart-
ment of transportation to be assigned to divisions by
the secretary of the department.

(14) The secretary of the department of
transportation shall have the authority to reallocate

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S. B. 650 AS AMENDED
AND PASSED IN SENATE
MAY 8, 1969

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INDEX TO SB 650
REORGANIZATION OF THE EXECUTIVE BRANCH OF GOVERNMENT

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A bill to be entitled
An act relating to the reorganiza-
tion of the executive branch of
government; providing for the cre-
ation of seventeen (17) executive
departments of government, to be
named: the department of general
administrative services, the dep-
artment of banking and finance,
the department of community affairs,
the department of highway safety
and motor vehicles, the depart-
ment of law enforcement, the de-
partment of transportation, the
department of conservation and
natural resources, the department
of air and water pollution control,
the department of records, archives,
and history, the department of edu-
cation, the department of agricul-
ture, the department of business
and professional regulation, the
department of commerce, the depart-
ment of insurance, the department
of labor and industry, the depart-
ment of citrus promotion and de-
velopment, and the department of
health and rehabilitative services;
providing for their administration
and supervision; providing defini-
be construed to be for the use of the department of law enforcement.

(3) Notwithstanding anything herein to the contrary, the provisions of this section shall not apply to any of the authority, power, duties, responsibilities, personnel, property, and appropriations of the beverage department relating to those revenue collection activities transferred from the beverage department to the department of general administrative services, pursuant to section 23 of this act.

PART VII
DEPARTMENT OF TRANSPORTATION

Section 56. State road department.--
(1) All of the authority, power, duties, responsibilities, personnel, property, and appropriations of the state road department are hereby transferred to and shall be vested in the department of transportation, as herein created under part I of this act.

(2) All appropriations previously made or made at this session of the legislature for the use of the state road department shall be transferred to the account of the department of transportation, herein created under part I of this act, and shall be construed to be for the use of the department of transportation.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the
state road department shall be assigned to a divi-
sion of the department of transportation herein
created, to be called the division of construction
and maintenance.

Section 57. State road board.--

(1) There is hereby transferred to the de-
partment of transportation, herein created under
part I of this act, all of the authority, power,
duties, responsibilities, personnel, property, and
appropriations of the state road board.

(2) All appropriations previously made or
made at this session of the legislature for the use
of the state road board shall be transferred to the
account of the department of transportation, herein
created under part I of this act, and shall be con-
strued to be for the use of the department of trans-
portation, herein created under part I of this act,
and shall be construed to be for the use of the de-
partment of transportation.

Section 58. Transportation department,
transportation commission, and transportation
authority.--
(1) There is hereby transferred to the department of transportation, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the transportation department, the transportation commission, and the transportation authority, as created under Part III of Chapter 23, Florida Statutes.

(2) All appropriations previously made or made at this session of the legislature for the use of the transportation department, the transportation commission, and the transportation authority shall be transferred to the account of the department of transportation, herein created under part I of this act, and shall be construed to be for the use of the department of transportation.

Section 59. Florida state turnpike authority.--

(1) There is hereby transferred to the department of transportation, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida state turnpike authority.

(2) All appropriations previously made or made at this session of the legislature for the use of the Florida state turnpike authority shall be transferred to the account of the department of transportation, herein created under part I of this act.
Section 60. Board of highway secondary trust fund trustees.--

(1) There is hereby transferred to the department of transportation, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of highway secondary trust fund trustees.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of highway secondary trust fund trustees shall be transferred to the account of the department of transportation, herein created under part I of this act, and shall be construed to be for the use of the department of transportation.

Section 61. Board of commissioners of state institutions.--

(1) There is hereby transferred to the department of transportation, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of commissioners of state institutions relating to the licensing
of airports.

(2) All appropriations previously made or
made at this session of the legislature for the
use of the board of commissioners of state institu-
tions relating to the licensing of airports shall
be transferred to the account of the department
of transportation, herein created under part I of
this act, and shall be construed to be for the use
of the department of transportation.

Section 62. Rules and regulations.--Insofar
as the rules and regulations of any board, author-
ity, commission, agency, or department, the au-
thority, power, duties, responsibilities, person-
nel, property, and appropriations of which are
transferred to the department of transportation,
conflict with the provisions of the general vehicle
and traffic laws of this state, said general laws
shall be deemed controlling over any such incon-
sistent rules or regulations.

PART VIII
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Section 63. Board of conservation.--

(1) The board of conservation is hereby
renamed the department of conservation and natural
resources, and all of the authority, power, duties,
responsibilities, personnel, property, and appro-
priations of the board of conservation are hereby
transferred to and shall be vested in the depart-
ment of conservation and natural resources, as
herein created under part I of this act.

(2) All appropriations previously made
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### REORGANIZATION OF THE EXECUTIVE BRANCH OF GOVERNMENT

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departments of government, to be named: the department of general
administrative services, the department of banking and finance,
the department of community affairs, the department of highway safety
and motor vehicles, the department of law enforcement, the department of transportation, the
department of conservation and natural resources, the department
of air and water pollution control, the department of records, archives,
and history, the department of education, the department of agriculture, the department of business
and professional regulation, the department of commerce, the department of insurance, the department
of labor and industry, the department of citrus promotion and development, and the department of
duties, responsibilities, personnel, property, and appropriations of the beverage department.

(2) All appropriations previously made or made at this session of the legislature for the use of the beverage department shall be transferred to the account of the department of law enforcement, herein created under part I of this act, and shall be construed to be for the use of the department of law enforcement.

(3) Notwithstanding anything herein to the contrary, the provisions of this section shall not apply to any of the authority, power, duties, responsibilities, personnel, property, and appropriations of the beverage department relating to those revenue collection activities transferred from the beverage department to the department of general administrative services, pursuant to section 23. of this act.

PART VII
DEPARTMENT OF TRANSPORTATION

Section 58. State road department.--

(1) All of the authority, power, duties, responsibilities, personnel, property, and appropriations of the state road department are hereby transferred to and shall be vested in the department of transportation, as herein created under part I of this act.

(2) All appropriations previously made or made at this session of the legislature for the use
act, and shall be construed to be for the use of the department of transportation.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the Florida state turnpike authority shall be assigned to a division of the department of transportation herein created, to be called the division of toll highways.

Section 62. Brevard county expressway authority, Jacksonville expressway authority, Orlando-Orange county expressway authority, Pinellas county expressway authority, and Tampa-Hillsborough county expressway authority.--

(1) There is hereby transferred to the department of transportation, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Brevard county expressway authority, the Jacksonville expressway authority, the Orlando-Orange county expressway authority, the Pinellas county expressway authority, and the Tampa-Hillsborough county expressway authority.

(2) All appropriations previously made or made at this session of the legislature for the use of the Brevard county expressway authority, the Jacksonville expressway authority, the Orlando-Orange county expressway authority, the Pinellas county expressway authority, and the Tampa-Hillsborough county expressway authority shall be
transferred to the account of the department of transportation, herein created under part I of this act, and shall be construed to be for the use of the department of transportation.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the Brevard county expressway authority, the Jacksonville expressway authority, the Orlando-Orange county expressway authority, the Pinellas county expressway authority, and the Tampa-Hillsborough county expressway authority shall be assigned to a division of the department of transportation herein created, to be called the division of expressways.

(4) The Brevard county expressway authority is hereby renamed and reconstituted the Brevard county expressway advisory board; the Jacksonville expressway authority is hereby renamed and reconstituted the Jacksonville expressway advisory board; the Orlando-Orange county expressway authority is hereby renamed and reconstituted the Orlando-Orange county expressway advisory board; the Pinellas county expressway authority is hereby renamed and reconstituted the Pinellas county expressway advisory board; and the Tampa-Hillsborough county expressway authority is hereby renamed and reconstituted the Tampa-Hillsborough county expressway advisory board. Those persons serving as members of the above-described expressway authorities shall continue to serve as members of the above-described
advisory boards, subject to such rules and regulations as may be adopted by the department of transportation, as hereinabove created under part I of this act.

Section 63. Board of highway secondary trust fund trustees.--

(1) There is hereby transferred to the department of transportation, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of highway secondary trust fund trustees.

(2) All appropriations previously made or made at this session of the legislature for the use of the board of highway secondary trust fund trustees shall be transferred to the account of the department of transportation, herein created under part I of this act, and shall be construed to be for the use of the department of transportation.

Section 64. Board of commissioners of state institutions.--

(1) There is hereby transferred to the department of transportation, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the board of commissioners of state institutions relating to the licensing of airports.

(2) All appropriations previously made or
MEMORANDUM

TO: Senator GEORGE L. HOLLAHAN, JR., Chairman
   Senate Committee on Government Organization
   Representative RICHARD A. PETTIGREW, Chairman
   House Committee on Governmental Organization and Efficiency

FROM: Henry B. Sayler, Senator

The enclosures illustrate one general plan of reorganization of the Executive Branch. A basic objective was to make the organization simple, workable and understandable and to provide for a reasonable and effective span of control.

While great flexibility is provided for with regard to whether authority for a particular department is vested in the Governor, a cabinet member of the Cabinet, it is my opinion that the Governor and department heads should be given more authority than heretofore. This would entail the elimination of many boards and committees. The Governor should select all department heads, subject to confirmation by the Cabinet and/or the Senate.

Enclosure "A" outlines a revised general structure. Enclosure "B" shows the placement of the major portion of each existing state agency within this structure. It is recognized that functions of many agencies should be split with portions transferred to various departments. Enclosure "C" presents further suggestions on departmental responsibilities.

Reorganization of Florida's government is an exciting opportunity, offering great rewards. It will be a pleasure to assist you with this vitally important task in any way possible. Since "perfection" cannot be expected in the short time available, it is my thought that a commission, similar to that proposed in S.B. 89 (Enclosure "D"), could be of great help in making refinements during the next few years.

HBS:ss encs.

Henry B. Sayler
This Executive Branch organizational chart was prepared with flexibility in mind. As an example, the dotted lines show the Cabinet to have supervision over the Departments of Administration and Social Services. This was done for illustrative purposes only. This Cabinet control could be superimposed over any department.

Certain Cabinet positions and departments could be combined where it is determined that the Cabinet should supervise the entire function. For example, if the Cabinet, instead of the Governor, were to be placed above the Department of Finance, the Comptroller could also be the head of the Department of Finance. If the Cabinet is not to be given such authority, however, such department should, clearly, be directly under the Governor. The Cabinet has been superimposed over the Commissioner of Education, as required by the new Constitution.
D - COMMISSIONER OF EDUCATION

Deaf and the Blind, Florida School for the Education, Board of Private Education, Board of Vocational Education, State Department of - Supt., of Public Instruction Junior College Board, State Professional Practices Commission Regents, Board of - Board of Education Student Scholarship and Loan Commission, Florida Textbook Purchasing Board - Board of Education

F - COMMISSIONER OF AGRICULTURE

Agriculture, Department of Concentrate, Quality Committee Consumers Council, Florida Egg Commission, Florida

G - DEPARTMENT OF INTERSTATE AND FEDERAL AFFAIRS

Atlantic States Marine Fisheries Commission Gulf States Marine Fisheries Commission Oil Compact Commission, Interstate Southeastern Interstate Forest Fire Protection Compact Southern Interstate Nuclear Compact Southern Regional Education Board Tennessee-Tombigbee Waterway Development Authority

H - DEPARTMENT OF CULTURAL AFFAIRS

Archives and History, Florida Board of Arts Commission Historical Restoration and Preservation Commission - Pensacola Historical Restoration and Preservation Commission - St. Augustine Library and Historical Commission, State Ringling Museum of Art, John and Mable Stephen Foster Memorial Commission

J - DEPARTMENT OF FINANCE

Administration, Board of Bond Review Board Highway Secondary Trust Fund Trustees, Board of Trust Companies, Board for Fixing Values of Investment Securities of Railroad Assessment Board Revenue Commission, Florida

L - PLANNING AND MANAGEMENT DIRECTOR

Planning and Budget Commission, State

N - DEPARTMENT OF LICENSING AND REGULATION

Accountancy, State Board of Architecture, State Board of Barbers' Sanitary Commission, Florida Basic Sciences, State Board of Examiners in the Beverage Department, State Boating Council Chiropractic Examiners, State Board of Citrus Commission, Florida Construction Industry Licensing Board, Florida Cosmetology, State Board of Dentistry, Florida State Board of Engineer Examiners, State Board of Funeral Directors and Embalmers, State Board of Hotel and Restaurant Commission Labor Business Agents Licensing Board Land Sales Board, Florida Landscape Architects, Board of Examiners of
Massage, Florida Board of
Medical Examiners, Florida State Board of
Motor Vehicles, Department of
Naturopathic Examiners, State Board of
Nursing, Florida State Board of
Opticians, State Board of Dispensing
Optometry, Board of
Osteopathic Medical Examiners, Board of
Post Control Commission of Florida
Pharmacy, State Board of
Podiatry Examiners, State Board of
Processors Advertising Committee of the Florida Citrus Commission
Psychology, Florida State Board of Examiners of
Racing Commission
Real Estate Commission, Florida
Sanitarians Registration Board
Securities Commission, Florida
Veterinary Medicine, Florida State Board of
Watchmakers Commission, Florida

Q - DEPARTMENT OF TRANSPORTATION

Expressway Authority, Brevard County
Expressway Authority, Jacksonville
Expressway Authority, Orlando-Orange County
Expressway Authority, Pinellas County
Expressway Authority, Tampa-Hillsborough
Aviation Division
Road Board, State
Transportation Commission, Board of
Turnpike Authority, Florida State

P - DEPARTMENT OF PUBLIC SAFETY

Armory Board
Beverage Department, State
Boating Council
Civil Defense, Florida State Department of
Corrections, Division of - BCSI
Fire College, Florida State
Hotel and Restaurant Commission
Law Enforcement, Florida Bureau of
Military Department, Adjutant General
Police Standards Council
Probation and Parole Commission
Probation and Parole Commission, Board of Examiners for
Public Safety, Department of
Youth Services, Division of - BCSI

Q - DEPARTMENT OF ADMINISTRATION

Appeals of County Officers Budgets, Board of
Canvassers, Board of State
Capitol Center Planning Committee
Electronic Data Processing Management Board, Florida
Institutions, Board of Commissioners of State
Capitol Center Care of Grounds Division
Capitol Center Heating and Electrical Division
Construction Division
Governor's Mansion Commission
State Office Building Division
Judicial Administrative Commission
Judicial Council of Florida
Pardons, State Board of
Pensions, Board of (Confederate)
Personnel Board, State
Purchasing Commission, State
Retirement Funds, Board for the Investment of Judicial
Retirement System, Teachers
Surety Companies, Board for the Supervision and Registration of
Form of Bond of
Surety Company Bonds, Board to Determine
Surplus Property, Division of - BCSI
R - DEPARTMENT OF SOCIAL SERVICES

Aging, Florida Commission on
Alcoholic Rehabilitation Center and Program - BCSI
Anatomical Board, Florida
Flint, Florida Council for the
Children's Commission
Community Hospitals and Medical Facilities, Division of - BCSI
Crippled Children's Commission
Health Board
Housing Authority, Northwest Florida Regional
Housing Board
Industrial Commission, Florida
Mental Health, Division of - BCSI
Mental Retardation, Division of - BCSI
Public Welfare, State Department of
Tuberculosis, State Board of
Veteran Affairs, Board of
Youth Services, Division of - BCSI

S - DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Air and Water Pollution Control Commission, Florida
Conservation, Board of
Drainage Commissioners, Board of
Everglades Fire Control Board
Fire Control District, Central and Southern Florida
Foresters, State Board of Registration of
Forestry, State Board of
Game and Fresh Water Fish Commission
Geological Survey, Florida State
Internal Improvement Fund, Trustees of
Parks and Historical Memorials, Board of
River Basin Water Management Boards (10)
St, Johns-Indian River Canal District
Soil and Water Conservation Board, State
Southwest Florida Water Management District, Governing Board of the
Suwannee River Authority, Governing Board
Water Resources Appeal Board
Water Resources Research Center, Florida

T - DEPARTMENT OF COMMERCE

Canal Authority of the State of Florida
Development Commission, Florida
Industrial Services Advisory Board
Inter-American Center Authority
Marine Sciences and Technology, Commission on
Mediation and Conciliation Services, Florida Voluntary
Navigation District, Big Bend Island
Navigation District, Cross Florida Canal
Navigation District, Florida Inland
Navigation District, Suwannee-Anclote Inland
Navigation District, West Coast Inland
Outdoor Recreation Development Council, Florida
Pilots Commissioners, Boards of (one for each port)
DEPARTMENTAL RESPONSIBILITIES
(in addition to those indicated on Enclosure "B")

Department of Interstate and Federal Affairs
Liaison with Federal government.

Department of Cultural Affairs
Museums, art, libraries, archives, historical agencies, memorials.

Department of Finance
All revenue, licenses and fee collections - investments - bank accounts - taxation

Department of Licensing and Regulation
Hotel, Restaurants, liquor licenses, insurance companies, banks, regulatory boards, motor vehicles, boats, aircraft, racing

Department of Transportation

Department of Public Safety
All law enforcement, including highway patrol, conservation, game and fish, beverage, hotels, prison system, youth services, probation and parole, police standards council, national guard and civil defense.

Department of Administration

Department of Social Services
All health and welfare activities
Department of Conservation and Natural Resources

All matters pertaining to forestry, flood and fire control, game and fish, water, pollution, parks, drainage, state lands, geology, mineral rights, etc.

Department of Commerce

Tourist, business, industry and recreation promotion. Marine sciences and oceanography. Mediation.

Commissioner of Education

All matters primarily concerned with education.

Director of Public Information and Statistical Services

Public relations activities for all cabinet members and entire state government. Preparation and/or approval of all official statistical reports and data.
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MAJOR OPERATING AGENCIES

Governor
Secretary of State
Attorney General
Comptroller
State Treasurer
Commissioner of Education
Agriculture, Department of
Alcoholic Rehabilitation Program
Beverage Department, State
Blind, Florida Council for the
Division of Community Hospitals
Citrus Commission, Florida
Conservation, State Board of
Corrections, Division of (BCSI)
Crippled Children's Commission, Florida
Deaf and Blind, Florida School For
Development Commission
Education, State Board of
Forestry, Florida Board of
Game and Freshwater Fish Commission
Health, State Board of
Hotel and Restaurant Commission, Florida
Industrial Commission, Florida
Institutions, Board of Commissioners of State
Internal Improvement Fund, Trustees of
Junior College Board
Law Enforcement, Florida Bureau of
Division of Mental Health
Florida State Hospital
Northeast Florida State Hospital
G. Pierce Wood Memorial Hospital
South Florida State Hospital
Division of Mental Retardation
Sunland Hospital at Orlando
Sunland Hospital at Tallahassee
Sunland Training Center at Marianna
Sunland Training Center at Gainesville
Sunland Training Center at Ft. Myers
Sunland Training Center at Miami

Military Department
Department of Motor Vehicles
Parks and Historic Memorials Board of
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Senator Welborn Daniel
Vice Chairman
Senate Committee on Governmental
Reorganization
755 Oak Dr.
Clermont, Florida 32711

Dear Welborn:

Enclosed is a tentative draft of a new Department of Transportation which is currently being considered by the House Committee on Governmental Organization.

