1980

Session Law 80-473

Florida Senate & House of Representatives

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<td>HB 1514 (+ Amrs) BF (None)</td>
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**Committee Records**

### Senate/House Journals

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**Tape Recordings**

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**Other Documentation**

Record series title, folder title, etc. | Location Cite | #pp
SNTR 5/19/80 (S-414/376)

Begins disc. on side A at end, but tape runs out. When continued onto side B some discussion was apparently had while cmt. Secy was turning tape over, and when disc. resumes it is only on the Amp. - which extends boundaries of the Gasparilla Dist.
SPECIAL ACTS
and
GENERAL ACTS
of
LOCAL APPLICATION
ADOPTED BY THE
SIXTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968
During the Special Session
November 27, 1979 through December 4, 1979,
the Second Regular Session
April 8, 1980 through June 7, 1980,
and the Special Sessions
June 9, 1980 through June 11, 1980
and June 30, 1980

Volume II
Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT COMMITTEE
TALLAHASSEE
1980
CHAPTER 80-472 LAWS OF FLORIDA CHAPTER 80-472

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

Section 1. Section 5 of chapter 65-664, Laws of Florida, is amended to read:

Section 5. Maintenance Tax. For the purpose of paying the cost of administering the affairs of the District generally, and for the purpose of maintaining, operating, preserving and rendering efficient ditches, canals, drains, dikes, levees and other improvements, and for the purpose of defraying expenses of the District, the Board is hereby empowered to levy a tax upon the lands within the drainage district, not to exceed the sum of $12.50 per acre per year.

Maintenance taxes as provided herein and under Section 298.54, Florida Statutes, shall be apportioned as determined by the Board of Supervisors and shall be evidenced to and certified by the Board of Supervisors not later than August 31st of each year, to the Property Appraiser of Charlotte County and upon the county tax roll shall be collected by the Tax Collector of Charlotte County in the same manner and time as county taxes and the proceeds therefrom paid to such District. Such tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

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

Filed in Office Secretary of State June 4, 1980.

CHAPTER 80-473 LAWS OF FLORIDA CHAPTER 80-473

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

Section 1. Findings of fact.--The Legislature of the State of Florida hereby finds that Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoagen's Key and Loomis Island, lying within Charlotte County and Lee County, including all adjacent submerged lands, tidal lands, overflow lands and tidal ponds, are fragile barrier islands as defined in the Presidential Directive on barrier islands dated May 23, 1977, and are areas of particular natural beauty containing abundant plant, marine, animal and bird life. The conservation of the natural beauty, plant, marine, animal and bird life of the islands is in the best interest of the residents and property owners of the islands and the citizens of Lee and Charlotte Counties and the State of Florida. The manner and extent to which development of the islands is permitted to occur will have a substantial effect on the ecology and natural beauty of the islands. In order to preserve and conserve the fragile ecosystems and natural characteristics of the islands, it is necessary to restrict by this act land uses and the height and density of structures and to prevent the proliferation of exterior advertising signs on the island. The purpose of this act is to permit limited development of the islands while preserving the natural beauty and plant, marine, animal and bird life.

Section 2. Short title.--This act shall be known and cited as the Gasparilla Island Conservation District Act.

Section 3. District creation and boundaries.--There is hereby created a special conservation district, for the uses and purposes set forth herein, known as the Gasparilla Island Conservation District. The boundaries of the district are determined as follows: all of Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoagen's Key, and Loomis Island, situated in Lee County and Charlotte County, including all adjacent submerged lands, tidal lands, overflow lands, and tidal ponds.

Section 4. Restrictions on density, height, land uses and advertisement.--

(1) No building or other structure shall be erected or altered within the district so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.

(2) The density of any development which includes dwelling units, whether or not it includes commercial rental dwelling units, shall not exceed 5 dwelling units per acre. In computing such density, only land above mean sea level, contiguous and under single ownership may be considered. Parcels which are bisected by a publicly dedicated road, including state and county roads, shall not be considered contiguous for the purpose of computing density hereunder.
CHAPTER 80-473 LAWS OF FLORIDA CHAPTER 80-473

(3) A single family dwelling may be constructed on lands zoned for such use, including lots which were platted and recorded prior to the effective date of this act or lands rezoned for single family use after the effective date of this act. Notwithstanding, the use of nonconforming lots shall be governed by local zoning regulations.

(4) No land within the district shall be used for commercial, industrial or multi-family purposes except land that was zoned for such uses prior to the effective date of this act. Nothing contained in this Act shall preclude the maintenance of fuel supply facilities at existing ports or off-loading facilities.

(5) No exterior advertising sign shall be erected or displayed within the district except on-site signs which relate in subject matter to the premises on which they are located. Exterior advertising signs which are banners, beacons, neon, rotating, flashing or animated are prohibited.

(6) This section shall not render legally existing structures and/or signs unlawful.

Section 5. Rules of construction.--

(1) This act shall not be construed as limiting the application of or repealing any local comprehensive land use plan or law or rule dealing with the subject of zoning, conservation, or air and water pollution standards or advertising (signs); but if any of the standards specified by this act are more restrictive than those specified in such other plan, law or rule, the standards specified by this act shall prevail.

