

THE SHERIFFS' STAR

PUBLISHED BY THE FLORIDA SHERIFFS ASSOCIATION — FIRST LINE OF DEFENSE IN LOCAL SELF-GOVERNMENT

JULY-AUGUST 1976



cuffin' a
See story on inside cover
tough'un



Are they arguing about who's going to carry the shovel and who's going to carry the gator? Not really; it just looks that way as Dave Sterman (left) and friends prepare to get involved in a very arresting experience.



Cuffin' a tough'un

Cover Story

SEMINOLE — When barking dogs alerted residents of 95th Terrace North that a six-foot alligator had invaded the neighborhood, Florida Wildlife Officer Dave Sterman and Pinellas County Deputy Sheriffs Bob Ankenbauer, Frank Johnson and Gary Spann quickly subdued the critter with a rope, handcuffs and duct tape. Then they took him out in the boondocks and turned him loose. For Sterman, who teaches a Pinellas County Police Academy class in gator capturing, this was a "no sweat" assignment; and it also gave the deputies an opportunity to get some on-the-job training. (Photos by M. P. Fleischer, St. Petersburg Times)

THE SHERIFF'S STAR

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Sheriff is First Recipient

BRISTOL — The first "Law Enforcement Officer of the Year" award ever presented in Liberty County went to Sheriff L. C. Rankin (right), now serving his 20th year as the county's chief law enforcement officer. The award was given by the Liberty County Jaycees and President Donnie Coxwell congratulated the Sheriff.



God rewarded Vermel Hatcher with a faith that kept her calm and strong when her life was threatened. Sheriff Don Page (center) also rewarded her and Capt. David Jesse with Florida Sheriffs Association Distinguished Service Awards for their assistance in a dangerous situation that ended without bloodshed or injury. Her faith, and a metal post, saved Mrs. Hatcher.

God's Answer

A BOMB AND A DESPERATE MAN

WILDWOOD — In her morning prayer before going to work, Mrs. Vermel Hatcher asked God to "let this day be a day that brings glory and honor to your name."

A few hours later, when a bank robber armed with a bomb was holding her as a hostage and threatening to kill her, she must have wondered why her prayer was being answered in such a frightening and violent way.

God only knows, but perceptive mortals may find threads of divine instruction in this drama of faith, heroism, compassion and coolness under fire.

It began June 9, when a bank robber, carrying a bomb and an attache case, walked out of the Southeast Bank of Wildwood with almost \$8,000 in cash and kept Wildwood police officers at bay by threatening to explode the bomb.

The robber left the scene in a bank official's pickup truck, drove about 200 yards across a shopping center parking lot and stopped in front of Mrs. Hatcher's clothing store, just as she was returning from a morning Bible School session.

At about that time, Sumter County Sheriff Don Page and one of his men, Capt. David Jesse, arrived at the scene.

Mrs. Hatcher saw the robber having trouble opening the door of the pickup truck, and she walked toward the truck to ask if she could help him.

Then she noticed the general commotion caused by the robbery, and she heard one of the officers yelling for her to "go back inside". She obeyed, but the robber followed her and grabbed her.

"You're going with me," he said, and she decided she would go if it was going to keep other people from getting killed.

However, the officers told her not to go, so she wrapped her arms and legs around a metal post and hung on.

The robber, with the bomb and attache case in one hand, was trying to drag her away by the hair, but he couldn't budge her. Then he demanded that the officers get someone to drive

the getaway truck, and, while he was waiting, Mrs. Hatcher kept telling him, "God loves you and he doesn't want you to do this."

The robber continued to repeat he was going to kill her, and they would both go "straight to hell".

At this point, Sheriff Page removed his gun, shirt and shoes to show he was unarmed, and offered to drive the pickup truck.

The robber agreed, adding, "Man, I mean business. I'll kill this woman, you and a lot of people."

Sheriff Page continued to talk to the robber and to hold his attention almost hypnotically, while Capt. Jesse was sneaking up from behind.

Finally, Capt. Jesse got close enough to knock the attache case and bomb out of the robber's grasp, and throw the bomb out into the parking lot, and wrestle the robber to the ground.

While the robber was being searched and handcuffed, the brown metal box containing the bomb was rushed to a nearby field where a Navy bomb disposal squad later dismantled it. Inside was found a complete explosive apparatus, but no explosives.

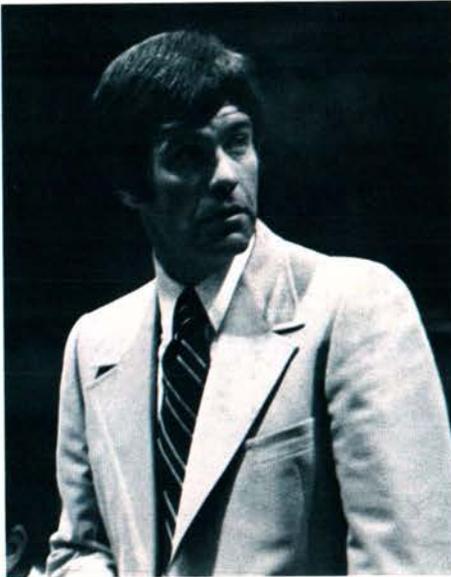
Capt. Jesse charged the robber with robbery, auto larceny and attempted kidnapping; and Sheriff Page later turned him over to the FBI to face federal charges in Orlando.

