Journal of the Senate

Number 33 Friday, June 1, 1979

The Senate was called to order by Senator W. D. Childers at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3. Senator Henderson represented the Committee on Rules and Calendar and the Minority Party.

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 passed as amended HB 389 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Danson—

HB 389—A bill to be entitled An act relating to consumer protection; creating s. 501.145, Florida Statutes; requiring that a notice be printed on the face of any written form which closely resembles the format of a bill, invoice, or statement of account; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1810 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Ward and Hagler—

HCR 1810—A concurrent resolution designating November 24, 1979, as Racking Horse Day.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1811 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1811—A bill to be entitled An act relating to the Florida Banking Code; amending s. 659.06(1)(a), Florida Statutes; providing authority for the establishment of branch banks by merger with the approval of the Department of Banking and Finance; providing a standard for approval; restricting mergers by banks incorporated for less than 3 years; authorizing additional branches within the county of the branch established by merger; providing a standard for approval; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 1038 and 901 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Kirkwood and Moffitt—

CS for HB's 1038 and 901—A bill to be entitled An act relating to guardianship; amending s. 393.12, Florida Statutes, providing for the appointment of a guardian for the property or person of a retarded person who is competent but lacks certain capabilities; removing provisions requiring an adjudication of incompetency prior to such appointment; providing for the retention of certain rights by the retarded person; providing qualifications for the guardian; providing for the appointment of a guardian for persons who are incompetent; amending s. 744.102(5), Florida Statutes, changing the definition of "incompetent" in guardianship provisions; creating part VIII of chapter 744, Florida Statutes; providing for the creation of an office of public guardian or a board of community guardian in judicial circuits when a need exists or upon the request of a county; providing for appointment by the chief judge; providing for powers and duties of a public guardian; authorizing the public guardian to appoint subordinates; providing for allocation of costs; requiring a bond; providing for budget and annual report; providing for membership, terms, powers, and duties of boards of community guardian; providing that such boards serve as guardians for incompetent persons under certain circumstances; providing that such boards have access to certain confidential records; providing for certain immunity from civil or tort liability; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 947 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hagler—

HB 947—A bill to be entitled An act relating to Escambia County; providing for and continuing a Civil Service Board for personnel administration, based on merit principles; providing for composition, tenure, appointments, expenses, qualificiations officers and meetings of the Civil Service Board, joint responsibilities of the Civil Service Board, District School Board of Escambia County and Board of County Commissioners for classification and wage surveys, pay plans and voting procedures; providing funding and facilities; identifying Civil Service Board responsibility for merit principles; defining the applicability of the career Civil Service system; empowering the Civil Service Board to retain legal counsel, keep records and make reports for administration of this act and for the career Civil Service system; defining the Civil Service Board's decision authority; stating employee rights; prohibiting discrimination on non-merit factors; providing for process and penalty for violations; limiting the career Civil Service system; providing definitions; repealing chapter 77-548, Laws of Florida, as amended by chapter 78-507, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 205 and HB 1682 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative T. Lewis—

HB 1682—A bill to be entitled An act relating to taxation of motor fuels; amending s. 206.01(1), Florida Statutes, including alcohol blended fuels, commonly known as "gasohol" in the definition of motor fuels; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

By the Committee on Judiciary and Representatives Cox and Spaet—

CS for HB 205—A bill to be entitled An act relating to landlord and tenant; adding a new subsection (7) to s. 83.49, Florida Statutes; requiring certain residential landlords to file an amount with the registry of the court of competent jurisdiction when sued with respect to a security deposit or advanced rent; providing for the immediate payment by the clerk of certain judgments in favor of the tenant; providing for supersedeas; providing for the return of the deposit if the landlord prevails; providing that a landlord's failure to comply with paragraph (7)(a) will result in a default judgment in favor of the tenant; providing that the remedy shall not be exclusive; creating s. 83.565, Florida Statutes, permitting the surviving spouse of a tenant, or the personal representative of his estate if there be no surviving spouse, to terminate a residential rental agreement upon the death of the tenant; requiring the landlord to return the security deposit less any valid claim upon such termination; providing that all residential rental agreements entered into on or after October 1, 1979, shall be deemed to include the provisions of the act; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1671 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gallagher and others—

HB 1671—A bill to be entitled An act relating to licensed professions and occupations; amending s. 455.016(2), Florida Statutes, and reenacting s. 486.172, Florida Statutes, 1978 Supplement, to direct that the licensing boards and commissions within the Department of Professional and Occupational Regulation implement programs designed to qualify for examination to practice a licensed profession or occupation certain Cuban residents and political prisoners; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 515 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative Margolis—

CS for HB 515—A bill to be entitled An act relating to the Auditor General; amending s. 11.45(8), Florida Statutes, providing for the notification of members of certain committees and subcommittees of the Legislature with regard to errors, unusual practices or other discrepancies discovered by the Auditor General in connection with his audit or postaudit of a state agency or officer; providing that explanations shall be made to the chairmen of such committees and subcommittees; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 573 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative D. Jones—

CS for HB 573—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.08(11), Florida Statutes, 1978 Supplement, prohibiting the taking of king mackerel with certain nets within or without the waters of the state; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1173 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative O'Malley—

HB 1173—A bill to be entitled An act relating to disaster preparedness; adding subsection (6) to s. 252.55, Florida Statutes, prohibiting the appropriation or release of funds to the Florida Wing of the Civil Air Patrol unless the organization submits an annual financial statement and inventory to the Department of General Services; providing a required annual date of submission; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 270 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gallagher—

HB 270—A bill to be entitled An act for the relief of Metropolitan Dade County Transit Authority; providing an appropriation to compensate the county for its loss of revenue sustained by overpayment of motor vehicle license taxes on county buses; providing an effective date.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee E and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1069 and CS for HB 37 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Warner—

HB 1069—A bill to be entitled An act relating to handicapped persons; providing for the creation of a Work Experience for the Handicapped Committee; providing for the composition of the committee and for the committee's powers and duties; directing state agencies to cooperate with the committee in providing employment opportunities to the handicapped; directing state agencies to select from an approved list of handicapped applicants when feasible; providing for repeal and legislative review of the committee in accordance with the Sundown Act; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By the Committee on Natural Resources and Representative Conway and others—

CS for HB 37—A bill to be entitled An act relating to water resources; creating the "Water Conservation Act of 1979"; providing legislative intent; providing that the Executive Office of the Governor shall be responsible for the development of state water policy; creating s. 23.0152, Florida Statutes, providing for certain review and recommendations; providing for direction of state executive agencies and management of water resources; providing for a water conservation report by the Governor to the Legislature; specifying contents thereof; providing for a report of the Governor to the Legislature on land application with treated sewage effluents; specifying contents thereof; establishing a Water Conservation Trust Fund; appropriating $1 million for the purposes of the act; earmarking $400,000 of the appropriation for certain uses; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Governmental Operations, Rules and Calendar, and Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1414 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Kutun—

CS for HB 1414—A bill to be entitled An act relating to retardation; amending s. 393.12, Florida Statutes, providing for the appointment of a guardian for the property or person of a retarded person who is competent but lacks certain capabilities; removing provisions requiring an adjudication of incompetency prior to such appointment; providing for the retention of certain rights by the retarded person; providing qualifications for the guardian; providing for the appointment of a guardian for persons who are incompetent; amending s. 744.102(5), Florida Statutes, changing the definition of "incompetent" in guardianship provisions; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Judiciary-Civil.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1396 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulated Industries & Licensing and Representatives Fontana and Kershaw—

CS for HB 1396—A bill to be entitled An act relating to dogracing and horseracing; amending s. 550.24, Florida Statutes, providing a penalty for the use of certain types of drugs on a horse or dog for the purpose of affecting the result of a race; providing an exemption for the Director of the Division of Pari-mutuel Wagering from certain provisions of chapter 120; providing restrictions relating to sentencing; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Governmental Operations.

The Honorable Philip D. Lewis, President

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

HB 9 HB 294 HB 1282
HB 1381

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hollingsworth and others—

HB 9—A bill to be entitled An act relating to imported fruits, vegetables and sugar; creating s. 603.165, Florida Statutes, prohibiting the purchase by public agencies of imported fruits, vegetables, and sugar under certain circumstances; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

By Representative Morgan (by request)—

HB 294—A bill to be entitled An act for the relief of Napolean Hosea Yant, a minor, by and through his mother and guardian, Barbara Bozeman; providing an appropriation to compensate him for damages sustained as a result of falling into a steam hole on the campus of Florida A & M Demonstration School on April 4, 1975; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Ways and Means.

By Representative Crady—

HB 1282—A bill to be entitled An act relating to traffic control; adding subsection (8) to s. 316.545, Florida Statutes, providing that officers or agents of the Department of Highway Safety and Motor Vehicles inspecting vehicles under weight and load provisions shall have the same power as roadguard inspection special officers; specifies that such officers or agents shall not be considered high risk members for retirement purposes; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Representative Woodruff—

HB 1381—A bill to be entitled An act for the relief of the City of St. Petersburg; providing an appropriation to compensate the city for its loss of revenue sustained by overpayment of motor vehicle license taxes on city buses; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1281 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crady—

HB 1281—A bill to be entitled An act relating to navigable meandered freshwater lakes; repealing s. 253.151, Florida Statutes, as amended, relating to the establishment of boundary lines of submerged lands located under navigable meandered freshwater lakes; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President Pro Tempore at 10:00 a.m. A quorum present—37:

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Poole	Ware
Childers, D.	Holloway	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Excused: Periodically, Senators Hair, W. D. Childers, Myers, Spicola, Dunn, Barron, Henderson, Vogt, Scott, Johnston, Stuart, Frank, Ware, McClain, Thomas, MacKay, Chamberlin, Maxwell, Gordon, Skinner, Peterson and Steinberg, conferees and alternates on House Bills 1046, 35, 1036 and 1689 and SB 1297.

Prayer by Joe Brown, Secretary of the Senate:

O Lord, we beseech thee, help us to be a part of the solution and not a part of the problem. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills for Consent Calendar for Friday June 1, 1979:

SB 422	SB 1121	HB 1282
SB 1246	SB 1031	SB 778
SB 1185		

And, the following bills for the Special Order Calendar:

CS for SB 705	HB 1805	HB 1830
CS for SB 151	HB 1806	CS for SB 268
CS for SB 896	HB 1807	SB 1123
CS for SB 1252	HB 1813	HB 1654
CS for SB 1282	HB 1815	SB 934
HB 1620	HB 1814	CS for SB 782
SB 203	HB 1822	HB 229
HB 684	HB 1832	CS for HB 109
SB 1249	HB 1824	
HB 1297	HB 1825	
HB 1803		

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Governmental Operations recommends the following pass:

HB 1814 with 13 amendments	HB 1825 with 2 amendments
HB 1822 with 6 amendments	HB 1830 with 4 amendments
HB 1824 with 4 amendments	HB 1832 with 3 amendments

The bills were placed on the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKnight, by two-thirds vote SB 931 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Steinberg, by two-thirds vote SB 825 was removed from the calendar and indefinitely postponed.

Senator Don Childers moved that the rules be waived and HB 880 be withdrawn from the Committee on Rules and Calendar and placed at the end of the special order calendar. The motion failed.

On motions by Senator Barron, the rules were waived and by two-thirds vote House Bills 947 and 970 were withdrawn from the Committee on Rules and Calendar and placed on the local bill calendar.

The President presiding

MESSAGES FROM THE GOVERNOR

The Governor advised that he had transmitted to the office of the Secretary of State Senate Bills 651, 419, 779, 475 and 1026, which he had approved May 30; SB 663 which he had approved May 25; and SB 1273 which he allowed to become law, without his signature, at midnight, May 25, 1979.

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 passed—

SB 208	SB 1156	SB 1130
CS for SB 803	SB 262	SB 1150

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

CS for SB 758	SB 976	CS for SB 1258
CS for SB 210	CS for SB 1255	SB 1208
SB 354	SB 523	SB 1109
SB 119	SB 488	SB 950
SB 1046	SB 259	SB 330
SB 294	SB 391	SB 1006
SB 279	SB 477	SB 531

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1 and passed SB 130, as amended.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended—

HB 1718	HB 1515	HB 702
HB 382	HB 1592	

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended—

HB 1546	CS for HB 1327	CS for HB 1632
HB 679	HB 1597	HB 315
CS for HB's 625 & 1352		

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to return HB 1063 as requested.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

By Senator Myers—

SB 836—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 409.-2671(2)(d), (3), (6), (7)(c)-(e), Florida Statutes, 1978 Supplement; providing for a 1-year extension of an existing pilot

project to test the feasibility of increasing hospital out-patient service benefits through local agency contributions to the medical assistance program for outpatient hospital services; providing staffing for the department; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 1, line 31, after the word "benefits" insert: to eligible Medicaid recipients through local agency

Amendment 3—On page 3, line 12, insert A new Section 3.

Section 3. The Department of Health and Rehabilitative Services shall conduct a study during fiscal year 1979-1980 to evaluate the feasibility of modifying the Medicaid program to provide assistance to additional groups of persons, including the medically needy, and to provide payment for additional categories of medical services, including preventive and catastrophic services. The study shall include an evaluation of services which could be purchased by using currently unmatched local government expenditures or various levels of increased state and local government expenditures to obtain additional Federal matching funds for the Florida Medicaid program. The department shall prepare a report to the Legislature of the results of the study. The report shall include specific findings and recommendations and an analysis of the costs and benefits of any proposed program modifications. The report shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 15, 1980.

(And renumber subsequent sections.)

Amendment 4—On page 1, line 11 in the title, after the semicolon insert: requiring a study of the Medicaid program;

On motions by Senator Myers, the Senate concurred in the House Amendments.

SB 836 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Grizzle	Myers	Stuart
Anderson	Henderson	Neal	Thomas
Carlucci	Holloway	Peterson	Tobiassen
Chamberlin	Jenne	Poole	Trask
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	MacKay	Scott	Williamson
Fechtel	Maxwell	Skinner	Winn
Frank	McClain	Spicola	
Gorman	McKnight	Steinberg	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator Myers—

SB 601—A bill to be entitled An act relating to taxation; amending s. 214.71(3), Florida Statutes, relating to general method of nonproperty tax apportionment; clarifying the apportionment factor as it applies to certain financial institutions; amending s. 220.222(1), Florida Statutes, relating to the time for filing corporate income tax returns; providing effective dates.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, between lines 4 & 5, insert:

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for such growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage, and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor will not be deemed a sale within this State.

Amendment 2—On page 1, line 7 in title, after the semicolon (;) insert: amending 214.71 (3) (a), Florida Statutes, relating to general method of apportionment; providing a procedure whereby the sales factor regarding citrus fruit delivered by grower-members of a cooperative or by grower-participants, to a Florida processor, may be computed; providing a method for handling certain expenses regarding an agency contract;

Amendment 3—On page 3, line 18, after the word "and" insert: , with the exception of subsection (3) (a) 2. and 3., On page 3, line 20, after the period (.) INSERT: Section 1, subsection (3) (a) 2. and 3. shall apply to any taxpayer whose accounting year begins after December 31, 1978.

Amendment 4—On page 2, line 1, after (a) insert: *1.*

On motions by Senator Myers, the Senate concurred in the House Amendments.

SB 601 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gordon	McKnight	Thomas
Anderson	Grizzle	Myers	Tobiassen
Carlucci	Hill	Peterson	Trask
Chamberlin	Jenne	Poole	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Spicola	Winn
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to SB 774, and again requests the Senate to concur.

Allen Morris, Clerk

By Senator Holloway and others—

SB 774—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02(6)(g), Florida Statutes, 1978 Supplement; providing that, for purposes of such tax, the terms "lease," "let," or "rental" do not include certain charges subject to the jurisdiction of the United States Interstate Commerce Commission; providing an effective date.

Amendment 1—On page 2, line 8, strike all existing language and insert: Section 2.

Subsections (1), (2), and (4) and paragraphs (a) and (c) of subsection (7) of section 212.03, Florida Statutes, are amended, and paragraph (e) is added to subsection (7) to read:

212.03 Transient rentals tax; rate, procedure, enforcement, *exemptions*, etc.—

(1) It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing or letting any living quarters, sleeping or housekeeping accommodations in, from, or a part of, or in connection with any hotel, apartment house, roominghouse, tourist or trailer camp, *or condominium*, as hereinbefore defined in this chapter. For the exercise of said privilege a tax is hereby levied as follows: in the amount equal to 4 percent of and on the total rental charged for such living quarters, sleeping or housekeeping accommodations by the person charging or collecting the rental; provided that such tax shall apply

to hotels, apartment houses, roominghouses, tourist or trailer camps, *or condominiums*, as hereinbefore defined in this chapter, whether or not there be in connection with any of the same, any dining rooms, cafes or other places where meals or lunches are sold or served to guests.

(2) The tax provided for herein shall be in addition to the total amount of the rental and shall be charged by the lessor or person receiving the rent in and by said rental arrangement to the lessee or person paying the rental, and shall be due and payable at the time of the receipt of such rental payment by the lessor or person, as defined in this chapter, who receives said rental or payment. The owner, lessor or person receiving the rent shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax, the making of returns, the keeping of books, records and accounts and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage or operate hotels, apartment houses, roominghouses, tourist and trailer camps, *and the rental of condominium units*, and to all persons who collect or receive such rents on behalf of such owner or lessor taxable under this chapter.

(4) The tax levied by this section shall not apply to, be imposed upon, or collected from any person who shall *have entered into a bona fide written lease for longer than 6 months in duration for continuous residence at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or to any person who shall* reside continuously longer than *6* ~~12~~ months at any one hotel, apartment house, roominghouse, tourist or trailer camp, *or condominium* and shall have paid the tax levied by this section for *6* ~~12~~ months of residence in any one hotel, roominghouse, apartment house, tourist or trailer camp, *or condominium*. Notwithstanding other provisions of this chapter, no tax shall be imposed upon rooms provided guests when there is no consideration involved between guest and the public lodging establishment. *Further, any person who, on the effective date of this act, has resided continuously for 6 months at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or, if less than 6 months, has paid the tax imposed herein until he shall have resided continuously for 6 months, shall thereafter be exempt, so long as such person shall continuously reside at such location. The Department of Revenue shall have the power to reform the rental contract for the purposes of this chapter if the rental payments are collected in other than equal daily, weekly, or monthly amounts so as to reflect the actual consideration to be paid in the future for the right of occupancy during the first 6 months.*

(7)(a) *Full-time students enrolled in an institution offering postsecondary education and military personnel currently on active duty who reside in the facilities described in subsection (1) shall be exempt from the tax imposed by this section. The department shall be empowered to determine what shall be deemed acceptable proof of full-time enrollment. The exemption contained in this subsection shall apply irrespective of any other provisions of this section.* The tax levied by this section shall not apply to or be imposed upon or collected on the basis of rentals to any person who resides in any building or group of buildings intended primarily for lease or rent to persons as their permanent or principal place of residence.

(c) The rental of facilities, including trailer lots, which are intended primarily for rental as a principal or permanent place of residence is exempt from the tax imposed by this chapter. The rental of facilities that primarily serve transient guests is not exempt by this subsection. In the application of this law, or in making any determination against the exemption, the department shall consider and be guided by, among other things:

1. Whether or not a facility caters primarily to the traveling public;

2. Whether less than half of *the total rental units available are occupied by* ~~its~~ tenants *who* have a continuous residence in excess of 3 months; and

3. The nature of the advertising of the facility involved.

(e) The rental of living accommodations in migrant labor camps is not taxable under this section. Migrant labor camps are defined as one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for seasonal, temporary, or migrant workers.

Section 3. Paragraph (a) of subsection (3) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; *EXEMPTIONS;* LEVY; RATE.—

(a) It is declared to be the intent of the Legislature that every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, tourist or trailer camp, or condominium for a term of 6 months or less is exercising a privilege which is subject to taxation under this section, *unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of chapter 212.*

Section 4. Paragraph (b) of subsection (2) of section 212.04, Florida Statutes, 1978 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement, etc.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who sells or receives anything of value, by way of admissions. For the exercise of said privilege a tax is levied as follows:

(2)

(b)1. No tax shall be levied on admissions to athletic or other events held by elementary schools, junior high schools, middle schools, high schools, community colleges, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is utilized.

2. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations or community or recreational facilities. To receive this exemption, the sponsoring organization or facility must qualify as a not-for-profit entity under the provisions of s. 501.(c)(3) of the United States Internal Revenue Code of 1954, as amended.

(3) No tax shall be levied on admissions to the National Football League Championship game.

Section 5. Section 212.15, Florida Statutes, 1978 Supplement, is amended to read:

212.15 Taxes declared state funds; penalties for *failure to remit taxes* ~~embezzlement~~; due and delinquent dates; judicial review.—

(1) The taxes imposed by this chapter shall become state funds *at* ~~from~~ the moment of *collection and* ~~collection, and s. 812.10, relating to embezzlement by state, county or municipal officers shall apply to every person who collects any taxes imposed by this chapter.~~

~~(2) The taxes imposed by this chapter~~ shall for each month be due to the department on the first day of the succeeding month and delinquent on the 21st day of such month. *All returns postmarked after the 20th day of such month are delinquent.*

(2) Any person who, with intent to unlawfully deprive or defraud the state of its moneys or the use or benefit thereof, fails to remit taxes collected pursuant to this chapter is guilty of theft of state funds, punishable as follows:

(a) If the total amount of stolen revenue is less than $100, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction within a 36-month period, the offender shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction within a 3-year period, the offender shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of stolen revenue is $100 or more, the offense is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the total amount of stolen revenue is $20,000 or more, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Prosecution of a misdemeanor under this section shall commence no later than 2 years from the date of the offense. Prosecution of a felony under this section shall commence no later than 5 years from the date of the offense.

(4)~~(3)~~ All taxes collected under this chapter shall be remitted to the department. *In addition to criminal sanctions,* the department is empowered, and it shall be its duty, when any tax becomes delinquent or is otherwise in jeopardy under this chapter, to issue a warrant for the full amount of the tax due or estimated to be due, with the interest, penalties and cost of collection, directed to all and singular the sheriffs of the state, and mail the warrant to the Clerk of the Circuit Court of the county where any property of the taxpayer is located. Upon receipt of the warrant, the Clerk of the Circuit Court shall record it, and thereupon the amount of the warrant shall become a lien on any real or personal property of the taxpayer in the same manner as a recorded judgment. The department may issue a tax execution to enforce the collection of taxes imposed by this chapter and deliver it to any sheriff. The sheriff shall thereupon proceed in the same manner as prescribed by law for executions and shall be entitled to the same fees for his services in executing the warrant to be collected. The department may also have a writ of garnishment to subject any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels, or effects of the delinquent dealer in the hands, possession, or control of the third person in the manner provided by law for the payment of the tax due. Upon payment of the execution, warrant, judgment or garnishment, the department shall satisfy the lien of record within 30 days.

(5)~~(4)~~ In any action involving the legality of any tax assessed under this chapter, the court shall inquire into and determine the legality and validity of the same and shall render decrees setting aside such tax assessment or any part of the same which is contrary to law, provided that the complainant shall in every case, except where the taxes assessed, including interest and penalties, have been paid to the department prior to the institution of suit, tender into court and file with the complaint the full amount of the assessment complained of, including any interest and penalties included in such assessment, or file with the complaint a cash bond or a surety bond endorsed by a surety company authorized to do business in this state or by such sureties as may be approved by the court, conditioned to satisfy any judgment or decree in full, including the taxes complained of, costs, interest, and penalties.

Section 6. Subsection (2) of section 319.31, Florida Statutes, is amended to read:

319.31 Requisites of certificates; forms.—A certificate of title shall be printed upon a special watermarked paper to be selected by the Department of Highway Safety and Motor Vehicles. The department may by regulation require additional information and may alter, change or modify the following forms shown in this section. It may prescribe such additional forms as may be needed in the administration of this law.
(2) An "Assignment of Certificate of Title" shall appear on the face of or on the reverse side of each certificate of title.

ASSIGNMENT OF CERTIFICATE
OF TITLE

State of Florida

County of _____

The undersigned, being the owner of the motor vehicle described in the within Certificate of Title, hereby sells and assigns all right, title and interest in and to said Certificate of Title and the motor vehicle described therein to

... (Name of Assignee) ...

___ (Address of Assignee in Full) ___ ___*(Assignor's Selling Price)*___

The undersigned states and warrants that there are no mortgages, liens or encumbrances on said motor vehicle except as noted on the face of this Certificate of Title.

Date _____

___(Signature of Assignor)___

_____(Address in Full) _____

Subscribed and sworn to before me at _____ in the State of

_____this _____ day of _____, 19____.

_____(Notary Public)_____

A "reassignment by _____ dealer" shall likewise appear on the reverse side of each Certificate of Title.

REASSIGNMENT BY_____DEALER

To be filled in by _____ Dealer only _____

State of Florida

County of _____

The undersigned, being a _____ Dealer, License No.

_____ who purchased the motor vehicle described in the within Certificate of Title, hereby sells and assigns all his right, title and interest in and to said Certificate of Title and the motor vehicle described therein to

_____(Name of Assignee)_____

_____(Address of Assignee)_____

The undersigned states and warrants that there are no mortgages, liens or encumbrances on said motor vehicle except as noted on the face of this Certificate of Title.

Date _____

_____(DEALER)_____

SUBSCRIBED and sworn to before me at _____ in the

State of _____ this _____ day of _____, 19____.

_____(Notary Public)_____

Section 7. Subsection (3) of section 371.76, Florida Statutes, is amended to read:

371.76 Certificate of title required.—

(3) The department shall make regulations necessary and convenient to carry out the provisions of this part. *The department shall provide a labeled place on the title where the seller's price can be indicated when a boat is sold. However, the department shall not be expected to provide a labeled place for the seller's price until such time as new boat title forms are ordered.*

Section 8. It is the intent of the Legislature that, except as provided in s. 371.76(3), Florida Statutes, all certificates of title issued after the effective date of this act shall contain a labeled place for the seller's price to be indicated, and no notary public shall notarize a title transfer until the seller properly indicates the sales price, if a labeled place is provided on the title. It is the further intent of the Legislature that no title shall be accepted for transfer by any county tax collector or other agent of the state unless the sales price is entered in the appropriately labeled place on the title by the seller, if a labeled place is provided on the title.

Section 9. It is the further intent of the Legislature that the Department of Revenue conduct an audit of private vehicle and boat sales transactions, and report to the Legislature on the progress and findings of such audit by January 1, 1980.

Section 10. This act shall take effect July 1, 1979.

Amendment 2—On page 1, line 9 in the title, after the semicolon insert: amending s. 212.03 (1), (2), (4), and (7)(a) and (c), Florida Statutes, and adding paragraph (e) to subsection (7); including condominiums as taxable facilities with respect to the sales tax on transient rentals; decreasing from 12 months to 6 months the duration for which tax is levied on a continuous resident, and providing that any individual signing a written lease for 6 months or longer shall be exempt

from taxation; providing that certain full-time students and military personnel on active duty shall be exempt from taxation; clarifying language regarding exemption of certain facilities; providing that living accommodations in migrant labor camps are exempt from said tax; amending s. 125.0104(3)(a), Florida Statutes; providing that the local option tourist development tax shall not be imposed on living accommodations which are exempt under the provisions of chapter 212; amending 212.04 (2)(b), Florida Statutes, 1978 Supplement, exempting admissions to the National Football League Championship game from sales tax; amending s. 212.15, Florida Statutes, 1978 Supplement; prescribing the time at which such taxes become state funds and at which they become delinquent; providing penalties for failure to remit such taxes; limiting prosecutions for such an offense; amending ss. 319.31(2) and 371.76(3), Florida Statutes; requiring that certificates of title for motor vehicles and boats contain a labeled place for indication of the seller's price; providing legislative intent that no notary public shall notarize a title transfer and no tax collector or other agent shall accept a title for transfer without such information if so labeled; providing for a report by the Department of Revenue;

Senators Poole and Stuart offered the following amendment to House Amendment 1 which was moved by Senator Poole:

Amendment 1—On page 6, line 16, after the period (.) insert: *No tax shall be levied on admissions to any national or international championship professional sporting event or any nationally televised professional sporting event or any postseason football game sanctioned by the National Collegiate Athletic Association.*

Senator Williamson moved the following substitute amendment which was adopted:

Amendment 2—On page 6, line 24, strike lines 24 and 25 and renumber subsequent sections

Senator Neal moved the following amendment to House Amendment 1, which was adopted:

Amendment 3—On page 2, lines 6, 13, and 14, strike *"or condominiums"*

Senator Tobiassen moved the following amendment to House Amendment 1 which was adopted:

Amendment 4—On page 14, between lines 8 and 9, insert:

Section 10. Subsection (3) of section 212.08, Florida Statutes, 1978 Supplement, is amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

(3) EXEMPTIONS~~, PARTIAL~~; CERTAIN FARM EQUIPMENT.—There shall be *exempt from the tax imposed by this chapter* ~~taxable at the rate of 3 percent~~ the sale, use, consumption, or storage for use in this state of self-propelled or power-drawn farm equipment used exclusively by a farmer on a farm owned, leased, or sharecropped by him in plowing, planting, cultivating, or harvesting crops. The rental of self-propelled or power-drawn farm equipment shall be taxed at the rate of 4 percent.

(Renumber subsequent sections.)

Senator Tobiassen moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—Insert: amending s. 212.08(3), Florida Statutes, 1978 Supplement; providing a total exemption from the sales and use tax for the sale, use, consumption, or storage of certain farm equipment;

On motions by Senator Myers, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments.

SB 774 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Anderson	Gordon	MacKay	Peterson
Chamberlin	Gorman	Maxwell	Scarborough
Childers, D.	Henderson	McClain	Skinner
Childers, W. D.	Hill	McKnight	Spicola
Dunn	Holloway	Myers	Steinberg
Frank	Jenne	Neal	Stuart
Thomas	Trask	Vogt	Winn
Tobiassen			

Nays—3

Mr. President	Grizzle	Johnston

Disclosure

This is to advise of a conflict in voting which I had on House Amendment 1 to SB 774. I would like to advise that I am in the business of building and renting units, thereby creating the conflict.

Patrick Neal, 24th District

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to SB 110, and again requests the Senate to concur.

Allen Morris, Clerk

By the Committee on Judiciary-Criminal and Senator Spicola and others—

SB 110—A bill to be entitled An act relating to involuntary hospitalization; amending s. 394.467(1), (5)(b), (6), Florida Statutes, 1978 Supplement; prescribing criteria for the involuntary hospitalization of a person acquitted of criminal charges by reason of insanity; providing for the continued hospitalization of a person so committed upon a showing that the person continues to meet such criteria; authorizing the conditional release of certain involuntarily hospitalized patients; providing an effective date.

Amendment 1—On page 1, line 16, strike everything after the enacting clause and INSERT:

Section 1. The title of part V of chapter 394, Florida Statutes, is renamed "Criminal Mental Health," section 394.851, Florida Statutes, is renumbered as section 394.905, Florida Statutes, section 394.86, Florida Statutes, (former section 394.-4671), is renumbered as section 394.906, Florida Statutes, sections 918.15 and 925.10, Florida Statutes, are renumbered and amended, and sections 394.901 and 394.904, Florida Statutes, are created to read:

394.901 Involuntary hospitalization of persons adjudicated not guilty by reason of insanity.—

(1) CRITERIA.—A person who is acquitted of criminal charges because of a finding of not guilty by reason of insanity may be involuntarily hospitalized pursuant to such finding if he is mentally ill and, because of his mental illness, is manifestly dangerous to himself or others.

(2) PROCEDURE FOR ADMISSION.—Any court order directing the hospitalization of a person adjudicated not guilty by reason of insanity shall adequately document the nature and extent of the patient's mental illness. Such documentation shall include a psychiatric evaluation. In addition, other documentation may be provided, to the extent possible, by at least one state employed psychiatrist, psychologist or physician, psychiatrist, psychologist or physician as designated by the district mental health board, or a community mental health center psychiatrist, psychologist or physician. Every such person shall be admitted for hospitalization and treatment in accordance with the provisions of this section. The treatment facility may accept and retain a patient so admitted for a period not to exceed 6 months whenever the patient is accompanied by a court order and adequate documentation of the patient's mental illness. Such documentation shall include a psychiatric evaluation and any psychological and social work evaluations of the patient and shall document the results of any criminal investigation on the patient. If a patient is considered to be suffering from an emotional illness to the extent that he cannot participate in his own defense, such documentation should include details regarding the evaluation which led to that conclusion. If further hospitalization is necessary at the end of his authorized treatment period, the administrator shall apply to the hearing examiner for an order authorizing continued hospitalization.

(3) PROCEDURE FOR CONTINUED HOSPTALIZATION; HEARING OFFICER.—

(a) If continued hospitalization of a patient admitted pursuant to this section is necessary, the administrator shall, prior to the expiration of the period during which the treatment fa-

cility is authorized to retain the patient, request an order authorizing continued hospitalization. This request shall be accompanied by a statement from the patient's physician justifying the request and a brief summary of the patient's treatment during the time he was hospitalized. In addition, the administrator shall submit an individualized plan for the patient for whom continued hospitalization is requested. Notification of this request for retention shall be mailed to the patient and his guardian or representative along with a completed petition, requiring only a signature, for a hearing regarding the continued hospitalization and a waiver of hearing form. The waiver of hearing form shall state that the patient is entitled to a hearing under the law; that he is entitled to be represented by an attorney at the hearing and, if he cannot afford an attorney, that one will be appointed; and that, if it is shown at the hearing that the patient does not meet the criteria for involuntary hospitalization specified in subsection (1), he is entitled to be released. If the patient or his guardian or representative does not sign the petition, or if the patient does not sign a waiver within 15 days, the hearing officer shall notice a hearing with regard to the patient involved in accordance with s. 120.57(1).

(b) Any time continued hospitalization is requested, the hearing officer may, on his own motion, notice a hearing.

(c) Any time continued hospitalization is requested by the administrator, the administrator may request a hearing, and the hearing officer shall hold a hearing within 30 days of such request.

(d) The administrator shall not transfer any patient to voluntary status when he has reasonable cause to believe that the patient is dangerous to himself or others. In any case in which the administrator has reasonable cause to believe that an involuntary patient is dangerous to himself or others, the administrator shall request continued hospitalization. In any case in which a request for continued hospitalization is necessary, but the administrator after reviewing the case believes there is not reasonable cause to believe that the patient meets the criteria for involuntary hospitalization at the time of application for transfer to voluntary status and the patient needs continued hospitalization, the patient shall be transferred to a voluntary status.

(e) If the patient or his guardian or representative returns the signed petition noted in paragraph (a), the hearing officer shall notice a hearing in accordance with s. 120.57(1). The patient and his guardian or representative shall be informed of the right to counsel by the hearing officer. In the event a patient cannot afford counsel in a hearing before a hearing officer, the public defender in the county where the hearing is to be held shall act as attorney for the patient. The hearing shall be conducted in accordance with chapter 120.

(f) If the patient waives his hearing or if at a hearing it is shown that the patient continues to meet the criteria for involuntary hospitalization, the hearing officer shall sign the order for continued hospitalization. The treatment facility shall be authorized to retain the patient for a period not to exceed 1 year. The same procedure shall be repeated prior to the expiration of each additional 1-year period the patient is retained.

(g) If continued hospitalization is necessary for an individual admitted while serving a criminal sentence, but whose sentence is about to expire, or for an individual hospitalized while a minor, but who is about to reach the age of 18, the administrator shall petition the hearing officer for an order authorizing continued hospitalization.

(4) RELEASE OF PATIENTS.—

(a) The committing court shall retain jurisdiction in the case of any patient committed to a mental hospital pursuant to this section.

(b) The administrator shall not release any such patient without first notifying the state attorney from the committing county at least 30 days in advance of the anticipated date of release. The state attorney may request a hearing before a hearing officer to be held within 15 days. A continuance not to exceed 5 days may be granted at the discretion of the hearing officer. The state attorney from the committing county shall represent the interest of the state at such hearing. The patient and his guardian or representative shall be informed of the right to counsel by the hearing officer. In the event a patient cannot afford counsel in a hearing before a hearing officer, the public defender in the county where the patient is being held or a court-appointed attorney shall act as attorney for the patient. If, at a hearing, it is shown that the patient continues to meet the criteria for involuntary hospitalization specified in subsection (1), the hearing officer shall sign the order for continued hospitalization pursuant to paragraph (3)(f). If, at a hearing, it is shown that the patient does not continue to meet such criteria for involuntary hospitalization, the hearing officer shall sign an order allowing the release of the patient. However, no patient who has been committed in a criminal case shall be released from a mental hospital except by order of the committing court.

(c) In all proceedings under this subsection, both the patient and the state attorney shall have the right to a hearing before the committing court. In these proceedings, evidence may be presented by the hospital administrator, the state attorney, and the patient. The patient shall have the right to counsel. In the event a patient cannot afford counsel, the public defender of the county in which the proceedings arise or court-appointed counsel shall act as attorney for the patient. After hearing all the evidence, the judge shall deliberate and render a decision based exclusively on whether the patient continues to meet the criteria for involuntary hospitalization specified in subsection (1). If the patient does not meet the criteria, the judge shall find that the patient should be released. The hearing provided for herein shall be held within 60 days from the date of the request for such hearing; otherwise the patient shall be released in accordance with the order of the hearing officer.

(5) RELEASE OF CRIMINALLY CHARGED OR CONVICTED PATIENTS.—In the case of any patient who has been committed according to the provisions of s. 394.903 or s. 945.12, the committing court may order a conditional release based on an appropriate system of community follow-up, and such release shall specify responsibility for the receipt of follow-up treatment and reports to the court for failure to comply with the order of the court. In such case the court shall order the patient to appear periodically in a community clinic to insure the patient is following a prescribed treatment regimen.

394.902 ~~918.15~~ Mental competence to stand trial.—

(1) A person accused of a crime who is incompetent to stand trial shall not be proceeded against while he is incompetent. A person is incompetent to stand trial within the meaning of this act if he does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding or if he has not rational, as well as factual, understanding of the proceedings against him.

(2) If, before or during trial, the court, of its own motion or upon motion of counsel for the defendant or for the state, has reasonable ground to believe that the defendant is not mentally competent to stand trial, the court shall immediately initiate proceedings pursuant to s. *394.903* ~~925.10~~.

(3) If a motion under subsection [(2)] is filed or made, the court may order the defendant taken into custody, if he is not already in custody, until the determination of his competency can be made. If the defendant has been released from custody on bail or other pretrial release provision, and the court is satisfied that evaluation is necessary but that the defendant need not be taken into custody for such evaluation, the court may order the defendant to appear at a designated place for evaluation at a specific time.

394.903 ~~925.10~~. Procedure when defendant is incompetent to stand trial.—If the court has a reasonable ground to believe the defendant is incompetent to stand trial, pursuant to the provisions of s. *394.902* ~~918.15~~, the court shall proceed as follows:

(1)*(a)* The court shall issue an order for the defendant to be examined by *at least three expert witnesses* ~~a local mental health receiving facility or a local retardation diagnosis and evaluation team~~ to determine whether the defendant does or does not meet the criteria for involuntary hospitalization pursuant to s. 394.467(1) or the criteria for involuntary retardation residential services pursuant to s. 393.11. *To the extent possible, at least one of the appointed experts shall be either a state-employed psychiatrist, psychologist or physician, if in the local vicinity, a psychiatrist, psychologist or physician as designated by the district mental health board, or a community mental health center psychiatrist, psychologist or physician. The examination shall be conducted prior to the transmittal of the defendant to a forensic unit of a state treatment facility.* If the defendant requires security which the receiving facility ~~or diag-~~

~~nostic and evaluation team~~ cannot provide, *the panel of experts* ~~the receiving facility or diagnostic and evaluation team~~ may evaluate the defendant in jail or in another appropriate secure local facility. The receiving facility ~~or diagnostic and evaluation team~~ shall complete its court-ordered evaluation of the defendant within 5 days of receipt of the order.

(b)~~(a)~~ The court shall conduct a hearing to determine whether the defendant meets the criteria for involuntary hospitalization or residential services.

1. If the court finds the defendant meets the criteria for involuntary hospitalization or residential services, the court shall order the defendant committed to a Department of Health and Rehabilitative Services intake facility. The defendant shall be diagnosed and examined within 30 days *of his admission to such facility* to evaluate his competency to participate in his own defense. Appropriate treatment shall be provided to the defendant. Within the 30-day period, a hearing shall be held by the court of criminal jurisdiction to determine if the defendant is competent to participate in his own defense. The staff of the treatment facility *may* ~~shall~~ present testimony at the hearing on the defendant's competency to participate in his own defense. Other evidence concerning the defendant's mental condition for participating in his own defense may be introduced at the hearing by either party*; provided that if the court orders an additional examination of the defendant prior to the hearing, it shall appoint at least three expert witnesses to evaluate and diagnose the competence of the defendant and, to the extent possible, at least one of the experts shall be a psychiatrist or psychologist specified in paragraph (a).*

a. If, at the hearing, the court determines the defendant competent to stand trial, the court shall proceed to trial.

b. If, at the hearing, the court determines the defendant incompetent to stand trial, the defendant shall be returned to the treatment facility for an additional stay not to exceed 60 days. Within the 60-day stay, another competency hearing shall be held. If, after three consecutive 60-day treatment periods, the defendant remains incompetent, the court may dismiss all charges and order an involuntary admission hearing as provided in s. 393.11 or s. 394.467. If the defendant is involuntarily admitted, prior to releasing the defendant, the administrator of the facility shall notify the State Attorney's office which was involved in the adjudication of the original criminal case.

2. If the court finds the defendant does not meet the criteria for hospitalization, the court shall~~, according to the provisions of s. 918.11,~~ appoint *at least three* expert witnesses for the purpose of evaluating and diagnosing the competence of the defendant. *At least one of the experts shall be a psychiatrist or psychologist specified in paragraph (a).* The court may utilize *the experts who examined the defendant pursuant to paragraph (a) or* the staff of the *local mental health* receiving facility as expert witnesses whenever possible. The clerk shall notify the prosecuting attorney and counsel for the defendant of such appointments and shall give the names and addresses of experts so appointed. Other evidence concerning the defendant's competence may be introduced at the hearing by either party. The hearing shall be held within 5 days of the appointment of the experts. If the defendant is not in custody, the court may order that he be taken into custody until a determination of his competency can be made. If the court is satisfied that evaluation is necessary but that the defendant need not be taken into custody for such evaluation, the court may order the defendant to appear at a designated place for evaluation at a specific time.

a. If, at the hearing, the court determines the defendant competent to stand trial, the court shall proceed to trial.

b. If, at the hearing, the court determines the defendant incompetent to stand trial, the defendant may be released on reasonable bail or on other appropriate release conditions for a period not to exceed 6 months. The court may order that the defendant receive outpatient treatment at an appropriate local facility to restore the defendant's competency. The court shall conduct a hearing to determine whether the defendant has regained his competency within 30 days of the initial commitment and every 60 days thereafter until the defendant either regains his competency to proceed with trial or until the defendant has received outpatient services for 6 months. If at the end of the 6-month period the defendant remains incompetent, the court may dismiss all charges against the defendant.

(c)~~(b)~~ If the defendant is declared incompetent to stand trial and the criminal charges are dismissed, and [he is] later declared competent to stand trial, his other incompleted trial shall not constitute former jeopardy. *The statute of limitations applicable to the criminal charges which are dismissed shall be tolled during the period the person is declared incompetent to stand trial.*

(2) An adjudication of incompetency to stand trial shall not operate as an adjudication of incompetency for other purposes, unless such adjudication is specifically set forth in the order, in which case a guardian of the person shall be appointed.

(3) Expert witnesses appointed by the court pursuant to this section to determine the mental condition of a defendant in a criminal case shall be allowed reasonable fees for services rendered as witnesses, which shall be paid by the county where the indictment was found or the information or affidavit was filed. State employees shall be paid expenses pursuant to s. 112.061. The fees shall be taxed as costs in the case.

394.904 Competence to stand trial; psychotropic medication.—

(1) As used in this section, the term "psychotropic medication" means any drug or compound affecting the mind, behavior, intellectual functions, perception, moods, and emotion and includes antipsychotic, antidepressant, antimanic, and antianxiety drugs.

(2) A defendant who, because of psychotropic medication, is able to understand the nature of the proceedings and to assist in his defense, shall not automatically be deemed incompetent to stand trial simply because his satisfactory mental functioning is dependent upon the medication.

Section 2. Paragraph (b) of subsection (3) of section 394.467, Florida Statutes, as amended by chapters 77-147, 77-312 and 78-197, Laws of Florida, subsection (5) of said section, as amended by chapters 77-312, 78-95 and 78-197, Laws of Florida, and subsection (6) of said section, as created by chapter 77-312, Laws of Florida, are hereby repealed, and a new subsection (5) is added to said section to read:

394.467 Involuntary hospitalization.—

(5) This section shall not apply to persons involuntarily hospitalized pursuant to the provisions of s. 394.901.

Section 3. Section 918.11, Florida Statutes, as amended by chapter 77-312, Laws of Florida, is hereby repealed.

Section 4. If this act is passed by a two-thirds vote of the membership of each House of the Legislature, Rule 3.210, Florida Rules of Criminal Procedure, as amended, is repealed.

Section 5. This act shall take effect October 1, 1979.

Amendment 2—On page 1, lines 2 thru 12, strike the Title and insert: An act relating to mental health; redesignating part V of chapter 394, Florida Statutes, and transferring thereto provisions of law relating to persons found not guilty by reason of insanity and persons incompetent to stand trial; creating s. 394.901, Florida Statutes, changing the criteria for involuntary admission of persons adjudicated not guilty by reason of insanity; transferring existing provisions relating to procedures for continued hospitalization and release of such persons from part I of chapter 394, Florida Statutes; renumbering and amending s. 918.15, Florida Statutes, transferring to part V of chapter 394 provisions relating to mental incompetence to stand trial; renumbering and amending s. 925.10, Florida Statutes, specifying the experts to evaluate a defendant whom the court has reasonable grounds to believe to be incompetent to stand trial for the purpose of making certain determinations; providing that the applicable statute of limitations shall toll during the period of incompetency; transferring from s. 918.11, Florida Statutes, provisions relating to fees for expert witnesses appointed to evaluate the defendant; creating s. 394.904, Florida Statutes, providing that defendants made competent by psychotropic medication shall not automatically be prohibited from standing trial; adding a new subsection to s. 394.467, Florida Statutes, 1978 Supplement, and repealing subsections (3)(b), (5) and (6) of said section, to conform to the act; repealing s. 918.11, Florida Statutes, to conform to the act; repealing a conflicting rule of criminal procedure; providing an effective date.

Senator Spicola moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 1, beginning on line 11, strike everything after the enacting clause and insert: Section 1. The title of part V of chapter 394, Florida Statutes, is renamed "Criminal Mental Health," section 394.851, Florida Statutes,

is renumbered as section 394.905, Florida Statutes, section 394.-86, Florida Statutes, (former section 394.4671), is renumbered as section 394.906, Florida Statutes, sections 918.15 and 925.10, Florida Statutes, are renumbered and amended, and sections 394.901 and 394.904, Florida Statutes, are created to read:

394.901 Involuntary hospitalization of persons adjudicated not guilty by reason of insanity.—

(1) CRITERIA.—A person who is acquitted of criminal charges because of a finding of not guilty by reason of insanity may be involuntarily hospitalized pursuant to such finding if he is mentally ill and, because of his mental illness, is manifestly dangerous to himself or others.

(2) PROCEDURE FOR ADMISSION.—Any court order directing the hospitalization of a person adjudicated not guilty by reason of insanity shall adequately document the nature and extent of the patient's mental illness. Such documentation shall include a psychiatric evaluation. In addition, other documentation may be provided, to the extent possible, by at least one state employed psychiatrist, psychologist or physician, psychiatrist, psychologist or physician as designated by the district mental health board, or a community mental health center psychiatrist, psychologist or physician. Every person acquitted of criminal charges by reason of insanity shall be admitted for hospitalization and treatment in accordance with the provisions of this section. The treatment facility may accept and retain a patient so admitted for a period not to exceed 6 months whenever the patient is accompanied by a court order and adequate documentation of the patient's mental illness. Such documentation shall include a psychiatric evaluation and any psychological and social work evaluations of the patient and shall document the results of any criminal investigation on the patient. If further hospitalization is necessary at the end of the patient's authorized treatment period, the administrator shall apply to the hearing examiner for an order authorizing continued hospitalization.

(3) PROCEDURE FOR CONTINUED HOSPITALIZATION; HEARING OFFICER.—

(a) If continued hospitalization of a patient admitted pursuant to this section is necessary, the administrator shall, prior to the expiration of the period during which the treatment facility is authorized to retain the patient, request an order authorizing continued hospitalization. This request shall be accompanied by a statement from the patient's physician justifying the request and a brief summary of the patient's treatment during the time he was hospitalized. In addition, the administrator shall submit an individualized plan for the patient for whom continued hospitalization is requested. Notification of this request for retention shall be mailed to the patient and his guardian or representative along with a completed petition for a hearing regarding the continued hospitalization and a waiver of hearing form. The waiver of hearing form shall state that the patient is entitled to a hearing under the law; that he is entitled to be represented by an attorney at the hearing and, if he cannot afford an attorney, that one will be appointed; and that, if it is shown at the hearing that the patient does not meet the criteria for involuntary hospitalization specified in subsection (1), he is entitled to be released. If the patient or his guardian or representative does not file the petition, or if the waiver is not returned within 15 days, the hearing officer shall notice a hearing with regard to the patient involved in accordance with s. 120.57(1).

(b) Any time continued hospitalization is requested, the hearing officer may, on his own motion, notice a hearing.

(c) Any time continued hospitalization is requested by the administrator, the administrator may request a hearing, and the hearing officer shall hold a hearing within 30 days of such request.

(d) The administrator shall not transfer any patient to voluntary status when he has reasonable cause to believe that the patient is manifestly dangerous to himself or others. In any case in which the administrator has reasonable cause to believe that an involuntary patient is manifestly dangerous to himself or others, the administrator shall request continued hospitalization. In any case in which a request for continued hospitalization is necessary, but the administrator after reviewing the case believes there is not reasonable cause to believe that the patient meets the criteria for involuntary hospitalization at the time of application for transfer to voluntary status and the patient needs continued hospitalization, the patient shall be transferred to a voluntary status.

(e) If the patient or his guardian or representative returns the signed petition noted in paragraph (a), the hearing officer shall notice a hearing in accordance with s. 120.57(1). The patient and his guardian or representative shall be informed of the right to counsel by the hearing officer. In the event a patient cannot afford counsel in a hearing before a hearing officer, the public defender in the county where the hearing is to be held shall act as attorney for the patient. The hearing shall be conducted in accordance with chapter 120.

(f) If the hearing is waived or if at a hearing it is shown that the patient continues to meet the criteria for involuntary hospitalization, the hearing officer shall sign the order for continued hospitalization. The treatment facility shall be authorized to retain the patient for a period not to exceed 1 year. The same procedure shall be repeated prior to the expiration of each additional 1-year period the patient is retained.

(4) RELEASE OF PATIENTS COMMITTED PURSUANT TO AN ACQUITTAL BY REASON OF INSANITY.—

(a) The committing court shall retain jurisdiction in the case of any patient committed to a mental hospital pursuant to this section.

(b) The administrator shall not release any such patient without first notifying the state attorney from the committing county at least 30 days in advance of the anticipated date of release. The state attorney may request a hearing before a hearing officer to be held within 15 days. A continuance not to exceed 5 days may be granted at the discretion of the hearing officer. The state attorney from the committing county shall represent the interest of the state at such hearing. The patient and his guardian or representative shall be informed of the right to counsel by the hearing officer. In the event a patient cannot afford counsel in a hearing before a hearing officer, the public defender in the county where the patient is being held or a court-appointed attorney shall act as attorney for the patient. If, at a hearing, it is shown that the patient continues to meet the criteria for involuntary hospitalization specified in subsection (1), the hearing officer shall sign the order for continued hospitalization pursuant to paragraph (3)(f). If, at a hearing, it is shown that the patient does not continue to meet such criteria for involuntary hospitalization, the hearing officer shall sign an order allowing the release of the patient. However, no patient who has been committed in a criminal case shall be released from a mental hospital except by order of the committing court.

(c) In all proceedings under this subsection, both the patient and the state attorney shall have the right to a hearing before the committing court. In these proceedings, evidence may be presented by the hospital administrator, the state attorney, and the patient. The patient shall have the right to counsel. In the event a patient cannot afford counsel, the public defender of the county in which the proceedings arise or court-appointed counsel shall act as attorney for the patient. After hearing all the evidence, the judge shall deliberate and render a decision based exclusively on whether the patient continues to meet the criteria for involuntary hospitalization specified in subsection (1). If the patient does not meet the criteria, the judge shall find that the patient should be released. The hearing provided for herein shall be held within 60 days from the date of the request for such hearing; otherwise the patient shall be released in accordance with the order of the hearing officer.

(5) CONDITIONAL RELEASE OF INSANITY ACQUITTEE PATIENTS.—In the case of any patient who has been committed according to the provisions of this section, the committing court may order a conditional release based on an appropriate system of community follow-up, and such release shall specify responsibility for the receipt of follow-up treatment and reports to the court for failure to comply with the order of the court. In such case the court shall order the patient to appear periodically in a community clinic to insure the patient is following a prescribed treatment regimen.

394.902 ~~918.15~~ *Mental Competence to stand trial.—*

(1) A person accused of a crime who is incompetent to stand trial shall not be proceeded against while he is incompetent. A person is incompetent to stand trial within the meaning of this act if he does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding or if he has not rational, as well as factual, understanding of the proceedings against him.

(2) If, before or during trial, the court, of its own motion or upon motion of counsel for the defendant or for the state, has

reasonable ground to believe that the defendant is not mentally competent to stand trial, the court shall immediately initiate proceedings pursuant to s. *394.903* ~~925.10~~.

(3) If a motion under subsection [(2)] is filed or made, the court may order the defendant taken into custody, if he is not already in custody, until the determination of his competency can be made. If the defendant has been released from custody on bail or other pretrial release provision, and the court is satisfied that evaluation is necessary but that the defendant need not be taken into custody for such evaluation, the court may order the defendant to appear at a designated place for evaluation at a specific time.

394.903 ~~925.10~~ Procedure when defendant is incompetent to stand trial.—If the court has reasonable ground to believe the defendant is incompetent to stand trial, pursuant to the provisions of s. *394.902* ~~918.15~~, the court shall proceed as follows:

(1)*(a)* The court shall issue an order for the defendant to be examined by *at least three expert witnesses* ~~a local mental health receiving facility or a local retardation diagnosis and evaluation team~~ to determine whether the defendant does or does not meet the criteria for involuntary hospitalization pursuant to s. 394.467(1) or the criteria for involuntary retardation residential services pursuant to s. 393.11. *To the extent possible, at least one of the appointed experts shall be either a state-employed psychiatrist, psychologist or physician, if in the local vicinity, a psychiatrist, psychologist or physician as designated by the district mental health board, or a community mental health center psychiatrist, psychologist or physician. The examination shall be conducted prior to the transmittal of the defendant to a forensic unit of a state treatment facility.* If the defendant requires security which the receiving facility ~~or diagnostic and evaluation team~~ cannot provide, *the panel of experts* ~~the receiving facility or diagnostic and evaluation team~~ may evaluate the defendant in jail or in another appropriate secure local facility. The receiving facility ~~or diagnostic and evaluation team~~ shall complete its court-ordered evaluation of the defendant within 5 days of receipt of the order.

(b)~~(a)~~ The court shall conduct a hearing to determine whether the defendant meets the criteria for involuntary hospitalization or residential services.

1. If the court finds the defendant meets the criteria for involuntary hospitalization or residential services, the court shall order the defendant committed to a Department of Health and Rehabilitative Services intake facility. The defendant shall be diagnosed and examined within 30 days *of his admission to such facility* to evaluate his competency to participate in his own defense. Appropriate treatment shall be provided to the defendant. Within the 30-day period, a hearing shall be held by the court of criminal jurisdiction to determine if the defendant is competent to participate in his own defense. The staff of the treatment facility *may* ~~shall~~ present testimony at the hearing on the defendant's competency to participate in his own defense. Other evidence concerning the defendant's mental condition for participating in his own defense may be introduced at the hearing by either party*; provided that if the court orders an additional examination of the defendant prior to the hearing, it shall appoint at least three expert witnesses to evaluate and diagnose the competence of the defendant and, to the extent possible, at least one of the experts shall be a psychiatrist or psychologist specified in paragraph (a).*

a. If, at the hearing, the court determines the defendant competent to stand trial, the court shall proceed to trial.

b. If, at the hearing, the court determines the defendant incompetent to stand trial, the defendant shall be returned to the treatment facility for an additional stay not to exceed 60 days. Within the 60-day stay, another competency hearing shall be held. If, after three consecutive 60-day treatment periods, the defendant remains incompetent, the court may dismiss all charges and order an involuntary admission hearing as provided in s. 393.11 or s. 394.467. If the defendant is involuntarily admitted, prior to releasing the defendant, the administrator of the facility shall notify the State Attorney's office which was involved in the adjudication of the original criminal case.

2. If the court finds the defendant does not meet the criteria for hospitalization, the court shall~~, according to the provisions of s. 918.11,~~ appoint *at least three* expert witnesses for the purpose of evaluating and diagnosing the competence of the defendant. *At least one of the experts shall be a psychiatrist or psychologist specified in paragraph (a).* The court may utilize *the experts who examined the defendant pursuant to paragraph (a) or* the staff of the *local mental health* receiving facility as expert witnesses whenever possible. The clerk shall notify the prosecuting attorney and counsel for the defendant of such appointments and shall give the names and addresses of experts so appointed. Other evidence concerning the defendant's competence may be introduced at the hearing by either party. The hearing shall be held within 5 days of the appointment of the experts. If the defendant is not in custody, the court may order that he be taken into custody until a determination of his competency can be made. If the court is satisfied that evaluation is necessary but that the defendant need not be taken into custody for such evaluation, the court may order the defendant to appear at a designated place for evaluation at a specific time.

a. If, at the hearing, the court determines the defendant competent to stand trial, the court shall proceed to trial.

b. If, at the hearing, the court determines the defendant incompetent to stand trial, the defendant may be released on reasonable bail or on other appropriate release conditions for a period not to exceed 6 months. The court may order that the defendant receive outpatient treatment at an appropriate local facility to restore the defendant's competency. The court shall conduct a hearing to determine whether the defendant has regained his competency within 30 days of the initial commitment and every 60 days thereafter until the defendant either regains his competency to proceed with trial or until the defendant has received outpatient services for 6 months. If at the end of the 6-month period the defendant remains incompetent, the court may dismiss all charges against the defendant.

(c)~~(b)~~ If the defendant is declared incompetent to stand trial and the criminal charges are dismissed, and [he is] later declared competent to stand trial, his other incompleted trial shall not constitute former jeopardy. *The statute of limitations applicable to the criminal charges which are dismissed shall be tolled during the period the person is declared incompetent to stand trial.*

(2) An adjudication of incompetency to stand trial shall not operate as an adjudication of incompetency for purposes of civil proceedings, unless such adjudication is specifically set forth in the order, in which case a guardian of the person shall be appointed.

(3) Expert witnesses appointed by the court pursuant to this section to determine the mental condition of a defendant in a criminal case shall be allowed reasonable fees for services rendered as witnesses, which shall be paid by the county where the indictment was found or the information or affidavit was filed. State employees shall be paid expenses pursuant to s. 112.061. The fees shall be taxed as costs in the case.

394.904 Competence to stand trial; psychotropic medication.—

(1) As used in this section, the term "psychotropic medication" means any drug or compound affecting the mind, behavior, intellectual functions, perception, moods, and emotion and includes antipsychotic, antidepressant, antimanic, and antianxiety drugs.

(2) A defendant who, because of psychotropic medication, is able to understand the nature of the proceedings and to assist in his defense, shall not automatically be deemed incompetent to stand trial simply because his satisfactory mental functioning is dependent upon the medication.

Section 2. Paragraph (b) of subsection (3) of section 394.467, Florida Statutes, as amended by chapters 77-147, 77-312 and 78-197, Laws of Florida, subsection (5) of said section, as amended by chapters 77-312, 78-95 and 78-197, Laws of Florida are hereby repealed; subsections (1) and (6) of said section, as created by chapter 77-312, Laws of Florida, are amended:

394.467 Involuntary hospitalization.—

(1) CRITERIA.—

(a) A person *who is acquitted of criminal charges because of a finding of not guilty by reason of insanity* may be involuntarily hospitalized *pursuant to such finding* if he is mentally ill and because of his illness is *manifestly dangerous to himself or others pursuant to s. 394.901.*

(b) Any other person may be involuntarily hospitalized if he is mentally ill and because of his illness is:

1.~~(a)~~ Likely to injure himself or others if allowed to remain at liberty, or

2.~~(b)~~ In need of care or treatment and lacks sufficient capacity to make a responsible application on his own behalf.

(5)~~(6)~~ *CONDITIONAL* RELEASE OF CRIMINALLY CHARGED OR CONVICTED PATIENTS.—In the case of any patient who has been committed according to the provisions of s. *394.903* ~~925.10~~ or s. 945.12, ~~upon release~~ the committing court may order *a conditional release based on* ~~that~~ an appropriate system of community follow-up ~~be utilized~~, in which case the court may order the patient to appear periodically in a community clinic to insure the patient is following a prescribed treatment regimen.

Section 3. Section 918.11, Florida Statutes, as amended by chapter 77-312, Laws of Florida, is hereby repealed.

Section 4. If this act is passed by a two-thirds vote of the membership of each House of the Legislature, Rule 3.210, Florida Rules of Criminal Procedure, as amended, is repealed.

Section 5. 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. This act shall take effect October 1, 1979.

Senator Spicola moved the following amendment to House Amendment 2 which was adopted:

Amendment 2—On page 1, line 2, strike the title and insert: An act relating to mental health; redesignating part V of chapter 394, Florida Statutes, and transferring thereto provisions of law relating to persons found not guilty by reason of insanity and persons incompetent to stand trial; creating s. 394.901, Florida Statutes, changing the criteria for involuntary admission of persons adjudicated not guilty by reason of insanity; transferring existing provisions relating to procedures for continued hospitalization and release of such persons from part I of chapter 394, Florida Statutes; renumbering and amending s. 918.15, Florida Statutes, transferring to part V of chapter 394 provisions relating to mental incompetence to stand trial; renumbering and amending s. 925.10, Florida Statutes, specifying the experts to evaluate a defendant whom the court has reasonable grounds to believe to be incompetent to stand trial for the purpose of making certain determinations; providing that the applicable statute of limitations shall toll during the period of incompetency; transferring from s. 918.11, Florida Statutes, provisions relating to fees for expert witnesses appointed to evaluate the defendant; creating s. 394.904, Florida Statutes, providing that defendants made competent by psychotropic medication shall not automatically be prohibited from standing trial; amending subsections (1) and (6) of s. 394.467, Florida Statutes, relating to commitment criteria and release of certain people, and repealing subsections (3)(b) and (5) of said section, to conform to the act; repealing s. 918.11, Florida Statutes, to conform to the act; repealing a conflicting rule of criminal procedure; providing a severability clause; providing an effective date.

On motions by Senator Spicola, the Senate concurred in the House Amendments as amended by the Senate amendments and the House was requested to concur in the Senate amendments.

SB 110 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Carlucci	Henderson	Myers	Thomas
Childers, D.	Hill	Poole	Tobiassen
Dunn	Holloway	Scarborough	Williamson
Fechtel	Jenne	Scott	Winn
Frank	Johnston	Skinner	
Gordon	Maxwell	Spicola	

Nays—None

The Honorable Philip D. Lewis, President

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

By Senator Gordon—

SB 61—A bill to be entitled An act relating to licensed medical practitioners; creating ss. 458.23, 459.26, 460.235, 461.23, Florida Statutes; requiring, upon request, itemized patient billing by physicians, osteopathic physicians, chiropractic physicians, and podiatrists, for professional services rendered; prohibiting the requirement of prior payment by the patient as a condition of the right to an itemized statement; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Substitute Amendment 1—On page 1, line 13, after the colon ":" insert: (renumber subsequent sections)

Section 1. Subsections (1) and (3) of section 395.20, Florida Statutes, are amended to read:

395.20 Itemized patient bill; form and content prescribed by the Department of Health and Rehabilitative Services.—

(1) Within 7 days following discharge or release from confinement in a hospital or nursing home, or within 7 days after the earliest date at which the loss or expense from the confinement or service may be determined, which in the case of long-term confinement may be the monthly charge, the hospital or nursing home providing the service shall submit to the patient, or to his survivor or legal guardian as may be appropriate, an itemized statement detailing in language comprehensible to an ordinary layman the specific nature of charges or expenses incurred by the patient, *which in the initial billing shall contain a statement of specific services received and expenses incurred for each such item of service, enumerating in detail the constituent components of the services received within each department of the hospital or nursing home and including unit-price data on rates charged by the hospital or nursing home as may be prescribed by the Department of Health and Rehabilitative Services. This statement shall not include charges of hospital based or nursing home based physicians if billed separately.*

(3) *In any billing for hospital or nursing home services subsequent to the initial billing for such services,* the patient or his survivor or legal guardian may elect, at his option, *to receive a copy of the detailed* ~~for a written~~ statement of specific services received and expenses incurred for each such item of service *as provided in subsection (1).* ~~Said statement shall enumerate in detail the constituent components of the services received within each department of the hospital or nursing home and shall include unit price data on rates charged by the hospital or nursing home as may be prescribed by the Department of Health and Rehabilitative Services.~~

Section 2. If chapter 395, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended, it is the intent of the Legislature that section 1 of this act shall also be repealed on the same date as is therein provided.

Amendment 2—On page 1, line 3 in the title, after the semicolon ":" insert:

, amending s. 395.20(1) and (3), Florida Statutes; providing that, in the initial billing for hospital or nursing home services, the itemized patient bill shall include a detailed statement of specific services received and expenses incurred for each item of service; providing that, after such initial billing, the patient or his survivor or legal guardian may elect to receive a copy of such statement in any subsequent billing; providing for conditional repeal;

On motions by Senator Gordon, the Senate concurred in the House Amendments.

SB 61 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gordon	MacKay	Spicola
Anderson	Gorman	Maxwell	Steinberg
Carlucci	Grizzle	McClain	Stuart
Chamberlin	Henderson	Myers	Thomas
Childers, D.	Hill	Poole	Tobiassen
Dunn	Holloway	Scarborough	Williamson
Fechtel	Jenne	Scott	Winn
Frank	Johnston	Skinner	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended and passed CS for HB's 212 and 1276 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representatives Silver and Beard—

CS for HB's 212 and 1276—A bill to be entitled An act relating to traffic violations; adding subsections (3), (4), and (5) to s. 316.1945, Florida Statutes, 1978 Supplement, providing for the use of local traffic citation forms by any law enforcement officer; creating a presumption with respect to responsibility for illegally parked and unattended vehicles; amending s. 316.1967, Florida Statutes, providing that any person issued a local parking ticket is charged with a noncriminal violation; providing a penalty for failure to pay the ticket or comply with a court directive; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 1, strike entire Senate amendment and insert: on page 1, lines 29-31 and on page 2, lines 1-4, strike all of said lines

On motion by Senator McKnight, the Senate concurred in the House Amendment to Senate Amendment 1.

CS for HB's 212 and 1276 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Myers	Tobiassen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Holloway	Peterson	Vogt
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Skinner	Winn
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gordon	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Hill

The Honorable Philip D. Lewis, President

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

By the Committee on Governmental Operations and Senator Gorman and others—

CS for SB 277—A bill to be entitled An act relating to real estate brokers and salesmen; reviving, readopting, and amending various sections of chapter 475, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; creating ss. 475.001, 475.011, 475.125, 475.175, 475.182, 475.183, 475.454, 475.455, Florida Statutes; providing purpose, definitions, and exemptions; creating the Board of Real Estate in the Department of Professional Regulation and providing membership, terms, powers, and duties thereof; providing for fees; prescribing qualifications for practice; providing for examinations and licensure; providing for renewal; providing for inactive status; requiring brokers to maintain certain offices and signs; providing for registration of branch offices; providing grounds and procedures for discipline; providing rules of evidence; authorizing payment of costs; providing that certain contracts are void; prescribing prohibited acts and providing penalties therefor; providing presumptions; providing for licensure of certain schools and persons teaching real estate; prohibiting such schools and persons from making certain representations; providing procedures for advance-fee transactions; providing penalties; providing circumstances for award of treble damages and attorney's fees; providing procedures for rental information transactions; providing penalties; requiring the board to report criminal violations; providing for exchange of disciplinary information; creating the Florida Real Estate Recovery Fund; prescribing eligibility and providing procedures for recovery from the fund; providing for subrogation; providing for investment of the fund; prohibiting certain false statements in connection with claims; providing penalties; amending s. 20.30(4)(x), Florida Statutes, 1978 Supplement, as amended; changing the name of the Real Estate Commission to the Board of Real Estate; providing for continuation of rules; providing for legislative review; allowing to stand repealed under the Regulatory Reform Act ss. 475.06, 475.07, 475.08, 475.09, 457.11, 475.12, 475.13, 475.131, 475.14, 475.16, 475.18, 475.19, 475.20, 475.21, 475.26, 475.29, 475.34, 475.40, Florida Statutes, as amended, relating to powers and duties of the Florida Real Estate Commission which are superseded by chapter 79-36, Laws of Florida, or by this act; allowing to stand repealed under the Regulatory Reform Act s. 475.48, Florida Statutes, relating to penalties for false advertising and s. 475.481, Florida Statutes, which provided a short title; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 14, line 3-26, strike All of said lines and insert: (3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 475.183.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 15. Section 475.183, Florida Statutes, is created to read:

475.183 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 475.172 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in s. 475.25.

Amendment 2—On page 36, line 6, after the word broker insert: , *except that a school may advertise jointly in conjunction with an affiliated broker as long as there is a distinctive separation in the advertisement*

Amendment 3—On page 12, line 7, strike An applicant for licensure as a broker shall first successfully complete all edu-

cational and examination requirements prescribed for licensure as a salesman. and insert After the period (.): No person shall be registered as a real estate broker unless, in addition to the other requirements of law, he shall have held an active real estate salesman's registration certificate in the office of one or more registered real estate brokers for at least 12 months during the preceding 5 years.

On motions by Senator Dunn, the Senate concurred in House Amendment 1, refused to concur in House Amendment 2 and requested the House to recede.

Senator Dunn moved that the Senate refuse to concur in House Amendment 3. The motion failed. The vote was:

Yeas—17

Carlucci	Gordon	McKnight	Stuart
Chamberlin	Jenne	Myers	Thomas
Childers, D.	Johnston	Neal	
Dunn	MacKay	Scarborough	
Frank	Maxwell	Steinberg	

Nays—17

Mr. President	Hill	Skinner	Williamson
Anderson	Holloway	Spicola	Winn
Fechtel	McClain	Tobiassen	
Grizzle	Poole	Trask	
Henderson	Scott	Ware	

Vote after roll call:

Nay—Gorman

Senator Ware moved that the Senate reconsider the vote by which the Senate refused to concur in House Amendment 2. The motion failed.