We would be most appreciative of any comments you have regarding this proposal so that we can be as informed as possible of the adequacy of this preliminary draft.

The staff member assigned to this Department on our end is Gene Stearns, Room 267, Holland Building. He will be available to work with your staff in considering your recommendations and in keeping you informed of the actions of the House Committee in this area.

If we can be of any assistance to you in this respect, please do not hesitate to ask.

Very truly yours,

Sandy D'Alemberte
Chairman
Subcommittee on Transportation

Enclosure
TRANSPORTATION

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RELATED LOCAL AGENCIES

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Amended: February 13, 1969
By: Gene Stearns
EXPRESSWAY AUTHORITIES

Brevard County Expressway Authority (Auditors Code 55)
Jacksonville Expressway Authority (Auditors Code 56)
Orlando-Orange County Expressway Authority (Auditors Code 57)
Pinellas County Expressway Authority (Auditors Code 58)
Tampa-Hillsborough County Expressway Authority (Auditors Code 59)

I. PRESENT ORGANIZATION

Currently, all are separate entities with governing boards composed of five members appointed by the governor, one of whom shall be a member of the State Road Board from that district.

The purpose of the authorities is primarily to fund and build local expressway systems. They are then leased to the State Road Department for inclusion into the State Road System.

II. PROPOSED ORGANIZATION

Included in the operations division of the new Department of Transportation.

Planning must be approved in the new Department of Transportation, Planning Division.

III. ALTERNATIVES

The Authorities may be legally continued as individual entities with a line relationship to the Division of Transportation Planning or; constructing and funding Expressway Authorities may be considered as a complete part of the Department of Transportation with boards at the local level not necessary.

1/29/69
G.S.
SENATE SUBCOMMITTEE ON STATE GOVERNMENTAL ORGANIZATION

AGENDA

February 27, 1969
Senate Room 31
9:30 a.m.

Ed Jaffry -- Review Bill Draft

SUGGESTED GROUPINGS FOR DISCUSSION

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<td>Investigative Division</td>
<td>5 Pers. $ 82,825</td>
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MINUTES
SENATE SUBCOMMITTEE ON STATE GOVERNMENTAL ORGANIZATION

February 27, 1969
Senate Room 31
9:45 am

Chairman Welborn Daniel called the meeting to order and asked the roll show the following members present:

Senator Lawton Chiles
Senator Richard J. Deeb
Senator George L. Hollahan
Senator Kenneth M. Myers
Senator Alan Trask, Local Government Subcommittee
Senator Welborn Daniel, Chairman

Senator made a statement suggesting staff outline groups for review next meeting. Also, try to combine items scheduled for March 13 with those of March 6. March 13 will be devoted to pending items - March 20 will be devoted to bills referred to subcommittee and assignment of responsibility. March 27 will be devoted to meeting of full committee to consider draft bill. March 27 to April 8 devoted to refining draft bill for introduction.

Ed Jaffry distributed drafts of latest bill.

Mr. Herb Benn, Assistant Attorney General, made a presentation regarding a proposed Department of Justice. See attached information.

Mr. Jack Ledden, Director of Police Standards Council, made comments on overall scope of Police Standards Council.

Senator Chiles suggested that Criminal Appeals stay under Attorney General and not be put under proposed Department of Justice.

It was also decided that the Bureau of Law Enforcement and the Police Standards Council would be grouped under a Department of Justice or Department of Law Enforcement.

Ed Jaffry was asked to check the functions of the Investigatives Division and the Criminal Administration activities of the Attorney General's office.

Senator Verle Pope, Chairman of the Senate Transportation Committee sits in with the committee and items on agenda dealing with Transportation are taken up.

Senator Deeb asked Senator Pope's views on a Department of Transportation and asked where would be the best location for Public Safety.

Senator Daniel asked Senator Pope if Road Department and Turnpike Authority could be merged into a single operation.

It was agreed by the committee to merge these two functions.
Senator Pope suggested that the Construction and Maintenance activities of the Road Department be kept together as a Division under whatever Department they are put.

Senator Daniel asked that the Governor's Highway Safety Commission be changed from Community Affairs to Public Safety.

Outdoor Advertising is to be put with Transportation for now, but will be considered further under Business Regulation.

Motor Pool was discussed and committee expressed desire to have a Motor Pool regulated under Department of General Administrative Services.

Cabinet Shop activity of the Road Department to be checked for later discussion.

EDP Management Board activity to be checked to see what authority if any is needed to further implement consolidation or centralization of present installations, including universities.

Staff to pull out all data processing activity.

Mr. Ellison was asked to check comparison, in Road Department, of in House attorney cost in prior years against present cost of using contract attorneys and in House staff.

Mr. Ellison was asked for a break out on vehicular inspection - Public Service Commission, Road Department, Florida Highway Patrol, and Department of Agriculture.

Mr. Ellison was asked to check item #147 on pg. 9 of the activity catalog, Professional fees, for later discussion.

After a lunch break it was decided that Expressway Authorities would go under Transportation Department with provision for local advisory council.

Major E. Beach made comments regarding Public Safety.

Mr. Arch Livingston commented on Motor Vehicle Department.

Senator Hollahan suggested grouping Department of Public Safety, Motor Vehicle, Financial Responsibility, and Motor Vehicle Inspection into same Department - to be determined later.

Mr. Ellison was asked to bring a print out on all activities of these four functions.

General Administrative Services items on agenda:

Senator Myers stated that if Personnel is to go in this Department, it should be a mandatory division.

Joe Cresse asked if any thought had been given to combining policy making functions with housekeeping functions.

Senator Daniel asked Mr. Cresse to furnish the committee with his concept of the two categories he mentioned under Gen. Administrative Services.
Senator Myers proposed a Department of Justice along the lines set out by the Attorney General, with the exception of the Department of Public Safety and the Bureau of Penology. Justice Department would have two divisions: Criminal Division - Attorney General's Functions - and a Civil Division.

Meeting adjourned at 3 p.m.
MINUTES

SENATE SUBCOMMITTEE ON STATE GOVERNMENT ORGANIZATION

April 9, 1969
7:55 a.m.
Room 12

The Chairman called the meeting to order and asked the roll to show the following members present:

Senator Daniel, Chairman
Senator Chiles
Senator Deeb
Senator Hollahan

Senator Myers
Senator Trask
Senator Plante, Excused

BUSINESS AND PROFESSIONAL REGULATION --

Mr. Jack Peeples, representing several professional associations, recommended a Division of Professional Regulation for all learned professions.

Al James, representing the Florida Medical Association, stated they preferred being under the Board of Health, but if this could not be done, they preferred being placed in a group -- all medical functions -- under Department of Business and Professional Services.

Mr. Cliff Beasley, representing CPA's, recommended a Division within a Department, as proposed by Mr. Peeples.

Senator Chiles made a motion to create a Division of Business and Professional Regulation for learned professions. Passed
DEPARTMENT OF LAW ENFORCEMENT --

Senator Chiles made a motion to combine into one Department, under the Cabinet, the Department of Justice and Law Enforcement and Department of Motor Vehicles and Highway Safety. Passed

VETERANS AFFAIRS --

Senator Daniel stated this group expressed desire to be placed under Department of Community Affairs.

Senator Hollahan made a motion to transfer Veterans Affairs from Rehabilitative Services to Community Affairs. Passed

Senator Daniel stated that name of Department of Archives and History should be changed to show Records Management.

Senator Hollahan made a motion to show this change. Passed

DEPARTMENT OF HEALTH -- DEPARTMENT OF SOCIAL AND REHABILITATIVE SERVICES --

Senator Myers made a motion to combine these two departments. Passed

DEPARTMENT OF TRANSPORTATION --

Senator Daniel stated language in bill should clarify local funds in Expressway Authority be protected so that they could not be drained off and used in other programs in other parts of the state. Also, Authorities to act in Advisory capacity.

DEPARTMENT OF BANKING AND REVENUE --

Senator Chiles made a motion to move Revenue to Department of General Administrative Services. Passed

Committee moved Civil Defense activities to Community Affairs.

Senator Chiles presented plan on Bonding Authority, suggesting Board of Administration issue all bonds. Jaffry to check language.

Meeting adjourned - Education and Business & Professional Regulation to be discussed April 10, 1969 -- 8:30 a.m. - Room 306.
8:10 - 4-29-69

Sel. Myers - Series of amended -

and from cab to Gov - passed

Education - T.R.


To Gov - failed

Sel. Dye & Snyder - H.L. D.S.F. - m.c.

From cab to Gov - failed

Sub. mot by ? - changes name, failed

Main mot - failed

Sel. Ellis - Series of ed. ans

Sub mot by Sec. O - RE: failed

Sel. boy - failed

Sub mot by Sec. Sloan - to R.S.E.

main mot - to pass cab over

Ed - failed

Main mot failed

Sel. Snyder - law ed - from cab

to Gov - failed

Sub mot by Sec. Sloan - to RE. failed

Main mot - failed

Sel. Snyder - mot to rec on Sub.

mot - failed - 7-6
null
Sec. 11. Place — SEC. 11. Vote to 0) Car
to Gov. — Fail — 7-6

Sec. Speaker — STRIKE 01. Status for
Pnl. Est. — Failed

Sec. 12. — Policy Status For
Bonus or Cas Comp with
Gov. rpt. 0.2 — Fail

Sec. 9. Failure — Advisory Status For
Public School Bond — Failed

Sec. Speaker. Bonus. Fail. Assell
Stands, Rollings. Assell From
Comp. Sec. To Comp. — Passed

Bill, and Amend. — REP. New
Passed — 12-1
CS for SB 57—A bill to be entitled An act relating to clemency and restoration of civil rights; amending subsections 940.01(1) and 940.01(2), sections 940.03 and 940.04, F.S.; providing for the granting of clemency and restoration of civil rights; prescribing the requirements of applications for executive clemency or restoration of civil rights by persons convicted of a crime; requiring the furnishing of a copy of information, indictment, judgment or sentence without charge; exempting an application for restoration of civil rights from the requirements of section 940.02, F.S.; providing an effective date.

Was taken up, having been read the second time and amended on May 5.

Senator Shevin offered the following amendment which was adopted:

In Section 1, line 21, page 1, strike everything after “Section 1” and insert the following: Subsections (1) and (2) of section 940.01, Florida Statutes, are amended to read:

(1) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the secretary of state, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty (60) days and, with the approval of three (3) members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(2) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

Section 2. Section 940.03, Florida Statutes, is amended to read:

(1) Has received a full pardon from the Board of Pardons, or

(2) Has served the maximum term of the sentence imposed upon him, or

(3) Has been granted his final release by the Probation and Parole Commission.

Section 4. Section 940.06 is added to chapter 940, Florida Statutes, to read:

940.06 Submission of names of qualified persons.—The Probation and Parole Commission shall submit to the governor and cabinet the names of persons who qualify for the restoration of civil rights in accordance with section 940.05, Florida Statutes.

Section 5. Section 940.02, Florida Statutes, shall not apply to any proceedings for restoration of civil rights.

Section 6. This act shall take effect January 1, 1970.

Senator Shevin also offered the following amendment which was adopted:

In title, line 5, page 1, strike entire title and insert the following: An act relating to clemency and restoration of civil rights; amending section 940.01 (1), (2), Florida Statutes, providing for the granting of clemency; amending section 940.03, Florida Statutes, prescribing the requirements of applications for executive clemency by persons convicted of a crime; amending section 940.05, Florida Statutes, providing for the restoration of the civil rights of felons; creating section 940.06, Florida Statutes, providing for the submission of names of persons qualified for restoration of civil rights; providing that section 940.02, Florida Statutes shall not apply to proceedings for restoration of civil rights; providing an effective date.

Pending further consideration of CS for SB 57 as amended, on motion by Senator Shevin, by two-thirds vote, HB 27 was withdrawn from the Committee on Judiciary and placed on the Calendar.

On motion by Senator Shevin—

HB 27—A bill to be entitled An act relating to clemency and restoration of civil rights; amending section 940.01(1), (2), Florida Statutes, providing for the granting of clemency; amending section 940.03, Florida Statutes, prescribing the requirements of applications for executive clemency by persons convicted of a crime; amending section 940.05, Florida Statutes, providing for the restoration of the civil rights of felons; creating section 940.06, Florida Statutes, providing for the submission of names of persons qualified for restoration of civil rights; providing that section 940.02, Florida Statutes shall not apply to proceedings for restoration of civil rights; providing an effective date.

—a companion measure to CS for SB 57 was substituted therefor and read the second time by title.

On motion by Senator Shevin, the rules were waived and HB 27 was read the third time by title, passed and certified to the House. The vote was: Yeas—39 Nays—None

Mr. President Deb Johnson Shevin
Askew de la Parte Knopke Slade
Bafalis Ducker Lane Stoltenburg
Barrow Fincher McClain Stone
Beaufort Friday Myers Thomas
Bell Gong Ott Weber
Boyd Gunter Pope Williams
Broxson Haverfield Poston Wilson
Chiles Hollahan Saunders Wilson
Daniel Horne Scarborough Young

Senator Weissenborn was recorded as voting yea.

On motion by Senator Daniel, consideration of amendments to SB 650 was deferred until after remarks by Senator Hollahan and explanation of the bill by Senator Daniel.

SPECIAL AND CONTINUING ORDER

SB 650—A bill to be entitled An act relating to the reorganization of the executive branch of government; providing for the creation of seventeen (17) executive departments of government, to be named: the department of general administrative
services, the department of banking and finance, the department of community affairs, the department of highway safety and motor vehicles, the department of law enforcement, the department of transportation, the department of conservation and natural resources, the department of air and water pollution control, the department of records, archives, and history, the department of education, the department of agriculture, the department of business and professional regulation, the department of commerce, the department of insurance, the department of labor and industry, the department of citrus promotion and development, and the department of health and rehabilitative services; providing for their administration and supervision; providing definitions; providing for the employment of department directors and other personnel; providing for rules and regulations for each department; providing authorization for each department to acquire property; providing for advisory committees; authorizing each department to enter into contracts; authorizing each department to accept gifts, grants, loans, and endowments; providing for divisions of each department; providing for the transfer to said departments of all executive functions of government not excluded by the State Constitution of 1968; creating a board of regents; providing for its membership; creating an air and water pollution control board; providing for its membership; abolishing those agencies, boards, commissions, authorities, and committees, and powers of which have been transferred to any department created by this act; repealing Chapters 21, 417, 501, 290, and 489, Florida Statutes, and Sections 119.04 and 573.63, Florida Statutes; providing for confirmation by the senate; providing a severability clause; providing for conflicts, providing an effective date.

Was taken up and read the second time by title.

A quorum call was requested. A quorum of 40 members was present.

On motion by Senator Friday, the Senate recessed at 11:48 a.m.

The Senate was called to order by the President at 11:58 a.m.

A quorum present—47:

Mr. President         Dear                  Karl             Shevin
                       de la Parte    Knopke             Slade
Bafalis             Ducker                   Lane             Stolzenburg
Barron              Fincher                   McClain          Stone
Barrow              Friday                    Myers            Thomas
Beaufort            Gong                     Ott              Trask
Bell                Gunter                    Pope             Weber
Bishop              Hibbard                   Poston           Weiseborn
Boyd                Henderson                 Reuter           Williams
Broxson            Hollahan                 Saunders          Wilson
Chiles              Horne                     Sayler           Young
Duvall              Johnson                   Scarborough

On motion by Senator Friday, the rules were waived and it was agreed that, upon recommendation of the staff of the Committee on Governmental Organization, amendments related and germane to the same subject matter might be taken up and explained as a group.

The Committee on Governmental Organization offered the following amendment which was adopted on motion by Senator Daniel:

In Section 51, after line 6, page 47, add the following:

(3) All of the authority, power, duties, responsibilities, personnel, and property of the department of motor vehicles shall be assigned to a division of the department of highway safety and motor vehicles herein created, to be called the division of motor vehicles.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

In Section 81, line 23, page 65, strike the entire section and renumber all subsequent sections.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

After Section 124, line 29, page 93, insert the following:

Section 125. State soil and water conservation board.—

(1) There is hereby transferred to the department of agriculture herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the state soil and water conservation board.

(2) All appropriations previously made or made at this session of the legislature for the use of the state soil and water conservation board shall be transferred to the account of the department of agriculture, herein created under part I of this act, and shall be construed to be for the use of the department of agriculture.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the state soil and water conservation board shall be assigned to a division of the department of agriculture herein created, to be called the division of soil and water conservation.

(4) The state soil and water conservation board is hereby renamed and reconstituted the soil and water conservation advisory board. Those persons serving as members of the state soil and water conservation board upon the effective date of this act shall continue to serve as members of the soil and water conservation advisory board, subject to such rules and regulations as may be adopted by the department of agriculture as hereinabove created under part I of this act.

(renumber all subsequent sections)

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Gong:

In Section 90, line 30, page 72, insert the following:

(3) There is hereby created an advisory board to the department of records, archives, and history, which board shall be responsible for advising and assisting the department of records, archives, and history in encouraging the development of the fine arts in Florida, and to be available in an advisory capacity in regard to matters relating to the development of the arts throughout the state. The board shall consist of fifteen (15) members appointed by the secretary of state. In making the appointments, the secretary of state shall give due consideration to geographical representation so that all areas of the state will have a voice on the board. The Florida arts council and such other groups as are concerned with or engaged in the production or presentation of the performing arts may recommend persons to the secretary of state for appointment to the board. The term of office of each member shall be four (4) years; however, of the members first appointed, three (3) shall be appointed for terms of one (1) year, four (4) for terms of two (2) years, four (4) for terms of three (3) years, and four (4) for terms of four (4) years. Other than the chairman, no member of the board whose term is a full four (4) year term shall be eligible for reappointment during a one (1) year period following the expiration of his term. The members shall elect a chairman from their number annually. The chairman shall be the chief executive officer of the board. Any vacancy on the board shall be filled for the remainder of the unexpired term in the same manner as original appointments. Members of the board shall not receive any compensation for their services, but shall be reimbursed for travel and expenses incurred in the performance of their duties as provided in Section 112.061, Florida Statutes. The board shall meet a minimum of four (4) times a year. The board shall be named the fine arts advisory board.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Karl:

In Section 91, following line 16, page 73, insert the following:

(3) The state library and historical commission is hereby renamed and reconstituted the state library and historical advisory board. Those persons serving as members of the state library and historical commission upon the effective date of this act shall continue to serve as members of the state library and historical advisory board, subject to such rules and regulations as may be adopted by the department of records, archives, and history as hereinabove created under part I of this act.
The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

(1) There is hereby transferred to the department of banking and finance, herein created under part I of this act, all of the authority, power, duties, responsibilities, personnel, property, and appropriations of the Florida securities commission.

(2) All appropriations previously made or made at this session of legislature for the use of the Florida securities commission shall be transferred to the account of the department of banking and finance, herein created under part I of this act, and shall be construed to be for the use of the department of banking and finance.

(3) All of the authority, power, duties, responsibilities, personnel, and property of the Florida securities commission shall be assigned to a division of the department of banking and finance herein created, to be called the division of securities regulation.