A newspaper report, based on an interview with the accused man's ex-wife, described him as a wonderful husband and father who apparently had had no previous clashes with the law.

He was said to have recently had a hip operation for bone cancer, and he was pictured as being desperate for cash because his disability income had been cut off.

If all this is true, perhaps the God who answered Vermel Hatcher's prayer in His own mysterious way, also has some plans to build a better life for the man who terrorized her.

Only God knows.



Rep. Ralph Haben, Jr., Palmetto

The Legislature and Law Enforcement

Starting on this page are summaries of law enforcement related bills passed by the 1976 Florida Legislature. The purpose of these summaries is to acquaint our readers with new laws and new changes in old laws. The help of the Bureau of Laws, Department of State, in making copies of the new laws available at the earliest possible time is gratefully acknowledged.

Corrections

CHAPTER 76-70 Senate Bill 128

This act says any person convicted of a felony or misdemeanor and placed on probation may be required to perform some type of public service for a tax-supported or tax-exempt organization. Further provides that such service shall be at a time other than the person's regular hours of employment. Effective October 1, 1976.

CHAPTER 76-79 Senate Bill 1348

The Myers Act, dealing with detaining and treating alcoholics, was amended to allow authorities to hold an intoxicated person in protective custody for 72 hours instead of just 12. This further provides that a municipal or county jail or other detention facility shall not be prevented from being a treatment facility for intoxicated persons. The disability of minority for persons under 18 years of age is removed so they may seek treatment from a physician or treatment center for alcohol abuse. Effective on July 1, 1976.

CHAPTER 76-139 Senate Bill 569

Prior to 1974 a convicted felon had to apply to the pardon board to have his civil rights restored, but in 1974 the law was changed so a felon had his rights restored automatically upon being released from prison or from parole. This year, the Legislature changed it back so

the felon must apply to the Office of Executive Clemency to have his rights restored. The Department of Offender Rehabilitation is still required to assist the prisoner in applying for the restoration of his rights prior to releasing him. Effective October 1, 1976.

CHAPTER 76-194 Senate Bill 1008

To deal with the need for special facilities to house and treat patients who have been found to be incompetent to stand trial the Legislature this year passed legislation directing the Department of Health and Rehabilitative Services to provide secure and separate facilities for treatment of such patients. The legislation also permits the Department to set up a security staff or to contract with local law enforcement agencies for security services. Because of urgent need, the Department is authorized to shortcut some of the bureaucratic red tape in the spending of \$478,000 to get facilities ready. Effective July 1, 1976.

CHAPTER 76-273 House Bill 3958

This is an 18-page bill which attempts to give new direction to the correctional work programs of the Department of Offender Rehabilitation. The Legislature's message to the Department is that, "the emphasis of this (work) program shall be to provide inmates with useful work experience on a full-time basis where feasible and appropriate job skills that will facilitate their reentry

into society and to provide an economic benefit to the public and the department through effective utilization of inmates." A few highlights of this revamping of the Department's goals include:

*Money earned by inmates shall be used to satisfy restitution, ordered by a court, to the victim of prisoner's criminal act. Such earnings shall also be used to reimburse the state for expenses incurred in housing and feeding the inmate and for the support of the inmate's family.

*Creation of a Prison Industry Commission composed of seven members from business, agriculture and vocational training. The Commission's role will be to advise the Department in setting up work programs which will give inmates worthwhile training, to produce items which are needed and useful to state agencies, and to be sure this "industry" does not compete with private business.

*Outside financing in cooperation with private industry for the development of correctional work programs.

*Permitting the Department to contract with local governments for the services of inmates in public works projects.

Effective on July 1, 1976.

CHAPTER 76-274 House Bill 3996

The "Mutual Participation Program Act of 1976" provides for a pilot program involving the Department of Offender Rehabilitation, the Parole and Probation Commission and certain of-



Rep. Ed Blackburn, Temple Terrace

fenders. Both agencies and the inmate enter into an agreement which covers the terms of his institutional confinement, a date for parole based on satisfactory completion of the work program, and the terms of parole supervision and release. Another section provides that at the sentencing hearing of a defendant who has pleaded guilty of nolo contendere, the court shall permit the victim of the crime for which the defendant is being sentenced to either appear before the court to make a sworn statement for the record or to submit a written statement under oath. Such statements shall relate to the facts of the case, the extent of any injuries, any financial losses and any loss of earnings directly resulting from the crime. Effective July 1, 1976.