(2) That southern portion of Gasparilla Island consisting of approximately 42 acres and used generally as a port operation, more specifically described as a tract or parcel of land lying in Sections 23 and 26, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the approximate Mean High Tide Line of Charlotte Harbor with the south line of the north half (N 1/2) of the south half (S 1/2) of Government Lot 3 said Section 26, being also the south line of lands owned by Florida Power & Light Company as described in deed recorded in Deed Book 273 at page 236 of the public records of said Lee County, Florida, run S 89° 51' W along said south line to the southwest corner of said lands described in said deed; thence run N 00° 39' W, perpendicular to said south line, for 513.46 feet to an intersection with the south line of a County Road as described in County Commission Minute Book 8 at page 298; thence run S 89° 43' 20" E along said south line and an easterly prolongation thereof for 587.88 feet to the southwest corner of lands described in deed recorded in Official Record Book 1346 at page 1236 of said public records; thence run N 00° 16' 40" E along the west line of said lands for 165 feet to the south line of lands of the Seaboard Coast Line Railroad (formerly Charlotte Harbor & Northern Railway) as described in deed recorded in Deed Book 129 at page 346 of said public records; thence run S 89° 43' 20" W along said south line for 1450 feet more or less to the approximate Mean High Tide Line of the Gulf of Mexico; thence run northerly along said line for 350 feet more or less to an intersection with a line bearing N 89° 58' W and passing through Monument "B", as described in said Railroad deed; thence run S 89° 58' E along said line, being a northerly line of said lands described in said deed, for 510 feet more or less to said Monument "B"; thence run N 00° 08' W along a west line of said lands for 1200 feet more or less to said Monument "B", as described in said deed; thence run N 89° 52' E along a north line of said lands for 597.4 feet; thence run N 46° 29' E for 145.35 feet to an intersection with a line 50 feet westerly from and parallel with the centerline of the main track of said Railroad; thence run northerly along said parallel line for 8122.5 feet to the north line of said Section 23, being the south line of First Street as shown on the Revised Plat of Boca Grande recorded in Plat Book 7 at pages 1 and 1A of said public records; thence run easterly along said south line of First Street for 103 feet to an intersection with a line 50 feet easterly from and parallel with said centerline of said main track; thence southerly along said parallel line for 5545 feet; thence easterly for 30 feet to an intersection with a line 80 feet easterly from and parallel with said centerline; thence southerly along said parallel line for 2677.5 feet to an intersection with a line bearing N 89° 52' E and passing through said Monument "A"; thence run N 89° 52' E along said line, being also a north line of said Railroad lands, for 285 feet more or less to the line approximate Mean High Tide Line of Charlotte Harbor; thence run southerly along said line for 2250 feet more or less to the Point of Beginning.

This tract or parcel is hereinafter referred to as the "existing right-of-way of the Seaboard Coast Line Railroad (formerly Charlotte Harbor & Northern Railway) running northerly from the hereinabove described south line of First Street to the north shore of said Gasparilla Island in Charlotte County, Florida, shall be exempt from the provisions of this act until July 1, 1981.

(3) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 6. Any owner of real property within the district may enjoin the violation of this act and/or enforce the provisions of this act by instituting civil proceedings filed in a court of competent jurisdiction. In order to enforce the provisions of this act and/or to enjoin a violation of same, a real property owner need not allege or prove that the violation of this act will adversely affect the property rights of said real property owner to any greater extent or different degree than said violation will affect any other real property owner within the district. A real property owner who is successful in his/her efforts to enforce this act through civil proceedings shall be awarded a reasonable attorney’s fees and court costs which shall be assessed as a judgment against the person or persons determined by the court to have violated this act. No action
by any county commission shall be required as a condition precedent to enforcement of this act pursuant to this section.

Section 7. Recording of the act.—The Secretary of State shall cause a certified copy of this act to be recorded with the Clerk of the Circuit Court of Lee County and the Clerk of the Circuit Court of Charlotte County, in the Official Records of each county within 30 days following approval of this act by vote of the electors. The cost of recording shall be paid out of the general funds of the county wherein the act is recorded.

Section 8. Notice of intention to seek enactment of this act by the Florida Legislature has been published as required by s. 11.02, Florida Statutes, and s. 10, Art. III of the Florida Constitution. An affidavit of proof of such publication, together with the true copy of the notice, was duly attached to this act when the bill therefor was introduced in the Legislature. Such notice and affidavit are sufficient in form and substance; they have accompanied the bill throughout the Legislature; and they shall be filed and preserved with the bill in the Department of State.

Section 9. This act, except for sections 7, 8 and this section which shall take effect upon becoming a law, shall take effect upon approval by a majority vote of the qualified persons voting in a referendum election which shall be called and held by the Boards of County Commissioners of Lee County and Charlotte County in the proposed Gasparilla Island Conservation District on the date of the next general election (on or about November 4, 1980). Any person who is an elector of Lee County or Charlotte County and is a resident of the proposed district is eligible to vote in such referendum election; however, no person shall be eligible to vote more than once in any such election. Boards of elections of each county joining shall prepare a list containing the names of persons who are eligible to vote in such referendum election. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes. The provisions of general law relating to absentee ballots shall control. The election required by this section shall be paid for by the Board of County Commissioners of Lee County and the Board of County Commissioners of Charlotte County, and the expenditure of funds for this purpose is a proper county expense.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 7, 1980.

CHAPTER 80-474

An act relating to Citrus County; providing for the District School Board of Citrus County to undertake capital improvement projects; authorizing said board to issue revenue bonds for the payment of the costs thereof; providing for the payment of such bonds from race track funds and jai alai fronton funds accruing annually to Citrus County and allocated to the board pursuant to law; providing for the rights of the holders of outstanding obligations payable from such funds; providing an effective date.