(...and renumber subsequent sections)

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 15, (3), line 8, page 15, strike the word "office"

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 16, (3), line 7, page 16, strike the word "office"

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 17, (3), line 4, page 17, strike the word "office"

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 18, (3), line 28, page 17, strike the word "office"

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 112, following line 27, and preceding line 28, page 86; insert the following:

(2) All appropriations previously made or made at this session of the legislature for the use of the Southern regional educational compact shall be transferred to the account of the department of education, herein created under part I of this act, and shall be construed to be for the use of the department of education.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 127, lines 14, 15, and 16, page 96, strike "activities of the state revenue commission transferred to the department of general administrative services pursuant to section 20. of this act," and insert the following: activities of the state racing commission transferred to the department of general administrative services pursuant to section 24. of this act.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 176, line 1, page 128, strike "security" and insert the following: security

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 143, lines 9 and 13, page 105, strike "security" and insert the following: surely

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- In Section 129, line 17, page 97, strike "architects; the board of pilot examiners; and the" and insert the following: architects; the boards of pilot commissioners; and the

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- Part II, in Section 11, line 17, page 9, strike the following words: "state purchasing division," and insert the following: purchasing and supply division.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- Part II, in Section 13, lines 17 and 18, page 11, strike "division of personnel" and insert the following: division of personnel and retirement.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

- Part II, in Section 19, lines 19 and 20, page 18, strike "division of personnel" and insert the following: division of personnel and retirement.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Trask:

- In Section 2, subsection 16, line 7, page 5, strike all of the subsection and insert the following:

(16) The department of citrus quality, promotion, and development, which shall be administered under the direct supervision of the board established by section 601.04, Florida Statutes, which shall be named the "Florida Citrus Commission". Members of the board shall continue to be appointed by the governor in accordance with the qualifications and terms established in section 601.09, Florida Statutes. Each person holding office as a member of the Florida Citrus Commission when this act becomes effective shall continue in office for the remainder of his term. Thereafter confirmation
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by the Senate shall be required for appointment to or removal from the board.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Trask:

In Part XVII, line 20, page 109, strike all of Part XVII and insert the following: Part XVII DEPARTMENT OF CITRUS QUALITY, PROMOTION AND DEVELOPMENT Section 151. Florida Citrus Commission.—(1) The state citrus commission, established by Chapter 601, Florida Statutes, is renamed the department of citrus quality, promotion, and development and continues hereby and all of the authority, power, duties, responsibilities, and functions of the Florida Citrus Commission are continued in the board, as executive of the department. The board shall derive its authority, powers, duties, responsibilities and functions from Chapter 601, Florida Statutes.

(2) All of the personnel, records property and unexpended balances of appropriations and other funds are continued with the department of citrus quality, promotion and development.

Section 152. Citrus processors advisory committee, concentrate quality committee, canned juice quality committee, and the chilled juice quality committee.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Trask:

In Part XVII, after the foregoing amendment insert the following:

(1) The citrus processors advisory committee the concentrate quality committee and the chilled juice quality committee shall continue pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in them. This act shall not affect the terms of office of the present members of such committee.

(2) All appropriations previously made or made at this session of the legislature for the use of the citrus processors advisory committee, the concentrate quality committee and the chilled juice quality committee shall be transferred to the account of the department of citrus quality, promotion and development, herein created under part I of this act, and shall be construed to be for the use of the department of citrus quality, promotion and development.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

In Section 176, after the foregoing amendment insert the following:

(1) The citrus processors advisory committee the concentrate quality committee and the chilled juice quality committee shall continue pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in them. This act shall not affect the terms of office of the present members of such committee.

(2) All appropriations previously made or made at this session of the legislature for the use of the citrus processors advisory committee, the concentrate quality committee and the chilled juice quality committee shall be transferred to the account of the department of citrus quality, promotion and development, herein created under part I of this act, and shall be construed to be for the use of the department of citrus quality, promotion and development.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Trask:

In Part XVII, after the foregoing amendment insert the following:

(1) The citrus processors advisory committee the concentrate quality committee and the chilled juice quality committee shall continue pursuant to the provisions of this act, and shall be authorized to perform all of the functions and duties heretofore vested in them. This act shall not affect the terms of office of the present members of such committee.

(2) All appropriations previously made or made at this session of the legislature for the use of the citrus processors advisory committee, the concentrate quality committee and the chilled juice quality committee shall be transferred to the account of the department of citrus quality, promotion and development, herein created under part I of this act, and shall be construed to be for the use of the department of citrus quality, promotion and development.

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

Part VII in Section 62, line 9, page 53, strike the entire section

Senator Daniel offered the following amendment which was adopted:

In Section 176, line 12, page 127, strike "Brevard county expressway authority; Jacksonville expressway authority; Orlando-Orange county expressway authority; Pinellas county expressway authority; Tampa-Hillsborough county expressway authority;".

The Committee on Governmental Organization offered the following amendment which was moved by Senator Myers and failed:

Part I in Section 2, line 18, page 3, after the word, "governor" strike the following words, "and cabinet;"

The vote was:

Yea—15

Bafalis Gong Sayler Weber
Bell Lane Shevin Weisenborn
Deeb Myers Slade Wilson
Fincher Reuter Stolzenburg

Nays—31

Mr. President Chiles Horne Saunders
Askew Daniel Johnson Scarborough
Barron de la Parte Karol Kari
Bafalis Ducker Lane Stolzenburg
Barron Fincher McClain Stone
Barrow Friday Myers Thomas
Beaufort Gong Ott Trask
Bell Gunter Pope Weber
Bishop Haverfield Poston Weisenborn
Boyd Henderson Reuter Williams
Broxson Hollahan Saunders Wilson
Chiles Horne Sayler Young
Daniel Johnson Scarborough

The President Pro Tempore presiding.

On motion by Senator Myers, the rules were waived and the Senate took up the following amendment out of order.

Senators Slade and Myers offered the following amendment which was moved by Senator Myers and failed:

In Part II of the Bill, line 26, page 26, strike the following section: Section 30—the entire section and renumber the subsequent sections.

The vote was:
The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

In Section 176, line 29, page 125, strike the following words: "racing commission;"

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Daniel:

In Section 129, line 17, page 97, strike the following: architects; the board of pilot examiners; and the board of pilot commissioners; the Florida watchmaker's commission; and the

The vote was:

Yea’s—18
Bafalis Johnson Scarborough Weissenborn
Bell Lane Shevin Wilson
Deeb Myers Slade Young
Fincher Reuter Stolzenburg
Gong Sayler Weber

Nay’s—26
Askew Chiles Hollahan Saunders
Barron Daniel Horne Stone
Barrow de la Parte Karl Thomas
Beaufort Ducker Knopke Trask
Bishop Friday Ott Williams
Boyd Gunter Pope
Broxson Haverfield Poisson

The Committee on Governmental Organization offered the following amendment which was adopted on motion by Senator Bafalis:

In Section 124A, line 2, page 93, strike (period) and after the word "fire district." and insert the following: "fire control district;" and after the word, "forestry" strike the following: "and the everglades fire control district." and insert the following: "and the everglades fire control district;" and after the word, "forestry" insert ".(period)

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Bafalis:

In Section 124(1), lines 11 and 12, page 93, after the words, "board of forestry," strike the following: "the board of forestry;" and after the word, "forestry" strike the following: "and the everglades fire control district." and after the word, "forestry" insert "and the everglades fire control district." and after the word, "forestry" insert ".(period)

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Bafalis:

In Section 124(2), line 15, page 93, after the words, "board of forestry," strike the following: "the board of forestry;" and after the word, "forestry" strike the following: "and the everglades fire control district." and after the word, "forestry" insert "and the everglades fire control district;" and after the word, "forestry" insert ".(period)

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Bafalis:

In Section 124(3), lines 25 and 26, page 93, after the words, "board of forestry," strike the following: "and the everglades fire control district." and after the word, "forestry" insert "and the everglades fire control district;"

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Bafalis:

In Section 124(4), lines 9 and 10, page 93, strike the following words: "the state board of medical examiners; and the state board of medical examiners;"

The Committee on Governmental Organization also offered the following amendment which was adopted on motion by Senator Bafalis:

In Section 124(5), lines 25 and 26, page 93, after the words, "board of forestry," strike the following: "the board of forestry;" and after the word, "forestry" strike the following: "and the everglades fire control district;" and after the word, "forestry" insert ".(period)
Committee on the part of the House to adjust the differences existing between the two bodies regarding House amendment to SB 242.

Speaker of the House has appointed Representatives Nease, Barrow, Young, Shevin and Beaufort as a Conference Committee.

The Committee on Commerce andLicensed Businesses was granted an additional 6 legislative days for the consideration of Senate Bills 41, 186 and 274.

On motion by Senator Barrow, the rules were waived and the Senate reverted to the order of—

PENDING FURTHER CONSIDERATION OF THE SUBSTITUTE AMENDMENT

On motion by Senator Barrow, the rules were waived and the Senate reverted to the order of—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. President of the Senate

May 6, 1969

Sir:

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendment to—

SB 242—A bill to be entitled An act relating to safety equipment inspection of motor vehicles; amending sections 325.12, 325.13, 325.16, 325.24(1), and 325.36, and repealing section 325.32, Florida Statutes; providing for annual inspections; authorizing the department of public safety to promulgate a schedule for reinspections; enlarging the time within which repairs may be made; increasing inspection fees; providing penalties; providing an effective date.

—and requests the President of the Senate to appoint a Conference Committee on the part of the Senate, and the Speaker of the House has appointed Representatives Nease, Holloway, Tyre, J. M. Martinez and Middlemas as a Conference Committee on the part of the House to adjust the differences existing between the two bodies on House amendment to SB 242.

Respectfully,

ALLEN MORRIS
Clerk, House of Representatives

The President announced the appointment of Senators Pope, Barrow, Young, Shevin and Beaufort as a Conference Committee on the part of the Senate to adjust the differences existing between the two houses on House amendment to SB 242.

On motion by Senator Barrow, the rules were waived and the Senate reverted to the order of—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barrow, the rules were waived and the Committee on Commerce and Licensed Businesses was granted an additional 6 legislative days for the consideration of Senate Bills 654, 592, 605 and 616.

On motion by Senator Hollahan, the rules were waived and the Committee on Governmental Organization was granted an additional 3 legislative days for the consideration of all bills now in the Committee.

On motion by Senator Chiles, the rules were waived and the Committee on Ways and Means was granted an additional 14 days for the consideration of Senate Bills 41, 186 and 274.

By direction of the President, the following report of the Senate Select Advisory Committee on Insurance was ordered spread upon the Journal.

To: Honorable John E. Mathews, Jr.
From: Jerry Thomas, Chairman
Senate Select Advisory Committee on Insurance

The members of the captioned Advisory Committee, as a result of public hearings and receipt of testimony, make the following recommendations:

1. Single premium life insurance policies as well as all other policies shall be sold only for a premium paid in cash.

2. Domestic insurers shall be prohibited from payment of dividends except from earned surplus and/or current dividends. In no instance shall more than ten per cent of such earned surplus be distributed in any one year without prior approval of the Insurance Commissioner.

3. The findings and recommendations of the Insurance Commissioner concerning creation and operation of insurers' reciprocals shall be left to the Standing Committee on Insurance.

4. The Standing Committee on Insurance should address itself to the proposition of whether or not the Insurance Commissioner's authority is adequate in dealing with companies whose capital and/or surplus becomes impaired and whether or not additional legislation is needed to augment the authority of the Insurance Commissioner.

5. The Insurance Commissioner should be given authority to augment his staff with qualified insurance examiners as necessary to effectively supervise insurance companies.

1. SINGLE PREMIUM LIFE INSURANCE PLAN

Testimony presented to this committee clearly reflected that single premium life insurance policies that were acquired on a basis where securities were used to pay for the premium worked a hardship and are a device whereby a fraud can be perpetrated.

There is ample evidence where worthless securities were the consideration for purchasing a single premium life insurance plan, thus permitting the holder of the policy to go to a bank and borrow the cash value of said policy.

There is no evidence to justify that any premium of any type of insurance plan should be purchased for any consideration other than cash. Consequently, it would serve the public interest to require by statute that all insurance plans must be sold for a cash consideration only.

2. PRESERVATION OF CAPITAL

An acquisition of an insurance company recently resulted in the purchaser, who paid $65 per share for controlling stock, paying a dividend from the company in the amount of $55 per share. Obviously, the resulting depletion of surplus of the insurer resulted in an immediate reduction in the financial strength of the company to the possible detriment of the policyholders.

This recommendation might well be considered anti-mafia or anti-raid as it would prohibit the distribution of capital and surplus in the form of a so-called dividend. Prudent business principles dictate that dividends should only be paid from current or retained earnings and any distribution from paid-in capital or surplus is treated from a tax standpoint as a return of capital. The law should be amended to provide that dividends can only be paid from current dividends or earned surplus and should further provide that not more than 10 per cent of earned surplus can be distributed in any one year except with prior approval of the Insurance Commissioner.
CERTIFICATE

THIS IS TO CERTIFY that the foregoing constitutes a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the 1969 Regular Session of the Legislature of said State.

EDWIN G. FRASER
Secretary of the Senate

Tallahassee, Florida
June 24, 1969
STATE GOVERNMENT REORGANIZATION

I. The Governmental Reorganization Act of 1969

The 1969 Legislature, in accordance with the requirement of the recently amended Constitution, reorganized Florida's executive branch by consolidating almost 200 agencies into 23 departments.

Designated as the Governmental Reorganization Act of 1969, Senate Bill 650 (Ch. 69-106) affords the Governor major responsibility for administering nine departments, six by appointing the Secretary (Administration, Commerce, Community Affairs, Health and Rehabilitative Services, Transportation, and Professional and Occupational Regulation), and three by appointive boards (Air and Water Pollution Control, Business Regulation, Citrus).

To the Governor and Cabinet Senate Bill 650 assigns administrative responsibility for seven departments: Education, General Services, Highway Safety and Motor Vehicles, Internal Improvement Fund, Law Enforcement, Natural Resources, and Revenue.

Departments assigned to individual Cabinet members are Agriculture and Consumer Services (Commissioner of Agriculture), Banking and Finance (Comptroller), Insurance (Insurance Commissioner and Treasurer), Legal Affairs (Attorney General), and State (Secretary of State). Furthermore, the Commissioner of Education, as the executive officer of the Board of Education, assumes responsibility for the day to day management and operations of the Department of Education.

The reorganization bill also assigns responsibilities to the constitutionally continued Board of Administration (Governor, Comptroller, and Insurance Commissioner and Treasurer). The bill continues the Probation and Parole Commission as it is presently constituted and with its present powers, duties, and responsibilities.
The department, headed by the Secretary of State, is responsible for administering the state's election laws, maintaining and preserving state records and archives, registering corporate charters, operating the state library, and encouraging cultural and historical activities within the state. Organizationally the department is divided into the divisions shown above. A duty of the Division of Elections is to provide staff services to the Elections Canvassing Commission (Governor and Cabinet) for the purpose of certifying elections.

Department of Legal Affairs (Section 11)

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
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<td>108</td>
<td>$1,461,322</td>
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The department is administered by the Attorney General. The department is responsible for providing all legal services required by any department unless otherwise specified by law. The Attorney General may authorize other counsel where emergency circumstances exist and must authorize other counsel where there is professional conflict of interest.

All statutory powers, duties, and functions of the Attorney General are transferred to the Department of Legal Services.

Department of Banking & Finance (Section 12)

<table>
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<tr>
<th>Positions</th>
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<tbody>
<tr>
<td>396</td>
<td>$3,491,026</td>
<td>$687,997</td>
<td>$4,179,023</td>
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The department, headed by the Comptroller, is responsible for performing those functions previously the responsibility of the Comptroller, less local finance but including the registration and regulation of securities. (Denial of an application to register securities may be appealed to the State Board of Administration, however.) Thus, the department is charged with the responsibility of regulating retail installment and motor vehicle sales, mortgage brokers, savings and loan associations, small loan companies, credit unions, securities and cemeteries.
In addition, the department must also administer abandoned property.

Department of Insurance (Section 13)

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<td>$3,526,768</td>
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The department is administered by the "Insurance Commissioner and Treasurer." It is responsible for registration and regulation of the insurance industry as well as inspections for fire safety standards, and administration of the financial responsibility law relating to uninsured motorists.

Department of Agriculture and Consumer Services (Section 14)

1. Division of Standards
2. Division of Administration
3. Division of Marketing
4. Division of Dairy Industry
5. Division of Fruit and Vegetable Inspection
6. Division of Inspection
7. Division of Animal Industry
8. Division of Chemistry
9. Division of Plant Industry
10. Division of Consumer Services
11. Division of Forestry

<table>
<thead>
<tr>
<th>Positions</th>
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<th>Total Funds</th>
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<tbody>
<tr>
<td>3,028</td>
<td>$12,325,295</td>
<td>$17,671,744</td>
<td>$29,997,039</td>
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</tbody>
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The department, headed by the Commissioner of Agriculture, is responsible for the promotion, protection, and regulation of agriculture and agricultural industries of the state, including forestry. In addition, the department is also responsible for protecting consumer interests through inspections of food and other consumer products, promulgation and enforcement of product standards and regulations, and investigations of consumer complaints. The existing
organization of the department is retained; however, to this organization the bill appends two new divisions, namely consumer services and forestry, including the newly created Bureau of Everglades Fire Control. A number of advisory committees, including one for soil and water conservation, were created or retained to assist the department in carrying out its responsibilities.

Department of Education (Section 15)

1. Division of Elementary and Secondary Education
2. Division of Vocational Education
3. Division of Universities
4. Division of Community Colleges

Positions  General Revenue  Trust Funds  Total Funds
19,136      $773,699,691  $231,880,139  $1,005,579,830

Senate Bill 650 significantly revamped the state level administrative structure of public education. The State Board of Education, consisting of the Governor and Cabinet, continues as the overall management board for the education system. For the first time, the State Board of Education will have an information staff outside the operating divisions to fulfill its systemwide responsibilities. The Commissioner of Education as the chief educational officer of the state will appoint this staff to present planning, budgeting and coordination data to the State Board of Education. At least one member of his staff shall be responsible for coordination of vocational education.

The new Department of Education has a Division of Vocational-Technical Education, under a director appointed by the Board of Education on the recommendation of the Commissioner, and a Division of Community Colleges, whose director is appointed in the same manner. The Board of Regents is designated the director of the Division of Universities. The Regents shall be appointed by the Governor with the approval of three members of the Cabinet and confirmed by the Senate. The junior college boards of trustees are appointed in a like manner except local
school boards may submit two names to the Governor for consideration.

With the exception of the Board of Regents, which continues to possess strong statutory authority, present boards and councils will act in an advisory capacity to the operating divisions. The Florida Public School Board, the State Junior College Board and the State Advisory Council on Vocational Education will all assume this advisory role. The Florida Public School Board and the State Junior College Board are to be appointed by the Commissioner of Education with the approval of the State Board of Education.