Criminal Laws

CHAPTER 76-20 House Bill 177

A rewrite of the current law concerning public assistance fraud to tighten up the definition of what constitutes a crime. Specifically mentions the misappropriation of a food stamp, food stamp identification card and certificate of eligibility for prescribed medicine as ille-

gal acts. The maximum charge under the old law was a misdemeanor of the first degree. The amended law provides for a third degree felony charge if the value of the public assistance received in a twelve month period amounts to \$200 or more. Effective date is Oct. 1, 1976.

CHAPTER 76-38 Senate Bill 200

Separates the crime of discharging a machine gun from the crime of making, throwing, possessing or discharging a destructive device (bomb). Anyone who makes, possesses, throws, discharges or attempts to discharge a bomb with intent to do bodily harm is still guilty of a second degree misdemeanor, but the new law says that if the act results in the disruption of government, commerce or private affairs of another person, the culprit faces a second degree felony charge with no eligibility for parole until he has served five years. If the act results in bodily harm to another person or in property damage, it becomes a first degree felony with no eligibility for parole until 10 years have been served. Should death result from a bombing, the crime is a capital felony (punishable by death), but if the death penalty is found to be unconstitutional, the defendant

would face a prison term of 25 years before being eligible for parole. Effective July 1, 1976.

CHAPTER 76-46 House Bill 2694

Increases the penalty for trespassing while armed with a gun from a misdemeanor of the first degree to a felony of the third degree. Provides that the unauthorized entry upon enclosed and posted land is prima facie (adequate to establish a fact) evidence of the intention to commit an act of trespass. Effective July 1, 1976.

CHAPTER 76-59 House Bill 2360

"The Animal Fighting Act of 1976" creates a new section of the Florida Statutes which makes it illegal to use animals (bull, bear or dog) for fighting or baiting (training animals to fight). Also makes it illegal to own or manage a facility used for fighting or baiting or to promote, stage or charge admission for a fight between two animals. These violations are chargeable as misdemeanors of the first degree. Any person betting on or attending an animal fight is guilty of a misdemeanor of the second degree. Provision is made for the seizure and disposition of animals trained to fight. Exclusions from the law are provided for persons: simulating a fight for a movie; using animals to pursue or take wildlife; using animals to work livestock; using animals to train greyhounds; using them to hunt wild hogs or retrieve domestic hogs. Effective upon becoming law.

CHAPTER 76-64 House Bill 3442

Creates a new section of the Florida Statutes to make it unlawful to damage or tamper with any meter, wire, cable, transformer, amplifier or other device belonging to a utility or cable television firm. Also covers the unauthorized use of a utility service without permission and without paying. The existence of wire, connectors or altered meters on property belonging to the accused is to be considered prima facie evidence (adequate to establish a fact) of the violation of this law which is punishable as a misdemeanor of the first degree. Provision is also made for the utility to pursue civil action to recover three times the amount of services unlawfully obtained or \$1,000, whichever is largest. Effective October 1, 1976.

(continued on page 4)

CRIMES, PUNISHMENTS AND FINES

Penalties for crimes committed in Florida fall into seven categories:

- Capital felony — life imprisonment with no parole for 25 years or the death penalty (no fine provided for)
- Life felony — life or a term of years not less than 30; a fine not exceeding \$15,000
- Felony of the first degree — a term of imprisonment not exceeding 30 years; fine not to exceed \$10,000
- Felony of the second degree — a term of imprisonment not exceeding 15 years; a fine not exceeding \$10,000
- Felony of the third degree — a term of imprisonment not exceeding 5 years; a fine not exceeding \$5,000
- Misdemeanor of the first degree — a term of imprisonment not to exceed one year; a fine not to exceed \$1,000
- Misdemeanor of the second degree — a term of imprisonment not to exceed 60 days; a fine not to exceed \$500

These are not the only penalties — additional time may be given to persons found to be habitual felony offenders and the use of a weapon to commit a crime may cause it to be reclassified from, for instance, a felony of the third degree to a second degree felony.

There is also a provision that the use of a gun to commit, or attempt to commit the crimes of murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering to commit a felony or aircraft piracy will be punished by a minimum sentence of 3 years in prison with no provision for parole. But, 3 years is the minimum and convicted felons may receive up to, and including, life or the death penalty.

CHAPTER 76-75

Senate Bill 405

Persons who knowingly commit an assault or battery upon a law enforcement officer or fire fighter are to be charged with a more serious crime than previously. For instance, if a person commits an assault, instead of facing a second degree misdemeanor charge, the charge will be a misdemeanor of the first degree. Likewise, in the case of a battery, the suspect would be charged with a felony of the third degree instead of with a first degree misdemeanor. Another part of the law is amended so that anyone committing a battery on a law officer or fire fighter lawfully performing his duties, will be subject to the 3-year minimum, mandatory sentence law, if he uses a gun in the commission of the battery. The same law is further amended to close a small loophole by taking away the possibility of a prisoner getting out in less than 3 years because of "time off for good behavior". Effective on Oct. 1, 1976.