CHAPTER 80-474

An act relating to Citrus County; providing for the District School Board of Citrus County to undertake capital improvement projects; authorizing said board to issue revenue bonds for the payment of the costs thereof; providing for the payment of such bonds from race track funds and jai alai fronton funds accruing annually to Citrus County and allocated to the board pursuant to law; providing for the rights of the holders of outstanding obligations payable from such funds; providing an effective date.

CHAPTER 80-474

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

Section 1. The School Board of Citrus County is hereby authorized to undertake capital improvement projects for the school district of the County and to take all actions in conjunction therewith or appurtenant thereto. The bonds hereinafter issued shall be deemed to include the refunding of any bonds heretofore issued by the Board to finance the cost of capital improvements within the school district of the County.

Section 2. The Board is authorized to issue revenue bonds, from time to time, in an amount sufficient to pay the cost of any Project. Such bonds may be in any authorized denomination or denominations; may bear interest at such rate or rates; may mature at such date or dates not exceeding 40 years from their respective dates of issuance; may be made redeemable prior to their stated dates of maturity, at the option of the Board, at such price or prices and under such terms and conditions; and shall be payable with respect to principal and interest at any one or more banks or trust companies within or without the State of Florida; all as shall be determined by resolution of the Board adopted prior to the issuance of the bonds. The bonds shall be signed either by manual or facsimile signatures of the Chairman and Secretary of the Board, provided that at least one such signature shall be manually subscribed thereon, and the seal of the Board shall be affixed, imprinted, reproduced, or lithographed thereon; the coupons, if any, attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the Board. The bonds may be sold either at public or private sale at such price or prices and under such terms and conditions as the Board shall determine to be in its best interest. The term "bonds" as used herein shall be deemed to include any bonds issued to refund bonds heretofore issued by the Board pursuant to Chapters 65-1377, Laws of Florida, and any bonds hereafter issued under the authority of this Act.

Section 3. The principal of and interest on the bonds shall be payable solely from the portion of the Race Track Funds and Jai Alai Fronton Funds accruing annually to the County pursuant to the provisions of Chapters 550 and 551, Florida Statutes, and allocated pursuant to law, and may additionally be secured by a pledge of any other funds of the Board derived from sources other than ad valorem taxes and legally available therefor. The Legislature hereby covenants with the holders of bonds issued pursuant to the provisions of this Act that it will not hereafter enact any law which will amend, repeal, or impair in any manner the rights of such holders or the obligation of the State of Florida to pay to the Board such portion of the Race Track Funds and Jai Alai Fronton Funds allocated to the County pursuant to the provisions of Chapters 550 and 551, Florida Statutes, and allocated to the Board pursuant to law, to the extent that such funds are pledged to the payment of the principal of and interest on bonds hereafter issued pursuant to this Act or heretofore issued pursuant to the provisions of Chapters 65-1377, Laws of Florida.

Section 4. The cost of any Project may be deemed to include, but shall not be limited to, costs of the acquisition of sites for school district purposes; architectural, engineering, fiscal, and legal fees and expenses and fees and expenses of any other experts or consultants employed by the Board; expenses associated with the authorization, sale, and issuance of bonds to finance the cost of
A bill to be entitled

An act relating to Gasparilla Island, including
Boca Grande Isles and Gasparilla golf course
Island, Three Sisters Island, Roegon's Key, and
Loomis Island, located in Charlotte County and
Lee County; making legislative findings of fact
that said islands are fragile barrier islands
of particular natural beauty containing
abundant plant, marine, animal and bird life;
providing for the creation of the Gasparilla
Island Conservation District; establishing the
district boundaries as the above named islands,
including all adjacent submerged lands, tidal
lands, overflow lands and tidal ponds;
restricting the density of dwelling units to
not more than 5 per acre; restricting the
commercial, industrial, or multi-family use of
land to those lands zoned for such uses prior
to the effective date of this act; providing
height limitations on all buildings and
structures erected within the district;
prohibiting exterior advertising signs;
providing an exception for certain on-site
signs; providing that this act shall not repeal
applicable local government comprehensive land
use plans, state and local zoning, air and
water pollution and conservation and sign
regulations; providing an exemption; providing
that this act shall prevail where it is more
restrictive than such regulations; providing
that any real property owner in the district
may enforce the provisions of this act by legal
proceeding; providing that this act shall be
recorded in the public records of Lee and
Charlotte Counties; providing for a referendum;
providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1. Findings of fact.--The Legislature of the
State of Florida hereby finds that Gasparilla Island,
including Boca Grande Isles and Gasparilla golf course island,
Three Sisters Island, Roegon's Key and Loomis Island, lying
within Charlotte County and Lee County, including all adjacent
submerged lands, tidal lands, overflow lands and tidal ponds,
are fragile barrier islands as defined in the Presidential
Directive on barrier islands dated May 23, 1977, and are areas
of particular natural beauty containing abundant plant,
marine, animal and bird life. The conservation of the natural
beauty, plant, marine, animal and bird life of the islands is
in the best interest of the residents and property owners of
the islands and the citizens of Lee and Charlotte Counties and
the State of Florida. The manner and extent to which
development of the islands is permitted to occur will have a
substantial effect on the ecology and natural beauty of the
islands. In order to preserve and conserve the fragile
ecosystems and natural characteristics of the islands, it is
necessary to restrict by this act land uses and the height and
density of structures and to prevent the proliferation of
exterior advertising signs on the island. The purpose of this act
is to permit limited development of the islands while
Section 2. Short title.---This act shall be known and cited as the Gasparilla Island Conservation District Act.

