

1979

Session Law 79-009

Florida Senate & House of Representatives

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History of Legislation

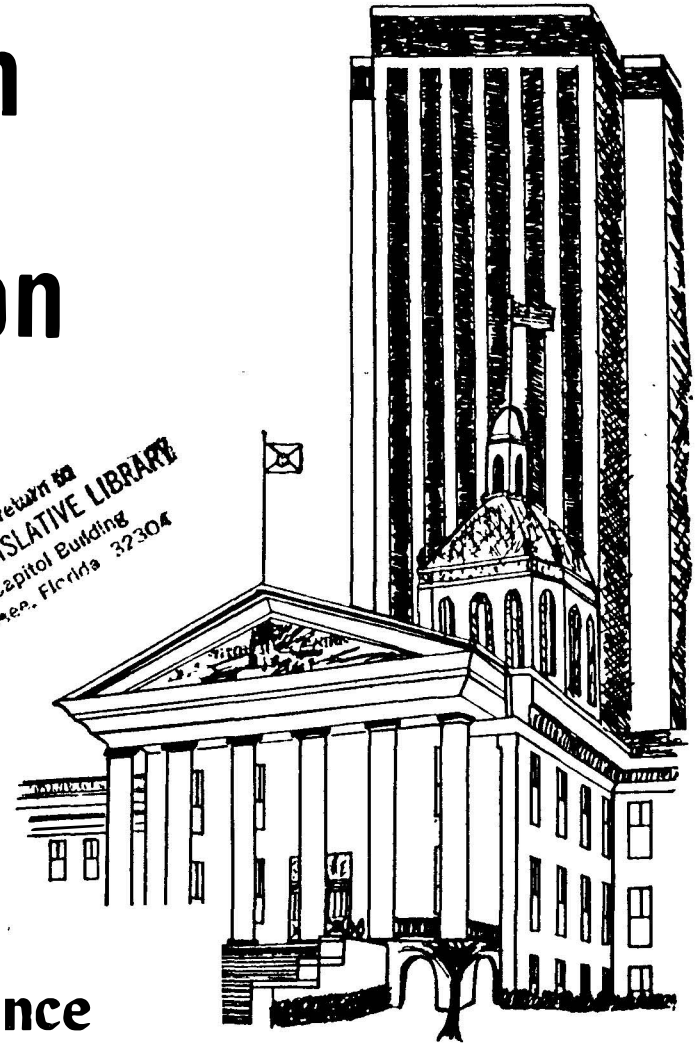
1979 Regular Session

Florida Legislature

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03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 106 NAYS 9 -HJ 00012
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00076
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR; SUBSTITUTED FOR S 218; PASSED; YEAS 33 NAYS 0 -SJ 00102
04/17/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00253
04/23/79 APPROVED BY GOVERNOR CHAPTER NO. 79-4 -HJ 00305

H 0644 GENERAL BILL BY RULES & CALENDAR (IDENTICAL S 0217)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO CONFORM TO CH. 78-153, WHICH CHANGED NAMES OF "WATER MANAGEMENT DISTRICTS" & "DRAINAGE DISTRICTS" TO "WATER CONTROL DISTRICTS" & OTHERWISE IMPROVES THEIR CLARITY & FACILITATES THEIR CORRECT & PROPER INTERPRETATION. AMENDS CH. 298, 373.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 106 NAYS 10 -HJ 00012
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00076
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR; SUBSTITUTED FOR S 217; PASSED; YEAS 35 NAYS 0 -SJ 00102
04/17/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00253
04/23/79 APPROVED BY GOVERNOR CHAPTER NO. 79-5 -HJ 00305

H 0645 GENERAL BILL BY RULES & CALENDAR (IDENTICAL S 0216)
FLORIDA STATUTES/REVISER'S BILL; REMOVES A PENALTY PROVISION MADE OBSOLETE BY CH. 78-88, WHICH REPEALED AUTHORITY OF P.S.C. TO REGULATE RAILROAD SAFETY. AMENDS 350.28.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 109 NAYS 9 -HJ 00013
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00076
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR; SUBSTITUTED FOR S 216; PASSED; YEAS 36 NAYS 0 -SJ 00102
04/17/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00253
04/23/79 APPROVED BY GOVERNOR CHAPTER NO. 79-6 -HJ 00305