CHAPTER 76-95

House Bill 3977

Makes it unlawful for anyone to trespass on the premises of any plant nursery without the permission of the owner. Also makes it illegal to steal or damage nursery stock. Persons committing such acts are guilty of a first degree misdemeanor. An additional change provides that any person found to have imported, without a license, a citrus tree from outside the state is guilty of a felony of the third degree, while anyone in possession of such illegal plants is guilty of a first degree misdemeanor. Effective upon becoming law.

CHAPTER 76-141

Senate Bill 703

The law already said that a person illegally distributing heroin which caused the death of another person was guilty of a capital felony. The 1976 Legislature amended it to say that when anyone illegally distributes opium or any synthetic or natural salt, compound or derivative of opium (heroin is a derivative

of opium), and that substance is proven to be the cause of death, the distributor is guilty of a capital felony. Effective upon becoming law.

CHAPTER 76-165

Senate Bill 375

Defines "electric weapon or device" as "any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury." (One such weapon shoots out a dart-like projectile with small wires attached. Upon penetrating the body, an electrical shock of up to 50,000 volts is released -- enough to incapacitate a normal person and perhaps kill people with certain medical conditions.) Rest of the bill amends all those places in the law where the terms pistol, weapon or firearm are used to include the term "electric weapon or device."

CHAPTER 76-200

Committee Substitute for
House Bill 2599

This amendment to the law provides that the sale, delivery or possession of more than 100 pounds of marijuana is a felony of the second degree, while a person with less will still be guilty of a felony of the third degree. Effective October 1, 1976.

CHAPTER 76-275

House Bill 4178

Prior to this bill becoming effective, there was a four-year time limitation on prosecutions for life felony crimes. In other words, a person could not be charged with a life felony if more than four years had passed since the crime was committed. Life felonies have now been placed in the same class as capital felonies and there is no limitation as to when prosecution must start. The new law also contains a provision that in the event the death penalty is held to be unconstitutional by the Florida or U.S.

Sen. W. D. Childers, Pensacola





Senator Jack Gordon, Miami Beach

Supreme Court, then all crimes designated capital felonies will be considered life felonies. Shortly after the bill became effective, the U. S. Supreme Court ruled the death penalty, as applied to murder in Florida, was not unconstitutional. Effective upon becoming law.

Election Laws

CHAPTER 76-49 House Bill 1514

Makes it unlawful for anyone to possess a blank, forged, stolen, fictitious, counterfeit or unlawfully issued voter registration card. Also makes it illegal to trade, sell or give away a card or to destroy or deface the registration card of another registered voter. Violations of this law are punishable as first degree misdemeanors. Also amends the definition of political advertising so it covers any advertising which endorses or opposes any proposition or issue which is submitted to the voters for their approval or rejection. Effective upon becoming law.

CHAPTER 76-61 Committee Substitute for House Bills 2955 and 3056

Amends the law regulating the distribution of literature near a polling place to make it a misdemeanor of the first degree to solicit contributions or signatures for a petition within 100 yards of a polling place. (It was already illegal to pass out political literature around the polls.) This change was brought about when supporters of the Sunshine amendment and Legalized Gambling amendment collected signatures outside many polling places during the 1976 Florida Presidential primary. Effective upon becoming law.

Judicial Procedure

CHAPTER 76-66 Senate Bill 7

Provides that a person committing two or more crimes during one criminal episode shall be sentenced separately for each offense and the sentencing judge

THEY DIDN'T MAKE IT

To evaluate the impact of the 1976 Legislative Session on law enforcement it is necessary to look not only at the number of good bills that passed, but also at the bad bills which failed, the good ones killed or vetoed and the bad ones which passed.

One of the most highly publicized bills concerned the proposed reorganization of the Florida Highway Patrol (FHP) to make it an independent department instead of a division within the Department of Highway Safety and Motor Vehicles.

Originally it appeared the bill was intended to strengthen the position of the FHP, and the Sheriffs Association agreed to support it. Later one of the sponsors described it as a first step in setting up a state police super agency; and other supporters revealed it was also being viewed as a means of strengthening police unions.

This caused the Sheriffs Association to reverse its position and fight the bill, leading to the eventual killing of the bill.

Another "law and order" bill which prompted much emotional debate was the so-called "shoot to kill" bill, renamed by supporters as the "shoot to protect" bill. Opponents said it was too broad and innocent people might be shot and killed by some property owner with a nervous trigger finger.

Backers of the bill said it was time to give citizens, the potential victims of crime, a few rights instead of always looking out for the rights of criminals.

The Legislature managed to pass the bill and the Sheriffs Association passed a resolution urging Governor Reubin Askew to sign the bill so law-abiding citizens could justifiably use deadly force, without threat of prosecution, in resisting the commission of forcible and violent crimes among themselves, their families or their homes. The Governor, however, vetoed the bill.