Section 3. District creation and boundaries.---There is hereby created a special conservation district, for the uses and purposes set forth herein, known as the Gasparilla Island Conservation District. The boundaries of the district are determined as follows: all of Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoegen's Key, and Loomis Island, situated in Lee County and Charlotte County, including all adjacent submerged lands, tidal lands, overflow lands, and tidal ponds.

Section 4. Restrictions on density, height, land uses and advertisement.---

(1) No building or other structure shall be erected or altered within the district so that the peak of the roof is more than 30 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.

(2) The density of any development which includes dwelling units, whether or not it includes commercial rental dwelling units, shall not exceed 5 dwelling units per acre. In computing such density, only land above mean sea level, contiguous and under single ownership may be utilized.

(3) Parcels which are bisected by a publicly dedicated road, including state and county roads, shall not be considered contiguous for the purpose of computing density hereunder.

(4) A single family dwelling may be constructed on lands zoned for such use, including lots which were platted and recorded prior to the effective date of this act or land rezoned for single family use after the effective date of this act. Notwithstanding, the use of nonconforming lots shall be governed by local zoning regulations.

(5) No exterior advertising sign shall be erected or displayed within the district except on-site signs which relate in subject matter to the premises on which they are located. Exterior advertising signs which are banners, beacons, neon, rotating, flashing or animated are prohibited.

(6) This section shall not render legally existing structures and/or signs unlawful.

Section 5. Rules of construction.---

(1) This act shall not be construed as limiting the application of or repealing any local comprehensive land use plan or law or rule dealing with the subject of zoning, conservation, or air and water pollution standards or advertising (signs); but if any of the standards specified by this act are more restrictive than those specified in such other plan, law or rule, the standards specified by this act shall prevail.

(2) That southern portion of Gasparilla Island consisting of approximately 42 acres and used generally as a port operation, more specifically described as a tract or parcel of land lying in Sections 23 and 26, Township 4 North, Range 20 East, Gasparilla Island, Lee County, Florida, which tract or parcel is described as follows: ...
Beginning at the intersection of the approximate Mean High Tide Line of Charlotte Harbor with the south line of the north half (N 1/2) of the south half (S 1/2) of Government Lot 3 said Section 26, being also the south line of lands owned by Florida Power & Light Company as described in deed recorded in Deed Book 273 at page 190 of the public records of said Lee County, Florida, run S 89° 21' W along said south line to the southwest corner of said lands described in said deed; thence run N 00° 39' W, perpendicular to said south line, for 513.66 feet to an intersection with the south line of a County Road as described in County Commission Minute Book 8 at page 290; thence run S 89° 43' 20" W along said south line and an easterly prolongation thereof for 587.88 feet to the southwest corner of lands described in deed recorded in Official Record Book 1146 at page 1236 of said public records; thence run N 00° 16' 40" E along the west line of said lands for 165 feet to the south line of lands of the Seaboard Coast Line Railroad (formerly Charlotte Harbor & Northern Railway) as described in deed recorded in Deed Book 129 at page 346 of said public records; thence run W 89° 43' 20" W along said south line for 1450 feet more or less to the approximate Mean High Tide Line of the Gulf of Mexico; thence northerly along said line for 350 feet more or less to an intersection with a line bearing H 89° 58' W and passing through Monument "B", as described in said Railroad deed; thence run S 89° 58' E along said line, being a northerly line of said lands described in said deed, for 510 feet more or less to said Monument "B"; thence run N 00° 08' W along a west line of said lands for 1200 feet to Monument "A", as described in said deed; thence run N 89° 52' E along a north line of said lands for 597.4 feet; thence run W 89° 29' E for 184.3 feet to an intersection with a line 50 feet westerly from and parallel with the centerline of the main track of said Railroad; thence run northerly along said parallel line for 0322.5 feet to the north line of said Section 23, being the south line of First Street as shown on the Revised Plat of Boca Grande recorded in Plat Book 7 at pages 1 and 1A of said public records; thence run easterly along said south line of First Street for 103 feet to an intersection with a line 50 feet easterly from and parallel with said centerline of said main track; then southerly along said parallel line for 5545 feet; thence easterly for 30 feet to an intersection with a line 80 feet easterly from and parallel with said centerline; thence southerly along said parallel line for 2677.5 feet to an intersection with a line bearing H 89° 52' E and passing through said Monument "A"; thence run N 89° 52' E along said line, being also a north line of said Railroad lands.
for 285 feet more or less to the approximate Mean High Tide Line of Charlotte Harbor; thence run southerly along said line for 2250 feet more or less to the Point of Beginning. TOGETHER WITH the existing right-of-way for the Seaboard Coast Line Railroad (formerly Charlotte Harbor & Northern Railway) running northerly from the hereinabove described south line of First Street to the north shore of Gasparilla Island in Charlotte County, Florida, shall be exempt from the provisions of this act until July 1, 1981.

(3) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 6. Any owner of real property within the district may enjoin the violation of this act and/or enforce the provisions of this act by instituting civil proceedings filed in a court of competent jurisdiction. In order to enforce the provisions of this act and/or to enjoin a violation of same, a real property owner need not allege or prove that the violation of this act will adversely affect the property rights of said real property owner to any greater extent or different degree than said violation will affect any other real property owner within the district. A real property owner who is successful in his/her efforts to enforce this act through civil proceedings shall be awarded a reasonable attorney's fee and court costs which shall be assessed as a judgment against the person or persons determined by the court to have violated this act. No action determined by any county commission shall be required as a condition precedent to enforcement of this act pursuant to this section.