H 0646 GENERAL BILL BY RULES & CALENDAR (IDENTICAL S 0215)
FLORIDA STATUTES/REVISER'S BILL; AMENDS & REENACTS VARIOUS SECTIONS TO CONFORM TO CH. 78-201, WHICH CREATED LABOR & EMPLOYMENT SECURITY DEPT. & TRANSFERRED LABOR & EMPLOYMENT SECURITY DIV., P.E.R.C. & INDUSTRIAL RELATIONS COMM. FROM COMMERCE DEPT. TO LABOR & EMPLOYMENT SECURITY DEPT., ETC.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 102 NAYS 14 -HJ 00013
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00076
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR -SJ 00101; SUBSTITUTED FOR S 215; PASSED; YEAS 36 NAYS 0 -SJ 00102
04/17/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00253
04/23/79 APPROVED BY GOVERNOR CHAPTER NO. 79-7 -HJ 00305

H 0647 GENERAL BILL BY RULES & CALENDAR (IDENTICAL S 0220)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO REPLACE REFERENCES TO "DEPARTMENT OF CRIMINAL LAW ENFORCEMENT" WITH "DEPARTMENT OF LAW ENFORCEMENT" & REFERENCES TO "DIVISION OF LAW ENFORCEMENT" WITH "DIVISION OF CRIMINAL INVESTIGATION" TO CONFORM WITH NAME CHANGES MADE BY CH. 78-347.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED;

04/03/79 HOUSE YEAS 104 NAYS 8 -HJ 00014
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00076
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR; SUBSTITUTED FOR S 220; PASSED; YEAS 38 NAYS 0 -SJ 00103
04/17/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00253
04/23/79 APPROVED BY GOVERNOR CHAPTER NO. 79-8 -HJ 00305

GENERAL BILL BY RULES & CALENDAR (IDENTICAL S 0222)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO CONFORM TO REPEAL OF CH. 608, RELATING TO CORPORATIONS, AND ITS REPLACEMENT BY CH. 607, THE FLORIDA GENERAL CORPORATION ACT.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 106 NAYS 8 -HJ 00014
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00076
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR; SUBSTITUTED FOR S 222; PASSED; YEAS 36 NAYS 0 -SJ 00103
04/17/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00253
04/23/79 APPROVED BY GOVERNOR CHAPTER NO. 79-9 -HJ 00305

H 0649 GENERAL BILL BY RULES & CALENDAR (SIMILAR S 0213)
FLORIDA STATUTES/REVISER'S BILL; AMENDS & REPEALS VARIOUS SECTIONS TO CONFORM TO CH. 75-22 (ENVIRONMENTAL REORGANIZATION) & S. 1, CH. 75-125 (WATER MANAGEMENT DISTRICTS) RE POWER & DUTY TRANSFERS & NAME CHANGES.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 107 NAYS 11 -HJ 00014
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00077
04/20/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
05/01/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
05/03/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; SUBSTITUTED FOR S 213; PASSED AS AMENDED; YEAS 34 NAYS 0 -SJ 00319
05/15/79 HOUSE CONCURRED; PASSED AS AMENDED; YEAS 98 NAYS 1 -HJ 00548
05/16/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00587
05/22/79 APPROVED BY GOVERNOR CHAPTER NO. 79-65 -HJ 00684

H 0650 GENERAL BILL BY RULES & CALENDAR (SIMILAR S 0214)
FLORIDA STATUTES/REVISER'S BILL; DELETES TRANSITORY PROVISIONS RE GOVERNMENTAL REORGANIZATION WHICH HAVE EXPIRED, HAVE HAD THEIR EFFECT OR SERVED THEIR PURPOSE & NO LONGER NEED TO BE INCLUDED IN F.S.; DELETES A REDUNDANT PROVISION & ONE WHICH HAS BEEN REPEALED BY IMPLICATION. AMENDS CH. 20.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 108 NAYS 7 -HJ 00015
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00077
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR; SUBSTITUTED FOR S 214; PASSED; YEAS 35 NAYS 0 -SJ 00101
04/17/79 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -HJ 00253
04/23/79 APPROVED BY GOVERNOR CHAPTER NO. 79-10 -HJ 00305