Senator Skinner moved that the Senate reconsider the vote by which the motion failed that the Senate refuse to concur in House Amendment 3. The motion was adopted. The vote was:

Yeas—20

Carlucci	Frank	MacKay	Skinner
Chamberlin	Gordon	McKnight	Spicola
Childers, D.	Holloway	Myers	Steinberg
Childers, W. D.	Jenne	Neal	Stuart
Dunn	Johnston	Scarborough	Thomas

Nays—16

Mr. President	Grizzle	McClain	Trask
Anderson	Henderson	Poole	Vogt
Fechtel	Hill	Scott	Ware
Gorman	Maxwell	Tobiassen	Winn

Vote after roll call:

Yea to Nay—Spicola

On motion by Senator Dunn, the Senate refused to concur in House Amendment 3. The vote was:

Yeas—19

Carlucci	Frank	MacKay	Skinner
Chamberlin	Gordon	McKnight	Steinberg
Childers, D.	Holloway	Myers	Stuart
Childers, W. D.	Jenne	Neal	Thomas
Dunn	Johnston	Scarborough	

Nays—17

Mr. President	Henderson	Scott	Ware
Anderson	Hill	Spicola	Winn
Fechtel	Maxwell	Tobiassen	
Gorman	McClain	Trask	
Grizzle	Poole	Vogt	

The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

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

By the Committee on Governmental Operations and Senator Dunn—

CS for SB 874—A bill to be entitled An act relating to the practice of public accounting; creating the Board of Accountancy within the Department of Professional Regulation and prescribing its composition, powers, and duties; authorizing the board to adopt certain rules; authorizing the board to establish certain fees and providing for their disposition; prescribing examination and licensing requirements for any person desiring to be licensed as a certified public accountant; providing for the issuance, renewal, suspension, and revocation of licenses and the disciplining of licensees; prescribing requirements for the formation and requiring registration of partnerships and professional service corporations engaging in the practice of public accounting; limiting the transferability of records of accountants; prohibiting certain contingent fee arrangements; providing that certain communications between a practitioner and his client are privileged; prohibiting unauthorized practice or use of title, use of certain licenses, or the giving of false or forged evidence in order to obtain a license; providing penalties; repealing chapter 473, Florida Statutes, relating to public accountancy; providing for repeal of the act; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 6, lines 1-7, strike all of said lines and insert: (1) Has worked under the supervision of a certified public accountant engaged in the full-time practice of public accounting for a period of at least one year; or

Amendment 2—On page 10, line 23, Add after the period Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 21.

Amendment 3—On page 3, line 28, insert: a new Section 4 to read:

Section 4. Board Executive Director.—The executive director of the board shall be prohibited from receiving compensation or compensation in-kind from any state school or university.

(renumber subsequent sections)

Amendment 4—On page 1, line 7 in title, after the semicolon insert: prohibiting the executive director of the board from receiving compensation from state schools or universities;

On motions by Senator Dunn, the Senate concurred in House Amendments 1 and 2; refused to concur in House Amendments 3 and 4, and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

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

By Senator Scott—

SB 8—A bill to be entitled An act relating to ad valorem taxation; amending ss. 197.271, 197.281(2) and 197.291(2), Florida Statutes; providing for survival of unsatisfied liens of record held by municipal or county governmental units after issuance of a tax deed; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 14, strike all of line 14 and insert: Section 4. Subsection (2) and paragraph (d) of subsection (11) of section 192.001, Florida Statutes, are amended to read:

192.001 Definitions.—All definitions set out in chapter 1 that are applicable to this part, are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(2) "Assessed value of property" means an annual determination of the just or fair market value of an item or prop-

erty, *or if a property assessed solely on the basis of character or use, or at a specified percentage of its value, pursuant to s. 4(a) or (b), Art. VII of the State Constitution, its classified use value or fractional value.*

(11) "Personal property" for the purposes of ad valorem taxation, shall be divided into four categories as follows:

(d) "Tangible personal property" means all goods, chattels, and other articles of value (but not including the vehicular items enumerated in s. 1(b), Art. VII of the State Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself. "Inventory" and "household goods" are expressly excluded from this definition. *Live-aboard vessels as defined in s. 371.021(18) are expressly included in this definition.*

Section 5. Subsections (1), (2) and (3) of section 192.032, Florida Statutes, 1978 Supplement, are amended, subsection (4) is renumbered as subsection (5), section 196.0011, Florida Statutes, is transferred to said section, renumbered as subsection (4) thereof, and amended, and subsections (6) and (7) are added to said section to read:

192.032 Situs of property for assessment purposes.—All property shall be assessed according to its situs as follows:

(1) Real property, in that county in which it is located and in that *taxing jurisdiction* ~~municipality~~ in which it may be located.

(2) Tangible personal property, in that county and *taxing jurisdiction* ~~municipality~~ in which it is permanently located on January 1 of each year.~~—Property brought into the state after January 1 and before April 1 of any year shall be considered to have been in the state on January 1 of that year~~; except that tangible personal property brought into the state after January 1 and before April 1 of any year shall be taxable for that year ~~only~~ if the property appraiser has reason to believe that such property will be removed from the state prior to January 1 of the next succeeding year. All tangible personal property which is removed from one county in this state to another county after January 1 of any year shall be subject to taxation for said year in the county where located on January 1; except that the provisions of this paragraph shall not apply to tangible personal property located in such county on January 1 on a temporary or transitory basis if such property is included in the tax return being filed in the county in this state where such tangible personal property is permanently located. *The provisions of this subsection shall not apply to goods-in-transit as described in subsection (4).*

(3) Inventory, in that county where inventory is held for sale or lease to customers or will physically become a part of the merchandise to be held for sale or lease to customers, based upon the average value of the inventory attributable to the taxpayer during the prior calendar year; said average value shall reflect the average periodic amount of inventories physically on hand. *The provisions of this subsection shall not apply to goods-in-transit as described in subsection (4).*

~~196.0011 Goods in transit.~~

(4)(a)~~(1)~~ Personal property manufactured or produced outside this state and brought into this state only for transshipment out of the United States, or manufactured or produced outside of the United States and brought into this state for transshipment out of this state, for sale in the ordinary course of trade or business is considered goods-in-transit and shall not be deemed to have acquired a taxable situs within a county even though the property is temporarily halted or stored within the state.

(b)~~(2)~~ The term "goods-in-transit" implies that the personal property manufactured or produced outside this state and brought into this state has not been diverted to domestic use and has not reached its final destination, which may be evidenced by the fact that the individual unit packaging device utilized in the shipping of the specific personal property has not been opened except for inspection, storage, or other process utilized in the transportation of the personal property.

(c)~~(3)~~ Personal property transshipped into this state and subjected in this state to a subsequent manufacturing process or used in this state in the production of other personal property is not goods-in-transit. Breaking in bulk, labeling, packaging, relabeling, or repacking of such property solely for its inspection, storage, or transportation to its final destination outside of the state shall not be considered to be a manufacturing process or the production of other personal property within the meaning of this *subsection* ~~section~~. However, such storage shall not exceed 180 days.

(d)~~(4)~~ For purposes of computing the appropriate tax on inventory, a person shall keep records evidencing contracts of sale on the tax lien date and a full, true, and correct inventory of all property held for transshipment as goods-in-transit under the meaning of this *subsection* ~~section~~, together with the date of receipt of the *property* ~~[property]~~, the date of withdrawal of the *property* ~~[property]~~, the point of origin thereof, and the point of ultimate destination thereof.

(6) Notwithstanding the provisions of subsection (2), live-aboard vessels shall be assessed on January 1 as tangible personal property if the vessel meets the provisions of s. 371.021 (18) at any time during the prior year, in that county and taxing jurisdiction in whose waters it is located when meeting said provisions; except that live-aboard vessels meeting said provisions after January 1 and before April 1 of any year shall be taxable for that year if the property appraiser has reason to believe that such property will be removed from the state prior to January 1 of the next succeeding year. If a vessel meets the provisions of s. 371.021(18) in more than one county and taxing jurisdiction during any year, the vessel shall be subject to taxation in that county and taxing district where it was located when meeting said provisions for the greatest period of time.

(7) For the purposes of this section and with respect to tangible personal property, the term "permanently located" shall mean habitually located or typically present for the 12-month period preceding the date of assessment.

Section 6. Subsection (8) of section 193.011, Florida Statutes, is amended to read:

193.011 Factors to consider in deriving just valuation.—In arriving at just valuation as required under s. 4, Art. VII of the State Constitution, the property appraiser shall take into consideration the following factors:

(8) The net proceeds of the sale of the property, as received by the seller, after deduction of all of the usual and reasonable fees and costs of the sale, including the costs and expenses of financing, and allowance for unconventional or atypical terms of financing arrangements. *When the net proceeds of the sale of any property are utilized, directly or indirectly, in the determination of just valuation of realty of the sold parcel or any other parcel under the provisions of this section, the property appraiser, for the purposes of such determination, shall exclude any portion of such net proceeds attributable to payments for household furnishings or other items of personal property.*

Section 7. Subsection (8) is added to section 193.052, Florida Statutes, to read:

193.052 Preparation and filing of returns.—

(8) Upon approval of a return for a live-aboard vessel the property appraiser shall issue to the live-aboard vessel owner an acknowledgment on a form prescribed by the department that the live-aboard vessel is included in an assessment of the tangible personal property of the owner for ad valorem taxation. The owner must present such acknowledgment to the county tax collector or the Department of Natural Resources pursuant to s. 371.65(7) to be eligible for exemption from license fees when applying for a certificate of registration.

Section 8. Subsections (4) and (5) are added to section 193.062, Florida Statutes, to read:

193.062 Dates for filing returns.—All returns shall be filed according to the following schedule:

(4) Railroad, railroad terminal, private car and freight line and equipment company property—April 1.

(5) All other returns and applications not otherwise specified by specific provision of general law—April 1.

Section 9. Paragraph (d) is added to subsection (1) of section 193.072, Florida Statutes, and subsection (4) of said section is amended to read:

193.072 Penalties for improper or late filing of returns and for failure to file returns.—

(1) The following penalties shall apply:

(d) For incomplete returns by railroad and railroad terminal companies and private car and freight line and equipment companies—2 percent of the assessed value, not to exceed 10 percent thereof, shall be added to the values apportioned to the counties for each month or fraction thereof in which the return is incomplete; provided that the return shall not be deemed in-

complete until 15 days after notice of incompleteness is provided to the taxpayer.

(4) For good cause shown, and upon finding that such unlisting or late filing of returns was not intentional or made with the intent to evade or illegally avoid the payment of lawful taxes, the property appraiser, *or, in the case of properties valued by the Department of Revenue, the executive director,* may reduce or waive any of said penalties.

Section 10. Section 193.074, Florida Statutes, is created to read:

193.074 Confidentiality of returns.—All returns of property submitted by the taxpayer pursuant to law shall be deemed to be confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters.

Section 11. Subsection (4) of section 193.085, Florida Statutes, 1978 Supplement, is amended to read:

193.085 Listing all property.—

(4) The department shall promulgate such *rules* ~~regulations~~ as are necessary to insure that all railroad property of all types is properly listed in the appropriate county and shall submit the county railroad property assessments to the respective county property appraisers not later than June 1 in each year. However, in those counties in which railroad assessments are not completed by the department by June 1, for millage certification purposes, the property appraiser may utilize the prior year's values for such property.

(a) All railroad and railroad terminal companies maintaining tracks or other fixed assets in the state and subject to assessment under the unit rule method of valuation shall make an annual return to the Department of Revenue. Such returns shall be filed on or before April 1 and shall be subject to the penalties provided in s. 193.072. The department shall make an annual assessment of all operating property of every description owned by or leased to such companies. Such assessment shall be apportioned to each county, based upon actual situs, and, in the case of property not having situs in a particular county, shall be apportioned based upon track miles. Operating property shall include all property owned or leased to such company, including right-of-way presently in use by the company, track, switches, bridges, rolling stock, and other property directly related to the operation of railroads. Nonoperating property shall include that portion of office buildings not used for operating purposes, property owned but not directly used for operation of the railroad, and any other property that is not used for operating purposes. The department shall promulgate rules necessary to insure that all operating property is properly valued, apportioned, and returned to the appropriate county, *including rules governing the form and content of returns.* The evaluation and assessment of utility property shall be the duty of the property appraiser.

(b)*1.* All private car and freight line and equipment companies operating rolling stock in Florida ~~other than those assessed in paragraph (a)~~ shall *make an annual* return *to the Department of Revenue. The department shall make an annual determination of the average number of cars habitually present in Florida for each company, and shall assess the just value thereof.* ~~for taxation the average number of their cars which are habitually present within Florida and shall state the fair market value thereof. The assessed value of such property shall be apportioned by the department to the counties in the same manner as the apportionment of the operating property of railroads maintaining tracks and other fixed assets in the state.~~

2. The department shall promulgate rules respecting the methods of determining the average number of cars habitually present in Florida, the form and content of returns, and such other rules as are necessary to insure that the property of such companies is properly returned, valued, and apportioned to the state.

3. For purposes of this paragraph, "operating rolling stock in Florida" means having ownership of rolling stock which enters Florida.

4. The department shall apportion the assessed value of such property to the local taxing jurisdictions based upon the number of track miles and the location of mainline track of the respective railroads over which the rolling stock has been operated in the preceeding year in each taxing jurisdiction. The situs for taxation of such property shall be according to the apportionment.

Section 12. Section 193.441, Florida Statutes, is created to read:

193.441 Legislative intent.—For the purposes of assessment roll preparation and recordkeeping, it is the legislative intent that any assessment for tax purposes which is less than the just value of the property shall be considered a classified use assessment and reported accordingly.

Section 13. Section 194.042, Florida Statutes, as amended by chapter 76-133, Laws of Florida, is hereby repealed.

Section 14. Subsection (3) of section 195.027, Florida Statutes, is amended, and subsection (5) of said section is created to read:

195.027 Rules and regulations.—

(3) The rules and regulations shall provide procedures whereby the property appraiser, the Department of Revenue, and the Auditor General shall be able to obtain access, where necessary, to financial records relating to nonhomestead property, which records are required to make a determination of the proper assessment as to the particular property in question. Access to a taxpayer's records shall be provided only in those instances in which it is determined that such records are necessary to determine either the classification or the value of the taxable nonhomestead property. Access shall be provided only to those records which pertain to the property physically located in the taxing county as of January 1 of each year and to the income from such property generated in the taxing county for the year in which a proper assessment is made. *All records produced by the taxpayer under this subsection shall be deemed to be confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters.*

(5) The rules and regulations shall prescribe an information form that will provide the property appraiser with adequate data on the transfer of interests in real property to enable him to evaluate the transfer, its terms, and consideration. The clerk of the circuit court shall require at the time of recording of conveyances in real property either a properly executed information form or a copy of the closing statement in lieu thereof, provided that said statement shall contain no less information than that required on the form. Either the buyer or the seller or the agent of either shall complete the information form or supply the closing statement and certify that the form or statement is accurate to the best of his knowledge and belief. The information form or closing statement shall be confidential in the hands of all persons after delivery to the clerk, provided that the Department of Revenue and the Auditor General shall have access to such in the execution of their official duties. The information form or closing statement may be used in any judicial proceeding, upon a motion to produce duly made by any party to such proceedings. Failure of the clerk to obtain an information form or closing statement with the recording shall not impair the validity of the recording or the conveyance. The form shall provide for a notation by the clerk indicating the book and page number of the conveyance in the official record books of the county. The clerk shall promptly deliver all information forms and closing statements received by him to the property appraiser for his custody and use.

Section 15. Subsection (2) of section 195.073, Florida Statutes, is amended to read:

195.073 Classification of property.—All items required by law to be on the assessment rolls shall receive a classification based upon the use of the property. The department shall promulgate uniform definitions for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.

(2) Personal property shall be classified as:

(a) Inventory.

(b) *Live-aboard vessels—residential.*

(c) Live-aboard vessels—nonresidential.

(d) Mobile homes and attachments.

(e) Household goods.

(f) Other tangible personal property.

Section 16. Paragraph (a) of subsection (1) of section 195.087, Florida Statutes, is amended to read:

195.087 Property appraisers and tax collectors to submit budgets to Department of Revenue.—

(1)(a) On or before June 1 of each year, every property appraiser, regardless of the form of county government, shall submit to the Ad Valorem Tax Division of the Department of Revenue a budget for the operation of his office for the ensuing fiscal year beginning October 1. The property appraiser shall submit his budget in the manner and form required by the department ~~of Administration for state agencies~~. A copy of such budget shall be furnished at the same time to the board of county commissioners. The division shall, upon proper notice to the county commission and property appraiser, review the budget request and may~~, on or before July 15,~~ amend or change the budget request as it deems necessary, in order that the budget be neither inadequate nor excessive. *On or before July 15, the division shall notify the property appraiser and the board of county commissioners of its tentative budget amendments and changes. Prior to August 15, the property appraiser and the board of county commissioners may submit additional information or testimony to the division respecting the budget. On or before August 15, the division shall make its final budget amendments or changes to the budget and shall provide notice thereof to the property appraiser and board of county commissioners.* ~~The county commission may, prior to August 15, present testimony to the Ad Valorem Tax Division concerning the whole or any part of the budget request.~~

Section 17. Subsection (2) of section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—

(2) It shall not be necessary to make annual application for exemption on houses of public worship, the lots on which they are located, personal property located therein or thereon, parsonages, house of public worship owned burial grounds and tombs, other such property not rented or hired out for other than religious or educational purposes at any time, *household goods and personal effects of residents of this state,* and property of the state, any county, any municipality, or any school district or community college district thereof.

Section 18. Paragraph (a) of subsection (8) of section 196.199, Florida Statutes, is amended to read:

196.199 Exemptions for property owned by governmental units.—

(8)(a) *Except as provided herein,* any and all of the aforesaid taxes on any leasehold described in this section shall not become a lien *upon the leasehold or upon* ~~on same or~~ the property itself, but shall constitute a debt due and shall be recoverable by legal action or by the issuance of tax *warrants. Such warrants shall be issued according to the procedures set forth in s. 197.086 for the issuance of tax warrants in the case of tangible personal property, provided that when confirmed, such warrants* ~~executions that~~ shall *constitute a lien on all* ~~becomes liens upon any~~ other property *of the delinquent taxpayer* in any county of this state *and shall be authority to seize and sell such property to satisfy the delinquent taxes plus any costs, interest, attorney's fees and other charges. Such taxes on leaseholds devoted to residential use shall be collected in the manner prescribed by law for the collection of taxes on real property, provided that when a tax deed is issued to a tax certificate holder other than the county, the tax deed purchaser shall take subject to the obligation to pay rent and subject to other covenants and restrictions contained in the agreement creating the leasehold interest.* ~~of the taxpayer who owes said tax.~~

Section 19. Subsection (5) is added to section 197.016, Florida Statutes, to read:

197.016 When collections are to be made; distributions to taxing authorities; when taxes are delinquent; time of final settlement*; installment payment.*—

(5)(a) Ad valorem taxes on any real property may be prepaid in installments as provided in this subsection. A taxpayer who elects to prepay taxes shall make payments based upon an estimated tax, equal to the actual taxes levied upon the subject property in the prior year. Such taxpayer shall complete and file with the tax collector prior to making the first installment payment pursuant to this subsection an application to prepay such taxes by installment. The application shall be made on forms supplied by the Department of Revenue and provided to the taxpayer by the tax collector. Installment payments shall be made according to the following schedule:

1. The first payment of one-quarter of the total amount of estimated taxes due shall be made in June of the year in which the taxes are assessed. A 6 percent discount applied against the amount of the installment shall be granted for such payment.

2. The second payment of one-quarter of the total amount of estimated taxes due shall be made in September of the year in which the taxes are assessed. A 4 1/2 percent discount applied against the amount of the installment shall be granted for such payment.

3. The third payment of one-quarter of the total amount of estimated taxes due, plus one-half of any adjustment made pursuant to a determination of actual tax liability, shall be made in December of the year in which taxes are assessed. A 3 percent discount applied against the amount of the installment shall be granted for such payment.

4. The fourth payment of one-quarter of the total amount of estimated taxes due, plus one-half of any adjustment made pursuant to a determination of actual tax liability, shall be made in March following the year in which taxes are assessed. No discount shall be granted for such payment.

(b) A taxpayer who fails to make a timely installment payment shall not be required to discontinue his participation in the installment payment plan. Instead such taxpayer shall be required to remit with his next installment payment an amount equal to the current installment amount plus any installment amount due but unpaid. The applicable discount rate for the current installment shall be applied against the sum of the current and past due installment payment amounts.

(c) Nothing in this subsection shall preclude a taxpayer who has applied for the installment method of payment or who has made one or more installment payments from discontinuing his participation in such plan. In such event, the remainder of the taxpayer's taxes shall be due and payable as provided in s. 197.012.

(d) Upon receiving a taxpayer's application for participation in the prepayment installment plan, the tax collector shall mail to the taxpayer a statement of the taxpayer's estimated tax liability which shall be equal to the actual taxes levied on the subject property in the preceding year, and which shall indicate the amount of each quarterly installment after application of the discount rates provided herein, and a payment schedule, based upon the schedule provided in this subsection, and furnished by the Department of Revenue. During the first month that the tax roll is open for payment of taxes, the tax collector shall mail to such taxpayer a statement which shows the amount of the remaining installment payments to be made after application of the discount rates provided herein.

(e) The moneys collected under this subsection shall be placed in an interest-earning escrow account. The interest earned on this account shall be distributed as provided in subsection (2).

(f) Notice of the right to prepay taxes pursuant to this subsection shall be provided by publication in a newspaper of general circulation within the county twice each year during the month of May. Such notice shall be no less than one-quarter page in size of a standard size or a tabloid size newspaper, and the headline in the notice shall be in a type no smaller than 18 point. Such notice shall not be published in that section of the newspaper where legal or classified advertisements appear. In addition, the tax collector shall mail to the owner of each parcel appearing on the assessment roll an application form that includes an explanation of the right to prepay taxes pursuant to this section. The application forms shall be provided by the Department of Revenue and shall accompany the notice of taxes provided for by s. 197.012. Said newspaper notice shall include a facsimile of the application form for installment payment as issued by the department pursuant to paragraph (5)(a) above, and may be used by the taxpayer in lieu thereof.

Section 20. Subsection (2) of section 197.0164, Florida Statutes, 1978 Supplement, is amended to read:

197.0164 Definitions.—

(2) "Income" means~~:~~

~~(a)~~ the *"adjusted gross income," as defined in section 62 of the United States Internal Revenue Code,* ~~adjusted gross income~~ of all members of a household. ~~from wages and salaries;~~

~~(b) Self employment net nonfarm and farm income;~~

~~(c) Income from public assistance, welfare, social security, or railroad retirement, except medicare reimbursements or separate payments for hospital or other medical care; and~~

~~(d) Income from all other sources, except receipts from sale of personal property, lump sum insurance, inheritance income, or income "in kind."~~

Section 21. Subsections (1) and (2) of section 197.0165, Florida Statutes, 1978 Supplement, are amended to read:

197.0165 Homestead tax deferral.—

(1) Any person who is entitled to claim homestead tax exemption under the provisions of s. 196.031(1) may elect to defer payment of a portion of the ad valorem taxes levied on his homestead by filing an annual application for tax deferral with the county tax collector on or before January 31 following the year in which the taxes are assessed. *Any applicant who is entitled to receive the homestead tax exemption but has waived it for any reason shall furnish, with his application for tax deferral, a certificate of eligibility to receive the exemption. Such certificate shall be prepared by the county property appraiser upon request of the taxpayer.* It shall be the burden of each applicant to affirmatively demonstrate his compliance with the requirements of this section.

(2)*(a)* Approval of an application for tax deferral shall defer that portion of ad valorem taxes otherwise due and payable on the applicant's homestead pursuant to s. 197.012 which exceeds 5 percent of the applicant's household's income for the prior calendar year. ~~; except that~~

(b) In the event the applicant is entitled to claim the increased exemption by reason of age and residency as provided in s. 196.031(3)(a), approval of such application shall defer that portion of said taxes which exceeds 3 percent of the applicant's household's income for the prior calendar year.

(c) The household income of an applicant who applies for a tax deferral before the end of the calendar year in which the taxes are assessed shall be for the current year, adjusted to reflect estimated income for the full calendar year period.

Section 22. Subsection (1) of section 197.0166, Florida Statutes, 1978 Supplement, is amended to read:

197.0166 Homestead tax deferral; application.—

(1) The application for deferral shall be made upon a form prescribed by the Department of Revenue and furnished by the county tax collector. *The application form shall be signed upon oath by the applicant before an officer authorized by the State of Florida to administer oaths. The tax collector may, in his discretion, require the applicant to submit such other evidence and documentation as deemed necessary by the tax collector in considering the application.* The application form shall advise the applicant of the manner in which interest is computed. Each application form shall contain an explanation of the conditions to be met for approval and the conditions under which deferred taxes and interest become due, payable, and delinquent. Each application shall clearly state that all deferrals pursuant to this act shall constitute a lien on the applicant's homestead.

Section 23. Section 197.0167, Florida Statutes, is amended to read:

197.0167 Annual notification to property owner.—

(1) The tax collector shall notify the owner of record of each parcel appearing on the real property assessment roll of the right to defer payment of taxes pursuant to this act. Such notice shall be printed on the back of envelopes used for mailing the notice of taxes provided for by s. 197.072. Such notice of the right to defer payment of taxes shall be in substantially the following form:

NOTICE TO TAXPAYERS
ENTITLED
TO HOMESTEAD EXEMPTION

Florida law entitles you to DEFER PAYMENT of that portion of the property taxes levied against your homestead which exceeds 5 percent (3 percent for senior citizens) of your household income, subject to certain conditions. Interest is charged on deferred taxes at a rate set by law. The deferred taxes and interest are treated as a lien against your homestead.

Application for deferral of payment must be made on or before January 31 of each year. Application forms are available from your county tax collector.

(2) On or before November 1 of each year, the tax collector shall notify each property owner to whom a tax deferral has been previously granted of the accumulated sum of deferred taxes and interest outstanding.

(3) In the event the tax collector has envelopes delivered to his office or on order prior to the effective date of this act, the notice required in subsection (1) may, for the mailing of 1979 tax notices only, be printed on a separate sheet of paper and enclosed with each tax notice.

Section 24. Subsection (1) of section 371.021, Florida Statutes, is amended, and subsection (18) is added to said section to read:

371.021 Definitions.—As used in this part, unless the context clearly requires a different meaning:

(1) "Vessel" is synonymous with boat *as referenced in s. 1(b), Art. VII of the State Constitution* and means a motor or artificially propelled vehicle registered as provided herein as property and *includes* ~~defined in s. 1(b), Art. VII of the State Constitution and~~ every ~~other~~ description of watercraft, barges, and air boats, other than a seaplane on the water, used or capable of being used as a means of transportation on water. *However, live-aboard vessels are expressly excluded from the term "boat" for purposes of s. 1(b), Art. VII of the State Constitution and for purposes of license fees imposed by this part, if assessed as tangible personal property.*

(18) "Live-aboard vessel" means:

(a) Any vessel used principally as a residence; or

(b) Any vessel represented as a place of business, a professional or other commercial enterprise, or legal residence, and providing or serving on a long-term basis the essential services or functions typically associated with a structure or other improvement to real property, and, if used as a means of transportation, said use is clearly a secondary or subsidiary use; or

(c) Any vessel used by any club or any other association of whatever nature when clearly demonstrated to serve a purpose other than a means of transportation.

(d) Commercial fishing boats are expressly excluded from the term "live-aboard vessel".

Section 25. Section 371.63, Florida Statutes, is amended to read:

371.63 Legislative declaration.—All boats registered as provided herein, *except live-aboard vessels assessed as tangible personal property,* are hereby declared to be motor vehicles and shall be taxed and certified as motor vehicles; however, nothing in this section shall be construed to prohibit any municipality that expends money for the patrol, regulation and maintenance of any lakes, rivers, or waters in such municipality from regulating such boats resident in such municipalities and charging a license fee therefor. All moneys received from such fee shall be expended for the patrol, regulation and maintenance of the lakes, rivers and waters of such municipality.

Section 26. Section 371.64, Florida Statutes, is amended to read:

371.64 Exemption from personal property tax.—All boats and vessels registered as provided herein, and outboard motors capable of propelling any such boat or vessel, shall be exempt from any personal property tax and in lieu thereof shall pay a boat registration certificate license fee. *However, live-aboard vessels are subject to the tax on tangible personal property and shall be annually exempt from the license fee under this part if assessed as tangible personal property for the current*

year. A certificate of registration shall be issued for any documented vessel, the owner of which has paid the boating registration certificate license fee, but no state registration number shall be issued to said vessel.

Section 27. Subsection (7) of section 371.65, Florida Statutes, is amended to read:

371.65 Classification and license.—Vessels shall be classified for license purposes according to the following schedule and the registration certificate license fee shall be in the following amounts:

(7) EXEMPTION.—Vessels and motorboats owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, the Tampa Marine Institute, the Florida Ocean Science Marine Institute, the Pinellas Marine Institute, the Jacksonville Marine Institute, *live-aboard vessels assessed as tangible personal property,* and any boat used exclusively for commercial fishing and not propelled or powered by machinery of any horsepower are exempt from the provisions of subsection (1). Such vessels or motorboats shall be issued certificates of registration and numbers upon application and payment of the service fee provided in subsection *(3)* ~~(2)~~. *However, for live-aboard vessels proof of assessment by the county property appraiser as tangible personal property must be shown upon application in order to qualify for said exemption.*

Section 27. Section 371.66, Florida Statutes, is amended to read:

371.66 Jurisdiction.—The safety regulations included under this part shall apply to all boats except as specifically excluded, operating upon the navigable waterways or inland lakes, ponds, streams, or any other waters in Florida. However, only s. 371.57(7), (8) shall apply to rowboats and canoes without motors, sailboats less than 10 feet in length, airboats and similar specialty watercraft. *All applicable safety regulations and registration requirements under this part shall apply to live-aboard vessels. Live-aboard vessels shall be exempt from only the license fee provisions of this part if assessed as tangible personal property.*

Section 28. Section 197.0121, Florida Statutes, is created to read:

197.0121 Payment of taxes prior to certified roll procedure.

(1) It is the legislative intent to provide a method for voluntary payment of ad valorem taxes when the tax roll cannot be certified for collection of taxes in time to allow payment prior to January 1 of the current tax year. It is the legislative intent that all taxpayers shall be afforded the opportunity to pay estimated taxes pursuant to this section.

(2) When it appears that it shall be impossible for the property appraiser to certify the tax roll for collection in time sufficient to allow payment of current taxes prior to January 1, the property appraiser shall certify such circumstances in writing to the tax collector on or before December 1, and shall provide to the collector a true copy of the preceding year's tax roll as certified for collection and statement of current year's millages from taxing authorities which have so certified. The property appraiser's certification shall constitute authority for the collector to receive payments of estimated taxes.

(3) Immediately upon receipt of the property appraiser's certification, the tax collector shall cause to be published in a newspaper of general circulation in the county, and shall prominently post at the court house door, a notice that the tax roll will not be certified for collection prior to January 1 and that payments of estimated taxes will be allowed by those taxpayers who tender payment to the collector on or before December 31.

(4) The tax collector shall accept payment of estimated current taxes based upon an amount equal to the taxes levied against the parcel in the previous year or an amount the tax collector deems to be a more accurate representation of the taxpayer's current tax liability.

(5) When estimated taxes are paid, the collector shall issue a validated temporary tax notice/receipt. Estimated taxes collected pursuant to this section shall be accounted for, deposited and distributed as provided generally for ad valorem taxes. However, no distribution shall be made of estimated taxes until receipt of a tax roll properly certified for collection, except upon request for an emergency distribution made by the governing body of a taxing authority, certifying a lack of funds for current operations.

(6) Discounts shall not be allowed on payments of estimated taxes, but shall be allowed on the amount of total taxes levied, determined at the time the tax roll has been certified for collection and final tax notice/receipts are issued.

(7) Interest earned on payments of estimated taxes prior to certification of the tax roll for collection shall be retained by the tax collector's office and disbursed as follows:

(a) First, to pay the expenses of the tax collector's office in administering and accounting for payments of estimated taxes;

(b) Second, any excess remaining shall be distributed pro rata to the taxing authorities in the proportion that each authority's tax levy for the prior tax year bears to the total ad valorem tax levy for the prior tax year, provided that, a taxing authority which has requested and received an emergency distribution of estimated taxes shall not receive this distribution.

(8) Upon receipt of the tax roll certified for collection, the tax collector shall prepare a tax notice/receipt for all taxpayers who have made payment of estimated taxes, showing the amount of estimated taxes paid, taxes remaining unpaid or any overpayment. Each such tax notice shall show the periods in which discounts are authorized, the amount of discount and the discount applied to the estimated taxes with the appropriate remainder due.

(9) After the discount has been applied to the estimated taxes paid and it is determined that an overpayment has occurred the following shall apply: If the amount of overpayment is $5.00 or less, then no refund shall be processed. If the amount of overpayment is more than $5.00 the tax collector shall immediately refund to the person who paid the estimated tax the amount of overpayment. Department of Revenue approval shall not be required for the refund of overpayment made pursuant to this section.

(10) Any remaining unpaid taxes which become delinquent after notice by the tax collector shall be collected as are other delinquent taxes pursuant to Chapter 197, Florida Statutes.

(11) Payment of estimated taxes shall not preclude the right of the taxpayer to challenge his assessment as provided in Chapter 194, Florida Statutes.

Section 30. In editing manuscript for the next official edition of the Florida Statutes, the Division of Statutory Revision of the Joint Legislative Management Committee shall change the catchline of s. 197.062, Florida Statutes, from "Advertisement of personal property with delinquent taxes" to "Advertisement of real or personal property with delinquent taxes."

Section 31. Pursuant to this act, vessels assessed as live-aboard vessels on the 1980 assessment rolls shall be eligible for exemption from the registration fees imposed by s. 371.65, Florida Statutes, beginning June 1, 1980. Similarly, any live-aboard vessel deleted from an assessment roll shall be subject to said registration fees commencing in the year of deletion.

Section 32. This act shall take effect upon becoming a law and shall apply to assessment rolls and taxes levied thereon for the year 1980 and each year thereafter; provided, however, that section 9 shall apply for the year 1981 and each year thereafter, and sections 20 through 23 shall apply for the year 1979 and each year thereafter.

House Amendment 1 to Amendment 1—On page 13, lines 17 & 18, and on page 14, lines a through 13, strike all of said lines

(renumber subsequent sections)

House Amendment 2—On page 1, line 7 in the title, strike providing an effective date. and insert: amending subsection (2) and paragraph (d) of subsection (11) of section 192.001, Florida Statutes; clarifying the definition of "assessed value of property"; providing that live-aboard vessels are included in the definition of "tangible personal property"; amending subsections (1), (2) and (3) of section 193.032, Florida Statutes, 1978 Supplement; relating to situs of property for assessment

purposes; transferring s. 196.0011, Florida Statutes, relating to goods-in-transit, to said section; adding new subsections (6) and (7) to said section, relating to situs of property for assessment purposes; including provisions relating to live-aboard vessels; amending subsection (8) of s. 193.011, Florida Statutes; requiring the property appraiser to exclude certain portions of the net proceeds of the sale of property in determining just valuation; adding subsection (8) to s. 193.052, Florida Statutes; providing for issuance of acknowledgement of assessment of such vessels by the property appraiser; adding subsections (4) and (5) to s. 193.062, Florida Statutes; providing a date for filing returns by railroad, railroad terminal, private car and freight line and equipment companies; providing a date for filing all returns when not otherwise specified by law; adding paragraph (d) to subsection (1) of s. 193.072, Florida Statutes, and amending subsection (4) of said section; providing a penalty for incomplete returns by railroad companies; providing for reduction or waiver of penalties in certain cases; creating s. 193.074, Florida Statutes; providing for confidentiality of returns; amending subsection (4) of s. 193.085, Florida Statutes, 1978 Supplement; providing for determination by the Department of Revenue of average number of railroad cars habitually present in Florida for private car and freight line and equipment companies; for assessment of the just value thereof; and for apportionment of such assessed value; creating s. 193.441, Florida Statutes; providing legislative intent with respect to assessments at less than just value; repealing s. 194.042, Florida Statutes; relating to procedures by which a property owner may challenge assessment value; amending subsection (3) and creating subsection (5) of s. 195.027, Florida Statutes; providing for confidentiality of certain taxpayers' records to which the property appraiser, Department of Revenue, and Auditor General are allowed access under certain conditions; providing that certain information shall be provided to the property appraiser upon the recording of conveyances of real property; amending subsection (2) of s. 195.073, Florida Statutes; relating to classification of personal property on assessment rolls; amending paragraph (a) of subsection (1) of s. 195.087, Florida Statutes; providing procedures with respect to budgets of property appraisers; amending subsection (2) of s. 196.011, Florida Statutes; to delete requirement for annual application for exemption for household goods and personal effects of residents; amending s. 196.199(8)(a), Florida Statutes; providing that taxes on a leasehold interest in property owned by governmental units shall be recoverable by the issuance of tax warrants; providing procedures; authorizing seizure of other property of the taxpayer; providing that such taxes on leaseholds devoted to residential use shall be collected as provided by law for real property taxes; providing for assumption of certain obligations by certain tax deed purchasers; adding subsection (5) to s. 197.016, Florida Statutes; providing for prepayment by installment of ad valorem taxes; providing a schedule of payments; providing for discounts; providing for notice; amending subsection (2) of s. 197.0164, Florida Statutes, 1978 Supplement; redefining "income" for purposes of the Homestead Property Tax Deferral Act; amending subsections (1) and (2) of s. 197.0165, Florida Statutes, 1978 Supplement; providing for certificate of eligibility for persons who have waived homestead tax exemption, to be furnished by the property appraiser; specifying the portion of taxes to be deferred for persons 65 and over who are entitled to increased homestead exemption; amending subsection (1) of s. 197.0166, Florida Statutes, 1978 Supplement; requiring the application for deferral of taxes to be signed upon oath and providing for submission of other evidence of eligibility as deemed necessary by the tax collector; amending s. 197.0167, Florida Statutes, 1978 Supplement; providing for notification to property owners of right to deferral; amending subsection (1) and adding subsection (18) of s. 371.021, Florida Statutes; providing definitions for "vessel" and "live-aboard vessel;" amending s. 371.63, Florida Statutes; exempting live-aboard vessels from boat license fee requirements; amending s. 371.64, Florida Statutes; providing that live-aboard vessels shall be taxable as tangible personal property; amending subsection (7) of s. 371.65, Florida Statutes; providing that live-aboard vessels shall not be included in the classification of vessels for license purposes; amending s. 371.66, Florida Statutes; providing that safety regulations and registration requirements shall apply to live-aboard vessels; creating s. 197.0121, Florida Statutes; providing for the payment of estimated taxes when the ad valorem tax roll is late; directing that changes in terminology in the Florida Statutes be made; providing that live-aboard vessels shall be eligible for exemption from certain registration fees; providing effective dates.

House Amendment 3 to Amendment 2—On page 3, lines a through 8, strike everything from the semicolon (";") on line a to the semicolon (";") on line g.

Senator Scott moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 28, line 6, strike the words "sections 20 through 23" and insert: sections 19 through 22

On motion by Senator Poole, the Senate concurred in House Amendment 1 as amended by the House and Senate amendments and the House was requested to concur in the Senate amendment.

On motion by Senator Poole, the Senate concurred in House Amendments as amended by House Amendment 3.

SB 8 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gordon	Myers	Stuart
Anderson	Hair	Peterson	Thomas
Chamberlin	Henderson	Poole	Tobiassen
Childers, W. D.	Hill	Scarborough	Williamson
Dunn	Holloway	Scott	Winn
Fechtel	McClain	Skinner	
Frank	McKnight	Steinberg	

Nays—6

Childers, D.	Jenne	Maxwell	Ware
Grizzle	Johnston		

Votes after roll call:

Yea—Spicola

Nay—MacKay

Nay to Yea—Jenne

On motion by Senator W. D. Childers, by two-thirds vote HCR 1810 was withdrawn from the Committee on Rules and Calendar.

HCR 1810—A concurrent resolution designating November 24, 1979, as Racking Horse Day.

—was read the second time in full. On motion by Senator W. D. Childers HCR 1810 was adopted and certified to the House. The vote on adoption was:

Yeas—30

Mr. President	Grizzle	Peterson	Thomas
Barron	Henderson	Poole	Tobiassen
Carlucci	Hill	Scarborough	Trask
Chamberlin	Holloway	Scott	Ware
Childers, D.	Jenne	Skinner	Williamson
Childers, W. D.	Johnston	Spicola	Winn
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—MacKay

On motions by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to meet at 12:00 noon this day to consider SB 317 and HB 1707.

Senator Henderson moved that the rules be waived and HB 590 be withdrawn from the Committee on Natural Resources and Conservation. The motion failed.

On motion by Senator Tobiassen, the rules were waived and by two-thirds vote HB 519 was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

The Honorable Philip D. Lewis, President

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

By the Committee on Health and Rehabilitative Services and Senator Johnston—

CS for SB 1216—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.022(1)(d), Florida Statutes; allowing a patient to delegate the responsibility of managing his financial affairs to the facility to the extent of his funds held in trust by the facility; requiring a quarterly accounting of financial transactions made on behalf of patients; amending s. 400.062(3), Florida Statutes; revising license fees and providing for a patient protection fee; creating s. 400.063, Florida Statutes; creating the Patient Protection Trust Fund; providing for the expenditure of funds in the Patient Protection Trust Fund for certain nursing home patients under certain circumstances; providing rule-making authority; adding subsection (6) to s. 400.071, Florida Statutes; requiring all nursing homes, as a condition for initial licensure, to accept recipients of Title XIX of the Social Security Act under certain circumstances; amending s. 400.111(1), Florida Statutes; providing for issuance of conditional licenses; amending s. 400.121, Florida Statutes, 1978 Supplement; authorizing the Department of Health and Rehabilitative Services to issue an order immediately suspending or revoking the license of a nursing home under certain circumstances; authorizing the department to impose an immediate moratorium on admissions to nursing homes under certain circumstances; amending s. 400.162(5), and adding subsection (6), Florida Statutes, requiring minimum bonding of $5,000 for persons handling patient trust funds or requiring the facility to enter into a self-insurance agreement to pool its liability; amending s. 400.23(4), Florida Statutes, 1978 Supplement, and adding a new subsection thereto, increasing certain fines; providing for imposition of find notwithstanding the connection of the deficiency in certain cases; removing the prohibition against imposing a civil penalty in certain instances of repeated deficiencies; providing for deposit of penalties; providing for conditional repeal; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 28, after the word "placement" insert: *, provided that no other source of private or public funding is available and provided that the state shall only be liable for the cost of such alternate placement to the extent that funds are available in the Patient Protection Trust Fund*

Amendment 2—On page 6, line 10, after 400.102 insert: *(1)(a)(b)(d)*

Amendment 3—On page 6, between lines 13 and 14, insert: *(2) The department, as a part of any final order issued by it under the provisions of this chapter, may impose such fine as it deems proper, except that such fine shall not exceed $500 for each violation. Each day a violation of this chapter occurs shall constitute a separate violation and shall be subject to separate fine, but in no event shall any fine aggregate more than $5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of section 400.23, Florida Statutes.*

(Renumber subsequent subsections)

Amendment 4—On page 1, line 28 in title, after the word "Services" insert: to impose certain fines; authorizing the department

On motions by Senator Johnston, the Senate concurred in the House Amendments.

CS for SB 1216 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Childers, W. D.	Henderson	McClain
Anderson	Fechtel	Hill	McKnight
Carlucci	Frank	Jenne	Poole
Chamberlin	Gordon	Johnston	Scarborough
Childers, D.	Grizzle	Maxwell	Scott
Skinner	Stuart	Tobiassen	Williamson
Steinberg	Thomas	Ware	Winn

Nays—None

Votes after roll call:

Yea—Hair, Holloway, Spicola

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 3 and has refused to concur in Senate Amendments 2 and 4 to HB 1556 and requests the Senate to recede; and passed as amended—

Allen Morris, Clerk

By the Committee on Veterans Affairs and Representative Lockward—

HB 1556—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.084(2) and (3), Florida Statutes, and adding a new subsection (3) thereto; requiring the Department of Highway Safety and Motor Vehicles to issue a new permanent "DV" numerical license plate; providing for reissuance at 8-year intervals; providing for validation stickers; providing for annual revalidation; providing penalties; providing an effective date.

On motions by Senator Fechtel, the Senate receded from Amendments 2 and 4.

HB 1556 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	MacKay	Steinberg
Anderson	Gordon	Maxwell	Stuart
Carlucci	Grizzle	McClain	Thomas
Chamberlin	Hair	McKnight	Tobiassen
Childers, D.	Henderson	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Winn
Fechtel	Johnston	Skinner	

Nays—None

Vote after roll call:

Yea—Spicola

The Honorable Philip D. Lewis, President

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

By Senator Thomas and others—

SB 981—A bill to be entitled An act relating to tax on cigarettes; amending s. 210.05(2), Florida Statutes, 1978 Supplement, and adding subsection (5) to said section; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to contract with the United States Bureau of Engraving and Printing for the design of the cigarette stamps; authorizing the sale of stamped but untaxed cigarettes by agents or wholesale dealers to the Seminole Indian Tribe or members thereof for retail sale; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 17-31, strike all of said lines and insert: Section 1. Subsection (5) is added to Section 210.05, Florida Statutes, 1978 Supplement, to read:

Amendment 2—On page 1, lines 3-9 in title, strike "s. 210.05(2), Florida Statutes, 1978 Supplement, and adding subsection (5) to said section; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to contract with the United States Bureau of En-

graving and Printing for the design of the cigarette stamps" and insert: s. 210.05, Florida Statutes, 1978 Supplement, adding subsection (5) to said section

Amendment 3—On page 2, line 11, strike Section 2. This act shall take effect July 1, 1979. and insert: Section 2. Paragraph (a) of subsection (4) of section 210.04, Florida Statutes, is amended to read:

210.04 Construction; exemptions; collection, etc.—

(4) No tax shall be required to be paid:

(a) Upon cigarettes sold at post exchanges, ship service stores, ship stores, slop chests or base exchanges, to members of the Armed Services of the United States, when such post exchanges, ship services stores or base exchanges are operated under regulations of the Army, Navy or Air Force of the United States or military, naval or air force reservations in this state, or when such ship stores or slop chests are operated under the regulations of the United States Navy~~.~~*; however, it is unlawful for anyone, including members of the Armed Services of the United States, to purchase such tax-exempt cigarettes for purposes of resale. Any person who resells, or offers for resale, tax-exempt cigarettes purchased at post exchanges, ship service stores, ship stores, slop chests or base exchanges shall be guilty of a violation of the cigarette tax law and punishable as provided in s. 210.18(1).*

Section 3. Paragraph (a) of subsection (3) of section 210.05, Florida Statutes, 1978 Supplement, is amended to read:

210.05 Preparation and sale of stamps; discount.—

(3)(a) The division may appoint dealers in cigarettes, manufacturers of cigarettes, within or without the state as agent to buy or affix stamps to be used in paying the tax herein imposed, but an agent shall at all times have the right to appoint a person in his employ who is to affix the stamps to any cigarettes under the agent's control; provided, however, that any wholesale dealer in the state shall have the right to buy and affix such stamps. Whenever the division shall sell and deliver to any such agent or wholesaler any such stamps, such agent or wholesaler shall be entitled to receive as compensation for his services and expenses as such agent or wholesaler in affixing and accounting for the taxes represented by such stamps and to retain out of the moneys to be paid by him for such stamps, a discount of 2 percent of the par value of any amount of stamps purchased during any fiscal year from July 1 through June 30 of the following year; provided, that the discount shall be computed on the basis of 21 cents per pack. No such discount shall be allowed to a dealer, vendor, or distributor who sells or deals in any form of candy which resembles ~~cigarettes, cigars, or~~ drug paraphernalia. Stamping locations approved by the division shall be responsible for computing the discount they receive pursuant to this paragraph, and said computations shall be retained by the stamping location for a period of 5 years and shall be available to the division. All stamps purchased from the division under this chapter shall be paid for in cash on delivery, except as hereinafter provided.

Section 4. This act shall take effect July 1, 1979.

Amendment 4—On page 1, line 13 in title, insert after the semicolon: amending s. 210.04(4)(a), Florida Statutes, providing that it is unlawful to resell tax-exempt cigarettes purchased on military installations; providing a penalty; amending s. 210.05(3)(a), Florida Statutes, 1978 Supplement, relating to the prohibition against allowing the discount to certain dealers, distributors, and vendors;

Amendment 5—On page 1, line 15, after the colon ":" insert: Section 1. Subsection (3) of section 210.07, Florida Statutes, is amended to read:

210.07 Metering machines.—

(3) Wholesale or retail dealers of cigarettes owning, leasing, furnishing or operating cigarette vending machines shall affix to each such machine, in a conspicuous place, an identification sticker furnished by the Division of *Alcoholic Beverages and Tobacco* ~~[Alcoholic Beverages and Tobacco]~~. *Every* sticker shall show the *vending machine serial number and the* name and address of the cigarette wholesale or retail dealer owning, leasing, furnishing or operating said vending machines.

(And renumber the subsequent sections.)

Amendment 6—On page 1, line 13 in title after the semicolon ";" insert: amending s. 210.07(3), Florida Statutes, relating to identification stickers required for cigarette vending machines, to require that such stickers show the vending machine serial number;

On motions by Senator Thomas, the Senate concurred in the House Amendments.

SB 981 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Anderson	Hair	McKnight	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Steinberg	
Gorman	Maxwell	Stuart	
Grizzle	McClain	Thomas	

Nays—1

Mr. President

Vote after roll call:

Yea—Spicola

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 1 further amended, and passed as further amended

By the Committee on Corrections, Probation & Parole and Senator Scott—

CS for SB 598—A bill to be entitled An act relating to parole; amending s. 947.181, Florida Statutes; authorizing the sentencing court to require and determine the manner of performing restitution or reparation as a condition for parole; deleting the authority of the Parole and Probation Commission to fix the amount of such restitution or reparation; adding new subsections (1) and (2) to s. 775.089, Florida Statutes, providing definitions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Subsection (2) of section 921.16, Florida Statutes, 1978 Supplement, as amended by Committee Substitute for Senate Bill 253, 1979 Regular Session, is amended to read:

921.16 When sentences to be concurrent and when consecutive.—

(2) A county court or circuit court of this state may direct that the sentence imposed by such court be served concurrently with a sentence imposed by a court of another state or of the United States. In such case, the Department of Corrections may designate the correctional institution of the other jurisdiction as the place for reception and confinement of such person and may also designate the place in Florida for reception and confinement of such person in the event that confinement in the other jurisdiction terminates before the expiration of the Florida sentence. *Upon imposing such a sentence, the court shall notify the Florida Parole and Probation Commission as to the jurisdiction in which the sentence is to be served.* Any prisoner so released to another jurisdiction shall ~~not~~ be eligible for consideration for parole by the Florida Parole and Probation Commission, *pursuant to the provisions of chapter 947, except that the commission shall determine the presumptive parole release date and the effective parole release date and by requesting such person's file from the receiving jurisdiction. Upon receiving*

such records, the commission shall determine these release dates based on the relevant information in that file ~~until such time as he is returned to Florida to serve the remainder of his Florida sentence.~~ *and shall give credit toward reduction of the Florida sentence for gain time granted by the jurisdiction where the inmate is serving the sentence. The Parole and Probation Commission may concur with the parole release decision of the jurisdiction granting parole and accepting supervision.*

Section 2. Subsection (1) of section 947.16, Florida Statutes, 1978 Supplement, as amended by Committee Substitute for Senate Bill 253, 1979 Regular Session, is amended to read:

947.16 Eligibility for parole; powers and duties of commission.—

(1) Every person who has been, or who may hereafter be, convicted of a felony or who has been convicted of one or more misdemeanors and whose sentence or cumulative sentences total 12 months or more, who is confined in execution of the judgment of the court, and whose record during confinement is good, shall, unless otherwise provided by law, be eligible for consideration for parole. An inmate who has been sentenced for an indeterminate term or a term of 5 years or less shall have an initial interview conducted by a hearing examiner panel within 6 months after the initial date of confinement in execution of the judgment. An inmate who has been sentenced for a minimum term in excess of 5 years shall have an initial interview conducted by a hearing examiner panel within 1 year after the initial date of confinement in execution of the judgment. An inmate convicted of a capital crime shall be interviewed at the discretion of the commission. ~~A person, however, is not eligible for consideration for parole if he is present in a facility of another jurisdiction and is serving a sentence of a court of such other jurisdiction concurrently with a sentence of a Florida court until such time as he is returned to Florida to serve the remainder of his Florida sentence.~~ As used in this section, the term "confined" shall be deemed to include presence in any appropriate treatment facility, public or private, by virtue of transfer from the Department of *Corrections* ~~Offender Rehabilitation~~ under any applicable law.

Section 3. Section 947.165, Florida Statutes, is created to read:

947.165 Objective parole guidelines.—

(1) The commission shall develop and implement objective parole guidelines which shall be the criteria upon which parole decisions are made. Such guidelines shall be established by rule and promulgated pursuant to chapter 120 before January 1, 1979. The objective parole guidelines shall be developed according to an acceptable research method and shall be based on the seriousness of offense and the likelihood of favorable parole outcome. *Factors used in arriving at the salient factor score and the severity of offense behavior category shall not be applied as aggravating circumstances.*

Section 4. Subsection (1) of section 947.174, Florida Statutes, 1978 Supplement, is amended to read:

947.174 Subsequent hearings; establishment of effective parole release dates.—

(1) For any inmate whose presumptive parole release dates falls more than 2 years after the date of the initial hearing date, a hearing examiner panel shall schedule a hearing for review of the presumptive parole release date. Such hearing shall take place within 2 years after the initial hearing and every 2 years thereafter. Such hearings shall be limited to determining whether or not information has been gathered which might affect the presumptive parole release date. *The provisions of this subsection shall not apply to inmates serving a concurrent sentence in another jurisdiction pursuant to s. 921.16(2).*

Section 5. This act shall take effect upon becoming law except that section (3) shall take effect January 1, 1979. The commission shall review the record of those inmates whose presumptive parole release dates have been set, and shall make such changes as are necessary according to the provisions of section (3). The objective parole guidelines which were in effect at the time of the initial interview shall be applicable to this review.

Amendment 3—On page 1, line 1, strike entire title and insert: A bill to be entitled An act relating to parole; amending s. 921.16(2), Florida Statutes, 1978 Supplement, as amended; providing that the courts shall notify the Florida Parole and Probation Commission as to jurisdiction when sentencing a person to a sentence to be served concurrently with a sentence imposed by a court of another state or of the United States; deleting the requirement that any such person shall be returned to Florida to serve the remainder of his or her Florida sentence before being eligible for parole; providing that parole release dates of any such person shall be established by the Florida Parole and Probation Commission based on the information in the person's file maintained in the other jurisdiction; providing special consideration when parole is granted by the other jurisdiction; amending s. 947.16 (1), Florida Statutes, 1978 Supplement, as amended, deleting the requirement that any such person is not eligible for parole consideration until returned to Florida to serve the remainder of the Florida sentence; amending s. 947.165, Florida Statutes, providing for procedures on use of aggravating circumstances; amending s. 947.174 (1), Florida Statutes, 1978 Supplement; providing that the commission is not required to hold subsequent hearings for persons serving Florida sentences in other jurisdictions; providing effective dates.

On motions by Senator Fechtel, the Senate concurred in the House Amendments.

CS for SB 598 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Carlucci	Henderson	Peterson	Tobiassen
Chamberlin	Hill	Poole	Trask
Childers, D.	Holloway	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Fechtel	MacKay	Spicola	Winn
Frank	Maxwell	Steinberg	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 and requests the Senate to recede; has further amended and passed HB 1782 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services—

HB 1782—A bill to be entitled An act relating to spouse abuse; providing a definition; providing for the issuance of restraining orders, without the necessity of legal representation, in cases where spouse abuse is alleged; amending s. 409.602, Florida Statutes, 1978 Supplement; providing definitions; amending s. 409.603, Florida Statutes, 1978 Supplement; directing the Department of Health and Rehabilitative Services to establish health, safety, and minimum program requirement standards for certifying spouse abuse centers to receive state funds; directing the department to receive and process applications for state funding of centers; authorizing the entrance and inspection of such facilities; directing the department to prescribe by rule the standards for certification of a center; amending s. 409.605, Florida Statutes, 1978 Supplement; establishing requirements which a center must meet in order to be certified and receive funding; providing for out-patient services for victims of spouse abuse; amending s. 409.606, Florida Statutes, 1978 Supplement; providing that information received by a center or the department relating to spouse abuse shall be confidential and exempt from the provisions of the public records act; amending s. 409.607, Florida Statutes, 1978 Supplement; permitting law enforcement officers to notify persons subject to spouse abuse of the availability of center services; amending s. 741.01(2), Florida Statutes, 1978 Supplement; directing county court judges and clerks of circuit courts to collect an additional $5 fee upon receipt of an application for the issuance of a marriage license which fee shall be used to fund spouse abuse centers; providing an effective date.

House Amendment 1—On page 2, lines 13-15, strike all of said lines and insert: Section 1. (redesignate the subsequent subsection)

House Amendment 2—On page 1, lines 2-3 in title, strike providing a definition;

House Amendment 3—On page 3, line 15, insert: Notice that a restraining order has been issued shall be served upon the spouse complained against.

On motions by Senator Vogt, the Senate receded from Senate Amendments 1 and 2 and concurred in the House amendments.

HB 1782 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Grizzle	McKnight	Tobiassen
Anderson	Henderson	Peterson	Trask
Carlucci	Hill	Poole	Vogt
Chamberlin	Holloway	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Frank	MacKay	Steinberg	
Gordon	Maxwell	Stuart	
Gorman	McClain	Thomas	

Nays—None

Vote after roll call:

Yea—Spicola

The Honorable Philip D. Lewis, President

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

By Senator Tobiassen—

SB 412—A bill to be entitled An act relating to public printing contracts; amending ss. 283.10(1), 287.102, Florida Statutes, 1978 Supplement; specifying the purchases for which such contracts must require competitive bids; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 282.03, Florida Statutes, 1978 Supplement, is amended to read:

(Substantial rewording of section. See s. 283.03, F.S., 1978 Supplement for present text.)

283.03 Preference given printing within the state.—Every agency of the state, including agencies within the legislative and judicial branches of government, shall give preference to bidders located within the state when awarding contracts to have materials printed, whenever such printing can be done at no greater expense than, and at a level of quality comparable to, that obtainable from a bidder located outside of the state.

Section 2. Section 283.08, Florida Statutes, 1978 Supplement, is amended to read:

283.08 Statements under oath required to be filed by bidder.—The committee is prohibited from considering any bids submitted for public printing designated as class A, unless the bidder shall file, with the bid submitted, a statement under oath that such bidder is ~~at the time of filing such bid operating in good faith a printing plant in the state, when so required under the provisions of s. 283.03, and that,~~ at the time of making such bid~~, such bidder is~~ fully and completely able to perform such contract, and that such bidder is at the time of submitting said bid actually in said bidder's name the owner of a printing plant and in good faith operating such printing plant in the current operation of a printing business ~~in the state~~; and, if any of said statements under oath herein required are not filed by any bidder for any public printing designated class A, the committee is prohibited from considering any such bid and from awarding any contract for public printing designated as Class A to any such bidder.

Section 3. Subsection (1) of section 283.10, Florida Statutes, 1978 Supplement, is amended to read:

283.10 Bids required on class B printing.—

(1) No general contract shall be let to cover the printing designated as class B, but each job coming under this classification shall be let separately under regulations adopted by the Division of Purchasing of the Department of General Services to the lowest responsible bidder who shall manufacture the same in accordance with s. 282.03. Such contract shall apply only to the work under consideration and shall require competitive bids on all purchases in excess of *$1000* ~~$500~~. However, the contract for the Florida Statutes shall be let by the committee upon receipt of competitive bids as provided *in s. 11.242(6)* ~~for class B printing~~.

Section 4. Section 287.102, Florida Statutes, 1978 Supplement, is amended to read:

287.102 Class B printing.—No general contract shall be let to cover printing designated class B, but each job coming under this classification shall be let separately, under regulations adopted by the division, to the lowest responsible bidder. Such contract shall apply only to the work under consideration and competitive bids shall be required on all purchases in excess of *$1000* ~~$500~~. All public printing governed hereby shall be done in *accordance with s. 283.03* ~~in the state, unless there is no plant capable of performing the required printing in the state, or when only one printing plant in the state submits a bid for a required printing job. When printing is required to be performed in the state, the bond given by any contractor for such printing shall so state.~~

Section 5. This act shall take effect upon becoming a law.

House Amendment 1 to Amendment 1—On page 2, between lines 16 & 17 insert and renumber following sections:

Section 4. Section 283.102, Florida Statutes, 1978 Supplement, is created to read:

283.102 Public information printing services.—Any agency whose authorized functions include public information programs is authorized to purchase, pursuant to this chapter and subject to its appropriation and any other limitations imposed by law, typesetting, printing and media distribution services where such services are less costly than the performance of same directly by the agency.

Amendment 2—On page 1, lines 1-6, strike all said lines and insert: A bill to be entitled An act relating to public printing contracts; amending s. 283.03, Florida Statutes, 1978 Supplement, requiring every state agency to give a preference to bidders located in the state when awarding contracts for printing; amending ss. 283.08, 283.10(1), and 287.102, Florida Statutes, 1978 Supplement, conforming said sections to s. 283.03; specifying the purchases for which contracts must require competitive bids; providing an effective date.

House Amendment 2 to Amendment 2—On page 1, line 7, insert after the semicolon: creating s. 283.102, Florida Statutes, 1978 Supplement; authorizing agencies to purchase typesetting, printing and media distribution services when less costly to the agency;

On motions by Senator Tobiassen, the Senate concurred in the House Amendments.

SB 412 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gorman	Maxwell	Steinberg
Anderson	Grizzle	McClain	Thomas
Carlucci	Henderson	McKnight	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scott	Winn
Frank	Johnston	Skinner	

Nays—1

Stuart

Vote after roll call:

Yea—Spicola

The bill was ordered engrossed and then enrolled.

On motion by Senator Johnston, by two-thirds vote CS for SB 1302 was placed on the special order calendar.

On motion by Senator Anderson, by two-thirds vote SB 1200 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Holloway, by two-thirds vote HB 1682 was withdrawn from the Committee on Ways and Means.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:10 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Scarborough at 2:00 p.m. A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Vogt, by two-thirds vote HB 590 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Johnston, the rules were waived and by two-thirds vote HB 1160 was withdrawn from the Committee on Rules and Calendar and placed at the end of the consent calendar.

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 passed with amendments—

By Senator Johnston—

SB 266—A bill to be entitled An act relating to trusts; creating ss. 737.308, 737.309, Florida Statutes; providing that a trustee distribute trust income no less frequently than annually unless otherwise directed or permitted by the trust instrument; providing for retroactive operation; providing that a trustee not be required to obtain title insurance or proof of marketable title prior to the sale of trust real property; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 4, after the period "." insert:

(and renumber subsequent sections)

Section 3. Section 733.302, Florida Statutes, is amended to read:

733.302 Who may be appointed personal representative.—Subject to the limitations in this part, any person sui juris who is a ~~citizen of the United States and a~~ resident of Florida at the time of the death of the person whose estate he seeks to administer is qualified to act as personal representative in Florida. A person who has been convicted of a felony or who, from sickness, intemperance, or want of understanding, is incompetent to discharge the duties of a personal representative is not qualified.

Section 4. Section 733.304, Florida Statutes, is amended to read:

733.304 Nonresidents.—A person who is not domiciled in the state cannot qualify as personal representative unless the person is:

(1) A legally adopted child or adoptive parent of the decedent;

(2) Related by lineal consanguinity to the decedent;

(3) A spouse or a brother, sister, uncle, aunt, nephew, or niece of the decedent, *or someone related by lineal consanguinity to said persons;* or

(4) The spouse of a person otherwise qualified under this section.

Amendment 2—On page 1 in title, line 10, after the semicolon ";" insert: amending s. 733.302, Florida Statutes, providing requirements for appointment of a personal representative; amending s. 733.304, Florida Statutes, identifying exceptions to those individuals presumed unqualified to act as personal representative:

Amendment 3—On page 1, line 13, after the colon, insert:

(and renumber the subsequent sections)

Section 1. Subsection (1) of section 738.05, Florida Statutes, is amended and subsection (4) is added to said section to read:

738.05 Income earned during administration of a decedent's estate.—

(1) Unless the will otherwise provides, and subject to subsection (2), all expenses incurred in connection with the settlement of a decedent's estate, including debts, funeral expenses, estate and other death taxes, ~~interest and penalties concerning such taxes,~~ family allowances, fees of attorneys and personal representatives, and court costs shall be charged against the principal of the estate.

(4) Unless the will otherwise provides, interest and penalties attributable to estate and other death taxes may be charged against either the principal or income of the estate in the sole discretion of the personal representative.

Section 2. Paragraph (a) of subsection (1) and paragraph (e) of subsection (3) of section 738.13, Florida Statutes, are amended to read:

738.13 Charges against income and principal.—

(1) The following charges shall be made against income:

(a) Ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any part of the principal; water rates; premiums on insurance taken upon the interests of the income beneficiary, remainderman, or trustee; interest paid by the trustee *except interest or penalties on estate or other death taxes;* and ordinary repairs.

(3) The following charges shall be made against principal:

(e) If an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and a remainderman have an interest, any amount apportioned to the trust, *other than penalties and interest thereon* ~~including penalties~~, even though the income beneficiary also has rights in the principal. *Unless otherwise provided in the trust instrument, any interest or penalties attributable to such estate or inheritance taxes and paid by the trust shall be charged against either the income or principal of the trust in the sole discretion of the trustee.*

Amendment 4—On page 1 in title, line 2, after the semi-colon ";" insert: amending s. 738.05(1), Florida Statutes, and add-

ing a subsection, providing that unless the will provides otherwise, interest and penalties attributable to estate and other death taxes may be charged against either the principal or income of the estate; amending s. 738.13(1)(a) and (3)(e), Florida Statutes, providing that unless a trust instrument provides otherwise, interest or penalties attributable to estate or inheritance taxes and paid by the trust shall be charged against either the income or principal of the trust at the discretion of the trustee;

On motions by Senator Johnston, the Senate concurred in the House Amendments.

SB 266 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	McClain	Stuart
Barron	Hair	McKnight	Thomas
Carlucci	Hill	Myers	Tobiassen
Chamberlin	Holloway	Peterson	Ware
Childers, D.	Jenne	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Winn
Dunn	MacKay	Skinner	
Frank	Maxwell	Spicola	

Nays—None

Vote after roll call:

Yea—Fechtel

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator Holloway and others—

SB 248—A bill to be entitled An act relating to the Card Sound Toll Bridge facility; requiring the Department of Transportation to pay the toll fees of vehicles under certain specified conditions; authorizing the department to adopt rules necessary to carry out this act; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all of lines 12 through 21 and insert: Section 1. Whenever the Department of Transportation and/or any duly constituted law enforcement agency which is authorized to regulate traffic in the area, reroutes traffic from U. S. Highway 1 to the Card Sound Road in Dade and Monroe Counties due to equipment malfunction or periodic maintenance on the bridge on U.S. Highway 1 at Jewfish Creek, vehicle traffic shall not be required to pay a toll for crossing the Card Sound Toll Bridge. The department however, shall quarterly pay from the appropriate funds of the Sixth District, Monroe County for the toll-free use of the Card Sound Toll Bridge, the terms of said payment to be negotiated in accordance with the provisions of the Card Sound Toll Bridge bond indenture with the approval of the trustees thereof and the County Commission of Monroe County.

Section 2. Except for emergency repair of malfunctioning equipment, to the greatest extent possible all work done on the Jewfish Creek Bridge which requires that traffic be rerouted shall be done between the hours of 10:00 P.M. and 6:00 A.M. Public notice of each closing of the Jewfish Creek Bridge for periodic maintenance shall be made daily by the department for not less than seven days before the bridge is closed.

RENUMBER SUBSEQUENT SECTIONS

On motion by Senator Holloway, the Senate concurred in the House Amendment.

SB 248 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Neal	Tobiassen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Ware
Childers, D.	Jenne	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Winn
Dunn	MacKay	Spicola	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

CS for SB 312—A bill to be entitled An act relating to electrical contracting; providing purpose; providing definitions; creating the Electrical Contractors' Licensing Board and providing membership, terms of office, powers, and duties thereof; providing for examinations for certification; providing for registration; providing for fees and receipt and disposition thereof; providing for licensure and renewal; providing that certification operates in lieu of certain local requirements; providing procedures for certification of business organizations; providing exemptions; providing for civil penalties and disciplinary proceedings; prohibiting a person from contracting or holding himself out as a contractor unless registered or certified, and from committing certain fraudulent acts; providing penalties; providing for prosecution of certain violations; providing for civil proceedings; providing for continuation of rules; providing for repeal of the act; repealing part VII, chapter 468, Florida Statutes, including s. 468.190, as amended, relating to electrical contractors; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 9, lines 17-31 and on page 10, lines 1-11, strike all of said lines and insert: (3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 9.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 9. Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 8 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall it exceed 120 classroom hours. Any license which is inactive for more than 10 years shall be automatically suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 14.

On motion by Senator Dunn, the Senate concurred in the House Amendment.

CS for SB 312 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	Maxwell	Steinberg
Barron	Grizzle	McClain	Stuart
Carlucci	Hair	McKnight	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scott	Ware
Fechtel	Johnston	Skinner	Williamson
Frank	MacKay	Spicola	

Nays—None

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

On motion by Senator McClain, by unanimous consent—

HB 1620—A bill to be entitled An act relating to guardianship; adding subsection (16) to s. 744.102, Florida Statutes, defining "next of kin;" creating s. 744.1025, Florida Statutes, making definitions in the Florida Probate Code applicable to the Florida Guardianship Law; amending s. 744.301(2), Florida Statutes, to allow a guardian to settle small claims for injuries or damages to minor children without court approval; amending s. 744.309(1) and (2), Florida Statutes, and adding new subsections, clarifying present provisions and expanding the list of persons qualified to serve as guardians for resident incompetents; amending s. 744.312, Florida Statutes, providing for appointment of a guardian for a minor pursuant to directions in the will of said minor's surviving parent; amending s. 744.331(3) and (4), Florida Statutes, 1978 Supplement; providing that, in any petition for the adjudication of a person as incompetent, the next of kin of an alleged incompetent shall be specified; providing that notice of hearing shall be given to such persons as the court may direct; amending s. 744.334, Florida Statutes, providing that the names and addresses of next of kin of an incompetent shall be listed on a petition for appointment of guardian if known to the petitioner; amending s. 744.-337(1), Florida Statutes, providing for notice of hearing when a petition for appointment of guardian is not heard on the same date that the ward is adjudicated incompetent; amending s. 744.341, Florida Statutes, relating to voluntary guardianship; eliminating the notice of hearing requirements applicable to other guardians; providing that notice of hearing be given as directed by the ward; amending s. 744.387(2), Florida Statutes, 1978 Supplement, providing for a guardian settling small claims for injuries or damages to minor children without court approval; amending s. 744.437, Florida Statutes, giving the court discretion to require a guardian to appear before the court to provide certain information; amending s. 744.447(2), Florida Statutes, providing that notice of hearing of a guardian's petition for authority to act shall be given to those interested persons who have filed request for notice; amending s. 744.457 (1)(b), Florida Statutes, giving the court discretion to allow retention of the survivorship character of proceeds, upon sale of property owned by a ward and his spouse as tenants by the entireties or joint tenants with right of survivorship; repealing s. 744.302, Florida Statutes, relating to testamentary guardians; providing an effective date.

