

~~county commissioners shall designate a member of the board of county commissioners to serve in his place. In the event the chairman of the board of county commissioners is unable to act, the board of county commissioners shall designate one of its members to act in his stead. The county court judge shall act as chairman of the county canvassing board.~~

(3) The canvass, except absentee electors' returns, shall be made entirely from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board of canvassers shall not change the number of votes cast for the candidates, nominees, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following any primary, general, special, or other election, and all returns of missing precincts shall be ignored and the results as shown by the returns then on file certified. If the returns from any precinct are missing or if there are any omissions on the returns from any precinct or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office or that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a recount shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(5) (4) The canvassing board may employ such clerical help to assist with the work of the board as it deems necessary, with at least one member of the board present at all times, until canvass of the returns is completed. The clerical help shall be paid from the same fund as inspectors and other necessary election officials.

Section 27. Sections 102.151, 102.166, and 102.167, Florida Statutes, are amended to read:

102.151 County canvassing board to issue certificates; sup to give notice to Department of State.--The county canvassing shall make and sign triplicate certificates containing the number of votes cast for each person nominated or elected, the of persons for whom such votes were cast and the number of vot for each candidate or nominee. One of such certificates which to offices for which the candidates or nominees have been vo in more than one county, shall be immediately transmitted Department of State, another to the clerk of the circuit co the third copy filed in the supervisor's office. The superviso transmit to the Department of State immediately after the canvassing board has canvassed the returns of the election, containing the names of all county and district officers nomin elected, the office for which each was nominated or elected, a mailing with their post-office address of each in their res counties.

102.166 Protest of election returns; procedure; venue.--

(1) Any candidate for nomination or election, or any qualified to vote in such primary or election, whenever any or candidate believes that election returns are erroneous, have the right to file a written protest against the canvass returns thereof as being erroneous by filing with the appi canvassing board a sworn, written protest specifying the prec precincts in which he believes such returns are erroneous.

(a) Such protest shall may be filed with the canvassin prior to up until the time the canvassing board adjourns or w days of midnight of the date the election is held, whichever occurs canvass has been completed and the totals of votes tab

(b) Before canvassing such returns the canvassing boai examine the counters on the machine or the tabulation of the ballots cast in such precincts and determine whether the correctly reflect the votes cast. If there is a discrep discrepancies between the returns and the counters of the macl the tabulation of the paper ballots cast, the counters o machines or the precinct tabulation of the paper ballots ca be presumed correct and such votes shall be canvassed acco. The rights of all parties in interest to appeal to the c protection against error are not annulled.

(2) Any candidate for nomination or election, or any qualified to vote in such primary or election, whenever any or candidate believes election returns are fraudulent he sh the a right to protest the returns thereof or the practices a thereto as being fraudulent by presenting to any have an i hearing on proper affidavit before a circuit judge of the sitting in a county wherein such fraud is alleged to have a sworn, written protest, that there exist fraudulent retu where it is alleged that fraudulent returns or practices more than one county, venue for such protest shall be in a county wherein such fraud is alleged to have occurred.

(a) (3) A protest alleging error shall be filed with th canvassing board prior to the time it adjourns or within 5 midnight of election day. The A protest alleging fraud presented to a filed with the circuit judge prior to the t canvassing board adjourns or within 5 days of midnight of the election occurs, whichever last occurs election day.

qualified electors residing in such municipality, shall participate, in accordance with the provisions of ss. 100.201-100.221, 100.241, ~~100.251~~, 100.341, 100.351.

36 Proposals for issuing bonds.--Whenever the residents of a district in this state shall desire the issuance of bonds by a school district for the purpose of acquiring, building, equipping, furnishing, or otherwise improving buildings or school grounds, or for any other exclusive use of the public schools within such school district, they shall present to the school board a resolution signed by not less than 25 percent of the duly qualified persons residing within the school district, setting forth in detail the terms the amount of the bonds desired to be issued, the use thereof, and that the proceeds derived from the sale of such bonds shall be used for the purposes set forth in the petition. The amount for such petition may be dispensed with and the petition of issuing bonds for the purposes as herein outlined may be adopted by the school board of the said district; provided, that the provisions contained in this section shall repeal any of the provisions of ss. 100.201-100.221, 100.241, ~~100.251~~, 100.261-100.341, 100.351.