H 0651 GENERAL BILL BY RULES & CALENDAR (IDENTICAL S 0221)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO CONFORM THEM TO SS. 4-7, CH. 77-421, WHICH CHANGED NAME OF DIVISION OF BEVERAGE TO DIVISION OF ALCOHOLIC BEVERAGES & TOBACCO & TO OTHERWISE IMPROVE CLARITY.
03/14/79 HOUSE PREFILED, PLACED ON CALENDAR
04/03/79 HOUSE INTRODUCED, PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 108 NAYS 6 -HJ 00015
04/05/79 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00077
04/10/79 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON CALENDAR;
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04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00031; COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR -SJ 00064

04/10/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; IDEN./SIM. HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 642 (CH. 79-3) -SJ 00103

S 0220 GENERAL BILL BY WARE AND OTHERS (IDENTICAL H 0647)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO REPLACE REFERENCES TO "DEPARTMENT OF CRIMINAL LAW ENFORCEMENT" WITH "DEPARTMENT OF LAW ENFORCEMENT" & REFERENCES TO "DIVISION OF LAW ENFORCEMENT" WITH "DIVISION OF CRIMINAL INVESTIGATION" TO CONFORM WITH NAME CHANGES MADE BY CH. 78-347. EFFECTIVE DATE: REVISER'S BILL.

02/06/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO RULES AND CALENDAR

03/06/79 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR

04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00031; COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR -SJ 00064

04/10/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; IDEN./SIM. HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 647 (CH. 79-8) -SJ 00103

S 0221 GENERAL BILL BY WARE AND OTHERS (IDENTICAL H 0651)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO CONFORM THEM TO SS. 4-7, CH. 77-421, WHICH CHANGED NAME OF DIVISION OF BEVERAGE TO DIVISION OF ALCOHOLIC BEVERAGES & TOBACCO & TO OTHERWISE IMPROVE CLARITY. EFFECTIVE DATE: REVISER'S BILL.

02/06/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO RULES AND CALENDAR

03/06/79 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR

04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00031; COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR -SJ 00064

04/10/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; IDEN./SIM. HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 651 (CH. 79-11) -SJ 00103

GENERAL BILL BY WARE AND OTHERS (IDENTICAL H 0648)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO CONFORM TO REPEAL OF CH. 608, RELATING TO CORPORATIONS, AND ITS REPLACEMENT BY CH. 607, THE FLORIDA GENERAL CORPORATION ACT. EFFECTIVE DATE: REVISER'S BILL.

02/06/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO RULES AND CALENDAR

03/06/79 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR

04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00031; COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR -SJ 00064

04/10/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; IDEN./SIM. HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 648 (CH. 79-9) -SJ 00103

S 0223 GENERAL BILL BY WARE AND OTHERS (IDENTICAL H 0652)
FLORIDA STATUTES/REVISER'S BILL; AMENDS VARIOUS SECTIONS TO CONFORM TO REORGANIZATION OF HEALTH & REHABILITATIVE SERVICES DEPT. EFFECTED BY CH. 75-48; REPEALS 397.031(5) RE ADMINISTRATION OF DRUG ABUSE PROGRAMS ACROSS DIVISION LINES OF AUTHORITY & 483.041(7) RE CLINICAL LAB. ADVISORY COUNCIL. EFFECTIVE DATE: REVISER'S BILL.

02/06/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO RULES AND CALENDAR

03/06/79 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES

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03/06/79 AND CALENDAR

04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00032; COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR -SJ 00064

04/10/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; IDEN./SIM. HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 652 (CH. 79-12) -SJ 00104

S 0224 GENERAL BILL BY WARE AND OTHERS (IDENTICAL H 0653)
FLORIDA STATUTES/REVISER'S BILL; REPEALS THE MESSAGE PRACTICE ACT, AS CREATED BY S. 1, CH. 77-261, IN ORDER TO GIVE EFFECT TO IMPLIED REPEAL OF SAME BY ENACTMENT OF A NEW MESSAGE PRACTICE ACT, CH. 78-436. REPEALS 480.011-.019,.0195,.021-.029. EFFECTIVE DATE: REVISER'S BILL.