—was taken up out of order and read the second time by title.

Senators Hair and McClain offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 6, strike all of lines 29 through and including line 31 and insert: alleged incompetent and to one or more members of his family, if any other than the petitioner are known to be residing in the county, *and to such persons as the court may direct,*

Amendment 2—On page 8, line 5, after the word *"incompetent"* insert: , *next of kin,*

Senator Johnston moved the following amendments which were adopted:

Amendment 3—On page 2, line 27, after the word "guardians;" insert: amending s. 734.104; Florida Statutes; providing requirements and procedures for admitting a foreign will to record and prescribing the effect thereof; repealing s. 734.103, Florida Statutes, relating to the estates of testate nonresident decedents;

Amendment 4—On page 10, between lines 16 and 17, insert: Section 15. Section 734.104, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 734.104, F.S., for present text.)

734.104 Foreign wills; admission to record; effect on title.—

(1) An authenticated copy of the will of a nonresident that devises real property in this state, or any right, title, or interest in the property, may be admitted to record in any county of this state where the property is located at any time after 3 years from the death of the decedent or at any time after the domicilliary personal representative has been discharged if there has been no proceeding to administer the estate of the decedent in this state, provided:

(a) The will complies with s. 732.502 as to form and manner of execution; and

(b) The will has been admitted to probate in the proper court of any other state, territory, or country.

(2) A petition to admit a foreign will to record may be filed by any person and shall be accompanied by authenticated copies of the foreign will, the petition for probate, and the order admitting the will to probate. If no petition is required as a prerequisite to the probate of a will in the jurisdiction where the will of the nonresident was probated, upon proof by affidavit or certificate that no petition is required, an authenticated copy of the will may be admitted to record without an authenticated copy of a petition for probate, and the order admitting the will to record in Florida shall recite that no petition was required in the jurisdiction of original probate.

(3) If the court finds that this section has been complied with, it shall enter an order admitting the foreign will to record.

(4) When admitted to record, the foreign will shall be as valid and effectual to pass title to real property and any right, title, or interest therein as if the will had been admitted to probate in this state.

Section 16. Section 734.103, Florida Statutes, is hereby repealed.

Renumber subsequent sections.

Senators Hair and McClain offered the following amendment which was moved by Senator Hair and adopted:

Amendment 5—On page 1, lines 24 and 25, strike "such persons" and insert: certain individuals and

On motion by Senator Hair, by two-thirds vote HB 1620 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Holloway	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	Johnston	Spicola	Winn
Fechtel	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—None

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

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 passed with amendments—

By Senator Thomas—

SB 573—A bill to be entitled An act relating to unemployment compensation; amending s. 443.06(2), (8), Florida Statutes, 1978 Supplement; providing circumstances for disqualification of a claimant; providing that certain retirement benefits are not disqualifying; amending s. 443.07(4)(b), (d), Florida Statutes, 1978 Supplement; requiring certain notice of hearing; prescribing procedures for appeals; amending s. 443.08(1)(b), (g), (5)(d), Florida Statutes, 1978 Supplement; providing for computation of employer's benefit ratio; prescribing criteria for determining whether employment under different employers is continuous; prescribing circumstances for changing financing methods; amending s. 443.09(1), (2)(a), Florida Statutes; correcting cross-references; providing circumstances for termination of coverage; amending s. 443.12(1), (2)(b), Florida Statutes, 1978 Supplement; conforming language; requiring the Division of Employment Security of the Department of Labor and Employment Security to have a seal; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 29, strike everything after the enacting clause and insert:

Section 1. Paragraph (1) of subsection (5) of section 20.17, Florida Statutes, 1978 Supplement, is amended to read:

20.17 Department of Commerce.—There is created a Department of Commerce.

(5)

(1) Orders of the commission relating to unemployment compensation under chapter 443 shall be subject to review only by *notice of appeal* ~~petition for writ of certiorari~~ to the district courts of appeal in the manner provided in s. 443.07(4)(e).

Section 2. Subsections (2) and (8) of section 443.06, Florida Statutes, 1978 Supplement, are amended, and subsection (10) is added to said section to read:

443.06 Disqualification for benefits.—An individual shall be disqualified for benefits:

(2) If the division finds that the individual has failed without good cause either to apply for available suitable work *when so directed by the division or employment office,* ~~with the division~~ or to accept suitable work when offered to him, ~~by an employment office, the division, or an employing unit~~ or to return to his customary self-employment when so directed by the division, such disqualification shall continue for the week in which such failure occurred and for not more than 5 weeks immediately following such week, or a reduction by not more than 3 weeks from the duration of benefits, as determined by the division in each case. However, disqualification under this subsection shall continue for the full period of unemployment next ensuing after he has failed without good cause either to apply for available suitable work, or to accept suitable work, or to return to his customary self-employment, pursuant to this subsection, and until such individual has become reemployed and has earned wages equal to or in excess of 10 times his weekly benefit amount. The division shall by rule provide criteria for determining the suitability of work, as used in this section. *The division in developing such rules shall consider*~~;~~ ~~however,~~ the duration of a claimant's unemployment ~~shall be considered~~ in determining the suitability of work *and*~~,~~ ~~including~~ the suitability of proposed rates of compensation for available work. Further, *after an individual has received 25 weeks of benefits in a single year,* suitable work shall be a job which pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing ~~after the individual has received 25 weeks of benefits in a single year~~.

(a) In determining whether or not any work is suitable for an individual, the division shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(8) For any week with respect to which he has received, or is eligible to receive, from a base period employing unit, benefits from a retirement, pension, or annuity program embodied in a union contract or either a public or private employee benefit program, notwithstanding that the source of the contribution of any moneys to the respective program was the employer or employee or both. However, for any week in which benefits from a retirement, pension, or annuity program as referred to in this subsection are less than the weekly benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the benefits from the retirement, pension, or annuity program, prorated to a weekly basis. For the purpose of this subsection, benefits from the United States Social Security Act, a disability benefit program, a supplemental unemployment benefit program, or any other program not specifically designated either in the union contract or a company benefit program as being retirement, pension, or annuity benefits shall not be disqualifying. For the purposes of this subsection, *retirement benefits received by a former employee of the United States Armed Forces based upon military service shall not be disqualifying* ~~the term base period employing unit shall not include any branch of the United States Armed Forces~~.

(10) If the individual was terminated from his or her employment for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with his employment, as follows:

(a) If the division or board of review finds that the individual was terminated from his or her employment for violation of any criminal law punishable by imprisonment, in connection with his work, and the individual has been found guilty of the offense, has made an admission of guilt in a court of law, or has entered a plea of no contest, the individual shall not be entitled to unemployment compensation for up to 52 weeks, pursuant to rules adopted by the division, and until he or she becomes reemployed and earns ten times his or her weekly benefit amount. If, prior to an admission of guilt or a plea of no contest, the employer can show before a hearing examiner or appeals referee that the arrest was due to a crime against the employer or the employer's business, and, after considering all the evidence, the hearing examiner or appeals referee finds misconduct in connection with the individual's work, the individual shall not be entitled to unemployment compensation.

(b) If the division or board of review finds that the individual was terminated from employment for any dishonest act in connection with his work, the individual shall not be entitled to unemployment compensation for up to 52 weeks, pursuant to rules adopted by the division, and until he or she becomes reemployed and earns ten times his or her weekly benefit amount. In addition, should the employer terminate an individual as a result of a dishonest act in connection with his employment and the hearing examiner or appeals referee finds misconduct in connection with his or her work, the individual shall not be entitled to unemployment compensation. With respect to any individual so disqualified for benefits, the time he or she worked for the terminating employer shall not be used in computing wage credits.

Section 3. Subsections (3) and (4) and paragraph (a) of subsection (5) of section 443.07, Florida Statutes, 1978 Supplement, are amended to read:

443.07 Procedure concerning claims.—

(3) DETERMINATION.—

(a) In general.—An initial determination upon a claim filed pursuant to subsection (2) shall be made promptly by an

examiner designated by the division and shall include a statement as to whether and in what amount claimant is entitled to benefits and, in the event of a denial, shall state the reasons therefor. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages required under s. 443.05(1)(e), and if so, the first day of the benefit year, his weekly benefit amount, and the maximum total amount of benefits payable to him with respect to a benefit year. The claimant, his most recent employing unit, and all employers whose accounts would be charged with benefits pursuant to such determination shall be promptly notified of such initial determination, and such determination shall be final unless within *20* ~~10~~ days after the mailing of such notices to the parties' last known addresses, or in the absence of such mailing, within *20* ~~10~~ days after the delivery of such notice, appeal or written request for reconsideration is filed by the claimant or other party entitled to such notice.

(b) Determinations in labor dispute cases.—Whenever any claim involves the application of the provisions of s. 443.06(4), the examiner handling the claim shall, if so directed by the division, promptly transmit such claim to a special examiner designated by the division to make a determination upon the issues involved under that subsection or upon such claims. Such special examiner shall make the determination thereon after such investigation as he deems necessary, and after affording the parties entitled to notice an opportunity for a fair hearing in accordance with the provisions of this section with respect to hearings and determinations of appeals referees. The parties shall be promptly notified of the determination, together with the reason therefor, and such determination shall be deemed to be the final decision on the claim, unless within *20* ~~10~~ days after the mailing of notices to the parties' last known addresses, or, in the absence of such mailing, within *20* ~~10~~ days after the delivery of such notice, appeal is filed with the *commission* ~~[board]~~ or notice of review is entered by that body.

(c) Redeterminations.—

1. The division may reconsider a determination whenever it finds that an error has occurred in connection therewith, or whenever new evidence or information pertinent to such determination has been discovered subsequent to any previous determination or redetermination. No such redetermination shall be made after 1 year from the date the claim was filed, unless it appears that the disqualification imposed by s. 443.06(6) is applicable, in which case the redetermination may be made at any time within 2 years from the date of the making of such false or fraudulent representation. Notice of redetermination shall be promptly given to the claimant and to any employers entitled to notice thereof in the manner prescribed in this section with respect to notice of an initial determination. If the amount of benefits is increased upon such redetermination, an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in subsection (4) of this section. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant from any determination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the division may reconsider its determination in any case in which the final decision has been rendered by an appeals referee, the *commission* ~~[board]~~, or a court, and may apply to the body or court which rendered such final decision to issue a revised decision.

2. In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal unless withdrawn, shall be treated as an appeal from such redetermination.

(d) Notice of determination or redetermination pursuant to s. 443.06.—Notice of any determination or redetermination which involves the application of the provisions of s. 443.06, together with the reasons therefor, shall be promptly given to the claimant and to any employer entitled to notice thereof, such notice to be given in the manner provided in *this* subsection ~~(3)~~ ~~hereof~~, provided that the [division] shall by regulation prescribe the manner and procedure pursuant to which employers within the base period of a claimant may become entitled to such notice.

(4) APPEALS.—

(a) Appeals referees.—The division shall appoint one or more impartial salaried appeals referees selected in accordance with s. 443.12(4) to hear and decide appealed or disputed claims. Such appeals referees shall have such qualifications as may be established by the merit system council upon the advice and consent of the division. No person shall participate on behalf of the division as an appeals referee in any case in which he is an interested party. The division may designate alternates to serve in the absence or disqualification of any appeals referee upon a temporary basis and pro hac vice which alternate shall be possessed of the same qualifications required of appeals referees. The division shall provide the *commission* ~~[board]~~ and the appeals referees with proper facilities and assistance for the execution of their functions.

(b) Filing and hearing.—

1. The claimant or any other party entitled to notice of a determination as herein provided, may file an appeal from such determination with an appeals referee within *20* ~~10~~ days after the date of mailing of the notice to his last known address or if such notice is not mailed, within *20* ~~10~~ days after the date of delivery of such notice.

2. Unless the appeal is withdrawn with his permission or is removed to the *commission* ~~board~~, the appeals referee, *after mailing all parties a notice of hearing at least 14 days prior to the date of hearing,* shall affirm, modify, or reverse such determination; provided, however, that whenever an appeal involves a question as to whether services were performed by claimant in employment or for an employer, the referee shall give special notice of such issue and of the pendency of the appeal to the employing unit and to the division, both of whom shall thenceforth be parties to the proceeding.

3. The parties shall be promptly notified of such referee's decision and such decisions shall be final unless, within *20* ~~10~~ days after the date of mailing of notice thereof to the party's last known address, or in the absence of such mailing, within *20* ~~10~~ days after the delivery of such notice, further review is initiated pursuant to paragraph (c).

(c) Review by *commission* ~~board~~.—The *commission* ~~board~~ may, on its own motion, within the time specified in paragraph (b), initiate a review of the decision of an appeals referee or determination of a special examiner or may allow an appeal from such decision on application filed within such time by *the division or by* any party entitled to notice of such decision. An appeal filed by any such party shall be allowed as of right if the examiner's determination was not affirmed by the appeals referee. Upon review on its own motion or upon appeal, the *commission* ~~board~~ may on the basis of the evidence previously submitted in such case, or upon the basis of such additional evidence as it may direct be taken, affirm, modify or reverse the findings and conclusions of the appeals referee. The *commission* ~~board~~ may remove to itself or transfer to another appeals referee the proceedings on any claim pending before an appeals referee. Any proceeding so removed to the *commission* ~~board~~ prior to the completion shall be heard by the *commission* ~~board~~ in accordance with the requirement of this subsection with respect to proceedings before an appeals referee. Upon denial by the *commission* ~~board~~ of an application for appeal from the decision of an appeals referee, the decision of the appeals referee shall be deemed to be a decision of the *commission* ~~board~~ within the meaning of this paragraph for purposes of judicial review and shall be subject to judicial review within the time and in the manner provided for with respect to decisions of the *commission* ~~board~~, except that the time for initiating such review shall run from the date of notice of the order of the *commission* ~~board~~ denying the application for appeal.

(d) Procedure.—The manner in which appealed claims shall be presented shall be in accordance with *rules* ~~regulations~~ prescribed by the *commission* ~~board~~. Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the division, and fees of witnesses subpoenaed on behalf of the division, or any claimant shall be deemed part of the expense of administering this chapter.

(e) Judicial review.—Orders of the *commission* ~~board~~ entered pursuant to paragraph (c) of this subsection shall be subject to review only by *notice of appeal* ~~petition for review~~ in the district court of appeal in the appellate district in which the issues involved were decided by an appeals referee and the *commission* ~~division~~ shall be made a party respondent to every

such proceeding notwithstanding any provision to the contrary in chapter 120. *The division shall have the right to initiate judicial review of orders in the same manner and to the same extent as any other party.*

(5) PAYMENT OF BENEFITS.—

(a) Benefits shall be promptly paid in accordance with a determination or redetermination regardless of any appeal or pending appeal. *However, any employer who, pursuant to the provisions of s. 443.08(5) or (6), is liable for reimbursement payments in lieu of contributions for the payment of such benefits shall be notified, at the address on file with the Division of Employment Security, as to the initial determination of the claim, and the political subdivision shall be given 10 days to respond, prior to the payment of the benefits to the employee.*

Section 4. Subsection (1), paragraphs (a), (b), (e), and (g) of subsection (3), and paragraphs (a) and (d) of subsection (5) of section 443.08, Florida Statutes, 1978 Supplement, are amended to read:

443.08 Contributions.—

(1) WHEN PAYABLE.—Contributions shall accrue and become payable by each employer for each calendar quarter in which he is subject to this chapter, with respect to wages paid during such calendar quarter for employment. Such contributions shall become due and be paid by each employer to the division for the fund, in accordance with such regulations as the [division] may prescribe. *However, nothing in this subsection shall be construed to prohibit the division from adopting rules to allow, on a limited basis, at the request of the employer, certain employers to pay contributions or report wages at intervals other than quarterly when such payment or reporting is to the advantage of the division and the employers; provided that such interval for payment of contributions or report of wages shall not be less than quarterly.* Contributions shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) The benefit payments made to any eligible individual shall be charged to the employment record of each employer who paid such individual wages equal to *$100* ~~$40~~ or more within the base period of said individual in the proportion to which wages paid by each such employer to such individual within the base period bears to total wages paid by all such employers to such individual within the base period. Provided, that no benefit charges shall be made to the employment record of any employer who has furnished part-time work to an individual who, because of loss of employment with one or more other employers, becomes eligible for partial benefits while still being furnished part-time work by such employer on substantially the same basis and in substantially the same amount as has been made available to such worker during his base period, whether the employments were simultaneous or successive. Provided, further, that benefit payments will not be charged to the accounts of employers when such employers have furnished the division with such notices regarding separations of individuals from work and the refusal of individuals to accept offers of suitable work as are required by the provisions of this chapter and the regulations of the [division], if one or more of the following conditions are found to be applicable:

1. When an individual has left his job without good cause attributable to his employer or has been discharged by his employer for misconduct connected with his work, no benefits subsequently paid to him on the basis of wages paid to such individual by such employer prior to such separation shall be charged to such employer's account.

2. Benefits which are paid to any individual subsequent to the refusal without good cause by such individual of an offer of suitable employment from an employer will not be charged to the account of such employer when all or any part of such benefits are upon the basis of wages paid to such individual by such employer prior to the refusal by such individual to accept such offer of suitable work. (The division shall determine with respect to the payment of all benefits whether this proviso shall be applied without regard to whether a disqualification pursuant to the provisions of s. 443.06 has or may be invoked against a claimant or claimants for benefits.)

(b)1. On and after January 1, 1958, the division shall, notwithstanding the provisions of paragraph (d) of this subsection, compute a benefit ratio for each employer not previously eligible therefor whose unemployment record has been chargeable with benefit payments for at least 12 calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments chargeable to his employment record during the 12 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed by the total of his annual payrolls (as defined in paragraph (f) of this subsection) for the first 12 of the 13 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such benefit ratio shall be computed to the fifth decimal place, and rounded to the fourth decimal place, and shall be applicable only for the remainder of the calendar year in which it becomes effective, after which the benefit ratio of such employer shall be computed as provided in subparagraph 2. hereof. Variation from the standard rate of contribution shall be assigned on a quarterly basis to such employers eligible therefor in like manner as assignments made for a calendar year under paragraph (e) of this subsection.

2. The division shall, for each calendar year, compute a benefit ratio for each employer whose employment record has been chargeable with benefit payments for at least 3 calendar years immediately preceding the calendar year for which the benefit ratio is computed. An employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments chargeable to his employment record during the 3-year period ending December 31 of the preceding calendar year by the total of his annual payrolls (as defined in paragraph (f) of this subsection) for the 3-year period ending September 30 of the preceding calendar year. Such benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place.

3. On and after January 1, 1978, the division shall compute a benefit ratio for each employer not previously eligible therefor whose initial tax rate is 2.7 percent and whose unemployment has been chargeable with benefit payments for at least 8 calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments *charged* ~~chargeable~~ to his employment record during the 8 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed by the total of his annual payrolls (as defined in paragraph (f) of this subsection) for the first 8 of the 9 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. Such benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place and shall be applicable *for the remainder of the calendar year. The employer will next be rated on an annual basis using up to 12 calendar quarters of benefits charged and up to 12 calendar quarters of annual payrolls. Such employer's benefit ratio shall be the quotient obtained by dividing the total benefit payments charged to his employment record by the total of his annual payrolls, as defined in paragraph (f), for the quarters used in his first computation plus the subsequent quarters reported through September 30 of the prior year. Each year thereafter the rate will be computed as provided in subparagraph 2* ~~only for such time as is required to meet the requirements of subparagraphs 1., and 2., after which the benefit ratio of such employer shall be computed as provided in subparagraphs 1. and 2.~~ Variation from the standard rate of contribution shall be assigned on a quarterly basis to such employers eligible therefor in like manner as assignments made for a calendar year under paragraph (e) of this subsection.

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-subparagraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-subparagraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 calendar years charged to employers eligible to be assigned a contribu-

tion rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the current calendar year. The ratio of the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his taxable payroll entering into the computation of his benefit ratio. The sum of these products will be divided by the taxable payroll of such employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer and the sum rounded to 3 decimal places to obtain each employer's contribution rate; *however, at no time shall an* ~~provided that in years when the adjustment factor provided for in sub-subparagraph c. is negative the sum shall not be rounded to 3 decimal places for those employers whose sum is less than one-tenth of 1 percent; provided further that no~~ employer's contribution rate ~~shall~~ be *rounded to* less than one-tenth of 1 percent ~~except in years when the adjustment factor provided for in sub-subparagraph c. is negative the minimum rate of one-tenth of 1 percent shall be reduced to the extent of the negative adjustment factor provided for in sub-subparagraph c.~~

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding calendar years by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate, except that in computing the adjustment factor for 1964 the 2 preceding calendar years of noncharged benefits will be used. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending September 30 of the preceding calendar year that had been reported to the division by December 31 of the same calendar year except that in computing the adjustment factor for 1964 the 2 preceding years of taxable payrolls will be used. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding calendar years by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate, except that in computing the adjustment factor for 1964 the 2 preceding years' excess payments will be used. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in subsection (3)(e)1.a. Excess payments for the purpose of this section shall be defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding calendar years less the product of the maximum contribution rate and his taxable payroll for the 3 years ending September 30 of the preceding calendar year that had been reported to the division by December 31 of the same calendar year, except that in computing excess payments for use in 1964 contribution rate determination the 2 preceding years will be used. Total excess payments shall be defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of December 31 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of December 31 of such preceding calendar year and the sum of 5 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the effective date of such contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of December 31 of such preceding calendar year and 5 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the effective date of such contribution rate is less than 5 percent but more than 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year. In determining if a positive or a negative adjustment factor shall be applicable to contributions payable for the calendar quarters in the years 1973, 1974, and 1975, the taxable payrolls for the year ending September 30, 1972, shall be reduced by 30 percent prior to any computation applicable to contributions payable for calendar quarters in 1973; the taxable payrolls for the year ending September 30, 1973, shall be reduced by 20 percent prior to any computation applicable to contributions payable for calendar quarters in 1974; the taxable payrolls for the year ending September 30, 1974, shall be reduced by 10 percent prior to any computation applicable to contributions payable for calendar quarters in 1975.

d. The maximum contribution rate that can be assigned to any employer shall be 2.9 percent with respect to the calendar year 1963, 3.5 percent with respect to the calendar year 1964, 4 percent with respect to the calendar year 1965, and 4.5 percent with respect to the calendar year 1966 and subsequent calendar years.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an "employer" the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records, and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

(g)1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, shall be deemed to be a single employer and shall be considered as one employer with a continuous employment record if the division finds that the successor employer continues to carry on the employing enterprises of the predecessor employer or employers and that the successor employer has *paid* ~~assumed liability for~~ all contributions required of and due from the predecessor employer or employers *and has assumed liability for all contributions that may become due from the predecessor employer or employers. As used in this paragraph, contributions means all indebtedness to the division, including, but not limited to, interest, penalty, collection fee, and service fee. A successor that is already an employer has 30 days from the date of the official notification of liability by succession to accept the transfer of the predecessor's or predecessors' employment record or records. If the predecessor or predecessors have unpaid contributions or outstanding quarterly reports, the successor has*

30 days from the date of the notice listing the total amount due to pay the total amount with certified funds. After the total indebtedness has been paid, the employment record or records of the predecessor or predecessors will be transferred to the successor.

2. Whether or not there is a transfer of employment record as contemplated in this paragraph, the predecessor shall in the event he again employs persons be treated as an employer without previous employment record, or, if his coverage has been terminated as provided in s. 443.09, as a new employing unit.

3. The division may provide by regulation for partial transfer of experience rating where an employer has transferred at any time an identifiable and segregable portion of his payrolls and business to a successor employing unit. As a condition of such partial transfer of experience, the regulations shall require an application by the successor, agreement by predecessor, and such evidence as the division may prescribe of the experience and payrolls attributable to the transferred portion up to the date of transfer. The regulations shall provide that the successor employing unit, if not already an employer, shall become an employer as of the date of the transfer and that the experience of the transferred portion of the predecessor's account shall be removed from the experience-rating record of the predecessor and for each calendar year following the date of the transfer of the employment record on the books of the division, the division shall compute the rate of contribution payable by the successor on the basis of his experience, if any, combined with the experience of the portion of the record transferred. The regulation may also provide what rates shall be payable by the predecessor and successor employers for the period between the date of the transfer of the employment record of the transferred unit on the books of the division and the first day of the next calendar year.

(5) FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE.—Benefits paid to employees of this state or any instrumentality of this state, or to employees of any political subdivision of this state, or any instrumentality thereof, based upon service defined in s. 443.03(5)(b), shall be financed in accordance with this subsection.

(a) Unless an election is made as provided in paragraph (c), the state or any political subdivision of the state shall pay into the Unemployment Compensation Trust Fund an amount equivalent to the amount of regular and extended benefits paid to individuals, based on wages paid by the state or the political subdivision for service defined in s. 443.03(5)(b). *Should any state agency become more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the Division of Employment Security shall certify to the State Comptroller the amount due and the State Comptroller shall, upon approval after a hearing of the Department of Administration, transfer the amount due to the Unemployment Compensation Trust Fund from the funds of such agency that may legally be utilized for such purpose. In the event any political subdivision of the state or any instrumentality thereof becomes more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, then, upon request by the Division of Employment Security after a hearing, the Department of Revenue or the Department of Banking and Finance, as the case may be, shall deduct the amount owed by the political subdivision or instrumentality from any funds to be distributed by it to the county, city, special district, or consolidated form of government for further distribution to the trust fund in accordance with this chapter. Should any employer for whom the city or county tax collector collects taxes fail to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the Division of Employment Security and upon receipt of a certificate showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit same to the Department of Labor and Employment Security for further distribution to the trust fund in accordance with this chapter. This paragraph shall not apply to those amounts due for benefits paid prior to the effective date of this act.*

(d) Upon establishing a financing method as provided by this subsection, such financing method shall be applicable for not less than 2 calendar years. Nothing herein shall be construed to prevent an employer subject to the provisions of this subsection from electing to change its method of financing after completing 2 *calendar* years under another financing method, so long as such new election is timely filed.

Section 5. Subsection (1) and paragraph (a) of subsection (2) of section 443.09, Florida Statutes, are amended to read:

443.09 Employing units affected.—

(1) PERIODS OF LIABILITY.—

(a) Any employing unit which is or becomes an employer subject to this chapter as defined in s. 443.03(7)(a), (b), ~~or~~ (c), *(d), or (e)* within any calendar year shall be subject to this chapter during the whole of such calendar year.

(b) Any employing unit which is or becomes an employer subject to this chapter solely by reason of the provisions of s. 443.03(7)*(f)*~~(d)~~ shall be subject to this chapter only during its operation of the business acquired.

(c) Any employing unit which is or becomes an employer subject to this chapter solely by reason of the provisions of s. 443.03(7)*(g)*~~(e)~~ shall be subject to this chapter only with respect to employment occurring subsequent to the date of such acquisition.

(2) TERMINATION OF COVERAGE.—

(a) General.—Except as otherwise provided in this section, an employing unit shall cease to be an employer subject to this chapter as of January 1 of any calendar year only if it files with the division, by April 30 of the year for which termination is requested, a written application for termination of coverage and the division finds that *the employing unit, in the preceding calendar year, did not meet the requirements of an "employer," as defined in s. 443.03(7)(a), (d), or (e)* ~~there were no 20 different days, each day being in a different week within the preceding calendar year, within which such employing unit employed at least one individual in employment subject to this chapter, and further finds that there was no calendar quarter within such preceding calendar year in which such employing unit paid wages for service in employment of $1500 or more.~~ However, the above prescribed time limitation for the filing of such written application may be waived by the division in cases where such time limitation had expired prior to the establishment in the records of the division of the liability of such employing unit. For the purposes of this subsection the two or more employing units mentioned in s. 443.03(7)*(f), (g), and (i)* ~~(d), (e) and (g)~~ shall be treated as a single employing unit.

Section 6. Subsection (1) and paragraph (b) of subsection (2) of section 443.12, Florida Statutes, 1978 Supplement, are amended to read:

443.12 Division and board; powers, duties, etc.; rules and regulations; personnel; advisory councils; records and reports; cooperation, etc.—

(1) DUTIES AND POWERS OF DIVISION.—It shall be the duty of the division to administer this chapter; and it shall have power and authority to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. The division shall determine its own organization and methods of procedure in accordance with the provisions of this chapter. Not later than March 15 of each year, the division, through the Department of *Labor and Employment Security* ~~Commerce~~, shall submit to the Governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendment to this chapter as it deems proper.

(2) RULES AND REGULATIONS; DIVISION, SEAL.—

(b) The *division* ~~commission~~ shall have an official seal, which shall be judicially noticed.

Section 7. Subsection (5) is added to section 443.22, Florida Statutes, 1978 Supplement, to read:

443.22 Penalties.—

(5) In any prosecution or action under the provisions of this section, the signature of a person on a document, letter, or other writing shall constitute prima facie evidence of such person's identity if the following conditions exist:

(a) The person gives his or her name, residence address, home telephone number, present or former place of employment, sex, date of birth, social security number, height, weight, and race.

(b) The signature of such person is witnessed by an agent or employee of the division at the time the document, letter, or other writing is filed.

Section 8. This act shall take effect October 1, 1979.

Amendment 3 to Amendment 1—On page 7, line 7, after "prior to" insert: *an adjudication of guilt,*

Amendment 4 to Amendment 1—On page 7, line 27-29, strike all language and insert: *With respect to an individual so disqualified for benefits, the account of the terminating employer, if such employer is in the base period, shall be non-charged at the time the disqualification is imposed.*

Amendment 5 to Amendment 1—On page 13, line 26, insert: before (5) *(4)*

Amendment 6 to Amendment 1—On page 13, line 30, strike *"political subdivision"* and insert: *employer*

Amendment 7 to Amendment 1—On page 6, line 29, and page 7, line 15, strike *"board of review"* and insert: *unemployment appeals commission*

Amendment 8 to Amendment 1—On page 25, lines 25 through page 26, line 29 strike all of said lines and insert:

(a) 1. Unless an election is made as provided in paragraph (c), the state or any political subdivision of the state shall pay into the Unemployment Compensation Trust Fund an amount equivalent to the amount of regular and extended benefits paid to individuals, based on wages paid by the state or the political subdivision for service defined in s. 443.03(5)(b).

2. Should any state agency become more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the Division of Employment Security shall certify to the State Comptroller the amount due and the State Comptroller shall, upon approval after a hearing of the Department of Administration, transfer the amount due to the Unemployment Compensation Trust Fund from the funds of such agency that may legally be utilized for such purpose. In the event any political subdivision of the state or any instrumentality thereof becomes more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, then, upon request by the Division of Employment Security after a hearing, the Department of Revenue or the Department of Banking and Finance, as the case may be, shall deduct the amount owed by the political subdivision or instrumentality from any funds to be distributed by it to the county, city, special district, or consolidated form of government for further distribution to the trust fund in accordance with this chapter. Should any employer for whom the city or county tax collector collects taxes fail to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the Division of Employment Security and upon receipt of a certificate showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit same to the Department of Labor and Employment Security for further distribution to the trust fund in accordance with this chapter. This sub-paragraph shall not apply to those amounts due for benefits paid prior to the effective date of this act. This sub-paragraph shall not apply to amounts owed by a political subdivision for benefits erroneously paid where the claimant is required to repay to the division under s. 443.07 (6)(a) or (b) any sum as benefits received.

Amendment 9 to Amendment 1—On page 6, lines 20-24, strike all language after the period "." and insert: ~~For the purposes of this subsection, the term base period employing unit shall not include any branch of the United States Armed Forces.~~

Amendment 2—On page 1 in title, lines 3-25, strike all of said lines and insert: amending s. 20.17(5)(1), Florida Statutes, 1978 Supplement, providing for judicial review by notice of appeal rather than by petition for writ of certiorari; amending s. 443.06(2) and (8), Florida Statutes, 1978 Supplement, and adding subsection (10) thereto; modifying provisions relating to application for available suitable work; clarifying exclusion of retirement benefits based on military service; providing that certain employees who have been terminated for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with employment shall be disqualified for unemployment compensation benefits; providing that the time any such employee worked for the terminating employer shall not be used in computing wage credits; amending s. 443.07(3), (4), and (5)(a), Florida Statutes, 1978 Supplement; extending the time for filing an appeal from an initial determination upon a claim; changing "board" to "commission" in conformance with chapter 78-201, Laws of Florida; extending the time for filing an appeal from the appeals referee's decision; providing that the Division of Employment Security of the Department of Labor and Employment Security may appeal the decision of an appeals referee and the determination of the Unemployment Appeals Commission; providing that employers liable for reimbursement payments in lieu of contributions for the payment of unemployment benefits shall be notified as to the initial determination of a claim, and that the political subdivision shall be given 10 days to respond, prior to the payment of benefits to the employee; amending s. 443.08(1), (3)(a), (b), (e), and (g), and (5)(a) and (d), Florida Statutes, 1978 Supplement; authorizing the Division of Employment Security of the Department of Labor and Employment Security to adopt rules allowing payment of contributions or reporting of wages by certain employers on other than a quarterly basis; providing that the employer's employment record shall be charged if the individual to whom benefits are paid was paid wages by the employer equal to $100 or more within the base period; providing for the rating of employers on an annual basis; providing that an employer's contribution rate will at no time be rounded to less than one-tenth of 1 percent; providing a procedure for assuming liability for two or more employers who are parties to a transfer, merger, consolidation, or reorganization and are considered as an employer with a continuous employment record; prescribing procedures whereby the Division of Employment Security may collect delinquent reimbursements due to the Unemployment Compensation Trust Fund from state agencies and political subdivisions of the state; clarifying that an employer may elect to change its method of financing after completing 2 calendar years under another method; amending s. 443.09(1) and (2)(a), Florida Statutes; clarifying references; providing for the termination of coverage if the employing unit did not meet the requirements of an employer, as defined; amending s. 443.12(1) and (2)(b), Florida Statutes, 1978 Supplement, correcting incorrect cross reference; providing for an official seal of the Division of Employment Security; adding subsection (5) to s. 443.22, Florida Statutes, 1978 Supplement, providing that the signature of a person on a document, letter, or other writing is prima facie evidence of the person's identity with respect to penalties under the Unemployment Compensation Law if certain conditions exist; providing an effective date.

Amendment 1 to Amendment 2—On page 1, line 10, strike "clarifying" and insert: deleting

On motions by Senator Thomas, the Senate concurred in the House Amendments.

SB 573 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Anderson	Grizzle	McKnight	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Fechtel	MacKay	Spicola	Winn
Frank	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Holloway, Myers

The bill was ordered engrossed and then enrolled.

The President presiding

The Honorable Philip D. Lewis, President

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

By Senator Tobiassen and others—

SB 979—A bill to be entitled An act relating to metric conversion; providing legislative intent; providing definitions; providing for interstate metric coordination; providing that the Commissioner of Agriculture shall administer the act; creating the Florida Metric Council; providing powers and duties of the council; providing for the status of legal references; providing for metric conversion with respect to state statutes and rules; providing for metric conversion at the local level; providing for rounding; providing for public hearings under discribed circumstances; providing for the metric conversion of court rules; providing legislative guidelines; exempting certain actions required by the act from antitrust law; providing dates at which conversion shall be implemented; providing severability; providing for repeal and legislative review in accordance with the Sundown Act; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25, strike everything after the enacting clause and insert:

Section 1. Intent.—It is the intent of the Legislature that the policy of the State of Florida shall be to allow and foster the use of the metric system as the primary system of physical measurement and measurement language in the state on a voluntary basis. It is further the intent of the Legislature to remove any legal impediments currently in law to the voluntary adoption and use of the metric system of measurement in the State of Florida.

Section 2. Definitions.—As used in this act, unless the context otherwise requires:

(1) "Council" means the Florida Metric Council.

(2) "Customary system of measurement" means measurement by any method other than the metric system of measurement.

(3) "Metric system of measurement" means measurement in terms of units and related symbols and practices that are recognized by the Metric Conversion Act of 1975 (PL 94-168, 89 Stat. 1007; 15 USC 205a et seq.).

(4) "Administrator" means the Commissioner of Agriculture.

(5) "Interagency metric committee" means an organization composed of employees of state and local government agencies which may be set up to advise the council and be a medium of exchange of information on governmental action affecting conversion of government to the metric system of measurement.

(6) "Local ordinance" means an ordinance, regulation, or other enactment having the effect of law, except a state law.

(7) "Authorized limits" means with respect to a difference in measurement between a physical quantity as expressed in the metric system of measurement under this act and as expressed in the customary system of measurement:

(a) Within the lesser of 1 cent in money or 1 percent of the physical quantity expressed in the customary system, in the case of a fee, tax, levy, or other charge imposed or required by or a rate or price or the practices relating thereto regulated by or pursuant to law.

(b) Within 12.5 percent of the physical quantity expressed in the customary system, in any other case.

Section 2. Administrator.—

(1) The Commissioner of Agriculture shall be responsible for the administration of this act.

(2) This act shall be administered based on the principle of voluntary conversion to the metric system of measurement in Florida and shall be coordinated with developments in other states.

Section 4. Florida Metric Council.—The Florida Metric Council is hereby created. The Administrator shall be a member of the council and shall serve as the chairman of the council.

(1) In addition to the Administrator, the council shall be composed of 18 other members as follows: The Administrator shall appoint to the council one representative, respectively, from industry, agriculture, commerce, education, labor, tourism, small business, science, engineering, consumers, and local government officials, and one representative from an interagency metric committee which may be formed pursuant to this act, and any six other persons the Administrator determines to be appropriate to carry out the purposes of this act.

(2) Terms of office for council members shall be for 2 years. The Administrator may remove any member for cause and shall fill all vacancies.

(3) The members of the council shall receive no compensation for their services, except that they may receive per diem and legal travel expenses, as provided in s. 112.061, when actually engaged on the business of the council.

Section 5. Powers and duties of the council.—

(1) The council shall:

(a) Serve as the principal medium within the state for exchanging information on conversion to the metric system of measurement with Federal, local, state, private and public parties.

(b) Utilize the 1978 Florida Metric Plan as the primary means to insure the orderly conversion from a customary system of measurement to the metric system of measurement.

(c) Revise the 1978 Florida Metric Plan as needed.

(d) Receive and award funds to accomplish the purposes of the act.

(e) Provide executive direction and maintain necessary staff to accomplish the purposes of the act.

(f) Work with Senate and House standing committees to prepare and review legislation to remove legal barriers to the voluntary conversion to the metric system.

(g) Elect a vice-chairman and secretary annually, and adopt any necessary bylaws and other necessary operational guidelines.

(h) Act at all times in cooperation with and under the general supervision of the Administrator and in accordance with the policies adopted by the Administrator.

(i) Provide appropriate procedures whereby various groups, under the auspices of the council may formulate and recommend or suggest to the council specific programs for coordinating the conversion to the metric system of any industry or segment thereof within Florida.

(j) Take into account activities in the private sector and public sector, so as not to duplicate activities.

(k) Serve as the primary communications vehicle on metric matters between Florida, the United States Metric Board existing under the Metric Conversion Act of 1975 (PL 94-168, 89 Stat. 1007; 15 USC 205a et seq.), and all other intrastate and interstate bodies and organizations.

(2) The council may establish an interagency metric council responsible to the Administrator which shall be composed of state and local governmental officials who shall be responsible for coordinating and planning specific metric conversion in the various governmental agencies.

Section 6. Reports.—

(1) The Administrator shall, upon the advice of the council, submit to the President of the Senate, the Speaker of the House of Representatives, and the Governor by March 1, 1980 specific legislative recommendations to remove any existing legal barriers to the voluntary conversion to the metric system of measurement. In preparing recommendations, the Administrator shall propose amendments to any state statute containing a reference expressed in a customary system of measurement with a reference expressed in an appropriate unit expressed in the

metric system of measurement within authorized limits. Such references to the metric system of measurement shall supplement the references to the customary system of measurement. In the event the Administrator adopts a reference in the metric system that is not the exact equivalent of the reference in the customary system, such report shall state the magnitude of the difference and the reason for selecting the reference adopted.

(2) Beginning March 1, 1981 the Administrator shall, upon the advise of the council, submit an annual report which clearly states the extent of metric conversion in Florida with any necessary recommendations which may further the purposes of this act. Such report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and to the Governor.

Section 7. Court rules.—The Administrator, at the request of the Florida Supreme Court, may, upon the advice of the council, recommend amendments to court rules to supplement existing references expressed in the customary system of measurement with references expressed in the metric system of measurement.

Section 8. Local ordinances.—The governing body of any political subdivision is encouraged to amend any local ordinance that contains any reference expressed in the customary system of measurement with a reference expressed in the metric system of measurement. The governing body of any political subdivision may recommend to the President of the Senate and the Speaker of the House of Representatives the amendment of any local or special law that contains any reference expressed in the customary system of measurement with a reference expressed in the metric system of measurement.

Section 9. This act shall take effect July 1, 1979, and the provisions thereof shall be void and inoperative on October 1, 1986.

Amendment 2—On page 1, lines 1 thru 21, strike all of said lines and insert: A bill to be entitled An act relating to metric conversion; providing legislative intent; providing definitions; providing the Commissioner of Agriculture shall administer the act; providing for interstate metric coordination; creating the Florida Metric Council; providing powers and duties; providing for reports to Legislature and Governor; authorizing metric conversion of court rules; providing for conversion of local ordinances and local laws; providing an effective date and providing for repeal.

On motions by Senator Tobiassen, the Senate concurred in the House Amendments.

SB 979 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Frank	Jenne	Steinberg
Anderson	Gorman	Johnston	Stuart
Barron	Grizzle	MacKay	Tobiassen
Carlucci	Hair	Maxwell	Vogt
Childers, W. D.	Henderson	McKnight	
Dunn	Hill	Myers	
Fechtel	Holloway	Peterson	

Nays—10

Chamberlin	Scott	Trask	Winn
McClain	Skinner	Ware	
Scarborough	Spicola	Williamson	

The bill was ordered engrossed and then enrolled.

On motion by Senator Barron, by two-thirds vote HB 590 was removed from the calendar and recommitted to the Committee on Natural Resources and Conservation.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1616 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representatives Crawford and A. E. Johnson—

HB 1616—A bill to be entitled An act relating to the Florida Crimes Compensation Act; adding a paragraph to s. 960.04(1), Florida Statutes, and amending paragraphs (c) and (e) of subsection (2) thereof, providing for compensation to dependent children of deceased victims of crimes who are related to or residing with the person who committed the crime; providing for retroactive effect of the act; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator Skinner, by two-thirds vote HB 1616 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Skinner, by unanimous consent HB 1616 was taken up out of order. On motions by Senator Skinner, by two-thirds vote HB 1616 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gordon	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiassen
Barron	Hair	Poole	Trask
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Fechtel	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—1

Carlucci

Votes after roll call:

Yea—Peterson, Myers

The Honorable Philip D. Lewis, President

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

By the Committee on Judiciary-Civil and Senator Hair—

CS for SB 968—A bill to be entitled An act relating to elections; amending ss. 97.102(1), 98.251, 99.021(1)(a), 101.64 (1), 106.011(4), 106.07(1), (2), 106.142, 106.22(2), Florida Statutes, and ss. 105.031(4), 106.08(2), 106.11(3), Florida Statutes, 1978 Supplement; adding s. 106.07(4)(1), Florida Statutes, and creating s. 106.125, Florida Statutes; authorizing an elector who changes his residence after the close of the registration books to vote on statewide issues; amending s. 98.081, Florida Statutes, 1978 Supplement; prescribing procedure for removal of names from the registration books; limiting distribution of reprints of the election code; deleting references to statements of contributions and expenditures from the oaths of candidates; exempting certain statements in certain newsletters from the definition of "political advertisement"; providing that costs of printing and distribution of such newsletters are not expenditures; changing due dates of certain campaign finance reports; requiring certain reports to include information on previously unreported contributions and expenditures; providing that a candidate for statewide office need not file copies of his campaign finance reports with his supervisor of elections; allowing certain candidates and committees to retain contributions received within 5 days of certain elections; requiring the Division of Elections of the Department of State to publish manuals or brochures setting forth certain recommendations and information; authorizing statewide candidates and political committees supporting or opposing statewide candidates or issues to obtain and use credit cards; providing terms and conditions for use of such cards; providing for report to Secretary of State; providing for reporting of credit card purchases to Division of Elections; providing for payment for goods or services by credit card; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 2 in title, line 13, after "card;" insert: creating s. 100.371, Florida Statutes, providing procedures for the verification and filing of constitutional amendment initiative petitions; authorizing the Department of State to promulgate rules; providing a fee; amending s. 101.161, Florida Statutes, relating to the preparation of the substance of an initiative proposal for inclusion on the ballot; requiring approval thereof by the Secretary of State; amending s. 106.011(1), Florida Statutes, including the sponsor of a proposed constitutional amendment by initiative in the definition of "political committee"; amending s. 106.03(1), Florida Statutes, requiring the registration of such political committees;

Amendment 3—On page 15, line 11, insert: the attached amendment and re-number subsequent sections

Section 15. Section 100.371, Florida Statutes, is created to read:

100.371 Initiatives.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election occurring in excess of 90 days from the certification of ballot position by the Secretary of State.

(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of signatures of electors have been submitted to and verified by the supervisors.

(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, and the form on which the signatures shall be affixed, and obtain the approval of the Secretary of State with such form. The Secretary of State shall promulgate rules pursuant to s. 120.54 prescribing the style and requirements of such form.

(4) The sponsor shall submit signed forms to the appropriate supervisor of elections for verification as to the number of registered electors whose signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number verified as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State. The supervisor shall retain the signature forms for at least 1 year.

(5) The Secretary of State shall determine from the verification certificates received from supervisors of elections the total number of verified signatures and distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisor of elections indicating the petition has been signed by the constitutionally required number of electors.

(6) The Department of State shall have the authority to promulgate rules in accordance with s. 120.54 to carry out the provisions of this section.

Section 16. Section 101.161, Florida Statutes, is amended to read:

101.161 Constitutional amendment or other public measure.—Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed on the ballot after the list of candidates, followed by the word "for," and also by the word "against." The wording of the substance of the amendment or other public measure to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, or enabling resolution or ordinance and shall be furnished to the supervisor of elections of each county in which such public measure is to be voted on. *The substance of an amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54.* The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot.

Section 17. Subsection (1) of section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party and which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $100, *or the sponsor of a proposed constitutional amendment by initiative intending to seek the signatures of registered electors.* Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04 and the state and county executive committees of political parties regulated by chapter 103 shall not be considered political committees for the purposes of this chapter. Corporations regulated by chapter 607 or chapter 617 are not political committees if their political activities are limited to contributions to candidates or political committees or expenditures in support or opposition of an issue from corporate funds and if no contributions are received by such corporations.

Section 18. Subsection (1) of section 106.03, Florida Statutes, is amended to read:

106.03 Registration of political committees.—

(1) Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $100, *or seeking the signatures of registered electors in support of an initiative,* shall file a statement of organization with the officer with whom such committee files original reports pursuant to s. 106.07, within 10 days after its organization or, if later, within 10 days after the date on which it has information which causes the committee to anticipate that it will receive contributions or makes expenditures in excess of $100. However, committees required by the Federal Campaign Communications Act of 1971 (Public Law 92-225) to file statements of organization with federal officials may file a duplicate copy of such statement in lieu of the statement required by this section. If a political committee is organized within 10 days of any election, it shall immediately file the statement of organization required by this section.

On motions by Senator Hair, the Senate concurred in the House Amendments.

CS for SB 968 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Maxwell	Stuart
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Chamberlin	Hair	Peterson	Trask
Childers, D.	Henderson	Poole	Vogt
Childers, W. D.	Hill	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Steinberg	

Nays—None

Vote after roll call:

Yea—Myers

The bill was ordered engrossed and then enrolled.

CONSENT CALENDAR

SB 422—A bill to be entitled An act relating to the regulation of parking; amending s. 30.09(4), Florida Statutes; exempting parking enforcement specialists from certain filing and bonding requirements; amending s. 316.006(3), Florida Statutes; authorizing counties to regulate parking on county

owned or leased property; amending s. 316.640(2), Florida Statutes; authorizing counties to employ parking enforcement specialists; providing for the training and authority of such specialists; amending s. 316.660, Florida Statutes; providing for the disposition of fines and forfeitures resulting from citations issued by specialists; providing an effective date.

—was read the second time by title. On motion by Senator Maxwell, by two-thirds vote SB 422 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Grizzle	Myers	Tobiassen
Anderson	Henderson	Peterson	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Holloway	Skinner	Williamson
Frank	Jenne	Spicola	Winn
Gordon	Johnston	Steinberg	
Gorman	McKnight	Stuart	

Nays—None

Votes after roll call:

Yea—Hair, Maxwell, McClain

SB 1246—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 402.17, Florida Statutes; changing terms "patient" and "inmate" to "client"; deleting provision authorizing the department to delegate certain powers and duties to division directors; requiring the department to perform certain acts relative to claims for care and maintenance of clients of the department and to money or property received for such clients; conforming language; amending s. 402.18, Florida Statutes; providing that moneys held in certain funds by any institution or district in the department shall be deposited in a Welfare Trust Fund or in a place which the department shall designate; providing for use of such moneys; transferring certain functions previously authorized of divisions or division directors to the department; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 1246 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Trask
Carlucci	Henderson	Myers	Vogt
Chamberlin	Hill	Peterson	Ware
Childers, D.	Holloway	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	
Frank	MacKay	Spicola	

Nays—None

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

INTRODUCTION

On motion by Senator Barron, without objection, Rules 4.16 and 2.14 were waived and the following bills were introduced:

By Senators Spicola, Barron and Myers—

SB 1316—A bill to be entitled An act relating to public records; adding s. 119.011(3)-(6), Florida Statutes; amending s. 119.07, Florida Statutes, 1978 Supplement, and adding subsections (3) and (4) to said section; defining certain words and phrases; providing that certain criminal intelligence and investigative information and certain information relating to victims, law enforcement personnel, and their families are exempt from disclosure provisions of the public record law; providing for deletion of confidential information from public records produced for inspection; providing for judicial inspection and determination; exempting confidential records received from non-Florida criminal justice agencies; providing authority to charge for costs; providing a study committee; providing an effective date.

—which, without objection, was read the first time by title and referred to the Committee on Judiciary-Criminal.

On motions by Senator Barron, by two-thirds vote SB 1316 was withdrawn from the Committee on Judiciary-Criminal and by two-thirds vote placed on the calendar.

On motions by Senator Barron by unanimous consent, SB 1316 was taken up out of order and by two-thirds vote read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	Maxwell	Stuart
Anderson	Gorman	McKnight	Tobiassen
Barron	Grizzle	Peterson	Trask
Carlucci	Hair	Poole	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, D.	Hill	Scott	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Fechtel	Johnston	Spicola	

Nays—1

Gordon

Vote after roll call:

Yea—Myers

By Senators Spicola, Barron and Myers—

SB 1317—A bill to be entitled An act relating to the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.02(2), Florida Statutes, redefining the term "cannabis"; amending the introductory paragraph of subsection (1) of s. 893.03, Florida Statutes, 1978 Supplement, providing that certain substances used pursuant to the Controlled Substances Therapeutic Research Act which are within Schedule I of the Florida Comprehensive Drug Abuse Prevention and Control Act shall be deemed to meet acceptable safety standards under medical supervision; amending s. 893.13(1)(f), Florida Statutes, to include all plants of the genus cannabis; increasing the amount possessed or delivered in an offense; providing an effective date.

—which, without objection, was read the first time by title and referred to the Committee on Judiciary-Criminal.

On motions by Senator Barron, by two-thirds vote SB 1317 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motions by Senator Barron by unanimous consent, SB 1317 was taken up out of order and by two-thirds vote read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	MacKay	Skinner
Anderson	Gorman	Maxwell	Spicola
Carlucci	Grizzle	McClain	Stuart
Chamberlin	Hair	McKnight	Thomas
Childers, D.	Henderson	Myers	Tobiassen
Childers, W. D.	Hill	Peterson	Vogt
Dunn	Holloway	Poole	Ware
Fechtel	Jenne	Scarborough	Williamson
Frank	Johnston	Scott	

Nays—1

Trask

CONSENT CALENDAR, resumed

SB 1185—A bill to be entitled An act relating to the Florida Thermal Efficiency Code; amending ss. 553.904-553.906, Florida Statutes, as amended; providing that the standards of the Florida Model Energy Efficiency Code for Building Construc-

tion may be accepted for thermal design and operations for new nonresidential, new residential, or renovated buildings; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 1185 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Frank	McClain	Thomas
Anderson	Gordon	McKnight	Tobiassen
Chamberlin	Gorman	Myers	Trask
Childers, D.	Henderson	Peterson	Vogt
Childers, W. D.	Hill	Scarborough	Ware
Dunn	Holloway	Scott	Williamson
Fechtel	Johnston	Skinner	Winn

Nays—None

Votes after roll call:

Yea—Hair, Spicola

Consideration of SB 1121 was deferred.

SB 1031—A bill to be entitled An act relating to saltwater fisheries and conservation; permitting the fishing for live bait shrimp in Taylor, Dixie, Levy, Citrus, Pasco, and Hernando Counties with a permit issued by the Department of Natural Resources; prohibiting specified violations of law with respect to marine resource conservation; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Peterson and adopted:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. All other laws, whether special or general, to the contrary notwithstanding, in all marine waters in the Counties of Taylor, Dixie, Levy, Citrus, Pasco, and Hernando, live bait shrimp may be caught at any time, but only under permit issued by the Department of Natural Resources. Permittees shall fish with such equipment and under such conditions as the department shall specify. Application for permits shall be on forms supplied by the department and no charges may be made for issuing said permits. Permits shall be revocable when the holder does not comply with the laws and rules applicable to marine resource conservation. All vessels fishing for live bait shrimp must be equipped with live bait shrimp tanks, and no more than 50 pounds of dead shrimp that do not meet the count size classification of less than 47 individuals per pound will be allowed on board such vessel per day. The two size classifications of dead shrimp must be separated immediately and kept separately, and all shrimp must remain with their heads on while aboard the vessel.

Section 2. Any person convicted of violating the provisions of this act shall, for the first and second convictions, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes. A third or any subsequent violation by any person of this act within 3 years of the date of the commission of the last prior violation shall be a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 3. This act shall take effect October 1, 1979.

Pending further consideration of SB 1031 as amended, on motions by Senator Peterson, the rules were waived and by two-thirds vote CS for HB 580 was withdrawn from the Committees on Natural Resources and Conservation and Judiciary-Criminal.

On motion by Senator Peterson—

CS for HB 580—A bill to be entitled An act relating to saltwater fisheries and conservation; permitting the fishing for live bait shrimp in Taylor, Dixie, Levy, Citrus, Pasco, and Hernando Counties with a permit issued by the Department of Natural Resources; prohibiting specified violations of law with respect to marine resource conservation; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 1031 and read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for HB 580 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Maxwell	Thomas
Anderson	Gorman	McClain	Tobiassen
Barron	Grizzle	McKnight	Trask
Carlucci	Hair	Peterson	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, D.	Hill	Scott	Williamson
Childers, W. D.	Holloway	Skinner	Winn
Fechtel	Jenne	Spicola	
Frank	Johnston	Steinberg	

Nays—None

Vote after roll call:

Yea—Myers

SB 1031 was laid on the table.

On motion by Senator Barron, the Senate reconsidered the vote by which—

SB 1316—A bill to be entitled An act relating to public records; adding s. 119.011(3)-(6), Florida Statutes; amending s. 119.07, Florida Statutes, 1978 Supplement, and adding subsections (3) and (4) to said section; defining certain words and phrases; providing that certain criminal intelligence and investigative information and certain information relating to victims, law enforcement personnel, and their families are exempt from disclosure provisions of the public record law; providing for deletion of confidential information from public records produced for inspection; providing for judicial inspection and determination; exempting confidential records received from non-Florida criminal justice agencies; providing authority to charge for costs; providing a study committee; providing an effective date.

—as amended passed this day.

On motion by Senator Barron the Senate reconsidered the vote by which SB 1316 was read the third time by title.

Senator Spicola moved the following amendment which was adopted:

Amendment 1—On page 6, line 26, strike the comma and the words "provided that" and insert: ; however,

On motion by Senator Barron, by two-thirds vote SB 1316 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Peterson	Tobiassen
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—1

Trask

Vote after roll call:

Nay to Yea—Trask

On motions by Senator Skinner, by two-thirds vote HB 1282 was withdrawn from the Committee on Transportation; Ways and Means Subcommittee E and the Committee on Ways and Means.

HB 1282—A bill to be entitled An act relating to traffic control; adding subsection (8) to s. 316.545, Florida Statutes, providing that officers or agents of the Department of Highway Safety and Motor Vehicles inspecting vehicles under weight and load provisions shall have the same power as road-guard inspection special officers; specifies that such officers or agents shall not be considered high risk members for retirement purposes; providing an effective date.

On motions by Senator Skinner, by two-thirds vote HB 1282 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Frank	MacKay	Spicola	Winn
Gordon	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Myers

SB 778 was taken up and on motion by Senator Scarborough, the rules were waived and by two-thirds vote HB 715 was withdrawn from the Committee on Commerce.

On motion by Senator Scarborough—

HB 715—A bill to be entitled An act relating to motor vehicle liability insurance; amending s. 627.7286, Florida Statutes, 1978 Supplement, providing that the driving experience of a person operating a bus with respect to certain private sector bus companies, insofar as such driving experience is reflected in the person's point accumulation under Florida law, shall not be a factor in the removal of his personal motor vehicle liability coverage or in the setting of rates therefor; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for SB 778 and read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 715 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Fechtel	Jenne	Scott	Williamson
Frank	Johnston	Skinner	Winn

Nays—None

SB 778 was laid on the table.

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

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 passed as amended—

HB 1844

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 1844—A bill to be entitled An act relating to vocational rehabilitation; creating Part IV, Rehabilitation Programs—Alternative Administration, of Chapter 413, Florida Statutes; creating sections 413.701 through 413.711, Florida Statutes; providing authority of the Governor; providing for a board of directors appointed by the Governor; requiring the board of directors to file articles of incorporation with the Secretary of State; providing powers of the Vocational Rehabilitation Administration; prohibiting conflict of interest; providing duties of the Department of Health and Rehabilitative Services; providing benefits for former state employees; providing powers and duties of other state agencies; requiring that the Vocational Rehabilitation Administration collocate offices with the Department of Health and Rehabilitative Services whenever possible; exempting members of the board of directors from personal liability; providing that records maintained by the Vocational Rehabilitation Administration shall be public records subject to the provisions of Chapter 119, Florida Statutes; providing that the Vocational Rehabilitation Administration shall be subject to the provisions of s. 286.011, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

CONSENT CALENDAR, continued

By the Committee on Health and Rehabilitative Services and Senators Lewis and Gordon—

CS for SB 1302—A bill to be entitled An act relating to vocational rehabilitation; creating Part IV, Rehabilitation Programs—Alternative Administration, of Chapter 413, Florida Statutes; creating ss. 413.701-413.711, Florida Statutes; providing authority of the Governor; providing for a board of directors appointed by the Governor; requiring the board of directors to file articles of incorporation with the Secretary of State; providing powers of the corporation; prohibiting conflict of interest; providing duties of the Department of Health and Rehabilitative Services; providing benefits for former state employees; providing powers and duties of other state agencies; requiring that the corporation collocate offices with the Department of Health and Rehabilitative Services whenever possible; exempting members of the board of directors from personal liability; providing that records maintained by the corporation shall be public records subject to the provisions of chapter 119, Florida Statutes; providing that the corporation shall be subject to the provisions of s. 286.011, Florida Statutes; providing an effective date.

—was read the first time by title and SB 1302 was laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for SB 1302 was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 2, line 12, strike "not-for-profit corporation" and insert: vocational rehabilitation administration

Amendment 2—On page 2, line 13, after the comma insert: and shall be accomplished within 180 days after the federal government acts to allow the vocational rehabilitation program to be administered within the organizational structure contemplated by the reorganization act of 1975, as amended,

Amendment 3—On page 2, strike all of lines 17-26, and insert: directors consisting of eleven citizens. One director shall reside in each service district of the Department of Health and Rehabilitative Services, and additionally, seven shall be disabled individuals. The Secretary of the Department

Amendment 4—On page 2, line 29, strike "4" and insert: 3

Amendment 5—On page 3, lines 6 and 11, strike "not-for-profit"

Amendment 6—On page 3: lines 8, 10 and 15, and on page 4: lines 3, 4, 6, 9, 10, 13, 17 and 25, and on page 5: lines 2, 6, 7

(twice), 25 and 30, and on page 6: lines 10, 15, 18, 21, 25 and 27, and on page 7: lines 1, 4, 6, 9, 12, 15, 20 and 25, and on page 8: lines 2, 5, 8 and 12, strike "corporation" and insert: administration

Amendment 7—On page 5, line 5, strike "30" and insert: 10

Amendment 8—On page 5, line 7, after the period insert: Unless such notice is filed, the benefits shall be terminated.

Amendment 9—On page 8, line 12, strike "Corporate" and insert: Administration

Amendment 10—On page 8, line 17, strike "July 1, 1981" and insert: upon becoming a law, and shall be null and void on July 1, 1980

Amendment 11—On page 1 in title, lines 11, 16, 21, and 24, strike "corporation" and insert: vocational rehabilitation administration

Pending further consideration of CS for SB 1302 as amended, on motion by Senator Johnston, by two-thirds vote HB 1844 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Johnston—

HB 1844—A bill to be entitled An act relating to vocational rehabilitation; creating Part IV, Rehabilitation Programs—Alternative Administration, of Chapter 413, Florida Statutes; creating sections 413.701 through 413.711, Florida Statutes; providing authority of the Governor; providing for a board of directors appointed by the Governor; requiring a board of directors to file articles of incorporation with the Secretary of State; providing powers of the Vocational Rehabilitation Administration; prohibiting conflict of interest; providing duties of the Department of Health and Rehabilitative Services; providing benefits for former state employees; providing powers and duties of other state agencies; requiring that the Vocational Rehabilitation Administration collocate offices with the Department of Health and Rehabilitative Services whenever possible; exempting members of the board of directors from personal liability; providing that records maintained by the Vocational Rehabilitation Administration shall be public records subject to the provisions of Chapter 119, Florida Statutes; providing that the Vocational Rehabilitation Administration shall be subject to the provisions of s. 286.011, Florida Statutes; providing an effective date.

—a companion measure, was substituted for CS for SB 1302. On motion by Senator Johnston, by two-thirds vote HB 1844 was read the second time by title.

Senators Grizzle, McClain, Poole, Jenne, Frank and Steinberg offered the following amendment which was moved by Senator Grizzle and failed:

Amendment 1—On page 2, line 1, strike everything after the enacting clause and insert: Section 1. Paragraph (a) of subsection (2) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Public Schools.
2. Division of Vocational Education.
3. Division of Community Colleges.
4. Division of Universities.
5. Division of Blind Services.
6. *Division of Vocational Rehabilitation.*

Section 2. All powers and duties of the Department of Health and Rehabilitative Services under Parts II and III of chapter 413, Florida Statutes, are transferred by a type four transfer as defined in s. 20.06(4), Florida Statutes, to the Division of Vocational Rehabilitation of the Department of Education, and the advisory council on spinal cord injuries of the Department of Health and Rehabilitative Services created by s. 413.605, Florida Statutes, is transferred by a type one transfer as defined in s. 20.06(1), Florida Statutes, to said division.

Section 3. Subsection (1) of section 413.20, Florida Statutes, is amended to read:

413.20 Definitions.—In ss. 413.20-413.45:

(1) *"Division"* ~~"Department"~~ means *the Division of Vocational Rehabilitation of* the Department of *Education* ~~Health and Rehabilitative Services~~;

Section 4. Section 322 of chapter 77-147, Laws of Florida, is hereby repealed, and section 413.45, Florida Statutes, 1975, is reenacted and amended to read:

413.45 Reports of Division of Vocational Rehabilitation.—The Division of Vocational Rehabilitation shall prepare at the end of each fiscal year for submission to the Department of *Education* ~~Health and Rehabilitative Services~~ a report showing the activities of the division, the number of handicapped persons served, the effects of such service, the expenditures made in carrying out the purposes of this law, and the funds necessary for the succeeding year; the division shall also make recommendations to the department relative to rehabilitation services which it believes necessary to improve the economic conditions of Florida's handicapped citizens.

Section 5. Subsection (1) of section 413.47, Florida Statutes, is amended to read:

413.47 Definitions.—As used in ss. 413.46-413.49:

(1) *"Division"* ~~"Department"~~ means the *Division of Vocational Rehabilitation of the* Department of *Education* ~~Health and Rehabilitative Services~~.

Section 6. Subsection (2) of section 413.49, Florida Statutes, is amended to read:

413.49 Duties and responsibilities of the *division* ~~department~~.—

(2) The *division* ~~department~~ shall refer severely disabled persons to ~~appropriate divisions of the department and~~ other *appropriate* state agencies to assure that rehabilitative services, if desired, are obtained by the severely disabled person.

Section 7. Subsection (1) of section 413.501, Florida Statutes, is amended to read:

413.501 Definitions; ss. 413.50-413.504.—When used in ss. 413.50-413.504, unless the context clearly requires otherwise:

(1) *"Division"* ~~"Department"~~ means the *Division of Vocational Rehabilitation of the* Department of *Education* ~~Health and Rehabilitative Services~~.

Section 8. Subsections (1) and (2) of section 413.602, Florida Statutes, are amended to read:

413.602 Definitions.—As used in this act:

(1) *"Division"* ~~"Department"~~ means the *Division of Vocational Rehabilitation of the* Department of *Education* ~~Health and Rehabilitative Services~~.

(2) *"Department"* ~~"Secretary"~~ means ~~the secretary of~~ the Department of *Education* ~~Health and Rehabilitative Services~~.

Section 9. Section 413.603, Florida Statutes, is amended to read:

413.603 Establishment of a plan for a system of treatment for persons with spinal cord injuries.—The *division* ~~department~~ shall *have supervision of the* ~~develop a~~ plan for the establishment of multilevel treatment program for persons with spinal cord injuries ~~and present the plan to the secretary for review by March 1, 1977~~. The plan shall contain at least the following components:

(1) Establishment of an emergency medical evacuation system which shall include the operation and implementation of

an emergency transport system in order that persons with spinal cord injuries can be transported to an intensive trauma care center on a timely basis.

(2) Establishment of intensive trauma care centers which will provide as a minimum:

(a) The administration of preventive treatment to persons with spinal cord injuries to prevent paralysis, save lives, and stabilize the person's medical condition so that he can be transferred as soon as possible to a rehabilitation center for further rehabilitation.

(b) The appropriate number of centers to be developed according to need. Each facility shall consist of a special medical unit with appropriate professional personnel and expertise.

(3) Establishment of rehabilitation centers to provide rehabilitation services for persons transferred from the intensive trauma care center and for other persons with spinal cord injuries requiring rehabilitation services. Such centers shall be located according to need and shall be equipped with the appropriate staff component to meet the specialized rehabilitation needs of persons with spinal cord injuries.

(4) Establishment of an appropriate number of halfway houses for individuals who need attendant care, who are in adjustment periods, who require a structured environment, or who are in retraining or educational programs. All residents shall use the halfway house as a temporary measure and not as a permanent home or domicile.

(5) Residents of any of the above-cited facilities shall pay a monthly fee based on ability to pay.

Section 10. Subsections (1) and (2) of section 413.605, Florida Statutes, are amended to read:

413.605 Advisory council on spinal cord injuries.—

(1) There is created within the *division* ~~department~~ an advisory council on spinal cord injuries composed of five appropriate professionals, with expertise in areas related to the care and rehabilitation of individuals with spinal cord injuries, and six individuals with spinal cord injuries.

(2) Members of the council shall be appointed by the *State Board of Education* ~~secretary~~ and shall serve for terms of 4 years, ~~except that five members of the first appointed council shall serve for 2 years~~.

Section 11. In editing manuscript for the next edition of the official Florida Statutes, the Division of Statutory Revision of the Joint Legislative Management Committee shall change "Department of Health and Rehabilitative Services" or "department" to "division" wherever the same appear in parts II and III of chapter 413, Florida Statutes.

Section 12. The five members of the advisory council on spinal cord injuries appointed for 2-year terms by the Secretary of the Department of Health and Rehabilitative Services under the provisions of s. 413.605, Florida Statutes, shall continue in office until the expiration of their terms, at which time members shall be appointed to the council for 4-year terms by the State Board of Education as provided by s. 413.605, Florida Statutes, as amended by this act.

Section 13. Subsubparagraph e. of subparagraph 2. of paragraph (c) of subsection (3) of section 20.19, Florida Statutes, is hereby repealed.

Section 14. This act shall take effect upon becoming a law.

Senator Scarborough presiding

The vote was:

Yeas—11

Chamberlin	Jenne	Poole	Ware
Frank	Maxwell	Scarborough	Williamson
Grizzle	McClain	Scott	

Nays—24

Anderson	Gordon	MacKay	Steinberg
Barron	Gorman	McKnight	Stuart
Carlucci	Henderson	Myers	Thomas
Childers, D.	Hill	Neal	Tobiassen
Childers, W. D.	Holloway	Peterson	Vogt
Dunn	Johnston	Spicola	Winn

Senator Chamberlin moved the following amendment which failed:

Amendment 2—On page 4, line 31, strike "ten" and insert: thirty

On motion by Senator Johnston, by two-thirds vote HB 1844 was read the third time by title.

Senator Frank moved that the Senate reconsider the vote by which HB 1844 was read the third time by title and the motion failed.

HB 1844 passed and was certified to the House. The vote on passage was:

Yeas—22

Anderson	Gorman	MacKay	Thomas
Barron	Hair	McKnight	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Scott	Vogt
Childers, W. D.	Holloway	Skinner	
Gordon	Johnston	Steinberg	

Nays—9

Frank	Maxwell	Scarborough	Williamson
Grizzle	McClain	Ware	
Jenne	Poole		

CS for SB 1302 was laid on the table.

On motions by Senator Barron, the rules were waived and by two-thirds vote HB 1424 was withdrawn from the Committee on Commerce and by two-thirds vote placed on the special order calendar.