Another good bill vetoed by the Governor would have increased the penalty for burglary from a first degree felony to a capital felony if while committing the burglary the criminal also committed or attempted to commit murder, sexual battery, aggravated battery or kidnapping.

may order them served concurrently (at the same time) or consecutively (one after the other). Effective Oct. 1, 1976.

CHAPTER 76-138 Senate Bill 509

Back in 1969, the Legislature passed a law prohibiting a court from admitting to bail a person appealing a felony conviction, if that person was a previously convicted felon whose civil rights had not been restored. The courts found this law to be in conflict with one of its Rules of Criminal Procedure and overturned the law. Senators and Representatives in this session decided it was "incumbent upon the Legislature to clarify to the courts its intent to prohibit the exercise of discretion in cases in which the Legislature believes the greater interest is in the protection of the citizens of this state." So the law was amended to provide that NO person convicted of a felony is entitled to bail while appealing his conviction, unless he establishes the appeal is taken in good faith and is not frivolous and

provided further "that in no case shall bail be granted if such person has previously been convicted of a felony" . . . and such person's civil rights have not been restored, or if other felony charges are pending against him." To satisfy the courts that the rights of the criminal are protected under this law, there is another provision that when bail is denied to a convicted felon, he has an automatic right to appeal that decision and such appeal is to receive expeditious review by the appellate court. Effective upon becoming law.

Rep. Tony Fontana, Hialeah





Senator Edgar Dunn, Jr., Daytona Beach

Police Powers

CHAPTER 76-183
Senate Bill 92

A sheriff's department or police department can now employ traffic enforcement officers who have completed at least 200 hours of instruction in traffic enforcement procedures and court presentation. Such officers do not meet the minimum requirements for law enforcement officers, but they can issue a traffic citation for any non-criminal traffic infraction they observe. The law further provides such officers can be part of an accident investigation team and shall be under the supervision of a fully qualified law enforcement officer. These officers are not permitted to carry weapons nor do they have arrest authority other than issuing traffic citations. Effective upon becoming law.

CHAPTER 76-247
House Bill 944

A Division of Security is created in the Department of General Services to provide and maintain the security of state-owned or leased property excluding state universities and custodial institutions. Requires law enforcement officers employed by the Division shall meet the minimum requirements of the Police Standards Commission and gives them authority to bear arms, make arrests and apply for arrest warrants. The Division is specifically prohibited from conducting any investigation except traffic accident investigation and investigations relating to the security of state property. A separate section requires the Division of Law Enforcement of the Florida Department of Criminal Law Enforcement to provide, on a need basis, personal security for state officers and members of the Legislature upon request of the Senate President, the Speaker of the House, the Lt. Governor and any member of the Cabinet. Effective July 1, 1976.

CHAPTER 76-267
House Bill 2903

Exempts full-time, part-time and auxiliary deputy sheriffs and police officers from the licensing requirements of the Department of State when they are performing the duties of watchmen, guards, private patrolmen or private investigators, if such officers are performing duties approved by their superiors. Effective upon becoming law.

CHAPTER 76-270
House Bill 3301

Authorizes a municipality or one of its agencies to employ parking enforcement specialists whose only job is to enforce state, county and city laws and ordinances governing parking. These specialists are permitted to issue citations, but can carry no weapons and have no arrest powers. Before being put to work, these people must receive training approved by the Police Standards and Training Commission. Effective July 1, 1976.

CHAPTER 76-277
Senate Bill 1299

The 1976 Legislature declared that, notwithstanding other laws, a police officer has to be a U. S. citizen. The bill also gives relief to smaller law enforcement agencies which occasionally find themselves short-handed and need to hire a new officer in a hurry, but cannot get him enrolled in one of the minimum standards training schools so he can become a certified police officer. The Police Standards Commission is now allowed to grant a temporary employment authorization, but the officer must enroll in the first training program offered in his area. Effective upon becoming law.

Rep. Edmond Fortune, Pace, (left) and
Rep. George Grosse, Jacksonville



Sen. George Firestone, Miami

Miscellaneous

CHAPTER 76-55
House Bill 1302

Adds a subsection to the law on receiving stolen property so that any person who is injured (financially) because someone else receives, retains or disposes of his property, is entitled to pursue a civil action against the violator and can obtain a judgment in the amount three times the damages. Effective on July 1, 1976.

CHAPTER 76-162
Senate Bill 132

Prior to July 1, 1976 it was illegal for a professional solicitor or his agent to make telephone solicitations for a charitable organization, but the law was either ignored or not enforced. Now it has been repealed and additional changes to the Solicitation of Charitable Funds Act provide that any person employed by a professional solicitor must apply to the Department of State for certification, unless that employee is working under the supervision of a professional solicitor making telephone solicitations. Another change required a solicitor to note in his application for registration with the Department of State, when he intends to conduct telephone solicitations. He must also have on file with the Department the proposed text of his telephone solicitation. Became effective July 1, 1976.