02/06/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO RULES AND CALENDAR

03/06/79 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR

04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00032; COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY RULES AND CALENDAR -SJ 00064

04/10/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; IDEN./SIM. HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 653 (CH. 79-13) -SJ 00104

S 0225 GENERAL BILL BY GRIZZLE (IDENTICAL H 0157)
DISSOLUTION OF MARRIAGE; SPECIFIES CERTAIN FACTORS TO BE CONSIDERED BY COURT BEFORE MARITAL PROPERTY IS DISTRIBUTED TO PARTIES IN DISSOLUTION OR ANNULMENT PROCEEDINGS. CREATES 61.21. EFFECTIVE DATE: 10/01/79.

02/07/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO JUDICIARY-CIVIL

04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL -SJ 00032

04/16/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL

04/26/79 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY JUDICIARY-CIVIL -SJ 00301

06/01/79 SENATE WITHDRAWN FROM CALENDAR, REREFERRED TO RULES AND CALENDAR -SJ 00920

06/06/79 SENATE DIED IN COMMITTEE ON RULES AND CALENDAR

S 0226 CONCURRENT RESOLUTION BY GORDON
ISAAC BASHEVIS SINGER; HONORS HIM, A RESIDENT OF SURFSIDE, FLORIDA, FOR HIS SIGNIFICANT CONTRIBUTIONS TO WORLD LITERATURE & CULTURE, WHICH HAVE BROUGHT HIM CRITICAL ACCLAIM & THE 1978 NOBEL PRIZE FOR LITERATURE.

02/07/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO RULES AND CALENDAR

04/03/79 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00032

04/13/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR

04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR

05/11/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR

05/23/79 SENATE WITHDRAWN FROM RULES AND CALENDAR -SJ 00521; PLACED ON CALENDAR

05/25/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; ADOPTED; YEAS 33 NAYS 0 -SJ 00593

05/29/79 HOUSE RECEIVED, PLACED ON CALENDAR -HJ 00855

06/06/79 HOUSE DIED ON CALENDAR

S 0227 GENERAL BILL/CS BY HEALTH AND REHABILITATIVE SERVICES, MACKAY
STATE BOARD OF MEDICAL EXAMINERS; DIRECTS SUCH BOARD TO MAKE AVAILABLE, TO CERTAIN GRADUATES OF FOREIGN MEDICAL SCHOOLS, SAME OPPORTUNITY TO QUALIFY FOR EXAMINATION AS IS PROVIDED TO CERTAIN IMMIGRANTS OR OTHER PERSONS PREVIOUSLY LICENSED IN A FOREIGN COUNTRY. EFFECTIVE DATE: 07/01/79.

02/08/79 SENATE PREFILED

02/19/79 SENATE REFERRED TO HEALTH AND REHABILITATIVE SERVICES

04/03/79 SENATE INTRODUCED, REFERRED TO HEALTH AND REHABILITATIVE SERVICES -SJ 00032

04/04/79 SENATE COMM. REPORT: C/S PLACED ON CALENDAR BY HEALTH AND REHABILITATIVE SERVICES -SJ 00096

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RE: FS 631.262
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GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
SIXTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968

During its First Regular Session
April 3, 1979 through June 6, 1979
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1979

charge and adjudication of nonguilt did not include all such charges or all such several acts. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of Florida law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest in response to any nonjudicial inquiry made of him for any purpose.

Section 33. Section 934.07, Florida Statutes, is amended to read:

934.07 Authorization for interception of wire or oral communications.--The Governor, the Attorney General, or any State Attorney may authorize an application to a judge of competent jurisdiction for, and such judge may grant in conformity with this chapter, an order authorizing or approving the interception of wire or oral communications by the Department of Criminal Law Enforcement or any law enforcement agency of this state or any political subdivision thereof having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, burglary, theft, dealing in stolen property, prostitution, criminal usury, bribery, extortion, or dealing in narcotic drugs or other dangerous drugs; any violation of the provisions of the Florida Anti-Fencing Act; or any conspiracy to commit any violation of the laws of this state relating to the crimes specifically enumerated above.