HB 1160—A bill to be entitled An act relating to Palm Beach County; amending Section 16, West Palm Beach Police Pension and Relief Fund, subsection (17), Investments, and Section 17, West Palm Beach Firemen Pension Fund, subsection (4)(b), Investment of Monies, of Chapter 24981, Laws of Florida, 1947, as amended by Chapter 26308, Laws of Florida, 1949, Chapter 27978, Laws of Florida, 1951, said sections being renumbered as sections 16 and 17, Chapter 31368, Laws of Florida, 1955, Chapter 59-1981, Laws of Florida, Chapter 65-2382, Laws of Florida, Chapter 67-2173, Laws of Florida, Chapter 69-1430, Laws of Florida, Chapter 73-656, Laws of Florida, Chapter 76-503, Laws of Florida, Chapter 77-665, Laws of Florida; providing severability; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert: Section 1. Paragraphs (a) and (b) of subsection (17) of section 16 of chapter 24981, Laws of Florida, 1947, as amended, are amended to read:

Section 16. Police pension and relief fund.—

(17) **Investments:**

(a) The board of trustees shall be the trustees of funds of the Police Pension Fund and shall have the power and authority to invest and reinvest the monies of the said Police Pension Fund, and to hold, purchase, sell, assign, transfer and dispose of any securities and investments held in the said Police Pension Fund, including the power and authority to employ counselling or investment management services; the aim of the investment policies shall be to preserve the

integrity and security of fund principal, to maintain a balanced investment portfolio, to maintain and enhance the value of fund principal and to secure the maximum total return on investments that is consonant with safety of principal; provided, that such investments and reinvestments shall be limited to the following:

1. Direct obligations of the United States Government or any agency thereof; and other evidences of indebtedness which are fully guaranteed by the United States Government or any agency thereof for the payments of principal and interest.

2. Direct obligations of the State of Florida, or any political subdivision of the State.

3. In debt securities, preferred and common stocks and mutual fund shares subject to the limitations set forth in this section.

4. In tax sale certificates of any political subdivision of the State of Florida.

5. In savings and loan associations to the extent that deposits are guaranteed by the United States Government or any agency thereof.

6. Purchases of securities shall include bonds or other evidence of indebtedness, preferred stocks and common stocks. Operations shall be conducted on the basis of a balanced portfolio with the following limitations: The total amount thereof invested in tax sales certificates shall not exceed thirty percent; the total amount thereof invested in preferred stocks and debt securities other than tax sales certificates may aggregate one hundred percent; the total thereof invested in preferred stocks shall not aggregate more than five percent and the total amount thereof invested in common stocks and mutual funds shall not aggregate more than fifty percent of the fund. Percentages shall be based on cost or amortized cost of all securities purchased.

(b) Maximum uninvested cash—minimum investment standards. No more than ten percent of the assets of the Police Pension Fund shall be held in cash or in non-interest bearing deposits. The following minimum investment standards shall govern the eligibility for the purchase of securities:

1. All corporate and association securities and mutual funds shall be issued by a corporation or other legal person incorporated or otherwise organized within the United States and domiciled therein.

2. Not more than five percent of the fund may be invested in any single security, other than United States government or United States government agency obligations.

3. All bonds and preferred stocks, with the exception of bonds and preferred stocks that are convertible into common stock or that include warrants for the purchase of common stock, shall be rated "A" or higher by the investment services published by either Moody's Investor Service or Standard & Poor's Corporation. Said bonds and preferred stocks that are convertible into common stocks shall be considered common stocks and the purchase of same shall be limited by the provisions of Section 16(17)(a) 6. Bonds and preferred stocks that are convertible into common stock or that include warrants for the purchase of common stock shall not be purchased if a premium price in excess of twenty percent is being paid for the conversion privilege or for the warrants.

4. Common stocks must be listed with at least two principal national stock exchanges recognized by the Securities & Exchange Commission.

5. Common stock and mutual fund shares must have a record of unbroken dividend payments and no deficit operations for the preceding five years prior to purchase.

6. The trustees shall be required to engage the services of professional investment counsel to assist and advise the trustees in the performance of their duties.

Section 2. Paragraph (b) of subsection (4) of section 17 of chapter 24981, Laws of Florida, 1947, as amended, is amended to read:

Section 17. Firemen's relief and pension fund.—

(4) City Treasurer; custodian of funds. All monies and securities of the West Palm Beach firemen pension fund shall be deposited with the city treasurer, who shall keep same in a special fund and he shall be liable for the safekeeping of the fund under the bond given by him to the city. It shall be the duty of the city treasurer to collect all monies due said fund from all sources whatsoever.

(b) INVESTMENT OF MONIES. The board of trustees shall have the power and authority to invest and reinvest the monies of the said Firemen Pension Fund, and to hold, purchase, sell, assign, transfer and dispose of any securities and investments held in the said fund; the aim of the investment policies shall be to preserve the integrity and security of fund principal, to maintain a balanced investment portfolio, to maintain and enhance the value of fund principal and to secure the maximum total return on investments that is consonant with safety of principal; provided, that such investments and reinvestments shall be limited to the following:

1. Direct obligations of the United States Government or any agency thereof; and debentures and other evidences of indebtedness which are fully guaranteed by the United States Government or any agency thereof for the payment of principal and interest.

(2) Direct obligations of the state of Florida, or any political subdivision of the state.

3. In debt securities, preferred and common stocks and mutual fund shares subject to the limitations set forth in this section.

4. In tax sales certificates of any political subdivision of the state of Florida.

5. In savings and loan associations to the extent that deposits are guaranteed by the United States Government or any agency thereof.

6. Of the total fund principal in any pension or retirement system, including the amounts deposited in banks or associations, the total amount thereof invested in tax sale certificates shall not exceed thirty percent; the total amount thereof invested in preferred stocks and in debt securities other than tax sale certificates may aggregate one hundred percent; the total thereof invested in preferred stocks shall not aggregate more than five percent; and the total amount thereof invested in common stocks and mutual fund shares shall not aggregate more than fifty percent. Percentages shall be based on cost or amortized cost to the fund of all securities purchased.

7. The following minimum standards shall, as to the fund of each pension and retirement system, govern the eligibility of securities for purchase as fund investments:

a. All corporate and association securities and mutual fund shares shall be issued by a corporation or other legal person incorporated or otherwise organized within the United States and domiciled therein.

b. Not more than five percent of the total fund principal shall be invested in any single security other than obligations of the United States or an agency thereof.

c. All bonds and preferred stocks, with the exception of bonds and preferred stocks that are convertible into common stocks or that include warrants for the purchase of common stock, shall be rated "A" or higher by the investment services published by either Moody's Investor Service or Standard & Poor's Corporation. Said bonds and preferred stocks that are convertible into common stocks shall be considered common stocks and the purchase of same shall be limited by the provisions of Section 17(4)(b) 6.

d. Bonds and preferred stocks that are convertible into common stock or that include warrants for the purchase of common stock shall not be purchased if a premium price in excess of twenty percent is being paid for the conversion privilege or for the warrants.

e. All common stocks and mutual fund shares must have a record of uninterrupted dividend payments and no deficit operation for each annual period throughout the five year period preceding the purchase of the stock as a fund investment.

f. All investments of funds of each pension or retirement system made prior to the adoption hereof may in the discretion of its trustees be retained as investments.

g. The trustees shall be required to engage the services of professional investment counsel to assist and advise the trustees in the performance of their duties.

Section 3. The provisions of this act are severable and if any section, part of section, paragraph, sentence or clause of this act shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any remaining portion thereof, but shall be restricted and limited in its effect and to that specific portion hereof involved in the controversy in which such decision shall have been rendered.

Section 4. All laws and parts of law, ordinance or regulation, insofar as they are in conflict or inconsistent with the provisions of this act, be and the same are hereby repealed.

Section 5. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, strike all of lines 3 through 19, and insert: section 16(17)(a), (b) and section 17(4)(b) of Chapter 24981, Laws of Florida, 1947, as amended by Chapter 26308, Laws of Florida, 1949, Chapter 27978, Laws of Florida, 1951, said sections being renumbered as sections 16 and 17, Chapter 31368, Laws of Florida, 1955, Chapter 59-1981, Laws of Florida, Chapter 61-2994, Laws of Florida, Chapter 65-2382, Laws of Florida, Chapter 67-2173, Laws of Florida, Chapter 69-1430, Laws of Florida, Chapter 73-656, Laws of Florida, Chapter 76-503, Laws of Florida, Chapter 77-665, Laws of Florida; providing for the investment of monies in the West Palm Beach Police Pension and Relief Fund and the West Palm Beach Firemen Pension and Relief Fund; providing severability; repealing all laws in conflict herewith; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1160 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Grizzle	Maxwell	Trask
Barron	Hair	McClain	Vogt
Childers, D.	Henderson	McKnight	Ware
Childers, W. D.	Hill	Peterson	Williamson
Fechtel	Holloway	Scott	Winn
Frank	Jenne	Steinberg	
Gordon	Johnston	Thomas	
Gorman	MacKay	Tobiassen	

Nays—None

Vote after roll call:

Yea—Myers

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

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 amended Senate Amendment 3, concurred in same as amended and passed HB 1141 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Richmond and C. R. Smith—

HB 1141—A bill to be entitled An act relating to Pasco County; amending section 1 of chapter 61-2644, Laws of Florida, authorizing the Board of County Commissioners of Pasco County and any other county board authorized or required to hold public hearings or special meetings to hold board meetings at various location in the county; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1 to Senate Amendment 3—On page 1, line 1, strike "due" and insert: reasonable.

On motion by Senator Peterson, the Senate refused to concur in the House amendment to the Senate amendment and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

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

By Senator Winn—

SB 669—A bill to be entitled An act relating to workmen's compensation; amending ss. 20.17(3)(a) and (b), 23.127(3), 112.075(9), 112.08(2), 112.13, 112.19(2)(a), 112.191(2)(a), 120.52(1), 121.021(13), (14), and (17), 121.125, 122.03(7), 122.34(6) (c), (7), and (8), 123.03(6), 163.01(9) (a), 185.34, 215.22(9), 231.49, 238.06(11), 250.34(3), 284.30, 284.31, 284.36, 321.19(5), 321.20(2), 321.221(4), 409.255(1) (d), 440.01, 440.021, 440.11(2), 440.13(1) and (3) (b), 440.15(1) (e), 440.151(1) (a), (d), and (e), 440.185(7), 440.19(1) (e), 440.20(10), 440.25(3) (d), (4) (b) and (c), 440.30, 440.31, 440.37(2) (f), 440.38(5), 440.39(1), 440.44(2) and (3) (a), 440.49(5) (g) and (h), 440.50(1) (a), 440.51(5) and (8), 440.52(2), 440.58, 440.59, 443.06(3), 443.12(7), 443.15(4) (d), 520.73(5), 520.90(7), 553.19(6), 562.132, 624.435(1) and (3) (b), 624.602(1), 624.603, 624.605(1) (c), 624.609(7), 625.091(3) and (4), 626.221(3) (k), 626.241(7) (d), 626.741(4) (a), 626.869(1) (d), 626.916(1) (d), 627.021(2) (c), 627.062(2), 627.091(1), 627.092, 627.101(1), 627.141, 627.151, 627.191, 627.211(1), 627.281(1), 627.291, 627.311(4), 627.314(3) (c), 627.601(1), 627.622(2), 627.623(2), 627.624(2), 627.727(1), 627.736(4), 629.071(1) (b), 631.55(2) (a), 631.57(1) (a), 631.61(2), 901.25(5), 944.49(5) and 960.-13(2) and (5) (b), all Florida Statutes or 1978 Supplement; changing the phrase "workmen's compensation" to "workers' compensation" throughout said sections; providing for conditional repeal; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, strike everything after the enacting clause and insert: Section 1. Section 46 of chapter 79-40, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 46, ch. 79-40, Laws of Florida, for present text.)

Section 46. (1) After September 30, 1979, review of any order of a deputy commissioner entered pursuant to chapter 440, Florida Statutes, shall be by appeal to the District Court of Appeal, First District. On October 1, 1979, all appeals pending before the Industrial Relations Commission shall be transferred to the District Court of Appeal, First District, and the court shall act on such appeals.

(2) The Industrial Relations Commission is hereby abolished as of October 1, 1979. The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a reviser's bill to conform the Florida Statutes to such abolishment.

(3) Effective October 1, 1979, all property, leaseholds, equipment, and other assets of the Industrial Relations Commission are transferred to the District Court of Appeal, First District.

Section 2. Any Judge of Industrial Claims in office on August 1, 1979, shall continue to serve in such office for the remainder of his term and shall be known as a deputy commissioner, notwithstanding any provision of chapter 79-40, Laws of Florida.

Section 3. Section 440.021, Florida Statutes, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.021 Exemption of workers' compensation from chapter 120.—Workers' compensation adjudications by deputy commissioners and the Industrial Relations Commission are exempt from chapter 120, and neither the deputy commissioners nor the Industrial Relations Commission shall be considered an agency or a part thereof, and advisory opinions of the division pursuant to s. 440.19(1) as to the entitlement of an employee or his dependents to benefits under this chapter are exempt from chapter 120. In all instances in which the division institutes action to collect a penalty or interest which may be due pursuant to this chapter, the penalty or interest shall be assessed

without hearing, and the party against which such penalty or interest is assessed shall be given written notice of such assessment, and shall have the right to protest within 20 days of such notice. Upon receipt of a timely notice of protest, and after such investigation as may be necessary, the division shall, if it agrees with such protest, notify the protesting party that the assessment has been revoked. If the division does not agree with the protest, it shall refer the matter to the deputy commissioner for determination pursuant to s. 440.25(3) and (4). *Such action of the division is exempt from the provisions of chapter 120.*

Section 4. Paragraphs (a) and (d) of subsection (3) of section 440.13, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3)(a) All fees and other charges for such treatment or service, including treatment or service provided by any hospital or other health-care provider, shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living and shall be subject to *rules adopted* ~~regulation~~ by the division, which shall adopt schedules of maximum charges for such treatment or services. An individual health-care provider shall be paid either his usual and customary charge for a treatment or service, or the maximum charge, whichever is less. A hospital shall be paid the lowest charge currently assessed for such treatment or service in the community in which the hospital is located.

(d)1. As used in this subsection:

a. "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient based on medically accepted standards. Such evaluation is accomplished by means of a system which identifies the utilization of medical services above the usual range of utilization for such services based on medically accepted standards, and which refers instances of possible inappropriate utilization to *the division for referral to* a peer review committee.

b. "Peer review" means an evaluation by a peer review committee, after utilization review, of the appropriateness, quality, and cost of health care and health services provided a patient based on medically accepted standards.

c. "Peer review committee" means a committee composed of health-care providers licensed under the same authority as the health-care provider who rendered the services being reviewed.

d. "Health-care provider" means a physician licensed under chapter 458, an osteopath licensed under chapter 459, a chiropractor licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466.

2. The division shall develop and implement, or contract with a qualified entity to develop and implement, utilization review of the services rendered by a health-care provider, which services are paid for in whole or in part pursuant to chapter 440.

3. The division shall contract with a private nonprofit medical foundation to provide peer review of health-care services rendered pursuant to chapter 440. Under the terms of such contract, the foundation shall establish and maintain a procedure by which a peer review committee shall review the services rendered by a health-care provider, which services are paid for in whole or in part pursuant to chapter 440. Such review shall occur upon *a determination by the division that information referred to it* ~~referral~~ by the entity responsible for utilization review *contains* ~~to the foundation of~~ reliable information that a health-care provider is rendering services in a manner which may be inappropriate with respect to either the level or the quality of care. The report and recommendations of the peer review committee shall be submitted to the division for such action as may be necessary in accordance with this section.

4. By accepting payment pursuant to chapter 440 for remedial treatment rendered to an injured employee, a health-care provider shall be deemed to consent to submitting all necessary records and other information concerning such treatment to utilization review and peer review as provided by this section. Such health-care provider shall further agree to comply with any decision of the division pursuant to subparagraph 5.

5. If it is determined that a health-care provider improperly overutilized or otherwise rendered or ordered inappropriate medical treatment or services, or that the cost of such treatment or services was inappropriate, the division may *order the health-care provider to show cause why he should not be required* ~~require such health-care provider~~ to repay the amount which was paid for the rendering or ordering of such treatment or services *and shall inform him of his right to a hearing under the provisions of s. 120.57. If a hearing is not requested within 30 days of receipt of the order and the division director decides to proceed with the matter, a hearing shall be conducted, a prima facie case established, and a final order issued. If the final order, including judicial review if the order is appealed, is adverse to the health-care provider* . ~~In addition,~~ the division shall provide the licensing board of the health-care provider with full documentation of such determination. ~~Any such determination by the division shall be reviewable in accordance with the provisions of ss. 120.57 and 120.68, upon written notice submitted by the health care provider within 30 days of such determination.~~

6. The criteria or standards established for the utilization review shall be adopted by the division as rules pursuant to chapter 120. The referral by the entity responsible for the utilization review, the decision of the division to refer the matter to the peer review committee, the establishment by the foundation of the procedures by which a peer review committee reviews the rendering of health-care services, and the peer review committee's review proceedings, report, and recommendation shall not be subject to the provisions of chapter 120.

7.~~6.~~ The provisions of s. 768.40 shall apply to any officer, *employee* ~~employer~~, or agent of the division, and to any officer, *employee* ~~employer~~, or agent of any entity with which the division has contracted pursuant to this section

Section 5. Subsections (3) and (4) and paragraph (d) of subsection (5) of section 440.15, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. In case of permanent impairment due to amputation, loss of 80 percent or more of vision, after correction, or serious facial or head disfigurement resulting from an injury other than an injury entitling the injured worker to permanent total disability benefits pursuant to subsection (1), there shall be paid to the injured worker the following:

a. Fifty dollars for each percent of permanent impairment of the body as a whole from 1 percent through 50 percent; and

b. One hundred dollars for each percent of permanent impairment of the body as a whole for that portion in excess of 50 percent.

2. Once the employee has reached the date of maximum medical improvement impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

3. In order to reduce litigation and establish more certainty and uniformity in the rating of permanent impairment, the division shall establish and use a schedule for determining the existence and degree of permanent impairment based upon medically or scientifically demonstrable findings. The schedule shall be based on generally accepted medical standards for determining impairment and may incorporate all or part of any one or more generally accepted schedules used for such purpose, such as the American Medical Association's Guides to the Evaluation of Permanent Impairment. On the effective date of this act and pending the adoption, *by rule,* of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971 by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof.

(b) Wage-loss benefits.—

1. Each injured worker who suffers any permanent impairment, which permanent impairment is determined pursuant

to the schedule adopted in accordance with subparagraph 3. of paragraph (a), may be entitled to wage-loss benefits under this subsection. Such benefits shall be based on actual wage-loss and shall not be subject to the minimum compensation rate set forth in s. 440.12(2). Such wage-loss benefits shall be, subject to the maximum compensation rate as set forth in s. 440.12(2), equal to 95 percent of the difference between 85 percent of the employee's average monthly wage~~,~~ and the salary, wages, and other remuneration the employee is able to earn after reaching maximum medical improvement, as compared on a monthly basis; provided that the monthly wage-loss benefits shall not exceed an amount equal to 66 2/3 percent of the employee's average monthly wage at the time of injury. In order to simplify the comparison of the preinjury average monthly wage with the salary, wages, and other remuneration the employee is able to earn after reaching maximum medical improvement, the division may by rule provide for the modification of the monthly comparison so as to coincide as closely as possible with the injured workers' pay periods.

2. The amount determined to be the salary, wages, and other remunerations the employee is able to earn after reaching the date of maximum medical improvement shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment. In the event the employee voluntarily limits his or her income, or fails to accept employment with his or her abilities, the salary, wages, and other remuneration the employee is able to earn after the date of maximum medical improvement shall be deemed to be the amount which would have been earned if the employee did not limit his or her income or accepted appropriate employment. Whenever a wage-loss benefit as set forth in subparagraph 1. may be payable, the burden shall be on the employee to establish that any wage-loss claimed is the result of the compensable injury.

3. The right to wage-loss benefits shall terminate:

a. As of the end of any 2-year period commencing at any time subsequent to the month when the injured employee reaches the date of maximum medical improvement, unless during such 2-year period wage-loss benefits shall have been payable during at least 3 consecutive months; or

b. For injuries occurring on or before July 1, 1980, 350 weeks after the injured employee reaches the date of maximum medical improvement; or

c. For injuries occurring after July 1, 1980, 525 weeks after the injured employee reaches maximum medical improvement; or

d. When the injured employee reaches age 65, whichever comes first.

4. When the injured employee reaches age 62, wage-loss benefits shall be reduced by the total amount of social security retirement benefits which the employee is receiving, not to exceed 50 percent of the employee's wage-loss benefits.

5. Beginning with the 25th month after maximum medical improvement and for the purpose of determining wage-loss benefits, the total wages, salary, and other remuneration for the month in consideration shall be discounted as follows:

a. For those injuries occurring on or after July 1, 1979, and on or before July 1, 1980, by a factor of 3 percent *and compounded annually at 3 percent thereafter; and*

b. For those injuries occurring after July 1, 1980, by a factor of 5 percent *and compounded annually at 5 percent thereafter. However, with respect to any year in which the annual rate of inflation, calculated by using the National Consumer Price Index published by the United States Department of Labor, is less than the applicable discount factor, such rate shall be substituted for such discount factor for that year.*

~~c. By the most current annual rate of inflation as determined by the Consumer Price Index, published by the United States Department of Labor, whichever is less.~~

~~The period of discount shall be 1 year less than the number of complete years from maximum medical improvement.~~

6. The division shall keep such records and conduct such investigations as are necessary to determine the feasibility of providing additional protection from inflation for workers entitled to wage-loss benefits and shall report its findings to the Legislature not later than March 1, 1981.

(4) TEMPORARY PARTIAL DISABILITY.—

(a) In case of temporary partial disability, benefits shall be based on actual wage loss and shall not be subject to the minimum compensation rate set forth in s. 440.12(2). The compensation shall be *equal to 95 percent of the difference between 85 percent of the employee's average monthly wage and the salary, wages, and other remuneration the employee is able to earn, as compared on a monthly basis; provided that the monthly wage-loss benefits shall not exceed an amount equal to 66 2/3 percent of the employee's average monthly wage at the time of injury. In order to simplify the comparison of the preinjury average monthly wage with the salary, wages, and other remuneration the employee is able to earn, the division may by rule provide for the modification of the monthly comparison so as to coincide as closely as possible with the injured workers' pay periods.*

(b) The amount determined to be the salary, wages, and other remunerations the employee is able to earn shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment. In the event the employee voluntarily limits his or her income, or fails to accept employment commensurate with his or her abilities, the salary, wages, and other remuneration the employee is able to earn shall be deemed to be the amount which would have been earned if the employee did not limit his or her income or accepted appropriate employment. Whenever a wage-loss benefit as set forth in paragraph (a) may be payable, the burden shall be on the employee to establish that any wage-loss claimed is the result of the compensable injury.

(c) Such benefits shall ~~66 2/3 percent of the difference between the injured employee's average weekly wages before the injury and the salary and wages and other remuneration the employee is able to earn after the injury and before reaching the date of maximum medical improvement, as determined pursuant to subsection (3)(b)2. to~~ be paid during the continuance of such disability, ~~but~~ not to exceed a period of 5 years.

(5) SUBSEQUENT INJURY.—

(d) If an employee receiving wage-loss benefits suffers a subsequent injury causing an additional compensable wage loss, benefits for each wage loss shall be payable, provided that the total wage-loss benefits payable shall not exceed the maximum compensation *rate* in effect for permanent disability at the time of the subsequent injury. Any reduction in wage-loss benefits due to such limitation shall be applied first to the benefits payable as a result of the prior injury.

Section 6. Subsections (2) and (4) of section 440.16, Florida Statutes, as amended by chapter 79-40, Laws of Florida, are amended to read:

440.16 Compensation for death.—If death results from the accident within 1 year thereafter or follows continuous disability and results from the accident within 5 years thereafter, the employer shall pay:

(2) Compensation, in addition to the above, in the following percentages of the average weekly wages to the following persons entitled thereto on account of dependency upon the deceased and in the following order of preference, subject to the limitation provided in paragraph (b), but such compensation shall be subject to the limits provided in s. 440.12(2) and shall not exceed $50,000; and may be less than, but shall not exceed, for all dependents or persons entitled to compensation, 66 2/3 percent of the average wage:

(a) To the spouse if there is no child, *50* ~~45~~ percent of the average weekly wage, said compensation to cease upon the spouse's death or remarriage.

(b) To the spouse if there is a child or children, the compensation payable under paragraph (a) and, in addition *16 2/3* ~~15~~ percent on account of the child or children. However, when the deceased is survived by a spouse and also a child or children, whether such child or children be the product of the union existing at the time of death or of a former marriage or marriages, the deputy commissioner may provide for the payment of compensation in such manner as to the deputy commissioner may appear just and proper and for the best interests of the respective parties and in so doing may provide for the entire compensation to be paid exclusively to the child or children; and, in the case of death or remarriage of such spouse, *33 1/3* ~~30~~ percent for each child.

(c) To the child or children, if there is no spouse, *33 1/3* ~~30~~ percent for each child.

(d) To the parents, 25 percent to each, such compensation to be paid during the continuance of dependency.

(e) To the brothers, sisters, and grandchildren, 15 percent for each brother, sister, or grandchild.

(4) Where, because of the limitation in subsection (2), a person or class of persons cannot receive the percentage of compensation specified as payable to or on account of such person or class, there shall be available to such person or class that proportion of such percentage as, when added to the total percentage payable to all persons having priority of preference, will not exceed a total of said *66 2/3* ~~60~~ percent, which proportion shall be paid:

(a) To such person; or

(b) To such class share and share alike unless the deputy commissioner determines otherwise in accordance with the provisions of subsection (5).

Section 7. Subsection (10) of section 440.185, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(10) Any compensable wage loss shall be reported by the employee to the carrier or *self-insured* employer~~, if self insured,~~ within 30 days after the termination of the *month* ~~period~~ for which such loss is claimed. The division shall provide by rule for the reporting of wage loss by the injured worker and for the reporting of wage loss and payment of wage-loss benefits by the employer to the division, and may prescribe forms for such reporting. The division, upon request by the employer or carrier, shall provide verification through unemployment compensation records of any claimed wage loss and shall obtain such verification from other states, if applicable. The division shall require by rule that the employer inform a worker who suffers a permanent impairment of his possible entitlement to wage-loss and other benefits and of the worker's obligation to report a claimed wage loss.

Section 8. Subsection (1) of section 440.19, Florida Statutes, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.19 Time and procedure for filing claims.—

(1) Upon receipt by the division, every claim for benefits filed under this chapter shall be evaluated by the division to ascertain whether the claim can be resolved without a hearing, and within 10 days of such receipt the division shall make a decision as to the entitlement to benefits and shall notify the parties with respect thereto. Any such decision by the division shall be advisory. At any hearing before the deputy commissioner, the decision of the division shall not be res judicata, but shall be included in the case file in the division and shall be deemed a part of the proceeding. *The case file shall also reflect any response of a party to the advisory opinion filed within 10 days after the issuance of such opinion.* No request for hearing shall be filed until the division issues its decision, or until 10 days after the filing of the claim, whichever is *earlier* ~~earlier~~.

Section 9. Subsections (2) and (4), paragraph (b) of subsection (12), and paragraph (a) of subsection (16) of section 440.20, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, are amended to read:

440.20 Payment of compensation.—

(2) The first installment of compensation for *total* ~~temporary~~ disability or death shall become due on the 14th day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter, compensation shall be paid in installments weekly or biweekly except when the deputy commissioner determines that payments in installments should be made monthly or at some other period.

(4) ~~Wage loss~~ Benefits payable pursuant to s. 440.15(3)(b) *or (4)* shall be paid monthly, subsequent to the termination of the period for which such payments are due, within 14 days of the date upon which the carrier or employer has knowledge of the compensable wage loss.

(12)

(b) Upon the application of any party in interest or upon joint petition of all interested parties, and after giving due consideration to the interests of all interested parties, if a deputy commissioner finds that a lump sum payment in exchange for release from liability is proper under paragraph (a), said deputy commissioner may enter a compensation order requiring that the liability of the employer for compensation shall be discharged by the payment of a lump sum equal to the present value of all future payments of compensation, computed at 4 percent true discount compounded annually, or requiring that the employer make advance payment of a part of the compensation for which said employer is liable by the payment of a lump sum equal to the present value of such part of the compensation, computed at 4 percent true discount compounded annually. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, nothing in this subsection shall be construed to mean that a deputy commissioner is required to approve any award for lump sum payment when it is determined by the deputy commissioner that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The deputy commissioner shall make or cause to be made such investigations as he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and in his discretion may have an investigation made by the Rehabilitation Section of the Division of Workers' Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. A deputy commissioner, in his discretion, may hear testimony relating to a proposed stipulation for settlement under this subsection without having in hand the division file; however, he shall in no event enter an order thereon without first having reviewed the division file. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability, and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any said hearing and inform him of his rights to appear and testify. When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days of the filing of such joint petition and stipulation without a hearing, unless the deputy commissioner determines, at his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health, Education, and Welfare. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump sum payment to a surviving spouse, the deputy commissioner, in the deputy commissioner's discretion, may require security which will insure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with ss. 440.25 and 440.27 and the ~~workers' compensation~~ rules of procedure ~~prescribed by the commission and~~ adopted by the Supreme Court.

(16)(a) The division shall examine on an ongoing basis claims files in its possession in order to identify questionable claims handling techniques, questionable patterns of claims, or a pattern of repeated unreasonably controverted claims by employers, carriers, or self-insurers and shall certify its findings to the Department of Insurance. Only such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier in the judgment of the division shall be certified in its findings by the division to the Department of Insurance. *Such certification by the division is exempt from the provisions of chapter 120.*

Upon receipt of any such certification, the Department of Insurance shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(2). Upon receipt by the division of a written request for an investigation raising such questionable techniques, patterns, or repeated unreasonably controverted claims, the division shall investigate the particular carrier in question and shall certify its findings to the Department of Insurance with a copy to the requesting party.

Section 10. Subsections (1), (2), and (3) of section 440.24, Florida Statutes, as amended by chapter 79-40, Laws of Florida, are amended to read:

440.24 Enforcement of compensation orders; penalties.—

(1) In case of default by the employer or carrier in the payment of compensation due under any compensation order of a deputy commissioner or order of the commission or other failure by the employer or carrier to comply with such order *within* ~~for a period of~~ 10 days after the order *becomes* ~~has become~~ final, any circuit court of this state within the jurisdiction of which the employer or carrier resides or transacts business shall, upon application by the division or any beneficiary under such order, have jurisdiction to issue a rule nisi directing such employer or carrier to show cause why a writ of execution, or such other process as may be necessary to enforce the terms of such order, shall not be issued, and unless such cause is shown, the said court shall have jurisdiction to issue a writ of execution or such other process or final order as may be necessary to enforce the terms of such order of the deputy commissioner or commission.

(2) In any case where the employer is insured and the carrier fails to comply with any compensation order of a deputy commissioner, ~~or order of~~ the commission, *or court within* ~~for a period of~~ 10 days after such order *becomes* ~~has become~~ final, the division shall notify the Department of Insurance of such failure, and the Department of Insurance shall thereupon suspend the license of such carrier to do an insurance business in this state, until such carrier has complied with such order.

(3) In any case where the employer is a self-insurer and fails to comply with any compensation order of a deputy commissioner, ~~or order of~~ the commission, *or court within* ~~for a period of~~ 10 days after such order *becomes* ~~has become~~ final, the division may suspend or revoke any authorization previously given to the employer to become a self-insurer, and the division *may* ~~will be authorized to~~ sell such of the securities deposited by such self-insurer with the division as may be necessary to satisfy such order.

Section 11. Paragraph (f) is added to subsection (4) of section 440.25, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, to read:

440.25 Procedure in respect to claims and hearing requests.—

(4)

(f) Beginning on October 1, 1979 procedures with respect to appeals from orders of deputy commissioners shall be governed by rules adopted by the Supreme Court. Such an order shall become final 30 days after mailing of copies of such order to the parties, unless appealed pursuant to such rules. The provisions of paragraphs (a)-(e) shall apply only until September 30, 1979.

Section 12. Section 440.34, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.34 Attorney's fees; costs; penalty for violations.—

(1) No fee, gratuity or other consideration shall be paid for services rendered for a claimant in connection with any proceedings arising under this chapter, unless approved as reasonable by the deputy commissioner, commission, or court having jurisdiction over such proceedings. *Except as provided by this subsection,* any attorney's fee approved by a deputy commissioner shall be equal to 25 percent of the first $5,000 of the amount of the benefits secured, 20 percent of the next $5,000 of the amount of the benefits secured, and 15 percent of the remaining amount of the benefits secured. However, the deputy commissioner shall consider the following factors in each case and may increase or decrease the attorney's fee if in his judgment the circumstances of the particular case warrant such action:

(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.

(b) The likelihood, if apparent to the claimant, that the acceptance of the particular employment will preclude employment of the lawyer by others or cause antagonisms with other clients.

(c) The fee customarily charged in the locality for similar legal services.

(d) The amount involved in the controversy and the benefits resulting to the claimant.

(e) The time limitation imposed by the claimant or the circumstances.

(f) The nature and length of the professional relationship with the claimant.

(g) The experience, reputation, and ability of the lawyer or lawyers performing services.

(h) The contingency or certainty of a fee.

(2) If the claimant should prevail in any proceedings before a deputy commissioner, commission, or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the claimant's attorney's fees. A claimant shall be responsible for the payment of his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(a) Against whom he successfully asserts a claim for medical benefits only, *if the claimant has not filed or is not entitled to file at such time* ~~which does not include~~ a claim for disability, permanent impairment, ~~or~~ wage-loss, *or death* benefits, *arising out of the same accident;* or

(b) In cases where the deputy commissioner *issues* ~~concludes by the issuance of~~ an order *finding* that a carrier has acted in bad faith with regard to handling an injured worker's claim and the injured worker has suffered economic loss. For the purposes of this paragraph, "bad faith" means conduct by the carrier in the handling of a claim which amounts to fraud, malice, oppression or willful, wanton or reckless disregard *of* ~~for~~ the rights of the claimant. Any determination of bad faith shall be made by the deputy commissioner through a separate fact-finding proceeding; or

(c) In a proceeding where a carrier or employer denies that an injury occurred for which compensation benefits are payable, and the claimant prevails on the issue of *compensability* ~~coverage~~.

In the situations set forth in paragraph (b) the payment of such attorney's fees shall not be recouped, directly or indirectly, by any carrier in the rate base, premium, or any rate filing.

(3) In such cases where the claimant is responsible for the payment of his own attorney's fees, such fees shall be a lien upon compensation payable to the claimant notwithstanding the provisions of s. 440.22.

(4) Any person:

(a) Who receives any fees or other consideration or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the deputy commissioner, the commission, or court; or

(b) Who makes it a business to solicit employment for a lawyer or for himself or herself in respect of any claim or award for compensation, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Paragraph (b) of subsection (1) of section 440.38, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.38 Security for compensation.—

(1) Every employer shall secure the payment of compensation under this chapter:

(b) By furnishing satisfactory proof to the division of his financial ability to pay such compensation and receiving an authorization from the division to pay such compensation directly. The division may, as a condition to such authorization, require such employer to deposit in a depository designated by the division either an indemnity bond or securities, at the option of the employer, of a kind and in an amount determined by the division, and subject to such conditions as the division may prescribe, which shall include authorization to the division

in case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this chapter. In addition, the division shall require, as a condition to authorization to self-insure, proof that the employer has provided for competent personnel with which to deliver benefits and to provide a safe working environment. Further, the division shall require such employer to carry reinsurance at levels that will insure the actuarial soundness of such employers in accordance with rules promulgated by the division. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer, and shall be classed as a carrier of his own insurance. *There is created in the State Treasury* ~~On or before January 31, 1980, the division shall adopt rules creating~~ a guaranty fund for individual self-insurers authorized under this paragraph, and *all such* ~~said~~ self-insurers, other than individual self-insurers which are public utilities or governmental entities, shall participate in such fund. Said guaranty fund shall *operate subject to rules adopted by the division and shall* become effective on July 1, 1980.

Section 14. Subsection (8) of section 440.44, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.44 Workers' compensation; staff organization.—

(8) ADVISORY COUNCIL.—The *secretary* ~~division~~ may designate an advisory council to aid the division in formulating policies, discussing problems, and in assuring impartiality and freedom from political influence in the solution of such problems, related to the administration of this chapter or any other law administered by the division. The members of such advisory council shall receive no compensation for such services, but shall be reimbursed for traveling expenses as provided in s. 112.061.

Section 15. Section 440.442, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.442 Code of Judicial Conduct.—Industrial relations commissioners, *the chief commissioner,* and deputy commissioners shall observe and abide by the Code of Judicial Conduct adopted by the Supreme Court of Florida as of July 1, 1978, as well as all amendments thereto that are hereafter adopted by the court. Any material violation of a canon of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of such commissioner, *chief commissioner,* or deputy commissioner by the Governor.

Section 16. Subsection (3) of section 440.45, Florida Statutes, 1978 Supplement, as amended by chapter 79-40, Laws of Florida, is amended to read:

440.45 Deputy commissioners.—

(3) The deputy commissioners shall be within the Department of Labor and Employment Security under the secretary of that department. To assist the secretary in the administration of the deputy commissioners, there shall be created the position of chief commissioner within the secretary's office. Such chief commissioner shall not be subject to the provisions of subsections (1), (2), (4), or (5), but shall be appointed directly by the Governor *and shall have had 3 years' experience in the practice of law in this state.* The duties of the chief commissioner shall include, but not be limited to, the following:

(a) To be responsible for the coordination of the deputy commissioners, and to serve as liaison between the deputy commissioners and the Division of Workers' Compensation of the Department of Labor and Employment Security, and between the deputy commissioners and the *courts* ~~First District Court of Appeal~~, and between all the aforementioned parties and the department.

(b) To serve as a liaison between the deputy commissioners and the division making certain that all requirements of personnel, office space, equipment, supplies, research material, law books, and court reporters are provided when needed.

(c) To determine the concensus of deputy commissioners as relates to matters of concern to them and to present these views to the division on behalf of the deputy commissioners.

(d) To act as liaison between the *courts* ~~First District Court of Appeal~~ and the deputy commissioners for the purpose of promoting the worker's compensation jurisprudence and improving the system of disposition of cases at the trial and appellate levels, including, but not limited to, discussions regarding amendments in procedural rules, guidelines for preparation of transcripts on appeal, and dissemination of case law decisions.

(e) To arrange for exchange between the deputy commissioners and the division in matters of mutual interest, including, but not limited to, relations with court reporters, case load distribution, case disposition, needed changes in forms used by the deputy commissioners, and determination of reasons for delays in the issuing of orders.

(f) To serve as liasion with the Division of Workers' Compensation; Workers' Compensation Section of The Florida Bar; Workers' Compensation Advisory Council; and the department.

(g) To serve as a "pro hac vice" deputy commissioner in the various parts of the state as determined by temporary changes in case load and as due to annual and sick leave taken.

(h) To assure a blind system of case assignment among deputy commissioners within the various districts, and to undertake appropriate measures to keep dockets current for the deputy commissioners.

(i) To be responsible for the training and orientation of new deputy commissioners.

(j) Among other duties of the chief commissioner, it shall be his or her responsibility to insure that administrative matters, including hearing delays, docket scheduling, review of joint petitions after entry by the deputy commissioners, and all matters of case distribution, shall be effectively handled in accordance with this chapter. It shall also be the duty of the chief commissioner to report flagrant violations in these matters directly to the secretary and the Governor. In no event shall the chief commissioner, in handling these duties, interfere in any way with the judicial discretion of *any court* ~~the First District Court of Appeals~~, or the quasi-judicial discretion of the deputy commissioners, in the independent decisions on matters before same for decision.

(k) Any and all other matters which he or she deems necessary for the efficient handling of workers' compensation cases~~, including the appointments made pursuant to s. 20.17(3)(a)(2).~~.

Section 17. Subsection (6) of section 440.56, Florida Statutes, 1978 Supplement, is amended to read:

440.56 Safety rules and provisions; penalty.—

(6) The division shall appoint and fix the salary of a full-time administrator of industrial safety, who shall be appointed in accordance with the provisions of s. 440.44(4)(a); provided, however, that no person shall be appointed to such position unless he either has a degree from a recognized college of engineering and the equivalent of 8 full years' experience in safety engineering or has had the equivalent of 10 full years' experience in safety engineering. It shall be the duty of the administrator of industrial safety, under the direction and supervision of the division, to enforce the safety provisions of this chapter and all rules and regulations adopted by the *division* ~~commission~~ pursuant to this section.

Section 18. Notwithstanding the provisions of chapter 78-300, Laws of Florida, chapter 440, Florida Statutes, shall not stand repealed on July 1, 1979, as scheduled by such act, but chapter 440, Florida Statutes, is hereby revived and readopted and shall remain in effect until its provisions are superseded by the provisions of chapter 79-40, Laws of Florida, or this act. Chapter 440, Florida Statutes, as it is amended by chapter 79-40, Laws of Florida, and by this act shall take effect August 1, 1979.

Section 19. Section 126 of chapter 79-40, Laws of Florida, is amended to read:

Section 126. No later than 15 days following the date that this act becomes law, there shall be a rate filing pursuant to the provisions of s. 627.091, Florida Statutes, which shall establish premiums and otherwise reflect the changes enacted herein, as if this act were currently in force. Any workers' compensation and employer's liability insurance policy in force on *August 1* ~~July 1~~, 1979, and thereafter, shall reflect by endorsement any reduction in rates for the required coverage under this act as filed by the insurer and such reduction shall

be computed on a pro rata basis for the remaining term of said policy. Such endorsement may be issued at the renewal date of the policy or the termination of the policy. Any return premium shall be credited to the renewal policy or, if the policy is terminated, the return premium shall be refunded to the insured.

Section 20. Section 127 of chapter 79-40, Laws of Florida, is amended to read:

Section 127. This act shall apply to all claims for injury arising out of accidents occurring on or after *August 1* ~~July 1~~, 1979.

Section 21. Section 128 of chapter 79-40, Laws of Florida, as amended by chapter 79-41, Laws of Florida, is amended to read:

Section 128. This act shall take effect *August 1* ~~July 1~~, 1979, except that this section and section 126 shall take effect upon becoming a law.

Section 22. Sections 3-17 of this act shall apply to all claims for injury arising out of accidents occurring on or after August 1, 1979.

Section 23. This act shall take effect August 1, 1979, except that this section and sections 1, 2, 18, 19, 20, 21, and 22 shall take effect upon becoming a law, but if this act becomes a law after July 1, 1979, said sections shall operate retroactively to July 1, 1979.

Amendment 2—On pages 1 and 2, strike the title and insert: A bill to be entitled An act relating to workers' compensation; amending s. 46, chapter 79-40, Laws of Florida; providing for review of orders of deputy commissioners after a certain date by the District Court of Appeal, First District; providing for transfer of pending appeals; abolishing the Industrial Relations Commission; transferring property, leaseholds, equipment, and other assets to the court; providing for the continuation in office of Judges of Industrial Claims; amending s. 440.021, Florida Statutes, as amended; providing an exemption from the Administrative Procedure Act; amending s. 440.13(3)(a), (d), Florida Statutes, 1978 Supplement, as amended; clarifying provisions relating to medical charges; correcting a typographical error; providing procedures for peer review and utilization review; providing exemptions from the Administrative Procedure Act; amending s. 440.15(3), (4), (5)(d), Florida Statutes, 1978 Supplement, as amended; providing for adoption of rules; clarifying provisions relating to discount; providing standards for compensation for temporary partial disability; amending s. 440.16(2), (4), Florida Statutes, as amended; increasing death benefits; amending s. 440.185(10), Florida Statutes, 1978 Supplement, as amended; clarifying reporting requirements; amending s. 440.19(1), Florida Statutes, as amended; specifying contents of case files; correcting a spelling error; amending s. 440.20(2), (4), (12)(b), (16)(a), Florida Statutes, 1978 Supplement, as amended; providing a schedule for payments of compensation; providing circumstances for lump-sum payments; providing an exemption from the Administrative Procedure Act; amending s. 440.24(1)-(3), Florida Statutes, as amended; providing for enforcement of court orders; providing penalties; adding s. 440.25(4)(f), Florida Statutes, 1978 Supplement, as amended; providing that after a certain date appellate procedures shall be governed by rules of the Supreme Court; amending s. 440.34, Florida Statutes, 1978 Supplement, as amended; providing circumstances for award of attorney's fees; providing penalties; amending s. 440.38(1)(b), Florida Statutes, 1978 Supplement, as amended; creating a guaranty fund; amending s. 440.44(8), Florida Statutes, 1978 Supplement, as amended; providing for appointment of an advisory council; amending s. 440.-442, Florida Statutes, 1978 Supplement, as amended; applying a code of conduct to the chief commissioner; amending s. 440.45(3), Florida Statutes, 1978 Supplement, as amended; specifying qualifications of the chief commissioner; clarifying powers and duties of the chief commissioner; amending s. 440.56(6), Florida Statutes, 1978 Supplement; providing for adoption of rules; amending ss. 126, 127, 128, chapter 79-40, Laws of Florida; delaying the effective date of such act; providing a retroactive effective date.

Senators Hair and MacKay offered the following amendments to House Amendment 1 which were moved by Senator MacKay and adopted:

Amendment 1—On page 2, between lines 5 and 6, insert: Section 3. Subsection (1) of section 35.06, Florida Statutes, is amended to read:

35.06 Organization of district courts of appeal.—A district court of appeal shall be organized in each of the four appellate districts to be named District Court of Appeal, _____ District. The number of judges of each district court of appeal shall be as follows:

(1) In the first district there shall be *nine* ~~seven~~ judges.

Section 4. The sum of $2,292,673 is appropriated from the General Revenue Fund for the purpose of paying salaries and other administrative expenses and costs necessary to carry out the provisions of this act during the biennium 1979-81. Of this amount, $1,432,345 shall be for the purpose of increasing the current building budget of the new courthouse for the First District Court of Appeal in order to provide adequate space for the necessary additional judges and staff.

Section 5. The sum of $2,292,673 is appropriated from the Workers' Compensation Administration Trust Fund for transfer to the General Revenue Fund for expenses in respect to the administration of appeals under chapter 440 during the biennium 1979-81.

(Renumber subsequent sections.)

Amendment 2—On page 29, line 12, strike "3-17" and insert: 6-20

Amendment 3—On page 29, lines 16 and 17, strike "1, 2, 18, 19, 20, 21, and 22" and insert: 1, 2, 3, 4, 5, 21, 22, 23, 24, and 25

Senators Hair and MacKay offered the following amendment to House Amendment 2 which was moved by Senator MacKay and adopted:

Amendment 4—On page 1, line 12, after the semicolon (;) insert: amending s. 35.06(1), Florida Statutes; increasing the number of judges of the District Court of Appeal, First District; providing appropriations;

On motions by Senator MacKay, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 669 passed as further amended and was certified to the House. The vote on passage was:

Yeas—29

Anderson	Gordon	McKnight	Tobiassen
Barron	Gorman	Peterson	Trask
Carlucci	Hair	Poole	Vogt
Chamberlin	Henderson	Scarborough	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Dunn	Johnston	Steinberg	
Fechtel	MacKay	Stuart	
Frank	Maxwell	Thomas	

Nays—4

Childers, D.	Hill	McClain	Ware

Vote after roll call:

Yea—Myers

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 354.

Allen Morris, Clerk

By Senator Trask—

SB 354—A bill to be entitled An act relating to insurance; creating s. 627.7378, Florida Statutes; providing that deductibles for comprehensive motor vehicle insurance policies shall not apply to damage to windshield; providing an effective date.

On motion by Senator Trask, SB 354 was recalled from enrolling and returned to the House as requested.

The President presiding

The Honorable Philip D. Lewis, President

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

By the Committee on Health and Rehabilitative Services and Senator Gordon—

CS for SB 1—A bill to be entitled An act relating to nursing; adding s. 464.22(9), (10), Florida Statutes; providing that the rendering of nursing services on a fee-for-services, or the establishment of an independent nursing practice are not prohibited by law; adding s. 409.266(5), Florida Statutes, 1978 Supplement; requiring the Department of Health and Rehabilitative Services to provide the services of a nurse practitioner to certain persons; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 15-26, strike all of section 1

Amendment 2—On page 1, lines 3-7, in the title, strike all of said lines and insert: s. 409.266(5), Florida Statutes

Amendment 3—On page 2, line 3, insert: after the period(.) Funding for such services shall be drawn equally from funds appropriated to all service categories of the program.

On motions by Senator Gordon, the Senate concurred in the House Amendments.

CS for SB 1 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	MacKay	Steinberg
Anderson	Gorman	Maxwell	Stuart
Barron	Grizzle	McClain	Thomas
Carlucci	Hair	McKnight	Tobiassen
Childers, D.	Henderson	Peterson	Trask
Childers, W. D.	Hill	Poole	Vogt
Dunn	Holloway	Scott	Ware
Fechtel	Jenne	Skinner	Williamson
Frank	Johnston	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Myers

The bill was ordered engrossed and then enrolled.

Senator Scarborough presiding

The Honorable Philip D. Lewis, President

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

By the Committee on Ways and Means and Senators Vogt, Henderson, Trask, Spicola, Carlucci, Tobiassen, Hill, MacKay and Scott—

CS for CS for SB 793—A bill to be entitled An act relating to acquisition of state lands; adding s. 20.25(2)(f), Florida Statutes; creating the Division of State Lands within the Department of Natural Resources; reassigning the Bureau of State Lands to such division; reassigning the Bureau of Coastal and Land Boundaries to said division; prescribing powers and duties of said division; creating certain positions within said division; amending s. 211.02(1), Florida Statutes; amending s. 211.31(1), (3), (4), Florida Statutes, 1978 Supplement; providing that 50 percent of proceeds of the excise tax on the severance of oil, gas, and solid minerals is to be credited to the Conservation and Recreation Lands Trust Fund; creating s. 253.023, Florida Statutes; establishing within the Department of Natural Resources the Conservation and Recreation Lands Trust Fund; providing that such fund is to be credited one-half the moneys collected from the severance tax on oil, gas, and solid minerals, not to exceed $3 million for fiscal year 1979-80 or fiscal year 1980-81 and $40 million for subsequent fiscal years; providing that the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund may allocate moneys from such fund to acquire interest in lands for certain public purposes; directing the board of trustees to designate an agency to manage such lands; requiring that certain land acquisition procedures be followed; requiring agencies designated to manage such lands to develop management plans for each project; requiring certain funds be set aside for management and maintenance of such lands; requiring such lands be open for certain public uses; creating s. 253.025, Florida Statutes; requiring certain state agencies to follow prescribed procedures in acquisition of land; requiring title searches and appraisals prior to negotiations; requiring agreements for purchase to meet certain standards and to be subject to final action of the board of trustees; requiring certain standards for gifts, grants, or bequests to the state; requiring conveyances be in no less than special warranty deed; amending s. 255.28(2), Florida Statutes; requiring the Department of General Services to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 258.23(1), Florida Statutes; requiring the Department of Natural Resources to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 259.03, Florida Statutes; modifying the definition of state capital projects for environmentally endangered lands; modifying the definition of board; creating s. 259.035, Florida Statutes; creating a selection committee; prescribing the membership, powers, and duties of such committee; amending s. 259.04, Florida Statutes; requiring certain procedures for acquisition of environmentally endangered and outdoor recreational lands; amending s. 272.124, Florida Statutes; requiring the Division of Building Construction and Property Management to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 375.031(1), Florida Statutes; requiring conformity with s. 253.025, Florida Statutes; amending s. 589.07, Florida Statutes; requiring the Division of Forestry to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; providing an appropriation; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 20, strike everything after the enacting clause and insert: Section 1. The existence of the Board of Trustees of the Internal Improvement Trust Fund is reaffirmed. All lands held in the name of the board of trustees shall continue to be held in trust for the use and benefit of the people of the state pursuant to Article II, Section 7, and Article X, Section 11 of the State Constitution.

Section 2. Paragraph (f) is added to subsection (2) of section 20.25, Florida Statutes, to read:

20.25 Department of Natural Resources.—There is created a Department of Natural Resources.

(2) The following shall be the divisions of the Department of Natural Resources:

(a) Division of *Administration* ~~Administrative Services.~~

(b) Division of Marine Resources.

(c) Division of Recreation and Parks.

(d) Division of Resource Management.

(e) Division of Law Enforcement.

(f) Division of State Lands, the director of which shall be appointed by the executive director of the department subject to confirmation by the Governor and Cabinet sitting as the head of the department.

Section 3. Those powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, formerly under the Bureau of Coastal and Land Boundaries of the Division of Resource Management of the Department of Natural Resources, are hereby reassigned to the Division of State Lands. Those powers,

duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, of the Bureau of State Lands of the Division of Resource Management of the Department of Natural Resources, are hereby reassigned to the Division of State Lands.

Section 4. Powers and duties of the division.—The Division of State Lands shall perform all staff duties and functions related to acquisition, administration, and disposition of state lands, title to which are or will be vested in the Board of Trustees of the Internal Improvement Trust Fund.

Section 5. There is hereby created within the Division of State Lands the positions of Division Director, Attorney III, Secretary IV, and Secretary III.

Section 6. Subsection (1) of section 211.02, Florida Statutes, is amended to read:

211.02 Levy of oil and gas tax and amount thereof; first and second taxes; basis of tax.—

(1) There is hereby levied, to be collected hereafter, as provided herein, an excise tax upon every person engaging or continuing within this state in the business of producing or severing oil or gas, as defined herein, from the soil or water for sale, transport, storage, or profit or for commercial use. The amount of such tax shall be measured by the value of the oil produced and saved, and by the value of the gas produced and sold, or used, and is hereby levied and assessed at the following rates. For oil, 8 percent of the gross value thereof at the point of production; and for gas, 5 percent of the gross value thereof at the point of production; said tax on oil and gas being made up of separate taxes, being:

(a) First oil tax: *37½ percent* ~~Seven-eighths~~ of the total tax for the state for the use of the general revenue fund *and 50 percent of the total tax for the state for the use of the Conservation and Recreation Lands Trust Fund.*

(b) Second oil tax: *12½ percent* ~~One-eighth~~ of the total tax for the county in which the oil is produced for the use of the general revenue fund of the board of county commissioners.

(c) First gas tax: *30* ~~80~~ percent of the total tax for the state for the use of the general revenue fund *and 50 percent of the total tax for the state for the use of the Conservation and Recreation Lands Trust Fund.*

(d) Second gas tax: 20 percent of the total tax for the county in which the gas is produced for the use of the general revenue fund of the board of county commissioners.

Section 7. Subsections (1), (3) and (4) of section 211.31, Florida Statutes, 1978 Supplement, are amended to read:

211.31 Levy of tax on severance of solid minerals; rate, basis, distribution and implementation of tax.—

(1) There is hereby levied, to be collected as provided herein, an excise tax upon every person engaging in the business of severing solid minerals from the soils and waters of this state for commercial use. Except as provided in subsections (3) and (4), such tax shall be 5 percent of the value at the point of severance of the identifiable solid minerals severed. The proceeds of the tax imposed by this subsection, excluding the amount credited for advalorem tax payments, shall be paid into the State Treasury as follows:

(a) 50 percent to the credit of the *Conservation and Recreation Lands Trust Fund* ~~General Revenue Fund~~ of the state; and

(b) 50 percent to the credit of the Land Reclamation Trust Fund established for refunds under the provisions of s. 211.32(3).

(3) Until July 1, 1983, the excise tax upon persons engaged in the business of severing phosphate rock from the soils and waters of this state for commercial use shall be 10 percent of the value at the point of severance of the identifiable phosphate rock severed. The proceeds from the 10 percent tax imposed by this subsection, excluding the amount credited for ad valorem tax payments, shall be paid into the State Treasury as follows:

(a) Fifty percent to the credit of the Conservation and Recreation Lands Trust Fund;

(b)~~(a)~~ *Twenty-five* ~~Seventy-five~~ percent to the credit of the General Revenue Fund of the state;

(c)~~(b)~~ Twenty percent to the credit of the Nonmandatory Land Reclamation Trust Fund which is hereby established for reclamation and acquisition of unreclaimed lands disturbed by phosphate mining and not subject to mandatory reclamation; and

(d)~~(c)~~ Five percent to the credit of the Phosphate Research Trust Fund which is hereby created to carry out the purposes set forth in s. 378.101.

(4) On and after July 1, 1983, the excise tax upon persons engaged in the business of severing phosphate rock from the soils and waters of this state for commercial use shall be 8 percent of the value at the point of severance of the identifiable phosphate rock severed, unless additional funding of the Nonmandatory Land Reclamation Trust Fund is approved by law. The proceeds from the 8 percent tax imposed by this subsection, excluding the amount credited for ad valorem tax payments, shall be paid into the State Treasury as follows:

(a) Fifty percent to the credit of the Conservation and Recreation Lands Trust Fund;

(b)~~(a)~~ *Forty-three* ~~Ninety three~~ *and three-quarters percent* to the credit of the General Revenue Fund of the state; and

(c)~~(b)~~ Six and one-quarter percent to the credit of the Phosphate Research Trust Fund.

Section 8. Section 253.023, Florida Statutes, is created to read:

253.023 Conservation and Recreation Lands Trust Fund established; purpose.—

(1) It is the policy of the state that the citizens of this state shall be assured the availability of public lands on which to recreate. In recognition of this policy, it is the intent of the Legislature to provide such public lands for the people residing in urban and metropolitan areas of the state as well as those residing in less populated, rural areas; it is the further intent of the Legislature, with regard to the lands described in paragraph (3)(b), that a high priority be given to the acquisition of such lands in or near counties exhibiting the greatest concentration of population.

(2) There is hereby established within the Department of Natural Resources the Conservation and Recreation Lands Trust Fund, to be used as a nonlapsing revolving fund exclusively for the purposes of this section. To the fund shall be credited 50 percent of the total money collected from the excise tax on the severance of:

(a) Oil, such money to be taken from the first oil tax provided in s. 211.02(1)(a);

(b) Gas, such money to be taken from the first gas tax provided in s. 211.02(1)(c);

(c) Solid minerals other than phosphate rock, such money to comprise that portion of the tax paid into the State Treasury in accordance with s. 211.31(1)(a); and

(d) Phosphate rock, such money to be taken from that portion of the tax paid into the State Treasury in accordance with s. 211.31(3)(a).

The Department of Revenue, upon compilation of each month's receipts of the severance tax, shall credit the amount provided in this section to the fund, commencing with the funds collected in October 1979. If the money credited to the fund at any time during the fiscal year or the balance of the fund at the end of the fiscal year exceeds $3 million for fiscal year 1979-80 or 1980-81, in either case, the excess shall be transferred to the General Revenue Fund. If the money credited to the fund at any time during the fiscal year or the balance of the fund at the end of the fiscal year exceeds $20 million for fiscal year 1981-82 or any fiscal year thereafter, in either case, the excess shall be transferred to the General Revenue Fund.

(3) The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys from the fund in any 1 year to acquire the fee or any lesser interest in land in each of the following categories and proportions:

(a) Up to 70 percent of such moneys for any interest in lands qualified for purchase as environmentally endangered lands as defined in s. 259.03(1), or

(b) Up to 70 percent of such moneys for any interest in lands which the board of trustees determines should be acquired in the public interest for the following purposes:

1. For use and protection as natural floodplain, marsh, or estuary, if the protection and conservation of such lands is necessary to enhance or protect water quality or quantity or to protect fish or wildlife habitat which cannot otherwise be accomplished through local and state regulatory programs;

2. For use as state parks, recreation areas, public beaches, state forests, wilderness areas, or wildlife management areas;

3. For restoration of altered ecosystems to correct environmental damage that has already occurred; or

4. For preservation of significant archaeological or historical sites.

(4) Moneys in the fund not needed to meet obligations incurred under this section shall be deposited with the State Treasurer to the credit of the fund, and may be invested in the manner provided by law. Interest received on such investments shall be credited to the Conservation and Recreation Lands Trust Fund.

(5) The board of trustees may enter into any contract necessary to accomplish the purposes of this section.

(6) Prior to or concurrent with the acquisition under this section of any interest in lands, the board of trustees shall designate an agency or agencies to manage such lands, and shall make a preliminary determination as to the extent and nature of public use for which the land will be available.

(7) Lands shall be acquired under this section in accordance with acquisition procedures for state lands provided for in s. 253.025.

(8) Agencies designated to manage lands under this section shall develop and adopt, with the approval of the board of trustees, individual management plans for each project designed to conserve and protect such lands and their associated natural resources.

(9) The board of trustees may allocate, in any year, an amount not to exceed 10 percent of the moneys credited to the fund in that year, such allocation to be used for maintenance and management of any lands acquired pursuant to this section.

(10) All lands managed under this section shall be open for public use and enjoyment to the extent the board of trustees find compatible with the conservation and protection of public lands. Such public use may include, upon approval of the board of trustees, fishing, hunting, camping, hiking, nature study, swimming, boating and canoeing.

Section 9. Section 253.025, Florida Statutes, is created to read:

253.025 Acquisition of state lands.—

(1) Neither the board of trustees of the Internal Improvement Trust Fund nor its duly authorized agent shall commit the state, through any instrument of negotiated contract or agreement for purchase, to the purchase of lands with or without appurtenances, unless the provisions of this section have been fully complied with. Prior to any state agency initiating any land acquisition, the title to which land is to vest with the board of trustees, such agency shall coordinate with the Division of State Lands to determine the availability of existing state-owned lands in the area and the public purpose for which the acquisition is being proposed. Once the state agency has determined and established the public purpose for an acquisition and the unavailability of existing suitable state-owned lands, the state agency may proceed to acquire such lands by employing all available statutory authority for acquisition. Land acquisition procedures provided for in this section are for voluntary, negotiated acquisitions. For the purposes of this section, the term negotiations shall not include preliminary contacts with the property owner to determine the availability of the property, existing appraisal data, existing abstracts, and surveys.

(2) Prior to approval by the board of trustees of any final agreement for purchase, evidence of marketable title shall be provided by the land owner. Such evidence of marketability shall be in the form of title insurance or an abstract of title with a title opinion.

(3) Prior to negotiations with the parcel owner, an appraisal of the parcel shall be required as follows:

(a) Each parcel to be acquired shall have at least one appraisal. Two appraisals are required when the value of the first appraisal exceeds $100,000. However, when the value of either appraisal exceeds $100,000 and the parcel appraisal is of a peculiar or complex nature, a third appraisal shall be obtained.

(b) Appraisal fees shall be paid by the agency proposing the acquisition. The board of trustees shall approve qualified fee appraisal organizations which shall include but not be limited to the American Institute, Society of Real Estate Appraisers, American Society of Appraisers, Farm Managers and Rural Appraisers and National Association of Independent Fee Appraisers. The Division of State Lands shall maintain a current list of all fee appraisers who are members of the professional organizations approved by the board of trustees and who desire to conduct appraisals under contract for the division. The list of qualified fee appraisers shall contain information relative to the fee appraiser's qualifications, location of practice, business reputation, and areas of specialization, if any. An agency proposing an acquisition shall select fee appraisers from this list. When the Division of State Lands determines that the need for an appraisal exists, it shall publish notice of such need in the general area of the proposed land acquisition that an assignment is available and specify the substantive requirements of the appraisal and when it must be completed. If at least three qualified fee appraisers on the current list are not located within the general area, the notice shall be published statewide. When the division has received three responses to the notice from qualified fee appraisers, it shall evaluate the various proposals submitted and, based upon all pertinent factors including quoted completion date, anticipated fees, appraiser's expertise, and previous appraisals, it shall select the required number of qualified appraisers. Each fee appraiser selected to appraise a particular parcel shall, prior to contracting with the agency, submit to that agency an affidavit substantiating that he has no vested or fiduciary interest in such parcel.

(c) After the contract between the agency and the fee appraiser is signed, the agency shall transmit to the fee appraiser all pertinent title information developed pursuant to subsection (2); a specification of the rights to be acquired; a list of items, if any, considered to be noncompensable; minimum appraisal requirements that apply; required appraisal forms; and, a certified survey which meets the minimum requirements for upland parcels established by the Florida Society of Professional Land Surveyors and the Florida Land Title Association and which accurately portrays to the greatest extent practical the condition of the parcel as it currently exists. However, in cases where a survey cannot be practically completed or where the cost of the survey will be prohibitive relative to the expected value of the parcel, the requirement for such certified survey may, in part or whole, be waived by the board of trustees any time prior to submission of the agreement for purchase to the division. The fee appraiser and the review appraiser for the agency shall not act in any way that may be construed as negotiating with the property owner. Appraisal reports shall be confidential, for use by the agency and the board of trustees, until such time as both reports, if two appraisals are required, are accepted by the agency. Prior to acceptance, the agency shall submit a copy of such report to the Division of State Lands. The division shall review such report in accordance with generally accepted professional standards of appraisal review. With respect to proposed purchases in excess of $100,000, this review shall include a general field inspection of the subject property by the review appraiser. The review appraiser may reject an appraisal report following a desk review, but is prohibited from approving an appraisal report in excess of $100,000 without a field review. This review shall include a check for comparable sales which may have been omitted by the fee appraiser. Prior to acceptance of an appraisal report, the review appraiser shall request the appropriate local property appraiser's comments on the value of the proposed acquisition. Any questions of applicapability of laws affecting an appraisal shall be addressed by the legal office of the agency.

(d) Techniques and methods used by a fee appraiser shall be consistent with generally accepted appraisal standards. If

the fee appraiser uses comparable sales in determining value, he shall thoroughly describe each such sale including date of sale, legal description, present use, highest and best use, the official record book and page where the transaction is recorded, the grantor and grantee, purchase price, terms and conditions of the sale, and when and with whom verified. The fee appraiser shall consider any enhanced value to adjoining property of the landowner whose land is being considered for acquisition and which may occur as a proximate result of the proposed acquisition.

(e) The appraisal report must document and adequately support the fee appraiser's estimate of conclusion as to value. The report shall include a description of the location, size, shape, topography, access, highway frontage, and present zoning of the property. The availability of utilities, if any, and a detailed description of any appurtenances shall also be included. Further, the appraisal report shall contain the sales history of the parcel for the prior 10 years. Such sales history shall include all parties and considerations with the amount of consideration verified, if possible, and the amount assessed value of the parcel.

(f) If the divergencies as to conclusion of values between two appraisals for the same parcel are greater than 20 percent of the lower value, a third appraisal shall be required.

(g) The board of trustees shall not consider an appraisal acquired by a seller, or any part thereof, and, in determining value.

(4)(a) Negotiations for land acquisition between a landowner or his designated agent and a state agency, title to whose land is held by the board of trustees, shall not be commenced prior to completion of the appraisal report pursuant to subsection (3).

(b) When the owner is represented by an agent or broker, negotiations shall not be initiated or continued until a written statement verifying such agent's or broker's legal or fiduciary relationship with the owner is on file with the agency.

(c) Upon the initiation of negotiations, the state agency shall inform the owner in writing that all agreements for purchase are subject to approval by the board of trustees.

(d) All offers or counter-offers shall be in writing and shall be available for examination by the board of trustees. No offer by a state agency shall exceed the value for that parcel as determined pursuant to a single appraisal or the average of 2 appraisals if such are required. If 3 appraisals are required, the offer shall not exceed the average of the two closest appraisals. All offers by the agency, including the final offer, shall be reviewed by the legal counsel of the agency. Final offers shall be in the form of an agreement for purchase and shall be signed and attested to by the owner and the representative of the agency. Before the agency signs the agreement for purchase, the provisions of s. 286.23 shall be complied with. Within 10 days after the signing of the agreement for purchase, the state agency shall furnish the Division of State Lands with the original of the agreement for purchase along with copies of the disclosure notice, evidence of marketability, the appraisal report, the fee appraiser's affidavit, a statement that the inventory of existing state-owned lands was examined and contained no available suitable land in the area, and a statement outlining the public purpose for which the acquisition is being made and the statutory authority therefor.

(e) Within 45 days of receipt by the Division of State Lands of the agreement for purchase and the required documentation, the board of trustees shall either reject or approve the agreement. Approved agreements for purchase shall be binding on both parties. Agreements disapproved shall be returned to the agency, along with a statement as to the deficiencies of the agreement or the supporting documentation. Agreements for purchase disapproved by the board of trustees may be resubmitted when such deficiencies have been corrected.

(5) No dedication, gift, grant, or bequest of lands and appurtenances shall be accepted by the board of trustees until the receiving state agency receives sufficient evidence of marketability of title. The board of trustees shall not accept by dedication, gift, grant, or bequest any lands and appurtenances that are determined as being owned by the state either in fee or by virtue of the state's sovereignty, or which are so encumbered so as to preclude use of such land and appurtenances for any reasonable public purpose. The state shall not be required to appraise the value of such donated lands and appurtenances as a condition of receipt.

(6) Any conveyance to the board of trustees of fee title shall be made by no less than a special warranty deed. The title to lands acquired pursuant to this section shall vest with the board of trustees as provided in s. 253.031. All such lands, title to which is vested in the board pursuant to this section, shall be administered pursuant to the provisions of s. 253.03.

(7) The Auditor General shall conduct performance postaudits of all acquisitions and divestitures within 60 days following the board's final approval of land acquisitions under this section, and submit an audit report to the Board of Trustees, President of the Senate, Speaker of the House and their designees, provided that the Auditor General may at his discretion not postaudit those acquisitions and divestitures involving sums of less than $100,000.

(8) The board of trustees and all affected agencies shall adopt and may modify or repeal such rules and regulations necessary to carry out the purposes of this section, including rules governing the terms and conditions of land purchases. When multiple landowners are involved in an acquisition, such rules shall address the procedures to be followed in obtaining written option agreements so that the interests of the state are fully protected.

Section 10. Subsection (7) of section 253.03, Florida Statutes, 1978 Supplement, is amended, present subsections (8), (9), and (10) are renumbered as subsections (9), (10), and (11), respectively, and a new subsection (8) is added to said section to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(7) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized and directed to administer all state-owned lands and shall be responsible for the creation of an overall and comprehensive plan of development concerning the acquisition, management and disposition of state-owned lands so as to insure maximum benefit and use. ~~The Board of Trustees of the Internal Improvement Trust Fund shall maintain a current inventory of all state owned lands.~~ The Board of Trustees of the Internal Improvement Trust Fund shall adopt rules and regulations necessary to carry out the purposes of this act as herein set forth.

(8)(a) The Board of Trustees of the Internal Improvement Trust Fund shall maintain an annual inventory of all publicly owned lands within the state. Such inventory shall include all lands owned by any unit of state government, local government, the federal government to the greatest extent possible, and by any other public entity. The board shall submit a copy of the inventory to the President of the Senate and the Speaker of the House of Representatives on or before March 1 of each year.

(b) In addition to any other parcel data available, the inventory shall include a legal description or proper reference thereto, the number of acres or square feet within the boundaries, and he assessed value of all publicly owned uplands. To the greatest extent practical, the legal description or proper reference thereto and the number of acres or square feet shall be determined for all publicly owned submerged lands. For the purposes of this subsection the term "submerged lands" means publicly owned lands below the ordinary high water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state. The Department of Revenue shall furnish annual, current, property assessments for tax exempt public lands to the board to be used in compiling the assessed value portion of the inventory.