Section 7. Recording of the act. The Secretary of State shall cause a certified copy of this act to be recorded with the Clerk of the Circuit Court of Lee County and the Clerk of the Circuit Court of Charlotte County, in the Official Records of each county within 30 days following approval of this act by vote of the electors. The cost of recording shall be paid out of the general funds of the county wherein the act is recorded.

Section 8. Notice of intention to seek enactment of this act by the Florida Legislature has been published as required by s. 11.02, Florida Statutes, and s. 10, Art. III of the Florida Constitution. An affidavit of proof of such publication, together with a true copy of such notice, was duly attached to this act when the bill therefor was introduced in the Legislature. Such notice and affidavit are sufficient in form and substance; they have accompanied the bill throughout the Legislature; and they shall be filed and preserved with the bill in the Department of State.

Section 9. This act, except for sections 1, 8 and this section which shall take effect upon its becoming a law, shall take effect upon approval by a majority vote of the qualified persons voting in a referendum election which shall be called and held by the Boards of County Commissioners of Lee County and Charlotte County in the proposed Gasparilla Island Conservation District on the date of the next general election (on or about November 4, 1980). Any person who is an elector of Lee County or Charlotte County and is a resident of the
proposed district is eligible to vote in such referendum election; however, no person shall be eligible to vote more than one ballot. The supervisors of elections of each county jointly shall prepare a list containing the names of persons who are eligible to vote in such referendum election. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes. The procedures prescribed by general law for absentee ballots shall control. The election required by this section shall be paid for by the Board of County Commissioners of Lee County and the Board of County Commissioners of Charlotte County, and the expenditure of funds for this purpose is a proper county expense.
H 1514 LOCAL BILL BY MANN, BURFALL, HAWKINS, M. E., HICKS, NUCKOLLS (SIMILAR S 0788, ENG/S 1338)
GASPARILLA ISLAND CONSERVATION DIST.; (CHARLOTTE/LEE COS.) CREATES SAID DISTRICT & DEFINES BOUNDARIES; RESTRICTS LAND USES & HEIGHT & DENSITY OF STRUCTURES & PROLIFERATION OF EXTERIOR ADVERTISING SIGNS, ETC.
EFFECTIVE DATE: CONTINGENT.
04/18/80 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS, NATURAL RESOURCES - HJ 00202
05/09/80 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY NATURAL RESOURCES - HJ 00558
05/23/80 HOUSE READ SECOND TIME; AMENDMENTS ADOPTED; READ THIRD TIME; PASSED AS AMENDED; YEAS 110 NAYS 0 - HJ 00567; IMMEDIATELY CERTIFIED
05/27/80 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR - S J 00389
05/28/80 SENATE CONSIDERED BY RULES AND CALENDAR; REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS - SJ 00407
06/05/80 SENATE WITHDRAWN FROM ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS - SJ 00752; PLACED ON CALENDAR
06/06/80 SENATE PLACED ON LOCAL CALENDAR - SJ 00809; PASSED; YEAS 36 NAYS 0 - SJ 00931
06/07/80 HOUSE CROPPED ENPOLLED
06/19/80 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
03/05/80 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE
CHAPTER NO. 80-473

S 0788 LOCAL BILL BY HENDERSON (SIMILAR ENG/H 1514, ENG/S 1338)
GASPARILLA ISLAND CONSERVATION DIST.; (CHARLOTTE/LEE COS.) CREATES SAID DISTRICT & DEFINES BOUNDARIES; RESTRICTS LAND USES & HEIGHT & DENSITY OF STRUCTURES & PROLIFERATION OF EXTERIOR ADVERTISING SIGNS, ETC.
EFFECTIVE DATE: CONTINGENT.
04/23/80 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR - SJ 00118
04/30/80 SENATE CONSIDERED BY RULES AND CALENDAR; REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS - SJ 00192
05/13/80 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS
05/20/80 SENATE WITHDRAWN FROM ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS
05/26/80 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS
06/06/80 SENATE WITHDRAWN FROM ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; REFERRED TO RULES AND CALENDAR - SJ 00752
06/07/80 SENATE DIED IN COMMITTEE, IDENT./SIM./COMPARE BILL PASSED, REFER TO HB 1514 (CH. 80-473)

S 1338 LOCAL BILL BY HENDERSON (SIMILAR ENG/H 1514, S 0788)
GASPARILLA ISLAND CONSERVATION DIST.; (CHARLOTTE/LEE COS.) CREATES SAID DISTRICT & DEFINES BOUNDARIES; RESTRICTS LAND USES & HEIGHT & DENSITY OF STRUCTURES & PROLIFERATION OF EXTERIOR ADVERTISING SIGNS, ETC.
EFFECTIVE DATE: CONTINGENT.
05/06/80 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR - SJ 00227
05/10/80 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
05/20/80 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON LOCAL CALENDAR - SJ 00332
05/29/80 SENATE PASSED AS AMENDED; YEAS 40 NAYS 0 - SJ 00507
06/03/80 SENATE IMMEDIATELY CERTIFIED - SJ 00605
06/07/80 SENATE DIED IN MESSAGES; IDENT./SIM./COMPARE BILL PASSED, REFER TO HB 1514 (CH. 80-473)
HB 1514  
(Sponsor: Rep. Mann & others)

Area Affected: Lee & Charlotte Counties

Other Committees of Reference:
1. None
2. 