Section 34. Paragraph (a) of subsection (2) of section 943.04, Florida Statutes (1978 Supplement), is amended to read:

943.04 Division of Criminal Investigation; creation; investigative and related authority.--

(2)(a) Under appropriate rules and regulations adopted by the department, or upon written order of the Governor or by direction of the Legislature acting by a concurrent resolution, and at the direction of the executive director, the Division of Criminal Investigation Law--Enforcement may investigate violations of any of the criminal laws of the state, and shall have authority to bear arms, make arrests and apply for, serve and execute search warrants, arrest warrants, capias and other process of the court.

Approved by the Governor April 23, 1979.

Filed in Office Secretary of State April 23, 1979.

House Bill No. 648

An act relating to the Florida Statutes; amending ss. 213.05, 310.171, 420.101(4), 420.111, 424.10, 615.18, 618.221, 619.04, 621.05, 621.07, 631.262(4), 656.061(1), 659.05(1), and 659.15, Florida Statutes, and ss. 214.23 and 628.431(2)(e), Florida Statutes (1978 Supplement), to conform them to the repeal of chapter 608, Florida Statutes, relating to

corporations, and its replacement by chapter 607, Florida Statutes, the Florida General Corporation Act.

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

Section 1. Section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.--The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all other duties provided in: chapter 201, excise tax on documents; chapter 203, gross receipts taxes, generally; chapter 205, occupational license taxes; chapter 206, tax on motor and other fuels; chapter 211, tax on severance and production of minerals; chapter 212, tax on sales, use and certain transactions and chapter 220, income tax code. ~~The department shall also have the responsibility of regulating, controlling, and administering the duties now vested in the secretary of state relative to the capital stock tax collection, as provided in chapter 608. The department shall notify the Department of State of all corporations subject to dissolution for failure to pay capital stock tax under s. 608.36.~~

Note.--The last two sentences in this section are obsolete.

Section 5, ch. 71-979, Laws of Florida, repealed the duty of the Department of Revenue under s. 608.36 to list corporations subject to involuntary dissolution. Chapter 75-250, Laws of Florida, repealed ch. 608 and placed the responsibility for collecting the new corporate charter tax in the Department of State.

Section 2. Section 214.23, Florida Statutes (1978 Supplement), is amended to read:

214.23 Procedure for notices.--Whenever notice is required by this chapter, such notice shall, if not otherwise provided, be given or issued by mailing it by registered or certified mail to the taxpayer concerned at his last known address as shown on the most recently filed return under applicable law or, if no return has previously been filed, at the address shown on the corporation report last filed under s. 607.357 608.3205.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. The provisions for annual corporation reports were assigned to s. 607.357. (See s. 607.007.)

Section 3. Section 310.171, Florida Statutes, is amended to read:

310.171 Pilots may incorporate themselves.--Any one or more licensed state pilots may incorporate in the manner provided under chapter 607, ~~chapter 608~~, or chapter 621.

Note.--This reference is obsolete. Chapter 608 was repealed by ch. 75-250, Laws of Florida.

Section 4. Subsection (4) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership and purposes.--

(4) Whenever the articles of incorporation shall have been filed in the Department of State and approved by it and all filing fees and taxes prescribed by chapter 607 608 have been paid, the subscribers and their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Note.--Before this corporation came into existence in 1978, ch. 75-250, Laws of Florida, repealed Ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See s. 607.007.)

Section 5. Section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida; additional powers.--In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by chapter 607 608, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint, and employ officers, agents and employees and to make contracts and incur liabilities for any of the purposes of the corporation, except that the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint-stock company, association, or trust, or in any other manner.

(2) To borrow money from its stockholders and state and federal agencies for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes, or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof or interest therein, without securing stockholder approval.

(3) To make loans to any person, firm, corporation, joint-stock company, association, or trust and to regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith, provided subsidies may be in the form of below market interest rates or such other assistance as determined by the board with the concurrence of the applicable regulatory agencies governing the several stockholder industries.

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of, real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) For the purposes of foreclosure, to acquire the good will, business, rights, real and personal property, and other assets; or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of

any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing new housing or rehabilitation thereof; for the purposes of disposing of such real estate to others for the construction of housing or rehabilitation thereof; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of such housing, provided, however that nothing herein contained shall authorize the acquisition, construction, reconstruction, or operation of any public lodging establishment as defined in chapter 509.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the stock, shares, bonds, debentures, notes, or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association, or trust, and, while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

(7) To mortgage, pledge, or otherwise encumber any property, right, or thing of value, acquired pursuant to the powers contained in subsections (4), (5), or (6), as security for the payment of any part of the purchase price thereof.