(c) State agencies or bodies, including the Game and Fresh Water Fish Commission, the Department of Transportation, the Department of Agriculture and Consumer Services, the Armory Board, water management districts, water control districts, navigation districts, and authorities, which hold title to real property, shall, by December 31 of each year, submit a list of their respective holdings to the board. The Department of Revenue shall furnish the board, by December 31 of each year, from data it has obtained pursuant to the requirements of chapter 195, a compilation of all tax exempt public lands within the state, listed by county. The Department of Revenue and the board shall use common or cross-indexed parcel numbers to facilitate data comparisons. To the greatest extent possible, the board shall attempt, at the county level, to record and report discrepancies between information supplied by the Department of Revenue and by other state agencies or bodies. The board shall include a listing of all major unresolved discrepancies in the annual inventory submitted to the Legislature.

Section 11. Subsection (2) of section 255.28, Florida Statutes, is amended to read:

255.28 Department authority to acquire land with or for facility thereon.—

(2) The department *may acquire lands by gift, donation, dedication, or otherwise enter into agreements with any person, the Federal Government, or other agency, for acquiring such lands for constructing a building or other state facility thereon. Lands shall be acquired by the department in accordance with acquisition procedures for state lands provided for in s. 253.025.* ~~shall have sole authority to purchase or accept a donation of land for any state agency containing, or to be used for constructing, a building or other facility thereon.~~

Section 12. Subsection (1) of section 258.23, Florida Statutes, is amended to read:

258.23 Authorization to acquire lands; dedication by lease agreement.—

(1) For the purpose of establishing wilderness areas, the Department of Natural Resources is authorized to acquire lands by and lawful means other than through the use of the power of eminent domain. *Lands shall be acquired in accordance with acquisition procedures for state lands provided for in s. 253.025.*

Section 13. Section 259.03, Florida Statutes, is amended to read:

259.03 Definitions.—The following terms and phrases when used in ss. 259.01-259.06 shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Selection committee" means that committee established pursuant to s. 259.035.

(2)~~(1)~~ "State capital projects for environmentally endangered lands" means a state capital project, as required by s. 11(a) of Art. VII of the State Constitution, which shall have as its purpose the conservation and protection of environmentally unique and irreplaceable lands as valued ecological resources of this state, including without limitation:

(a) Those areas of ecological significance the development of which by private or public works would cause the deterioration of submerged lands, inland or coastal waters, marshes, or wilderness areas essential to the environmental integrity of the area or of adjacent areas;

(b) Those areas *the development* of which, in the judgment of the *selection committee,* ~~Game and Fresh Water Fish Commission, Department of Natural Resources, or Department of Environmental Regulation, the development of which~~ would require a remedial public works project to limit or correct environmental damage; ~~or~~

(c) Any beaches or beach areas within the state which have been eroded or destroyed by natural forces or which are threatened, or potentially threatened, by erosion or destruction by natural forces*; or.*

(d) Those lands within any area designated as an area of critical state concern under s. 380.05, which in the judgment of the selection committee cannot adequately be protected by application of land development regulations adopted pursuant to s. 380.05.

(3)~~(2)~~ "State capital project for outdoor recreation lands" means a state capital project, as required by s. 11(a) of Art. VII of the State Constitution, which shall be for the purposes set out in chapter 375.

(4)~~(3)~~ "Board" means the Governor and cabinet, as the *Board of Trustees of the Internal Improvement Trust Fund* ~~head of the Department of Natural Resources~~.

(5)~~(4)~~ "Division" means the Division of Bond Finance of the Department of General Services.

Section 14. Section 259.035, Florida Statutes, is created to read:

259.035 Selection committee, powers and duties.—There is created a selection committee to be composed of the secretary of the Department of Environmental Regulation, the executive director of the Department of Natural Resources, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Game and Fresh Water Fish Commission, the director of the Division of Archives, History and Records Management of the Department of State and the Secretary of the Department of Administration, or their respective designees. The chairmanship of the committee shall rotate annually in the order specified above. The committee shall hold periodic meetings at the request of the chairman. The Division of State Lands shall provide primary staff support to the committee and shall insure that committee meetings are electronically recorded. Such recordings shall be preserved pursuant to chapters 119 and 267. The committee shall, by January 1 of each year, establish or update a list of acquisition projects on a priority basis. An affirmative vote of four members of the committee shall be required in order to place a proposed project on such list. The list shall contain at least twice the number of projects in terms of estimated cost as there are anticipated funds for purchase. The anticipated cost of each project shall include proposed costs for development of the lands necessary to meet the public purpose for which such lands are to be purchased. All proposals for acquisition projects pursuant to this chapter or s. 253.023 shall originate from the committee. The committee shall consider and evaluate in writing the merits, both favorable and unfavorable, of each proposed project submitted for acquisition and shall ensure that each proposed acquisition project will meet a stated public purpose for the preservation of environmentally endangered lands, the development of outdoor recreation lands or as provided in s. 253.023(3)(b) and shall determine whether each acquisition project conforms with the comprehensive plan developed pursuant to s. 259.04(1)(a) and the state lands management plan adopted pursuant to s. 253.03(7). Copies of a written report on each project evaluated or considered for acquisition shall be submitted to the board of trustees. The committee shall consider and include in each report its assessment of a project's ecological value, vulnerability, endangerment, ownership pattern, utilization, location, cost and other pertinent factors in determining whether to recommend for or against a purchase.

Section 15. Section 259.04, Florida Statutes, is amended to read:

259.04 Board; powers and duties.—

(1) For state capital projects for environmentally endangered lands:

(a) The board is given the responsibility, authority, and power to develop and execute a comprehensive plan to conserve and protect environmentally endangered lands in this state. This plan shall be kept current through continual reevaluation and revision.

(b) The board may enter into contracts with the government of the United States or any agency or instrumentality thereof; the state or any county, municipality, district authority, or political subdivision; or any private corporation, partnership, association, or person providing for or relating to the conservation or protection of certain lands in accomplishing the purposes of ss. 259.01-259.06.

(c) *On or before March 15 of each year, the board shall approve, in whole or part, the list compiled by the selection committee. To the greatest extent possible, projects on the list shall be acquired in their order of priority.* ~~The board is authorized to acquire lands, water areas, and related resources. The board is authorized to enter into contracts for purchase and to purchase the fee or any lesser interest sufficient to meet the purposes of ss. 259.01-259.06 of any environmentally endangered lands or outdoor recreation lands.~~

(d) The board is authorized to acquire by purchase, gift, devise, or otherwise, the fee title or any lesser interest of lands, water areas, and related resources sufficient to meet the purposes specified in s. 259.03(2) for environmentally endangered lands.

(2) For state capital projects for outdoor recreation lands, the provisions of chapter 375 *and s. 253.025* shall apply. *Land acquisition projects for outdoor recreation may be included in the priority list established pursuant to s. 259.035.*

Section 16. Section 272.124, Florida Statutes, is amended to read:

272.124 Division of Building Construction and Property Management; power to contract.—The Division of Building Construction and Property Management of the Department of General Services is authorized and empowered to make and enter into any contract or agreement, with any person or agency, public or private, to lease, buy, acquire, construct, hold or dispose

of real and personal property necessary to carry out the objects and purposes of this act; ~~provided~~ however, no contract may be entered into without specific authorization of the Legislature for the project. *Lands shall be acquired by the Division of Building Construction and Property Management in accordance with acquisition procedures for state lands provided for in s. 253.025.*

Section 17. Subsection (1) of section 375.031, Florida Statutes, is amended to read:

375.031 Acquisition of land; Board of Trustees of the Internal Improvement Trust Fund.—

(1) The division is hereby empowered and authorized to acquire lands, water areas, and related resources and to perform all other activities necessary or incident to acquiring, improving, enlarging, maintaining, extending, selling, leasing, or disposing of land, water areas, and related resources, and improvements thereon. Prior to the division acquiring such land, the seller of the land shall file a statement with the Department of State disclosing, for the period from January 1, 1970, to the date of the statement, all financial transactions concerning the land, all parties having a financial interest in any transaction, and the amount of the tax assessment thereon for each year. *Notwithstanding the provisions of this section, all land acquisitions made as provided herein shall conform to the provisions of s. 253.025.* The Board of Trustees of the Internal Improvement Trust Fund shall hold title to lands so acquired but the beneficial use, control, and management shall be with the division.

Section 18. Section 589.07, Florida Statutes, is amended to read:

589.07 Division may acquire lands for forest purposes.—The Division of Forestry, on behalf of the state and subject to the restrictions mentioned in s. 589.08, may acquire lands, suitable for state forest purposes, by gift, donation, contribution, or otherwise and may enter into agreements with the Federal Government, or other agency, for acquiring by gift, purchase, or otherwise, such lands as are, in the judgment of the division, suitable and desirable for state forests. *Lands shall be acquired by the Division of Forestry in accordance with acquisition procedures for state lands provided for in s. 253.025.*

Section 19. There is appropriated from the General Revenue Fund to the Department of Natural Resources the sum of $100,000 for fiscal year 1979-80 and $100,000 for fiscal year 1980-81 to administer the provisions of this act.

Section 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, and, 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 21. This act shall take effect October 1, 1979.

Amendment 2—On page 1-3, strike all of the title and insert: A bill to be entitled An act relating to state lands; adding s. 20.25(2)(f) and (4), Florida Statutes; creating the Division of State Lands within the Department of Natural Resources; providing for the appointment of a division director; reassigning the Bureau of State Lands to such division; reassigning the Bureau of Coastal and Land Boundaries to said division; prescribing powers and duties of said division; creating certain positions within said division; amending s. 211.02(1), Florida Statutes; amending s. 211.31(1), (3), (4), Florida Statutes, 1978 Supplement; providing that 50 percent of proceeds of the excise tax on the severance of oil, gas, and solid minerals is to be credited to the Conservation and Recreation Lands Trust Fund; creating s. 253.023, Florida Statutes; establishing within the Department of Natural Resources the Conservation and Recreation Lands Trust Fund; providing that such fund is to be credited one-half the moneys collected from the severance tax on oil, gas, and solid minerals, not to exceed $3 million for fiscal year 1979-80 or fiscal year 1980-81 and $20 million for subsequent fiscal years; providing that the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund may allocate moneys from such fund to acquire interest in lands for certain public purposes; directing the board of trustees to designate an agency to manage such lands; requiring that certain land acquisition procedures be followed; requiring agencies designated to manage such lands to develop management plans for each project; requiring certain funds be set aside for management and maintenance of such lands; requiring such lands be open for certain public uses; creating s. 253.025, Florida Statutes; requiring certain state agencies to follow prescribed procedures in acquisition of land; requiring title searches prior to purchase approval; requiring appraisals prior to negotiations; providing criteria for and selection of appraisers; providing for submittal of appraisal reports and for agency review of such reports; requiring agreements for purchase to meet certain standards and to be subject to final action of the board of trustees; requiring certain standards for gifts, grants, or bequests to the state; requiring conveyances be in no less than special warranty deed; requiring the Auditor General to conduct performance post-audits of land acquisitions in certain cases; amending s. 253.03(7), Florida Statutes, 1978 Supplement, renumbering subsections (8)-(10), and adding a new subsection (8) to said section; directing the Board of Trustees of the Internal Improvement Trust Fund to maintain an inventory of publicly owned lands; requiring the board to submit such inventory to the Legislature annually; amending s. 255.28(2), Florida Statutes; requiring the Department of General Services to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 258.23(1), Florida Statutes; requiring the Department of Natural Resources to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 259.03, Florida Statutes; modifying the definition of state capital projects for environmentally endangered lands; modifying the definition of board; creating s. 259.035, Florida Statutes; creating a selection committee; prescribing the membership, powers, and duties of such committee; amending s. 259.04, Florida Statutes; requiring certain procedures for acquisition of environmentally endangered and outdoor recreational lands; amending s. 272.124, Florida Statutes; requiring the Division of Building Construction and Property Management to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; amending s. 375.031(1), Florida Statutes; requiring conformity with s. 253.025, Florida Statutes; amending s. 589.07, Florida Statutes; requiring the Division of Forestry to follow land acquisition procedures prescribed in s. 253.025, Florida Statutes; providing an appropriation; providing severability; providing an effective date.

On motions by Senator Vogt, the Senate concurred in the House Amendments.

CS for CS for SB 793 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Anderson	Hair	Neal	Stuart
Barron	Henderson	Peterson	Thomas
Chamberlin	Hill	Poole	Tobiassen
Childers, D.	Jenne	Scarborough	Trask
Childers, W. D.	Johnston	Scott	Vogt
Fechtel	Maxwell	Skinner	Ware
Frank	McClain	Spicola	Williamson
Gorman	McKnight	Steinberg	Winn

Nays—None

Vote after roll call:

Yea—Myers

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By the Committee on Natural Resources and Conservation and Senator Anderson—

CS for SB 956—A bill to be entitled An act relating to the regulation of fish traps; creating s. 370.0825, Florida Statutes; requiring persons in possession of or using fish traps on state waters to obtain a license issued by the Department of Natural Resources; providing exceptions to such license requirements; providing for license fees; providing for expenditure of license fees collected; restricting the volume of and material used in constructing fish traps; requiring a degradable door; restricting hours for working traps; limiting the depth of water where-

in such traps may be fished; limiting the number of traps per licensee; prescribing the standards for marking and identifying such traps; requiring the license to be on board and that each boat have a separate license; providing third degree felony penalties for anyone molesting another's fish traps; requiring the department to maintain catch records; providing other penalties; providing for seizure of illegal traps; requiring certain annual reports by the department to the President of the Senate and Speaker of the House of Representatives; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2 strike lines 1-31, and all of pages 3-5 and insert:

Section 1. Use of fish traps prohibited; permits for possession; penalties.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that prohibiting and restricting fish traps as hereinafter provided is necessary to the State of Florida and its citizens in order to protect the nearshore reefs and fishing resources of the state. The Legislature further finds that, based upon the best scientific information available, the prohibitions and restrictions provided herein are:

(a) Necessary to conserve and manage the state's fisheries and will prevent overfishing while achieving, on a continuing basis, an optimum yield from the state's fisheries.

(b) Necessary to promote efficiency in the utilization of fishery resources.

(c) Consistent with policies provided in the Fishery Conservation and Management Act of 1976, Public Law No. 94-265.

(2) USE OF TRAPS PROHIBITED; PERMITS.—

(a) No person shall take or attempt to take saltwater fish in Florida territorial waters with traps having a volume greater than 2.25 cubic feet except those traps described in ss. 370.13, 370.135, and 370.14. No person shall possess such prohibited traps as described herein on or in Florida territorial waters without first having obtained a permit from the Department of Natural Resources for the purpose of transporting such traps across Florida waters to a federal fishery conservation zone as described in the Fishery Conservation and Management Act of 1976, Public Law No. 94-265. If such traps are destined for a federal fishery conservation zone the department shall not issue a permit to transport the traps across Florida waters to said zone unless the permit applicant demonstrates that the traps meet all trap requirements in any applicable federal fishery management plan. If a federal fishery management plan prohibits the use or possession of traps adjacent to Florida waters the department shall not permit possession of such traps in or on Florida waters. The permit shall be issued at no cost to the recipient and shall be on such forms and require such information as determined by the department and shall be in the possession of the person while transporting such traps.

(b)1. In addition to its findings set forth in subsection (1), the Legislature specifically finds that protection of the nearshore reef fisheries located within the territorial waters of Florida adjoining the boundaries of the counties listed in subparagraph 2. requires that the state further prohibit the issuance of permits for the transportation of such fish traps across Florida waters to be used up to a distance of 2 miles beyond the limits of the territorial waters of Florida in said area, because of the damage that would otherwise be expected to result to these nearshore reef fisheries.

2. No permit shall be issued pursuant to the provisions of paragraph (a) unless the applicant agrees in writing that such fish traps shall not be used to take or attempt to take saltwater fish in the waters of the Atlantic Ocean beyond the boundaries of Palm Beach, Dade, Broward and Monroe Counties up to a distance of 2 miles beyond the limits of Florida territorial waters.

(3) IDENTIFICATION.—Each trap shall have identifying information, as determined by the department, to be permanently affixed to the trap and to an attached buoy of sufficient size, color, due, and brilliancy as to be easily distinguishable, seen, and located.

(4) SEIZURE OF CERTAIN TRAPS.—Any prohibited fish trap as described in subsection (2)(a) found in use in the waters of the Atlantic Ocean beyond the boundaries of Palm Beach, Dade, Broward and Monroe Counties, in the area extending from the limit of Florida territorial waters up to a distance of 2 miles beyond such limit, with or without identification as described in subsection (3), shall be presumed to have been transported across Florida territorial waters in violation of this section and may be seized by the department and held until the owner thereof proves to the satisfaction of the department that such trap was not so transported, at which time the trap may be returned to the owner. Any trap held by the department for 1 year without such proof being offered by the owner shall be destroyed.

(5) PERMIT SUSPENSION.—If any such fish trap for which a permit has been issued is found in use in violation of this section, the department shall suspend the fish trap permit issued to the permitholder under the provisions of this section for a period of not less than 3 months nor more than 1 year.

(6) SEIZURE AND DESTRUCTION OF TRAPS.—Traps found in violation of this section may be seized and destroyed by the duly appointed officers of the Department of Natural Resources.

(7) PENALTIES.—Any person violating this subsection shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that 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 to be severable.

Section 3. This act shall take effect October 1, 1979.

Amendment 2—On page 1, strike lines 2-27, and insert: A bill to be entitled An act relating to saltwater fishing; providing legislative intent; prohibiting the taking of saltwater fish with traps with a volume greater than 2.25 cubic feet; providing exceptions; prohibiting possession except for the purpose of transporting such traps across Florida waters with a permit; providing conditions of such permits with respect to certain waters; requiring all traps to be attached to buoys; providing for seizure of traps and permit suspension in certain cases; providing a penalty; providing an effective date.

On motions by Senator Anderson, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

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

By Senator McKnight—

SB 482—A bill to be entitled An act relating to regional perinatal intensive care centers; adding s. 383.16(6), (7), Florida Statutes; providing definitions; amending s. 383.19(1), Florida Statutes, relating to grant disbursements and reimbursements; providing for computation of grants within certain limits; providing for reversion of funds under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 20-31, and on page 3, lines 1-7, strike all of said lines and insert: *for equalization funds. If funds designated for minimum support grants are not expended for such grants because a center terminates or does not enter into a contractual agreement with the department, such funds shall revert to equalization funds and be distributed accordingly.* ~~If the Legislature appropriates funds which are to be distributed to centers on the basis of the proportion of eligible patients served in each center to the total number of eligible patients served statewide during a given fiscal year, such funds shall be distributed according to a formula designed by the department to include the number of patients served, the~~

~~number of inpatient hospitalization days, the number of outpatient evaluations and services, and the number of infants evaluated serially for developmental anomalies, in both the center and any affiliated center integrated into the program of the center.~~

Amendment 2—On page 1, lines 17-20, strike all of lines 17 through 20, inclusive and insert: *(6) "Equalization funds" means funds available to centers and affiliate centers and shall be distributed according to a formula designed by the department to include the proportion of eligible patients served statewide during a given fiscal year, and shall include the number of eligible patients served, the number of inpatient hospitalization days, and the number of outpatient evaluation and services.*

On motions by Senator McKnight, the Senate concurred in the House amendments.

SB 482 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Anderson	Hair	Peterson	Stuart
Chamberlin	Henderson	Poole	Thomas
Childers, D.	Hill	Scarborough	Tobiassen
Childers, W. D.	Jenne	Scott	Trask
Fechtel	Johnston	Skinner	Vogt
Frank	McClain	Spicola	Ware
Gorman	McKnight	Steinberg	Winn

Nays—None

Vote after roll call:

Yea—Myers

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

By the Committee on Education and Senator Gordon—

CS for SB 705—A bill to be entitled An act relating to the State University System; creating s. 240.0952, Florida Statutes; authorizing the student government association of each state university to establish an educational research center for child development; providing for a board of directors for each center; authorizing the charging of fees; directing the Board of Regents to promulgate rules; providing for funding through capital improvement trust fund fees and building fees; authorizing the State Council of Student Body Presidents to employ an administrator and providing for payment of salary from student activity fees; providing an effective date.

—was read the first time by title and SB 705 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 705 was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 1, line 24, strike entire line and insert: (1) Upon approval of the university president, the student government association of any

The Committee on Ways and Means offered the following amendment which was moved by Senator Gordon:

Amendment 2—On page 3, line 18, strike entire line and insert: authorized to select and employ a coordinator to design and

Senator Gordon moved the following substitute amendment which was adopted:

Amendment 3—On page 3, line 12, strike association

The Committee on Ways and Means offered the following amendment which was moved by Senator Gordon:

Amendment 4—On page 3, line 22, strike "administrator" and insert: coordinator

Senator Gordon moved the following amendments which were adopted:

Substitute Amendment for Amendment 4—On page 3, lines 17 through 23, strike entire subsection (6)

Amendment 5—On page 3, line 5, strike entire line and insert: improvement trust fund fee established by

Amendment 6—On page 3, line 6, strike "student"

Amendment 7—On page 3, line 7, strike "government association" and insert: university

Amendment 8—On page 3, strike entire line 9, and insert: enrolled at that university, usable only at that university, equal to 15 cents per student per

Amendment 9—On page 3, line 11, strike "student government" and insert: university

Amendment 10—On page 1 in title, line 7, strike entire line and insert: development upon approval of the university president; providing for a board of directors

Amendment 11—On page 1 in title, strike everything following the word "fees" on line 11, through line 16 inclusive, and insert: ; providing an effective date.

Amendment 12—On page 1 in title, line 14, strike "administrator" and insert: coordinator

On motion by Senator Gordon, by two-thirds vote CS for SB 705 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Anderson	Hill	Neal	Trask
Chamberlin	Holloway	Peterson	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gordon	McClain	Spicola	
Gorman	McKnight	Steinberg	
Grizzle	Myers	Stuart	

Nays—1

Fechtel

Vote after roll call:

Yea—Poole

CS for SB 151—A bill to be entitled An act relating to landlord and tenant; creating s. 83.591, Florida Statutes; prohibiting a landlord or his agents or employees from interfering with the occupancy of, or entrance to, a dwelling unit except pursuant to s. 83.59(3), Florida Statutes; prohibiting a landlord or his agents or employees from terminating a tenant's utility services for certain purposes; clarifying the duties of public utilities; providing a civil action for damages and injunctive relief by a tenant; providing an effective date.

—was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Anderson	Hair	Peterson	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, D.	Holloway	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Frank	Johnston	Spicola	Winn
Gorman	McClain	Steinberg	
Grizzle	McKnight	Stuart	

Nays—1

Fechtel

On motion by Senator Dunn, consideration of CS for SB 896 and CS for SB 1252 was deferred.

HB 575—A bill to be entitled An act relating to emergency medical services; adding a subsection to s. 401.23, Florida Statutes, providing a definition; amending s. 401.46, Florida Statutes, including described organizations among those eligible to contract for certain services; including fire rescue services providing advanced life support services under certification requirements; specifying designation of fire rescue service vehicles; providing an effective date.

—as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Grizzle	McClain	Thomas
Barron	Hair	McKnight	Tobiassen
Carlucci	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Fechtel	Jenne	Skinner	Williamson
Frank	Johnston	Spicola	Winn
Gordon	MacKay	Steinberg	
Gorman	Maxwell	Stuart	

Nays—None

Vote after roll call:

Yea—Myers

HB 1803—A bill to be entitled An act relating to nursing; creating chapter 464, Florida Statutes, substantially revising provisions relating to nursing; providing purpose and definitions; providing for a joint committee of nurses, physicians and lay persons to determine the scope of practice of advanced or specialized nursing practitioners; creating a Board of Nursing and providing for its membership, terms and headquarters; providing for applications for examination and licensure of nurses; providing qualifications for examination; providing for licensure by endorsement; providing for use of titles and abbreviations; providing a penalty; providing for certification of advanced registered nurse practitioners; providing the scope of practice of advanced registered nurses and of certain specialties; providing for license or certificate renewal; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; prohibiting certain sexual misconduct; authorizing the board to adopt rules; providing for the disposition of fees and for expenditures; specifying certain unlawful acts with respect to nursing and providing penalties therefor; providing exceptions to the application of the chapter; providing for approval of nursing education programs; providing for application of the act to current holders of license or certificate; repealing the existing chapter 464, Florida Statutes, relating to nursing; providing for the effect of the act upon certain rules relating to nursing; providing for repeal and legislative review; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 7, after the word "States" on line 21 strike everything through and including the word "act" on line 24.

Amendment 2—On page 14, strike all of lines 2 through and including line 30, and insert: (1) The department shall renew a license upon receipt of the renewal application and fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 464.012.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

464.012 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 464.0115 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 464.0125.

Amendment 3—On page 18, lines 9 and 10, strike "duly licensed or certified to do so" and insert: holding an active license or certificate to do so

Senator Scarborough offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 4—On page 14, insert: new subsection (3):

(3) The Board may by rule prescribe continuing education not to exceed 30 hours biennially as a condition for license or certificate renewal. Criteria for programs shall be approved by the board.

(Renumber subsequent sections.)

On motion by Senator Dunn, by two-thirds vote HB 1803 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiassen
Childers, D.	Henderson	Peterson	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Holloway	Scott	Ware
Fechtel	Jenne	Skinner	Williamson
Frank	Johnston	Spicola	Winn
Gordon	MacKay	Steinberg	

Nays—None

HB 1805—A bill to be entitled An act relating to pharmacists; creating chapter 465, Florida Statutes, substantially revising provisions relating to pharmacists; providing intent and definitions; creating a Board of Pharmacy and providing for its membership and terms; providing for applications for examination and licensure of pharmacists; providing qualifications for examinations; providing for the registration of pharmacy interns; providing for license renewal; providing an exemption; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; authorizing the inspection for certain purposes of places where drugs are manufactured, packaged, stored or sold; authorizing the board to adopt rules; providing for the disposition of fees and for expenditures; specifying certain unlawful acts with respect to pharmacies and providing penalties therefor; requiring permits for community pharmacies and institutional pharmacies; providing for rules setting general requirements for pharmacies and providing for fees; authorizing the revocation or suspension

of permits for specified reasons; prohibiting the promotion of certain drugs; authorizing the substitution of drugs under certain circumstances; providing for certain notice; specifying certain conditions upon the filling of prescriptions; authorizing pharmacists to delegate certain functions to nonlicensed supportive personnel; prohibiting the issuance of an occupational license under certain circumstances; providing for the effect of the act upon certain rules relating to pharmacists; providing for licenses and certificates which are valid, and proceedings which are pending, on the effective date of the act; providing for repeal and legislative review; repealing the existing chapter 465, Florida Statutes, relating to pharmacists; amending s. 893.03, Florida Statutes, revising standards and schedules under which controlled substances are regulated to encompass recent federal amendments; providing effective and expiration dates.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 2, line 25, strike "465.006, 465.007,"

Amendment 2—On page 9, strike all of lines 5 through and including line 20, and insert: (1) The department shall renew a license upon receipt of the renewal application and a fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 465.012.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Amendment 3—On page 9, strike all of lines 25 through and including line 31, and insert a new section 465.012 to read:

Section 465.012 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 465.009 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 465.013.

Amendment 4—On page 15, line 2, strike "when such person is not licensed," and insert: if such person does not hold an active license

Amendment 5—On page 27, line 1, strike "This act" and insert: Chapter 465, Florida Statutes,

Amendment 6—Strike all of lines 5 through and including line 31 on page 27, and strike all of lines 1 through and including line 21 on page 28.

(Renumber subsequent section.)

Senator Dunn moved the following amendment which was adopted:

Amendment 7—On page 8, after line 25, insert: 465.010 Continuing Professional Pharmaceutical Education.—

(1) No license renewal shall be issued by the department until the licensee submits proof satisfactory to the board that during the two years prior to his application for renewal he has participated in not less than 15 hours per year of continuing professional pharmaceutical education in courses approved by the board.

(2) The board shall approve only those courses that build upon the basic courses offered in the curricula of accredited colleges or schools of pharmacy.

(3) Upon initial licensure, the department may reduce the number of required hours consistent with the requirements of biennial renewal.

(4) The department may make exception from the requirements of this section in emergency or hardship cases. The board may adopt rules within the requirements of this section that are necessary for its implementation, including a rule creating a committee composed of equal representation from the board, the colleges of pharmacy in the state and practicing pharmacists within the state, whose purpose shall be to approve the content of each course offered for continuing education credit prior to the time such course is offered.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 8—On page 2, lines 14 through 18, strike "amending s. 893.03, Florida Statutes, revising standards and schedules under which controlled substances are regulated to encompass recent federal amendments;"

Senator Dunn moved the following amendment which was adopted:

Amendment 9—On page 2, in title, line 13, strike after the words "chapter 465" and insert: providing for continuing education.

On motion by Senator Dunn, by two-thirds vote HB 1805 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Frank	Johnston	Steinberg
Barron	Gorman	MacKay	Stuart
Carlucci	Grizzle	McClain	Thomas
Chamberlin	Hair	McKnight	Tobiassen
Childers, D.	Henderson	Neal	Trask
Childers, W. D.	Hill	Peterson	Vogt
Dunn	Holloway	Scarborough	Williamson
Fechtel	Jenne	Spicola	Winn

Nays—None

Votes after roll call:

Yea—Myers, Scott

HB 1806—A bill to be entitled An act relating to nursing home administrators; creating part VI of chapter 468; providing legislative purpose and definitions; creating the Board of Nursing Home Administrators within the Department of Professional Regulation; providing for appointment of members, and terms of office; providing for headquarters of the board; providing powers and duties of the board and the department; providing for licensure examination and specifying qualifications of applicants; providing for certification of applicants by the board and for licensure of certified applicants by the department; providing for biennial renewal of licenses and authorizing a fee therefor; providing for delinquent and inactive status licenses; providing fees therefor, and authorizing the board to prescribe continuing education requirements under certain circumstances; providing prohibitions and penalties; providing for disciplinary proceedings; authorizing the board to promulgate rules for the issuance of a provisional license; requiring all nursing homes to be operated under the manage-

ment of a licensed administrator; providing an exception; providing for prosecution of criminal violations; providing for reciprocity; providing for legislative review and repeal of part VI of chapter 468, Florida Statutes, on July 1, 1985, in accordance with the Regulatory Reform Act of 1976, as amended; repealing the existing part VI of chapter 468, Florida Statutes, relating to nursing home administrators; repealing rules of the Florida Administrative Code which are inconsistent with the act; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 8, strike line 7 through and including line 29, and insert: (1) The department shall renew a license upon receipt of the renewal application and fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 468.1725.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

468.1725 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 468.1725 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 468.1745.

Amendment 2—On page 9, strike line 2, and insert: person holds an active license to practice nursing home administration.

On motion by Senator Dunn, by two-thirds vote HB 1806 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Frank	McKnight	Tobiassen
Barron	Grizzle	Peterson	Trask
Carlucci	Hill	Scarborough	Vogt
Chamberlin	Holloway	Scott	Williamson
Childers, D.	Jenne	Skinner	Winn
Childers, W. D.	Johnston	Spicola	
Dunn	MacKay	Steinberg	
Fechtel	McClain	Stuart	

Nays—None

On motions by Senator Barron, the rules were waived and by two-thirds vote HB 675 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar, and by two-thirds vote placed on the special order calendar.

HB 1807—A bill to be entitled An act relating to veterinarians; creating chapter 474, Florida Statutes, substantially revising provisions relating to veterinarians; providing purpose and definitions; providing exemptions from the chapter; creating a Board of Veterinary Medicine and providing for its membership, terms, and headquarters; providing for rules; providing for licensure by examination and by endorsement; providing qualifications therefor; providing procedures for temporary permits; providing for renewal of license and inactive status; authorizing the board to take specified disciplinary actions and providing grounds therefor; providing for reciprocity with other states; requiring premises permits and display of such premit or license; providing for issuance of occupational licenses; providing procedures for handling abandonment of animals by owners; providing for criminal prosecution; providing for legislative review and repeal of chapter 474, Florida Statutes, on July 1, 1985; repealing the existing chapter 474, Florida Statutes, relating to veterinarians; providing for licenses or permits which are valid and proceedings which are pending on the effective date of the act; repealing all rules in chapter 21X, Florida Administrative Code, relating to veterinary medicine; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On pages 7 and 8, strike all of line 20 through and including line 30 on page 7, and strike all of line 1 through and including line 12 on page 8, and insert: (1) The department shall renew a license upon receipt of the renewal application and fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 474.212.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

474.212 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 474.211 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition or reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 474.214.

Amendment 2—On page 8, lines 15 and 16, strike "is a licensed veterinarian" and insert: holds an active license to practice veterinary medicine

Senator Dunn moved the following amendment which was adopted:

Amendment 3—On page 11, line 28, strike "board" and insert: department

On motion by Senator Dunn, by two-thirds vote HB 1807 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Fechtel	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	

Nays—None

On motions by Senator Barron, the rules were waived and House Bills 1397 and 1054 were withdrawn from the Committee on Rules and Calendar and placed at the end of the local bill calendar.

HB 1813—A bill to be entitled An act relating to podiatrists; creating chapter 461, Florida Statutes, substantially revising provisions relating to podiatrists; providing intent and definitions; providing exceptions to the chapter; creating a Board of Podiatry and providing for its membership and terms; providing for applications for examination and licensure of podiatrists; providing qualifications for examination; providing for license renewal; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; authorizing the board to adopt rules; specifying certain unlawful acts with respect to podiatrists and the practice of podiatry and providing penalties therefor; providing for the effect of the act upon certain rules relating to podiatrists; providing for repeal and legislative review of the act; repealing the existing chapter 461, Florida Statutes, relating to podiatrists; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 5, strike all of lines 1 through and including line 25, and insert: (1) The department shall renew a license upon receipt of the renewal application and a fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 461.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 461.008 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 461.007 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 461.009.

Amendment 2—On page 11, line 18, strike "a" after the word "without" and insert: an active

Amendment 3—On page 12, strike all of lines 6 through and including line 10

(Renumber subsequent sections.)

On motion by Senator Dunn, by two-thirds vote HB 1813 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Fechtel	MacKay	Spicola	Winn
Frank	McClain	Steinberg	
Gorman	McKnight	Stuart	

Nays—None

The President presiding

HB 1815—A bill to be entitled An act relating to osteopathic physicians; creating chapter 459, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Osteopathic Medical Examiners and providing the membership and terms of the board; providing eligibility requirements for examination; authorizing issuance of licenses without examination; providing certain privileges and obligations of osteopathic physicians; providing disciplinary actions and penalties and specifying grounds therefor; prohibiting sexual misconduct in the practice of osteopathic medicine; requiring medical organizations to provide certain notification of disciplinary actions taken against osteopathic physicians and providing a penalty for noncompliance; providing that acceptance of a license constitutes agreement to certain activities relating to handwriting samples and confidentiality of medical records; providing for search pursuant to a search warrant under certain circumstances; authorizing the department to subpoena records; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of osteopathic medicine; providing procedures for the renewal of licenses; providing for inactive status; providing for rules; providing for certification of hospital residents and interns in osteopathic medicine; providing duties of osteopathic hospitals; providing penalties; providing for osteopathic physicians' assistants and providing procedures for the approval of programs for such assistants; providing penalties; providing for effect on certain rules; providing for licenses and certificates which are valid, and proceedings which are pending, on the effective date of the act; providing for repeal and legislative review; repealing chapter 459, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 6, line 12, strike "Board may" and insert: Department to

Amendment 2—On page 6, line 14, strike "The Board of Osteopathic Medical Examiners may" and insert: The department shall

Amendment 3—On page 6, line 17, strike "osteopathy" and insert: osteopathic medicine

Amendment 4—On page 6, line 19, after "Navy," and insert: United States Air Force

Amendment 5—On page 6, line 22, after "provided" insert: the board certifies that

Amendment 6—On page 6, strike all of lines 24, 25 and 26, and reletter subsequent paragraph, and on line 23 after the semicolon (;) insert: and

Amendment 7—On pages 10 and 11, strike all of line 24 through and including line 31 on page 10, and strike all of line 1 through and including line 8 on page 11.

(Renumber subsequent paragraphs.)

Amendment 8—On page 17, strike all of line 5 through and including line 25, and insert: (1) The department shall renew a license upon receipt of the renewal application and fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 459.016.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

(5) The licensee must have on file with the department the address of his primary place of practice within this state prior to engaging in that practice. Prior to changing the address of his primary place of practice, whether or not within this state, the licensee shall notify the department of the address of his new primary place of practice.

459.016 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 459.015 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 459.008.

Amendment 9—On page 15, line 9, strike ", or (s)" and insert on line 9 before (r): or

Amendment 10—On page 16, line 15, strike ", a" and insert: an active

On motion by Senator Dunn, by two-thirds vote HB 1815 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtel	MacKay	Spicola	
Frank	McClain	Steinberg	
Gorman	McKnight	Stuart	

Nays—None

HB 1814—A bill to be entitled An act relating to medical practice; creating chapter 458, Florida Statutes; providing intent and definitions; providing applicability of the chapter; providing for medical faculty certificates; providing for a Board of Medical Examiners and providing the membership and terms of the board; authorizing issuance of temporary licenses and providing criteria; providing for licensure by examination and providing eligibility requirements; authorizing issuance of licenses by endorsement; authorizing issuance of limited licenses and providing requirements; providing disciplinary actions and penalties and specifying grounds therefor; prohibiting sexual misconduct in the practice of medicine; requiring medical organizations to provide certain notification of disciplinary actions taken against physicians and providing a penalty for noncompliance; providing that acceptance of a license constitutes agreement to certain activities relating to handwriting samples and confidentiality of medical records; providing for search pursuant to a search warrant under certain circumstances; providing for subpoena of certain records; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of medicine; providing procedures for the renewal of licenses; providing for inactive status; providing for certification of hospital residents and interns; providing duties of hospitals; providing penalties; providing for physicians' assistants and providing procedures for the approval of programs for such assistants; providing penalties; providing procedures relating to patient records and disposition of deceased practitioners' records under specified medical practice chapters; providing, for physicians and osteopathic physicians, procedures and limitations with respect to emergency treatment of minors, consent of unwed pregnant minors to medical care, and termination of pregnancy; providing penalties; providing duties of abortion referral or counseling agencies and providing penalties; providing restrictions with respect to electroconvulsive and psychosurgical procedures; authorizing physicians and osteopathic physicians to prescribe or administer laetrile or DMSO; creating s. 382.195, Florida Statutes, transferring to chapter 382 provisions relating to the reporting of terminations of pregnancies; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 458, Florida Statutes; providing for licenses and certificates which are valid, and proceedings which are pending, on the effective date of the act; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 5, line 24-25, strike "an advanced registered nurse practitioner,"

Amendment 2—On page 6, line 3, strike "seven" and insert: eleven

Amendment 3—On page 6, line 5, strike "Five" and insert: Nine

Amendment 4—On page 6, lines 16 and 17, strike "Two" and insert: Four

Amendment 5—On page 16, strike all of lines 3 through and including line 18

(Reletter subsequent paragraphs.)

Amendment 6—On page 20, line 22, strike ", or (s)" and insert before the letter "(r)": or

Amendment 7—On page 21, line 27, strike "a" and insert: an active

Amendment 8—On page 22, strike lines 16-31 and on page 23, strike lines 1-11 and insert: (1) The department shall renew a license upon receipt of the renewal application and fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically re-

vert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 458.015.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

458.015 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 458.014 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to this suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 458.007.

Amendment 9—On page 26, line 3, after the word "hospital" insert: or clinic

Amendment 10—On page 26, line 16, after the word "months" insert: , except that for applicants with 10 or more years relevant experience in the United States Armed Services Medical Corps or who are graduates of accredited medical schools and licensed to practice medicine in a state other than Florida, the basic program shall cover a period of 3 months

Amendment 11—On page 27, strike all lines 27-30 and on page 28, strike all lines 1 and 2

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn:

Amendment 12—On page 33, strike lines 5-31 and on page 34, strike lines 1-28 and insert: (5) It shall be unlawful to terminate the pregnancy of a human being unless the pregnancy is terminated in an approved facility by a physician who certifies in writing that:

(a) To a reasonable degree of medical certainty the continuation of the pregnancy would substantially impair the life or health of the female;

(b) There is substantial risk that the continuation of the pregnancy would result in the birth of a child with a serious physical or mental defect; or

(c) There is reasonable cause to believe that the pregnancy resulted from rape or incest.

(6) WRITINGS REQUIRED.—One of the following shall be obtained by the physician prior to terminating a pregnancy:

(a) The written request of the pregnant woman and, if she is married, the written consent of her husband, unless the husband is voluntarily living apart from the wife, or

(b) If the pregnant woman is under 18 years of age and unmarried, in addition to her written request, the written consent of a parent, custodian, or legal guardian must be obtained, or

(c) Notwithstanding paragraphs (a) and (b), a physician may terminate a pregnancy provided he has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman.

(7) REPORTING PROCEDURE.—

(a) The director of any medical facility in which a pregnancy is terminated pursuant to this section shall maintain a record of such procedures. Such record shall include the date the procedure was performed, the reason for same, and the period of gestation at the time the procedure was performed. A copy of such record shall be filed with the Department of Health and Rehabilitative Services, which shall be responsible for keeping such records in a central place from which statistical data and analysis can be made.

(b) Records maintained by an approved facility pursuant to this section shall be privileged information and deemed to be a confidential record and shall not be revealed except upon the order of a court of competent jurisdiction in a civil or criminal proceeding.

(Renumber subsequent sections.)

Senator Dunn moved the following substitute amendment for Amendment 12 which was adopted:

Amendment 13—Strike all of lines 1-31 on page 33 and all of lines 1-21 on page 34 and insert: (4) Prior to terminating a pregnancy the physician shall obtain the written informed consent of the pregnant woman, or in the case of a mental incompetent, the written consent of the court-appointed guardian.

(a) If the pregnant woman is under 18 years of age and unmarried, in addition to her written request, the physician shall obtain the written informed consent of a parent, custodian, or legal guardian of such unmarried minor, or the physician may rely on an order of the Circuit Court, on petition of the pregnant unmarried minor or another person on her behalf, authorizing, for good cause shown, such termination of pregnancy without the written consent of her parent, custodian, or legal guardian. The cause may be based on a showing that the minor is sufficiently mature to give an informed consent to the procedure, or based on the fact that a parent unreasonable withheld consent by her parent, custodian, or legal guardian, or based on the minor's fear of physical or emotional abuse if her parent, custodian, or legal guardian were requested to consent, or based upon any other good cause shown. At its discretion the court may enter its order ex parte. The court shall determine the best interest of the minor and enter its order in accordance with such determination.

(b) If the woman is married, the husband shall be given notice of the proposed termination of pregnancy and an opportunity to consult with the wife concerning the procedure. The physician may rely on a written statement of the wife that such notice and opportunity has been given, or he may rely on the written consent of the husband to the proposed termination of pregnancy. If the husband and wife are separated or estranged, the provisions of this paragraph for notice or consent shall not be required. The physician may rely upon a written statement from the wife that the husband is voluntarily living apart or estranged from her.

(c) In the event a medical emergency exists and the above requirements have not been complied with, a physician may terminate a pregnancy provided he has obtained at least one corroborative medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the life of the pregnant woman.

(5) STANDARD OF MEDICAL CARE TO BE USED DURING VIABILITY.—If a termination of pregnancy is performed during viability, no person who performs or induces a termination of pregnancy shall fail to use that degree of professional skill, care, and diligence to preserve the life and health of the fetus which such person would be required to exercise in order to preserve the life and health of any fetus intended to be born and not aborted. "Viability" means that stage of fetal development when the life of the unborn child may with a reasonable degree of medical probability be continued indefinitely outside the womb. Notwithstanding the provision of this paragraph, the woman's life and health shall constitute an overriding and superior consideration to the concern for the life and health of the fetus when such concerns are in conflict.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 14—On page 35, after line 19 insert: (11) Any person who performs, or participates in the termination of a pregnancy in violation of the provisions of this section which results in the death of the woman shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Senator Dunn moved the following amendment which was adopted:

Amendment 15—On page 39, line 10, after line 9, insert the following: Section 1. Exemption of state employees from licensure.—

(1) The licensing requirements in chapters 458, 459, and 460 to the contrary notwithstanding, persons employed as physicians, osteopathic physicians, or chiropractic physicians in a state institution, except those under the control of the Department of Corrections on June 28, 1977, may be exempted from licensure in accordance with the following provisions:

(a) No more than 10 percent of such persons shall be exempted from licensure during their continued employment in a state institution. Those persons who shall be so exempted shall be selected by the Secretary of the Department of Health and Rehabilitative Services. In making his selection, the secretary shall submit his recommendations to the appropriate licensing board for a determination by the board, without written examination, of whether or not the person recommended meets the professional standards required of such person in the performance of his duties or functions. The criteria to be used by the respective board in making its determination shall include, but not be limited to, the person's professional educational background, formal speciality training, and professional experience within the 10 years immediately preceding employment by the state institution.

(b) Those persons not exempted pursuant to paragraph (a) shall not be required to obtain a license from the applicable licensing board in accordance with the provisions of chapter 458, chapter 459, or chapter 460 prior to October 1, 1980, as a prerequisite to their continued employment as a physician, osteopathic physician, or chiropractic physician in a state institution.

(2) The Department of Corrections shall employ only a physician, osteopathic physician, or chiropractic physician holding a license in good standing to practice medicine in Florida except that by October 1, 1980 no more than 10% of the total number of such physicians employed by the department may be exempted from the provisions of this subsection. Such physicians shall have been certified by the appropriate board as eligible for admission for examination in this state under chapter 458, chapter 459, or chapter 460, as applicable. The appropriate board shall not certify as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions contained in chapters 458, 459, or 460, as applicable.

(3) No person subject to the provisions of this section shall, by virtue of his continued employment in accordance with such provisions, be in violation of the unauthorized practice provisions of chapters 458, 459, or 460 during such period of employment.

(Renumber subsequent sections of bill.)

Senator Neal moved the following amendment which failed:

Amendment 16—Strike all of lines 4-30 on page 10, strike all of lines 1-3 on page 11 and insert: (a) A valid license to practice medicine issued by another state in the United States, provided that when the applicant secured the original license the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

(b) Has passed a state, regional or national licensing examination which is substantially equivalent to or more stringent than the examination given by the department.

(2) Such examinations and requirements in other states shall be presumed to be substantially equivalent to or more stringent than those in this state unless found otherwise by rule of the board. Such presumption shall not arise until January 1, 1980.

(Renumber subsequent subsections.)

Senator Gordon moved the following amendments which were adopted:

Amendment 17—On page 9, line 8, after the word "valid" insert: and who pays a fee of $100

Amendment 18—On page 9, line 16, after the period insert: Such areas shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health, Education and Welfare.

Amendment 19—On page 12, strike all of lines 8-12 and insert: of s. 458.0055 to the contrary notwithstanding; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health, Education and Welfare.

Amendment 20—On page 20, strike all of lines 26 and 27 and insert: Such evidence shall not include any medical records of patients unless pursuant to the patients' written consent. Notwithstanding the consent of the patient, such records shall be treated as confidential and shall not be transferred to any other agency. Provided that this section shall not limit the psychotherapist-patient privileges of section 90.503.

Amendment 21—On page 11, lines 10-14, strike all language and insert: Notwithstanding any contrary provisions in this chapter, the Florida Board of Medical Examiners shall grant for a fee of $100, to physicians licensed to practice in another state, limited licenses to practice in this state. Limited licenses shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in s. 458. Limited licenses shall be issued pursuant to the following conditions:

Senator McClain moved the following amendment which was adopted:

Amendment 22—On page 17, line 4, after the period insert: In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

Senator Dunn moved the following amendment which was adopted:

Amendment 23—On page 2, line 24 in title, after the semicolon (;) insert: exempting certain state employees from licensure requirement;

On motion by Senator Dunn, by two-thirds vote HB 1814 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Gordon	McClain	Stuart
Barron	Gorman	McKnight	Thomas
Carlucci	Grizzle	Myers	Tobiassen
Chamberlin	Hair	Neal	Trask
Childers, D.	Henderson	Peterson	Vogt
Childers, W. D.	Hill	Poole	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	

Nays—None

Vote after roll call:

Yea—Holloway

HB 1822—A bill to be entitled An act relating to dentistry, dental hygiene and dental laboratories; creating part I of chapter 466, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Dentistry and providing the membership and terms of the board; providing eligibility requirements for examination for licensure for dentists and dental hygienists; providing for reexamination; authorizing issuance of licenses by endorsement;

requiring licenses to be displayed; providing for license renewals; providing for inactive status; reenacting existing provisions relating to advertising by dentists; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of dentistry and dental hygiene; providing for prosecutions; providing disciplinary actions and penalties and specifying grounds therefor; prohibiting sexual misconduct; providing primary responsibility of the dentist of record; restricting the employment by dentists of unlicensed persons and providing a penalty; entitling dentists to prescribe and use certain drugs and anesthesia and to use and permit dental auxiliaries to use x-ray equipment; providing for permits for dental interns and restricting their practice; providing for permits for certain nonprofit corporations; prescribing the scope and area of practice for dental hygienists; exempting dental hygienists from certain provisions relating to radiology; restricting the delegation of duties by dentists; requiring the board to determine the authorized duties of registered dental practitioners under the supervision of dentists; authorizing the board to enter into reciprocity agreements; creating part II of chapter 466, Florida Statutes, providing definition of dental laboratory; providing for registration of dental laboratories; providing for change of address; providing for the issuance of a registratoin certificate; prohibiting certain advertising; providing for periodic inspection; providing for suspension and revocation of certificates; specifying violations; providing for the effect of the act on existing licenses and proceedings; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 466, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 7, line 6, after the word "Florida" insert: and who are not connected in any way with any medical college, dental college, or community college

Amendment 2—On page 7, line 8, after the word "Florida" insert: and who is not connected in any way with any medical college, dental college, or community college

Amendment 3—On page 13, strike all lines 1 through and including line 23 and insert: (1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 466.014.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 466.014 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 466.013 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 466.017.

Amendment 4—On page 28, line 14, after "sulcus;" insert: perform root planning and curettage;

Amendment 5—On page 29, strike everything after the period on line 28 and strike all of lines 29 and 30

Amendment 6—On page 35, line 3, strike "21G-9"

Senator Dunn moved the following amendments which were adopted:

Amendment 7—On page 12, between lines 15 and 16, insert: Section 466.010—CONTINUING EDUCATION—

(1) In addition to the other requirements for relicensure for dental hygienists set out in this act the board shall require each licensed dental hygienist to complete not less than 24 hours or more than 36 hours of continuing professional education in dental subjects biennially, in programs prescribed or approved by the board or in equivalent programs of continuing education. Programs of continuing education approved by the board shall be programs of learning which, in the opinion of the board, contribute directly to the dental education of the dental hygienist. The board shall adopt rules and guidelines to administer and enforce the provisions of this subsection. Proof of completion of the required number of hours of continuing education shall be submitted to the board biennially by each dental hygienist, with his renewal certificate fee, on forms provided by the board. Compliance with the continuing education requirements shall be mandatory for issuance of the renewal certificate. The board shall have the authority to excuse licensees, as a group or as individuals, from the continuing educational requirements, or any part thereof, in the event an unusual circumstance, emergency, or hardship has prevented compliance with this subsection.

Amendment 8—On page 27, line 22, strike "board" and insert: department

Amendment 9—After "(3)" on line 29, page 30, strike: All of line 29 through and including line 31 on page 30 and strike:

All of line 1 through and including "other" on line 4, page 31

and insert: All

Amendment 10—On page 32, line 1, strike "466.035,"

Amendment 11—On page 33, line 19, strike "examintion" and insert: examination

Amendment 12—On page 33, strike all of line 23 through and including line 29

Amendment 13—On page 34, lines 9-10, strike "after notice and hearing for failure" and insert: for failing

Amendment 14—On page 2, line 29, after "466.009," insert: 466.010,

Amendment 15—On page 18, lines 19 and 20, strike all of said lines and insert: (b) Is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association or its successor agency, if any, or any other nationally recognized accrediting agency.

Amendment 16—On page 14, line 11, strike the period following the word "associated" and insert: and may contain the name of the dental hygienists associated with said dentists.

Senator Henderson moved the following amendment which failed:

Amendment 17—On page 29, line 6-10, strike everything on line 6 after the word patient. and all of lines 7, 8, 9, & 10

The vote was:

Yeas—14

Chamberlin	Henderson	McKnight	Steinberg
Childers, D.	Hill	Neal	Vogt
Gordon	Holloway	Scarborough	
Grizzle	Johnston	Spicola	

Nays—23

Mr. President	Frank	Myers	Tobiassen
Anderson	Hair	Poole	Trask
Barron	Jenne	Scott	Ware
Carlucci	MacKay	Skinner	Williamson
Childers, W. D.	Maxwell	Stuart	Winn
Dunn	McClain	Thomas	

Vote after roll call:

Yea to Nay—Spicola

Senator Henderson moved the following amendment which was adopted:

Amendment 18—On page 30, line 23, insert:

(l) Applying pit and fissure sealants.

(m) Placing amalgam restorations, not including the cutting of any tooth or tissue.

(n) Carving amalgam restorations.

(o) Placing and finishing composite, resin or silicate cement restorations, not including the cutting of any tooth or tissue.

The vote was:

Yeas—24

Mr. President	Gorman	McClain	Skinner
Chamberlin	Grizzle	McKnight	Steinberg
Childers, D.	Hair	Myers	Stuart
Childers, W. D.	Henderson	Neal	Thomas
Dunn	Hill	Scarborough	Tobiassen
Gordon	Johnston	Scott	Vogt

Nays—10

Anderson	Fechtel	MacKay	Winn
Barron	Frank	Ware	
Carlucci	Jenne	Williamson	

Vote after roll call:

Nay—Spicola

Senator Henderson moved the following amendment which was adopted:

Amendment 19—On pages 30 and 31, lines 31 and 1, strike "or dental auxiliaries"

Senator Dunn moved the following amendments which were adopted:

Amendment 20—On page 1, in title, lines 11-12, strike "authorizing issuance of licenses by endorsement;"

Amendment 21—On page 2, line 14, strike "prohibiting certain advertising;"

Amendment 22—On page 1, line 10, after "dental hygienists;" insert: providing for continuing education for dental hygienists;

On motion by Senator Dunn, the Senate reconsidered the vote by which Amendment 9 was adopted. By permission, Senator Dunn withdrew Amendment 9.

On motion by Senator Dunn, by two-thirds vote HB 1822 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Poole	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Fechtel	MacKay	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Holloway

HB 1832—A bill to be entitled An act relating to chiropractic; creating chapter 460, Florida Statutes, substantially revising provisions relating to chiropractic physicians; providing intent and definitions; providing exceptions to the chapter; creating a Board of Chiropractic and providing for its membership and terms; providing for applications for examination and licensure of chiropractic physicians; providing qualifications for examinations; providing for license renewal; providing for the placement of licenses on inactive status and for the reactivation thereof; authorizing the board to take specified disciplinary actions against licensees and applicants; providing grounds therefor; prohibiting sexual misconduct in the practice of chiropractic; authorizing the board to adopt rules; specifying certain unlawful acts with respect to chiropractic physicians and the practice of chiropractic and providing penalties therefor; providing for the effect of the act upon presently licensed chiropractic physicians and upon existing proceedings; providing for repeal and legislative review of the act; repealing the existing chapter 460, Florida Statutes, relating to chiropractic; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 2, line 3, strike "460.006,"

Amendment 2—Strike: All of line 16 through and including line 30 on page 7 and strike: All of line 1 through and including line 7 on page 8 and insert: (1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $150.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 460.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 460.008 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 11 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the licensee automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 460.009.

Amendment 3—On page 15, line 2, after "without", strike: a and insert: an active

Senator Dunn moved the following amendments which were adopted:

Amendment 4—On page 7, after line 30 insert: 460.0071 Continuing Chiropractic Education.—

(1) No license renewal shall be issued by the department until the licensee submits proof satisfactory to the board that during the two years prior to his application for renewal he has participated in not more than 15 hours per year of continuing chiropractic education, as determined by the board, in courses approved by the board.

(2) The board shall approve only those courses that build upon the basic courses required for the practice of chiropractic.

(3) The board may make exception from the requirements of this section in emergency or hardship cases.

(4) The board may adopt rules within the requirements of this section that are necessary for its implementation.

Amendment 5—On page 1, line 12, after "renewal;" insert: providing for continuing education;

On motion by Senator Dunn, by two-thirds vote HB 1832 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Neal	Tobiassen
Anderson	Grizzle	Poole	Trask
Barron	Hair	Scarborough	Vogt
Chamberlin	Holloway	Scott	Ware
Childers, D.	Jenne	Skinner	Williamson
Childers. W. D.	Johnston	Spicola	Winn
Dunn	Maxwell	Steinberg	
Frank	McClain	Stuart	
Gordon	McKnight	Thomas	

Nays—None

Votes after roll call:

Yea—Carlucci, Myers

HB 1824—A bill to be entitled An act relating to optometrists; creating chapter 463, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Optometry and providing the membership and terms of the board; providing eligibility requirements for examination; providing requirements with respect to licenses; providing procedures for the renewal of licenses; providing for inactive status and license cancellation; providing disciplinary actions and penalties and specifying grounds therefor; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of optometry; providing for optometric services to public agencies; providing for keeping of prescriptions; providing for making copies available upon request; providing for supportive personnel; providing for prosecution of criminal violations; providing for reciprocity; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 463, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 1—Strike lines 14-31 on page 5 and strike lines 1-11 on page 6 and insert: (1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 463.007.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 463.007 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 463.006 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 463.008.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn:

Amendment 2—On page 9, line 29, strike "lease basis,"

Senator Thomas moved the following substitute amendment for Amendment 2 which failed:

Amendment 3—On page 9, line 31, after the period insert: Provided however that nothing herein shall prohibit the Practitioner from leasing space in a shopping center as a separate entity.

Amendment 2 was adopted.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 4—On page 10, between lines 5 and 6 insert a new (d) to read: (d) No rule of the board shall forbid the practice of optometry in or on the premises of a commercial or mercantile establishment.

Amendment 5—On page 10, strike all of lines 20 and 21 and insert: (a) Practice optometry unless the person holds an active license pursuant to this act.

Senator Dunn moved the following amendment which was adopted:

Amendment 6—On page 5, after line 28, insert: (5) Periodic demonstration of competency.—

(a) Unless otherwise provided by law, the board may require licensees to periodically demonstrate their professional competence, as a condition of renewal of a license, by completing up to 30 hours of continuing education every 2 years.

(b) Criteria or course content of continuing education shall be approved by the board and shall be regularly reviewed by the board to assure that the programs adequately and reliably contribute to the professional competence of the licensee.

(c) The board shall adopt rules to implement the provisions of this act.

Senator Scarborough moved the following amendment which was adopted:

Amendment 7—On page 12, line 3, strike "n" and insert: "in"

On motion by Senator Dunn, by two-thirds vote HB 1824 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Neal	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

Votes after roll call:

Yea—Hair, Myers

HB 1825—A bill to be entitled An act relating to opticians; creating chapter 484, Florida Statutes; providing legislative findings and definitions; providing exceptions; creating a Board of Opticianry and Contact Lens Fitting and providing for membership, appointment, and terms; providing for licensure of persons desiring to practice opticianry; providing eligibility requirements for examination for such licensure; providing for licensure by endorsement; providing for license renewal; providing for inactive status; providing for referral of certain customers to a physician or optometrist; specifying grounds for disciplinary action with respect to the practices of opticianry; providing penalties; providing authority to inspect certain establishments; providing rulemaking authority and prohibiting certain rules; providing violations and penalties; providing requirements regarding filing and duplicating of prescriptions; providing for supportive personnel; providing for reports of violations to prosecuting authorities; providing for reciprocity agreements; providing for effect of chapter on certain rules; providing for effect of chapter on certain licensed persons and certain proceedings; providing for repeal and legislative review; repealing chapter 484, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn:

Amendment 1—On pages 2-14, beginning on line 3 on page 2, strike everything after the enacting clause and insert: Section 1. Chapter 484, Florida Statutes, consisting of sections 484.001, 484.002, 484.0025, 484.003, 484.004, 484.007, 484.008, 484.011, 484.012, 484.013, 484.014, 484.015, 484.016, 484.017, 484.018, and 484.019, is created to read:

CHAPTER 484

OPTICIANS

484.001 Purpose; legislative findings; intent.—

(1) The Legislature finds that the practice of opticianry by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about opticians and that the consequences of a wrong choice could seriously endanger their health and safety. The only way to protect the public from the incompetent practice of opticianry is through the establishment of minimum qualifications for entry into the profession and through swift and effective discipline for those practitioners who violate the law.

(2) The sole purpose of enacting this chapter is for the protection of the public health and safety.

488.002 Definitions.—As used in this chapter:

(1) "Department" means the Department of Professional Regulation.

(2) "Board" means the Board of Opticianry.

(3) "Opticianry" means the preparation, fitting, measuring, and dispensing of lenses, spectacles, eyeglasses and other optical devices requiring optical measurement, to the intended user or agent thereof, upon the written prescription of a medical doctor or optometrist who is duly licensed to practice, or upon presentation of a duplicate prescription. The selection of frame designs, the actual sales transaction and the transfer of physical possession of lenses, spectacles, eyeglasses, and other optical devices subsequent to performance of all services of the optician, shall not be considered the practice of opticianry; however, such physical possession shall not be transferred until the optician has completed the fitting of the optical device upon the customer. The practice of opticianry also includes duplication of lenses accurately as to power, without prescription.

(4) "Optician" means any person licensed to practice opticianry pursuant to this chapter.

(5) "Direct supervision" means supervision where the licensee remains on the premises while all work is being done and gives final approval to any work performed by an employee.

(6) "Licensed physician" means a medical doctor licensed under chapter 458 or 459.

484.0025 Exceptions.—

(1) Nothing in this chapter shall be construed to prevent a person licensed in this state as a physician or an optometrist from performing those services he is licensed to perform.

(2) Nothing in this chapter shall be construed to mean that an employee of a licensed physician or a licensed optometrist shall be required to secure a license under this chapter, so long as the employee is working exclusively for and under the direct supervision of the licensed physician or optometrist and does not hold himself out to the public generally as an optician.

484.003 Board of Opticianry; membership; appointment; terms.—

(1) The Board of Opticianry is created within the Department of Professional Regulation and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed opticians. The remaining two members shall be residents of the state who never have been licensed as opticians and who are in no way connected with the practice of opticianry.

(3) Within 60 days after June 30, 1979, the Governor shall appoint two members for terms of 2 years each, two members for terms of 3 years each, and three members for terms of 4 years each. Thereafter, members shall be appointed for terms of 4 years. The members of the board serving on the effective date of this chapter shall continue in office until their successors are appointed.

(4) The board shall maintain its official headquarters in the City of Tallahassee.

484.004 Licensure.—

(1) Any person desiring to practice opticianry shall apply to the department, upon forms prescribed by it, to take a licensure examination. The department shall examine such applicant whom the board certifies:

(a) Has completed the application form and remitted an examination fee set by the board, not to exceed $250.

(b) Is not less than 18 years of age.

(c) Is of good moral character.

(d) Is a graduate of an accredited high school or possesses a certificate of equivalency of a high school education.

(e) Satisfactorily completed a 2-school-year course of study of not less than 1,000 hours per year in a recognized school of opticianry, or is a licensed optician, actively practicing in

another state, for more than 3 years immediately preceding application and meeting the examination qualifications as provided in this subsection, or has registered as an apprentice with the department and paid an annual registration fee not to exceed $20, as set by rule of the board. Such apprenticeship shall be for not less than 3 years of a continuous nature of a 40 hour work week under the supervision of a licensed optician, a licensed physician, or a licensed optometrist. However, any time spent in a recognized school may be considered as part of the apprenticeship program provided herein.

(2) The department may permit an applicant who has satisfied all requirements of subsection(1) to take the examination and shall issue a license to practice opticianry to any candidate who successfully completes the examination.

484.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for the reactivation in section 484.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

484.008 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 484.007 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension, the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 484.011.

484.011 Disciplinary actions.—

(1) The following acts relating to the practice of opticianry shall be grounds for disciplinary action as set forth in this section:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct in the authorized practice of opticianry.

(g) A violation or repeated violations of this chapter or of chapter 455 or any rules promulgated pursuant thereto.

(h) Practicing with a revoked, suspended, or inactive license.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

(j) Violation of any provision of s. 484.016.

(k) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate or preclude another licensee from lawfully advertising his services.

(l) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(m) Failing to keep written prescription files.

(n) Willfully failing to report any person whom the licensee knows is in violation of this chapter or of rules of the department or the board.

(o) Exercising influence on the client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(p) Gross or repeated malpractice.

(q) Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(r) Having been convicted or found guilty, regardless of adjudication, in the courts of this state or other jurisdiction, of a crime which relates to the ability to practice opticianry or to the practice of opticianry.

(s) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(t) Being unable to practice opticianry with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physicial condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of opticianry with reasonable skill and safety to his customers.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Issuance of reprimand.

(e) Placing the optician on probation for a period of time and subject to such conditions as the board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.

(3) The board shall not reinstate the license of an optician it has deemed unqualified, until such time as it is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of opticianry.

484.012 Authority to inspect.—Duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours any establishment in the state in which lenses, spectacles, eyeglasses and any other optical devices are prepared and dispensed, for the purposes of:

(1) Determining if any provision of this chapter, or any rule promulgated under its authority, is being violated.

(2) Securing samples or specimens of any lenses, spectacles, eyeglasses or other optical devices, after paying or offering to pay for such sample or specimen.

(3) Securing such other evidence as may be needed for prosecution under this chapter.

484.013 Authority to make rules.—The board is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon it by this chapter and as may be necessary to protect the health and safety of the public. Such rules shall include, but not be limited to, rules relating to:

(1) A standard of practice for opticians licensed pursuant to this chapter.

(2) Minimum equipment which shall be utilized to prepare, fit, measure and dispense lenses, spectacles, eyeglasses and other optical devices allowed under the practice of opticianry.

(3) Procedures for transfer of prescription files upon the going out of business of an optician, corporation or other person.

484.014 Certain rules prohibited.—

(1) No rule or policy of the board shall prohibit any optician from offering a discount in any form or manner in conjunction with the practice of opticianry or from advertising, either directly or indirectly by any means whatsoever, any definite or indefinite price or credit terms on prescriptive or corrective lenses, frames, complete prescriptive or corrective glasses, or other opticianry service.

(2) No rule or policy of the board shall prohibit any optician from practicing jointly with optometrists or medical doctors licensed in this state.

(3) No rule or policy of the board shall prohibit the sale of spectacles for reading purposes, toy glasses, goggles or sunglasses consisting of plano white, plano colored or plano tinted glasses, or readymade nonprescription glasses, nor shall anything in this chapter be construed to affect in any way the manufacturing and sale of plastic or glass artificial eyes or any person engaged in the manufacturing or sale of plastic or glass artificial eyes.

(4) No rule or policy of the board shall prohibit any optician licensed under this chapter from engaging in the practice of opticianry with or in the employ of any partnership, corporation, lay body, organization, group or individual.

(5) No rule or policy of the board shall prohibit the location of offices or branch offices by an optician.

(6) No rule or policy of the board shall prohibit the practice of opticianry under a trade name or service mark.

484.015 Violations and penalties.—

(1) It is unlawful for any person:

(a) To make a false or fradulent statement, either for himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) To prepare or dispense lenses, spectacles, eyeglasses or other optical devices when such person is not licensed as an optician in this state.

(c) To prepare or dispense lenses, spectacles, eyeglasses or other optical devices, without first being furnished with a prescription as provided in s. 484.016.

(2) It is unlawful for any person other than an optician licensed under this chapter to use the title "optician" or otherwise lead the public to believe that he is engaged in the practice of opticianry.

(3) It is unlawful for any optician to engage in the diagnosis of the human eyes, or to attempt to determine the refractive powers of the human eyes, or, in any manner, attempt to prescribe for or treat diseases or ailments of human beings.

(4) Any person who violates a provision of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

484.016 Prescriptions; filing; duplication of prescriptions; duplication of lenses.—

(1) Any prescription written by a duly licensed medical doctor or optometrist for any lenses, spectacles, eyeglasses, or other optical devices shall be kept on file, for a period of 2 years, with the licensed optician who fills such prescription.

(2) Upon request by the intended user of the prescribed lenses, spectacles, eyeglasses, or other optical devices, or by an agent of the intended user, the optician who fills the original prescription shall duplicate, on a form prescribed by rule of the board, the orginal prescription. However, for medical reasons only, the prescribing medical doctor or optometrist may, upon the original prescription, prohibit its duplication. Any duplication shall be considered a valid prescription to be filled for a period of five years from the date of the original prescription.

(3) Nothing in this chapter shall be construed to prohibit a licensed optician from accurately duplicating lenses as to power without a prescription.

484.017 Supportive personnel.—No person other than a licensed optician may engage in the practice of opticianry except that a licensed optician may delegate to nonlicensed supportive personnel those duties, tasks, and functions which do not fall within the purview of s. 484.002(3). All such delegated acts shall be performed under the direct supervision of a licensed optician who shall be responsible for all such acts performed by persons under his supervision.

484.018 Prosecution of criminal violations.—The board shall report any criminal violation of this act to the proper prosecuting authority for prompt prosecution.

484.019 Reciprocity.—In order to ensure that opticians licensed in Florida may be licensed in other states, the board may enter into reciprocity agreements with other states.

Section 2. All licenses valid on the effective date of this act shall remain in full force and effect. Henceforth all such licenses shall be renewed pursuant to this act.

Section 3. The rules found in chapters 21P-1, 21P-2, 21P-3, 21P-4, 21P-5, 21P-6, and 21P-7, Florida Administrative Code, are found and declared to be inconsistent with this act and without legislative authorization and are hereby repealed.

Section 4. No judicial or administrative proceeding pending on the effective date of this act shall be abated as a result of the repeal and reenactment of chapter 484.

Section 5. Legislative review.—Chapter 484 shall stand repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 6. Sections 484.01, 484.02, 484.04, 484.05, 484.07, 484.09, and 484.11, Florida Statutes, section 484.03, Florida Statutes, as amended by chapters 77-121 and 77-198, Laws of Florida, section 484.06, Florida Statutes, as amended by chapter 76-5, Laws of Florida, section 484.08, Florida Statutes, as amended by chapter 77-143, Laws of Florida, section 484.10, Florida Statutes, as amended by chapter 78-95, Laws of Florida, and section 484.105, Florida Statutes, created as section 484.12 by chapter 76-5, Laws of Florida, are hereby repealed.

Section 7. This act shall take effect July 1, 1979, but if it becomes a law after that date, it shall operate retroactively to July 1, 1979.