CERTIFICATION:

1. Majority of House Delegation support bill? yes; Vote: Unanimous
   (yeas) (nays)

2. Required publication notice? yes
   Name of newspaper: Ft. Myers News-Press
   Date of publication: 3/13/80

3. E.I.S. required? no

4. Public hearing? yes
   Date: 1/27/80: Englewood Comm Ctr; Charlotte Co. Cthse
   Place: 2/19/80: Ft Myers City Hall

5. Referendum required? yes
   Date: 11/3/80

6. Local bill certification filed? yes

I. Relationship to existing law:
   A. New special act? yes
   B. Amends/Repeals existing special act? 
   C. Exception to general law?
   D. General bill of local application?

II. Purpose:
   A. Problem addressed: Last year the Legislature enacted Ch. 79-490, which achieved essentially the same purpose as this bill. However, that chapter was challenged in court and found to have had insufficient notice as well as an unconstitutional provision which allowed non-resident electors to vote in the enabling referendum. The inadequate notice could have been cured by the referendum, had there not been the constitutional problem with allowing non-resident freeholders to vote.

   This bill is intended to replace the now-defunct Ch. 79-490.

   B. Can it be done locally under home rule? no
   C. Possible constitutional problems?
      no

III. Comments:

   This bill has been duly noticed and contains no provision which would allow participation in the referendum by non-residents property owners of the district.

IV. Analysis prepared by: Sandra M. Anderson

V. Staff Director's review: William R. Kyoch

VI. Copy to Sponsor: 5/5/80
I. Summary

A. Present Situation

The bill delimits a geographical area that is divided between Charlotte and Lee Counties. Hoagen's Key, Three Sisters Island, Loomis Island and three-fourths of Gasparilla Island lie in Lee County. The entire area lies north of Boca Grande pass and west of Gasparilla Sound and Charlotte Harbor. Within the area is the community of Boca Grande which occupies the lower portion of Gasparilla Island in Lee County.

The delimited area is zoned but the counties have not zoned their respective areas alike: Lee County allows up to 15 residential units per acre and Charlotte County allows up to 18. The area is largely virgin barrier beach and island but single and multiple dwellings of no more than two stories, some commercial and an industrial area are within the delimited area. Land access to the area is via a bridge/causeway arrangement in Charlotte County at the northern end of Gasparilla Island.

The delimited area is in close proximity to the Island Bay National Wilderness Area, the Island Bay and Pine Island National Wildlife Refuges, the Cape Haze, Gasparilla Sound and Pine Island Sound State Aquatic Preserves, and the Charlotte Harbor and Cayo Costa-North Captiva Islands endangered lands purchases. The state and federal areas largely overlap and include much of the waters in and lands along Charlotte Harbor.

B. Proposed Changes

The bill proposes to deal with the delimited area as a unit irrespective that it straddles the border of two counties. A density of five dwelling units per acre, a height restriction of 38 or 42 feet, a freezing of commercial, industrial and multi-family dwelling zoning, and restrictions on erecting advertising signs are proposed as growth control measures that will allow limited development while preserving the area's natural beauty and plant, marine, animal and bird life. The bill proposes to preempt local standards that are less restrictive than the standards proposed. Persons who own property in the area are authorized to enforce the proposed standards. An approval referendum is required to approve the proposed standards.

II. Private Sector/State/Local Fiscal Impact

A. Private Sector - No costs are imposed by the bill.

B. State Fiscal Impact - None.

C. Local Fiscal Impact - The costs of the referendum election are to be borne by the two counties.
III. Comments

A similar bill passed in the 1979 Session but, due to an illegality in the referendum election section, was stricken down by a court.

IV. Committee Amendment

A 42-acre area on the southern portion of Gasparilla Island, which is a port facility, was exempted from the provisions of the Act until July 1, 1981.
Bill Analysis

HOUSE COMMITTEE ON NATURAL RESOURCES

BILL #_ HB 1514, as passed
SPONSOR(s) Representative Mann

RE: Gasparilla Island

OTHER COMMITTEE OF REFERENCE:
Community Affairs

SIMILAR/COMPANION BILLS:
SB 788

June 18, 1980

ADDENDUM TO STAFF ANALYSIS
DATED MAY 20, 1980

HB 1514 passed both Houses as amended by the House
Natural Resources and Community Affairs Committees. The
amendments exempted a certain area from the act until
July 1, 1981 and addressed an existing port facility.
Journal

of the

House of Representatives

Second Regular Session
of the
Sixth Legislature
under the Constitution as Revised in 1968

and of the
82nd Regular Session
since Statehood in 1845

APRIL 8 through JUNE 7, 1980
[Including a record of transmittal of Acts subsequent to sine die adjournment]
tion, more specifically described as a tract or parcel of land of approximately 42 acres and used generally as a port opera-

The Committee on Natural Resources offered the following amendment:

Amendment 1—On page 4, between lines 23 and 24, insert a new subsection (2):

(2) That southern portion of Gasparilla Island consisting of approximately 42 acres and used generally as a port opera-

Beginning at the intersection of the approximate Mean High Tide Line of Charlotte Harbor with the south line of the north half (N 2/) of the south half (S 2/) of Government Lot 3 said Section 26, being also the south line of lands owned by Florida Power & Light Company as described in said deed recorded in Deed Book 273 at page 236 of the public records of said Lee County, Florida, run S 89° 21' W along said south line to the southwest corner of said lands described in said deed; thence run N 89° 39' W, perpendicular to said south line, for 513.46 feet to an intersection with the south line of a County Road as described in County Commission Minute Book 8 at page 236; thence run N 89° 49' 20" E along said southeast corner and an easterly prolongation thereof for 587.88 feet to the southwest corner of lands described in deed re-

On motion by Mr. Mann, the rules were waived and HB 1514, as amended, was read the third time by title. On passage, the vote was:

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<th>Yeas</th>
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Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.
Journal
of the
SENATE
State of Florida

TWELFTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 8 THROUGH JUNE 7, 1980
MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has recalled from the Governor's office by HCR 1837 and returns to the Senate as requested—

By Representative Nergard—

HB 934—A bill to be entitled An act relating to St. Lucie County; amending section 1 of chapter 25602, Laws of Florida, 1953, as amended, changing the boundaries of the St. Lucie County Mosquito Control District; providing an effective date.