Department of Business Regulation (Section 16)

1. Division of Parimutual Wagering
2. Division of Hotels and Restaurants
3. Division of Installment Land Sales
4. Division of Beverage
5. Division of General Regulation

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<td>553</td>
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<td>$9,428,957</td>
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The department is administered by a five member board, known as the Board of Business Regulation, appointed by the Governor and confirmed by the Senate. Regulation of pari-mutual wagering, hotels and restaurants, installment land sales, beverages, yachts and ship brokers, labor organizations, shorthand court reporters, labor business agents, and elevator inspections are included in the functions of this department. The State Racing Commission and the Land Sales Board are transferred intact without removing their board status.

Department of Commerce (Section 17)

1. Division of Labor and Employment Opportunities
2. Division of Commercial Development
Positions  General Revenue Trust Funds  Total Funds
2,394  $3,264,323  $61,258,617  $64,522,940

The department is administered by a Secretary appointed by the Governor subject to Senate confirmation. (The Governor may appoint the Lieutenant Governor without Senate confirmation.) The department is responsible for promotion and regulation of industry, administration of workmen's compensation and unemployment compensation laws, review of compensation cases as provided below, regulation of apprenticeship programs, and promotion and development of the state's commercial resources.

In the Division of Labor and Employment Opportunities, two bureaus are specifically established. The first bureau, designated as the Industrial Relations Commission and composed of the director of the Division of Labor and Employment Opportunities as chairman and two other members appointed by the Governor, is an appellate body responsible for reviewing workmen's and unemployment compensation claims. The second, the Bureau of Human Resources, is intended to encourage the development of state programs by appropriate departments for the productive use of human resources.

Department of Community Affairs (Section 18)

1. Division of Economic Opportunity
2. Division of Emergency Government
3. Division of Veterans' Affairs
4. Division of Technical Assistance
5. Division of Training and Professional Development
6. Division of Migrant Labor

Positions  General Revenue Trust Funds  Total Funds
159  $1,049,396  $1,275,855  $2,325,251

The department is administered by the Secretary, appointed by the Governor and subject to the confirmation of the Senate.

This department was created to supervise and administer all matters relative to community affairs and local government
and to participate in the formulation of policies which best utilize the resources of state government.

The department's responsibility encompasses the activities of civil defense, housing, community development and veterans' affairs. Of special significance are the divisions of Migrant Labor and Economic Opportunity. The former is responsible for the coordination of all programs pertaining to transitory agricultural laborers in Florida. The latter division is charged with coordinating the agencies of the state responsible for vocational, technical and adult education programs designed to develop employment opportunities.

Department of Health and Rehabilitative Services (Section 19)

1. Division of Administrative Services
2. Division of Adult Corrections
3. Division of Youth Services
4. Division of Mental Health
5. Division of Retardation
6. Division of Vocational Rehabilitation
7. Division of Family Services
8. Division of Health

<table>
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<td>$169,654,075</td>
<td>$230,794,535</td>
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The department is headed by a Secretary appointed by the Governor subject to confirmation of the Senate. The director of each division is appointed by the Governor and subject to confirmation by the Senate.

The directors of divisions formerly under the Board of Commissioners of State Institutions are to continue as directors of the corresponding new divisions until the Secretary of the department is confirmed by the Senate during the 1970 session of the Legislature.

Under a single administrative head all of Florida's health and rehabilitative service agencies and institutions are brought together, providing the structure for a closer
coordination of community facilities, service programs, and federal grants-in-aid programs. In addition to the divisions listed above, bureaus are included for Alcoholic Rehabilitation, Blind Services, and Crippled Children's Services.

The Division of Family Services includes the former Department of Public Welfare with the additional functions of the Commission on Aging. The new Division of Health includes the functions of the State Board of Health, the State Health Officer, the State Tuberculosis Board, and the Pest Control Commission.

Various councils, boards, and advisory boards have been transferred to this department, all to operate in an advisory capacity to the secretary of the department. These include the Advisory Committee to the Director of Youth Services, the Advisory Council pertaining to the Rehabilitation of Alcoholics, Florida Council for the Blind, Commission on Aging, Crippled Children's Commission, State Welfare Board, Advisory Council relating to hospitals and other institutions, and the State Board of Health.

Department of Law Enforcement (Section 20)

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>176</td>
<td>$2,520,374</td>
<td>–</td>
<td>$2,520,374</td>
</tr>
</tbody>
</table>

The department is headed by the Governor and Cabinet and is administered by an Executive Director appointed by the Governor with the concurrence of three Cabinet members and subject to Senate confirmation. The executive director serves at the pleasure of the Governor and Cabinet. The department has transferred to it the Bureau of Law Enforcement, whose duties for providing technical assistance to law enforcement officials were amended by Senate Bill 353 (see last page).

Department of Revenue (Section 21)

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>624</td>
<td>$5,745,069</td>
<td>$2,583,408</td>
<td>$8,328,477</td>
</tr>
</tbody>
</table>

The department is headed by the Governor and Cabinet
and is administered by an Executive Director employed by the Governor and Cabinet. As the state's revenue collection agency, the department's responsibilities for administering the tax and revenue laws of Florida were extended to include inheritance and estate taxes, documents' taxes, occupational license taxes, the severance tax on oil and gas production, and the water and sewer tax. Other taxes within the department's jurisdiction are railroad and telegraph tax, pullman and express gross receipts tax, intangible and tangible personal property taxes and taxes on insurance premiums or assessments. The department also is responsible for supervision of county tax assessors and municipal tax assessment as well as for assessment of railroad property.

Department of General Services (Section 22)

1. Division of Purchasing
2. Division of Electronic Data Processing
3. Division of Building Construction and Maintenance
4. Division of Motor Pool
5. Division of Communications
6. Division of Bond Finance

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>390</td>
<td>$4,659,877</td>
<td>$1,674,251</td>
</tr>
<tr>
<td></td>
<td>$6,334,128</td>
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</tbody>
</table>

The department is headed by the Governor and Cabinet and administered by an Executive Director employed by them. The department is responsible for coordinating the "housekeeping" functions of the state.

The two major areas of innovation are the Division of Motor Pool and the Division of Communications.

The Division of Motor Pool, including the Bureau of Motor Vehicles and the Bureau of Aircraft, is designed to establish and operate central facilities for acquisition, disposal, operation maintenance, repair, storage, supervision, control, and regulation of all stateowned or leased motor vehicles and aircraft. Every state agency is to transfer
ownership, custody and control of every aircraft and motor vehicle to the Department of General Services.

The major function of the Division of Communications is to coordinate the purchase, lease and use of all communications services for state government, including communications services provided as part of any other total system to be used by the state or any of its agencies. Further, the division is to develop a state plan for communications services for all state agencies and to consolidate the communications systems and services of state agencies as well as to provide for their joint use by the agencies.

Department of Transportation (Section 23)

1. Division of Administration
2. Division of Transportation Planning
3. Division of Road Operations
4. Division of Mass Transit Operations

Positions General Revenue Trust Funds Total Funds
9,544 $135,780 $381,834,364 $381,970,144

The department is administered by a Secretary appointed by the Governor subject to Senate confirmation. The secretary must be either a professional engineer or by virtue of education and experience be qualified in the development, regulation or operation of transportation systems. The department is responsible for all aspects of transportation including planning, road and turnpike operations, mass transit operations and airport regulation. Furthermore, the department supervises some of the operations and practices of local expressway.

Department of Highway Safety and Motor Vehicles (Section 24)

1. Division of Florida Highway Patrol
2. Division of Driver Licenses
3. Division of Motor Vehicles

Positions General Revenue Trust Funds Total Funds
2,330 $18,840,600 $3,011,906 $21,852,506
The department is headed by the Governor and Cabinet and is administered by an Executive Director appointed by the Governor and Cabinet, is responsible for motor vehicle registration and inspections and the licensing of drivers. In addition, the department encompasses the Florida Highway Patrol and functions and activities relating to highway safety generally.

**Department of Natural Resources (Section 25)**

1. Division of Administrative Services  
2. Division of Marine Resources  
3. Division of Interior Resources  
4. Division of Game and Fresh Water Fish  
5. Division of Recreation and Parks

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,128</td>
<td>$14,926,170</td>
<td>$11,860,702</td>
<td>$26,786,872</td>
</tr>
</tbody>
</table>

The department, headed by the Governor and Cabinet and administered by an Executive Director appointed by the Governor and Cabinet, is responsible for the promotion, protection and development of the state's natural resources. Encompassed within the department are activities relating to water, marine, land, and mineral resources and their management and conservation; salt water fish and fisheries; game and fresh water fish management and conservation; canal, navigation, flood, and water management districts; and recreational services. Although a Division of Game and Fresh Water Fish is created within the department to carry out activities previously the activity of the Game and Fresh Water Fish Commission, the Commission is continued with rule-making power independent of the Department as prescribed by the Florida Constitution (Article IV, Section 9).

**Department of Air and Water Pollution Control (Section 26)**

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>44</td>
<td>$398,674</td>
<td>$316,240</td>
<td>$714,914</td>
</tr>
</tbody>
</table>

The department is administered by the Air and Water Pollution Control Board, a five member board appointed by the
Governor and confirmed by the Senate. The functions of the Air and Water Pollution Control Commission created by Chapter 403, Florida Statutes, the functions of the State Board of Health relating to the control of air and water pollution, and the functions of the Board of Conservation relating to the issuance of weather modification permits are transferred to the department. The Air and Water Pollution Control Commission is abolished.

Board of Trustees of the Internal Improvement Trust Fund (Section 27)

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>None</td>
<td>$898,754</td>
<td>$898,754</td>
</tr>
</tbody>
</table>

The Board, composed of the Governor and Cabinet, is administered by an Executive Director appointed by the Governor with the concurrence of three Cabinet members. The Board is responsible for holding title to all state-owned lands and establishing rules for the disposition of sovereign lands.

The State Board of Administration (Section 28)

The State Board of Administration, authorized by the Constitution, consists of the Governor, the Comptroller, and the Treasurer. It operates out of service charges to the funds it handles and retains its present functions relative to administration of bond funds and investments. In addition, the functions of the State Finance Committee (Section 18.10, F. S.), the Bond Review Board (Section 215.56, F. S.), and the Board of Appeals of County Budgets (Section 30.49, F. S.) are transferred to the State Board of Administration and the boards are abolished.

Department of Citrus (Section 29)

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>206</td>
<td>$14,526,698</td>
<td>$14,526,698</td>
<td>$14,526,698</td>
</tr>
</tbody>
</table>
The department is administered by a twelve member board, the Florida Citrus Commission, which is appointed by the Governor subject to Senate confirmation in accordance with the qualifications and terms established in Section 601.04, Florida Statutes. The department is responsible for promotion and regulation of the state's citrus industry.

Department of Professional & Occupational Regulation (Section 30)

1. Division of Professions
2. Division of General Services
3. Division of Occupations

Positions  General Revenue  Trust Fund  Total Fund
194  $16,000  $2,781,367  $2,797,367

The department is administered by a Secretary appointed by the Governor and confirmed by the Senate. The department is responsible for providing consolidated administrative, legal and investigative services to the independent examining and licensing boards of the state. Services include issuance of licenses, collection of fees, maintenance of nonconfidential records and preparation and administration of examinations.

The actual boards are retained and they provide the examinations for the applicants. The boards are classified as to professional or occupational and placed in those divisions respectively.

Department of Administration (Section 31)

1. Division of Planning and Budgeting
2. Division of Personnel and Retirement
3. Division of Management Improvement

Positions  General Revenue  Trust Funds  Total Funds
256  $3,156,751  $38,042,544  $41,199,295

The department is administered by a Secretary appointed by the Governor and subject to the confirmation of the Senate. Within the Department of Administration, the Administration
Commission, composed of the Governor and the Cabinet, is created to act as a review board for certain budget and personnel matters.

The Planning and Budget Director's office has become the Division of Planning and Budgeting and performs the same administrative duties. The Governor has replaced the Planning and Budget Commission on policy matters, with routine decisions made by the department secretary or the division director. Agency legislative and operating budgets are submitted to and reviewed by the Governor, the department secretary and the division director. The Comptroller is required to furnish prescribed data to the Governor. The state budget is submitted by the Governor as chief budget officer and furnished to each legislator; if it exceeds anticipated revenue he must suggest additional revenue sources. Releases are approved by the department secretary, but operating budgets and releases for departments headed by a cabinet member or cabinet board may be appealed to the Administration Commission. Copies of legislative and operating budgets are furnished the legislative appropriations committees, and departments headed by cabinet members or cabinet boards may make presentations directly to the committees and the Legislature.

The Division of Personnel and Retirement includes all personnel functions and career service procedures for all state agencies. This division now carries out the functions of all retirement systems in the state.

The Career Service Council is renamed the Career Service Commission and serves in an advisory capacity to the Department of Administration.

Abolition of Agencies (Section 32)

Among the state agencies specifically abolished by the reorganization act is the Governmental Reorganization Committee, a body composed of representatives from all three branches of state government. This particular agency had, since 1963,
been responsible for proposing a number of reorganization measures. In fact, the Governmental Reorganization Committee laid the foundation and initiated the research necessary to meet the constitutional requirement to reorganize the executive branch into 25 or less departments. On January 1, 1969, however, the committee's duties and responsibilities were fully assumed by legislative committees, namely, the Governmental Organization Committee of the Senate and the State Governmental Organization and Efficiency Committee of the House of Representatives.

Other agencies which are abolished by Senate Bill 650 are the Florida Children's Commission, the State Committee on Libraries, the Board of Private Education, the Florida Boating Council, the Florida Commission on Constitutional Government, an advisory committee dealing with charitable funds, the Florida Commission for Tax Reform, the State Water Resources Appeal Board, and the Florida Egg Commission. The State Purchasing Commission is abolished but its functions will continue to be performed by a newly created Division of Purchasing within the Department of General Services. The statutes relating to the former State Auditor are repealed. Finally, the Milk Commission is abolished. Uniquely the Milk Commission is abolished both by the reorganization act and by Senate Bill 655. The only difference in the two abolitions is that the reorganization act transfers all unexpended funds of the Milk Commission to the general fund whereas Senate Bill 655 transfers the funds to the University of Florida for dairy research.

Probation and Parole Commission (Section 33)

<table>
<thead>
<tr>
<th>Positions</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>464</td>
<td>$3,874,159</td>
<td>$14,049</td>
<td>$3,888,208</td>
</tr>
</tbody>
</table>

The commission, authorized by the Florida Constitution (Article IV, Section 8(c)), and appointed by the Governor and Cabinet is continued as the agency responsible for pre-sentence investigations and for granting probations and paroles. It
is responsible for supervising probationers and parolees. (The Board of Examiners for the Probation and Parole Commission will continue to nominate possible commission members.)

Exclusion of Agencies

Excluded from the Governmental Reorganization Act of 1969 were activities such as public utility regulation and military affairs. In an advisory opinion to the Governor the Florida Supreme Court declared that the Florida Public Service Commission, which is responsible for regulating public utilities, railroads, common carriers, etc., is performing quasi-legislative and quasi-judicial functions. Thus, the Public Service Commission fell outside the purview of executive reorganization. The court also declared that the Legislature could by statute bring the commission within the reorganized executive structure at some future date.

The legislature excluded military affairs from executive branch reorganization because the Florida Constitution (Article X, Section 2) provides specifically for a state militia. Thus, the Armory Board and the Florida National Guard continue as previously, that is, as an integral part of the Governor's official responsibilities.

The Legislature also decided that interstate commissions, boards, and agencies should be excluded from executive reorganization. Among those exclusions are the following:

INTERSTATE COMPACTS, AGREEMENTS AND COMMISSIONS

Education Council, Florida
Education Commission of the States (National Compact)
Education, Board of Control for Southern Regional Forest Fire, Southeastern Interstate Protection Compact
Interstate Cooperation Commission
Juveniles, Interstate Compact on Legislation, Commission for Promotion of Uniform Marine Fisheries, Gulf States Commission
Marine Fisheries Commission, Atlantic States
Nuclear, Southern Interstate Compact
Oil Compact Commission, Interstate
Tax Compact Advisory Committee, Multistate
Vehicle Equipment Safety Commission
Waterway Development Authority, Tennessee-Tombigbee

The pardon function of the state is not encompassed in the reorganization act but is specified in the Florida Constitution (Article IV, Section 8) which provides for the granting of pardons by the Governor and any three members of the Cabinet.
II. Other Organization and Reorganization Acts

Public Welfare

In another aspect of governmental reorganization, the 1969 Legislature passed Senate Bill 364 which provides for the coordination of the state's various public assistance programs. The bill, in conjunction with the Governmental Reorganization Act, substantially revises and updates Florida's public welfare system.

Structurally the Board will be changed to consist of a membership of nine at large, rather than thirteen (one per congressional district and one at large). The bill also calls for the abolition of District Welfare Boards. These will be replaced by area Social Services Advisory Boards.

Agriculture

Senate Bill 122 (Ch. 69-8) and House Bill No. 300 (Ch. 69-93) internally reorganize the membership of the fertilizer and pesticide technical committees. Both are increased in size to include greater representation from various areas of agriculture and agricultural industries as well as affected agencies.

Electronic Data Processing Management Board

Senate Bill 1472 (Ch. 69- ) authorizes the Electronic Data Processing Management Board through its director to enter into all contracts with other agencies as are deemed to be necessary or incidental to the division's performance. This bill amends Section 23.027, Florida Statutes.

Commission on Human Relations

House Bill No. 1264 (Ch. 69- ) creates the Commission on Human Resources as an integral part of the Department of Community Affairs. The Commission will promote and encourage fair treatment and equal opportunity for all persons. The Commission will attempt to secure freedom from discrimination
for all individuals. The Commission is authorized to hold hearings, and arrange studies to investigate and eliminate discrimination. The Commission will consist of six members appointed by the Governor, six appointed by the President of the Senate, and six appointed by the Speaker of the House of Representatives. The Lieutenant Governor will serve as chairman.

State Road Department

Senate Bill No. 548 (Ch. 69- ) amends Chapter 334, Florida Statutes, to make the State Road Department's executive director responsible for the administrative divisions of the department instead of certain specified offices. The bill provides for the employment of a secretary and comptroller by the department rather than by the Road Board. The department shall employ the Attorney General to provide legal services which the resident attorney and his staff cannot perform.

Florida Bureau of Law Enforcement

Senate Bill No. 353 (Ch. 69- ) amended Section 28.08, Florida Statutes, relating to the Florida Bureau of Law Enforcement, to delete the administration, intelligence and investigative divisions. The commissioner is given the duties to supervise, direct, coordinate and administer all activities of the bureau.

Inter-American Cultural Center

Senate Bill No. 1408 (Ch. 69-138) transfers authority, powers, duties and assets of the Inter-American Cultural Center to the Dade County Board of Commissioners.