34 Time warrants.--Any county or incorporated city or town in this state, desiring to carry on all or any part of the work mentioned in section 342.03 may issue and sell time warrants not to exceed in amount of \$15,000 for any county or the sum of \$5,000 for any incorporated city or town, provided such time warrants shall not exceed 50 percent of the estimated revenue to be derived from the tax levied by virtue of s. 342.03; and provided further, that such warrants shall not be sold for less than their par value and shall not draw a rate of interest in excess of 6 percent per year; and provided further, that where such time warrants shall come within the purview of s. 12, Art. VII of the State Constitution, the said warrants shall be issued only after the same shall have been approved by the majority of the votes cast in an election in which a majority of the owners of freeholds not wholly exempt from taxation are qualified electors residing in such county or city or town, and the election, which said election shall be called and held, and the result thereof declared and recorded in the manner prescribed by ss. 100.201-100.221, 100.241, ~~100.251~~, 100.261-100.341, 100.351 and section 12 of the Constitution shall be subject to all the provisions of said chapter.

65. If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which are severable from the invalid provision or application, and the provisions of this act are declared severable.

66. Sections 97.031, 97.062, 97.103, 98.082, 98.121, 98.141, 98.151, 98.221, 98.291, 98.311, 98.312, 98.313, 98.381, 99.023, 99.111, 99.151, 99.153, 99.172, 99.193, 100.121, 100.131, 100.171, 100.251, 101.081, 101.091, 101.25, 101.26, 101.262, 101.264, 101.291, 101.30, 101.44, 101.60, 101.63, 101.691, 101.70, 102.041, 102.051, 103.041, 103.111, 104.021, 104.12, 104.14, 104.181, 104.25, 104.272, 104.35, 104.44, 104.45, 104.46, 105.021, 106.10, ~~106.13~~, and section 1 of chapter 75-246, Laws of Florida Statutes, are hereby repealed.

67. This act shall take effect January 1, 1978.

Approved by the Governor June 9, 1977.

Filed in Office Secretary of State June 10, 1977.

CHAPTER 77-176

House Bill No. 2269

AN ACT relating to horseracing; amending s. 550.39(2), Florida Statutes, and adding a new subsection, relating to certain payments in lieu of taxes now imposed upon horseracing tracks; providing a fixed daily license fee for quarter horse race meets; providing an effective date.

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

Section 1. Subsection (3) of section 550.39, Florida Statutes, is renumbered as subsection (4), subsection (2) of said section is amended, and a new subsection (3) is added to said section to read:

550.39 Summer horseracing authorized for certain harness tracks.--

(2) Any such permittee conducting a summer harness, ~~quarter-horse~~ or thoroughbred horseracing meet shall, in lieu of the payment of taxes imposed upon such tracks as now provided by law, be permitted to operate the sale of pari-mutuel pools on the basis of a fixed daily license fee which is hereby fixed according to the following schedule:

Up to \$50,000 .....	\$1,000
Over \$50,000 but not more than \$100,000 .....	2,000
Over \$100,000 but not more than \$150,000 .....	3,000
Over \$150,000 .....	4,000

three-fourths of which daily license fee shall be distributed equally to the 67 counties and the remaining one-fourth to the General Revenue Fund. Such permittee shall also pay the breakage tax imposed on horse tracks by s. 550.26, which tax shall be distributed as therein provided.

(3) Any such permittee conducting a quarter horse race meet shall, in lieu of the payment of taxes imposed upon such tracks as now provided by law, be permitted to operate the sale of pari-mutuel pools on the basis of a fixed daily license fee, which fee is hereby fixed according to the following schedule:

Up to \$200,000 .....	\$1,000 per day
Over \$200,000 but not more than	
\$250,000 .....	2,000 per day
Over \$250,000 but not more than	