Senator Dunn moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 2, line 9, strike "requiring optical measurement,"

Amendment 1B—On page 2, lines 7 and 8, strike ", fitting, measuring,"

Amendment 1 as amended was adopted.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 2—On page 1, strike all of lines 2 through and including line 30 and insert a new title to read: An act relating to opticians; creating chapter 484, Florida Statutes; providing legislative findings and definitions; providing exceptions; creating a Board of Opticianry and providing for membership, appointment, and terms; providing for licensure of persons desiring to practice opticianry; providing eligibility requirements for

examination for such licensure; providing for license renewal; providing for referral of certain customers to a physician or optometrist; specifying grounds for disciplinary action with respect to the practice of opticianry; providing penalties; providing authority to inspect certain establishments; providing rulemaking authority and prohibiting certain rules; providing violations and penalties; providing requirements regarding filling and duplicating of prescriptions; providing for supportive personnel; providing for reports of violations to prosecuting authorities; providing for reciprocity agreements; providing for effect of chapter on certain rules; providing for effect of chapter on certain licensed persons and certain proceedings, providing for repeal and legislative review; repealing chapter 484, Florida Statutes; providing a retroactive effective date.

On motion by Senator Dunn, by two-thirds vote HB 1825 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Neal	Thomas
Carlucci	Henderson	Peterson	Tobiassen
Chamberlin	Hill	Poole	Trask
Childers, W. D.	Holloway	Scarborough	Vogt
Dunn	Jenne	Scott	Ware
Fechtel	Johnston	Skinner	Williamson
Frank	MacKay	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Myers

HB 1830—A bill to be entitled An act relating to funeral directing and embalming; creating chapter 470, Florida Statutes, providing intent and definitions; providing for a Board of Funeral Directors and Embalmers and providing for the membership and terms of board members and for the location of the board; providing for rules; providing for the licensure of embalmers and funeral directors and for the registration of embalmer interns and direct disposers; providing qualifications therefor; permitting persons to be licensed as both embalmers and funeral directors; providing for the renewal of licenses and registrations; providing for inactive status of license; providing disciplinary actions against embalmers, funeral directors and direct disposers and specifying grounds therefor; prohibiting the unauthorized practice of direct disposition and providing a penalty therefor; providing for the licensure of funeral establishments and cinerator facilities; prohibiting and providing penalties for specified acts; requiring certain disclosures; authorizing reciprocity agreements; providing for criminal prosecutions; providing for monthly reports; providing an exemption; regulating solicitation and preneed sales; providing for registration of agents; repealing certain rules; providing for repeal and legislative review; repealing the existing chapter 470, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—Strike: lines 26-31 on page 12, lines 1-9 on page 13, lines 10-19 on page 14 and insert: on page 12, line 26 and on page 14, line 10

(1) The department shall renew a license upon receipt of the renewal application and fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 470.014.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Amendment 2—On page 13, lines 10-16, strike all of lines 10 through and including line 16 and insert: 470.014 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 470.013 or s. 470.016 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in sections 470.025 and 470.017.

Amendment 3—On page 20, line 6, strike all of line 6 and insert: disposition unless the person holds an active license or registration under

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn:

Amendment 4—On page 30, strike all of lines 24 through and including line 31

(Renumber subsequent subsections.)

Senator Dunn moved the following substitute amendment for Amendment 4 which was adopted:

Amendment 5—On page 30, lines 28 and 29, strike "totally prohibit" and insert: otherwise regulate

On motion by Senator Dunn, by two-thirds vote HB 1830 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	MacKay	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Fechtel	Johnston	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Myers

HB 1297—A bill to be entitled An act relating to campaigns; adding subsection (7) to s. 99.012, Florida Statutes, exempting certain persons from the requirement to resign in order to seek candidate qualification; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 1297 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, W. D.	Hair	MacKay
Anderson	Dunn	Henderson	McKnight
Barron	Fechtel	Hill	Myers
Carlucci	Gordon	Holloway	Neal
Chamberlin	Gorman	Jenne	Peterson
Childers, D.	Grizzle	Johnston	Poole

Scott	Steinberg	Tobiassen	Ware
Skinner	Stuart	Trask	Williamson
Spicola	Thomas	Vogt	Winn

Nays—2

Frank	McClain

HB 675—A bill to be entitled An act relating to common carriers; amending and renumbering ss. 352.22, 352.23, and 352.24, Florida Statutes, revising the classes of persons to whom free or reduced transportation may be granted, to include sheriffs on official duty, public officers and employees traveling to promote economic development or tourism, and certain business persons connected with such promotion; deleting specific references to railroads; providing for reports of free or reduced transportation by common carriers; revising penalties to conform; directing that changes in terminology be made; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 675 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	Myers	Thomas
Anderson	Henderson	Neal	Tobiassen
Barron	Hill	Peterson	Trask
Carlucci	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gordon	McClain	Steinberg	
Gorman	McKnight	Stuart	

Nays—1

Chamberlin

HB 1424—A bill to be entitled An act relating to insurance; amending s. 627.311(3), Florida Statutes, 1978 Supplement; authorizing the Department of Insurance to review the automobile liability insurance joint underwriting plan and to approve or disapprove the plan or any part thereof at any time; providing that disapproval is subject to the provisions of chapter 120; providing that the plan shall operate subject to the supervision and approval of a board of governors; providing for the appointment of all of the board, including the chairman by the Insurance Commissioner; providing that four of the board shall be chosen from the insurance industry and two from insurance agents' associations; providing for terms and granting the Insurance Commissioner authority to remove and replace any board member appointed thereby; providing an effective date.

—was read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert:

Section 1. Subsection (3) of section 627.311, Florida Statutes, 1978 Supplement, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(Substantial rewording of subsection. See s. 627.311(3), F.S., 1978 Supp., for present text.)

(3) The department may, after consultation with insurers licensed to write automobile insurance in this state approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan shall be subject to continuous review by the department which may at any time disapprove the entire plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the department shall be subject to the provisions of chapter 120. If adopted the Plan:

(a) Shall be subject to all provisions of s. 627.351(1), except apportionment of applicants;

(b) May provide for one or more designated insurers, able and willing to provide policy and claims service, to act on behalf of all other insurers to provide insurance for applicants who are in good faith entitled to, but unable to, procure insurance through the voluntary insurance market at standard rates;

(c) Shall provide that designated insurers shall issue policies of insurance and provide policyholder and claim service on behalf of all insurers for the joint underwriting association;

(d) Shall provide for the equitable apportionment among insurers of losses and expenses incurred; and

(e) Shall provide that the joint underwriting association shall operate subject to the supervision and approval of a board of governors consisting of nine individuals including one who shall be elected as chairman.

1. Four members of the board shall be appointed by the Insurance Commissioner. Two of the commissioner's appointees shall be chosen from the insurance industry.

2. Any board member appointed by the Insurance Commissioner may be removed and replaced by him at any time without cause.

3. Five members of the board shall be appointed by the participating insurers, two of whom shall be from the insurance agents' associations.

4. All board members, including the chairman, shall be appointed to serve for 2-year terms beginning annually on a date designated by the plan.

Section 2. The 1982 repeal of section 627.311, Florida Statutes, by chapter 76-168, Laws of Florida, as amended, shall not be affected by the amendment of that section by this act.

Section 3. This act shall take effect July 1, 1979.

Section 1. Section 629.401, Florida Statutes, is created to read:

629.401 Florida insurance exchange.—

(1) There shall be created a Florida Insurance Exchange, subject to such rules as may be promulgated by the commissioner. The purposes of the exchange are:

(a) To provide a facility for the underwriting of:

1. Reinsurance of all kinds of insurance.

2. Direct insurance of all kinds on risks located entirely outside the United States.

3. Risks which shall be certified according to s. 626.920(1)(b) as being eligible for export according to s. 626.916(1)(a).

(b) To manage the facility authorized by this section, in accordance with rules promulgated by the commissioner.

(2) The operation of this subsection shall become effective only after a determination by the Insurance Commissioner and Treasurer that the exchange created by this section may operate in an economic and beneficial manner. A committee shall be appointed to write the constitution and bylaws of the Florida insurance exchange and to make such other recommendations as may be necessary to assure maximum coordination of the operations of the exchange with existing insurance industry operations, and to assure maximum economic benefits to the state from the operations of the exchange. The committee shall consist of thirteen members, six to be appointed by the Insurance Commissioner and Treasurer, two each to be appointed by the Speaker of the House of Representatives and the President of the Senate, one each to be appointed by the minority leader of the House of Representatives and the minority leader of the Senate, and one to be the Insurance Commissioner and Treasurer or his designated representative. The chairman shall be elected by a majority of the committee. The committee shall transmit such proposed constitution and bylaws and such other recommendations to the Insurance Commissioner and Treasurer no later than 30 days prior to the commencement of a regular annual legislative session, and the Insurance Commissioner and Treasurer shall submit his recommendations to the Legislature

no later than the first day of the regular annual legislative session. Subject to the disapproval of the constitution and bylaws by either house of the Legislature by resolution before the end of the regular annual legislative session, the exchange shall have full authority to function pursuant to its constitution and bylaws 60 days after the end of the session. The initial board of governors of the exchange shall consist of seven members, three appointed by the Insurance Commissioner and Treasurer, two by the Speaker of the House of Representatives and two by the President of the Senate, to serve until the first election pursuant to the constitution or bylaws.

(3) The constitution and bylaws of the exchange shall provide for, but not be limited to:

(a) The election of no less than six nor more than thirteen governors, at least one-third of whom shall not be members of the exchange and who shall be public representatives.

(b) The location of the principal offices of the exchange and the principal offices of its members to be within this state for the purpose of the transaction of the type of business described in subsection (1). A principal office shall be one where officers and qualified personnel who are engaged in the administration, underwriting, claims, policyholders' service, marketing, accounting, record keeping and all supportive services shall be located.

(c) The submission by members and all applicants for membership on the exchange of such financial information as may be required by the commissioner.

(d) The establishment by the exchange of a security fund in such form and amount as approved by the commissioner.

(e) The voting power of members who are underwriting syndicates.

(f) The voting power and other rights granted under the provisions of the not-for-profit corporation law, chapter 617, to participate in the conduct and management of the affairs of the exchange, by brokers, agents and intermediaries transacting business on the exchange, each of whom shall be considered "members" only under the provisions of such law.

(g) The rights and duties of exchange members, which may include but shall not be limited to the manner and form of conducting business, financial stability, dues, membership fees, mandatory arbitration, and all other matters necessary or appropriate to conduct any business permitted herein.

Any amendments to the constitution and bylaws shall be subject to the approval of the commissioner.

(4) The Florida insurance exchange formed under the provisions of this section shall not be subject to any state or local taxes or fees measured by income, premiums or gross receipts, except that for purposes of taxation under s. 624.509 direct premiums written, procured or received by a member or members through the exchange on risks located in Florida shall be construed to be written, procured or received by the exchange and the premium tax due on said premium shall be reported and paid by the exchange.

(5) The exchange shall reimburse the commissioner for any expenses incurred by him relating to the regulation of the exchange and its members.

(6) The insurance law and rules promulgated thereunder shall apply to the exchange, its members, and the insurance or reinsurance written through the exchange, except as may be exempted by the commissioner pursuant to rule; however, no such exemption shall be unfairly discriminatory or detrimental to the solvency of licensed insurers, no such exemption shall have the effect of allowing the exchange to participate in a practice contrary to the public welfare, no such exemption or application of the insurance law shall inhibit the viability, effectiveness or efficiency of the exchange, and no such exemption shall operate contrary to the purposes of the exchange set out in subsection (1). The commissioner may establish limitations on investments in members of the exchange. The investment in any member by brokers, agents and intermediaries transacting business on the exchange, and the investment in any such broker, agent or intermediary by any member, directly or indirectly, all as defined by rule, shall in each case be limited in the aggregate to less than 20 percent, or such lesser amount as determined by the commissioner, of the total investment in such member, broker, agent or intermediary, as the case may be.

(7) The performance of the contractual obligations of the exchange or its members entered into pursuant to subsection (1) shall not be covered by any of the Florida state security or guaranty funds.

Section 2. If chapter 629, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended, it is the intent of the Legislature that this act shall also be repealed on the same date as is therein provided.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—On page 1, line 2, strike everything after the word "insurance;" and insert: amending s. 627.311(3), Florida Statutes, 1978 Supplement; authorizing the Department of Insurance to review the automobile joint underwriting plan and to disapprove the plan or part thereof at any time; providing that the procedure for disapproval is subject to chapter 120, Florida Statutes; providing an exception; requiring the joint underwriting association to operate subject to the supervision and approval of a board of governors and election of a chairman thereof; providing for the annual appointment of a nine member board of governors; providing for the appointment of the board members; authorizing participating insurers to appoint the remainder of the board; providing an effective date.

On motion by Senator MacKay, by two-thirds vote HB 1424 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Carlucci	Henderson	Myers	Thomas
Chamberlin	Hill	Neal	Tobiassen
Childers, D.	Holloway	Peterson	Trask
Dunn	Jenne	Poole	Vogt
Fechtel	Johnston	Scarborough	Ware
Frank	MacKay	Skinner	Williamson
Gordon	Maxwell	Spicola	Winn

Nays—None

SB 1249—A bill to be entitled An act relating to maximum vehicle weights; amending s. 316.535(4), Florida Statutes, renumbering and amending subsection (5) of said section, and adding new subsections (5) and (6) to said section; prescribing maximum gross weights for vehicles traveling on interstate highways; prescribing maximum gross weights for vehicles traveling on other highways; requiring the Department of Transportation to adopt rules; requiring the Department of Highway Safety and Motor Vehicles to enforce the law and such rules; requiring the Department of Highway Safety and Motor Vehicles to publish and distribute certain information; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Skinner and adopted:

Amendment 1—On page 2, strike all of line 8 through and including line 11 and insert: under consideration. ~~However,~~ Such overall gross weight of any

Senator Henderson moved the following amendment:

Amendment 2—On page 3, between lines 9 and 10, insert: Section 2. Section 316.0746, Florida Statutes, is created to read:

316.0746 Sale or purchase of traffic control devices; prohibitions.—

(1) It is unlawful for any person to use any traffic control device at any place where the general public is invited, unless such device conforms to the uniform system of traffic control devices adopted by the Department of Transportation pursuant to this chapter.

(2) Any nonconforming traffic control device in use prior to January 1, 1980, may be used for the remainder of its use-

ful life, after which any replacement device shall conform to the uniform system of traffic control devices adopted by the Department of Transportation.

Senator Henderson moved the following amendment to Amendment 2 which failed:

Amendment 2A—On page 1, lines 3-10, strike all of line 3 through and including line 10 and insert: 316.0746. Sale or purchase of traffic control devices by non-governmental entities; prohibitions.—

(1) It is unlawful for any non-governmental entity to use any traffic control device at any place where the general public is invited, unless such device conforms to the uniform system of traffic control devices adopted by the Department of Transportation pursuant to this Chapter.

(2) Any nonconforming traffic control device in use by a non-governmental entity.

Amendment 2 failed.

Senator Skinner moved that the rules be waived and SB 1249 as amended be read the third time by title. The motion failed. The vote was:

Yeas—22

Mr. President	Fechtel	Neal	Tobiassen
Anderson	Gorman	Peterson	Trask
Barron	Hair	Scarborough	Ware
Carlucci	Henderson	Scott	Williamson
Childers, W. D.	MacKay	Skinner	
Dunn	McClain	Stuart	

Nays—15

Chamberlin	Hill	McKnight	Steinberg
Childers, D.	Holloway	Myers	Vogt
Frank	Jenne	Poole	Winn
Grizzle	Johnston	Spicola	

Senator Vogt moved that the Senate reconsider the vote by which SB 1249 failed to be read the third time by title. The Senate reconsidered. The vote was:

Yeas—29

Mr. President	Gorman	McClain	Tobiassen
Anderson	Grizzle	Neal	Trask
Barron	Hair	Peterson	Vogt
Carlucci	Henderson	Poole	Ware
Childers, W. D.	Hill	Scarborough	Williamson
Dunn	Holloway	Scott	
Fechtel	MacKay	Skinner	
Gordon	Maxwell	Stuart	

Nays—8

Chamberlin	Frank	Johnston	Steinberg
Childers, D.	Jenne	McKnight	Winn

On motion by Senator Barron, by two-thirds vote SB 1249 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

Mr. President	Fechtel	Neal	Tobiassen
Anderson	Gorman	Peterson	Trask
Barron	Hair	Scarborough	Vogt
Carlucci	Henderson	Scott	Ware
Childers, W. D.	MacKay	Skinner	Williamson
Dunn	Maxwell	Stuart	

Nays—15

Chamberlin	Grizzle	McClain	Spicola
Childers, D.	Hill	McKnight	Steinberg
Frank	Jenne	Myers	Winn
Gordon	Johnston	Poole	

Vote after roll call:

Nay—Holloway

HB 684—A bill to be entitled An act relating to governmental reorganization; establishing by law the Florida Medical Entomology Laboratory; specifying functions as a research and training center; requiring the laboratory to report certain information to the Department of Health and Rehabilitative Services; providing for transfer of same; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator MacKay:

Amendment 1—On page 1, lines 26 and 27, strike "On a quarterly basis, the laboratory shall provide the department with" and insert: On an annual basis, the laboratory shall provide a research report to the Department of Health and Rehabilitative Services and other agencies and shall provide

Senator Steinberg moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 1, line 1, strike the comma after "annual basis" and insert: and at such other times as the department may require

Amendment 1 failed.

The Committee on Education offered the following amendment which was moved by Senator MacKay and failed:

Amendment 2—On page 1, line 23, strike "special" and insert: primary

On motion by Senator MacKay, by two-thirds vote HB 684 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Henderson	Myers	Tobiassen
Carlucci	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtel	MacKay	Skinner	
Grizzle	Maxwell	Steinberg	
Hair	McKnight	Stuart	

Nays—3

Chamberlin	Frank	McClain

Vote after roll call:

Nay to Yea—McClain

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

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 receded from House Amendments 3 and 4 to CS for SB 874, and passed as amended—

By the Committee on Governmental Operations and Senator Dunn—

CS for SB 874—A bill to be entitled An act relating to the practice of public accounting; creating the Board of Accountancy within the Department of Professional Regulation and prescribing its composition, powers, and duties; authorizing the board to adopt certain rules; authorizing the board to establish certain fees and providing for their disposition; prescribing examination and licensing requirements for any person desiring to be licensed as a certified public accountant; providing for the issuance, renewal, suspension, and revocation of licenses and the disciplining of licensees; prescribing requirements for the formation and requiring registration of partnerships and professional service corporations engaging in the practice of public accounting; limiting the transferability of records of accountants; prohibiting certain contingent fee arrangements; providing that certain communications between a practitioner and his client are privileged; prohibiting unauthorized practice or use of title, use of certain licenses, or the giving of false or forged evidence in order to obtain a license; providing penalties; repealing chapter 473, Florida Statutes, relating to public ac-

countancy; providing for repeal of the act; providing a retroactive effective date.

Allen Morris, Clerk

CS for SB 874 as amended passed. The vote on passage was:

Yeas—31

Mr. President	Frank	Johnston	Steinberg
Anderson	Gordon	MacKay	Stuart
Barron	Gorman	McClain	Tobiassen
Carlucci	Grizzle	McKnight	Trask
Childers, D.	Hair	Myers	Vogt
Childers, W. D.	Henderson	Peterson	Ware
Dunn	Hill	Poole	Winn
Fechtel	Jenne	Scott	

Nays—None

Vote after roll call:

Yea—Holloway

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 1 and passed SB 8, as amended.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, amended and passed with amendment—

By Senator Trask—

SB 354—A bill to be entitled An act relating to insurance; creating s. 627.7378, Florida Statutes; providing that deductibles for comprehensive motor vehicle insurance policies shall not apply to damage to windshield; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 6 in the title, after the semi-colon insert: amending s. 627.727 (1), Florida Statutes, 1978 Supplement; clarifying legislative intent; providing that underinsured vehicle coverage shall be set off against automobile liability coverage;

On motion by Senator Trask, the Senate concurred in the House Amendment.

SB 354 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Grizzle	McClain	Spicola
Anderson	Henderson	McKnight	Steinberg
Carlucci	Hill	Myers	Stuart
Childers, D.	Holloway	Neal	Tobiassen
Childers, W. D.	Jenne	Peterson	Trask
Dunn	Johnston	Poole	Ware
Fechtel	MacKay	Scott	Williamson
Frank	Maxwell	Skinner	Winn

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By Senator Johnston—

SB 1024—A bill to be entitled An act relating to surgical consent; amending s. 393.13(3)(f), Florida Statutes; providing circumstances and procedures for a hearing to determine the appropriateness of surgery when the Department of Health and Rehabilitative Services is the custodian of a client; adding s. 394.459(3)(c), Florida Statutes, 1978 Supplement; providing circumstances and procedures for a hearing to determine the appropriateness of surgery when the department is the legal guardian, legal representative, or custodian of a patient; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 31, strike *unavailable* and insert: *unlocatable*

Amendment 2—On page 3, line 2, after the word "present" insert: *unless the client's medical condition precludes such presence,*

Amendment 3—On page 3, line 28, strike unavailable and insert: *unlocatable*

Amendment 4—On page 3, line 31, strike all of line 31 and insert: *unless the patient's medical condition precludes such presence, represented by*

Amendment 5—On page 4, line 6, insert: Section 3. Section 401.37, Florida Statutes, is amended to read:

401.37 Consent *in emergency situations.*—No licensee, emergency medical technician, driver, paramedic, physician, or hospital licensed in this state shall be subject to civil liability based solely upon failure to obtain consent in rendering emergency medical, surgical, hospital, or health services to any individual regardless of age when the patient is *incapable of giving* ~~unable to give~~ his consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care.

Section 4. Section 401.371, Florida Statutes, is created to read:

401.371 Treatment of patient incapable of giving informed consent.—

(1) DEFINITION.—

(a) "Medical treatment" shall mean treatment needed to prevent loss of life, irreparable physical damage, or treatment to a patient who is suffering from an acute illness, disease, or condition if, within a reasonable degree of medical certainty, delay in initiation of medical care or treatment would endanger the health of the patient.

(b) "Informed consent" means consent which meets the standards of Florida Statute 768.46, that is, consent given by a reasonable individual who, from the information provided by the physician, osteopath, chiropractor, podiatrist, or dentist, under the circumstances, has a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedure, which are recognized among other physicians, osteopaths, chiropractors, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures.

(2) When an adult in need of medical treatment is believed to be incapable of giving informed consent for such treatment and in the absence of an objection by any individual to the medical treatment, his consent to the treatment will be deemed valid and binding when the sworn affidavits of the attending physician and a concurring physician, both licensed to practice in the state, are placed in the medical record certifying the nature of and the need for medical treatment.

(3) When an adult in need of medical treatment is believed to be incapable of giving informed consent for such treatment and an objection is raised by any individual to the medical treatment, the circuit court may authorize that such treatment be administered by any physician or hospital licensed in this state, in accordance with the following summary procedure:

(a) A sworn petition shall be filed in the circuit court of the county in which the patient is located. The Clerk of the Circuit Court shall waive payment of filing fee for such petitions. This petition may be filed by any of the following:

1. The mother, father, brother, sister, husband, wife, adult child, or next of kin of the person requiring treatment.

2. Any three citizens of this state.

3. Any person on behalf of himself.

4. The medical director, or his designee, of any state correctional institution, concerning any person in the custody of the institution.

5. The president or director of any hospital licensed in this state, or his designee.

6. Any two physicians licensed in this state.

(b) The petition shall allege:

1. The name, approximate age, address, if known, the medical treatment needed, and the nature of the alleged incapacity of the person needing medical treatment;

2. The names of family members of the individual needing treatment, with their addresses, if known; and

3. The name of the facility or the physicians that will assume the responsibility of administering the treatment.

(c) Attached to the petition shall be the following affidavits:

1. The sworn affidavits of the attending physician and a concurring physician, both licensed to practice in this state, certifying facts which show the nature of the treatment needed.

2. An affidavit of a psychiatrist licensed to practice medicine in this state, or if a psychiatrist is not available in the county where the petition is filed, an affidavit of a physician licensed to practice in this state, certifying facts which show the reasons why he believes that the person needing treatment is incapable of giving informed consent for treatment.

(d) Upon receiving such petition the Clerk of the Circuit Court shall immediately notify the Chief Judge of the Circuit who shall hear or assign for hearing the petition on an emergency basis. The Clerk shall give notice of the time and place of hearing to the patient and to at least one next of kin, if known, who is not a petitioner.

(e) When the petition is filed, the court shall appoint an attorney to represent the person needing medical treatment, whose services shall be paid for from the general revenue fund of the county.

(f) The court shall conduct an informal emergency hearing. Any hospital or medical records relating to the needed treatment shall be made available to the court for the purpose of this hearing upon the court's or any party's request. The client shall be physically present if medically possible, represented by counsel and provided the right and opportunity to be confronted with and cross-examined all witnesses alleging the appropriateness of the proposed treatment. The burden of proof by clear and convincing evidence shall be on the petitioner.

(g) If the court finds that the person is in need of medical treatment and is incapable of giving informed consent for such treatment, an order shall be entered directing the medical facility or physician named in the petition to administer treatment as specified in the order. If the court finds that the person is capable of giving informed consent, the petition shall be dismissed.

(h) If it is believed that the person is incompetent, a petition for appointment of a guardian may be filed in accordance with provisions of s. 744.331.

(4) No licensee, emergency medical technician, driver, paramedic, physician, or hospital licensed in this state shall be subject to civil liability based solely upon administering medical treatment pursuant to this act, provided such treatment or care was renderd in accordance with acceptable standards of medical practice.

Section 5. The 1982 repeal of section 401.37, Florida Statutes, by chapter 76-168, Laws of Florida, shall not be affected by the amendment of that section by this act.

Renumber subsequent sections accordingly.

Amendment 6—On page 1, line 13 in the title, after the word patient; insert: relating to emergency medical services; amending s. 401.37, Florida Statutes; relating to consent to the rendering of medical services in emergency situations; creating s. 401.371, Florida Statutes; providing summary procedure for the authorization of medical treatment for a person believed to be incapable of giving informed consent for such treatment;

Amendment 7—On page 1, line 16, after the colon ":" insert (and renumber the subsequent sections)

Section 1. Short title.—This act shall be known and may be cited as the "Cancer Control and Research Act."

Section 2. Legislative Intent.—It is the finding of the Legislature:

(1) Advances in scientific knowledge have led to the development of preventive and therapeutic capabilities in the control of cancer. Such knowledge and therapy must be made available to all citizens of Florida through educational and therapeutic programs.

(2) The present state of our knowledge concerning the prevalence, cause or associated factors, and treatment with respect to cancer have resulted primarily from a vast federal investment into basic and clinical research, some of which is expended in Florida. These research activities must continue, but programs must be established to extend this knowledge in preventive measures and patient treatment throughout the state.

(3) Research in cancer has implicated the environment as a causal factor for many types of cancer, i.e. sunshine, X-rays, diet, smoking, etc., and programs are needed to further document such cause and effect relationships. Proven causes of cancer should be publicized and be the subject of educational programs for the prevention of cancer.

(4) An effective cancer control program would mobilize the scientific, educational, and medical resources that presently exist into an intense attack against this dread disease.

Section 3. Definitions.—The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

(1) "Board" means the Florida Cancer Control and Research Advisory Board which is an advisory body appointed to function on a continuing basis for the study of cancer which recommends solutions and policy alternatives to the Secretary of the Department of Health and Rehabilitative Services and which is established by this act.

(2) "Cancer" means all malignant neoplasms, regardless of the tissue of origin, including lymphoma and leukemia.

(3) "Fund" means the Florida Cancer Control and Research Fund established by this act.

(4) "Qualified nonprofit association" means any association, incorporated or unincorporated, that has received tax exempt status from the Internal Revenue Service.

(5) "Secretary" means the Secretary of the Department of Health and Rehabilitative Services of the State of Florida.

Section 4. Florida Cancer Control and Research Advisory Board; creation; composition.—

(1) There is hereby created within the Department of Health and Rehabilitative Services the "Florida Cancer Control and Research Advisory Board." The board shall consist of 24 members and a chairperson, all of whom shall be residents of this state. All members except those appointed by the Speaker of the House of Representatives and the President of the Senate shall be appointed by the Governor. One member shall be a representative of the American Cancer Society; one member shall be a representative of the Association of Florida Tumor Programs Directors; one member shall be a representative of the Florida Tumor Registrars Association; one member shall be a representative of the Comprehensive Cancer Center of the State of Florida; one member shall be a representative of the Department of Health and Rehabilitative Services; one member shall be a representative of the Florida Nurses Association; one member shall be a representative of the Florida Osteopathic Association; one member shall be a representative of the Amercian College of Surgeons; one member shall be a representative of the School of Medicine of the University of Miami; one member shall be a representative of the College of Medicine of the University of Florida; one member shall be a representative of the College of Medicine of the University of South Florida; one member shall be a representative of the Florida Society of Clinical Oncology; one member shall be a representative of the Florida Medical Association; one member shall be a member of the Florida Pediatric Society; one member shall be a representative of the Florida Radiological Society; three members shall be representatives of the general public acting as consumer advocates; one member shall be a member of the House of Representatives appointed by the Speaker of the House; one member shall be a member of the Senate appointed by the President of the Senate; one member shall be a representative

of the Department of Education; one member shall be a representative of the Florida Dental Association; one member shall be a representative of the Florida Hospital Association; and one member shall be a representative of the Association of Community Cancer Centers.

(2) The terms of the members shall be 4 years from their respective dates of appointment, except that the initial appointments shall be made in such a manner that six members shall be appointed for terms of 4 years, six for terms of 3 years, six for terms of 2 years, and six for terms of 1 year.

(3) A chairperson shall be appointed by the Governor for a term of 2 years. The chairperson shall appoint an executive committee to serve at the pleasure of the chairperson of no fewer than three persons. This committee will prepare material for the board but make no final decisions.

(4) The board shall meet no less than semiannually at the call of the chairperson or, in his absence or incapacity, at the call of the Secretary of the Department of Health and Rehabilitative Services. Twelve members shall constitute a quorum for the purpose of exercising all of the powers of the board. A vote of the majority of the members present shall be sufficient for all actions of the board.

(5) The board members shall serve without pay. Notwithstanding any provisions of ss. 20.05(3) and 112.061 to the contrary, the board members shall not be reimbursed for travel or expenses.

(6) No member of the board shall participate in any discussions or decisions to recommend grants or contracts to any qualified nonprofit association or to any agency of this state or its political subdivisions with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement.

(7) The board shall have the power to prescribe, amend, and repeal bylaws governing the manner in which the business of the board is conducted.

(8) The board shall advise the Secretary of the Department of Health and Rehabilitative Services with respect to cancer control and research in Florida.

(9) The board shall approve each year a program for cancer control and research to be known as the "Florida Cancer Plan" which shall be consistent with the State Health Plan developed by the State Health Coordinating Council and integrated and coordinated with existing programs in this state.

(10) The board shall formulate and recommend to the Secretary of the Department of Health and Rehabilitative Services a plan for the care and treatment of persons suffering from cancer and recommend the establishment of standard requirements for the organization, equipment and conduct of cancer units or departments in hospitals and clinics in Florida. The board may recommend to the secretary the designation of cancer units following a survey of the needs and facilities for treatment of cancer in the various localities throughout the state. The secretary shall consider the plan in developing departmental priorities and funding priorities and standards under chapter 395, Florida Statutes.

(11) The board shall be responsible for including in the Florida Cancer Plan recommendations the coordination and integration of medical, nursing, paramedical, lay, and other plans concerned with cancer control and research. Committees shall be formed by the board so that the following areas will be established as entities for actions:

(a) Cancer plan evaluation: tumor registry, data retrieval systems, and epidemiology of cancer in the State of Florida and its relation to other areas.

(b) Cancer prevention.

(c) Cancer detection.

(d) Cancer patient management: treatment, rehabilitation, terminal care, and other patient-oriented activities.

(e) Cancer education: lay and professional.

(f) Unproven methods of cancer therapy: quackery and unorthodox therapies.

(12) In order to implement in whole or in part the Florida Cancer Plan, the board shall recommend to the secretary the awarding of grants and contracts to qualified profit or nonprofit associations or governmental agencies in order to plan, establish, or conduct programs in cancer control or prevention, cancer education and training, and cancer research.

(13) The board shall have the responsibility to advise the secretary on methods of enforcing and implementing laws already enacted and concerned with cancer control, research, and education.

(14) The board may recommend to the secretary rules not inconsistent with law as it may deem necessary for the performance of its duties and the proper administration of this act.

(15) The board shall formulate and put into effect a continuing educational program for the prevention of cancer and its early diagnosis, and disseminate information concerning its proper treatment to hospitals, cancer patients, and the public.

(16) On January 15 of each year the board shall report to the Governor and to the Legislature.

Section 5. Responsibilities of the secretary.—

(1) The secretary, after consultation with the board, shall award grants and contracts to qualified nonprofit associations and governmental agencies in order to plan, establish, or conduct programs in cancer control and prevention, cancer education and training, and cancer research.

(2) The secretary shall provide such staff, information, and other assistance as the secretary may deem necessary for the completion of the board's responsibilities.

(3) The secretary, after consultation with the board, may adopt rules necessary for the implementation of this act.

(4) The secretary, after consultation with the board, shall make rules specifying to what extent and on what terms and conditions cancer patients of the state may receive financial aid for the diagnosis and treatment of cancer in any hospital or clinic selected. The department may furnish financial aid to citizens of Florida afflicted with cancer to the extent of the appropriation provided for that purpose in a manner which in its opinion will afford the greatest benefit to those afflicted and make arrangements with hospitals, laboratories or clinics to afford proper care and treatment for cancer patients in Florida.

Section 6. Florida Cancer Control and Research Fund.—

(1) There is hereby created the Florida Cancer Control and Research Fund consisting of funds appropriated therefor from the General Revenue Fund and any gifts, grants, or funds received from other sources.

(2) The fund shall be used exclusively for grants and contracts to qualified nonprofit associations or governmental agencies for the purpose of cancer control and prevention, cancer education and training, cancer research, and all expenses incurred in connection with the administration of this act and the programs funded through the grants and contracts authorized by the secretary.

Section 7. Sections 381.361, 381.371, and 381.381, Florida Statutes, as amended by chapter 77-147, Laws of Florida, are hereby repealed.

Section 8. In accordance with the intent expressed in s. 11.611, Florida Statutes, 1978 Supplement, section 4 of this act shall be repealed on July 1, 1985, and the Florida Cancer Control and Research Advisory Board shall be subject to legislative review as required by s. 11.611(4), (5), and (6), Florida Statutes, 1978 Supplement.

Amendment 8—On page 1, line 2 in the title, after the semicolon insert: ; relating to cancer control; creating the "Cancer Control and Research Act", providing legislative intent; providing definitions; providing for the creation of a "Florida Cancer Control and Research Advisory Board"; providing for the appointment of members and a chairperson, terms of office, and powers and duties of the board; providing for the duties and responsibilities of the Secretary of the Department of Health and Rehabilitative Services with respect to the state cancer plan; providing for the creation of the Florida Cancer Control and Research Fund; repealing ss. 381.361, 381.371, and 381.381, Florida Statutes, relating to the responsibility of the Department of Health and Rehabilitative Services to formulate a plan for the care and treatment of cancer patients, educational pro-

grams for the prevention of cancer, and financial aid to cancer patients; providing for repeal and legislative review in accordance with the Sundown Act; and on line 15 insert:

WHEREAS, in 1978 it was estimated that there were 37,000 new cases of cancer diagnosed in the State of Florida, and that figure represented a 32 percent increase over the estimated 28,000 cases diagnosed in 1975, and

WHEREAS, in 1978 it was estimated that there would be 21,000 deaths from cancer in the state, which was a 26 percent increase from the 16,000 estimated deaths in 1975, and

WHEREAS, the estimated incidence of cancer in Florida for 1978 was 237 per 100,000 population, the highest in any of the states, and

WHEREAS, deaths from all causes in Florida increased from 88,754 in 1975 to 91,395 in 1976 and cancer was the second most common cause of death and is increasing, and

WHEREAS, the 1975 total death rate in the nation was the lowest ever recorded, down to 8.9 per 100,000 population. Nationally, as in Florida, deaths from cancer increased in spite of the overall reduction in the total death rate, NOW, THEREFORE,

On motions by Senator Johnston, the Senate concurred in House Amendments 1, 2, 3, 4 and 8 and refused to concur in House Amendments 5 and 6 and the House was requested to recede.

Senator Anderson moved the following amendments to House Amendment 7 which were adopted:

Amendment 1—On page 5, line 13, strike the word "six" and insert: seven

Amendment 2—On page 5, line 25, strike the word "Twelve" and insert: Thirteen

Amendment 3—On page 5, line 9, strike the word "and"

Amendment 4—On page 7 between lines 19 and 20, insert: (g) Investigator initiated project research.

Amendment 5—On page 5, line 10, before the period (.) insert: ; and one member shall be a representative of the Papanicolaou Cancer Research Institute

On motion by Senator Johnston, the Senate concurred in House Amendment 7 as amended by the Senate amendments and the House was requested to concur in the Senate amendments.

SB 1024 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	MacKay	Skinner
Anderson	Gorman	Maxwell	Steinberg
Barron	Grizzle	McClain	Stuart
Carlucci	Hair	McKnight	Tobiassen
Chamberlin	Henderson	Myers	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1703 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism & Economic Development—

HB 1703—A bill to be entitled An act relating to the performing arts; adding subsection (3) to s. 265.30, Florida Statutes; providing for the development of nationally recognized Florida performing arts groups through a state touring program; providing for duties of the Division of Cultural Affairs of the Department of State; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

On motion by Senator Stuart, by two-thirds vote HB 1703 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Stuart, by two-thirds vote HB 1703 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Maxwell	Spicola
Anderson	Grizzle	McClain	Steinberg
Barron	Hair	McKnight	Stuart
Carlucci	Henderson	Myers	Tobiassen
Chamberlin	Hill	Neal	Trask
Childers, D.	Holloway	Peterson	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Nays—None

SB 1123 was laid on the table.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2 and 3 to House Amendment 1; has refused to concur in Senate Amendment 4 to House Amendment 1; has refused to concur in Senate Amendment 1 to House Amendment 2 and requests the Senate to recede and passed SB 774 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Senator Holloway and others—

SB 774—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02(6)(g), Florida Statutes, 1978 Supplement; providing that, for purposes of such tax, the terms "lease," "let," or "rental" do not include certain charges subject to the jurisdiction of the United States Interstate Commerce Commission; providing an effective date.

On motions by Senator Myers, the Senate receded from the Senate amendments.

SB 774 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Myers	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	
Frank	MacKay	Spicola	

Nays—1

Neal

The bill was ordered engrossed and then enrolled.

On motions by Senator Dunn, the rules were waived and by two-thirds vote CS for HB's 1604 and 1649 was withdrawn from the Committees on Governmental Operations, Rules and Calendar; Ways and Means Subcommittee E; the Committee on Ways and Means and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

By the Committee on Governmental Operations and Senator Dunn—

CS for SB 1252—A bill to be entitled An act relating to governmental reorganization; creating ss. 14.25, 14.26, Florida Statutes; establishing the Executive Office of the Governor and the Citizens Assistance Office; amending ss. 20.18(2), (5)(a), 20.31, Florida Statutes, 1978 Supplement; reorganizing the Department of Community Affairs and the Department of Administration; transferring certain functions and agencies of the Departments of Administration and Community Affairs to the Executive Office of the Governor; transferring certain functions and agencies from the Department of Administration to the Department of Community Affairs; transferring the Bureau of Land and Water Management from the Department of Administration to the Department of Environmental Regulation; transferring certain agencies from the Department of Community Affairs to the Department of Administartion; amending ss. 11.148(2), 11.44(2), 13.231, 13.9981(5), (6), 13,9985(1), 14.-057(1), 14.058, 20.24(5), 23.0112(2), 23.0115, 23.012, 23.014(2), 23.015, 23.016, 23.0161(1), 23.017, 23.0191, 23.029, 23.137, 27.33 (1), (2), 27.55, 30.49(4), (5), 103.071, 120.63(2)(a), 121.061(3), 145.021(1), 153.95(1), 163.03(1)(b), 163.3164(13), 163.7055, 195.-087(1)(a), 196.32, 215.25, 215.32(2)(b), (c), 215.44(4), 215.515 (2), 216.011(2), 216.023, 216.031(4), (5), 216.043(2), 216.044, 216.051, 216.091(1), 216.102(2)(c), (3), 216.111, 216.121, 216. 141(1), 216.151, 216.181, 216.182, 216.192(1), (3), 216.201, 216.-212(1), 216.231(1), 216.262(1)(a), (b), (e), (2), 216.271(1), (2), 216.275, 216.292(2)(b), (3), (4), 216.301(1), (2), (3)(a), 216.-311(1), 216.345(4), 229.514(2), 230.767(1)(b), 233.255(3), 235.-41(3), 235.42(3), 236.022(1), 240.082, 240.095(8), 240.191(4), 241.63(1), 272.05, 273.055(1), 334.2105, 340.35, 350.0614(2), (3), 350.78(4), (5), 373.036(1), (10), 377.602(2), (3), 377.603(1), 377.608, 377.701(1)-(3), 380.11, 388.271(1), 402.17(3), 403.-504(7), (8)(c), 403.507(1), 403.508(4)(a), 413.26(3), 413.-27(3), 443.14(2), 450.181(2), 450.191, 590.02(1)(e), 943.36(1), (2), 945.16(2), 959.011(5), Florida Statutes, and amending ss. 13.9965(1), 13.9966(1), 18.101(1), (2), 20.04(6), 20.171(3), 20.-19(8)(c), 20.315(13)(c), 23.0112, 23.0114(1)-(3), 23.019(1), (3), 23.151(1), 23.152(3)(d), 23.154(1), 112.061(4)(b), 215.195(1), (4), 215.37(6), 216.359, 235.40(2), 236.021(2), 255.257(1), 295.11, 339.08(3)(c), 377.703(2)(i), (3)(q), (k), 378.011(1),409.085, 409.2671(8), 741.01(2), 943.25(3), (7), (8), 943.405(1), (2), Florida Statutes, 1978 Supplement, to conform to the reorganization provisions of the act: repealing ss. 121.22, 121.24, Florida Statutes, relating to the State Retirement Commission; providing an effective date.

—was read the first time by title and SB 1252 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 1252 was read the second time by title.

Senators Dunn and Johnston offered Amendment 1 which was moved by Senator Dunn and adopted.

On motion by Senator Dunn, CS for HB's 1604 and 1649 was substituted for CS for SB 1252 and by unanimous consent Amendment 1, a lengthy amendment, was not printed in the Journal.

On motion by Senator Dunn, the rules were waived and by unanimous consent—

CS for HB's 1604 & 1649—A bill to be entitled An act relating to state government; creating s. 14.25, Florida Statutes, creating the Executive Office of the Governor and an Administration Commission as a part thereof; creating a Data Based Management Information System Developmental Task Force; transfering state-related comprehensive planning functions from the Department of Administration to the Executive Office of the Governor; transferring the Governor's Commission on Advocacy for Persons with Developmental Disabilities to the Executive Office of the Governor; transferring the Migrant Labor Program of Department of Community Affairs, the Commission on Hispanic Affairs and the Governor's Council on Indian Affairs from the Department of Community Affairs to the Executive Office of the Governor; amending s. 13.9965(1), Florida Statutes, 1978 Supplement, and adding subsections (5) and (6), and amending s. 13.9966(1), Florida Statutes, 1978 Supplement, to conform to the act; creating s. 14.26, Florida Statutes, creating within the Executive Office of the Governor the Citizen's Assistance Office; providing for appointment and duties; amending s. 215.195(1) and (4), Florida Statutes, 1978 Supplement, transferring the State-Federal Relations Trust Fund to the Executive Office of the Governor; amending s. 14.23(2), Florida Statutes, specifying the scope and method of determination of duties of the Office of State-Federal Relations; providing for an executive director; transferring budget functions from the Department of Administration to the Executive Office of the Governor; amending s. 215.32(2)(c), Florida Statutes; providing an increased percentage for determination of the amount of the Working Capital Fund; providing for appropriations to the fund under certain conditions; providing for consultation by the Administration Commission with legislative appropriations committees; amending s. 215.35, Florida Statutes; providing for form of warrants; creating s. 215.87, Florida Statutes; providing for an official Revenue Estimating Conference to determine the General Revenue Fund estimate; amending the introductory paragraph and paragraphs (a), (b), (bb) and (cc) of s. 216.011(1), Florida Statutes, adding paragraphs (gg) and (hh) thereto, and amending subsection (2) thereof; amending ss. 216.023, 216.031, 216.043, 216.044, 216.051, 216.081, 216.091, 216.102(2)(b), 216.121, 216.131, 216.141(3), 216.151(2), 216.162(1), 216.172(2), 216.181, 216.182, 216.192(3), 216.201, 216.212(3), 216.221(1), 216.231(1), 216.241, 216.262(1)-(a), (b), and (e) and (2), 216.275, 216.292(1) and (3), 216.301(1) and (2)(b), and 216.321, Florida Statutes, and repealing s. 216.292(4), Florida Statutes; providing definitions; providing duties of Executive Office of the Governor under chapter 216; providing duties of legislative appropriations committees with respect to agency legislative budget requests and related data, statements of intent regarding appropriations, and waiver of certain requirements; providing for consultation with said committees with respect to form of budget request documents, certain program changes in relationship to proposed budgets, expenditure of federal funds, budget reductions, release of certain classified appropriations, initiation of or changes in programs, increases in authorized positions, and appropriation transfers; deleting provision relating to submission of employee data; including the state courts system within provisions relating to estimates of financial needs which are not subject to review by the Governor, balance statements furnished by the Comptroller, submission of budget requests directly to legislative committees, release of appropriations, certification of undisbursed balances, and construction of chapter 216; providing duties of the Department of General Services regarding proposed capital outlay projects; requiring the Comptroller and state agencies to furnish certain information to the Legislature; providing a penalty; requiring that services of the Executive Office of the Governor be available to the Legislature; restricting expenditure of federal funds; providing duties of State Treasurer regarding clearing accounts; exempting biennial appropriations from provisions relating to undisbursed balances; amending s. 20.31(2) and (3), Florida Statutes, 1978 Supplement, and adding a new subsection (3), changing the structure of the Department of Administration to conform to the act; creating an Office of Labor Relations; revising chapter 110, Florida Statutes, relating to state personnel management; creating part I of said chapter relating to general state employment provisions; providing employment policy of the state; providing for a state group insurance program; providing duties of the Department of Administration regarding productivity improvement; providing for affirmative action plans; specifying paid holidays; providing for terminal payment for accumulated sick leave; providing for administrative leave for certain athletic competition; providing pay periods; providing for wage deductions; permitting certain other state employment by historical commission employees; providing for tuition refunds; providing for a personnel information system and payroll procedures; providing for services to political subdivisions; providing for payment of administrative costs; providing powers of department regarding oaths, testimony, and records; providing penalties; creating part II of said chapter, relating to the Career Service System; providing for personnel rules, records and reports; providing definitions; providing exemptions from the system; providing for a uniform classification plan and a pay plan; providing for recruitment; providing for examination and selection procedures; providing for eligible registers and for certification of qualified persons; providing for a career advancement program; providing for examinations for deaf and blind persons; providing a penalty; providing for attendance and leave policies; providing for maternity leave; providing for an awards program; providing for suspensions, dismissals, pay reductions, demotions, layoffs and transfers; providing for retirement or transfer of employees 65 and older; prohibiting certain acts and political activities; creating part III of said chapter, replacing the Career Service Commission with a Personnel Commission consisting of three full-time commissioners; providing for appointment, terms, compensation, and

duties; providing procedures with respect to suspensions and dismissals; providing penalties; providing for transfer of powers, duties and functions; creating part IV of said chapter, relating to senior management; creating a Senior Management Advisory Committee; providing for a senior management group; providing for reports and recommendations; transferring part VIII of chapter 112, Florida Statutes, relating to volunteers, to chapter 110, and redesignating it as part V of said chapter; amending s. 112.902, Florida Statutes, 1978 Supplement, correcting cross references; amending s. 112.021, Florida Statutes, relating to Florida residence as a condition precedent to county employment; amending s. 112.171(1), Florida Statutes, relating to employee wage deductions by counties, municipalities, and special districts; amending s. 215.425, Florida Statutes, relating to extra compensation claims; amending ss. 20.04(7) and 20.16(3), and 295.11, Florida Statutes, 1978 Supplement, and ss. 104.31(3), 112.044(4), 241.195, 295.12, and 400.19(2), Florida Statutes; correcting cross references; providing for conditional repeal; providing for repeal of Division of Personnel rules; providing for department employees whose positions are abolished or transferred; providing for pending proceedings; repealing chapter 110, Florida Statutes, and Florida Statutes, 1978 Supplement, relating to the State Career Service System; repealing s. 112.031, Florida Statutes, relating to employees of historical commissions, s. 112.041, Florida Statutes, 1978 Supplement, relating to discrimination in state employment, s. 112.045, Florida Statutes, relating to examinations for deaf and blind persons, s. 112.051, Florida Statutes, relating to retirement or transfer of employees over 65, s. 112.055, Florida Statutes, relating to pay periods, s. 112.075, Florida Statutes, relating to state officers and employees group insurance program, s. 112.20, Florida Statutes, relating to terminal payment for sick leave, s. 112.216, Florida Statutes, 1978 Supplement, relating to administrative leave for certain athletic competition, and s. 683.011, Florida Statutes, relating to paid holidays; transferring certain powers, duties and functions of the State Energy Office of the Department of Administration to the Executive Office of the Governor; transferring all powers, duties and functions of the Commission on Human Relations to the Department of Administration; amending s. 13.231, Florida Statutes, providing independence of the Commission on Human Relations from the Department of Administration; amending s. 120.65(1), Florida Statutes, 1978 Supplement, providing certain administrative support and service to the Division of Administrative Hearings; providing independence of the division from the Department of Administration; amending s. 20.18(2) and (3), Florida Statutes, 1978 Supplement, conforming divisions within the Department of Community Affairs to the act; transferring all powers, duties and functions of certain units within the Department of Administration to the Department of Community Affairs; amending s. 163.3164(18), Florida Statutes, redefining "state land planning agency"; amending s. 18.101(1) and (2), Florida Statutes, 1978 Supplement, authorizing the State Treasurer to approve deposit of money outside the State Treasury, and the Executive Office of the Governor to authorize revolving funds; amending s. 112.061(4)(b), Florida Statutes, 1978 Supplement, authorizing an agency head to approve payment of per diem in excess of 30 continuous workdays and requiring a report; amending s. 273.055(1), Florida Statutes, to transfer to the Executive Office of the Governor duty to approve disposal of certain tangible personal property; providing exceptions; creating s. 25.382, Florida Statutes, defining the "state courts system" and exempting officers and employees of the system from certain provisions relating to planning and budgeting; providing for personnel policies within the system; amending s. 23.022(2), Florida Statutes, restricting the application of provisions relating to electronic data processing management to the executive branch; providing an appropriation; providing an effective date.

Senators Dunn and Johnston offered the following amendment which was moved by Senator Dunn:

Amendment 1—On page 3, strike everything after the enacting clause and insert:

Section 1. Section 14.25, Florida Statutes, is created to read:

14.25 Executive Office of the Governor.—There is created the Executive Office of the Governor.

(1) The head of the Executive Office of the Governor is the Governor.

(2) There is created as part of the Executive Office of the Governor an Administration Commission composed of the Governor and Cabinet. The Governor is chairman of the commission. The Governor or Comptroller may call a meeting of the commission promptly each time the need therefor arises. Unless otherwise provided herein, affirmative action by the commission shall require the approval of the Governor and at least three other members of the commission. The commission shall adopt such rules as it deems necessary to carry out its duties and responsibilities.

(3)(a) There is hereby created in the Executive Office of the Governor a Data Based Management Information System Developmental Task Force. The members of the Task Force shall be composed of seven representatives appointed by the Governor, three representatives appointed by the President of the Senate and three representatives appointed by the Speaker of the House of Representatives. One member appointed by the President of the Senate and one member appointed by the Speaker of the House of Representatives shall be from the minority party.

(b) The Task Force shall study the current electronic data processing activities of state government and may recommend a data based management information system to implement the Planning, Budgeting and Management System developed by the Governor or may recommend other changes in the manner in which state electronic data processing activities are conducted.

(c) The Task Force is authorized to purchase the necessary services and materials to accomplish the goals stated in this section. The Task Force shall cease to exist upon completion of its tasks.

Section 2. All powers, duties, and functions, including those under sections 23.0112, 23.0114, 23.013, and 23.019, Florida Statutes, 1978 Supplement, and sections 23.0113, 23.0115, 23.012, 23.0125, 23.014, 23.015, 23.016, 23.0161, and 23.017, Florida Statutes, as they presently exist or as amended, and all records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Administration, Division of State Planning's Bureau of Comprehensive Planning, Bureau of Intergovernmental Relations, except the State-Local Relations Section, and that portion of the office of the Director of State Planning which includes the graphics section and administrative services related to the units and functions referred to in this section, are transferred from the Department of Administration to the Executive Office of the Governor by a type IV transfer and the Division of State Planning is abolished.

Section 3. All powers, duties, and functions, records, property, and unexpended balances of appropriations, allocations, or other funds of the Governor's Commission on Advocacy for Persons with Developmental Disabilities are transferred by a type IV transfer from the Division of State Planning of the Department of Administration to the Executive Office of the Governor.

Section 4. All powers, duties, and functions, including those under sections 450.181, and 450.191, Florida Statutes, and all records, property, and unexpended balances of appropriations, allocations, and other funds of the migrant labor section of the Department of Community Affairs and of the Governor's Council on Indian Affairs of the Division of Community Services of the Department of Community Affairs are transferred by a type IV transfer to the Executive Office of the Governor.

Section 5. All powers, duties, and functions, including those under sections 13.9964, 13.9965, and 13.9966, Florida Statutes, 1978 Supplement, and Section 13.9967, Florida Statutes, as they presently exist or as amended, and all records, property, and unexpended balances of appropriations, allocations, and other funds of the Florida State Commission on Hispanic Affairs, together with the membership and personnel of the commission, are transferred by a type IV transfer from the Department of Community Affairs to the Executive Office of the Governor.

Section 6. Subsection (1) of section 13.9965, Florida Statutes, 1978 Supplement, is amended, subsections (5) and (6) are added to said section, and subsection (1) of section 13.9966, Florida Statutes, 1978 Supplement, is amended, to read:

13.9965 Florida State Commission on Hispanic Affairs.—

(1) There is created within the *Executive Office of the Governor* ~~Department of Community Affairs~~ a Florida State Commission on Hispanic Affairs. The commission shall consist of 15 members appointed by the Governor and broadly representative of the interests and needs of persons in Florida who

are of Hispanic origin, including, but not limited to, such areas as education, social services, commerce, and general culture and the arts.

(5) The Executive Office of the Governor shall provide administrative support and service to the commission. The commission shall not be subject to control, supervision, or direction by the Executive Office of the Governor.

(6) The commission shall have the authority to employ an executive director and such other personnel as may be necessary to carry out the provisions of this chapter.

13.9966 Operations of the commission.—

(1) The commission shall secure staff assistance and utilize clerical resources, materials, and other support services of the *Executive Office of the Governor* ~~Department of Community Affairs~~ and other executive agencies, and coordinate and consult with existing legislative staff, in order that minimum costs and maximum expertise be achieved.

Section 7. Section 14.26, Florida Statutes, is created to read:

14.26 Citizen's Assistance Office created; appointment; powers and duties.—

(1) There is hereby created in the Executive Office of the Governor the Citizen's Assistance Office. The head of the Citizen's Assistance Office shall be appointed by and shall serve at the pleasure of the Governor.

(2) The Citizen's Assistance Office may:

(a) Investigate, on complaint or on its own motion, any administrative action of any state agency, the administration of which is under the direct supervision of the Governor, regardless of the finality of the administrative action.

(b) Request, and shall be given by any state agency, such assistance and information as may be necessary for the performance of its duties.

(c) Examine the records and reports of any state agency, the administration of which is under the direct supervision of the Governor, not made specifically confidential by law where the office determines that it is necessary.

(d) Coordinate individual state agency complaint handling activities.

(3) The Citizen's Assistance Office shall make quarterly reports to the Governor, which shall include:

(a) The number of investigations and complaints made during the preceding quarter and the disposition of such investigations.

(b) Recommendations in the form of suggested legislation or suggested procedures for the alleviation of problems disclosed by investigations.

(c) A report including statistics which reflect the types of complaints made and an assessment as to the cause of the complaints.

(d) Such other information as the Executive Office of Governor shall require.

(4) The Citizen's Assistance Office shall refer consumer oriented complaints to the Division of Consumer Services of the Department of Agriculture and Consumer Services.

(5) The Citizen's Assistance Office shall perform such other duties as the Executive Office of the Governor shall direct.

Section 8. Subsections (1) and (4) of section 215.195, Florida Statutes, 1978 Supplement, are amended to read:

215.195 State-Federal Relations Trust Fund.—

(1) CREATION.—There is created, within the *Executive Office of the Governor* ~~Department of Administration~~, the State-Federal Relations Trust Fund.

(4) USE OF MONEYS DEPOSITED IN THE TRUST FUND.—Moneys deposited in the State-Federal Relations Trust Fund shall be used to support the activities and operations of a state-federal relations office in Washington, D. C., *as provided in s. 14.23,* including *the* ~~four positions in the Governor's Office to~~ staff *of* the Washington office and five positions in *the Executive Office of the Governor in Tallahassee* ~~the Division of State Planning of the Department of Administration~~ to provide adequate research, analysis, and statistical support to the Washington office for the conduct of its business and to effectuate its purpose, and to provide support services for each.

Section 9. Subsection (2) of section 14.23, Florida Statutes, is amended to read:

14.23 State-Federal relations.—

(2) CREATION OF THE OFFICE OF STATE-FEDERAL RELATIONS.—

(a) There is created, within the *Executive Office of the Governor,* ~~office of the Governor or his designee,~~ the Office of State-Federal Relations for the State of Florida, hereinafter referred to as the "office," to be located in Washington, D.C. *The office shall represent both the legislative and executive branches of state government. The Legislature shall have direct access to the staff of the office.*

(b)~~(a) Duties of the office.~~ The duties of the office shall be determined by the Governor, *in consultation with the President of the Senate, and the Speaker of the House of Representatives* and shall include, but not be limited to, the following:

1. To provide legislative and administrative liaison between state and federal officials and agencies and with Congress.

2. To provide grants assistance and advice to state agencies.

3. To assist in the development and implementation of strategies for the evaluation and management of the state's federal legislative program and intergovernmental efforts.

4. To facilitate the activities of Florida officials traveling to Washington, D.C., in the performance of their official duties.

(c) The head of the office shall be the director, who shall be appointed by and serve at the pleasure of the Governor.

(3)~~(b)~~ COOPERATION.—For the purpose of centralizing the state-federal relations efforts of the state, state agencies and their representatives shall cooperate and coordinate their state-federal efforts and activities with the office. State agencies which have representatives headquartered in Washington, D.C., are encouraged to station their representatives in the office.

Section 10. All statutory powers, duties, and functions of the Department of Administration contained in the provisions of sections 18.101(2), 20.04, 23.019, 215.195, 409.085, 409.2671, and 741.01, Florida Statutes, 1978 Supplement, and sections 23.015, 23.029, 23.137, 30.49, 195.087, 196.32, 215.18, 215.32, 216.023, 216.031, 216.043, 216.044, 216.051, 216.091, 216.102, 216.111, 216.121, 216.141, 216.151, 216.181, 216.182, 216.192, 216.201, 216.212, 216.231, 216.262(1)(a) and (b) and (2), 216.271, 216.292, 216.301, 216.311, 216.345, 216.359, 240.082, 273.055, 334.2105, and 443.14, Florida Statutes, as they presently exist or as amended, are transferred to the Executive Office of the Governor. All records, property, and unexpended balances of the appropriations, allocations, or other funds of the Division of Budget of the Department of Administration are transferred by a type IV transfer to the Executive Office of the Governor and the Division of Budget is abolished.

Section 11. Paragraph (c) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of the aforesaid funds shall be as follows:

(c)*1.* The Working Capital Fund shall consist of ~~an amount, not more than 5 percent of~~ the amount of net revenue of the General Revenue Fund for the preceding fiscal year~~,~~ which accrues ~~from moneys in the General Revenue Fund which are~~ in excess of the amount needed to meet the General Revenue *appropriations authorized in* ~~Fund~~ Appropriation Acts *for the preceding fiscal year,* as determined by the *Executive Office of the Governor, or from moneys appropriated to the Working*

Capital Fund as herein provided. In the event that the sum of the amount of General Revenue Fund receipts in any fiscal year estimated to be in excess of the amount needed to meet the General Revenue appropriations authorized in appropriation acts for that fiscal year, plus the balance of appropriations to the Working Capital Fund for said year estimated to remain therein at the end of said year, is less than 5% of net receipts to the General Revenue Fund estimated for said year, then the Governor shall include, in his recommended budget for the ensuing biennium or his supplementary budget for the ensuing fiscal year submitted pursuant to s. 216.045, General Revenue appropriations to the Working Capital Fund sufficient to meet the 5 percent requirement. Such amount, as determined by the Legislature to be necessary to provide an amount not less than 5 percent of the net revenue of the General Revenue Fund for the preceding fiscal year, is hereby appropriated from the General Revenue Fund to the Working Capital Fund during the biennium in a manner prescribed in the appropriations act. ~~Department of Administration.~~ Said moneys are hereby appropriated for transfer to the General Revenue Fund whenever it is determined by the Administration Commission, *after consultation with the legislative appropriations committees with 7 days notice prior to transfer,* that revenue collections in the General Revenue Fund will be less than the estimated amount recommended to the Legislature by the *Executive Office of the Governor* ~~Department of Administration~~ during the same fiscal year and when the Administration Commission determines that it would be more prudent to transfer the Working Capital Funds than to reduce agency operating budgets pursuant to s. 216.221. When not required to meet General Revenue Fund appropriations, said moneys shall be used as a revolving fund for transfers as provided by s. 215.18, and when the Comptroller determines that said moneys are not needed for either type of transfer, they may be temporarily invested as provided in ss. 215.44-215.53.

2. As used in this chapter, "consultation" means to deliberate and seek advice in an open and forthright manner with the full committee, a subcommittee thereof, the chairman or the staff as deemed appropriate by the chairman of the respective appropriations committee.

Section 12. Section 215.35, Florida Statutes, is amended to read:

215.35 State funds; warrants and their issuance.—All warrants issued by the Comptroller shall be numbered in chronological order commencing with number one in each fiscal year and each warrant shall refer to the Comptroller's voucher by the number thereof, which voucher shall also be numbered as above set forth. Each warrant shall state the name of the payee thereof and the amount allowed~~, and said warrant shall be stated in words at length~~. No warrant shall issue until same has been authorized by an appropriation made by law but such warrant need not state or set forth such authorization. The Comptroller shall register each warrant in his office. The warrants shall be coded to show the fund, account, purpose and department involved in the issuance of such warrant. In those instances where the expenditure of funds of regulatory boards or commissions has been provided for by laws other than the annual appropriation bill, warrants shall issue upon requisition to the State Comptroller by the governing body of such board or commission.

Section 13. Section 215.87, Florida Statutes, is created to read:

215.87 Consensus revenue estimate for the state budget.—There shall be an official Revenue Estimating Conference composed of three staff members from the House of Representatives whose primary responsibility is taxes or appropriations, appointed by the Speaker, three staff members from the Senate whose primary responsibility is taxes or appropriations, appointed by the President, and three professional staff employees of the Executive Branch, appointed by the Governor, whose primary responsibility is taxes or appropriations. The responsibility of this conference will be to determine the General Revenue Fund estimate used in the state budgetary process. Whenever the Revenue Estimating Conference convenes only the appointed members shall vote in determining the revenue estimate. The revenue estimating conference shall convene at the request of one of its members.

Section 14. The introductory paragraph and paragraphs (a), (b), (bb) and (cc) of subsection (1) of section 216.011, Florida Statutes, are amended, paragraphs (gg) and (hh) are added to said subsection, and subsection (2) is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, ~~appropriations acts, legislative budgets, and approved budgets,~~ the following terms shall have the meaning indicated:

(a) "*Agency* legislative budget *request*" means a request to the legislature, filed pursuant to s. 216.023, or supplemental detailed requests filed with the Legislature, for the amounts of money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.

(b) "Appropriations act" means the Legislature's authorization, based upon *agency* legislative *budget requests* ~~budgets~~ or based upon legislative findings of the necessity for an authorization when no *agency* legislative budget *request* is filed, for the expenditure of amounts of money by an agency and the *state courts system and* legislative branch for stated purposes in the performance of the functions it is authorized by law to perform.

(bb) "Reclassification" means changing an established position in one class in a series to *a* ~~the next~~ higher or lower class in the same series or to a class in a different series which is the result of a natural change in the duties and responsibilities of the position.

(cc) "Judicial branch" means the various officers, courts, commissions, or other units of the judicial branch of state government supported in whole or in part by appropriations made by the Legislature, *except the state courts system as defined in s. 25.382 (as created by this act).*

(gg) "Biennial appropriations" means an appropriation which authorizes expenditures throughout the biennium with no reversion to the General Revenue Fund at the end of the first fiscal year of the biennium.

(hh) "Consultation" means to deliberate and seek advice in an open and forthright manner with the full committee, a subcommittee thereof, the chairman or the staff as deemed appropriate by the chairman of the respective appropriations committee.

(2) For purposes of this chapter, the following terms shall have the meaning indicated:

(a) "*Office*" *means the Executive Office of the Governor.* ~~"Department" means the Department of Administration.~~

(b) "Commission" means the Administration Commission composed of the Governor and cabinet.

~~(c) "Secretary" means the secretary of the Department of Administration.~~

Section 15. Section 216.023, Florida Statutes, is amended to read:

216.023 *Agency* legislative *budget requests* ~~budgets~~ to be furnished by agencies.—

~~(1)~~ Each agency shall submit a biennial *agency* legislative budget *request* to the Governor, as chief budget officer of the state, in the form and manner, and at such time, as may be prescribed by the *Executive Office of the Governor* ~~Department of Administration after consultation with the legislative appropriations committees.~~ *The office in consultation with the appropriations committees shall develop the form and content requirements of the agency legislative budget request document.* However, no state agency shall submit its *agency* legislative budget *request* later than November 1 of each even-numbered year. The chairman of the appropriations committee of each house of the Legislature shall be advised by the *office* ~~department~~ of agency budgets which are not received by the due dates established by the *office* ~~department.~~

~~(2) Each agency shall by November 1 submit to the Department of Administration and the legislative appropriations committees, in the manner prescribed by the department, a statement of the number, for each pay grade and classification, of salaried full time and part-time employees and the number of other personal services employees employed by the agency as of September 30 of the year in which the agency submits its legislative budget requests.~~

Section 16. Section 216.031, Florida Statutes, is amended to read:

216.031 Budgets for operational expenditures.—The *agency* legislative budget *request* submitted by each state agency show-

ing the amounts needed for operational expenditures during the next biennium shall contain the following:

(1) A financial plan of operations showing, to the level of detail established pursuant to s. 216.023, the prior year's expenditures compared to appropriations, the estimated operating budget for the current year, and the proposed operating budgets for each of the 2 years of the next biennium.

(2) A statement and such other detailed information as may be necessary for the Legislature to evaluate:

(a) The effectiveness of current programs. *The Legislature may select major issues, in advance of the agencies' submission of their budget requests, for detailed examination by the appropriations committees and specify the data required to facilitate such evaluation and examination.*; ~~including justification for those programs or other major issues selected, in advance of the agencies' submission of their budget requests, for detailed examination by the appropriations committees.~~

(b) Proposed improvements in existing programs.

(c) The justification for proposed new programs.

(3) A complete itemized list of estimated revenues to be collected, classified by sources of revenue and funds in which to be deposited.

(4) A copy of the balance sheets for the prior 2 fiscal years and such other financial statements, schedules, and reports as may be required pursuant to law or as may be prescribed by the *office* ~~department~~.

(5) A schedule and other such detailed information as may be necessary to identify the federal-grants-in-aid portion of the agency's legislative budget request, as may be prescribed by the *office* ~~department~~ in consultation with the appropriations committees of the Legislature.

(6) Workload and other performance indicators, as prescribed by the *office* ~~department~~ pursuant to s. 216.023.

Section 17. Section 216.043, Florida Statutes, is amended to read:

216.043 Budgets for capital outlay.—The *agency* legislative budget *request* submitted by each state agency showing the amounts needed for fixed capital outlay during the next biennium shall contain:

(1) An estimate in itemized form showing the amounts needed for fixed capital outlay expenditures, to include a detailed statement of program needs, estimated construction costs and square footage, site costs, operating capital necessary to furnish and equip for operating a new or improved facility, and the anticipated sources of funding during the next biennium.

(2) Proposed fixed capital outlay projects, including proposed operational standards related to programs and utilization, an analysis of continuing operating costs, and such other data as the *office* ~~Department of Administration~~ shall deem necessary to analyze the relationship of agency needs and program requirements to construction requirements. The plan shall also include the availability and suitability of privately constructed and owned buildings and facilities to the needs and program requirements of the agency.

Section 18. Section 216.044, Florida Statutes, is amended to read:

216.044 Budget evaluation by Department of General Services.—Concurrently with the submission of the fixed capital outlay legislative budget *request* to the *office* ~~Department of Administration~~, the agency shall submit a copy of the budget to the Department of General Services for evaluation. The Department of General Services *shall* ~~may~~ advise the *office* ~~Department of Administration~~ and the Legislature *no later than 90 days prior to the legislative session* regarding alternatives to the proposed fixed capital outlay project and make recommendations relating to the construction requirements of the building or facility.

Section 19. Section 216.051, Florida Statutes, is amended to read:

216.051 Copies of agency budgets to legislative appropriations committees.—Copies of the aforesaid *agency* legislative *budget requests* ~~budgets~~ of each state agency shall also be forwarded to the legislative appropriations committees by the *office* ~~department~~.

Section 20. Section 216.081, Florida Statutes, is amended to read:

216.081 Data on legislative *and state courts system* expenses.—

(1) On or before November 1 in each even-numbered year, in sufficient time to be included in the Governor's budget report to the Legislature, estimates of the financial needs of the legislative branch, *pursuant to chapter 11, and the state courts system, pursuant to chapter 25,* during the ensuing biennium shall be furnished to the Governor ~~pursuant to chapter 11~~.

(2) All of the data relative to the legislative branch *and the state courts system* shall be for information and guidance in estimating the total financial needs of the state for the ensuing biennium; but none of these estimates shall be subject to revision or review by the Governor, and they *shall* ~~must~~ be included in his budget report to the Legislature.

Section 21. Section 216.091, Florida Statutes, is amended to read:

216.091 Statements by Comptroller to Governor.—

(1) On or before December 15, annually, the Comptroller shall furnish to the Governor the statements, classified and itemized in strict accordance with the budget classifications adopted by the *office* ~~department~~, and consistent with the provisions of s. 216.023, as follows:

(a) A statement showing the balance standing to the credit of the several appropriations for each state agency, ~~and~~ the *state courts system and the* legislative branch supported from any form of taxation or licenses, fees, imposts, or exactions at the end of the prior fiscal year.