Pinellas County Expressway Authority

 Senate Bill No. 1284 (Ch. 69- ) transfers the powers, duties, responsibilities, personnel, and funds of the Pinellas County Expressway System to the Board of County Commissioners of Pinellas County which also sits as the Pinellas County Expressway Authority.
State of Florida  
Reorganization, 1969  
Cabinet Boards and Departments  
Headed by the Governor and Cabinet

<table>
<thead>
<tr>
<th>Governor</th>
<th>Secretary of State</th>
<th>Attorney General</th>
<th>Comptroller</th>
<th>Treasurer</th>
<th>Comm. of Educ.</th>
<th>Comm. of Agr.</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

**Constitutional Cabinet Boards**
- Bd. of Administration: x, x, x, x
- Bd. of Education: x, x, x, x, x
- Pardon Board: x and any three cabinet members

**Departments headed by the Governor and Cabinet**
- Dept. of General Services: x, x, x, x, x, x
- Dept. of Law Enf.: x, x, x, x, x, x, x
- Dept. of Natural Res.: x, x, x, x, x, x, x
- Dept. of Highway Safety & Motor Veh.: x, x, x, x, x, x, x
- Dept. of Revenue: x, x, x, x, x, x
- Dept. of Education: x, x, x, x, x
- Bd. of Trustees of the Internal Improvement Fund: x, x, x, x, x, x

**Departments headed by Cabinet Members**
- Dept. of Ins.: x
- Dept. of Legal Affairs: x
- Dept. of State: x
- Dept. of Banking & Finance: x
- Dept. of Agriculture and Consumer Services: x
<table>
<thead>
<tr>
<th><strong>Governor</strong></th>
<th><strong>Secretary of State</strong></th>
<th><strong>Attorney General</strong></th>
<th><strong>Comptroller</strong></th>
<th><strong>Treasurer</strong></th>
<th><strong>Comm. of Educ.</strong></th>
<th><strong>Comm. of Agr.</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Departments directly responsible to Governor</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Depart. of Professional &amp; Occupational Regulation</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Depart. of Citrus</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depart. of Air and Water Pollution</td>
<td>x</td>
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</tr>
<tr>
<td>Depart. of Health &amp; Rehabilitative Serv.</td>
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<tr>
<td>Depart. of Commerce</td>
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<tr>
<td>Depart. of Transportation</td>
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<tr>
<td>Depart. of Administration</td>
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<tr>
<td>Depart. of Community Affairs</td>
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<tr>
<td>Depart. of Bus. Reg.</td>
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<tr>
<td><strong>Other Boards on which the Governor and Cabinet Members serve</strong></td>
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</tr>
<tr>
<td>Armory Board</td>
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<tr>
<td>Commission on Aging (Advisory)</td>
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<td></td>
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<tr>
<td>Consumer's Council (Advisory)</td>
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<td></td>
<td></td>
<td></td>
<td>x</td>
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<tr>
<td>Elections Canvassing Commission</td>
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<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Commission on Interstate Cooperation</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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</tr>
<tr>
<td>Judicial Council</td>
<td>x</td>
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<td></td>
<td></td>
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<tr>
<td>Bd. for Investment of Judicial Retirement Funds</td>
<td>x</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Police Standards Council</td>
<td>x</td>
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<tr>
<td>Bd. of Control for Southern Regional Ed.</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>BD. of Investment of State &amp; County and Employees Retirement Trust Funds</td>
<td>Governor</td>
<td>Secretary of State</td>
<td>Attorney General</td>
<td>Comptroller</td>
<td>Treasurer</td>
<td>Comm. of Educ.</td>
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</table>

<table>
<thead>
<tr>
<th>Bd. for Approval of Surety Bonds for Public and Trust Officers &amp; Employees</th>
<th>Governor</th>
<th>Secretary of State</th>
<th>Attorney General</th>
<th>Comptroller</th>
<th>Treasurer</th>
<th>Comm. of Educ.</th>
<th>Comm. of Agr.</th>
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<tbody>
<tr>
<td>x</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Bd. of Trustees of Teachers' Retirement System</th>
<th>Governor</th>
<th>Secretary of State</th>
<th>Attorney General</th>
<th>Comptroller</th>
<th>Treasurer</th>
<th>Comm. of Educ.</th>
<th>Comm. of Agr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
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<td>x</td>
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</table>

<table>
<thead>
<tr>
<th>Bd. for Fixing Values of Trust Companies, Investment Securities</th>
<th>Governor</th>
<th>Secretary of State</th>
<th>Attorney General</th>
<th>Comptroller</th>
<th>Treasurer</th>
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<td>x</td>
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<td>x</td>
<td>x</td>
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</tr>
</tbody>
</table>

**Former Cabinet Boards Abolished**

- Air and Water Pollution Control Commission
- Archives and History, Board of
- Boating Council
- Bond Review Board
- Canvassers, Board of State
- Capitol Center Planning Committee
- Capitol Safety Committee
- Children's Commission
- Civil Defense Council
- Conservation, Board of
- County Officers' Budgets, Board of Appeals of
- Drainage Commissioners, Board of
- Electronic Data Processing Management Board
- Finance Committee
- Governmental Reorganization Committee
- Highway Secondary Fund Trustees, Board of
- Housing Board
Institutions, Board of Commissioners of State
Institutions, Board of Commissioners of State (Class A Printing)
Inter-American Center Authority
Labor Business Agents Licensing Board
Outdoor Recreational Development Council
Pensions, Board of (Confederate)
Personnel Board
Planning and Budget Commission
Public Records Screening Board
Purchasing Commission
Railroad Assessment Board
Securities Commission
Textbook Purchasing Board
Transportation Commission
Vocational Education, Board for


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House of Representatives
CHAPTER 69-106
AN ACT relating to the executive branch of government; restructuring the executive branch of government and consolidating and reorganizing existing agencies into named departments pursuant to section 6 of article IV of the state constitution; providing definitions; providing powers and duties of the departments; providing for rules and regulations; providing for confirmation of appointments by the governor; creating commissions within departments with certain rule-making and review authority, namely, administration commission, elections canvassing commission, career service commission, and industrial relations commission; providing for central services and procedures in purchasing, data processing, motor pool, communications, and building construction, use and maintenance; providing procedures for planning and budgeting that relate to the executive, legislative and judicial branches; creating a department of community affairs with powers and duties in assisting and supervising local government and officers; providing additional functions for the state board of administration; providing for advisory bodies; providing for the appointment of the probation and parole commission; amending section 110.031, Florida Statutes; repealing each section of chapter 216, Florida Statutes; repealing sections 216.001, 216.002, 216.021, 216.031, 216.041, 216.042, 216.051; 216.061, 216.071, 216.081, 216.091 and 216.092, Florida Statutes; repealing section 110.051(2)(j), Florida Statutes; abolishing the state auditing department and the position of state auditor by repealing each section of chapter 21, Florida Statutes; abolishing the governmental reorganization committee by repealing each section of chapter 13, part V, Florida Statutes; abolishing the Florida children’s commission by repealing each section of chapter 417, Florida Statutes; abolishing the milk commission by repealing each section of chapter 501, Florida Statutes; abolishing the state committee on libraries by repealing section 257.27, Florida Statutes; abolishing the board of private education by repealing each section of chapter 247, Florida Statutes; abolishing the Florida boating council by repealing section 371.032, Florida Statutes; abolishing the Florida commission on constitutional government by repealing each section of chapter 13, part II,
Florida Statutes; abolishing the advisory committee pertaining to the charitable funds act by repealing section 496.14, Florida Statutes; abolishing the state purchasing commission by repealing each section of chapter 287, Florida Statutes; abolishing the Florida commission for tax reform by repealing section 13.74, Florida Statutes; abolishing the state water resources appeal board by repealing section 373.172, Florida Statutes; abolishing the Florida egg commission by repealing each section of chapter 504, Florida Statutes; providing for conflicts; providing for severability; providing an effective date.

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

Section 1. Short title.—This act shall be known as the governmental reorganization act of 1969.

Section 2. Declaration of policy.—
(1) The state constitution contemplates the separation of powers within state government among the legislative, the executive and the judicial branches of the government. The legislative branch has the broad purpose of determining policies and programs and reviewing program performance. The executive branch has the purpose of executing the programs and policies adopted by the legislature and of making policy recommendations to the legislature. The judicial branch has the purpose of determining the constitutional propriety of the policies and programs and of adjudicating any conflicts arising from the interpretation or application of the laws.

(2) Within constitutional limitations, the agencies which comprise the executive branch should be consolidated into a reasonable number of departments consistent with executive capacity to administer effectively at all levels. The agencies in the executive branch should be integrated into one of the departments of the executive branch to achieve maximum efficiency and effectiveness as intended by section 6 of article IV of the state constitution.

(3) Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and the coordination of existing programs in response to public needs.
(8) All personnel, assets and liabilities of the revenue bond department of the Florida development commission are transferred to the department of general services by a type four (4) transfer and shall be assigned to the division of bond finance. All obligations of said commission in connection with outstanding bond issues shall be assumed and performed either by the division of bond finance or by the state board of administration, as provided by law or by contract. Any bond proceedings taken by the Florida development commission prior to July 1, 1969, when ratified by the state board of administration shall be deemed to have been taken by the board and the division of bond finance on behalf of said commission and any further necessary services in connection with such bond issues shall be performed by the board or the division in the manner provided by this act, or as otherwise provided by law. Any legal commitments, contracts or other obligations heretofore entered into or assumed by the Florida development commission in connection with its revenue bond program outstanding on July 1, 1969, are hereby charged to and shall be performed by the division of bond finance. All of the powers and duties granted to and vested in the Florida development commission by any statutes and laws of this state relating to the revenue bond program are hereby transferred by a type three (3) transfer to the department of transportation and the functions shall be assigned to the division of transportation planning.

(9) The board of commissioners of state institutions, created under section 17 of article IV of the constitution of Florida of 1885, is transferred by a type three (3) transfer to the department of general services.

Section 23. Department of transportation.—There is created a department of transportation.

(1) The head of the department of transportation is the secretary of transportation. The secretary shall serve full time and be a professional engineer or other person qualified by education and experience in the development, regulation or operation of transportation systems. The secretary shall be appointed by the governor subject to confirmation by the senate. The secretary shall serve at the pleasure of the governor.

(2) The following divisions of the department of transportation are established:

(a) Division of administration.

(b) Division of transportation planning.

(c) Division of road operations.

(d) Division of mass transit operations.

(3) All powers, duties and functions of the board of commissioners of state institutions as prescribed by section 330.261, Florida Statutes (aviation; board of commissioners of state institutions; powers and duties), are transferred by a type seven (7) transfer to the department of transportation and the functions shall be assigned to the division of transportation planning.

(4) All powers, duties and functions of the board of commissioners of state institutions as prescribed by sections 330.27 through 330.36, 330.38 and 330.39, Florida Statutes (airport licensing law), are transferred by a type seven (7) transfer to the department of transportation and the functions shall be assigned to the division of transportation planning.

(5) The board of highway secondary trust fund trustees, created under section 339.031, Florida Statutes, is transferred by a type three (3) transfer to the department of transportation and its functions shall be assigned to the division of transportation planning.

(6) The state road board, created under chapter 334, Florida Statutes, is transferred by a type three (3) transfer to the department of transportation.

(7) The state road department, created under chapter 334, Florida Statutes, is transferred by a type three (3) transfer to the department of road operations.

(8) All powers, duties and functions of the state road department relating to long-range planning are transferred by a type four (4) transfer to the department of transportation and the functions shall be assigned to the division of transportation planning, and all powers, duties and functions of the state road
department relating to condemnation proceedings and the acquisition of right-of-way are transferred by a type four (4) transfer to the department of transportation and the functions shall be assigned to the division of administration.

(9) The transportation commission, created under chapter 23, Florida Statutes, is transferred by a type six (6) transfer to the department of transportation, except that any unexpended balances of appropriations, allocations, or other funds of said commission are transferred to the department of transportation.

(10) The transportation authority, created under chapter 23, Florida Statutes, is transferred by a type six (6) transfer to the department of transportation, except that any unexpended balances of appropriations, allocations, or other funds of said authority are transferred to the department of transportation.

(11) The department of transportation, created under chapter 23, Florida Statutes, is transferred by a type six (6) transfer to the department of transportation, except that any unexpended balances of appropriations, allocations, or other funds of said department of transportation created under chapter 23, Florida Statutes, are transferred to the department of transportation.

(12) The Florida state turnpike authority, created under chapter 340, Florida Statutes, is transferred by a type three (3) transfer to the department of transportation.

(13) It is the duty of the division of transportation planning of the department of transportation to coordinate and assist the activities of all public bodies, authorities, agencies and special districts charged with the development of expressway systems within the state or any of its counties, whether such bodies, authorities, agencies or special districts now exist or may hereafter be created by general or special act of the legislature. All powers, duties and functions of the state road department in supervising local expressway authorities, as prescribed in chapters 348 and 349, Florida Statutes, are transferred by a type four (4) transfer to the department of transportation to be assigned to divisions by the secretary of the department.

(14) The secretary of the department of transportation has the authority until July 1, 1970, to create new divisions within the department and reorganize functions of existing divisions within the department as is necessary for efficient and effective management.

Section 24. Department of highway safety and motor vehicles.—There is created a department of highway safety and motor vehicles.

(1) The head of the department of highway safety and motor vehicles is the governor and cabinet.

(2) The following divisions of the department of highway safety and motor vehicles are established:

(a) Division of the Florida highway patrol.

(b) Division of driver licenses.

(c) Division of motor vehicles.

(3) The department of motor vehicles, created under chapter 318, Florida Statutes, is transferred by a type three (3) transfer to the department of highway safety and motor vehicles.

(4) The department of public safety, created under chapter 321, Florida Statutes, is transferred by a type three (3) transfer to the department of highway safety and motor vehicles.

Section 25. Department of natural resources.—There is created a department of natural resources.

(1) The head of the department of natural resources is the governor and cabinet.

(2) The following divisions of the department of natural resources are established:

(a) Division of administrative services.

(b) Division of marine resources.

(c) Division of interior resources.

(d) Division of game and fresh water fish.

(e) Division of recreation and parks.

(3) The department of natural resources is charged with the administration, supervision, development and conservation of the natural resources of the state.
(9) The advisory committee pertaining to the charitable funds act, provided for in section 496.14, Florida Statutes, is abolished and section 496.14, Florida Statutes, is repealed.

(10) The state purchasing commission, created under chapter 287, Florida Statutes, is abolished and sections 287.011, 287.021, 287.031, 287.041, 287.051, 287.061, 287.071, 287.081, 287.101 and 287.111, Florida Statutes, are repealed.

(11) The Florida commission for tax reform, created under section 13.74, Florida Statutes, is abolished and section 13.74, Florida Statutes, is repealed.

(12) The state water resources appeal board, created under section 373.172, Florida Statutes, is abolished and section 373.172, Florida Statutes, is repealed.

(13) The Florida egg commission, created under section 504.02, Florida Statutes, is abolished and sections 504.01, 504.02, 504.03, 504.04, 504.05, 504.06, 504.07, 504.08, 504.09, 504.10, 504.11, 504.12, 504.13, 504.14, 504.15 and 504.16, Florida Statutes, are repealed. All unexpended balances of appropriations, allocations or other funds of the Florida egg commission revert to the general fund.

Section 33. The probation and parole commission.—

(1) The probation and parole commission, authorized by article IV, section 8(c), Florida Constitution of 1968, is continued and retains its powers, duties and functions.

(2) All powers, duties and functions of the board of commissioners of state institutions relating to the appointment of the probation and parole commission as provided in section 947.02, Florida Statutes, shall be exercised and performed by the governor and the cabinet. Henceforth, however, each appointment shall be made from among the first three (3) eligible persons on the list of the persons eligible for said position.

Section 34. Interstate compacts.—It is the finding of the legislature that compacts, agreements and commissions created among states in which Florida is a participant do not require allotment among the departments of the executive branch, under the provisions of section 6, article IV, of the constitution of the State of Florida.

Section 35. Conflicts provision.—All statutory law which names units of organization in the various agencies of the executive branch in a manner in conflict with the nomenclature used herein are amended so as to be consistent with the nomenclature used in this act. If any agency, program, activity or function transferred herein is changed in name or substance by another act of the legislature during the 1969 session, the agency, program, activity or function, as amended, is transferred in a manner consistent with the intent expressed by this act.

Section 36: Rules and regulations.—Except when it is inconsistent with the other provisions of this act, all rules and regulations of the agencies involved in this reorganization that are in effect on June 30, 1969, shall remain in effect until they are specifically altered, amended or revoked in the manner provided by law.

Section 37. Severability provision.—If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the legislature hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases or words hereof may be declared to be unconstitutional, invalid or otherwise ineffective.

Section 38. Transition.—

(1) The provisions of this act shall not affect the validity of any judicial or administrative proceeding pending as of the effective date of this act, and any department to which are transferred the powers, duties and functions of any agency relating to the pending proceeding shall be substituted as a party in interest.

(2) Notwithstanding the transfer of any agency, or the transfer of any function of any agency pursuant to the provisions of this act, each employee affected by such transfers shall be
GENERAL ACTS AND RESOLUTIONS

ADOPTED BY THE

LEGISLATURE OF FLORIDA

At its Thirty-Ninth Regular Session
April 2nd to June 19th, 1963

UNDER THE CONSTITUTION OF A. D. 1885

Published by Authority of Law
Under the Direction of
TOM ADAMS, SECRETARY OF STATE
Volume I, Part One
1963
CHAPTER 63-344
HOUSE BILL NO. 741

AN ACT relating to the sales of securities; amending the introductory paragraph to Section 517.16, Florida Statutes, authorizing the commission to suspend certain registrations.

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

Section 1. The introductory paragraph to section 517.16, Florida Statutes, is amended to read:

517.16 Revocation or suspension of dealers' and salesmen's registration.—Registration under section 517.12, Florida Statutes, may be refused or any registration granted may be revoked or suspended by the commission if after a reasonable notice and a hearing the commission determines that such applicant or registrant so registered:

Became a law without the Governor's approval.

Filed in Office Secretary of State June 7, 1963.

CHAPTER 63-345
HOUSE BILL NO. 1441

AN ACT relating to the state government; developing and implementing a comprehensive program of value analysis and cost reduction; providing for the making of a study and plan for reorganizing agencies and functions of the various branches of state government; reporting said plans to the 1965 session of the legislature; providing for appointment of a committee composed of members of the legislature, the treasurer, comptroller, state auditor and the chief justice of the Supreme Court or his designate from the court or from any retired member thereof and authorizing mileage and per diem for said legislators; setting effective and termination date.

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

Section 1. (1) There is hereby created a committee composed of the treasurer, comptroller and state auditor (who together shall represent the executive branch of government); the chief justice of the supreme court or his designate from the court or from any
retired member thereof (who shall represent the judicial branch of government); and eight (8) members of the legislature of the state of Florida, one of whom shall serve as chairman, as hereinafter provided, to examine the organization, efficiency, accounting, and expenditures of the various branches of government of the state of Florida and who shall determine, implement and recommend to the appropriate branches of government, such changes therein as are necessary to accomplish the following purposes:

(a) To promote the better execution of the laws, the more effective and economical management of the various agencies and their functions, and the expeditious administration of the public business;

(b) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the various agencies;

(c) To increase the efficiency of the operations of the various agencies to the fullest extent practicable;

(d) To group, co-ordinate and consolidate agencies and functions of the various agencies as nearly as possible according to major purposes, subject to the limitations set forth in section 4 of this act;

(e) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the various agencies, subject to the limitations set forth in section 4 of this act; and

(f) To eliminate overlapping and duplication of effort;

(g) Realignment, reassignment or revision of administration of staff functions, including but not limited to state personnel, purchasing, printing (both internal or external), construction of capital improvements and buildings, accounting for property, funds and services;

(h) To determine the eventual disposition of items of expenditure of each agency from whatever source the funds are derived, for whatever purposes expended;

(i) To establish a system for formally communicating and promulgating the most efficient methods and processes within and among all agencies of the state government for their wider application and increased savings potential to the citizens of Florida;
(j) To develop and introduce a formal program of value analysis and cost reduction into every agency of the state government and to incorporate the use of the value analysis job plan, techniques and principles in the study of the "total cost" of government;

(k) To issue such interim and status reports to members of the legislature, the governor, the cabinet, the heads of any affected agencies and other affected persons or departments as the committee deems necessary.