Please Note — The Florida Sheriffs Boys Ranch, Girls Villa and Youth Fund do not solicit funds by telephone. Nor do we authorize others to solicit by phone on our behalf. You will not find us soliciting door-to-door either. Our only organized state-wide fund raising is done by mail, radio and television. We urge everyone to become familiar with the Solicitation of Charitable Funds Act (Florida Stat-

utes, Chapter 496) and to be wary of the telephone solicitor because ethical charities subscribe to a code which prohibits such practices. Professional solicitors are required to identify themselves and show, upon request, they are authorized to collect for a charitable organization.

CHAPTER 76-191

Senate Bill 583

An agency or department employing law enforcement officers now has the option of paying the legal costs and attorney fees for any officer involved in a civil or criminal action which arises out of the officer's official duties IF the civil suit is dismissed or the officer is found not liable or not guilty. Effective on July 1, 1976.

CHAPTER 76-288

House Bill 4081

The beverage law is amended so that persons under 18 years of age can work in a dinner theater which serves alcoholic beverages as long as their employment is limited to the services of an actor, actress or musician. Another section makes it unlawful for a licensed vendor under the beverage laws to hire as manager, person in charge or bartender, any person convicted within five years of a violation of the beverage laws; anyone convicted within five years of soliciting for prostitution, keeping a disorderly place, dealing in narcotics; or anyone who within the past five years was convicted of a felony. Effective Oct. 1, 1976.

Traffic

CHAPTER 76-72

Senate Bill 290

Adds a paragraph to the Florida Uniform Traffic Control Law providing that cities and counties can enact ordinances and erect signs which control, regulate or prohibit hitchhiking on any

Sen. Pat Thomas, Quincy



streets or highways within their boundaries. Effective on July 1, 1976.

CHAPTER 76-83

House Bill 249

Those folks who thought tow-away signs on private property were just a bluff should take note of this new law because it provides that the owner or lessor of a piece of property can have a vehicle towed away when the property is part of a single family residence or where a notice has been posted prohibiting parking. The person having a vehicle towed away is required to inform the vehicle owner, upon request, of the name of the towing company and to notify the police department when a car is towed away. When a towing company removes a vehicle upon the request of a property owner, the company is considered to have a lien on the vehicle. Should someone have a vehicle removed improperly, that person becomes liable to the owner of the vehicle for the cost of removal, transportation and storage, plus any damages resulting from removal, attorney fees and court cost. Effective October 1, 1976.

CHAPTER 76-153

Senate Bill 1219

Amends the drivers license law so that a person who has his license suspended, revoked or cancelled, and petitions the circuit court to review the ruling, does not automatically retain his driving privilege. Provides the Department of Highway Safety and Motor Vehicles can allow the offender to retain his driving privileges, during the review, under certain circumstances. Another section of the law is amended so that a person convicted of driving while his license is under suspension shall have his license suspended an additional three months. (This is in addition to facing misdemeanor charges.) Any person failing to surrender his license during a period of suspension or revocation can have the period of suspension or revocation doubled. Effective on October 1, 1976.

CHAPTER 76-164

Committee Substitute for Senate Bill 300

It was an infraction of the law for a car dealer to sell a car without a valid inspection sticker and the punishment for such an infraction was a small fine. The law has been amended so that selling a vehicle without such a sticker is a misdemeanor of the second degree. The same change was made in relation to any person, firm or corporation issuing an



Senate President Dempsey Barron, Panama City

inspection sticker for any vehicle which has not actually been inspected. A new section was added to this part of the statutes making it a felony of the third degree for anyone to: forge, alter or reproduce an inspection sticker; have in his possession any forged, counterfeit or reproduced sticker; trade, sell or give away an inspection sticker. Also makes it illegal for "any person to agree to supply (or to aid in supplying) any person with an inspection sticker by any means whatsoever not in accordance with the provision of this part." Effective on July 1, 1976.

CHAPTER 76-218

House Bill 1381

Makes the 55 mile per hour speed limit official, but also includes a provision that should the federal Congress approve a higher limit for limited access highways, the Florida limit shall also increase as long as it does not exceed 70 miles per hour. This bill directs insurance companies not to increase a person's insurance premium just because he was caught for speeding (not over 70 mph) on an interstate highway or other high-speed, four-lane road. Effective July 1, 1976.

CHAPTER 76-286

House Bill 328

To understand what this law is about you first have to know that a "moped" (mo-ped) is a bicycle with a helper motor that does not exceed 1½ horsepower. Mopeds have never fit the definition of a bicycle, motorcycle, motor vehicle, motor-driven cycle or vehicle. This bill changes the definitions of all these types of vehicles so that a moped can only be a bicycle. It goes on to say no one under age 15 can operate a moped; mopeds cannot be operated on bicycle paths; they cannot exceed 25 miles per hour, but the law fails to require licensing. Effective July 1, 1976.