(b) A statement showing the annual expenditures and revenues from each appropriation account and the total annual expenditures and revenues from all appropriation accounts, in the prior fiscal year.

(c) An itemized and complete financial balance sheet for the state at the close of the prior fiscal year.

(d) Such other statements as the Governor *or the Legislature* shall request.

(2) Copies of the statements required by this section shall be furnished to the legislative appropriations committees ~~as requested~~.

Section 22. Paragraph (b) of subsection (2) of section 216.102, Florida Statutes, is amended to read:

216.102 Filing of state agency balance sheets; handling by Comptroller; penalty for noncompliance.—

(2) It shall be the duty of the Comptroller to:

(b) Furnish the Governor *and Legislature* with a copy of said compiled balance sheet pursuant to s. 216.091 *(1)(c)*~~(3)~~.

Section 23. Section 216.121, Florida Statutes, is amended to read:

216.121 Information to be furnished the *Executive Office of the Governor or Legislature* ~~Department of Administration~~.—Each state agency, upon request, shall promptly furnish to the *office or the Legislature* ~~Department of Administration~~ any information in relation to the affairs or activities of such agency in such form as the *office or the Legislature* ~~department~~ may prescribe. The *office or the Legislature* ~~department~~ shall have authority to examine and inspect any and all records and programs of such state agencies. *Any officer or person who willfully fails or refuses to furnish any requested book, record, paper, document, data or sufficient information necessary for a policy decision by the office or the Legislature shall be removed from office and/or be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 24. Section 216.131, Florida Statutes, is amended to read:

216.131 Public hearings on *agency* legislative *budget requests* ~~budgets~~.—The Governor may provide for public hearings

on any and all *agency* legislative *budget requests* ~~budgets~~ to be included in his budget recommendations to the Legislature, which shall be held at such time as he may fix. The Governor may require the attendance at these hearings of the heads or responsible representatives of all state agencies supported by any form of taxation or licenses, fees, imposts, or exactions.

Section 25. Subsection (3) of section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(3) The Comptroller, with the concurrence of the Auditor General, shall develop and implement a plan to implement the State of Florida Accounting System in all state agencies. This plan shall be presented by the Comptroller to the Legislative Auditing Committee no later than August 31, 1977. Thereafter, a revised plan and status report shall be submitted by him to the Legislative Auditing Committee no later than August 31 of each year, until 1980, at which time a final report will be issued. The Comptroller shall then incorporate the plan in his *agency* ~~annual~~ legislative budget requests to be submitted pursuant to s. 216.031.

Section 26. Subsection (2) of section 216.151, Florida Statutes, is amended to read:

216.151 Duties of the *Executive Office of the Governor* ~~secretary of the Department of Administration.~~—It shall be the duty of the *office* ~~secretary of the Department of Administration~~ to:

(2) Prepare an analysis of the *agency* legislative *budget requests* ~~budgets~~ submitted by state agencies covering their respective operational and fixed capital outlay requirements.

Section 27. Subsection (1) of section 216.162, Florida Statutes, is amended to read:

216.162 Budget to be furnished Legislature; copies to members.—

(1) At least 45 days prior to the scheduled annual legislative session in each odd-numbered year, the Governor shall furnish each Senator and Representative a copy of the recommended budget for each state agency, based on his own conclusions and judgment. The recommended budget shall be referenced to the *agency* legislative budget requests prescribed in ss. 216.031 and 216.043 and shall be distinctly separated into two sections: Section One of the budget shall be entitled "operations," and Section Two shall be entitled "fixed capital outlay."

Section 28. Subsection (2) of section 216.172, Florida Statutes, is amended to read:

216.172 Meetings of appropriations committees.—

(2) Each member of the cabinet, ~~and~~ each department headed by the Governor and cabinet, *and the state courts system,* in addition to submitting their *agency* ~~budget~~ requests to the Governor, may submit their budget requests directly to the appropriate committees of the Legislature and may make presentations directly to the Legislature pertaining to such requests.

Section 29. Section 216.181, Florida Statutes, is amended to read:

216.181 Agency approved budget for operations and fixed capital outlay.—

(1) On or before July 1 of any year in which an appropriation is made, the chairmen of the legislative appropriations committees shall jointly transmit *a statement of intent, including performance and workload measures as appropriate,* ~~information~~ to the *office* ~~department~~ and the Auditor General relative to differences, if any, between the General Appropriations Act and budgets submitted pursuant to s. 216.162. The *office* ~~department~~ shall furnish such information to each affected state agency. *The statement of intent shall act as additional directions to the office and each affected state agency relative to the purpose, objectives and spending philosophy of the appropriations act.*

(2) The *office* ~~department~~ shall transmit to each state agency an approved budget for operational and fixed capital outlay expenditures, consistent with such information furnished by the Legislature pursuant to *subsections* ~~subsection~~ (1) *and (3),* which shall be in a format and contain such information as prescribed by the *office* ~~department~~, consistent with the provisions of s. 216.023, or, in lieu thereof for lump sum appropriations, may require the submission of a detailed plan from the agency affected, consistent with the legislative appropriations acts. The *office* ~~department~~ shall furnish each agency an approved annual salary rate for each budget entity containing a salary appropriation, based on an actual salary rate and consistent with information furnished pursuant to *subsections* ~~subsection~~ (1) *and (3). Any* ~~All~~ subsequent ~~approved~~ budget amendment requests shall be processed by the *office* ~~Department of Administration~~ within 30 days from receipt of request.

(3) A copy of such *proposed* ~~approved~~ budgets or any subsequent amendments thereto shall be transmitted in writing to the chairmen of the legislative appropriations committees and to the Auditor General. *The office shall consult with* the legislative appropriations committees, *with 7 days notice prior to the resolution of the issue, in those instances where material changes in the policy direction of the program are contemplated or modifications are requested to any specific budget entity of 25 percent or more of the line item appropriation. However, the chairmen of the legislative appropriations committees may waive these provisions as appropriate by written agreement.* ~~may give their advice to the department or the commission on any matter contained in the approved budgets or amendments thereto.~~

(4) Each state agency shall develop the internal management procedures and budgets necessary to assure compliance with the approved budget.

(5) Any department under direct supervision of a member of the cabinet or of a board consisting of the Governor and members of the cabinet which contends that its approved budget is not consistent with legislative intent shall have the right to have the issue reviewed by the Administration Commission, which shall decide such issue by majority vote. The appropriations committees of the Legislature may advise the Administration Commission on the issue.

(6) The *office* ~~department~~ shall certify the amounts approved for operations and fixed capital outlay, together with any relevant supplementary materials or information, to the Comptroller, and such certification shall be the Comptroller's guide with reference to the expenditures of each state agency pursuant to s. 216.192.

(7) The provisions of this section shall not apply to the budgets for the legislative branch.

Section 30. Section 216.182, Florida Statutes, is amended to read:

216.182 Approval of fixed capital outlay.—

(1) The *Executive Office of the Governor* ~~Department of Administration~~ shall have the authority to approve the program plans of fixed capital outlay projects to assure that each is consistent with legislative policies for operations, including approved operational standards related to program and utilization and reasonable continuing operating costs.

(2) Any department under the direct supervision of a member of the cabinet or of a board consisting of the Governor and members of the cabinet which contends that the determination of the program plan by the *office* ~~Department of Administration~~ pursuant to subsection (1) is contrary to the orderly implementation of legislative authorization shall have the right to have the issue reviewed by the Administration Commission, which shall decide such issue by majority vote. The appropriations committees of the Legislature may advise the Administration Commission on the issue.

Section 31. Subsection (3) of section 216.192, Florida Statutes, is amended to read:

216.192 Release of appropriations, revision of budgets.—

(3) The *office* ~~department~~ shall make releases within the amounts appropriated and as requested for all appropriations to the *state courts system and* legislative branch, and the provisions of subsections (1) and (2) shall not apply to the legislative branch *or the state courts system.*

Section 32. Section 216.201, Florida Statutes, is amended to read:

216.201 Services of *office* ~~department~~ to be available to Legislature.~~—During the legislative session~~ The services of

the *office* ~~department~~ shall be available to the Legislature for procuring such fiscal or other data as it may require.

Section 33. Subsection (3) of section 216.212, Florida Statutes, is amended to read:

216.212 Budgets for federal funds; *expenditure* ~~reappropriations~~ of federal funds *restricted.*—

(3) Federal moneys appropriated by Congress to be used for state purposes, whether by itself or in conjunction with moneys appropriated by the Legislature, *shall not be expended unless appropriated by the Legislature. However, the office may, after consultation with the legislative appropriations committees, approve the receipt and expenditure of funds from federal and other sources. The office shall budget and recommend the expenditure of federal funds in the 1981-1983 biennial budget. The chairmen of the legislative appropriations committees may waive these provisions as appropriate by written agreement. However, federal and other fund sources for the State University System which do not carry a continuing commitment on future appropriations* are hereby *appropriated* ~~reappropriated~~ for the purpose received.

Section 34. Subsection (1) of section 216.221, Florida Statutes, is amended to read:

216.221 Appropriations as maximum; adjustments of budgets.—

(1) All appropriations shall be maximum appropriations, based upon the collection of sufficient revenues to meet and provide for such appropriations. It shall be the duty of the Governor, as chief budget officer, to insure that revenues collected will be sufficient to meet the appropriations and that no deficit shall occur in any state fund. If, in the opinion of the Governor, a deficit will occur, he shall so certify to the commission, and the commission may, by affirmative action, *after consultation with the legislative appropriations committees,* reduce all state agency approved budgets and releases a sufficient amount to prevent a deficit in any fund.

Section 35. Subsection (1) of section 216.231, Florida Statutes, is amended to read:

216.231 Release of certain classified appropriations; approval of Administration Commission.—

(1) Any appropriation to the *office* ~~department~~ which is classified as "emergency," or "deficiency," may be released only with the approval of the Governor and three other members of the Administration Commission. The state agency desiring the use of any such appropriation shall submit to the *office* ~~department~~ application therefor in writing setting forth the facts from which the alleged need arises. The commission shall, at a public hearing, review such application promptly and approve or disapprove the same as the circumstances may warrant. *The commission shall consult with the legislative appropriations committees prior to final approval or disapproval of an application.* All actions of the commission shall be reported to the legislative appropriation committees~~, and the committees may advise the commission relative to the release of such funds~~.

(a) The release of appropriated funds classified as "deficiency" shall be approved only when a General Revenue Fund appropriation for a state agency's operations is inadequate because the workload or cost of the operation exceeds that anticipated by the Legislature and a determination has been made by the Administration Commission, *after consultation with the legislative appropriations committees,* that the deficiency will result in an impairment of an agency's activities to the extent that the agency is unable to carry out its program as provided by the Legislature in the general appropriations acts. These funds shall not be used to create any new agency or program, for increases of salary, or for the construction or equipping of additional buildings.

(b) The release of appropriated funds classified as "emergency" shall be approved only when an act or circumstance caused by an act of God, civil disturbance, natural disaster, or other circumstance of an emergency nature threatens, endangers, or damages the property, safety, health, or welfare of the state or its citizens, which condition has not been provided for in appropriation acts of the Legislature. Funds allocated for this purpose may be used to pay overtime pay to personnel of agencies called upon to perform extra duty because of civil disturbances or natural disasters and to provide the required state match for federal grants under the Federal Disaster Relief Act.

Section 36. Section 216.241, Florida Statutes, is amended to read:

216.241 Initiation or commencement of new programs; approval.—No state agency shall initiate or commence any new program or make changes in its current programs that require additional state financing unless funds have been specifically appropriated therefor or unless the commission expressly approves such changes or new programs. *No new programs may be initiated nor any changes made to existing programs that materially affect the policy direction of the program without first consulting with the legislative appropriations committees.* All such approvals shall be reported to the legislative appropriations committees ~~and said committees may advise the commission relative to such approvals~~.

Section 37. Paragraphs (a), (b) and (e) of subsection (1) and subsection (2) of section 216.262, Florida Statutes, are amended to read:

216.262 Authorized positions.—

(1)(a) Unless otherwise expressly provided by law, the total number of authorized positions shall not exceed the total provided in the appropriations acts. In the event any state agency finds that the number of positions so provided is not sufficient to administer its authorized programs, it may file an application with the *Executive Office of the Governor* ~~department~~, and, if the agency *certifies* ~~and the department certify~~ there are no authorized positions available for addition, deletion, or transfer within the agency as provided in paragraph (b), the commission may, after a public hearing *and after consultation with the legislative appropriations committees,* authorize an increase in the number of positions for the following reasons only:

1. To implement or provide for continuing federal grants or changes in grants not previously anticipated;

2. To implement lump sum appropriations made by the legislature; however, the number of positions shall be limited to the number authorized in the appropriation act for each lump sum;

3. To meet emergencies *that were not provided for in the appropriations act which were a result of circumstances caused by an act of God, civil disturbance, natural disaster or other circumstances that threaten, endanger or damage the property, safety, health or welfare of the state, its employees or citizens,* ~~as determined by the department, that were not provided for in the appropriations act~~;

4. To satisfy new federal regulation or changes therein;

5. To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the state; and

6. To authorize positions which were not fixed by the Legislature through error in drafting the appropriations acts~~, after consultation with the chairmen of the legislative appropriations committees~~.

A copy of the application, the certification, and the final authorization shall be filed with the legislative appropriations committees and with the Auditor General. ~~The legislative appropriations committees may advise the commission relative to any authorization for increasing the number of positions.~~

(b) The *office* ~~department~~, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency or department authority to add and delete authorized positions or transfer authorized positions ~~from one budget entity to another budget entity within the same division~~, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs.

(e) No perquisites shall be furnished by a state agency unless approved by the *Department of Administration* ~~Division of Personnel~~ during each fiscal year. Whenever a state agency is to furnish those things defined as perquisites herein, the Department of Administration shall approve the kind and monetary value of such perquisites before the same may be furnished.

(2) The *approving authority* ~~department~~ shall report all such approvals made pursuant to subsection (1) and the reasons

for such approvals to the legislative appropriations committees and the auditor general.

Section 38. Section 216.275, Florida Statutes, is amended to read:

216.275 Clearing accounts.—No clearing account may be established outside the State Treasury pursuant to subsection 18.101(1) unless approved by the *State Treasurer* ~~department~~ during the biennium. Each agency desiring to maintain a clearing account outside the State Treasury shall submit a written request to do so to the *State Treasurer* ~~department~~ in accordance with the format and manner prescribed by the *State Treasurer* ~~department~~. The *State Treasurer* ~~department~~ shall maintain a listing of all clearing accounts approved during the biennium.

Section 39. Subsection (4) of section 216.292, Florida Statutes, is hereby repealed, and subsections (1) and (3) of said section are amended to read:

216.292 Appropriations nontransferable; exceptions.—

(1) Unless otherwise expressly provided by law, appropriations shall be expended only for the purpose for which appropriated, except that if deemed necessary said moneys may be transferred as provided in subsections (2) and (3) when it is determined to be in the best interests of the state. Appropriations for fixed capital outlay shall not be expended for any other purpose, and appropriations shall not be transferred between state agencies unless specifically authorized by law.

(3) Transfers of appropriations in excess of that provided in subsection (2) but within a state agency may be authorized by the commission *after consultation with the legislative appropriations committees*, pursuant to the request of the agency filed with the *office* ~~department~~, if deemed necessary and in the best interests of the state.

Section 40. Subsection (1) and paragraph (b) of subsection (2) of section 216.301, Florida Statutes, are amended to read:

216.301 Appropriations; undisbursed balances.—

(1)(a) Any balance of any appropriations, except appropriations for fixed capital outlay, not disbursed but expended or contracted to be expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the *state courts system or* legislative branch to the *office* ~~department~~, showing in detail to whom obligated and the amount of such obligation. The *office* ~~department~~ shall review and approve or disapprove any or all of the items and amounts so certified, and the *office* ~~department~~ shall furnish the Comptroller, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balance of said appropriations. Any such encumbered balance remaining undisbursed on December 31 of the same calendar year in which such certification was made shall revert to the fund from which appropriated and be available for reappropriation *except those items specifically appropriated as biennial appropriations as defined in s. 216.011(1)(gg)*. In the event the aforesaid certification is not made and the obligation is proven to be legal, due, and unpaid, then the same shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative branch affected.

(b) Any balance of any appropriation, except for fixed capital outlay, not expended or contracted to be expended at the end of each fiscal year *except biennial appropriations* shall revert to the fund from which appropriated and be available for reappropriation by the Legislature.

(2)

(b) Such certification as herein required shall be in the form and on the date approved by the *office* ~~department~~. Any balance not so certified shall revert to the fund from which appropriated and be available for reappropriation *except those items specifically appropriated as biennial appropriations as defined in s. 216.011(1)(gg)*.

Section 41. Section 216.321, Florida Statutes, is amended to read:

216.321 Construction of chapter 216 as unauthorized expenditures and disbursements.—Nothing contained in any legislative budget, *state courts system budget* or operating budget shall be construed to be an administrative or legislative construction affirming the existence then of the lawful authority to make an expenditure or disbursement for any purpose not otherwise authorized by laws *relating to* ~~of~~ the particular agency or legislative branch *or state courts system* and the general laws relating to the expenditure or disbursement of public funds.

Section 42. Notwithstanding s. 216.351, this act shall be deemed to amend the provisions of chapter 216, Florida Statutes, as set forth herein.

Section 43. Subsections (2) and (3) of section 20.31, Florida Statutes, 1978 Supplement, are amended, and a new subsection (3) is added to said section to read:

20.31 Department of Administration.—There is created a Department of Administration.

~~(2) There is created as part of the Department of Administration an Administration Commission composed of the Governor and Cabinet. The Governor is chairman of the commission. The Governor or Comptroller may call a meeting of the commission promptly each time the need therefor arises. Unless otherwise provided herein, affirmative action by the commission shall require the approval of the Governor and at least three other members of the commission. The commission shall adopt such rules as it deems necessary to carry out its duties and responsibilities.~~

(2) ~~(3)~~ The following divisions~~, and bureaus within these divisions,~~ of the Department of Administration are established:

~~(a) Division of Budget.~~

(a) ~~(b)~~ Division of *Human Resource* Management ~~Improvement~~.

(b) ~~(c)~~ Division of Personnel.

(c) ~~(d)~~ Division of Retirement.

~~(e) Division of State Planning.~~

~~1. Bureau of Criminal Justice Assistance.~~

(d) ~~(f)~~ Division of Administrative Hearings.

(3) There is created within the office of Secretary of Administration an Office of Labor Relations. The duties of the office shall be determined by the secretary, and shall include, but not be limited to, the representation of the Governor as a public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

Section 44. Part I of chapter 110, Florida Statutes, consisting of sections 110.105, 110.107, 110.110, 110.115, 110.120, 110.130, 110.135, 110.137, 110.140, 110.145, 110.150, 110.155, 110.160, 110.165, 110.170, 110.175 and 110.180, is created to read:

PART I

GENERAL STATE EMPLOYMENT PROVISIONS

110.105 Employment policy of the state.—

(1) It is the purpose of this chapter to establish a system of personnel management. This system shall provide means to recruit, select, train, develop, and maintain an effective and responsible work force, and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, benefits, discipline, discharge, employee performance evaluations, affirmative action, and other related activities. All appointments, terminations, assignments and maintenance of status, compensation, privileges and other terms and conditions of employment in state government shall be made without regard to age, sex, race, religion, national origin, political affiliation, marital status or handicap, except when a specific sex, age, or physical requirement constitutes a bona fide occupational qualification necessary to proper and efficient administration.

(2) This chapter contains requirements and guides for establishing and maintaining a system of personnel administration on a merit basis. The system of personnel administration shall be implemented so as to permit state agencies to be eligible to receive federal funds.

(3) Nothing in this chapter shall be construed either to infringe upon or to supersede the rights guaranteed public employees under chapter 447.

(4) Except as expressly provided by law, there shall be no Florida residence requirement for any person as a condition precedent to employment by the state; however, preference may be given to Florida residents in hiring.

110.107 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Department" means the Department of Administration.

(2) "Secretary" means the Secretary of Administration.

110.110 State group insurance program.—

(1) TITLE.—This section may be cited as the State Group Insurance Program Law.

(2) DEFINITIONS.—As used in this section, unless the context otherwise requires:

(a) "State group insurance program" or "program" means the package of insurance plans offered to state officers and employees, retired state officers and employees and surviving spouses of deceased state officers and employees pursuant to this section, including the state group health insurance plan and other plans required or authorized by this section.

(b) "State group health insurance plan" means the health insurance plan offered to state officers and employees, retired state officers and employees and surviving spouses of deceased state officers and employees pursuant to this section.

(c) "State officer" means any constitutional state officer, any elected state officer paid by state warrant, or any appointed state officer who is commissioned by the Governor and who is paid by state warrant.

(d) "Full-time state employees" includes all full-time employees of all branches or agencies of state government holding salaried positions and paid by state warrant or from agency funds, and employees paid from regular salary appropriations for 8 months' employment, including university personnel on academic contracts, but in no case shall "state employee" or "salaried position" include persons paid from other-personal-services (OPS) funds.

(e) "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations, or from agency funds, and who is employed for less than the normal full-time work week established by the department, or, if on academic contract, seasonal or any other type of employment which is less than year round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include persons paid from other-personal-services (OPS) funds.

(f) "Retired state officer or employee" or "retiree" means any state officer or state employee who retires under a state retirement system or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who will continue to receive a monthly state warrant after retirement.

(g) "Surviving spouse" means the widow or widower of a deceased state officer, full-time state employee, part-time state employee, or retiree if such widow or widower was covered as a dependent under the state group health insurance plan established pursuant to this section at the time of the death of the deceased officer, employee or retiree. "Surviving spouse" also means any widow or widower who is receiving or eligible to receive a monthly state warrant from a state retirement system as the beneficiary of a state officer, full-time state employee or retiree who died prior to July 1, 1979. For the purposes of this section, any such widow or widower shall cease to be a surviving spouse upon his or her remarriage.

(h) "Health maintenance organization" means an entity certified under part II of chapter 641.

(i) "State agency" or "agency" means any branch, department, or agency of state government.

(3) STATE GROUP INSURANCE PROGRAM.—

(a) There is hereby established the state group insurance program which shall include the state group health insurance plan, a group life insurance plan, and a group accidental death and dismemberment plan, and, on and after July 1, 1981, a group disability insurance plan. Furthermore, the Department of Administration is additionally authorized to establish and provide as part of the state group insurance program any other group insurance plan which is consistent with the provisions of this section.

(b) The percentage state contribution toward the cost of any plan in the state group insurance program shall be uniform with respect to all state employees in state collective bargaining units participating in the same plan or any similar plan. Nothing contained within this section shall prohibit the development of separate benefit plans for officers and employees exempt from collective bargaining or the development of separate benefit plans for each collective bargaining unit.

(c) Participation by individuals in the program shall be available to all state officers, full-time state employees and part-time state employees, and such participation in the program or any plan thereof shall be voluntary. Participation in the program shall also be available to retired state officers and employees who elect at the time of retirement to continue coverage under the program, provided that they may elect to continue only all or part of the coverage they had at the time of retirement. A surviving spouse may elect to continue coverage only under the state group health insurance program.

(d) A person eligible to participate in the state group health insurance plan may be authorized by rules adopted by the Department of Administration, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization which is qualified in accordance with criteria established by said rules. The offer of optional membership in a health maintenance organization permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of federal law.

(e) The benefits of the insurance authorized by this section shall not be in lieu of any benefits payable under chapter 440, the Florida Workers' Compensation Law. The insurance authorized by this law shall not be deemed to constitute insurance to secure workers' compensation benefits as required by chapter 440.

(4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE.—

(a) Legislative authorization through the appropriations act shall be required for payment by a state agency of any part of the premium cost of participation in any group insurance plan.

(b) State agencies, as provided by the Legislature through the appropriations act, are hereby authorized to pay no less than 75 percent of the cost of coverage of each state officer or full-time state employee participating in the state group health insurance plan.

(c) State agencies, as provided by the Legislature through the appropriations act, are hereby authorized to pay toward the cost of coverage of dependents of state officers and full-time employees under the state group health insurance plan no less than 25 percent of the difference between the cost of individual coverage and the cost of dependent coverage in 1979-80 and no less than 50 percent in 1980-81.

(d) If a state officer or full-time state employee selects membership in a health maintenance organization as authorized by subsection (3)(d), the officer or employee shall be entitled to a state contribution toward individual and dependent membership in a dollar amount equal to the appropriate respective state contributions for individual and dependent coverage under the state group health insurance plan. Any additional cost of such membership shall be borne by the officer or employee.

(e) During each policy or budget year no state agency shall contribute a greater percentage of the premium cost for its officers or employees for any type of coverage under the state group insurance program than any other agency, nor shall any greater percentage contribution of premium cost be made for employees in one state collective bargaining unit than for those in any other state collective bargaining unit.

(f) The state contribution for a part-time permanent state employee who elects to participate in the program shall be on a pro rata basis so that the percentage of the cost contributed for the part-time permanent employee shall bear that relation to the percentage of cost contributed for a similar full-time employee that the part-time employee's normal work day bears to a full-time employee's normal work day.

(g) No state contribution for the cost of any part of the premium shall be made for retirees or surviving spouses for any type of coverage under the state group insurance program.

(h) Pursuant to the request of each state officer, full-time or part-time state employee, or retiree participating in the state group insurance program and upon certification of the employing agency approved by the Secretary of Administration, the state Comptroller shall deduct from the salary or retirement warrant payable to each participant the amount so certified and handle such deductions in accordance with rules established by the Secretary of Administration.

(5) DEPARTMENT OF ADMINISTRATION; POWERS AND DUTIES.—The Secretary of Administration shall be responsible for the administration of the state group insurance program. The Department of Administration shall initiate and supervise the program as established by this section. To implement this program the department shall, subject to legislative approval:

(a) Determine the benefits to be provided and the contributions to be required for the state group insurance program. However, in the determination of the design of the program, the department shall consider existing and complementary benefits provided by the Florida Retirement System and the Social Security System.

(b) Prepare, in cooperation with the Department of Insurance, the specifications necessary to implement the program.

(c) Contract on a competitive proposal basis with an insurance carrier or carriers, or professional administrator, determined by the Department of Insurance to be fully qualified, financially sound and capable of meeting all servicing requirements. Alternatively, the Department of Administration may self insure any plan or plans contained in the state group insurance program subject to approval based on actuarial soundness by the Department of Insurance. The department may contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such plan. Before entering into any contract, the Department of Administration shall advertise for competitive proposals, and such contract shall be let upon the consideration of the benefits provided in relationship to the cost of such benefits.

(d) Promulgate such rules as may be necessary to perform its responsibilities.

(6) DEPOSIT OF PREMIUMS AND REFUNDS.—Premium dollars collected and not required to pay the costs of the program, prior to being paid to the carrier insurance company, shall be invested, and the earnings from such investment shall be deposited in a trust fund to be designated in the State Treasury and utilized for increased benefits or reduced premiums for the participants, or may be used to pay for the administration of the state group insurance program. Any refunds paid the state by the insurance carrier from premium dollar reserves held by the carrier and earned on such refunds shall be deposited in the trust fund and used for such purposes.

(7) CONTINUATION OF AGENCY INSURANCE PLANS. —Nothing contained in this section shall require the discontinuation of any insurance plan provided by any state agency; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such agency plans. Such agency plans shall not be deemed to be included in the state group insurance program. However, the department shall identify and analyze the various plans and benefits currently in existence in state government and prepare a report to be submitted to the 1980 Legislature.

110.115 Productivity improvement.—

(1) In order to provide for the improvement of productivity and human resources management, the department shall have the authority to conduct agency personnel administration and management reviews to assist agencies in identifying areas of recommended improvement.

(2) It shall be the duty of the department to assist the Governor and state agencies in making a detailed study of each of the several state agencies, with a view toward ascertaining and determining the effectiveness and efficiency of agency personnel programs and human resources management.

(3) The department shall represent the public interest in the improvement of administration by providing training programs aimed at improving managerial, administrative and technical skills.

110.120 Affirmative action; equal employment opportunity.—

(1) It shall be the policy of the state to assist in providing the assurance of equal employment opportunity through programs of affirmative and positive action that will allow full utilization of women and minorities.

(2) Each agency head shall develop and implement affirmative action programs.

(3) An affirmative action-equal employment opportunity officer shall be appointed by each agency head.

(4) Each agency head shall report annually to the Governor on implementation, continuance, updating, and results of the agency affirmative action programs.

(5) The state, its agencies and officers shall ensure freedom from discrimination in employment as provided by the Human Rights Act of 1977, by s. 112.044 and by this chapter.

(6) Any individual claiming to be aggrieved by an unlawful employment practice may file a complaint with the Florida Commission on Human Relations as provided by s. 13.261(10).

110.130 Paid holidays.—

(1) The following holidays shall be paid hoildays observed by all state branches and agencies:

(a) New Year's Day.

(b) Memorial Day.

(c) Independence Day.

(d) Labor Day.

(e) Veterans' Day, November 11.

(f) Thanksgiving Day.

(g) Friday after Thanksgiving.

(h) Christmas Day.

(i) If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(2) The secretary may designate any one other working day as a paid holiday for employees in the Career Service System or may declare, when appropriate, a State Day of Mourning in observance of the death of a person in recognition of service rendered to the state or nation.

(3) In addition to the holidays specified in subsections (1) and (2), each employee holding a regular salaried position in any branch of state government, except teaching and research faculty and comparable administrative and professional positions exempted under s. 110.205, shall receive one paid personal holiday per year equivalent to the employee's normal workday. Such holiday shall be credited to each eligible employee on July 1 of each year, and must be used by the employee at any time before June 30 of the following year, provided that the scheduling of such holiday shall be subject to the approval of the employee's supervisor. The approval of such scheduling shall not be unreasonably denied.

110.135 Terminal payment for accumulated sick leave.—

(1) All state branches, departments and agencies which have the authority to establish or approve personnel policies for employees and to employ personnel and establish the conditions of their employment shall establish policies to provide terminal "incentive" pay for accumulated and unused sick leave to each employee upon normal or regular retirement for reason other than disability or upon termination of employment, or to the employee's beneficiary if service is terminated by death, provided such retirement, termination, or death occurs after 10 years of creditable state employment.

(2) The employing entity shall establish and publish rules governing the accumulation and use of sick leave and maintain

accurate and reliable records showing the amount of sick leave which has accumulated and is unused by the employee at the time of retirement, death, or termination.

(3) The payments authorized by this section shall be determined by using the rate of pay received by the employee at the time of retirement, termination, or death, applied to the sick leave time for which the employee is qualified to receive terminal "incentive" pay under the rules adopted by the department pursuant to the provisions of this section. Rules and policies adopted pursuant to this section shall permit terminal pay for sick leave equal to one-eighth of all unused sick leave credit accumulated prior to October 1, 1973, plus one-fourth of all unused sick leave accumulated on or after October 1, 1973. However, terminal pay allowable for unused sick leave accumulated on or after October 1, 1973, shall not exceed a maximum of 480 hours of actual payment. Employees shall be required to use all sick leave accumulated prior to October 1, 1973, before using sick leave accumulated on or after October 1, 1973.

(4) The payments made pursuant to this section shall not be considered in any state-administered retirement system as salary payments and shall not be used in determining the average final compensation of an employee in any state-administered retirement system.

(5) Any employee:

(a) Who is found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment, committed prior to retirement or 10-year normal creditable termination;

(b) Whose employment is terminated by reason of the employee having admitted committing, aiding or abetting of an embezzlement or theft from his or her employer or by reason of bribery or for cause;

(c) Who, prior to 10-year normal creditable termination or retirement is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or

(d) Who has been found guilty of a court of competent jurisdiction of violating any state law prohibiting strikes by public employees

shall forfeit all rights and benefits under this section. An employee whose employment terminates as a result of an act committed subject to this subsection or for cause shall not be given credit for unused sick leave accumulated prior to termination should the employee be reemployed at a later date.

110.137 Tuition Refund.—

(1) Each branch of state government is authorized to retrospectively reimburse any employee of the branch for the actual tuition and fees incurred by the employee in taking and successfully completing a job related course or program of instruction in the state university system. Provided, no employee shall receive reimbursement for more than six credit hours of on-campus instruction per term.

(2) No reimbursement shall be made pursuant to this section for any tuition or fees incurred by any employee prior to January 1, 1980.

110.140 Administrative leave for certain athletic competition.—

(1) As used in this section, the term "United States team" includes any group leader, coach, official, or athlete who is a member of the official delegation of the United States to world, Pan American, or Olympic competition.

(2) Any employee of the state who qualifies as a member of the United States team for athletic competition on the world, Pan American, or Olympic level in a sport contested in either Pan American or Olympic competition shall be granted administrative leave without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competition. In no event shall the paid leave under this section exceed the period of the official training camp and competition combined or 30 calendar days a year, whichever is less.

(3) The department may adopt any rule necessary to carry out the purposes of this section.

110.145 Pay periods for state officers and employees.— The normal pay period for salaries of state officers and employees shall be 1 month. The Department of Banking and Finance shall issue either monthly or biweekly state warrants for salaries by budget entity as requested by the head of each state agency and approved by the Executive Office of the Governor after consultation with the Department of Banking and Finance.

110.150 Employee wage deductions.—

(1) The state or any of its departments, bureaus, commissions and officers are authorized and permitted, with the concurrence of the Department of Banking and Finance, to make deductions from the salary or wage of any employee or employees in such amount as shall be authorized and requested by such employee or employees and for such purpose as shall be authorized and requested by such employee or employees and shall pay such sums so deducted as directed by such employee or employees. The concurrence of the Department of Banking and Finance shall not be required for the deduction of a certified bargaining agent's membership dues deductions pursuant to s. 447.303 or any deductions required by a collective bargaining agreement.

(2) The approval of and making of approved deductions shall not require the approval or making of other requested deductions.

(3) Notwithstanding the provisions of subsections (1) and (2), the deduction of membership dues deductions as defined in s. 447.203(15) for an employee organization as defined in s. 447.203(11) shall be authorized or permitted only for an organization which has been certified as an exclusive bargaining agent pursuant to chapter 447 for a unit of state employees. Such deductions shall be subject to the provisions of s. 447.303.

(4) Records of employee requests and employer authorizations for deductions from an employee's wage or salary, or the legal authority for the deduction, shall be maintained by each employing entity.

110.155 Employees of historical commissions; other state employment permitted.—

(1) Staff members or employees of state historical commissions are hereby permitted or authorized to teach courses and hold part-time positions at state universities and be paid compensation from more than one appropriation if such teaching or employment does not interfere with the normal duties of such commission staff members or employees. Any agreement or contract relative to such employment must have the approval of the historical commission and the president of the university.

(2) Any provision of law which prohibits the payment of salaries or compensation from more than one appropriation shall not apply to the provisions of this section.

110.160 Personnel information system; payroll procedures.— The Department of Administration shall establish and maintain, in coordination with the payroll system of the Department of Banking and Finance, a complete personnel information system for all authorized and established positions in the state service, with the exception of employees of the Legislature. The specifications shall be developed in conjunction with the payroll system of the Department of Banking and Finance and in coordination with the Auditor General. The Department of Banking and Finance shall determine that the position occupied by each employee has been authorized and established in accordance with the provisions of s. 216.251. The Department of Administration shall develop and maintain a position numbering system that will identify each established position, and such information shall be a part of the payroll system of the Department of Banking and Finance. With the exception of employees of the Legislature, this system shall include all career service positions and those positions exempted from career service provisions, notwithstanding the funding source of the salary payments, and information regarding persons receiving payments from other sources. Necessary revisions shall be made in the personnel and payroll procedures of the state to avoid duplication insofar as is feasible. A report shall be furnished to the head of each state agency periodically which shall include, but not be limited to, each employee's name, length of service with the state, current salary, and position classification and whether the employee is overlapped, in a multiple-filled position, or hired out-of-class. Each list shall be organized by budget entity to show the employees or vacant positions within each budget entity. This list shall be

available to the Speaker of the House of Representatives and the President of the Senate upon request.

110.165 Services to political subdivisions.—

(1) Upon request, the department may enter into formal agreements with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration of such municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds and other resources. All municipalities and political subdivisions of the state are hereby authorized to enter into such agreements.

(2) Technical assistance may include, but shall not be limited to, technical advice, written reports and other information or materials and may cover such subjects as management and personnel systems, central administrative and support services, employee training and employee productivity.

(3) Technical assistance rendered to municipalities or political subdivisions pursuant to this section may be on a nonreimbursable basis or may be partly or wholly reimbursable based upon the extent, nature and duration of the requested assistance; the extent of resources required; and the degree to which the assistance would be of use to other municipalities or political subdivisions of the state.

110.170 Administrative costs.—The administrative expenses and costs of operating the personnel program established by this chapter shall be paid by the various agencies of the state government, and each such agency shall include in its budget estimates its pro rata share of such cost as determined by the Department of Administration. To establish an equitable division of the costs, the amount to be paid by each agency shall be determined in such proportion as the service rendered to each agency bears to the total service rendered under the provisions of this chapter. Should any state agency become more than 90 days delinquent in payment of this obligation, the department shall certify to the state Comptroller the amount due and the state Comptroller shall transfer the amount due to the department from any debtor agency funds available.

110.175 Oaths, testimony, records.—The department shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation of personnel practices or hearing authorized by this chapter. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

110.180 Penalties.—

(1) Any person who willfully violates any provision of this chapter or of any rules adopted pursuant to the authority herein granted shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The provisions of s. 112.011 to the contrary notwithstanding, any person who is convicted of a misdemeanor under this chapter shall be, for a period of 5 years, ineligible for appointment to or employment in a position in the state service, and if an employee of the state, shall forfeit his or her position.

(3) Imposition of the penalties provided herein shall not be in lieu of any action which may be taken or penalties which may be imposed pursuant to part III of chapter 112.

Section 45. Part II of chapter 110, Florida Statutes, consisting of sections 110.201, 110.203, 110.205, 110.210, 110.215, 110.220, 110.225, 110.230, 110.235, 110.240, 110.242, 110.245, 110.-250, 110.255 and 110.260, is created to read:

PART II

CAREER SERVICE SYSTEM

110.201 Personnel rules, records and reports.—

(1) The department shall develop and administer the establishment of uniform personnel rules, records and reports relating to employees and positions in the career service.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, appointment action, or any additional transactions as the department may deem appropriate.

(b) It shall be the responsibility of the employing agency to maintain these records, and all other records and reports prescribed in applicable rules, on a current basis.

(2) Each employing agency shall operate within the uniform personnel rules promulgated by the department pursuant to the provisions of this chapter. Each employing agency shall adopt rules as necessary to implement the provisions of this part and the provisions of the rules of the department, but such rules shall not prescribe any personnel policies inconsistent with the provisions of this chapter or the rules of the department. Neither the rules of the department nor the rules of an employing agency shall include any benefits for career service employees which are in excess of, or in addition to, those authorized by this chapter.

(3) The rules adopted by the department and each employing agency under this part shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(4) The department shall coordinate with the Governor and consult with the Administration Commission on personnel matters falling within the scope of collective bargaining and represent the Governor in collective bargaining negotiations and other collective bargaining matters as may be necessary. All discussions between the department and the Governor, and between the department and the Administration Commission, or between any of their respective representatives, relative to collective bargaining, shall be exempt from the provisions of s. 286.011, and all work products relative to collective bargaining developed in conjunction with such discussions shall be exempt from the provisions of chapter 119.

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(1) "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch or the judicial branch of state government as defined in chapter 216.

(2) "Position" means the work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.

(3) "Full-time position" means a position authorized for the entire normally established work period, daily, weekly, monthly or annually.

(4) "Part-time position" means a position authorized for less than the entire normally established work period, daily, weekly, monthly or annually.

(5) "Class of positions" means all positions which are sufficiently similar as to kind or subject matter of work, level of difficulty or responsibilities, and qualification requirements of the work to warrant the same treatment as to title, pay range, and other personnel transactions.

(6) "Series" means a group of classes which are sufficiently similar in kind of work performed to warrant similar titles, but sufficiently different in level of responsibility to warrant different levels and rates of pay.

(7) "Common class" means a class utilized by more than one state agency.

(8) "Single-agency class" means a class utilized exclusively by one state agency.

(9) "Title of position" or "class title" means the official name assigned to a position or class of positions.

(10) "Classification plan" means a document which formally describes the concepts, rules and regulations and class specifications utilized in the classification and reclassification of positions in the career service.

(11) "Pay plan" means a document which formally describes the philosophy, methods, procedures and the salary schedule for compensating employees for work performed.

(12) "Salary schedule" means an official document which contains a complete list of classes and their assigned salary ranges.

(13) "Salary range" means the minimum salary, the maximum salary and intermediate rates which are payable for work in a specific class of positions.

(14) "Authorized position" means a position included in an approved budget. In counting the number of authorized positions, part-time positions may be converted to full-time equivalents.

(15) "Established position" means an authorized position which has been classified in accordance with a classification and pay plan as provided by law.

(16) "Position number" means the identification number assigned to an established position.

(17) "Reclassification" means changing an established position in one class in a series to a higher or lower class in the same series or to a class in a different series which is the result of a natural change in the duties and responsibilities of the position.

(18) "Promotion" means moving an employee from a position in one class to a different position in another class having a greater degree of responsibility and a higher maximum salary.

(19) "Demotion" means moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower maximum salary.

(20) "Transfer" means moving an employee from one geographic location of the state to a different geographic location in excess of 50 miles from the employee's current work location.

(21) "Reassignment" means moving an employee from a position in one class to a different position in the same class or a different class having the same degree of responsibility and the same maximum salary.

(22) "Dismissal" means the action taken by an agency against an employee to separate him from the career service.

(23) "Suspension" means the action taken by an agency against an employee to temporarily relieve him of his duties and place him on leave without pay.

(24) "Layoff" means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency.

110.205 Career service; exemptions.—

(1) CAREER POSITIONS.—The career service to which this part shall apply shall include all positions not specifically exempted by this part, any provisions of the Florida Statutes to the contrary notwithstanding.

(2) EXEMPT POSITIONS.—The exempt positions which shall not be covered by this part shall include the following:

(a) Officers elected by popular vote and persons appointed to fill vacancies in such offices and the personal secretary to each such officer. However, the department shall set the salary for each of these secretarial positions unless the salary is otherwise fixed by law.

(b) Officers and employees of the Legislature.

(c) Members of boards and commissions and the head of each state agency, board or commission, however selected; provided that the department shall set the salary of these positions unless otherwise fixed by law.

(d) Judges, referees, receivers.

(e) The Chancellor of the State University System and the presidents of state colleges and universities, provided that the salaries for such positions shall be set by the Board of Regents, any provisions of the Florida Statutes to the contrary notwithstanding. Members of the teaching and research faculty of the State University System and comparable administrative and professional positions as determined by the Board of Regents.

(f) Patients or inmates in state institutions.

(g) Any person paid from other-personal-services appropriations.

(h) A maximum of 10 policy-making positions, and the secretaries to each, in the offices of Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, and Commissioner of Agriculture, as exempted by each aforementioned officer, and 10 such policy-making positions, and the secretaries to each, in each of the other departments, as exempted by the head of each such department, plus any additional positions which are time-limited and established for the purpose of conducting a special study or investigation. However, the Department of Administration shall be advised in writing of each position to be exempted, and must approve each such exemption as being policy-making or time-limited and set the salary unless otherwise fixed by law.

(i) All employees in the Governor's general office and at the Governor's mansion and the head of each separate budget entity, as defined in chapter 216, assigned to the Governor. However, the department shall set the salary of these positions unless otherwise fixed by law.

(j) All officers and employees of the state courts system; provided that the department shall set the salary of these positions, unless otherwise fixed by law or as otherwise provided pursuant to s. 25.382.

(k) The appointed secretaries, assistant secretaries, deputy secretaries, executive directors, assistant executive directors, and deputy executive directors of all departments and the personal secretary of each such officer or employee; the chief administrative officer of each board and commission under the Department of State and the Department of Professional Regulation; and, unless otherwise provided, the directors of all divisions of all departments. However, the department shall set the salary of these positions unless otherwise fixed by law.

(l) The institute directors of the mental health institutes authorized for Tampa and Miami for training and research in the mental health field and all faculty-type members chiefly concerned with training, research and program evaluation. The salaries for these positions shall be comparable to the university system and shall be approved by the Department of Administration, unless otherwise fixed by law.

(m) Each Public Service Commissioner's personal secretary and personal assistant, the executive director, assistant executive director, and general counsel of the Public Service Commission and the personal secretary to each, the commission clerk, the hearing examiners, the official reporters, and the directors of the departments within the commission. The commission shall with the prior approval of the Department of Administration set the qualifications and salary of these positions unless otherwise fixed by law.

(n) The deputy assistant secretary for program planning, the staff directors, and the district administrators of the Department of Health and Rehabilitative Services.

(o) The academic and academic administrative personnel of the Florida School for the Deaf and the Blind. However, in accordance with the provisions of chapter 242, the salaries for such positions shall be set by the Board of Trustees for the Florida School for the Deaf and the Blind, subject only to the approval of the State Board of Education.

(p) Members of the senior management group.

(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—Employees of the Department of Law Enforcement shall be subject to the provisions of s. 110.250, except in matters relating to transfer.

110.210 Classification plan.—

(1) The department shall establish and maintain a uniform classification plan applicable to all positions in the career service, and shall be responsible for the overall coordination, review and maintenance of the plan; however, in no case shall the number of classes exceed 1800. The Executive Office of the Governor shall prepare a plan for the reduction of classes to 1800 and present this plan to the House of Representatives and Senate no later than March 1, 1980.

(a) The department shall develop class specifications necessary for the establishment of new classes or for the revision of existing classes, and shall adopt the appropriate class title and class code for each class. Such class specifications, titles and codes shall not constitute rules within the meaning of s. 120.-52(14).

(b) The department shall be responsible for conducting periodic studies and surveys to assure that the classification plan is maintained on a current basis.

(c) The department may review in a post-audit capacity the action taken by an employing agency in classifying or reclassifying a position.

(d) The department shall effect a classification change on any classification or reclassification action taken by an employing agency if the action taken by the agency was not based on the duties and responsibilities officially assigned the position as they relate to the concepts and allocation factors contained in the official class specifications adopted by the department. Such classification change, if any, shall be made by the department within 5 months after the action was taken by the agency.

(e) Any action taken by the department in regard to the classification or reclassification of a position which affects a department headed by a Cabinet officer or by the Governor and Cabinet may be reviewed by the Administration Commission, and the department's decision may be changed by a majority vote of the Administration Commission.

(f) The department shall adopt rules necessary to govern the administration of the classification plan. Such rules shall be approved by the Administration Commission prior to their adoption by the department.

(2) The employing agency shall be responsible for the day to day application of classification rules promulgated by the department.

(a) The employing agency shall maintain on a current basis a position description for each authorized and established position assigned the agency. The position description shall include an accurate description of assigned duties and responsibilities and other pertinent information concerning a position and shall serve as a record of the official assignment of duties to the position. Such description shall be used in the comparison of positions to assure uniformity of classifications.

(b) The employing agency shall have the authority and responsibility to classify positions authorized by the Legislature or authorized pursuant to s. 216.262; to classify positions that are added in lieu of positions deleted pursuant to s. 216.262; and to reclassify established positions. Classification and reclassification actions taken by an employing agency shall be within the classes of positions established by the department, shall be funded within the limits of currently authorized appropriations, and shall be in accordance with the uniform procedures adopted by the department. The employing agency shall notify the department prior to the effective date of any classification or reclassification action, as fixed by the agency and recorded on the position description.

110.215 Pay plan.—

(1) The department shall establish and maintain an equitable pay plan applicable to all classes of positions in the career service, and shall be responsible for the overall review, coordination and administration of the pay plan.

(2)(a) The department shall determine the appropriate salary range for each class. Such salary range, and the assignment of ranges to positions, shall not constitute rules within the meaning of s. 120.52(14).

(b) The department shall review requests for competitive area differentials and may approve such requests if they are justified. The department shall have the authority to modify or discontinue existing competitive area differentials in response to change in the circumstances which justified the establishment of the differential.

(c) The department shall conduct wage and salary surveys as necessary for the purpose of maintaining an equitable pay plan.

(d) The department shall establish uniform policy and rates with respect to, and may delegate to the employing agencies the authority to administer, the following:

1. Shift differentials.
2. On-call fees.
3. Hazardous-duty pay.
4. Advanced appointment rates.
5. Salary increase and decrease corrections.

(e) The department may review in a post-audit capacity any action taken by an agency in administering the provisions of the pay plan.

(f) The department shall effect the appropriate corrective action when a post-audit of applicable records shows the action taken by an employing agency in administering the provisions of the pay plan was not consistent with the rules promulgated by the department.

(g) Any action taken by the department in regard to the revision or establishment of a pay grade assignment which affects a department headed by a Cabinet officer or by the Governor and Cabinet may be reviewed by the Administration Commission, and the department's decision may be changed by a majority vote of the Administration Commission.

(3) The employing agency shall be responsible for the day to day administration of the pay plan under the rules promulgated by the department.

(4) The department shall adopt any rules necessary to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

110.220 Recruitment.—

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and type of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the work force of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be the responsibility of the employing agency. Such efforts shall be in compliance with rules adopted by the department.

(3) The department shall provide for executive level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.

(4) Except for those classes for which examinations are given on a continuous basis, application for publicly announced vacancies shall be made directly to the employing agency in accordance with rules adopted by the department.

(5) All recruitment literature printed after July 1, 1979, involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."

(6) The department shall adopt any rules necessary to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

110.225 Examination and selection.—

(1) The department shall have the responsibility for designating classes as competitive or noncompetitive and for determining the type of examination or selection procedure to be utilized for each class. The department shall adopt rules providing for delegation of the administration of examination activities to those employing agencies which request to be delegated such functions.

(2) Any competitive or noncompetitive selection or examination procedure utilized in state employment or examination programs shall be designed to maximize validity, reliability and objectivity, shall be based on adequate job analysis conducted to ensure job relateness, and shall measure the relative ability, knowledge and skill needed for entry to a job.

(3) Selection for appointment from among the most qualified available eligibles shall be the responsibility of the employing agency in accordance with the rules adopted by the department. Such rules shall also provide procedures for selection for noncompetitive classes where job related ranking measures are not practical or are not appropriate.

(4) Appointments to positions in competitive classes shall be made from listings of certified eligibles from registers in accordance with rules adopted by the department. The employing agency shall assure that examination and certification require-

ments are met prior to the commitment of appointment to any applicant.

(5) The department shall conduct examinations and other recruitment activities for certain common classes of positions, as determined by the department, when centralized screening and placement activities are found to be more economical and effective than if carried out on a decentralized basis.

(6) The department shall adopt any rules necessary to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

110.230 Certification, registers, appointments and promotion.—

(1) The department shall have the responsibility for the establishment and maintenance of eligible registers and for the certification of persons who have qualified for appointment to competitive positions in the career service; however, certification may be delegated to the employing agency in accordance with rules adopted by the department.

(2) Eligibility for placement on registers shall be based on successful completion of any required examination and possession of established minimum requirements for entrance to a class, unless the applicant's qualifications are determined to be equivalent to the required minimum training and experience established for the class.

(3) Certification rules shall be established by the department to insure that employing agencies review and give equitable consideration to an appropriate number of eligibles based on the ranking system that is adopted by the department for selection for initial entry into the career service.

(4) The employing agency shall forward to the department on a timely basis a report of all certification actions taken, or shall report such actions through computer processing. Such reporting shall be in accordance with rules adopted by the department.

(5) The employing agency shall be responsible for developing an employee career advancement program which shall assure consideration of qualified permanent employees in the agency or career service who apply; however, such program shall also include provisions to bring persons into the career service through open competition. Promotion appointments shall be subject to post-audit by the department.

(6) The department shall have the responsibility for the adoption of rules regarding demotion, reassignment, separation, promotion, original and reinstatement appointments, and status.

(7) The department shall adopt any rules necessary to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

110.235 Examinations administered to blind and deaf persons; penalties.—

(1) The purpose of this section is to further the policy of the state to encourage and assist blind or deaf individuals to achieve maximum personal and vocational independence through useful and productive gainful employment by eliminating unwarranted barriers to their qualifying competitively for state career service jobs.

(2) As used in this section:

(a) "Blind person" means an individual having central visual acuity 20/200 or less in the better eye with correcting glasses or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.

(b) "Deaf person" means an individual having an 82 decibel loss of hearing and with whom manual communication is necessary to communicate.

(c) "Agency" includes each department and agency of the state.

(3)(a) The Department of Administration, with respect to all competitive examinations administered by it or any other agency to applicants for employment within the State Career Service System, shall adapt such examinations so that blind or deaf persons taking any such examinations can compete more equitably with sighted or hearing persons taking the examinations. The modifications or adaptations required by this subsection shall include, but not be limited to:

1. The provision of at least 50 percent more time to complete the examination for the blind or deaf person taking the examination, to allow for the slowness of readers or interpreters.

2. Competent reader service provided by the agency or by the appropriate blind services agency of the Department of Education or certified interpreter service provided by the agency or by the appropriate Office of Vocational Rehabilitation of the Department of Health and Rehabilitative Services, at no expenses to the blind person taking the examination.

3. The exclusion from the examination of graphs, charts, tables, and questions which might, per se, be unfamiliar to a blind person or would be difficult for a blind person to interpret because of his blindness, such as, for example, estimating distances visually.

(b) Each agency shall allow a blind or deaf person taking such an examination to use any necessary special equipment, aids, or appliances including, but not limited to:

1. Note-taking equipment, such as, for example, slate and stylus or Braillewriter.

2. Computational aids, such as, for example, the cramer abacus, as a substitute for hand calculators for sighted competitors.

3. Low-vision aid devices.

(c) Blind or deaf examinees shall be given sufficient privacy to insure good testing conditions and prevent disruption of others' testing environment.

(d) If there are two or more blind or deaf examinees, they shall be seated either in separate rooms or far enough apart so that they do not interfere with or help one another.

(4) The examination modifications and adaptations required under the provisions of this section shall be accomplished in consultation with the appropriate blind services agency of the Department of Education or the Office of Vocational Rehabilitation of the Department of Health and Rehabilitative Services and may be accomplished in consultation with the United States Civil Service Commission for utilization of current research findings. Rules promulgated pursuant to this section shall be jointly formulated by the Department of Administration and the Department of Education.

(5) No agency, as herein defined, shall be allowed to evade the intent and meaning of this section. Any agent or employee of such agency who intentionally violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable by a fine not to exceed $500.

110.240 Attendance and leave; general policies.—

(1) The work day for each full-time state employee shall be 8 hours or as otherwise justified by the agency head.

(2) Overtime may be required for any employee.

(3) The granting of any leave of absence, with or without pay, shall be in writing and shall be approved by the agency head. An employee who is granted leave of absence with or without pay shall be an employee of the state while on such leave and shall be returned to the same position or a different position in the same class and same work location upon termination of the approved leave of absence. The agency head and the employee may agree in writing to other conditions and terms under which the leave is to be granted.

(4) Each agency shall keep an accurate record of all hours of work performed by each employee, as well as a complete and accurate record of all authorized leave which is approved. The ultimate responsibility for the accuracy and proper maintenance of all attendance and leave records shall be with the agency head.

(5) Rules shall be adopted by the department to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department. Such rules shall provide for, but shall not be limited to:

(a) The maximum responsibility and authority resting with each agency head to administer attendance and leave matters in the agency within the parameters of the rules adopted by the department.

(b) Continuous service with one or more state agencies without a break in service.

(c) Creditable service in which the employee is on the payroll of a state agency or during which the employee is on authorized leave without pay.

(d) Holidays as provided in s. 110.130, which shall be observed as paid holidays.

(e) Overtime provisions.

(f) Annual leave provisions.

(g) Sick leave provisions.

(h) Maternity leave provisions.

(i) Disability leave provisions.

(j) Compulsory disability leave provisions.

(k) Administrative leave provisions.

(l) Military leave provisions.

(m) Educational leave with pay provisions.

(n) Leave of absence without pay provisions.

110.242 Maternity leave.—

(1) The state shall not:

(a) Terminate the employment of any employee in the career service when such termination is because of her pregnancy.

(b) Refuse to grant to such employee maternity leave without pay for a period not to exceed 6 months. Such leave shall commence on a date determined by the employee in consultation with her doctor following notification to her employer in writing.

(c) Deny such employee the use of and payment for annual leave credits for maternity leave. Such leave shall commence on a date determined by the employee in consultation with her doctor following notification to her employer in writing.

(d) Deny such employee the use of and payment for accrued sick leave for any reason deemed necessary by a physician.

(e) Require that such employee take a mandatory maternity leave.

(2) Upon returning at the end of her leave of absence, such employee shall be reinstated to her job or to an equivalent position with equivalent pay and with seniority, retirement, fringe benefits, and other service credits accumulated prior to the leave period. Should any portion of the maternity leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.

110.245 Awards program.—The department shall adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing state expenditures or improving operations, provided such proposals are placed in effect, or who, by their superior accomplishments, make exceptional contributions to the efficiency, economy or other improvement in the operations of the state government. No award granted under the provisions of this section shall exceed $2,000 or 10 percent of the first year's gross savings, whichever is greater, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the state agency affected by the award or from any specific appropriation therefor.

110.250 Suspensions, dismissals, reductions in pay, demotions, layoffs, and transfers.—

(1) Any employee who has permanent status in the career service may only be suspended or dismissed for cause. Cause shall include, but not be limited to, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime involving moral turpitude.

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career services. Such rules shall be approved by the Administration Commission prior to their adoption by the department.

(3)(a) When a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Administration. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.

(b) Layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among all employees in the competitive area, taking into consideration the type of appointment, the length of service, and the quality of performance.

(4) Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion shall be notified in writing by the agency prior to its taking such action. Such notice shall be sent by certified mail with return receipt requested. Such actions shall be appealable to the Personnel Commission, pursuant to rules adopted by the department.

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him. The notice to the employee required by this paragraph shall be sent by certified mail with return receipt requested. An employee who is suspended or dismissed shall be entitled to a hearing before the Personnel Commission pursuant to s. 110.310.

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed immediately, provided that written notice of such action, and the reasons therefor, are furnished to the employee within 24 hours. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Any employee who is suspended or dismissed pursuant to the provisions of this paragraph shall be entitled to a hearing before the Personnel Commission pursuant to s. 110.310, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee.

110.255 Career Service System; retirement or transfer of employees aged 65 or older.—

(1) An employee of the state who is within the Career Service System established by this part, or who is protected by any other merit system plan or system providing for tenure, may not be retired by the agency or department in which he is employed solely because of attainment of age 65. Such employee may be retired if the agency or department specifies charges or other cause for such retirement. The attainment of age 65 or older shall not be considered as such specified cause for retirement. If an employee continues in employment beyond age 65, the agency or department shall not be required to justify such continuation in employment.

(2) Whenever any employee who has attained age 65 is retired by an agency or department, he may apply for relief from the action to the Personnel Commission. The employee shall continue in employment pending the outcome of the application. If the employee continues in employment following the decision of the commission, no further action shall be taken by the agency or department to retire the employee for a period of 1 year following the date of the decision of the commission unless approved by the commission upon a showing by the agency or department that the employee's capability has changed to a sufficient extent that he is no longer able to perform any job within such agency or department.

(3) Any employee who has attained age 65 may be transferred to some job requiring less responsibility and less arduous duties by the agency or department in which he is employed when determination is made that such employee is not able to satisfactorily carry out the full duties of his position. A transfer to a different position may be accompanied by an appropriate reduction in pay. Such transfer shall be subject to appeal by the employee.

(4) If mutually agreed to by the employee and the agency or department, an employee who has attained age 65 may be reduced to a part-time position for the purpose of phasing the employee out of employment into retirement. Such an arrangement may also be required by the Personnel Commission as part of its decision in any appeal arising out of this section. A reduction to a part-time position may be accompanied by an appropriate reduction in pay.

(5) In the event of transfer to another position or reduction to a part-time position, the agency or department concerned shall furnish, in writing, to the affected employee the reasons for the transfer or reduction, together with the name and classification of the employee concerned.

110.260 Political activities and unlawful acts prohibited.—

(1) No person shall be appointed to, demoted, or dismissed from any position in the career service, or in any way favored or discriminated against with respect to employment in the career service, because of race, color, sex, religious creed, national origin, or political opinions or affiliations.

(2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the career service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration; provided that letters of inquiry, recommendations and references by public employees or public officials shall not be considered political pressure unless any such letter contains a threat, intimidation, or irrelevant, derogatory or false information. For the purposes of this section the term "political pressure" in addition to any appropriate meaning which may be ascribed thereto by lawful authority shall include the use of official authority or influence in any manner prohibited by this chapter.

(3) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the career service. The provisions of this subsection shall not apply to private employment agencies licensed pursuant to the provisions of chapter 449 when the services of such private employment agency are requested by any state agency, board, department, or commission and neither the state nor any political subdivision pays the private employment agency for such services.

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the constitution and laws of the state and the constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public or political office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the state. However, when authorized by his agency head and approved by the Department of Administration as involving no interest which conflicts, or activity which interferes, with his state employment, an employee in the career service may be a candidate for or hold local public office. The Department of Administration shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

(b) Use the authority of his position to secure support for, or oppose, any candidate, party, or issue in a partisan election or affect the results thereof.

(5) No state employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate or party.

Section 46. Part III of chapter 110, Florida Statutes, consisting of sections 110.301, 110.305, and 110.310, is created to read:

PART III

PERSONNEL COMMISSION

110.301 Personnel Commission.—

(1) There is hereby created within the Department of Administration a Personnel Commission, hereinafter referred to as the "commission." The commission shall be composed of three full-time members appointed by the Governor, subject to confirmation by the Senate. Members shall serve for terms of 4 years, except that the three members first appointed shall serve for terms of 4, 3, and 2 years, respectively. A vacancy for the unexpired term of a member shall be filled in the same manner as herein provided for an original appointment. The Governor shall designate one member as chairman, who shall be responsible for the administrative functions of the commission and who shall have the authority to employ such personnel as may be necessary to carry out the responsibilities and duties of the commission.

(2) The chairman and members shall receive a salary as established pursuant to the provisions of s. 216.251.

(3) The Governor may suspend a member of the commission only for cause, subject to removal or reinstatement by the Senate.

(4) The commission, in the performance of its powers and duties, shall not be subject to control, supervision, or direction by the Department of Administration.

(5) The commission shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, furniture, equipment, and supplies, and for printing and binding, as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities. All such expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

(6) The commission may, in its discretion, charge for publications, subscriptions, and copies of records and documents. Such funds shall be deposited in a trust fund to be established by the commission and shall be used to help defray the cost of providing such publications, subscriptions, and copies of records and documents.

(7) The commission shall maintain and keep open during reasonable business hours an office, which shall be provided in the Capitol Center, for the transaction of its business, at which its official records and papers shall be kept. The commission may hold sessions and conduct hearings at any place within the state.

110.305 Commission; powers and duties.—

(1) The commission shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules as it deems necessary to carry out its responsibilities as specified herein.

(2) The commission shall have the power to administer oaths, subpoena witnesses, compel the production of books and papers pertinent to proceedings before it, and to enforce order during its proceedings. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such proceeding, who shall knowingly give false testimony therein, or who shall misbehave during a proceeding so as to disrupt or distract same, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The commission shall hear appeals arising out of any suspension, reduction in pay, transfer, layoff, demotion, or dismissal of any permanent employee in the State Career Service System. Written notice of any such appeal shall be filed with the commission within 20 days after the date on which the notice of suspension, reduction in pay, transfer, layoff, demotion, or dismissal is received by the employee.

(4) The commission shall hear appeals, and enter such order as it deems appropriate, arising out of:

(a) s. 110.255, relating to retirement or transfer of State Career Service System employees aged 65 or older.

(b) s. 112.044(4), relating to age discrimination.

(c) s. 295.11, relating to reasons for not employing preferred veteran applicant.

(5) Appeal to the commission pursuant to this part shall be the exclusive administrative review of such actions, unless an alternative procedure provided in a collective bargaining agreement is elected by the affected employee, the provisions of chapter 120 to the contrary notwithstanding.

(6) The commission, at the discretion of the chairman, may utilize hearing officers and procedures as provided in chapter 120 in carrying out all its duties and responsibilities.

(7) Decisions issued by the commission pursuant to this part shall be final agency action which shall be reviewable pursuant to chapter 120.

110.310 Procedure with respect to suspensions and dismissals.—

(1) A permanent employee in the State Career Service System who is suspended or dismissed by an agency or officer shall be entitled to a de novo fact-finding hearing. Such hearing shall be conducted by the commission itself, unless otherwise provided for by law.

(2) Upon a finding that just cause existed for the suspension or dismissal, the commission shall affirm the suspension or dismissal.

(3) Upon a finding that just cause did not exist for the suspension or dismissal, the commission may order the reinstatement of the employee, with or without back pay.

(4) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its discretion:

(a) Reduce a dismissal to a suspension for such time as the commission may fix; or

(b) Reduce the period of a suspension.

(5) Any order of the commission issued pursuant to subsection (3) or subsection (4) shall be conclusive on the agency or officer concerned. The order may include an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee.

Section 47. Part IV of chapter 110, Florida Statutes, consisting of section 110.401, is created to read:

PART IV

SENIOR MANAGEMENT

110.401 Senior management.—The Legislature hereby finds that in order for the highly complex programs and agencies of state government to function as effectively, efficiently and productively as possible, a superior system of attracting, retaining and developing highly competent senior-level executives and managers must be developed within the employment programs of the state. There is created, therefore, a Senior Management Advisory Committee which shall examine the feasibility of an alternative system of personnel administration for the senior managers and executives of the state. This system of personnel administration shall be known as the senior management group.

(1) The committee shall be composed of seven members. Each member must have had experience or training in public personnel administration. The members shall be appointed not later than July 15, 1979, as follows:

(a) The Speaker of the House of Representatives shall appoint two members.

(b) The President of the Senate shall appoint two members.

(c) The Governor shall appoint three members and shall select a chairperson of the committee.

(2) The committee members shall serve without compensation but shall be entitled to receive reimbursement for traveling expenses as provided in s. 112.061.

(3) The Department of Administration shall provide staff and clerical assistance to the committee necessary to carry out its duties and make its reports.

(4) The committee shall study federal and state laws and rules regarding personnel administration for positions within the Career Service System which are assigned pay grades that have a minimum annual salary of at least $20,000 and which have been determined to be managerial as provided in chapter 447.

(5) Not later than March 1, 1980, the committee shall make its initial report. Copies of the report shall be delivered to the Speaker of the House of Representatives, the President of the Senate and the Governor. The report shall propose rules for adoption by the Department of Administration which will make the senior management group operational and identify those positions to be included in the senior management group. Rules for the senior management group shall be adopted by the Department and become operational no later than July 1, 1980. The rules shall provide for:

(a) A system of salary administration that, within budgetary limitations, provides financial incentives for members of the senior management group to discharge the duties of their position in an effective, efficient and productive manner.

(b) A system of merit protection that provides an expeditious and efficient manner of removing from the senior management group those members whose performance is inadequate while, at the same time, providing protections to all members of the senior management group from political abuses of employment power.

(c) A performance evaluation system for members of the senior management group which shall take into consideration such factors as efficiency, productivity and effectiveness, both on the part of the individual being evaluated and also of the organizational unit over which said individual has control.

(d) A professional development program for persons within the senior management group which shall provide for the systematic development of the managerial, executive or administrative skills.

(e) A system of transferring members of the senior management group that is responsive to organizational or program changes in state government or as may be needed to facilitate a professional development program.

(f) A system of rating the qualifications of candidates for positions included within the senior management group.

(g) Such other policies and procedures relating to personnel administration in the senior management group as the department may decide.

(6) Not later than September 1, 1980, the committee shall make its final report. Copies of the report shall be delivered to the Speaker of the House of Representatives, the President of the Senate, and the Governor. The report shall:

(a) Identify existing sections of the Florida Statutes which require revision in order to improve the operation of the senior management group.

(b) Propose new sections to the Florida Statutes and Florida Administrative Code to facilitate the improvement of the senior management group program.

(c) Provide an annual cost estimate of the program contemplated in the committee's final recommendations.

(7) Upon rendering its final report, the Senior Management Advisory Committee shall expire.

(8) On March 1, 1981, the Department of Administration shall make a full and complete written report on the senior management group to the Speaker of the House of Representatives, the President of the Senate and the Governor.

(9) All policies and procedures adopted by the department regarding the senior management group shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

Section 48. Part VIII of chapter 112, Florida Statutes, 1978 Supplement, consisting of sections 112.901, 112.902, 112.903, 112.904, and 112.905, is transferred to chapter 110, Florida Statutes, said sections are renumbered as sections 110.501, 110.502, 110.503, 110.504, and 110.505 respectively and desig-

nated as part V of chapter 110, and section 112.902, Florida Statutes, 1978 Supplement, is amended to read:

110.502 ~~112.902~~ Scope of act; status of volunteers.—

(1) Every state department or state agency, through the head of the department or agency, secretary of the department, or executive director of the department, is authorized to recruit, train, and accept, without regard to requirements of the State Career Service System as set forth in *part II of this* chapter ~~110~~, the services of volunteers, including regular-service volunteers, occasional-service volunteers, or material donors, to assist in programs administered by the department or agency.

(2) Volunteers recruited, trained, or accepted by any state department or agency shall not be subject to any provisions of law relating to state employment, to any collective bargaining agreement between the state and any employees' association or union, or to any laws relating to hours of work, rates of compensation, leave time, and employee benefits except those consistent with s. *110.504* ~~112.904~~. However, all volunteers shall comply with applicable department or agency rules.

(3) Every department or agency utilizing the services of volunteers is hereby authorized to provide such incidental reimbursement consistent with the provisions of s. *110.504* ~~112.904~~, including transportation costs, lodging, and subsistence, as the department or agency deems necessary to assist volunteers in performing their functions. No department or agency shall expend or authorize an expenditure therefor in excess of the amount provided for to the department or agency by appropriation in any fiscal year.

(4) Persons working with state agencies pursuant to this part shall be considered as unpaid independent volunteers and shall not be entitled to unemployment compensation.

Section 49. Section 112.021, Florida Statutes, is amended to read:

112.021 Florida residence unnecessary.—Except as expressly provided by law, there shall be no Florida residence requirement for any person as a condition precedent to employment by ~~the state or~~ any county.

Section 50. Subsection (1) of section 112.171, Florida Statutes, is amended to read:

112.171 Employee wage deductions.—

(1) The ~~state or any of its departments, agencies, bureaus, commissions and officers; the~~ counties, municipalities and special districts of the state and the departments, agencies, bureaus, commissions and officers thereof are authorized and permitted in their sole discretion to make deductions from the salary or wage of any employee or employees in such amount as shall be authorized and requested by such employee or employees and for such purpose as shall be authorized and requested by such employee or employees and shall pay such sums so deducted as directed by such employee or employees.