(8) To cooperate with, and avail itself of the facilities of, the United States Department of Housing and Urban Development, the State Department of Community Affairs, and any other similar local, state, or Federal Government agency; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state on the promotion, assistance and development of the housing and economic welfare of such communities or of this state or any part thereof.

(9) To do all acts and things necessary or convenient to carry out the powers expressly granted in this part.

Note.--Before this corporation came into existence in 1978, ch. 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See s. 607.007.)

Section 6. Section 424.10, Florida Statutes, is amended to read:

424.10 Incorporation; purpose; shares; articles.--Any number of natural persons not less than three, a majority of whom are citizens of the United States, may become a corporation by subscribing, acknowledging and filing with the Department of State, articles of incorporation, hereinafter called "articles," setting forth the information required by s. 607.164 608-03, except as herein modified or changed.

(1) The purpose for which a limited dividend housing company is to be formed shall be as follows: To acquire, construct, maintain and operate housing projects when authorized by and subject to the supervision of the Department of Community Affairs.

(2) The shares of which the capital shall consist shall have a par value.

(3) Articles of incorporation shall contain a declaration that the corporation has been organized to serve a public purpose and that

it shall remain at all times subject to the supervision and control of the Department of Community Affairs or of other appropriate state authority; that all real estate acquired by it and all structures erected by it, shall be deemed to be acquired for the purpose of promoting the public health and safety and subject to the provisions of the State Housing Law and that the stockholders of this corporation shall be deemed, when they subscribe to and receive the stock thereof, to have agreed that they shall at no time receive or accept from the company, in repayment of their investment in its stock, any sums in excess of the par value of the stock together with cumulative dividends at the rate of 6 percent per annum, and that any surplus in excess of such amount if said company shall be dissolved, shall revert to the state.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. The provisions prescribing the content of articles of incorporation were assigned to s. 607.164. (See s. 607.007.)

Section 7. Section 615.18, Florida Statutes, is amended to read:

615.18 Provisions of general corporation laws applicable.--Provisions of chapter 607 608, relating to corporations for profit, so far as not in conflict or inconsistent with the terms of this chapter, shall apply to corporations formed or organized under this chapter as fully and to the same extent as if the provisions of such statutes were set forth and repeated therein, and every corporation formed under this chapter shall have all of the rights, powers and privileges, in addition to those conferred by this chapter, granted and prescribed by the laws of the state to and for corporations for profit; provided, however, that in case of any conflict between the express provisions of this chapter and said statutes this chapter shall control; and provided, further, that nothing herein contained or in said statutes above referred to shall limit the power of any corporation formed under this chapter to have as many directors and vice presidents or other officers as may be prescribed by its charter.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See ss. 607.007 and 607.404.)

Section 8. Section 618.221, Florida Statutes, is amended to read:

618.221 Conversion into a corporation for profit.--Any association incorporated under or that has adopted the provisions of this chapter, may, by a majority vote of its stockholders or members be brought under the provisions of chapter 607 608, as a corporation for profit by surrendering all right to carry on its business under this chapter, and the privileges and immunities incident thereto. It shall make out in duplicate a statement signed and sworn to by its directors to the effect that the association has, by a majority vote of its stockholders or members, decided to surrender all rights, powers, and privileges as a nonprofit cooperative marketing association under this chapter and to do business under and be bound by the provisions of said chapter 607 608, as a corporation for profit and has authorized all changes accordingly.--Articles of incorporation shall be [delivered to the Department of State for filing] as required in and by s. 607.164 608-03, except that they shall be signed by the members of the ~~then~~ board of directors. The

filing fees and taxes shall be as provided in chapter 607 608-05. Such articles of incorporation shall adequately protect and preserve the relative rights of the stockholders or members of the association so converting into a corporation for profit; provided that no rights or obligations due any stockholder or member of such association or any other person, firm or corporation which has not been waived or satisfied shall be impaired by such conversion into a corporation for profit as herein authorized.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. The provisions for filing articles of incorporation were assigned to s. 607.164, and the provisions prescribing filing fees and taxes were assigned to more than one location in ch. 607. (See s. 607.007.)