Allen Morris, Clerk

On motion by Senator Don Childers, the rules were waived and the Senate immediately reconsidered the vote by which HB 934 passed.

Senator Don Childers moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 1, lines 16-31, on page 2, lines 1-13, strike all of said lines and insert: expanded to include that part of St. Lucie County, Florida, described as follows:

The Northwest 1/4 of the Southeast 1/4 and South West 1/4 of the Southeast 1/4 and Southeast 1/4 of the Southeast 1/4; all lying and being in Section 11, Township 36 South, Range 35 East, St. Lucie County, Florida.

Amendment 2—On page 2, line 17, strike “created” and insert: added

HB 934 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President Anderson Barron Beard Carlucci Chamberlin Childers, D. Hill Childers, W. D. Holloway Dunn Fechtel Johnston Scott Skinner Trask

Nays—None

On motion by Senator Hair, the rules were waived and the Senate immediately reconsidered the vote by which HB 666 was read the third time.

Senator Scarborough moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, strike all of line 21 and insert: on page 2, line 15, after “thereof.” The authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities in the definition of the word “project”; providing an effective date.

—passed.

On motion by Senator Hair, the rules were waived and the Senate immediately reconsidered the vote by which HB 666 was read the third time.

On motion by Senator Hair, by two-thirds vote HB 666 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President Anderson Barron Beard Carlucci Chamberlin Childers, D. Hill Childers, W. D. Holloway Dunn Fechtel Johnston Scott Skinner Trask

Nays—None

On motion by Senator Grizzle, by two-thirds vote HB 1216 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President Anderson Barron Beard Carlucci Chamberlin Childers, D. Hill Childers, W. D. Holloway Dunn Fechtel Johnston Scott Skinner Trask

Nays—None

On motion by Senator Don Childers, the rules were waived and the Senate reverted to—

SB 1335—A bill to be entitled An act relating to Lee County; amending s. 2, s. 3, and s. 13 of Chapter 27676, Laws of Florida,
1951, as amended, providing for the election of members of the board of the Fort Myers Beach Fire Control District; providing for method and time of such elections; expanding the board to five members; providing for assumption of office by members of the board; providing for continuance in office for a certain period of time by members of the board in office on the effective date of the act; requiring a referendum on whether to dissolve the district; providing for an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert: Section 1. Findings of fact.—The Legislature of the State of Florida hereby finds that Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoagens Key and Loomis Island, lying within Charlotte County and Lee County, including all adjacent submerged lands, tidal lands, overflow lands and tidal ponds, are fragile barrier islands as defined in the Presidential Directive on barrier islands dated May 23, 1977, and are areas of particular natural beauty containing abundant plant, marine, animal and bird life. The conservation of the natural beauty, plant, marine, animal and bird life of the islands is in the interest of the residents and property owners of the islands and the citizens of Lee and Charlotte Counties and the State of Florida. The purpose and extent to which development of the islands is permitted to occur will have a substantial effect on the ecology and natural beauty of the islands. In order to preserve and conserve the fragile ecosystems and natural characteristics of the islands, it is necessary to restrict by this act land uses and the height and density of structures and to prevent the proliferation of exterior advertising signs on the island.

The purpose of this act is to permit limited development of the islands while preserving the natural beauty and plant, marine, animal and bird life.

Section 2. Short title.—This act shall be known and cited as the Gasparilla Island Conservation District Act.

Section 3. District creation and boundaries.—There is hereby created a special conservation district, for the uses and purposes set forth herein, known as the Gasparilla Island Conservation District. The boundaries of the district are determined as follows: all of Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoagens Key, and Loomis Island, situated in Lee County and Charlotte County, including all adjacent submerged lands, tidal lands, overflow lands, and tidal ponds.

Section 4. Restrictions on density, height, land uses and advertisement.—

(1) No building or other structure shall be erected or altered within the district so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or other structure is located, or is more than 42 feet above mean sea level, whichever is lower.

(2) The density of any development which includes dwelling units, whether or not it includes commercial rental dwelling units, shall not exceed 5 dwelling units per acre. In computing density hereunder.

(3) Any provision of this act or the application thereof may enjoin the violation of this act and/or enforce the provisions of this act until July 1, 1981.

(4) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act; provision shall be given effect without the invalid provision or application, and to this end the provisions or this act are declared severable.

Section 6. Any owner of real property within the district may enjoin the violation of this act and/or enforce the provisions of this act until July 1, 1981.
provisions of this act by instituting civil proceedings in a court of competent jurisdiction. In order to enforce the provisions of this act or to enjoin a violation of same, a suit may be brought in a court of competent jurisdiction. In order to enforce the provisions of this act, any real property owner need not allege or prove that the violation of this act will adversely affect the property rights of said real property owner to any greater extent or different degree than said violation will affect any other real property owner within the district. A real property owner who is successful in his efforts to enforce this act through civil proceedings shall be awarded a reasonable attorney's fee and court costs which shall be assessed as a judgment against the person or persons found by the court to have violated this act. No action by any county commission shall be required as a condition precedent to enforcement of this act pursuant to this section.