(2) The legislature declares that the public interest demands the carrying out of the purposes specified in subsection (1) of this section, and that these purposes may be accomplished in great measure by proceeding under the provisions of this act.

(3) Wherever the term "agency" or "agencies" appears in this act the same shall be construed to refer to and include any public board, branch of government, commission, department, officer, public body or office of any kind or description elected or appointed, exercising authority of government or operating under or by reason of the authority of the Constitution or Laws of the state of Florida.

Section 2. Whenever the committee, after investigation, finds that:

(1) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction or control of any other agency; or

(2) The abolition of all or any part of the functions of any agency; or

(3) The consolidation or co-ordination of the whole or any part of any agency, or of the whole or any part of the function thereof, with the whole or any part of any other agency or the function thereof; or

(4) The consolidation or co-ordination of any part of any agency or the functions thereof with any other parts of the same agency or the functions thereof; or

(5) The authorization of any officer to delegate any of his functions; or

(6) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reor-
organization plan will not have any functions as is necessary to accomplish one or more of the purposes of subsection (1) of section 1 of this act; or

(7) The functions or services of any agency are governed by policies or practices which result in uneconomical expenditures of state funds from whatever source derived or for whatever purpose expended.

They shall prepare one or more reorganization plans for the making of the transfer, reduction, abolition, consolidation, co-ordination, authorization, change in policy or practice or reduction of personnel or funds and shall transmit such plan, plans or policies to the legislature, and present the same to the session of the legislature together with a complete report containing the reasons for such plans and recommendations. Each plan shall be in the form of a bill, resolution or joint resolution proposing amendment or repeal of existing articles, chapters, sections or parts of articles, chapters or sections of the Constitution of the state of Florida, Florida Statutes, or of special or local laws, general laws of local application, or prior reorganization plans.

Section 3. Any reorganization plan presented under this act:

(1) May change, in such cases as deemed necessary, the name of any agency affected by a reorganization plan and the title of its head, subject to the limitations set forth in section 4 of this act;

(2) May include provisions for the appointment, or removal, term of office and compensation of the head of any agency (including an agency resulting from a reorganization) if the committee finds that by reason of transfers, abolitions, consolidations, co-ordinations and authorizations made by such plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two (2) or more members. If the appointment of such head is not stated by the plan to be subject to the merit system laws and regulations, the appointment shall be made by the governor with the consent of the cabinet and shall not be fixed at more than four (4) years and the compensation of such appointee shall not be at a rate in excess of that found by the committee to prevail in respect of comparable officers in the executive branch and in no case shall be at a rate in excess of the highest salary then being paid any head of an agency under the executive branch;
(3) Shall make provision for the transfer or other disposition of the records, property and personnel affected by any transfer, abolition, consolidation or co-ordination and the winding up of the affairs of any agency to be abolished. The director of the merit system shall determine whether changes in assignment occurring through the operation of a reorganization plan result in appointment, transfer, promotion, demotion or removal of the incumbent and shall take appropriate steps to enforce the provisions of the merit system laws and regulations relating thereto. No reorganization plan shall provide for and no reorganization plan under this act shall have the effect of appointing to a permanent position under the merit system any person who prior to the effective date of the plan, held no such permanent position unless the merit system laws and regulations are complied with;

(4) Shall enumerate specifically all provisions of the Florida Statutes, special laws and prior reorganization plans which shall be superseded if the reorganization plan becomes enacted into law.

Section 4. No reorganization plan shall provide for, and no reorganization plan under this act shall have the effect of:

(1) Abolishing any agency created by the state Constitution, or any of the functions thereof, or establishing any new agency which would conflict therewith; or

(2) Continuing any agency beyond the period authorized by law for its existence, or beyond the time when it would have terminated if the reorganization plan had not taken effect; or

(3) Continuing any function beyond the period authorized by law for its existence, or beyond the time when it would have terminated if the reorganization plan had not taken effect, or beyond the time when the agency in which it was vested before the reorganization plan would have terminated if the reorganization plan had not taken effect; or

(4) Authorizing any agency to exercise any function which is not authorized by law at the time the reorganization plan is transmitted to the legislature; or

(5) Increasing the term of any office beyond that provided by law for the office at the time the reorganization plan is transmitted to the legislature.
Section 5. If in the course of any study or studies made pursuant to this act or by the budget commission under section 216.10 (1), Florida Statutes, the committee shall find:

(a) That there appears in any agency to be a duplication of personnel or expense or an inefficiency of operation; and

(b) The operations or functions involved therein are clerical or mechanical in nature and have only an incidental relation to the primary functions or operations of the agencies or branches of government; and

(c) The said operations or functions are of a nature internal to the operation of the agency and bear no essential relation to its contact with the public.

They shall make such further study as may be necessary to their determining fully the feasibility of combining, limiting or eliminating such operations or functions or personnel or co-ordinating parts thereof, or transferring same or parts thereof, or personnel, between divisions of an agency or between agencies, and they shall determine the procedure and arrangements necessary to effectuate such transfer, co-ordination, combination, limitation or elimination of functions, operations or personnel. When they determine that such will:

1. Reduce the expenditure of tax monies required to achieve the performance of such operations or functions,

2. Will involve no infraction of the statutory provisions governing any agency or necessitate the amendment of any statute, and

3. Can be effectuated within the amounts of money appropriated or otherwise provided for such operations or functions,

the chief executive officer or officers of that agency shall place such transfer, co-ordination or combination of operations or functions in effect, or order the same placed in effect forthwith, and shall be authorized to take all necessary actions to implement the same.

Section 6. In order to implement and co-ordinate the study to be conducted by the committee pursuant to this act, between the legislative, executive and judicial branches of government and to keep the legislature fully advised of the reasoning and details of the studies and recommendations to be made by them, the Speaker of the House shall appoint to the committee, four (4) members of
the House of Representatives, one to be designated by him as chairman of the committee, and the President of the Senate shall appoint to the committee four (4) members of the Senate, to carry out the studies and prepare the plans of reorganization as required herein. The members of the legislature so appointed shall serve from the date of their appointment until the termination of this act and they shall be entitled to mileage and per diem at the rate provided in section 112.061, Florida Statutes, for travel incurred in performing their duties prescribed in this act. Said funds shall be paid from the general legislative appropriations provided in section 11.12, Florida Statutes.

Section 7. In order to further enhance the success of the study herein, the various agencies (and any and every officer or employee thereof) are directed to accumulate, compile and furnish to the committee any testimony, information, records, books, documents, materials of any kind upon the request of said committee, and the committee is hereby given power and authority to issue subpoenas to compel the attendance of any person within the jurisdiction of this state to testify before said committee, including subpoenas duces tecum for the production of documentary evidence, which subpoenas shall be served in the form and manner prescribed by law. Failure to comply with such subpoena when properly served shall constitute contempt of the legislature.

Section 8. The committee is hereby authorized in its discretion to employ and fix the compensation of such professional help, counsel or clerical assistance as it may deem necessary to effectively administer and implement this study, which said compensation together with the expenses of administration, shall be paid from the general legislative appropriation provided in section 11.12, Florida Statutes; provided, however, that the total cost shall not exceed fifteen thousand ($15,000.00) dollars.

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 7, 1963.
SB 648 -CONTINUED-
ROLLS, VALUATIONS OF PROPERTIES, HERETOFORE MADE BY AND AS ENTERED UPON ROLLS
AND RECORDS OF TOWN OF MUNTYERDE, FLORIDA.
4/21 SENATE- INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 0121
4/29 SENATE- WITHDRAWN FROM COMMITTEE, PLACED ON CALENDAR -SJ 0173
4/30 SENATE- PASSED; YEAS 042 NAYS 000 -SJ 0186
5/01 SENATE- RECONSIDERED, WITHDRAWN FROM FURTHER CONSIDERATION

SB 649 GENERAL BILL, BY GUNTER (SIMILAR HB 1654)
RELATING TO INSURANCE; AMENDING CHAPTER 624, F.S., BY ADDING NEW SECTION
624.0129; PROVIDING FOR THE PURCHASE OF INSURANCE FOR THE STATE.
4/21 SENATE- INTRODUCED, REFERRED TO INSURANCE, WAYS AND MEANS -SJ 0122
4/29 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENTS, INSURANCE -SJ 0170
5/06 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENTS, PLACED ON CALENDAR -SJ 0230
5/14 SENATE- AMENDMENTS ADOPTED -SJ 0367; AMENDMENT PENDING -SJ 0367
5/15 SENATE- AMENDMENT RECONSIDERED, FAILED -SJ 0377; PASSED AS AMENDED; YEAS 046 NAYS 000 -SJ 0377
5/16 HOUSE- RECEIVED, REFERRED TO INSURANCE, APPROPRIATIONS -HJ 0557
5/20 HOUSE- RECOMMENDED FAVORABLE, INSURANCE -HJ 0633
5/28 HOUSE- RECOMMENDED FAVORABLE WITH AMENDMENTS, PLACED ON CALENDAR -HJ 0883
6/06 HOUSE- DIED ON CALENDAR

SB 650 GENERAL BILL, BY DANIEL
RELATING TO THE REORGANIZATION OF EXECUTIVE BRANCH OF GOVERNMENT; PROVIDING FOR
CREATION OF SEVENTEEN (17) EXECUTIVE DEPARTMENTS OF GOVERNMENT.
4/22 SENATE- INTRODUCED, REFERRED TO GOVERNMENTAL ORGANIZATION -SJ 0129
4/29 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENTS, PLACED ON CALENDAR -SJ 0170
5/06 SENATE- AMENDMENTS ADOPTED -SJ 0238; AMENDMENT PENDING -SJ 0238
5/07 SENATE- AMENDMENTS ADOPTED -SJ 0251; AMENDMENT PENDING -SJ 0251
5/08 SENATE- AMENDMENTS ADOPTED -SJ 0276; PASSED AS AMENDED; YEAS 028 NAYS 019
5/09 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 0422
5/12 HOUSE- AMENDMENTS ADOPTED -HJ 0454; AMENDMENT PENDING -HJ 0454
5/13 HOUSE- AMENDMENTS ADOPTED -HJ 0492; AMENDMENT PENDING -HJ 0495
5/14 HOUSE- AMENDMENTS ADOPTED -HJ 0504; AMENDMENT PENDING -HJ 0504
5/15 HOUSE- AMENDMENTS ADOPTED -HJ 0533
5/16 HOUSE- PASSED AS AMENDED; YEAS 066 NAYS 038 -HJ 0566
5/16 SENATE- REFUSED TO CONCUR -SJ 0393
5/16 HOUSE- REFUSED TO RECEIVE, CONFERENCE COMMITTEE REQUESTED -HJ 0570
5/16 SENATE- CONFERENCE COMMITTEE APPOINTED -SJ 0412
5/16 HOUSE- CONFERENCE COMMITTEE APPOINTED -HJ 0571
5/22 HOUSE- EXTENSION OF TIME GRANTED COMMITTEE -HJ 0705
5/29 HOUSE- EXTENSION OF TIME GRANTED COMMITTEE
6/03 SENATE- CONFERENCE COMMITTEE REPORT ADOPTED -SJ 0812; PASSED AS FURTHER
AMENDED; YEAS 041 NAYS 000 -SJ 0812
6/03 HOUSE- CONFERENCE COMMITTEE REPORT ADOPTED -HJ 1167; PASSED AS FURTHER
AMENDED; YEAS 102 NAYS 004 -HJ 1167
6/04 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -SJ 0892
6/19 APPROVED BY GOVERNOR 06/19
7/16 CHAPTER NO. 69-106

SB 651 GENERAL BILL, BY DANIEL AND OTHERS
RELATING TO THE OPERATION OF MOTOR VEHICLES BY NONRESIDENTS, AND THE
REQUIREMENTS OF REGISTRATION THEREOF; AMENDING SECTION 320.38.
4/22 SENATE- INTRODUCED, REFERRED TO TRANSPORTATION -SJ 0129
CONTINUED ON NEXT PAGE
March 28, 1969

Mr. Thomas Murphy
Pinellas County Expressway
300 Building West, Room 437
St. Petersburg, Florida

Dear Mr. Murphy:

You have asked for a legal opinion as to whether or not the Expressway Authority is a "function of the executive branch" contemplated by Section 6 of Article IV of the Constitution, so as to require the Expressway to be merged into one of the twenty-five departments of the state government.

After carefully reading the Florida Constitution, it is my opinion that the Expressway Authority is not a "function of the executive branch" contemplated by Section 6; therefore, the Authority is not a proper subject of current reorganization.

In construing a constitution, the document and all of its parts must be construed as a whole.

"Implication plays a very important role... and intent in regard to the Constitution may be shown by implication as well as by words of express provisions." 6 Fla. Jur., Constitutional Law, Sec. 11.

Of course, in construing the Constitution, the welfare of the people and of the evils sought to be remedied must be considered. And in construing the Constitution, the provisions are "considered, not separately, but in coordination...." 6 Fla. Jur., Constitutional Law, Section 19. No provision should, if possible, be rendered superfluous or meaningless, and every word should be given meaning and effect.

Since you are well aware of the evil sought to be remedied by the Expressway, I will not dwell on that as indicative of the intent of the drafters; rather, I will go to the Constitution itself.
Quite clearly, the language of the applicable sections of the Constitution contemplate an Expressway Authority as a separate entity.

The Expressway Authorities have historically acted as separate entities, entering into lease agreements with the State Road Board and pledging rents secured by gas tax funds as collateral for their bonds. If the Constitution contemplated that the Expressway Authority was to be integrated into the State Executive Branch (say, as for example, into the state agency supervising the state road system), the language of Section 11(c) of Article VII would not have been necessary.

By definition in our Expressway Act, it is clear the Expressway should be classified as an "agency" under that Section (c).

However, it is equally clear that the Expressway is not a "function" under Section 6 of Article IV. If it were, Section 11(c) would not have needed to refer to revenue bonds secured or payable from state tax revenue or rents paid from those revenues. Under the Executive Department System, a lease-rent system as used by the Expressway would not be contemplated and therefore the reference above would be meaningless under such a system. The Expressway system contemplates that the State Road Department will enter into rent agreements with a separate entity such as the Expressway. Under such a system, the reference above to rents becomes meaningful.

Thus, construing the Constitution as requiring a merger of the Expressway into an Executive Department would render this language meaningless. Such a construction is contrary to the Canons of Constitutional Construction.

Examination of the gas tax section of the Constitution, Section 9(c) of Article XII, leads to the same conclusion.

Section 9(c)(1) defines the gas tax as a state tax. Although this definition is contrary to prior case law, it is consistent with the reference to state tax in the section dealing with
Mr. Thomas Murphy

March 28, 1969

revenue bonds, Section 11(c) of Article VII, previously referred to. The reference ties the two sections together. The language of Article XII, Section 9(c)(5) states:

"When authorized by law, state bonds...may be issued...(ii) to finance...roads in a county when approved by the governing body of the county and the state agency supervising the state road system." (emphasis added)

Why would the Constitution require approval of such a state agency unless:

(1) There was a decision to issue bonds and build a road;

(2) That decision was made by an entity that was separate from the state agency supervising the state road system?

The Constitution is clear that the state agency supervising the state road system need not authorize or issue the bonds nor is it required by the Constitution to construct the roads. It only need approve the pledge of the gas tax. That system is similar to the system now used and it clearly contemplates that the expressways -- the entities which have historically issued bonds and pledged gas tax funds and rents upon approval of the other parts of the government -- will continue to act in the same manner with only the additional constitutional restraint of this provision which requires approval of the bonds by the state agency supervising the state road system. Certainly such approval by an entity which was not "a separate entity", would certainly not be approval.

Thus, again, a provision of the Constitution would be meaningless if the Expressways were "executive functions" contemplated in the merger provision of Article IV. It appears that from the clear intent of the framers of the Constitution, based upon the language used, and reading
the Constitution as a whole, that the Expressways were meant to be kept separate and not to be merged as executive functions.

Very truly yours,

RONEY, ULMER, WOODWORTH & JACOBS

Richard O. Jacobs

ROJ:af
Mr. Richard L. Fletcher, Chairman
Orlando-Orange County Expressway Authority
309 Metcalf Building
Orlando, Florida 32802

Re: Constitution, State of Florida, as Amended 1968 -
Orlando-Orange County Expressway Authority

Dear Mr. Fletcher:

Two basic problems are presented to the Authority
by the 1968 Constitution for the State of Florida as amended,
to-wit: the reorganization aspects and the funding aspects.
In this letter I will address myself only to the reorganization aspects.

Article IV covers the executive power of the state
government. Section 6 thereof provides:

"All functions of the executive branch of
state government shall be allotted among
not more than twenty-five departments, ex-
clusive of those specifically provided for
or authorized in this constitution. ...."

Article XII, Section 16, provides that this reorganization shall
not apply until July 1, 1969.

Expressway authorities are not specifically provided
for or authorized in the constitution. However, as hereinafter
set forth, it becomes clear that their existence is recognized
by the framers.

State constitutions are a limitation of power, as
opposed to the federal constitution which is a grant of power.
This stems from our basic concept that the states are sovereign
and possess all power unless specifically limited. Article II,
Section 3, provides that the powers of the state government be
divided into legislative, executive and judicial branches. In
considering whether the Authority is subject to the reorganization provision, we believe that first attention should be directed.
Mr. Richard L. Fletcher, Chairman  
Orlando-Orange County Expressway Authority

April 8, 1969

Page Two

To whether or not the Authority is a function of the executive branch of state government. Fundamentally, and there is law from other jurisdictions supporting this contention, we do not feel that road building is a function of the executive branch. Article IV sets forth the executive powers, and in our opinion this does not include the expressway authorities. It is interesting to note in our enabling act in Section 348.0103 setting out the purposes and the powers of the Authority, that the Authority receives its grant of power from the legislature and not from the executive. Basic constitutional law reserves to the legislative branch all power not specifically denied them by the constitution or not specifically a part of other branches of government. The expressway authorities, in our opinion, are a part of the legislative function of government and are a creature of the legislature. This construction, of course, is a very strict construction and in practical application would probably emasculate most of the reorganization attempts presently under way. It is so fundamental, however, that we do not feel that it can be overlooked.