Section 9. Section 619.04, Florida Statutes, is amended to read:

619.04 Articles of incorporation.--Each association formed under this chapter must prepare and file articles of incorporation in the same manner and under the same regulations as now required under chapter 607 608, and therein shall set forth:

- (1) The name of the association.
- (2) The purpose for which it is formed.
- (3) The place where its principal business will be transacted.
- (4) The term for which it is to exist, not exceeding 50 years.
- (5) The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected and shall have accepted office.
- (6) Whether the voting power and the property rights and interest of each member shall be equal, or unequal, and if unequal these articles shall set forth a general rule applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the association shall have power to admit new members, who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule. This provision of the articles of incorporation shall not be altered, amended or repealed except by the unanimous written consent or the vote of all the members.

(7) Said articles must be subscribed by the original members and acknowledged by one of them before an officer authorized by the law of this state to take and certify acknowledgments of deeds of conveyance, and shall be filed in accordance with the provisions of law, and when so filed the said articles of incorporation or certified copies thereof shall be received in all the courts of this state and other places as prima facie evidence of the facts contained therein.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See s. 607.007.)

Section 10. Section 621.05, Florida Statutes, is amended to read:

621.05 Corporation organization.--An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of chapter 607 600 for the sole and specific purpose of rendering the same and specific professional service.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See s. 607.007.)

Section 11. Section 621.07, Florida Statutes, is amended to read:

621.07 Liability of officers, shareholders, corporation, etc.-- Nothing contained in this act shall be interpreted to abolish, repeal, modify, restrict, or limit the law now in effect in this state applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional service and to the standards for professional conduct; provided, however, that any officer, agent, or employee of a corporation organized under this act shall be personally liable and accountable only for negligent or wrongful acts or misconduct committed by him, or by any person under his direct supervision and control, while rendering professional service on behalf of the corporation to the person for whom such professional services were being rendered; and provided further that the personal liability of shareholders of a corporation organized under this act, in their capacity as shareholders of such corporation, shall be no greater in any aspect than that of a shareholder-employee of a corporation organized under chapter 607 600. The corporation shall be liable up to the full value of its property for any negligent or wrongful acts or misconduct committed by any of its officers, agents, or employees while they are engaged on behalf of the corporation in the rendering of professional services.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See s. 607.007.)

Section 12. Paragraph (e) of subsection (2) of section 628.431, Florida Statutes (1978 Supplement), is amended to read:

628.431 Mutualization of stock insurers.--

(2) The department shall not approve any such plan, procedure or mutualization unless:

(e) The plan provides for the purchase of the shares of any nonconsenting stockholder in the same manner and subject to the same applicable conditions as provided by s. 607.247 608-23, as to rights of nonconsenting stockholders, with respect to consolidation or merger of private corporations;

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. The provisions for purchase of shares of stockholders dissenting from consolidation or merger were assigned to s. 607.247. (See s. 607.007.)

Subsection (4) of section 631.262, Florida Statutes, is amended to read:

631.262 Transfers prior to petition.--

(4) The personal liability of the officers or directors of an insolvent insurer shall be subject to the provisions of chapter 607 608 and the penalties provided therein.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See ss. 607.007 and 607.404.)

Section 14. Subsection (1) of section 656.061, Florida Statutes, is amended to read:

656.061 Authorization to engage in industrial savings banking business.--

(1) Upon approval of the application for authority to organize by the department, the proposed articles of incorporation shall be submitted to the department for its written approval before filing pursuant to chapter 607 600. After such approval and certification by the department, the proposed bank shall:

(a) File with the department a copy of its articles of incorporation duly certified by the Department of State.

(b) File with the department a statement in such form and with such supporting data and proof as it may require, showing that the entire capital, surplus and undivided profits have been fully paid in lawful money unconditionally and that the funds representing such capital, surplus and undivided profits, less sums spent with the approval of the department for land, building, supplies, fixtures and equipment, are on hand.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See s. 607.007.)