Section 7. Recording of the act.—The Secretary of State shall cause a certified copy of this act to be recorded with the Clerk of the Circuit Court of Lee County and the Clerk of the Circuit Court of Charlotte County, in the Official Records of each county within 30 days following approval of this act by vote of the electors. The cost of recording shall be paid out of the general funds of the county wherein the act is recorded.

Section 8. Notice of intention to seek enactment of this act by the Florida Legislature has been published as required by s. 11.02, Florida Statutes, and s. 10, Art. III of the Florida Constitution. An affidavit of proof of such publication, together with a true copy of such notice, was duly attached to this act and, when the bill thereof was introduced in the Legislature, the notice and affidavit were sufficient in form and substance; they have accompanied the bill throughout the Legislature; and they shall be filed and preserved with the bill in the Department of State.

Section 9. This act, except for sections 7, 8 and this section which shall take effect upon becoming a law, shall take effect upon approval by a majority vote of the qualified persons voting in a referendum election which shall be called and held by the Boards of County Commissioners of Lee County and Charlotte County in the proposed Gasparilla Island Conservation District on the date of the next general election (or on or before November 4, 1980). Any person who is an elector of Lee County or Charlotte County and is a resident of the proposed district is eligible to vote in such referendum election; however, no person shall be eligible to vote more than one ballot. The supervisors of elections of each county jointly shall prepare a list containing the names of persons who are eligible to vote in such referendum election. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes. The procedures prescribed by general law for absentee ballots shall control. The election required by this section shall be paid for by the Board of County Commissioners of Lee County and the Board of County Commissioners of Charlotte County, and the expenditure of funds for this purpose is a proper county expense.

Amendment 2—On page 1, in title, lines 2 through line 15 and insert: An act relating to Gasparilla Island, including Boca Grande Islands and Gasparilla golf course island, Three Sisters Island, Hoagen's Key, and Loomis Island, located in Charlotte County and Lee County; making legislative findings of fact that said islands are fragile barrier islands of particular natural beauty containing abundant plant, marine, animal and bird life; providing for the creation of the Gasparilla Island Conservation District; establishing the district boundaries as the above named islands, including all adjacent submerged lands, tidal lands, overflow lands and tidal ponds; restricting the density of dwelling units to not more than 5 per acre; restricting the commercial, industrial or multi-family use of land to those lands zoned for such uses prior to the effective date of this act; providing height limitations on all buildings and structures erected within the district; prohibiting exterior advertising signs; providing an exception for certain on-site signs; providing that this act shall not repeal applicable local government comprehensive land use plans, state and local zoning, air and water pollution and conservation and sign regulations; providing an exemption; providing that this act shall not apply to any more restrictive than such regulations; providing that any real property owner in the district may enforce the provisions of this act by legal proceeding; providing an effective date.

On motion by Senator Henderson, by two-thirds vote SB 1338 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Years—40

Mr. President

Frank

MacKay

Skinner

Anderson

Gordon

Maxwell

Steinberg

Barron

Gorman

McClain

Stuart

Beard

Grizzle

McKnight

Thomas

Carluciu

Hair

Myers

Tobiasen

Chamberlin

Henderson

Neal

Trask

Childers, D.

Hill

Peterson

Vogt

Childers, W. D.

Holloway

Poole

Ware

Dunn

Jenne

Scarborough

Williamson

Pechtel

Johnston

Scott

Winn

Nays—None

On motion by Senator Scarborough, the rules were waived and the Senate immediately reconsidered the vote by which—

HB 1684—A bill to be entitled An act relating to early retirement under the Florida Retirement System; amending s. 121.091(3), Florida Statutes, clarifying the meaning of normal retirement date as it applies to the calculation of the early retirement benefit; amending s. 121.121(4), Florida Statutes, authorizing leaves-of-absence to be purchased under the membership class from which the leave of absence was granted; providing an appropriation from the system trust fund; providing an effective date.

—as amended passed this day.

On motion by Senator Scarborough, the Senate reconsidered the vote by which HB 1684 was read the third time.

On motion by Senator Scarborough, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted.

The question recurred on Amendments 1 and 2 which failed.

On motion by Senator Scarborough, by two-thirds vote HB 1684 was read the third time by title, passed and certified to the House. The vote on passage was:

Years—53

Mr. President

Gordon

McClain

Steinberg

Barron

Gorman

McKnight

Thomas

Childers

Hair

Mair

Tobiasen

Carluciu

Hill

Neal

Trask

Chamberlin

Holloway

Peterson

Vogt

Childers, D.

Jenne

Peterson

Winn

Childers, W. D.

Johnston

Scarborough

Dunn

MacKay

Scott

Frank

Maxwell

Skinner

Nays—None

Votes after roll call:

Yea—Pechtel, Ware

CONSENT CALENDAR, continued

SB 89—A bill to be entitled An act relating to compensation for victims of crimes; amending s. 960.12(2), Florida Statutes; providing that any compensation granted shall be subsequent to all benefits payable by primary insurance carriers; providing that compensation to victims of crime shall not depend upon the financial status of the claimant; amending s. 960.14(2), Florida Statutes; providing that compensation to a claimant may be modified or rescinded at any time based upon a change in benefits derived from other enumerated sources; amending s. 960.20, Florida Statutes; requiring clerks of the courts to collect and forward the proceeds of certain additional costs imposed by the act; deleting authorization to waive, modify, or defer payment of such costs; amending s. 960.25, Florida Statutes; eliminating the surcharge on civil penalties; adding s. 775.0835(3), Florida Statutes; giving prior-