On the scene in



Assistant FBI Director William Mooney (see article about his address)



Sheriff Jack Bent, President of the Sheriffs Association, who presided at general sessions and business sessions.



State Sen. Jim Glisson (see article about his address)

We listened to

Sheriffs support citizens' right to use "justifiable deadly force"

ST. AUGUSTINE — The Florida Sheriffs Association at its 63rd Annual Conference here June 16 passed a strong resolution supporting the right of law-abiding citizens to use "justifiable deadly force" to protect themselves, their homes and their families when threatened by forcible and violent crimes.

The resolution said law-abiding citizens have been consistently denied the opportunity or authority to use deadly force against violent crimes, and this has encouraged the criminal element in our society to commit, or attempt to commit, violent crimes without fear of resistance or retribution.

A copy was immediately sent to Governor Reubin Askew urging him to sign Senate Bill 615 (the so-called "shoot-to-kill" bill) which establishes citizens' self-protection rights, but he subsequently vetoed it.

The Association also passed a resolution opposing a proposed constitutional amendment which will make Supreme Court Justices and District Courts of Appeal Judges appointed, rather than elected, officials if Florida voters approve it in November.

President Jack Bent said the resolution was consistent with the Sheriffs' long-standing opposition to erosion of democratic processes.

In business sessions covering a wide range of agenda items, the Association also:

*Selected Pensacola and Port St. Lucie as the sites for its January and July, 1977, conference sites.

*Approved plans for a Management Analysis Service which will help Sheriffs to improve their efficiency and effectiveness.

*Approved plans for a Post-Legislative Workshop to inform Sheriffs and deputies regarding changes in Florida laws resulting from actions taken by the 1976 session of the Florida Legislature.

*Approved a proposed December seminar which will serve as an orientation session for newly-elected Sheriffs, and a refresher course for reelected Sheriffs.

*Gave encouragement to a proposed Air Security Transport Service which promises to save manhours and tax dollars by flying prisoners from county jails to state prisons.

*Accepted Attorney General Robert Shevin's offer of "Help Stop Crime" funds for a follow-up survey to evaluate the Sheriffs Association's current campaign to make the public aware of Florida's three-year mandatory sentences for using guns in serious crimes.

*Released for showing on television the Sheriffs Association movie, "A Special Kind of Guy", which describes what Sheriffs do for a living.

The 63rd Annual Conference was held at the Ponce de Leon Motor Lodge, with St. Johns County Sheriff Dudley Garrett as host.

Highlights included addresses by State Senator Jim Glisson and Assistant FBI Director William Mooney which are covered elsewhere in this issue. ★

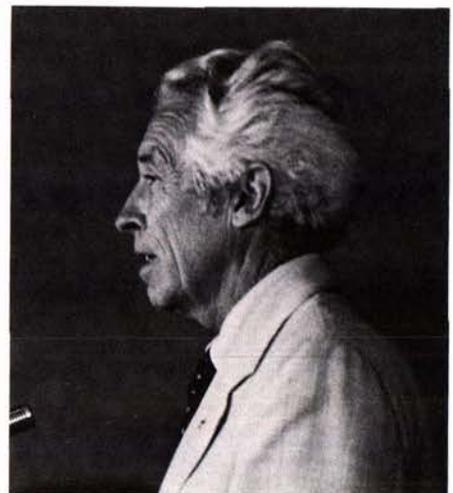
St. Augustine



Gen. K. C. Bullard, Florida's Adjutant General.



St. Johns County Sheriff Dudley Garrett, conference host, who welcomed Sheriffs and guests.



State Rep. Gus Craig, Chairman of the House of Representatives Rules Committee.

Keynoter strongly opposes appointing Sheriffs

ST. AUGUSTINE — State Senator Jim Glisson told Sheriffs and guests attending the 63rd Annual Conference of the Florida Sheriffs Association here June 15, he is strongly opposed to making Sheriffs appointed, rather than elected, officials.

In a conference keynote address, he said depriving voters of their right to select their Sheriff would constitute just one more destructive force eroding the criminal justice system.

Appointed Sheriffs would be more likely to make liberal interpretations of the law, Senator Glisson said, "and there has already been too much legal erosion."

"We must move toward fixed sentences for specific criminal acts," he added, "but it can't be done in one year. No legislature can clean up the state or reform the judiciary in one session."

Senator Glisson, who has sponsored a number of tough anti-

crime bills, including the present law that requires judges to give three-year mandatory sentences with no leniency for serious crimes committed with guns, declared that strong laws do work.

To clinch his contention, he pointed out that robberies have been decreasing in Florida since the three-year mandatory sentence law went into effect, and they are increasing in other states.

Part of the decrease, he said, is due to greater public involvement and an aroused state-wide interest in fighting crime.