Section 15. Subsection (1) of section 659.05, Florida Statutes, is amended to read:

659.05 Authorization to engage in banking or trust business.--

(1) Upon approval of the application for authority to organize by the department, the proposed articles of incorporation shall be submitted to the department for its written approval before filing pursuant to chapter 607 600. After such approval and certification by the department, the proposed bank or trust company shall:

(a) File with the department a copy of its articles of incorporation duly certified by the Department of State.

(b) File with the department a statement in such form and with such supporting data and proof as it may require, showing that the entire capital, surplus and undivided profits have been fully paid in lawful money unconditionally, and that the funds representing such capital, surplus and undivided profits, less sums spent with the approval of the department for land, building, supplies, fixtures and equipment, are on hand.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. (See s. 607.007.)

Section 16. Section 659.15, Florida Statutes, is amended to read:

659.15 Filing fees.--On filing any charters or other papers relative to banks or trust companies with the Department of State, fees as prescribed in s. 607.361 608-05 shall be paid to the Department of State for the use of the state.

Note.--Chapter 75-250, Laws of Florida, repealed ch. 608 and replaced it with a new general corporation act, codified as ch. 607. The provisions for filing fees were assigned to s. 607.361. (See s. 607.007.)

Approved by the Governor April 23, 1979.

Filed in Office Secretary of State April 23, 1979.

CHAPTER 79-10

House Bill No. 650

An act relating to the Florida Statutes; amending s. 20.29, Florida Statutes, and ss. 20.19(3)(c), (14)(a), (15) and 20.21(2), Florida Statutes (1978 Supplement), and repealing ss. 20.24(3)-(5), 20.261(4), and 20.28(1)-(3), Florida Statutes, and ss. 20.18(7), (8), (10)-(13), 20.19(16)-(21), (23), 20.21(3)-(8), and 20.23(4)-(14), Florida Statutes (1978 Supplement), to delete transitory provisions relating to governmental reorganization which have expired, have had their effect, or have served their purpose and which no longer need to be included in the Florida Statutes; also deleting a redundant provision and a provision which has been repealed by implication.

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

Section 1. Subsections (7), (8), (10), (11), (12), and (13) of section 20.18, Florida Statutes (1978 Supplement), are repealed.

Note.--The repealed subsections have had their effect.

Section 2. Subsections (16), (17), (18), (19), (20), (21), and (23) of section 20.19, Florida Statutes (1978 Supplement) are repealed, and paragraph (c) of subsection (3), paragraph (a) of subsection (14), and subsection (15) of said section are amended to read:

20.19 Department of Health and Rehabilitative Services.--There is created a Department of Health and Rehabilitative Services.

(3) ASSISTANT SECRETARIES.--

(c) The assistant secretary for program planning and development shall have responsibility for general statewide supervision of the administration of service programs operated by the department and

such other program development and planning duties as are assigned to him by the secretary. General statewide supervision of the administration of service programs shall mean service program development and planning; program research; identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; assisting the district administrators in staff development and training; reviewing and monitoring district-level program operations; assuring compliance with statewide program standards and performance criteria; assuring uniform program quality among districts; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants; but shall not involve line authority over any service program operations of the department, including the management of institutions and residential treatment programs.

1. Program offices shall be designed to operate in a staff capacity to the assistant secretary for program planning and development. Each program office shall be headed by a program staff director who shall be appointed by, and serve at the pleasure of, the secretary and be directly responsible to the assistant secretary for program planning and development. In no case shall the total professional staff of all of the program offices combined exceed 450 persons. The assistant secretary for program planning and development shall delegate to the program offices the following responsibilities, which shall include, but not be limited to:

- a. Identification of client needs.
 - b. Intra-program policy development.
 - c. Short-term and long-term intra-program planning.
 - d. Intra-program standards setting, monitoring, and quality control.
 - e. Intra-program staff development, training, and technical assistance programs.
 - f. Advising the assistant secretary for program planning and development and others within the department, upon request, on issues within their areas of substantive expertise.
 - g. Acting as liaison, when assigned by the assistant secretary for program planning and development, to other governmental agencies and the public on programmatic issues.
 - h. Developing state program plans.
 - i. Developing resource forecasts and working within the state on community resource development.
 - j. Quality control.
 - k. Statewide supervision of the administration of service programs.
1. Any other program planning and development duties assigned by the secretary.