Buttressing this conclusion is the background which led to the establishment of the Authority and its functions. In our case, the Authority's powers are limited to Orange County. For certain acts the Authority must have specific approval of the Board of County Commissioners of Orange County and municipalities in Orange County. The executive branch of government does not control the acts of the Authority, nor are they subject to its review. The only connection with the executive branch, and this is a legitimate executive function, is the appointment by the Governor of three of the five members. The State of Florida has no over-seeing function as concerns the Authority. Also, our act provides that the Authority cannot pledge the credit or taxing power of any agency of the state, any political subdivision thereof, any municipality, or of the state itself. Its functions are purely local in nature. We exist, as you are aware, under both a local act and a general act.

The local expressway authorities were created because of specific local needs as opposed to overall state needs. No state funds have been available for use by the Authority. Although we have previously pledged the second gas tax by judicial decision, this tax was not a state tax and our enabling act refers only to the pledging of Orange County gasoline tax funds.

Portions of the new constitution seem to contemplate the continuing autonomy of expressway authorities. In some
instances these references are negative, that is they seem
to anticipate the existence of the Authority and prevent acts
by it, while in others they seem to impose certain conditions
on acts of local authorities. Article VII, Section 11(c) pro-
vides as follows:

"Revenue bonds may be issued by the state
or its agencies without a vote of the elec-
tors only to finance or refinance the cost
of state capital projects and shall be pay-
able solely from funds derived from sources
other than state tax revenues or rents or
fees paid from state tax revenues."

The rents or fees paid from state tax revenues con-
tained in the above clearly covers lease-purchase arrangements
such as we have, and, therefore, local authorities must have
been contemplated by the framers.

Article XII, Section 9(c)(5) provides as follows:

"... When authorized by law, state bonds
pledging the full faith and credit of the
state may be issued without any election:
... (ii) to finance the acquisition and
construction of roads in a county when ap-
proved by the governing body of the county
and the state agency supervising the state
road system; ...."

This provision does not state who will issue the
bonds, but merely requires approval, and must therefore contem-
plate other agencies issuing bonds besides the county or the
state agency supervising the state road system.

It should be pointed out also that Article VII, Sec-
tion 11, concerning state bonds, places a dollar limitation on
the outstanding principal of those bonds, and that Article XII,
Section 9(c), excludes bonds issued under that Section from
the debt limitation imposed in Article VII. The only logical
conclusion is that "Article XII" state bonds for roads are
treated differently than state bonds under Article VII. "Article
VII" bonds may be issued by the state or its agencies. "Article
XII" bonds do not contain this restriction.
We therefore feel that the framers did contemplate the existence of the autonomous authorities for road building and that, therefore, we are not subject to the reorganization provision.

Yours very truly,

[Signature]

Fenimore Cooper, Jr.
April 28, 1969

The Honorable C. Welborn Daniel
Chairman, Subcommittee on State Government
Senate Office Building
Tallahassee, Florida 32302

Re: Expressway Authorities

Dear Senator Daniel:

As we discussed last week, I have prepared and enclose a bill which amends the Jacksonville Expressway Authority law to deal with several problems created by Florida's new 1968 Constitution. The two basic problems deal with (a) governmental reorganization and (b) the continued bonding power of the Expressway Authorities.

First, Article IV, Section 6, of the new Constitution states that "all functions of the executive department of the state government" shall be duly reorganized into 25 or less centralized departments. The Expressway Authorities submit most earnestly, and nearly everyone agrees, that philosophically these essentially local bodies are not the type of state-wide agency or department which should be included in the central state government now being recreated. Your job of reorganization would be made much more difficult, if not altogether impossible, if all of the bodies politic in the state had to be incorporated into the reorganization plan.

The specific problem in respect to Expressway Authorities is brought about by language in the various acts designating each authority as "a body politic and corporate and an agency of the state." This is not an
insurmountable problem, however, because the constitutional reorganization directive is not to reorganize all state agencies, but instead, the much narrower mandate to reorganize all branches of the executive department. We feel that it is relatively plain that the Expressway Authorities are not part of the executive branch of government, nor any of its functions, primarily because the executive department has substantially nothing to do with these local organizations. Thus, in our opinion the Expressway Authorities should be excluded from reorganization, even without the necessity of any modification of their statutory designation as agencies of the state. We enclose several memoranda of law supporting this position.

Nevertheless, we recognize that the most obvious way to remove any shadow of doubt about the reorganization question would be simply to amend each Expressway Authority law and delete the reference to the authority being "an agency of the state." However, New York bond counsel has advised us generally that a constitutional question may result if the Expressway Authorities are specifically designated as local agencies and yet are permitted to retain the power to pledge the county's share of the second gas tax. Even though the part of the second gas tax pledged to secure the bonds of an Expressway Authority has already been irrevocably committed to the county in which the Expressway Authority is located, and therefore would seem to be county funds at that time, nevertheless the second gas tax is designated a state tax by the new Constitution. Therefore, it is probably the safest course for an Expressway Authority to retain its label as a state agency, notwithstanding our argument in the supporting memorandum.

We have elected, therefore, to follow the next most obvious and direct course by amending the Expressway Authority laws to provide that each Authority is "a body politic and corporate and an agency of the state independent of the executive branch of state government." We submit that this is a true and 100% accurate statement of fact and of law, which constitutes nothing more than an affirmation by the Legislature of existing circumstances.

The second basic problem is brought about by the new Constitution's language on the power to issue bonds. One section of the Constitution eliminates the use of "revenue
bonds" supported by any state tax revenues such as the second gas tax. Article VII, Section II. As this has always been the basic combination of Expressway Authority financing in Florida, it is apparent that some other method of financing becomes absolutely essential if any further Expressway Authority roads are to be built. Without the pledge of the second gas tax, the cost of revenue bonds, supported by toll revenues alone, would be prohibitive. (As a factual aside, the Jacksonville Expressway Authority in the past has only used the pledged second gas tax money for the first 2 or 3 years after construction of a new facility, after which the toll revenues alone have met the entire bond servicing requirements. Thereafter, the second gas tax is returned in its entirety each year to the county.)

Fortunately, the new Constitution has an exception to provide for bonds for road building purposes. Section 9(c) of Article XII of the new Constitution provides that "full faith and credit bonds" of the state can be issued for road building purposes, without an election, and can be secured by both toll revenues and a pledge of the second gas tax. This is exactly the method of bond financing which the Expressway Authorities have historically used in Florida and desire to continue to use.

This continued use will require a technical change in the Expressway Authority statutes, however, because the new bonds, to be secured by the second gas tax, must now be designated as "full faith and credit bonds" and the existing Expressway Authority acts all prohibit the authorities from pledging the full faith and credit of the state.

Thus, the enclosed amendments have been drafted to permit the Expressway Authorities to issue the so-called full faith and credit bonds, even though the only full faith and credit of the state involved is the power to pledge the second gas tax. This is no more nor less power than the Expressway Authorities have had all along.

The state is protected against abuse of this power by the Expressway Authorities, if such protection is needed, by the constitutional requirements that the authority must obtain, prior to issuance of its bonds and pledge of the second gas tax:
(a) Prior approval of the county government;

(b) Prior approval of the state agency supervising the state road system; and

(c) Prior approval of a state fiscal agency to be established by law.

The enclosed bill is designed to accomplish the foregoing. It also makes several other changes, some of them minor and technical. The Jacksonville Expressway Authority is granted the right, with the consent of the county (now Consolidated City), to pledge the 80% and 20% allocations of the second gas tax, a power already held by several of the other authorities. In addition the maximum permissible interest limitation on the bonds is raised to 7% to make the bonds more salable in today's market.

If we can be of any further assistance to you, please advise us. We feel that the passage of the enclosed bills, together with similar ones for the Tampa-Hillsborough County and Brevard County Expressway Authorities, will effect a sound and sensible solution to a rather chaotic situation and will permit the continuation of the several Expressway Authority operations on the local basis which has proved so successful in the past.

Yours very truly,

MAHONEY, HADLOW, CHAMBERS & ADAMS

By Earl B. Hadlow

EBH/srb
MEMORANDUM OF LAW

From: Mahoney, Hadlow, Chambers & Adams
To: The Honorable C. Welborn Daniel
Subject: Jacksonville Expressway Authority
Date: April 28, 1969

We have analyzed the effect of Article IV, Section 6, of the Florida Constitution on the Jacksonville Expressway Authority and we have concluded that that reorganizational provision deals with the executive branch of the state government only, and has no effect on the Jacksonville Expressway Authority as presently constituted.

The Jacksonville Expressway Authority Law was enacted in 1955 to transfer authority over the expressway system in Duval County from a state agency to a local body. The intended result was to place the system in the hands of local residents who had the greatest stake in its success.

All aspects of the Expressway Authority Law are consistent with this intent to create a local body. Four of the Authority's five members must be residents of Duval County, and the fifth member must be from the congressional district for the Jacksonville area. The Authority's jurisdiction is also limited to Duval County. Moreover, all of its funds come from revenues produced in Duval County or from Duval County's share of the second gas tax. The same legislature which adopted Section 6 of Article IV of Florida's new Constitution fully recognized
the Authority as a local body and increased its local nature by giving the Mayor of Jacksonville the power to appoint half of the Authority's appointed members.

Therefore, the Authority differs completely from the agencies, boards and commissions which make up the executive department of state government. The 150 or more different bodies constituting the executive department are generally state-wide in outlook and makeup. The members of all of these boards are either appointed by the Governor or made up, in whole or in part, of members of the Governor's Cabinet. The legislature and the people of the State of Florida who adopted Section 6 of Article IV of the new Constitution realized that the executive branch of the state government had grown totally unwieldy, disorganized, and labyrinthian and Section 6 of the new Constitution was intended to reorganize, streamline and simplify it. It was never intended to reach outside the state government and include purely local bodies. In fact, to include local bodies such as the Authority would not only be outside the authority granted by that Constitutional provision, but would actually defeat its very purpose by increasing the complexity of the executive department. This conclusion is completely supported by the language of Section 6, which states that it deals only with "functions of the executive branch of the state government." It is hard to imagine language which would better express the drafter's
intention of limiting reorganization to agencies, commissions and boards of the executive branch of the state government.

A brief look at the Jacksonville City Charter, also enacted by the same legislature which drafted Section 6, shows that the Authority was not intended to come under Section 6. The Charter defines the Authority as an "independent agency" along with such other purely local bodies as the Jacksonville Port Authority and the Duval County Hospital Authority. The legislature which labeled the Authority an independent agency simultaneously gave the Mayor of Jacksonville power to appoint two members. Such actions are totally inconsistent with any argument that the legislature intended to reorganize the Expressway Authority into the state executive department and thus one of existence as an independent locally oriented body.

The Jacksonville Expressway Authority Act itself contains another reason for the inescapable conclusion that the Authority was not intended to be reorganized. In Section 349.12, the Florida legislature made a specific pledge to all the holders of the Authority's bond and to the federal government that the State of Florida would not alter or limit the rights and powers of the Authority. Any reorganization of the Authority as a part of the executive department of the state government would require that the Authority answer to the Governor or his Cabinet. Such an action would violate the provisions
of the legislature regarding the legislative pledge of non-interference by greatly altering and limiting the ultimate decision-making powers of the constituted Authority.

The question has been raised as to whether the Authority's ability to pledge a state tax (the second gas tax) as security for its bonds would require its reorganization under Section 6. If use of these funds was the basis for requiring the Authority's reorganization, reorganization would also be required of counties, municipalities, special districts and school districts which make similar use of state tax funds.

County governments, as well as the Authority, can use the proceeds of the second gas tax as debt service on bonds. F.S., §344.29. Dade v. Escambia County, 14 So. 2d 576 (Fla. 1943). Moreover, even local port authorities, which were not created by general statutes, are empowered to use the second gas tax for debt service on certain bonds. Hodges v. Fernandina Port Authority, 38 So. 2d 687 (Fla. 1949). In addition, certain other taxes, such as excise taxes and parimutuel taxes, are collected by the state for distribution locally, and can be used by local bodies as security on obligations. Dade v. Pinellas County, 36 So. 2d 216 (Fla. 1948).

Another question is whether the Authority must be re-organized as part of the executive branch of the state government because it is called "a body politic and corporate agency of the state" in Section 349.03(1) of the Florida Statutes. This language lends no support to the proposition that the Authority
should be reorganized. The term "agency of the state" is defined in the preceding section of the Jacksonville Expressway statutes, §349.02(10), to "mean and include the state and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated or established by, the state." Thus, requiring the reorganization of the Authority because it is termed "an agency of the state" would also require that the state itself, the executive department, the judicial department and all other corporations, agencies or instrumentalities be similarly reorganized as a part of the executive branch of state government.

To summarize, it is clear that the Jacksonville Expressway Authority is essentially a local body and was never intended to be included in the reorganization of the executive branch of the state government under Section 6 of Article IV of the Florida Constitution as amended in 1968. Reorganization of the Authority under this Section would be counter to the very purpose of the Expressway Authority Law; counter to the purpose of Section 6 of the new Constitution; and counter to the legislature's pledge to bond-holders that it would not interfere with the Authority's bonds and its control over the system.

EBH/lbt
MEMORANDUM OF LAW

TO: JACKSONVILLE EXPRESSWAY AUTHORITY

FROM: MAHONEY, HADLOW, CHAMBERS & ADAMS

TITLE: EFFECTS OF 1969 CONSTITUTION ON JACKSONVILLE EXPRESSWAY AUTHORITY

QUESTION I

WHETHER SECTION 6, ARTICLE IV OF THE 1969 FLORIDA CONSTITUTION AFFECTS THE EXISTENCE OF THE JACKSONVILLE EXPRESSWAY AUTHORITY AS IT IS PRESENTLY CONSTITUTED?

CONCLUSION

SECTION 6, ARTICLE IV OF THE 1969 CONSTITUTION HAS NO EFFECT ON THE EXISTENCE OF THE JACKSONVILLE EXPRESSWAY AUTHORITY AS IT IS PRESENTLY CONSTITUTED FOR THE FOLLOWING REASONS:

1. SECTION 6 WAS INTENDED TO CONSOLIDATE AND STREAMLINE THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND ANY CONSTRUCTION WHICH WOULD REQUIRE INCLUSION OF LOCAL INDEPENDENT BODIES SUCH AS THE JACKSONVILLE EXPRESSWAY AUTHORITY WHICH ARE NOT CLEARLY WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT WOULD DEFEAT THE VERY PURPOSE OF THE PROVISION.

2. SECTION 6 BY ITS VERY TERMS APPLIES ONLY TO THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT AND THE JACKSONVILLE EXPRESSWAY AUTHORITY IS A LOCAL AND INDEPENDENT AGENCY WHICH IS NOT A PART OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

3. REORGANIZATION OF THE JACKSONVILLE EXPRESSWAY AUTHORITY INTO THE EXECUTIVE BRANCH OF STATE GOVERNMENT WOULD VIOLATE THE LEGISLATURE'S UNEQUIVOCAL STATUTORY PLEDGE THAT THE STATE OF FLORIDA WILL NOT ALTER OR LIMIT
THE RIGHTS AND POWERS OF THE JACKSONVILLE EXPRESSWAY AUTHORITY.

DISCUSSION

1. SECTION 6 WAS INTENDED TO CONSOLIDATE AND STREAMLINE THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND ANY CONSTRUCTION WHICH WOULD REQUIRE INCLUSION OF LOCAL INDEPENDENT BODIES SUCH AS THE JACKSONVILLE EXPRESSWAY AUTHORITY WHICH ARE NOT CLEARLY WITHIN THE EXECUTIVE BRANCH WOULD DEFEAT THE VERY PURPOSE OF THE PROVISION.

In January, 1969, Florida's first new Constitution since 1885 took effect. Only the provisions affecting the judiciary (Art. V) remained unchanged. The Article dealing with the executive branch contains a provision designed solely to simplify the organization and function of the executive branch of state government. It reads as follows:

Section 6. EXECUTIVE DEPARTMENTS. -- All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this Constitution. The administration of each department, unless otherwise provided in this Constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments, and their members appointed for fixed terms, subject to removal only for cause.


There are over 150 different agencies, boards and commissions under the executive department which will be
affected by this provision. There is no doubt about the need to consolidate and streamline a governmental branch such as the Florida executive, which over the years has grown cumbersome and unwieldy, with countless agencies, boards and commissions. As a result, the constitutional drafters obviously intended to reduce the number of these bodies as much as possible.

The Jacksonville Expressway Authority, hereinafter called the "Authority", differs from these agencies, boards and commissions of the executive department of state government and is not and never has been treated as a part of the executive department of the State of Florida. Unlike the Authority, none of these executive department agencies are confined to a limited geographical area or local function but instead exercise jurisdiction on a state-wide basis. Also unlike the Authority, none of the members of these executive department agencies are appointed by a city mayor but instead are either appointed by the governor or are ex-officio cabinet officers. See, Allen Morris, The Florida Handbook, 1967-68, p.142 (1968).

The inclusion of the Authority within the executive branch would not merely add another routine executive agency, it would needlessly increase the total size and responsibilities of the entire executive department. In fact, inclusion of the Authority would specifically defeat the purposes of Section 6 since instead of streamlining and consolidating the executive branch, such inclusion would result in complication and confusion by requiring a shift in emphasis of the executive department from state-wide to local purposes.
The Authority was created in 1955 for the limited purpose of acquiring, holding, constructing, improving, maintaining, operating, owning and leasing the Jacksonville expressway system in Jacksonville and Duval County. Its jurisdiction is therefore strictly limited and completely local. F.S. § 349.04(1) (a).

The governing body of the Authority is also totally local in nature. It consists of five persons, four of whom must be residents and qualified voters of the City of Jacksonville, and the fifth member is, ex-officio, the representative of the State Road Department from the Second Congressional District in the Jacksonville metropolitan area. Of the four members who are residents of the City of Jacksonville, two are appointed by the governor and two are appointed by the mayor of Jacksonville and subject to confirmation by the City Council of Jacksonville.

Moreover, the Florida Legislature has made the Authority's governing body even more local in nature than it was when the Authority was first created. Initially, three of the five members were appointed by the governor, the fourth member was, ex-officio, the Chairman of the Board of County Commissioners of Duval County, and the fifth member was, ex-officio, a member of the State Road Department from the Second Congressional District. The Authority's statute was amended effective October 1, 1968 to reduce the number of appointments by the governor from three to two and to authorize the mayor of Jacksonville to appoint the other two members. The legislature in making this
change clearly expressed its intent to increase the local control over and local nature of the Authority. This is the same legislature which drafted Section 6, Article IV, and it is therefore totally inconsistent to maintain that this same legislature intended to reorganize the Authority as a part of the state executive department.

The executive branch of state government has no power or control over the Authority, other than the governor's power to appoint two out of the five members of the Authority. The Authority does not depend on general tax funds from the state government for its existence since all operating funds come from revenues produced by the expressway system and a contingent reserve fund comes from part of the second gas tax which is specifically allocated for Duval County.

Therefore, any attempt to bring a new body, which has never been treated as an arm of the executive, into the reorganization of that already burdened branch, would flatly contradict the expressed terms and purpose of the reorganization section by not only making the executive branch even more labyrinthian but also more powerful with respect to control over functions which are properly the responsibility of a local and independent body.