Florida's crackdown on gun crimes and its get tough attitude toward criminals is attracting the attention of other states, the Senator said. "I have already spoken in five other states," he said. "We have made a good start. Let's keep going. The nation is looking to Florida." ★

Punishment deterred crimes in colonial times

ST. AUGUSTINE — Dealing with habitual criminals was apparently not a serious problem for our founding fathers. Assistant FBI Director William M. Mooney told a luncheon audience at the 63rd Annual Conference of the Florida Sheriffs Association.

"Conviction of a crime always meant punishment, usually of a physical nature," Mooney said, "and few people were willing to chance more than one conviction. Therefore, the rate of recidivism was surely low."

He said, in Virginia, Governors Thomas Gates and Thomas Dale "constructed a harsh code, usually known as Dale's laws, to pull the colony out of the chaos of 'the starving time' of 1610.

"Punishment for the slightest disobedience was severe and sometimes cruel," he added, "yet most historians agree that the actions of Dale and Gates were a necessary response to a vital need.

"Without the structure and discipline provided by laws, the colony might have perished. Instead, there was a framework of laws that were totally enforced for the preservation of society."

Continuing with his Bicentennial theme, Mooney said colonists adopted various features of the English system of criminal justice, including the office of Sheriff which can be traced

(continued on page 13)

in St. Augustine



HUNTER



TERRY



RIVERS



PAGE



PEREZ



CASWELL

We learned about

A pilot project in St. Johns, Putnam, Flagler and Clay Counties utilizing uniformed deputy sheriffs in public schools to develop a better understanding of law enforcement and a friendlier attitude toward lawmen. John Rivers, Planner, Region IV Criminal Justice Advisory Council, was the moderator of a panel discussion which featured five of the deputies involved in the project. They are Joe Caswell and Alice Terry, Putnam County; Carey Page, Clay County; A. M. Kid Perez, St. Johns County; and Wilfred E. Hunter, Flagler County.

Law enforcement explorer posts from explorers themselves such as Capt. Joe Raulerson of the Hillsborough County Sheriff's Department post. The Florida Association of Police Explorers President, David Ham, told about there being 600 members statewide and how they learn about law enforcement as a profession and, at the same time, provide valuable services to police and sheriffs' departments. Boy Scout executive Ted Taylor went over a few of the many benefits of establishing a police explorer post.



Raulerson



Taylor



Sheriff
Charlie Parrish



Sheriff Bill Taff



Sheriff Basil Gaines



Sheriff
Sam Campbell



Sheriff Joe Crevasse



Sheriff Maurice Linton

We passed resolutions

Praising five retiring Sheriffs who were given special recognition at a luncheon meeting by Sheriff Maurice Linton, Vice President of the Sheriffs Association.



Former Pinellas County Sheriff Don Genung and his wife, Florence, for gifts and voluntary services donated to the Florida Sheriffs Boys Ranch and Girls Villa. Harry Weaver (right), Executive Director of the Ranch and Villa, presented a Distinguished Service plaque to Genung, who is currently employed as Director of Development for the Florida Sheriffs Youth Fund, and a Ranch-Villa Builder Certificate to Don and Florence.



Former St. Johns County Sheriff L. O. Davis, Jr. and his wife, Nina, for distinguished service to the Sheriffs Association and the Florida Sheriffs Boys Ranch. Sheriff Walt Pellicer (left), Chairman of the Sheriffs Association's Board of Directors, presented them with a lifetime honorary membership in the Sheriffs Association. Davis is a past president of the Association. Sheriff Jack Bent looked on as the award was presented.

We Honored . . .



Organizations and individuals who assisted the Sheriffs Association in a state-wide, multi-media publicity campaign to make the public aware of Florida's mandatory sentences for crimes with guns. Sheriff Walt Pellicer (second from right) made the presentation of lifetime honorary membership plaques and distinguished service certificates to (left to right) Don Thieme, Director of Florida's "Help Stop Crime" project; Diana Monaghan, President of PR Inc., Orlando, and originator of the publicity campaign; Andy Anderson, representing Florida Outdoor Advertising Association; Bob Dempsey, representing WKIS Radio, Orlando; Ed Bajalia, representing Florida Retail Grocers Association of Florida; State Senator Jim Glisson, sponsor of the mandatory sentence law (Senate Bill 55); and Charles Ross, representing WDBO TV, Orlando. A lifetime honorary membership was also voted for Attorney General Robert Shevin, "Help Stop Crime" chairman, but he was not able to attend the conference and Don Thieme accepted the membership plaque on his behalf.



Organizations and individuals who have given large gifts to the Florida Sheriffs Youth Fund, Florida Sheriffs Boys Ranch and the Florida Sheriffs Girls Villa become members of the Builders Club by giving \$100 or more. They qualify as Lifetime Honorary Members by giving \$1,000 or more.

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SANFORD — Sheriff John Polk (left), of Seminole County, presents a Florida Sheriffs Association Lifetime Honorary Membership plaque to Mr. and Mrs. Harold A. Dull.