2. SECTION 6 BY ITS VERY TERMS APPLIES ONLY TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND THE JACKSONVILLE EXPRESSWAY AUTHORITY IS A LOCAL AND INDEPENDENT AGENCY WHICH IS NOT A PART OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.
Section 6 is headed "Executive Departments" and by its language deals only with "functions of the executive branch of state government". It is hard to imagine language which could better express the drafter's intention to limit the reorganization to agencies, boards and commissions already within the executive branch. There was no attempt to go outside the scope of the executive department.

The use of the language "executive functions" was not meant to broaden the boundaries of the reorganization beyond the "executive department". This conclusion is strengthened by examination of earlier drafts which refer more specifically to the executive department or branch. In addition to the language presently included, the Florida House of Representatives considered a draft which included the following sub-paragraph after the first paragraph to the Section.

(a) The governor and the cabinet shall exercise with respect to the policies of the executive departments those powers provided by law. (Emphasis added)

HJR 3-XXX (67) Art. IV, Section 5.

In addition, a later house version included the following sub-paragraph:

(c) The governor may, by executive order propose any reorganization of the executive branch, excepting as to duties assigned by law solely to an independently elected cabinet officer, to a regular session of the legislature within seven days following the convening thereof, and such proposal shall become law on the adjournment sine die of the regular session unless either house of the legislature disapproves the same by majority vote. (Emphasis added)

HJR 3-XXXX (67) Art. IV, Section 5.
Although neither of these sentences were included in the Section as it was finally adopted, they clearly show that the legislators who drafted the provisions and proposed it to the electors were referring only to agencies, commissions and boards of the executive department of state government and did not intend to include any other groups which might perform "executive" type functions but which are not already a part of the executive branch of state government.

A primary purpose in the Authority's creation was to shift control of the Jacksonville expressway system from an agency of the executive branch of state government and place it in a purely local body. Thus, the Authority is an independent corporate and political body which assumed responsibility and ownership of the local Jacksonville expressway system and replaced the Florida State Improvement Commission, a state-wide executive agency. This executive commission was subject to the usual pitfalls of state patronage and it was soon evident that if the Jacksonville expressway system was to expand on a progressive and economic basis, this could best be done by shifting responsibility to a local agency governed by local residents who had the greatest stake in the progress of road construction within their own area. Thus, the very essence of the Authority's existence is entirely inconsistent with any proposed reorganization which would cause the expressway system to revert back to state executive and political control.

Moreover, the legislature has on numerous occasions emphasized the importance of maintaining local control over
roads which form part of the state highway system. In creating the State Road Department, the legislature recognized the importance of cooperation between the department and local counties and municipalities and declared its intent as follows:

(7) It is the further intent of the legislature to bestow upon local officials adequate authority with respect to the roads under their jurisdiction. The efficient management, operation and control of our county roads, city streets and other public thoroughfares are likewise a matter of vital public interest. (Emphasis added)

F.S. Section 334.02(7).

There is additional evidence that the legislative drafters of Section 6 could not have intended to include the Authority within its ambit since in the same year the new constitution was drafted, the legislature simultaneously adopted the charter for the new consolidated government of the City of Jacksonville. This charter recognizes the essential characteristic of the Authority by defining it as an "independent agency". Charter § 24.01(7). This section also designates other local bodies which, although not a part of the consolidated city government, perform specific local functions. Included in this group along with the Authority are the Duval County Board of Public Instruction, the Jacksonville Port Authority, the Jacksonville-Duval Area Planning Board, the Jacksonville Electric Authority, the Duval County Hospital Authority and the Duval County Beaches Public Hospital Board. The independence of the
Authority is emphasized by the fact that the consolidated government has no jurisdiction over the Authority apart from the power of the city auditor to examine the accounting system used by the Authority and to conduct a continuous internal audit of the fiscal operations of the Authority. See, Charter § 5.11; Legal Division Advisory Opinion No. 113, Consolidated City of Jacksonville (November 5, 1968).

At the same time the legislature designated the Authority as an "independent agency", it simultaneously amended the Jacksonville Expressway Authority Act to make the Authority more of a local body. This amendment, referred to previously, reduced the number of Authority members appointed by the governor from three to two and provided that two other members are to be appointed by the mayor of Jacksonville. These simultaneous actions by the legislature provide clear evidence that the Authority is deemed to be an independent agency, limited in function, limited to a local concern, and governed by members of the local population. Such characteristics are inconsistent with the type of state-wide agencies which presently constitute the executive branch of state government.

The Authority itself also has other attributes which are inconsistent with its being reorganized as part of the executive department of state government. It is a separate body corporate and politic which by having the power to sue and be sued, necessarily does not enjoy the sovereign immunity which attaches to the state and its agencies and instrumentalities.
The Authority has its own corporate seal, the power to borrow money in its own right without obligating the state in any way, and the power to make contracts of every name and nature which are necessary or convenient for the carrying on of its business. F.S. § 349.04(2). It is completely independent in its financial affairs and has no power to pledge the credit or taxing power of the state or any political subdivision or agency of the state nor are its obligations deemed to be obligations of the state or any political subdivision or agency thereof. The Authority alone is liable for payment of principal or interest on any of its obligations. F.S. § 349.04(3).

It is also significant that the Authority is expressly designated as a "body corporate and politic" since this term shows that the Authority is an entity separate and apart from the state government and its executive department. The State Road Department is not so designated since it was established as a "department of government". F.S. Section 334.04. On the other hand, bodies which are separate from the executive branch of state government such as the consolidated City of Jacksonville have been designated as a body politic and corporate. Charter § 1.01.

The Authority is very similar to the Jacksonville Port Authority, a body which has been characterized by the Attorney General of the State of Florida as one "intended as a local and not a state agency." Opinion of the Attorney General, 068-11, January 23, 1968. In response to the question of whether the Jacksonville Port Authority was within the jurisdiction of the State Purchasing Commission, the Attorney General
replied in a letter dated February 14, 1968, that the Port Authority's lack of sovereign immunity and its restriction to Duval County-City of Jacksonville purposes and operations are significant factors of the Authority's status as other than a "state public corporation or agency". In addition, the Port Authority is defined as an "independent agency" in the charter of the City of Jacksonville. When informed that the same three characteristics apply equally well to the Authority, the Attorney General responded on September 11, 1968 that the Authority was different from the Jacksonville Port Authority due to the fact that it is specifically designated to be an "agency of the state" in F.S. Section 349.03(1). This single factor appears to be the primary difference between the two bodies. However, the term "agency of the state" as defined in the expressway authority law does not necessarily mean that the authority is part of the executive branch of state government. F.S. Section 349.02(10) states that:

The term "agency of the state" shall mean and include the state and any department of, or corporation, agency or instrumentality herefore or hereafter created, designated or established by, the state.

This definition is so broad that it could include counties, sewer districts, port authorities, and all other local bodies which have been created, designated or established by the state. Such a broad definition should not be the basis
for including the Authority in the forthcoming government reorganization unless the legislature is prepared to reorganize all other bodies which could fit within this definition. The absurdity of such a result is clear.

Finally, it should be recognized that one of the primary powers of the Authority is to fix tolls on the facilities of the expressway system and such power has always been recognized as a legislative function. Covington and L Turnpike Road Company v. Sandford, 164 U.S. 578 (1896). Thus, the reason for the Authority's creation, its purposes, its powers and its history are all inconsistent with its inclusion in the executive branch of state government. If the Authority is exercising any function of state government, it is a legislative and not an executive function.

3. REORGANIZATION OF THE JACKSONVILLE EXPRESSWAY AUTHORITY INTO THE EXECUTIVE BRANCH OF STATE GOVERNMENT WOULD VIOLATE THE LEGISLATURE'S UNEQUIVOCAL STATUTORY PLEDGE THAT THE STATE OF FLORIDA WILL NOT ALTER OR LIMIT THE RIGHTS AND POWERS OF THE JACKSONVILLE EXPRESSWAY AUTHORITY.

In the Jacksonville Expressway Authority Act, the legislature made a specific pledge to all bondholders of the Authority and to the Federal Government that the State of Florida would not alter or limit the rights and powers of the Authority. This pledge of non-interference is contained in F.S. Section 349.12 which provides:

The state does hereby pledge to, and agrees, with any person, firm or corporation, or federal or state agencies subscribing to, or acquiring the bonds to be issued by the Authority for the purposes of this chapter that the state will not
limit or alter the rights hereby vested in the Authority and the State Road Department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged in so far as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agree, with the United States and any federal agency that, in the event that any federal agency shall construct or contribute any funds for the completion, extension or improvement of the Jacksonville expressway system, or any part or portion thereof, the state will not alter or limit the rights and powers of the Authority and the State Road Department in any manner which would be inconsistent with the continued maintenance and operation of the Jacksonville expressway system or the completion, extension or improvement thereof or which would be inconsistent with the due performance of any agreements between the Authority and any federal agency, and the Authority and the State Road Department shall continue to have and may exercise all powers herein granted, so long as the same shall be necessary or desirable for the carrying out of the purposes of this Chapter and the purposes of the United States in the completion, extension or improvement of the Jacksonville Expressway system or any part or portion thereof. (Emphasis added)

This pledge would be violated if the Authority was reorganized into the executive department of state government supervised by the governor or a cabinet member. There is presently no power of the executive branch over the Authority except for the appointment of two members to the governing body of the Authority and if reorganization included the Authority, it would greatly limit the Authority's independent power. This in turn would alter and limit the rights and powers of the Authority as originally constituted and would therefore violate this legislative pledge. It is reasonable to assume that bondholders invested their money in the Authority's bonds with the
knowledge that the Authority was an independent corporate body free from the control of the governor or other politically motivated individuals.

The Jacksonville Expressway Authority Act also contains a provision that the statute was intended "to provide a complete method for the exercise of the powers granted in this Chapter." F.S. Section 349.17. This declaration assures bondholders of the ability to easily locate all laws which govern the Authority and also govern their rights as bondholders. Reorganization into an executive department of state government would violate this declaration to the detriment of the bondholders who relied upon it since reorganization would cause numerous other laws governing the executive branch to become applicable to the Authority.

It cannot be assumed that the legislature intended to violate these clear pledges and accordingly, it could not have intended to reorganize the Authority. Moreover, there would be substantial doubt concerning the legislature's power to break this pledge by the reorganization of the Authority even if the new Constitution had specifically directed such reorganization. A state may alter or abrogate contract rights without violating the federal Constitution but only where the state's regulatory or police powers have not been suspended. Ortega Co. v Triay, 260 US 103 (1922). However, the state would be bound by its pledge in the situation such as is present here where the state has suspended its police powers temporarily for a specific purpose.
QUESTION II

WHETHER THE JACKSONVILLE EXPRESSWAY AUTHORITY'S ABILITY TO PLEDGE THE SECOND GAS TAX REQUIRES ITS REORGANIZATION UNDER SECTION 6, ARTICLE IV?

CONCLUSION

THE AUTHORITY'S USE OF THE SECOND GAS TAX PROCEEDS DOES NOT REQUIRE ITS REORGANIZATION UNDER SECTION 6 BECAUSE SUCH AN INTERPRETATION WOULD ALSO REQUIRE REORGANIZATION OF COUNTIES AND LOCAL PORT AUTHORITIES AS PART OF THE EXECUTIVE BRANCH.

The Authority has statutory power to "pledge, hypothicate or otherwise encumber all or any part of the revenues, rates, fees, rentals or other charges or receipts of the Authority, including all or any portion of the Duval County gasoline tax funds received by the Authority pursuant to the terms of a lease-purchase agreement between the Authority and the State Road Department." F.S. § 349.04(2)(k). This statutory grant cannot be used as a basis for asserting that the Authority should be reorganized into an executive department of state government because of its ability to pledge "state tax funds" since to do so would necessarily require the reorganization of all Florida counties as well as certain local bodies which have been created by special acts of the legislature.

Article IX, Section 16 of the Constitution of 1885 levied a gasoline tax and provided that the tax revenues were to be allocated by the State Board of Administration to the various counties in the state based on the following formula:

1. One-third based upon the county's area; 
2. One-third based upon the county's population; and
3. One-third based upon the county's contributions to the gasoline tax.
After the total amount allocated to any particular county was computed, those funds were made available for payment and refunding of certain outstanding bonds and any funds left over were then distributed 80% to the State Road Department for use in that particular county and 20% to the county government for its use on roads.

The new Constitution continues the gasoline tax and also splits the funds allocated to a particular county 80% to the State Road Department and 20% to the county. The primary change of the new Constitution in the gasoline tax was the establishment of a new allocation formula whereby the funds allocated for each county are computed in the following manner:

1. One-quarter based upon area;
2. One-quarter based upon population; and
3. One-half based upon contributions to the gas tax made within the county.

The new formula places more emphasis on the amount of gas taxes collected in each county and therefore, the amount distributed for use in a particular county will depend greatly on the amount of gas tax collected in that county.

In the expressway authority act, the State Road Department is authorized to enter into a lease-purchase agreement with the Authority and in that agreement to pay as rental the 80% surplus gasoline tax funds accruing in each year to the department for use in Duval County. F.S. § 349.07(4). Such pledge can only be made after obtaining the consent of the
governing body of Duval County. F.S. § 349.07(5). The ability of the Authority to pledge these rental funds received from the system does not mean automatically that the Authority is pledging state tax funds. Gas tax funds are so closely identified with counties, both as to collection and to distribution, that Florida courts have properly classified these funds as "county funds". State v. State Board of Administration, 25 So. 2d 880 (1946).

Thus, Florida courts have held that the gas tax is different from all other taxes, and bonds pledging gas tax revenues are not state bonds within the purview of the prohibition contained in the old constitution against issuance of such bonds except for limited purposes. The Florida Supreme Court has upheld the procedure of pledging the gasoline tax on certain bond issues when it said:

Funds accruing from the 80% surplus gas tax proceeds being fixed, definite and certain as to availability, and, therefore, being in a sense, in esse; and the same not being state tax funds within the contemplation of Section 6 of Article IX of the Constitution; and Section 16, Article IX containing no expressed or implied provision as to the plan or method by which they shall be expended; we think it entirely competent for the legislature to prescribe, by statute, the plan or method by which they may be utilized by the State Road Department for the benefit of the counties in procuring either present or future additions or extensions to the state highway system.

State v. Florida State Improvement Commission, 34 So. 2d 443, 450 (Fla. 1948).

It is thus clear that the mere fact that tax funds are collected and distributed by instrumentalities of state.
The legislature shall have the power to allocate and distribute to the several counties of the state, in equal amounts, and at such times as the legislature may determine, any portion of or all excise taxes now levied and collected, or hereafter levied or collected, by the State of Florida from the operation of pari-mutuel pools.

F.S. Section 550.13 directs that these excise tax funds be distributed in equal amounts to each county in the state. Despite being state tax funds when collected, the classification of these funds changes when they are distributed to the counties and Florida courts have properly classified them as county funds instead of state funds. Okaloosa County Water and Sewer District v. Hilbun, 160 So. 2d 43 (1964); Kirkland v. Phillips, 106 So. 2d 909 (1958). In addition, these "state" funds may be used to service county bonds. State v. Pinellas County, 36 So. 2d 216 (1948).

The new Constitution continues the allocation of pari-mutuel taxes to the counties of the state. Article VII, § 7. In addition the new Constitution specifically provides that:

State funds may be appropriated to the several counties, school districts, municipalities or special districts upon such conditions as may be provided by general law.

Article VII, § 8.

Thus the use of "state funds" by the Authority cannot be the basis for reorganization of the Authority unless counties, school districts and municipalities are also reorganized. In
addition, if reorganization is based on the ability of a body to use or pledge gasoline tax funds, then not only the Authority but every county, special road and bridge district and even local port authorities must be reorganized. All counties are specifically authorized by statute to issue and sell interest-bearing certificates of indebtedness to be paid from the 20% surplus gasoline tax accruing to each county under the provisions of Section 16, Article IX of the old state constitution. Such certificates can be issued for the sole purpose of acquiring right of way or constructing state or county roads within each county. F.S. § 344.29. This pledging of gas tax revenues for debt service on county road revenue certificates has been approved by Florida courts. State v. County of Manatee, 119 So. 2d 678 (1960).

With respect to the 80% gas tax funds which are distributed to the State Road Department for use in particular counties, these funds may be used by bodies other than the various expressway authorities as security for debt obligations. In F.S. § 338.14, the State Road Department is authorized to enter into lease-purchase agreements with "any municipal corporation, county, district authority, or any political subdivision, or any agency or commission of the state" whereby the department may lease and purchase the project from any of the foregoing bodies and also operate and maintain the project, the cost of which may be paid from general revenues of the
department or may be made a charge solely on certain specified revenues, "including revenues derived from the state gasoline tax." Thus, the 80% gas tax proceeds may be used as debt service on county bonds, State v. Escambia County, 14 So. 2d 576 (1943), and local port authority bonds, Hodges v. Fernandina Port Authority, 38 So. 2d 687 (1949), as well as bonds issued by the Authority.

The Hodges case involved the Fernandina Port Authority, which was created by a special statute in 1941 and is a purely local body. Chapter 21418, 1941, Laws of Florida. The members of the authority are elected by the voters of Nassau County and the authority is designated as "a body politic and corporate and a political subdivision of the State of Florida." The port authority has responsibility for maintaining and constructing port facilities in Nassau County as well as construction and maintenance of certain toll roads and bridges within that county. To accomplish this latter purpose, the authority is given power to issue toll road and bridge revenue bonds and it is further authorized to enter into lease-purchase agreements with the State Road Department. No mention is made in the special act that such agreements may pledge the 80% gas tax proceeds allocated to the State Road Department for use in Nassau County. However, the Hodges case specifically validated the port authority's lease-purchase agreement with the State Road Department which pledged the 80% gas tax proceeds as security for the toll road revenue bonds of the authority.
The port authority (whose name has been changed to the "Ocean Highway and Port Authority"), although a purely local body created by a special statute, nevertheless has power to use gas tax proceeds derived from the State Road Department by virtue of a lease-purchase agreement with that body. Thus, if the Authority must be reorganized, the same reasons would require that the Ocean Highway and Port Authority be likewise reorganized. Such reasoning emphasizes the logical extremes which would be reached if the Authority, and similar local bodies, were required to be reorganized under the new Constitution. Section 6 simply did not intend such a result.
May 5, 1969

The Honorable C. Welborn Daniel
Chairman, Subcommittee on State Government
Senate Office Building
Tallahassee, Florida 32302

Re: Expressway Authorities

Dear Senator Daniel:

We understand that your committee's reorganization bill was amended to exclude the various expressway authorities. We have advised each of the expressway authorities of your efforts in accomplishing the amendment and all of them were very appreciative.

We have spoken to Jack Mathews and he told us as he has previously told you that in his opinion the expressway authority bills which we have given you should be shepherded along with your reorganization bill. He recommends that the bills be introduced by you and co-sponsored by Jack Mathews and Tom Slade.

We have sent you copies of a bill dealing with the Brevard County Expressway Authority and we are assisting in the preparation of a similar bill for the Tampa-Hillsborough authority, which should be sent along to you in the next few days.

Incidentally, we have sent the same package to Fred Schultz and hope to get similar help in the House. It's reorganization bill, by the way, also excludes the expressway authorities.
Again, we express our thanks for your efforts to help solve some of the problems created by the new Constitution.

Best wishes,

Earl & Helen

EBH/srb