Section 51. Section 215.425, Florida Statutes, is amended to read:

215.425 Extra compensation claims prohibited.—No extra compensation shall be made to any officer, agent, employee, or contractor after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by preexisting laws, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each house of the Legislature. *The provisions of this section shall not apply to extra compensation given to state employees who are included within the senior management group pursuant to rules adopted by the Department of Administration.*

Section 52. Subsection (7) of section 20.04, Florida Statutes, 1978 Supplement, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(7) The exemptions from the Career Service Law designated in s. *110.205* ~~110.051~~ shall include the appointed secretaries and executive directors of the departments established herein. Unless otherwise provided herein, the exemptions of s. *110.205* ~~110.051~~ shall also include the directors of the divisions of such departments.

Section 53. Subsection (3) of section 20.16, Florida Statutes, 1978 Supplement, is amended to read:

20.16 Department of Business Regulation.—There is created a Department of Business Regulation.

(3) Each of the directors of the divisions of the Department of Business Regulation shall be appointed by the secretary of the department and shall serve at the pleasure of the secretary, as provided in s. *110.205* ~~110.051~~.

Section 54. Subsection (3) of section 104.31, Florida Statutes, is amended to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(3) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his opinions on any candidate or issue or from participating in any political campaign during his off-duty hours so long as such activities are not in conflict with the provisions of subsection (1) or s. *110.260* ~~110.092~~.

Section 55. Subsection (4) of section 112.044, Florida Statutes, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the state who is within the Career Service System established by chapter 110 and who is aggrieved by a violation of this act may appeal to the *Personnel* ~~Career Service~~ Commission under the conditions and following the procedures prescribed in *chapter 110* ~~ss. 110.061 and 112.051~~. Any person other than an employee who is within the Career Service System established by chapter 110 who is aggrieved by a violation of this act may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act.

Section 56. Section 241.195, Florida Statutes, is amended to read:

241.195 Extension personnel; federal health insurance programs notwithstanding the provisions of s. *110.110* ~~112.075(7)(d)~~.—The Institute of Food and Agricultural Sciences at the University of Florida is authorized to pay the employer's share of premiums to the Federal Health Benefits Insurance Program from its appropriated budget for any cooperative extension employee of the institute having both state and federal appointments and participating in the Federal Civil Service Retirement System.

Section 57. Section 295.11, Florida Statutes, 1978 Supplement, is amended to read:

295.11 Report of reason for not employing preferred applicant; investigation.—The appointing or employing officer of any state agency or any agency of a political subdivision thereof shall forthwith file in writing with the Director of the Division of Veterans' Affairs of the Department of Community Affairs the reasons that a person not included under s. 295.07 (1), (2), (3), or (4) is preferred for employment over a person included under said section. This includes all positions that are classified as noncompetitive or appointive positions, except those outlined in s. 110.051(2) on June 29, 1977. The Division of Veterans' Affairs shall, upon the written request of any person specified in s. 295.07(1), (2), (3), or (4), investigate any complaint filed by such person when the person has in fact filed an application for the position. If the division finds the equities to be with the complainant, it shall have the power to seek relief through the *Personnel* ~~Career Service~~ Commission or through the courts.

Section 58. Section 295.12, Florida Statutes, is amended to read:

295.12 Law not applicable to.—Nothing contained in ss. 295.07-295.12 is intended to apply to any position that is exempt under s. *110.205(2)* ~~110.051(2)~~.

Section 59. Subsection (2) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(2) The department shall annually conduct at least one un-

announced inspection to determine compliance by the nursing home facility with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of patients. *The giving or causing to be given of* ~~Any employee of the department who gives or causes to be given~~ advance notice of such unannounced inspections *by an employee of the department* to any unauthorized person shall *constitute cause for* ~~be subject to~~ suspension of not less than 5 working days according to the provisions of *chapter 110* ~~s. 110.061~~.

Section 60. If chapter 400, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended, it is the intent of the Legislature that section 61 of this act shall also be repealed on the same date as is therein provided.

Section 61. All rules of the Department of Administration, Division of Personnel, in effect or filed with the Department of State prior to the effective date of this act, are repealed effective July 1, 1980, unless sooner repealed, and the Department of Administration and employing agencies shall publish new rules in accordance with the provisions of chapter 120, Florida Statutes. The Department of Administration shall consult with the personnel officers of the various agencies regarding the language of the initial set of new administrative rules necessitated by this act. Said consultation shall occur prior to an administrative hearing pursuant to chapter 120, Florida Statutes.

Section 62. It is the intent of this act that employees of the Department of Administration whose positions are abolished or transferred to another location or unit of government shall, when otherwise qualified, be given priority consideration for any new positions created under this reorganization for a period of 1 calendar year after the effective date of this act.

Section 63. Any current employee of the department whose position is deleted as a result of the reallocation of functions caused by this act shall be allowed to retain his current salary for a period not to exceed 30 days from the effective date of such deletion or until such employee secures other placement or employment, whichever should occur first.

Section 64. No legal or administrative proceeding pending as of the effective date of this act shall be abated because of any assignment made in this act, but the organizational unit of a state agency to which the function relating to the pending proceeding is reassigned shall be substituted as a party in interest in said proceeding.

Section 65. If any agency, program, activity or function assigned herein is changed in name or substance by another act of the Legislature during the 1979 regular session, the agency, program, activity or function, as amended, is assigned in a manner consistent with the intent expressed by this act.

Section 66. Sections 110.042, 110.071, 110.081, 110.101, and 110.111, Florida Statutes; section 110.022, Florida Statutes, as amended by chapters 76-116 and 77-38, Laws of Florida; section 110.041, Florida Statutes, as amended by chapters 77-124, 77-370, and 78-95, Laws of Florida; section 110.051, Florida Statutes, as amended by chapters 76-268, 77-104, and 78-247, Laws of Florida; section 110.055, Florida Statutes, created as paragraph (b) of subsection (2) of section 110.022, Florida Statutes, by chapter 77-38, Laws of Florida; section 110.061, Florida Statutes, as amended by chapters 76-116, 77-370, and 78-95, Laws of Florida; section 110.0611, Florida Statutes, as amended by chapters 77-314 and 77-320, Laws of Florida; section 110.092, Florida Statutes, as amended by chapter 77-104, Laws of Florida; section 112.031, Florida Statutes; section 112.041, Florida Statutes, as amended by chapter 78-95, Laws of Florida; section 1 of chapter 77-63, Laws of Florida, appearing as section 112.045, Florida Statutes; section 112.051, Florida Statutes, as amended by chapter 76-208, Laws of Florida; section 112.055, Florida Statutes, as amended by chapter 77-439, Laws of Florida; section 112.075, Florida Statutes, as amended by chapters 76-151, 76-208, 77-104 and 77-439, Laws of Florida; section 112.20, Florida Statutes, as amended by chapter 77-174, Laws of Florida; section 112.216, Florida Statutes, as created by chapter 78-2, Laws of Florida; and section 683.011, Florida Statutes, created as section 683.03 by chapter 76-198, Laws of Florida, are hereby repealed.

Section 67. The statutory powers, duties, and functions of the Department of Administration contained in the provisions of sections 377.601, 377.602, 377.603, 377.604, 377.605, 377.606, 377.607, 377.608, and 377.701, Florida Statutes, and section 377.703, Florida Statutes, 1978 Supplement, except paragraph (k) of subsection (3) of s. 377.703, as they presently exist or as amended, and all records, property, and unexpended balances of appropriations, allocations, or other funds of the State Energy Office of the Department of Administration, are transferred to the Executive Office of the Governor.

Section 68. The statutory powers, duties and functions of the Career Service Commission, contained in the provisions of Chapter 110, Florida Statutes, as it presently exists or as amended, and all records, property, personnel and unexpended balances of appropriations, allocations, or other funds, are transferred to the Personnel Commission as created by this act.

Section 69. All powers, duties, and functions, including those under sections 13.201, 13.211, 13.221, 13.231, 13.241, and 13.251, Florida Statutes, and section 13.261, Florida Statutes, 1978 Supplement, as they presently exist or as amended, and all records, property, and unexpended balances of appropriations, allocations, and other funds of the Commission on Human Relations, together with the membership and personnel of the commission, are transferred from the Department of Community Affairs to the Department of Administration.

Section 70. Section 13.231, Florida Statutes, is amended to read:

13.231 Commission on Human Relations, assigned to Department of *Administration* ~~Community Affairs~~.—The commission created by this part is assigned to the Department of *Administration* ~~Community Affairs~~. *The commission, in the performance of its duties under part II of this chapter, shall not be subject to control, supervision, or direction by the Department of Administration.*

Section 71. Subsection (1) of section 120.65, Florida Statutes, 1978 Supplement, is amended to read:

120.65 Hearing officers.—

(1) There is hereby created the Division of Administrative Hearings within the Department of Administration, to be headed by a director who shall be appointed by the Administration Commission and confirmed by the senate. The division shall be exempt from the provisions of chapter 216. *The Department of Administration shall provide administrative support and service to the division. The division shall not be subject to control, supervision, or direction by the department of Administration.*

Section 72. Subsections (2) and (3) of section 20.18, Florida Statutes, 1978 Supplement, are amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(2) The following *units* ~~divisions~~ of the Department of Community Affairs are established:

(a) *Office* ~~Division~~ of Community Services;

(b) Division of *Public Safety Planning and Assistance* ~~Disaster Preparedness~~;

(c) Division of Veterans' Affairs; ~~and~~

(d) Division of *Local Resource Management; and* ~~Technical Assistance.~~

(3) The Secretary of Community Affairs shall appoint the directors or executive directors of any commission or council assigned to the department, who shall serve at his pleasure as provided for division directors in s. *110.205* ~~110.051~~. The appointment or termination by the secretary will be done with the advice and consent of the commission or council, and the director or executive director may employ, subject to departmental rules and procedures, such personnel as may be authorized and necessary.

Section 73. All powers, duties, and functions, including those under sections 153.95, 23.0191, 163.3161, 163.3164, 163.3167, 163.3171, 163.3174, 163.3177, 163.3181, 163.3184, 163.3187, 163.3191, 163.3194, 163.3197, 163.3201, 163.3204, 163.3207, 163.3211, 163.703(3)(k), 380.012, 380.021, 380.031, 380.032, 380.04, 380.05, 380.06, 380.08, 380.11, 380.12, 403.504, 403.507, and 403.508, Florida Statutes, and sections 23.15, 23.151, 23.152, 23.153, 23.154, 23.155, 23.156, 377.703(3)(k), 380.055, 380.07, 380.085, 380.10, 943.405, and 943.25, Florida Statutes, 1978 Supplement, as they presently exist or as amended, and all records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Administration, Division of State Planning's Bureau of Highway Safety, Bureau of Crim-

inal Justice Assistance, the Bureau of Land and Water Management, the State-Local Relations Section of the Bureau of Intergovernmental Relations which administers substate/district coordination, the 10-year plant siting review and local government comprehensive planning functions of the Bureau of Comprehensive Planning, and that portion of the office of the Director of the Division of State Planning which includes the coastal energy impact program and administrative services related to the units and functions referred to in this section, and which excludes the graphics section and administrative services not related to said units and functions, are transferred from the Department of Administration to the Department of Community Affairs.

Section 74. Subsection (18) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Definitions.—As used in this act:

(18) "State land planning agency" means the *Department of Community Affairs* ~~Division of State Planning~~.

Section 75. Subsections (1) and (2) of section 18.101, Florida Statutes, 1978 Supplement, are amended to read:

18.101 Deposits of public money outside of the state treasury; revolving funds.—

(1) All moneys collected by state agencies, boards, bureaus, commissions, institutions, and departments shall, except as otherwise provided by law, be deposited in the state treasury. However, when the volume and complexity of collections so justify, the *State Treasurer* ~~Department of Administration~~ may give written approval for such moneys to be deposited in clearing accounts outside the state treasury. Such deposits shall only be made in banks designated by the State Board of Administration. No money may be maintained in such clearing accounts for a period longer than approved by the *State Treasurer* ~~Department of Administration~~ or 40 days, whichever is shorter, prior to its being transmitted to the State Treasurer, distributed to a statutorily authorized account outside of the state treasury, refunded, or transmitted to the Department of Revenue. All banks so designated shall pledge sufficient collateral to be security for such funds, said securities to be the same type as those prescribed by law as eligible for the purpose of securing the deposits made by the State Treasurer. Such collateral securities shall be deposited with, or pledged to, the state treasurer in the same manner as set out in s. 18.11.

(2) Revolving funds authorized by the *Executive Office of the Governor* ~~Department of Administration~~ for all state agencies, boards, bureaus, commissions, institutions and departments may be deposited by such agencies, boards, bureaus, commissions, institutions, and departments in banks designated by the Governor, Comptroller, and Treasurer for such revolving fund deposits, and the banks in which such deposits are made shall pledge collateral security in an amount equal to or in excess of the total amount of such revolving funds, said collateral securities to be of the type and pledge in the manner as provided for the pledge of collateral security in subsection (1).

Section 76. Paragraph (b) of subsection (4) of section 112.061, Florida Statutes, 1978 Supplement, is amended to read:

112.061 Per diem and traveling expenses of public officers, employees, and authorized persons.—

(4) OFFICIAL HEADQUARTERS.—The official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located; except that:

(b) When any state employee is stationed in any city or town for a period of over 30 continuous work days, such city or town shall be deemed to be his official headquarters, and he shall not be allowed per diem or subsistence, as provided in this section, after the said period of 30 continuous work days has elapsed, unless this period of time is extended by the express approval of the *agency head* ~~Department of Administration~~. *A report indicating all payment of per diem, or subsistence after the said period of 30 continuous workdays has elapsed approved by the agency head shall be required as a part of the report provided in s. 112.061(3)(e).*

Section 77. Subsection (1) of section 273.055, Florida Statutes, is amended to read:

273.055 Disposition of state-owned tangible personal property.—

(1) The Division of Surplus Property of the Department of General Services shall have all right, title, interest, and equity in all state-owned tangible personal property certified and transferred to it as surplus. The division shall promulgate administrative rules and regulations pursuant to chapter 120 providing for, but not limited to, the assessment of fees for services rendered and the classification, certification, transfer, warehousing, bidding, destruction, scrapping, or other disposal of state-owned tangible personal property. However, the approval of the *Executive Office of the Governor* ~~Department of Administration~~ shall be required prior to the disposal of property the estimated value of which is $5,000 or more, *except for motor vehicles, watercraft, or aircraft subject to approval of the Division of Motor Pool pursuant to ss. 287.15 and 287.16.*

Section 78. Section 25.382, Florida Statutes, is created to read:

25.382 State courts system.—

(1) As used in this section, "state courts system" means all officers, employees, and divisions of the Supreme Court of Florida, district courts of appeal, circuit and county courts.

(2) It is declared and determined that the officers, employees, committees, and divisions of the state courts system of the judicial branch are and shall continue to be officers, employees, committees, and divisions of the state courts system to perform such services as may be provided by the State Constitution, by law, by rules of practice and procedure adopted by the Supreme Court, or by administrative order of the chief justice, whichever is applicable. Such officers, employees, and divisions are not agencies of government within the intent of the Legislature as expressed in chapters 216 and 287.

(3) The manner of selection of employees, the determination of qualifications and compensation, and the establishment of policies relating to the work of such employees, including hours of work, leave, and other matters, shall be determined by rule of the Supreme Court of Florida as provided in s. 2(a), Art. V of the State Constitution.

Section 79. Subsection (2) of section 23.022, Florida Statutes, is amended to read:

23.022 Definitions.—For the purposes of this act:

(2) "Agency" means any state officer, department, division, board, bureau, commission, or agency *of the executive branch.*

Section 80. There is hereby appropriated from the General Revenue Fund to the Executive Office of the Governor the sum of $1,843,597 for fiscal year 1979-80 and $1,551,850 for fiscal year 1980-81 to carry out the provisions of this act.

Section 81. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that 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 82. This act shall take effect July 1, 1979.

Amendment 1 to Amendment 1 was withdrawn.

Senator Dunn moved the following amendments which were adopted:

Amendment 2 to Amendment 1—On pages 1 and 2, strike Subsection (3)

Amendment 3 to Amendment 1—On page 12, line 3, strike "*state courts system and*"

Senator Dunn moved the following amendment:

Amendment 4 to Amendment 1—On pages 8-31, beginning with line 13 on page 8 through and including line 31 on page 31 insert: New Sections 11., 12., and 13.

Section 11. Subsection (1) of section 216.023, Florida Statutes is amended to read:

216.023 Legislative budgets to be furnished by agencies.—

(1) Each agency, *except the state courts system as defined in s. 25.382*, shall submit an annual legislative budget to the Governor, as chief budget officer of the state, in the form and manner, and at such time, as may be prescribed by the department. *The state courts system shall submit its legislative budget directly to the legislature with a copy to the department in the form and manner as prescribed by this section.* However, no state agency shall submit its legislative budget later than November 1 each year.

Section 12. Section 216.051, Florida Statutes, is amended to read:

216.051 Copies of agency budgets to legislative appropriations committees.—Copies of the aforesaid legislative budgets of each state agency, *except the state courts system as defined*

in s. 25.382, shall also be forwarded to the legislative appropriations committees by the department.

Section 13. Section 25.382, Florida Statutes, is created to read:

25.382 State courts system.—

(1) As used in this section, "state courts system" means all officers, employees, and divisions of the Supreme Court of Florida, district courts of appeal, circuit courts and county courts.

(2) It is declared and determined that the officers, employees, committees, and divisions of the state courts system of the judicial branch are and shall continue to be officers, employees, committees, and divisions of the state courts system to perform such services as may be provided by the State Constitution, by law, by rules of practice and procedure adopted by the Supreme Court, or by administrative order of the chief justice, whichever is applicable.

(3) The manner of selection of employees, the determination of qualifications and compensation, and the establishment of policies relating to the work of such employees, including hours of work, leave, and other matters, shall be determined by rule of the Supreme Court of Florida as provided in s. 2(a), Art. V of the State Constitution.

(4) The state courts system as defined herein is hereby exempt from the provisions of chapter 23, part II, chapter 110, and chapter 447, Florida Statutes.

(Renumber subsequent sections.)

Senator Hair moved the following amendment which was adopted:

Amendment 4A to Amendment 1—On page 2, lines 17-18 strike all of said lines and insert: from the provisions of chapter 23, part II, Florida Statutes.

The vote was:

Yeas—23

Anderson	Frank	Jenne	Steinberg
Barron	Gorman	McClain	Tobiassen
Carlucci	Grizzle	Scarborough	Trask
Chamberlin	Hair	Scott	Ware
Childers, W. D.	Henderson	Skinner	Williamson
Fechtel	Hill	Spicola	

Nays—13

Mr. President	Holloway	Myers	Winn
Childers, D.	Johnston	Neal	
Dunn	MacKay	Stuart	
Gordon	McKnight	Vogt	

Senator Dunn moved the following amendments which were adopted:

Amendment 5 to Amendment 1—On page 12, lines 14, 15, and 16, strike everything after "Legislature"

Amendment 6 to Amendment 1—On page 16, line 23, strike *"and state courts system"*

Amendment 7 to Amendment 1—On page 16, lines 28 — 29, strike *"and the state courts system, pursuant to chapter 25,"*

Amendment 8 to Amendment 1—On page 17, line 2, strike *"and the state courts system"*

Amendment 9 to Amendment 1—On page 17, strike line 17 in its entirety and insert: and the legislative branch

Amendment 10 to Amendment 1—On page 20, lines 19 and 20, strike *"and the state courts system,"*

Amendment 11 to Amendment 1—On page 23, line 23, strike *"state courts system"*

Amendment 12 to Amendment 1—On page 23, lines 25 and 26, strike *"or the state courts system"*

Amendment 13 to Amendment 1—On page 30, line 17, strike *"state courts system or"*

Amendment 14 to Amendment 1—On page 31, line 21, strike *, state courts system budget*

Amendment 15 to Amendment 1—On page 39, line 25, strike everything after "laws" and insert: of

Amendment 16 to Amendment 1—On page 31, lines 26-27, strike *or state courts system*

Amendment 17 to Amendment 1—On page 57, lines 3 and 4, strike "state courts system" and insert: judicial branch of state government

Amendment 18 to Amendment 1—On page 57, lines 5 and 6, strike "or as otherwise provided pursuant to s. 25.382"

Amendment 19 to Amendment 1—On page 97, lines 4-27, strike all of Section 78 (lines 4-27)

(And renumber subsequent sections)

Amendment 20—On page 2 in title, lines 29-30, strike "and 216.321,"

Amendment 21 to Amendment 1—On page 106 between lines 3 and 4, insert:

Section 80. Subsection (2) of section 11.148, Florida Statutes, is amended to read:

11.148 Functions under administration of Joint Legislative Management Committee.—The Joint Legislative Management Committee shall be responsible for the administration of the following functions:

(2) Preparing suggested budgets in conformity with s. 216.023 for all expenditures of each house, the joint committee, and the divisions of the Legislature and submitting same to the respective presiding officers for their final approval before transmission to the *Executive Office of the Governor* ~~Department of Administration~~.

Section 81. Subsection (2) of section 11.44, Florida Statutes, is amended to read:

11.44 Salaries and expenses.—

(2) The Legislature hereby declares and determines that the Legislative Auditing Committee is a standing committee of the Legislature with interim powers and that the Auditor General is an office under the legislative branch of government; they are not agencies of government within the intention of the Legislature as expressed in chapter 216, and no power shall rest in the *Executive Office of the Governor* ~~Department of Administration~~ or its successor to release or withhold funds appropriated to them, but the same shall be available for expenditure as provided by law and the rules or decisions of the committee. The Department of Administration or its successor shall have no power to determine the number or fix the compensation of the employees of the committee or of the Auditor General or to exercise any manner of control over them. The Legislative Auditing Committee shall submit to the Joint Legislative Management Committee, for planning purposes only, an estimate of the financial needs of the committee and the Auditor General.

Section 82. Section 13.231, Florida Statutes, is amended to read:

13.231 Commission on Human Relations, assigned to Department of Community Affairs.—The commission created by this part is assigned to the Department of *Administration* ~~Community Affairs~~.

Section 83. Subsections (5) and (6) of section 13.9981, Florida Statutes, are amended to read:

13.9981 Definitions.—When used in this part:

(5) "Regional manpower planning advisory board" means a board recognized by the State Manpower Services Council as having responsibility for coordinating manpower planning within a state comprehensive planning region as defined by the *Executive Office of the Governor* ~~Department of Administration~~ and which serves in an advisory capacity to a comprehensive regional planning council.

(6) "State comprehensive planning regions" means the planning regions established by the *Executive Office of the Governor* ~~Department of Administration~~ pursuant to s. 23.0115.

Section 84. Subsection (1) of section 13.9985, Florida Statutes, is amended to read:

13.9985 Establishment of regional manpower planning districts and advisory boards.—

(1) There are established regional manpower planning districts which shall have the same boundaries as the regional planning districts established by the *Executive Office of the Governor* ~~Department of Administration~~.

Section 85. Subsection (1) of section 14.057, Florida Statutes, is amended to read:

14.057 Governor-elect; establishment of operating fund.—

(1) There is established an operating fund for the use of the Governor-elect during the period dating from the certification of his election by the Elections Canvassing Commission to his inauguration as Governor. The Governor-elect during this period may allocate the fund to travel, expenses, his salary, and the salaries of his staff as he determines. Such staff may include but not be limited to a chief administrative assistant, a legal advisor, a fiscal expert, and a public relations and information advisor. The salary of the Governor-elect and each member of his staff during this period shall be determined by the Governor-elect, except that the total expenditures chargeable to the state under this section, including salaries, shall not exceed the amount appropriated to the operating fund. The *Executive Office of the Governor* ~~Department of Administration~~ shall supply to the Governor-elect suitable forms to provide for the expenditure of the fund and suitable forms to provide for the reporting of all expenditures therefrom. The Comptroller shall release moneys from this fund upon the request of the Governor-elect properly filed.

Section 86. Section 14.058, Florida Statutes, is amended to read:

14.058 Inauguration expense fund.—There is established an inauguration expense fund for the use of the Governor-elect in planning and conducting the inauguration ceremonies. The Governor-elect shall appoint an inauguration coordinator and such staff as necessary to plan and conduct the inauguration. Salaries for the inauguration coordinator and his staff shall be determined by the Governor-elect and shall be paid from the inauguration expense fund. The *Executive Office of the Governor* ~~Department of Administration~~ shall supply to the inauguration coordinator suitable forms to provide for the expenditure of the fund and suitable forms to provide for the reporting of all expenditures therefrom. The Comptroller shall release moneys from this fund upon the request of the inauguration coordinator properly filed.

Section 87. Subsection (6) of section 20.04, Florida Statutes, 1978 Supplement, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(6) Unless specifically authorized herein, the head of the department shall not reallocate duties and functions specifically assigned herein to a specific unit of the department. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the head of the department. Within the limitations of this subsection, the head of the department may establish additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. However, no department of state government shall have the authority to establish additional divisions of department after July 1, 1970, and no new bureaus, sections and subsections of departments may be established until approved by the *Executive Office of the Governor* ~~Department of Administration~~ or by law.

Section 88. Subsection (3) of section 20.171, Florida Statutes, 1978 Supplement, is amended to read:

20.171 Department of Labor and Employment Security.—

(3) The Division of Labor, Division of Employment Security, Public Employees Relations Commission, Industrial Relations Commission, and Unemployment Appeals Commission within the Department of Commerce are hereby transferred to the Department of Labor and Employment Security with all of their statutory powers and jurisdictions, duties, and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds left intact. The Office of the Secretary and Administrative Services within the Department of Commerce is transferred by a type three transfer, pursuant to s. 20.06, to the Department of Labor and Employment Security, except that the *Executive Office of the Governor* ~~Department of Administration~~ may authorize the retention within the Department of Commerce of any employees, records, equipment, properties, and unexpended balances of appropriations and allocations of other funds of the Office of the Secretary and Administrative Services necessary to provide administrative support to the Department of Commerce.

Section 89. Paragraph (c) of subsection (8) of section 20.19, Florida Statutes, 1978 Supplement, is amended to read:

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

(8) DEPARTMENTAL BUDGET.—

(c) It is the responsibility of the assistant secretary for administrative services to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests. This shall be done in accordance with the statewide budget requirements of the *Executive Office of the Governor* ~~Department of Administration~~.

Section 90. Subsection (5) of section 20.24, Florida Statutes, is amended to read:

20.24 Department of Highway Safety and Motor Vehicles.—There is created a Department of Highway Safety and Motor Vehicles.

(5) The Bureau of Financial Responsibility of the Division of Insurance Consumer Services of the Department of Insurance and all powers, duties, and functions contained therein, as well as responsibility for the enforcement of the relevant provisions of chapters 324 and 627, are hereby transferred by a type four transfer to the Department of Highway Safety and Motor Vehicles. ~~However, no later than November 1, 1976, the Bureau of Management Improvement of the Department of Administration shall review the functions of the Bureau of Financial Responsibility and recommend to the Department of Highway Safety and Motor Vehicles the number of positions, funds, appropriations, and equipment required to perform the requisite functions contained herein. Such recommendation shall be adopted by the director of the department.~~

Section 91. Paragraph (c) of subsection (13) of section 20.315, Florida Statutes, 1978 Supplement, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(13) DEPARTMENTAL BUDGETS.—

(c) It is the responsibility of the Office of Management and Budget to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests. This shall be done in accordance with statewide budget requirements of the *Executive Office of the Governor* ~~Department of Administration~~.

Section 92. Section 23.0112, Florida Statutes, 1978 Supplement, is amended to read:

23.0112 Definitions.—As used in this part,~~:~~

~~(1) "Director of state planning" means the director of the Division of State Planning in the Department of Administration.~~

~~(2) "Division" means the Division of State Planning in the Department of Administration.~~

(1)~~(3)~~ "Regional planning agency" means the agency designated by the *Executive Office of the Governor* ~~Division of State Planning~~ to exercise responsibilities under this part in a particular region of the state.

~~(4) "Secretary" means the secretary of the Department of Administration.~~

(2)~~(5)~~ "State comprehensive plan" means the goals, objectives, and policies contained within the state comprehensive plan prepared by the division.

Section 93. Subsection (2) of section 23.0113, Florida Statutes, is amended to read:

23.0113 Designation of departmental planning officer.—

(2) The head of each agency shall notify the *Executive Office of the Governor* ~~director of state planning~~ in writing of the person initially designated as the planning officer for such agency and of any changes in persons so designated thereafter.

Section 94. Subsections (1), (2), and (3) of section 23.0114, Florida Statutes, 1978 Supplement, are amended to read:

23.0114 State comprehensive plan; preparation; revision.—

(1) The state comprehensive plan shall be advisory only, except as specifically authorized by law; shall be based on the best available data; and shall provide long-range guidance for the orderly social, economic, and physical growth of the state by setting forth goals, objectives, and policies. To the extent feasible, the *Executive Office of the Governor* ~~division~~ shall utilize the services and plans of local governments and regional planning agencies when preparing and revising the provisions of the state comprehensive plan.

(2) In preparing and revising the state comprehensive plan, the *Executive Office of the Governor* ~~division~~ shall, to the extent feasible, consider studies, reports, and plans of each department, agency, and institution of state and local government, each regional planning agency, and the Federal Government and shall take into account the existing and prospective resources, capabilities, and needs of state and local levels of government.

(3) The revision of the state comprehensive plan shall be a continuing process. Each section of the plan shall be reviewed and analyzed yearly by ~~division~~ personnel *of the Executive Office of the Governor* in conjunction with the planning officers of other state agencies significantly affected by the provisions of the particular section under review.

Section 95. Section 23.0115, Florida Statutes, is amended to read:

23.0115 Specification of data and projections.—

(1) For the purpose of establishing consistency and uniformity in the planning process, the *Executive Office of the Governor* ~~secretary~~ may by rule adopted under chapter 120 specify particular data, geographic boundaries, *comprehensive planning districts*, projections, or forecasts that agencies shall use in preparing studies, reports, and plans.

(2) If an agency chooses to use data, projections, or forecasts contrary to those specified by the *Executive Office of the Governor* ~~secretary~~, it shall include in or append to the plan or report a statement of any difference in conclusions or recommendations that would result if the *office's* ~~secretary's~~ data, projections, or forecasts had been used, and of its reasons for not following the rule.

Section 96. Section 23.012, Florida Statutes, is amended to read:

23.012 General powers and duties.—The *Executive Office of the Governor* ~~division~~ shall:

(1) Prepare and revise from time to time as necessary the state comprehensive plan.

(2) Assist in the preparation of the annual executive budget and legislative program of the Governor.

(3) Coordinate planning among federal, state, and local levels of government and between the State of Florida and other states.

(4) Coordinate all state agency planning and programming activities, including, but not limited to, the following areas: economy, employment, education, social welfare, agriculture, industrial development, commerce and trade, transportation and safety, oceanic and water resources, pollution and environmental health, fish and wildlife, housing and urban development, crime and corrections, parks, recreation and cultural development, physical and mental health, and public utilities and services.

(5) Prepare or cause to be prepared any studies and reports or interim and functional plans necessary or useful in the preparation and revision of the state comprehensive plan.

(6) Serve as the state planning and development clearinghouse and designate regional and areawide clearinghouses.

(7) Make basic demographic, geographic, and economic data and projections available to all public and private agencies concerned with development within the state.

Section 97. Subsection (2) section 23.014, Florida Statutes, is amended to read:

23.014 Annual development program preparation, procedure, content.—

(2) Upon request of the *Executive Office of the Governor* ~~Department of Administration~~, each state agency shall annually file with the *office* ~~department~~ its plan for each program under its jurisdiction to be undertaken or executed for the next 6 years. The plan shall include as full an explanation of the need and justification for each program, its relationship to other similar programs being carried out by state, local, federal or private agencies, and the annual anticipated accomplishment of each program over the prior 6 years as is feasible. The judiciary and the legislature are specifically excluded from this requirement. The *Executive Office of the Governor* ~~director of state planning~~ shall submit to the *Governor* ~~secretary~~ recommendations for the annual development programs based on the information submitted by each state agency and *its* ~~his~~ analysis of developmental needs and requirements.

Section 98. Section 23.015, Florida Statutes, is amended to read:

23.015 Annual economic report.—The governor as chief planning and budget officer ~~with the Department of Administration~~ shall annually render unto the people and to the legislature of this state an economic report appraising the economic situation of the state, reviewing the extent to which economic growth and development has provided employment and income, and such other economic factors and indicators as are appropriate. This report shall contain timely and authoritative information concerning economic growth and development in the state both current and prospective, and analysis and interpretation of such information in the light of existing state economic policies and an appraisal of the various programs and activities of the state in effectuating these policies. Such report shall be related to and developed in close conjunction with the preparation of the annual development program.

Section 99. Section 23.016, Florida Statutes, is amended to read:

23.016 Special reports.—

(1) The *Executive Office of the Governor* ~~Department of Administration~~ shall also submit special reports upon the request of the Governor, the President of the Senate or Speaker of the House on those aspects of state planning and budgeting which may be deemed of current interest. Special reports on major research and planning projects, as distinguished from compilations of current data, shall be made available as soon as practicable after completion.

(2) The *Executive Office of the Governor* ~~department~~ may make copies of special reports available for general distribution or sale. The price of special reports shall be determined by the nature of the special report and the cost involved in compiling and publishing those special reports made available.

Section 100. Subsection (1) of section 23.0161, Florida Statutes, is amended to read:

23.0161 Annual progress report on state and regional planning.—

(1) The *Executive Office of the Governor* ~~division~~ shall prepare annually a report on the progress made by the *office* ~~division~~, other state agencies, and regional planning agencies in achieving the purposes of this part. Such report shall describe the progress made in developing the state comprehensive plan, functional plans, and planning studies and reports during the preceding fiscal year.

Section 101. Section 23.017, Florida Statutes, is amended to read:

23.017 Authorization to contract.—Whenever the preparation and revision of the state comprehensive plan becomes too specialized or professionally demanding or requires research facilities not available to the *Executive Office of the Governor* ~~division~~, the *office* ~~director of state planning~~ may use federal, state, local, or private funds for the purpose of contracting

with public agencies or private firms or consultants for the utilization of the planning or research capabilities and facilities of such agencies, firms, or consultants to assist in meeting the planning needs of the state.

Section 102. Subsections (1) and (3) of section 23.019, Florida Statutes, 1978 Supplement, are amended to read:

23.019 Population census determination.—

(1) The *Executive Office of the Governor* ~~Department of Administration~~, either through its own resources or by contract, shall produce population estimates of local governmental units as of April 1 of each year, utilizing accepted statistical practices. The population of local governments, as determined by the *Executive Office of the Governor* ~~Department of Administration~~, shall apply to any revenue-sharing formula with local governments under the provisions of ss. 218.20-218.26, part II of chapter 218. For municipal annexations or consolidations occurring during the period April 1 through February 28, the *Executive Office of the Governor* ~~Department of Administration~~ shall determine the population count of the annexed areas as of April 1 and include such in its certification to the Department of Revenue for the annual revenue-sharing calculation.

(3) In cases of annexation or consolidation, local governments shall be required to submit to the *Executive Office of the Governor* ~~Department of Administration~~, within 30 days following annexation or consolidation, a statement as to the population census effect of the action.

Section 103. Section 23.0191, Florida Statutes, is amended to read:

23.0191 Ten-year site plans.—

(1) Beginning January 1, 1974, each electric utility shall submit to the *Department of Community Affairs* ~~Division of State Planning~~ a 10-year site plan which shall estimate its power-generating needs and the general location of its proposed power plant sites. The 10-year plan shall be reviewed and submitted not less frequently than every 2 years.

(2) Within 9 months of the receipt of the proposed plan, the *department* ~~division~~ shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The *department* ~~division~~ may suggest alternatives to the plan. All findings of the *department* ~~division~~ shall be made available to the Department of Environmental Regulation for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the *department* ~~division~~. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment to the 10-year site plan. In its preliminary study of each 10-year site plan, the *department* ~~division~~ shall consider such plan as a planning document and shall review:

(a) The need, including the need as determined by the Public Service Commission, for electrical power in the area to be served.

(b) The anticipated environmental impact of each proposed electrical power plant site.

(c) Possible alternatives to the proposed plan.

(d) The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of saltwater or freshwater for cooling purposes.

(e) The extent to which the plan is consistent with the state comprehensive plan.

(f) The plan with respect to the information of the state on energy availability and consumption.

(3) In order to enable it to carry out its duties under this section, the *department* ~~division~~ may, after hearing, establish a study fee which shall not exceed $1,000 for each proposed plan studied.

(4) The *department* ~~division~~ may adopt rules governing the method of submitting, processing, and studying the 10-year plans as required by this section.

Section 104. Section 23.029, Florida Statutes, is amended to read:

23.029 Working capital fund.—

(1) There is hereby created a working capital fund to be established by the *Executive Office of the Governor* ~~Department of Administration~~ for the purpose of providing sufficient funds for the operation of data processing centers. Such funds shall be created from moneys budgeted for data processing services and equipment by those agencies to be served by the data processing center.

(2) The funds so allocated shall be in an amount sufficient to finance the center's operation; provided, however, that each agency served by the center shall contribute an amount equal to its proportionate share of cost of operating such data processing center. Each agency utilizing the services of the data processing center shall pay such moneys into the working capital fund on a quarterly basis or such other basis as may be determined by the *Executive Office of the Governor* ~~department~~.

Section 105. Section 23.137, Florida Statutes, is amended to read:

23.137 Transfer of funds to early childhood development office.—The *Executive Office of the Governor* ~~Department of Administration~~ is authorized to transfer such appropriations and related positions as is necessary to effectuate the purposes of this part to the office of early childhood development from any department under the direct supervision of the Governor. Upon approval of the administration commission, the *Executive Office of the Governor* ~~Department of Administration~~ may transfer such appropriations and related positions as is necessary to effectuate the purposes of this part to the office of early childhood development from any other department.

Section 106. Subsection (1) of section 23.151, Florida Statutes, 1978 Supplement, is amended to read:

23.151 Definitions.—As used in this act:

(1) "Bureau" means the Bureau of Criminal Justice Assistance of the ~~Division of State Planning of the~~ Department of *Community Affairs* ~~Administration~~.

Section 107. Paragraph (d) of subsection (3) of section 23.152, Florida Statutes, 1978 Supplement, is amended to read:

23.152 Florida Council on Criminal Justice; membership; staff.—

(3) The council shall consist of the following members:

(d) The Secretary of *Community Affairs* ~~Administration~~.

Section 108. Subsection (1) of section 23.154, Florida Statutes, 1978 Supplement, is amended to read:

23.154 Bureau of Criminal Justice Assistance.—

(1) The ~~Bureau of Criminal Justice Planning and Assistance is replaced by the~~ Bureau of Criminal Justice Assistance *of the Department of Community Affairs* ~~which shall remain in the Department of Administration. It~~ shall:

(a) Serve as the state planning agency pursuant to the Omnibus Crime and Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and other related federal acts.

(b) Advise and assist the Governor in developing policies, plans, and programs for improving the coordination, administration, and effectiveness of the criminal justice system in the state.

(c) Prepare a state comprehensive criminal justice plan on behalf of the Governor. Such plan, and any substantial modifications thereto, shall be submitted to the Legislature each year for its advisory review of the goals, priorities, and policies contained therein, 60 days prior to submission to the United States Department of Justice. Such plan, to be periodically updated, shall be based on an analysis of the state's criminal justice needs and problems and shall be in conformance with state and other appropriate regulations.

(d) Establish and implement goals, priorities, and standards for the reduction of crime and the improvement of the administration of justice in the state.

(e) Provide staff support for the development of a comprehensive plan to reduce crimes against Florida's elderly.

(f) Recommend legislation to the Governor and Legislature in the criminal justice field and provide appropriate testimony and assistance on criminal justice-related legislation.

(g) Encourage local and regional comprehensive criminal justice planning efforts.

(h) Monitor and evaluate programs and projects, funded in whole or in part by state government, aimed at reducing crime and delinquency and improving the administration of justice.

(i) Cooperate with and render technical assistance to state agencies, units of general local government, and public or private agencies relating to the criminal justice system.

(j) Provide for the receipt, review, award, and subsequent adjustment as necessary of LEAA grants.

(k) Provide audit review and audit resolution responsibilities for LEAA grants in Florida.

(l) Have the authority to collect from any state or local governmental entity information, data, reports, statistics, or such other material which is necessary to carry out the Governor's or council's functions.

(m) Perform such other duties as may be necessary to carry out the purposes of this act.

Section 109. Subsections (1) and (2) of section 27.33, Florida Statutes, are amended to read:

27.33 Submission of annual budget.—

(1) On or before November 15, annually, prior to the meeting of the legislature, each state attorney shall submit to the *Executive Office of the Governor* ~~Department of Administration~~ a written report containing an estimate in itemized form showing the amount needed for operational expenses for the year beginning July 1, thereafter. Each such estimate shall itemize the expenditures required for the state attorney submitting it and for his assistants, as follows:

(a) Salary of state attorney.

(b) Salaries of assistant state attorneys.

(c) Salaries of stenographers.

(d) Salaries and travel expenses of investigators.

(e) Travel expenses of state attorney and assistant state attorneys.

(f) Office equipment.

(g) Stationery, stamps, telephone and telegraph service, and the printing of necessary legal forms.

(h) Other necessary expenses of state attorney and his assistants.

(i) Reserve for contingencies.

(2) The form of such reports shall be prescribed by the *Executive Office of the Governor* ~~Department of Administration~~ and shall be as nearly uniform as may be.

Section 110. Section 27.55, Florida Statutes, is amended to read:

27.55 Compensation of public defender and expenditures for office in newly created circuit.—

(1) In the event new judicial circuits are created, the *Executive Office of the Governor* ~~Department of Administration~~ is authorized to release the necessary moneys for the payment of the salary of the public defender in such newly created circuit in an amount not to exceed the annual salary paid to the public defender in the judicial circuit of which the new circuit was formerly a part.

(2) In the event new judicial circuits are created, the *Executive Office of the Governor* ~~Department of Administration~~ is authorized to release necessary moneys to operate the public defender's office in the newly created judicial circuit in accordance with the formula provided in the general appropriations act of 1967.

Section 111. Subsections (4) and (5) of section 30.49, Florida Statutes, are amended to read:

30.49 Budgets.—

(4) The board of county commissioners or the budget commission, as the case may be, may require the sheriff to correct mathematical, mechanical, factual and clerical errors and errors as to form in the proposed budget. No later than August 1 of each year, the said board or commission, as the case may be, may amend, modify, increase, or reduce any or all items of expenditure in the proposed budget and, as amended, modified, increased, or reduced, shall approve said budget, giving written notice of their action to the sheriff specifying in such notice the specific items so amended, modified, increased, or reduced. The budget shall include the salaries and expenses of the sheriff's office, cost of operation of the county jail, purchase, maintenance and operation of equipment, including patrol cars, radio systems, transporting prisoners, court duties, and all other salaries, expenses, equipment and investigation expenditures of the entire sheriff's office for the previous year. The sheriff, within 30 days after receiving written notice of such action by the board or commission, either in person or in his office, may file an appeal to the Administration Commission. Such appeal shall be by petition to the Administration Commission, which petition shall set forth the budget proposed by the sheriff in the form and manner prescribed by the *Executive Office of the Governor* ~~Department of Administration~~ and approved by the Administration Commission and the budget as approved by the board of county commissioners or the budget commission, as the case may be, and shall contain the reasons or grounds for the appeal. Such petition shall be filed with the *Executive Office of the Governor* ~~department~~ and a copy of said petition shall be served upon the board or commission from whose decision appeal is taken by delivering the same to the chairman or president thereof, or to the clerk of the circuit court. The board of county commissioners or the budget commission, as the case may be, shall have 5 days from delivery of a copy of any such petition, as above, to file with the *Executive Office of the Governor* ~~Department of Administration~~ a reply thereto and shall deliver a copy of such reply to the sheriff.

(5) Upon receipt of the petition, the *Executive Office of the Governor* ~~Secretary of Administration~~ shall provide for a budget hearing at which the matters presented in the petition and the reply shall be considered. A report of the findings and recommendations of the *Executive Office of the Governor* ~~department~~ thereon shall be promptly submitted to the Administration Commission, which, within 30 days, shall either approve the action of the board or commission as to each separate item, or approve the budget as proposed by the sheriff as to each separate item, or amend or modify said budget as to each separate item within the limits of the proposed board of expenditures and the expenditures as approved by the board of county commissioners or the budget commission, as the case may be. The budget as approved, amended, or modified by the Administration Commission shall be final.

Section 112. Section 103.071, Florida Statutes, is amended to read:

103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his traveling expenses as provided in s. 112.061, from his place of residence to Tallahassee and return. Such expenses shall be paid upon approval of the Governor. The amounts necessary to meet the requirements of this section shall be included in the legislative budget request of the Governor. If the amounts appropriated for this purpose are insufficient the *Executive Office of the Governor* ~~Department of Administration~~ may release the necessary amounts from the deficiency appropriation.

Section 113. Paragraph (a) of subsection (2) of section 120.63, Florida Statutes, is amended to read:

120.63 Exemption from act; Division of Pari-mutuel Wagering.—

(2) The commission may not exempt an agency from any requirement of this act pursuant to this section until it establishes alternative procedures to achieve the agency's purpose

which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the commission shall hold a public hearing after notice given as provided in subsection 120.54(1). Upon the conclusion of the hearing, the commission, through the *Executive Office of the Governor* ~~Secretary of Administration~~, shall issue an order specifically granting or denying the exemption and specifying.

Section 114. Subsection (3) of section 121.061, Florida Statutes, is amended to read:

121.061 Funding.—

(3) The appropriations provided each state agency, beginning with the 1970-1971 fiscal year and each fiscal year thereafter, shall include sufficient amounts to pay the matching contributions for social security and retirement as required by this chapter. No state agency, whether its funds are provided by state appropriations or otherwise, shall employ any person or maintain any person on its payroll unless it has allotted for such person sufficient funds to meet these required payments. Should a state agency fail to make such payments, the administrator shall report same to the Governor and certify the amount due the system trust funds to the *Executive Office of the Governor* ~~Division of Budget of the Department of Administration~~. If arrangements cannot be made for the state agency to pay said amount due, then the amount due is hereby appropriated and shall be paid from the General Revenue Fund of the state.

Section 115. Subsection (1) of section 145.021, Florida Statutes, is amended to read:

145.021 Definitions.—As used in this chapter:

(1) "Population" means the population according to the latest annual determination of population of local governments produced by the *Executive Office of the Governor* ~~Department of Administration~~ in accordance with s. 23.019.

Section 116. Subsection (1) of section 153.95, Florida Statutes, is amended to read:

153.95 Rural water and sewer service pilot project.—

(1) The ~~Division of Planning of the~~ Department of *Community Affairs* ~~Administration~~ is directed to oversee and disburse funds for the planning, administration, installation, operation, and maintenance of water and sewer facilities and services in a pilot project serving rural areas of the state. Such planning, administration, installation, operation, and maintenance shall be performed by and through the Community Water and Sewer Association, Inc., a Florida nonprofit corporation.

Section 117. Paragraph (b) of subsection (1) of section 163.03, Florida Statutes, is amended to read:

163.03 Department of Community Affairs; local government.—

(1) The Secretary of the Department of Community Affairs shall:

(b) Render services to local governments by assisting, upon request, in applying for and securing federal and state funds, and by assisting the *Executive Office of the Governor* ~~Department of Administration~~ in coordinating the activities of the state with federal programs for assistance in and solution of urban problems;

Section 118. Section 163.7055, Florida Statutes, is amended to read:

163.7055 Relationship to federal-state intergovernmental relations and activities.—The primary role of the council shall be to study the relationships between state and local government. To the extent that these relationships affect federal-state intergovernmental relations, the council is directed to coordinate and cooperate with the *Executive Office of the Governor* ~~Department of Administration~~ and any other agency or activity concerned with federal-state relationships.

Section 119. Paragraph (a) of subsection (1) of section 195.087, Florida Statutes, is amended to read:

195.087 Property appraisers and tax collectors to submit budgets to Department of Revenue.—

(1)(a) On or before June 1 of each year, every property appraiser, regardless of the form of county government, shall submit to the Ad Valorem Tax Division of the Department of Revenue a budget for the operation of his office for the ensuing fiscal year beginning October 1. The property appraiser shall submit his budget in the manner and form required by the *Executive Office of the Governor* ~~Department of Administration~~ for state agencies. A copy of such budget shall be furnished at the same time to the board of county commissioners. The division shall, upon proper notice to the county commission and property appraiser, review the budget request and may, on or before July 15, amend or change the budget request as it deems necessary, in order that the budget be neither inadequate nor excessive. The county commission may, prior to August 15, present testimony to the Ad Valorem Tax Division concerning the whole or any part of the budget request.

Section 120. Section 196.32, Florida Statutes, is amended to read:

196.32 *Executive Office of the Governor* ~~Department of Administration~~; consent required to certain assessments.—When, under any law of this state heretofore or hereafter enacted, providing for the imposition of any tax, provision is made for the payment of any portion of the revenue derived from such tax by any state officer, officers, or board, to defray expenses incident to the enforcement and collection thereof, no such state officer, officers, or board may pay or agree to pay any of such funds without the express authorization and approval of the *Executive Office of the Governor* ~~Department of Administration~~.

Section 121. Section 215.25, Florida Statutes, is amended to read:

215.25 Manner of contributions; rules and regulations.—The Department of Banking and Finance and the state treasurer are hereby authorized to ascertain and determine the manner in which the required amounts shall be deducted and paid and to adopt and effectuate such rules and procedure as may be necessary for carrying out the provisions of this law. Such rules and procedure shall be approved by the *Executive Office of the Governor* ~~Department of Administration~~.

Section 122. Subsection (6) of section 215.37, Florida Statutes, 1978 Supplement, is amended to read:

215.37 Examining and licensing boards to be financed from fees collected; moneys deposited in trust funds; 10 percent to General Revenue Fund; appropriation.—

(6) Each board shall operate financially within the budget approved by the *Executive Office of the Governor* ~~Secretary of the Department of Administration~~, and all disbursements shall be made by the Comptroller only as provided by law for all agencies of government.

Section 123. Subsection (4) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of funds of state agencies.—

(4) The board shall prepare and approve an operating budget each fiscal year consistent with the provisions of chapter 216. The approved operating budget shall be submitted to the legislative appropriation committees and the *Executive Office of the Governor* ~~Department of Administration~~ prior to July 1 of each year.

Section 124. Section 216.111, Florida Statutes, is amended to read:

216.111 Financial statements and schedules, reports, etc., submission by governmental entities.—Every state agency shall submit balance sheets, financial statements and schedules, program performance reports, and other reports required for planning and programming in accordance with the state development plan as may be required by the *Executive Office of the Governor* ~~department~~ under the rules and regulations promulgated hereunder.

Section 125. Subsections (1) and (2) of section 216.271, Florida Statutes, are amended to read:

216.271 Revolving funds.—

(1) No revolving fund may be established pursuant to s. 18.101(2), unless approved by the *Executive Office of the Governor* ~~department~~ during each biennium.

(2) Where the *Executive Office of the Governor* ~~department~~ approves a revolving or petty cash fund for making refunds or other payments which are approved by the State Comptroller, the same shall be established from an account within the appropriate fund to be known as payments for revolving funds from funds not otherwise appropriated. Reimbursements made from revolving or petty cash funds shall be made in strict accordance with the provisions of s. 215.26(2). No payments of salaries or travel expenses shall be made from any revolving fund outside the State Treasury, unless approved by the State Comptroller.

Section 126. Subsection (1) of section 216.311, Florida Statutes, is amended to read:

216.311 Unauthorized agency contracts in excess of appropriations, prohibited; penalty.—

(1) No agency of the state government shall contract to spend, or enter into any agreement to spend, any moneys in excess of the amount appropriated to such agency unless specifically authorized by law, and any contract or agreement in violation of this chapter shall be null and void. However, the *Executive Office of the Governor* ~~department~~, upon written request of the Board of Regents of the Division of Universities of the Department of Education, may in its discretion authorize the Board of Regents to recruit for the first year of the biennium up to 50 percent of the new positions recommended in the Governor's budget submitted at least 45 days prior to scheduled annual legislative session in each odd-numbered year in accordance with s. 216.162. The salaries for the new positions so authorized shall be based on current salary schedules, and the total shall not exceed the average salary approved in the current appropriation. The *Executive Office of the Governor* ~~department~~ shall notify the chairman of the appropriations committee of each house of the Legislature of the number approved under this authorization.

Section 127. Subsection (4) of section 216.345, Florida Statutes, is amended to read:

216.345 Professional or other organization membership dues; payment.—

(4) The agency shall report all such payments made pursuant to subsection (1) to the Comptroller, the *Executive Office of the Governor* ~~Department of Administration~~, the chairmen of the Senate Appropriations Committee and the House Appropriations Committee, and the Auditor General on or before September 30 of each year.

Section 128. Section 216.359, Florida Statutes, 1978 Supplement, is amended to read:

216.359 Reports relating to effect of chapter 78-299, Laws of Florida.—The *Executive Office of the Governor* ~~Department of Administration~~, in cooperation with the Departments of Revenue and Commerce shall submit to the Legislature a preliminary report on or before April 1, 1979, and a final report on or before January 1, 1981. Such report shall include:

(1) The number of new employment positions created in the state subsequent to July 1, 1978;

(2) The degree to which the credits made available by chapter 78-299, Laws of Florida, may have contributed to the creation of such employment positions;

(3) Additional value of capital outlay; and

(4) Projections of expected growth in employment positions and capital investment in the state.

Section 129. Subsection (2) of section 229.514, Florida Statutes, is amended to read:

229.514 Commissioner of Education; authority to reallocate duties and functions assigned to the department.—

(2) The Commissioner of Education shall not have the authority to establish, abolish, or consolidate bureaus, sections, and subsections after July 1, 1975, unless such action is approved by the *Executive Office of the Governor* ~~Department of Administration~~ or by law.

Section 130. Paragraph (b) of subsection (1) of section 230.767, Florida Statutes, is amended to read:

230.767 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 230.752 or s. 230.753 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The amounts determined by multiplying the cost of each field of study times the full-time equivalent students estimated by the Department of Education shall be submitted to the *Executive Office of the Governor* ~~Department of Administration~~ with the legislative budget request prior to each regular session of the legislature.

Section 131. Subsection (3) of section 233.255, Florida Statutes, is amended to read:

233.255 Production and dissemination of educational materials and products by department.—

(3) All proceeds from the sale of such educational materials and products shall be remitted to the State Treasurer and shall be kept in a separate fund to be known as the "Educational Media and Technology Trust Fund" and, when properly budgeted as approved by the Legislature and the *Executive Office of the Governor* ~~Department of Administration~~, be used to pay the cost of producing and disseminating educational materials and products to carry out the intent of this act.

Section 132. Subsection (2) of section 235.40, Florida Statutes, 1978 Supplement, is amended to read:

235.40 Radio and television facilities.—

(2) Fixed capital outlay budget requests for public broadcasting stations and instructional television and radio facilities shall be submitted to the *Executive Office of the Governor* ~~Department of Administration~~ and the Commissioner of Education in the form prescribed by s. 216.043 and shall be submitted as specified in s. 216.023. The commissioner may include any recommendations for these purposes in the legislative budget request for fixed capital outlay.

Section 133. Subsection (3) of section 235.41, Florida Statutes, is amended to read:

235.41 Legislative budget request; educational facilities assessment.—

(3) The commissioner, through the office, shall submit an integrated, comprehensive budget request to the *Executive Office of the Governor* ~~Department of Administration~~ and to the Legislature no later than 90 days prior to the legislative session each fiscal year. Notwithstanding the provisions of s. 216.043, the integrated, comprehensive budget request shall include:

(a) Actual capital outlay fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

(b) Estimated encumbrances to be made in the current fiscal year from actual capital outlay fund balances brought forward from the preceding fiscal year as unencumbered.

(c) Estimated capital outlay appropriations to be made from the current fiscal year revenues, listed separately to indicate those appropriations that will be encumbered throughout the fiscal year and those that will remain unencumbered at the end of the fiscal year.

(d) Estimated capital outlay funds to be disbursed in the current fiscal year from:

1. Fund balances brought forward from the preceding fiscal year.

2. Appropriations to be made from the current fiscal year revenues.

(e) Estimated undisbursed capital outlay funds remaining at the end of the current fiscal year from:

1. Fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

2. Appropriations to be made from the current fiscal year revenues, listed separately as encumbered and unencumbered.

(f) A 5-year assessment of fixed capital outlay needs for education.

(g) A list of fixed capital outlay needs, and a request for fixed capital outlay funds, for the ensuing fiscal year for the state system of public education, reflecting the actual ability of the various boards to encumber and disburse the funds requested.

(h) Recommendations for the priority of expenditure of funds in the state system of public education, with reasons for the recommended priorities.

(i) Other recommendations which relate to the effectiveness of the educational facilities construction program.

Section 134. Subsection (3) of section 235.42, Florida Statutes, is amended to read:

235.42 Educational plants construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(3) To provide for maximum use of funds available and to expedite the construction of authorized plants, the office, with the approval of the State Board of Education, is empowered and directed to transfer appropriations and moneys among and within the authorized capital projects, within the meaning, and as required by, paragraph 9(a)(2), Art. XII of the State Constitution, as amended, appropriated from the Public Education Capital Outlay and Debt Service Trust Fund. This transfer authority shall include appropriations authorized in prior years and certified forward by the *Executive Office of the Governor* ~~Department of Administration~~ pursuant to s. 216.301.

Section 135. Subsection (1) of section 236.022, Florida Statutes, is amended to read:

236.022 Projected study of alternative methods of school finance.—

(1) The Department of Education, the *Executive Office of the Governor* ~~Department of Administration~~, and the Department of Revenue are authorized and directed, in cooperation with the Legislature and the State Board of Education, jointly to investigate and study alternative methods of public school finance. The departments shall conduct such studies with the goal of full implementation of such an alternative method on or before July 1, 1980, and shall consider the intent of the Legislature as stated above. The Department of Education shall make annual reports to the Legislature of its findings and may submit such proposed legislation and constitutional amendments as it deems necessary and proper.

Section 136. Subsection (2) of section 236.081, Florida Statutes, 1978 Supplement, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index, prepared by the *Executive Office of the Governor* ~~Department of Administration~~, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

Section 137. Section 240.082, Florida Statutes, is amended to read:

240.082 Additional appropriation.—All moneys received by the institutions under the management of the State Board of Regents, other than from state and federal sources, are hereby appropriated to the use of the State Board of Regents, for the respective institutions collecting same, to be expended as the State Board of Regents may direct; provided, however, that said funds shall not be expended except in pursuance of detailed budgets filed with and approved by the *Executive Office of the Governor* ~~Department of Administration~~, and shall not be expended for the construction or reconstruction of buildings except as provided under s. 240.141.

Section 138. Subsection (8) of section 240.095, Florida Statutes, is amended to read:

240.095 Deposit of funds received by institutions and agencies in the State University System.—All funds received by any institution or agency in the State University System, from whatever source received and for whatever purpose, shall be deposited in the state treasury subject to disbursement in such manner and for such purposes as the Legislature may by law provide. The following funds shall be exempt from the provisions of this section and, with the approval of the Board of Regents, may be deposited outside of the state treasury:

(8) Such other funds as may be approved by the Board of Regents and the *Executive Office of the Governor* ~~Department of Administration~~.

Section 139. Subsection (4) of section 240.191, Florida Statutes, is amended to read:

240.191 Board authorized to secure liability insurance.—

(4) There shall be no funds appropriated directly to any insurance trust fund. The *Executive Office of the Governor* ~~Department of Administration~~, upon request of the Board of Regents, is authorized to transfer to any insurance trust fund any funds appropriated in the General Appropriation Act or other acts of the Legislature for the purposes of this section. The Board of Regents is further authorized to accept any payments, receipts, gifts, or donations made for the purposes of this section and deposit such funds in the appropriate insurance trust fund.

Section 140. Subsection (1) of section 241.63, Florida Statutes, is amended to read:

241.63 Working capital trust funds established.—

(1) The Board of Regents, with the approval of the administration commission ~~of the Department of Administration~~, is hereby authorized to establish in the state treasury a working capital trust fund for each of the individual institutions in the university system for the purpose of providing central financing and cost controls for certain general services necessary to the operation of all departments of the respective universities, including the auxiliary enterprises.

Section 141. Subsection (1) of section 255.257, Florida Statutes, 1978 Supplement, is amended to read:

255.257 Energy management plan; buildings occupied by state agencies.—

(1) DIVISION RESPONSIBILITY.—The division shall constitute the responsible state agency for developing and implementing an energy management plan for state agencies occupying state-owned or state-leased buildings. The *Executive Office of the Governor* ~~Department of Administration~~ shall assist in the development of this plan.

Section 142. Section 272.05, Florida Statutes, is amended to read:

272.05 Budgets for repair, etc.; review.—The Division of Building Construction and Property Management of the Department of General Services and the *Executive Office of the Governor* ~~Department of Administration~~ shall be empowered to review, change and modify the budgets of the departments, agencies, boards, and commissions relating to the repair, upkeep and maintenance of said buildings.

Section 143. Section 334.2105, Florida Statutes, is amended to read:

334.2105 Working Capital Trust Fund created; expenditure of such funds, etc.—There is hereby created a working Capital Trust Fund, into which fund shall be deposited an amount deemed necessary by the Department of Transportation and approved by the *Executive Office of the Governor* ~~Department of Administration~~ for the efficient operation of the Department of Transportation. Such amount may be obtained from any trust fund or funds under the control and custody of the Department of Transportation. The Working Capital Trust Fund may be used to pay any and all bills of the department; provided, however, in the succeeding month, the appropriate trust fund shall reimburse the Working Capital Trust Fund for all expenditures properly attributable to such reimbursing trust

fund; and provided the use of such unexpended trust funds shall not delay or impair a county project of any county contributing to the fund.

Section 144. Paragraph (c) of subsection (3) of section 339.08, Florida Statutes, 1978 Supplement, is amended to read:

339.08 Use of gas tax revenue by department.—

(3)

(c) No state bonds shall be sold for any revenue-producing transportation project if the proceedings authorizing such bonds include a covenant to complete by the department from the proceeds of the first gas tax until the department shall have made cost estimates based on the most current information available after approval of the final environmental impact statement for such project and shall have determined based on such estimates that the projected available funds for any such project, excluding the use of any proceeds from the first gas tax pursuant to a covenant to complete, are sufficient to pay for such project. No additions shall be made to any revenue-producing project for which a covenant to complete from the first gas tax has been made which would expand the scope of such project unless such additions are specifically approved by the Legislature. For the purposes of this subsection, project scope shall mean the terminal points, the number of interchanges, and grade separations as approved by the Legislature. No contingency funds in the construction trust fund for any revenue-producing project for which a covenant to complete from the first gas tax has been made shall be expended for any purpose other than such project until the completion of such project; provided, however, such funds may be expended for other purposes if permitted by the proceedings authorizing such bonds and if the department certifies to the *Executive Office of the Governor* ~~Department of Administration~~ that such contingency funds are not required for the completion of the project and are available and sufficient for such other purposes and the *Executive Office of the Governor* ~~Department of Administration~~ approves such certification in writing to the department.

Section 145. Section 340.35, Florida Statutes, is amended to read:

340.35 Budget to be furnished *Executive Office of the Governor* ~~Department of Administration~~.—

(1) The department shall submit its budget to the Governor in the manner provided for other state agencies by chapter 216; provided, however, that the department may submit its budget on a bond fiscal year rather than on the state's fiscal year; provided that nothing herein shall authorize or permit the *Executive Office of the Governor* ~~Department of Administration~~ to take any action in relation to the budgets of the department contrary to the terms and provisions of any trust heretofore entered into by the department.

(2) Conditioned on approval by the *Executive Office of the Governor* ~~Department of Administration~~, the department may submit its budget on an accrual basis rather than on a cash basis.

Section 146. Subsections (2) and (3) of section 350.0614, Florida Statutes, are amended to read:

350.0614 Public counsel; compensation and expenses.—

(2) The legislature hereby declares and determines that the public counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the *Executive Office of the Governor* ~~Department of Administration~~ or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the Joint Auditing Committee.

(3) *Neither* the *Executive Office of the Governor nor the* Department of Administration or its successor shall have ~~no~~ power to determine the number, or fix the compensation, of the employees of the public counsel or to exercise any manner of control over them.

Section 147. Subsections (4) and (5) of section 350.78, Florida Statutes, are amended to read:

350.78 Florida Public Service Regulatory Trust Fund; moneys to be deposited therein.—

(4) All moneys in the Florida Public Service Regulatory Trust Fund, from time to time, shall be for the use of the Florida Public Service Commission in the performance of its various functions and duties as provided by law; subject always, however, to regular control by the *Executive Office of the Governor* ~~Department of Administration~~, as provided by law, and to annual appropriations by the Legislature for salary, expense, and capital expenditures of said regulatory commission.

(5) Annual appropriations from the General Revenue Fund of the state for the operation of the Florida Public Service Commission may be credited to the Florida Public Service Regulatory Trust Fund in appropriate monthly amounts and all expenditures authorized by the Legislature and the *Executive Office of the Governor* ~~Department of Administration~~ for the operation of said regulatory commission may be from said trust fund as supplemented by appropriations from the state's General Revenue Fund.

Section 148. Subsections (1) and (10) of section 373.036, Florida Statutes, are amended to read:

373.036 State water use plan.—

(1) The department shall proceed as rapidly as possible to study existing water resources in the state; means and methods of conserving and augmenting such waters; existing and contemplated needs and uses of water for protection and procreation of fish and wildlife, irrigation, mining, power development, and domestic, municipal, and industrial uses; and all other related subjects, including drainage, reclamation, flood-plain or flood-hazard area zoning, and selection of reservoir sites. The department shall cooperate with the *Executive Office of the Governor* ~~Division of State Planning of the Department of Administration~~, or its successor agency, progressively to formulate, as a functional element of a comprehensive state plan, an integrated, coordinated plan for the use and development of the waters of the state, based on the above studies. This plan, with such amendments, supplements and additions as may be necessary from time to time, shall be known as the state water use plan.

(10) The department, in cooperation with the *Executive Office of the Governor* ~~Division of State Planning of the Department of Administration~~, or its successor agency, may add to the state water use plan any other information, directions, or objectives it deems necessary or desirable for the guidance of the governing boards or other agencies in the administration and enforcement of this chapter.

Section 149. Subsections (2) and (3) of section 377.602, Florida Statutes, are amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608:

(2) "Center" means the Energy Data Center of the *Executive Office of the Governor* ~~Department of Administration~~.

(3) "Director" means the chief administrator of the Energy Data Center of the *Executive Office of the Governor* ~~Department of Administration~~.

Section 150. Subsection (1) of section 377.603, Florida Statutes, is amended to read:

377.603 Energy Data Center, powers and duties.—

(1) There is created an Energy Data Center in the *Executive Office of the Governor* ~~Department of Administration~~ whose duty it shall be to collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

Section 151. Section 377.608, Florida Statutes, is amended to read:

377.608 Prosecution of cases by State Attorney.—The State Attorney shall prosecute all cases certified to him for prose-

cution by the *Executive Office of the Governor* ~~Department of Administration~~ immediately upon receipt of the evidence transmitted by the department, or as soon thereafter as practicable.

Section 152. Subsections (1), (2), and (3) of section 377.701, Florida Statutes, are amended to read:

377.701 Petroleum allocation.—

(1) The *Executive Office of the Governor* ~~Department of Administration~~ shall assume the state's role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The department shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

(2) The *Executive Office of the Governor* ~~Department of Administration~~ shall, in addition to assuming the duties and responsibilities provided by subsection (1), perform the following:

(a) In projecting available supplies of petroleum, coordinate with the Department of Revenue to secure information necessary to assure the sufficiency and accuracy of data submitted by persons affected by any federal fuel allocation program.

(b) Require such periodic reports from public and private sources as may be necessary to the fulfillment of its responsibilities under this act. Such reports may include: Petroleum use, all sales, including end-user sales, except retail gasoline and retail fuel oil sales, inventories, expected supplies and allocations, and petroleum conservation measures.

(c) In cooperation with the Department of Revenue and other relevant state agencies, provide for long-range studies regarding the usage of petroleum in the state in order to:

1. Comprehend the consumption of petroleum resources.

2. Predict future petroleum demands in relation to available resources.

3. Report the results of such studies to the Legislature.

(3) For the purpose of determining accuracy of data, all state agencies shall timely provide the *Executive Office of the Governor* ~~Department of Administration~~ with petroleum-use information in a format suitable to the needs of the allocation program.

Section 153. Paragraph (i) of subsection (2) and paragraphs (g) and (k) of subsection (3) of section 377.703, Florida Statutes, 1978 Supplement, are amended to read:

377.703 Additional department functions; energy emergency contingency plan; federal and state conservation programs.—

(2) DEFINITIONS.—

(i) "Regional planning agency" means those agencies designated as regional planning agencies by the *Executive Office of the Governor* ~~Department of Administration~~.

(3) *EXECUTIVE OFFICE OF THE GOVERNOR* ~~DEPARTMENT OF ADMINISTRATION~~; DUTIES.—The *Executive Office of the Governor* ~~Department of Administration~~ shall, in addition to assuming the duties and responsibilities provided by ss. 20.31(7) and 377.701, perform the following functions consistent with the development of a state energy policy:

(g) The department ~~of Administration~~ is authorized to make any rules or regulations pursuant to chapter 120 as are necessary to carry out the purposes of this act.

(k) The *Department of Community Affairs* ~~department~~ shall be responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370; 16 U.S.C. s. 1456a.

Section 154. Subsection (1) of section 378.011, Florida Statutes, 1978 Supplement, is amended to read:

378.011 Land Use Advisory Committee.—

(1) There is hereby created a Land Use Advisory Committee which shall be composed of the following:

(a) One member from the Bureau of Geology of the Division of Resource Management of the Department of Natural Resources, who shall serve as chairman, to be appointed by the executive director of said department;

(b) One member from the *Executive Office of the Governor* ~~Division of State Planning of the Department of Administration,~~ to be appointed by the *Governor* ~~secretary of said department~~;

(c) One member from the Tampa Bay Regional Planning Council, one member from the Central Florida Regional Planning Council, and one member from the North Central Florida Regional Planning Council, to be appointed by the respective directors of said regional planning councils;

(d) One member to represent the Board of County Commissioners of Polk County, one member to represent the Board of County Commissioners of Hillsborough County, and one member to represent the Board of County Commissioners of Hamilton County, to be appointed by the chairmen of said boards;

(e) One member from the Game and Fresh Water Fish Commission, to be appointed by the Executive Director of said commission; and

(f) Two members of the public, to be appointed by the Governor.

Section 155. Section 380.11, Florida Statutes, is amended to read:

380.11 Enforcement.—The *Department of Community Affairs* ~~Division of State Planning~~, all state attorneys, and all counties and municipalities are hereby authorized to bring an action for injunctive relief, both temporary and permanent, against any person or developer found to be in violation of the provisions of this act, or any rules, regulations, or orders issued thereunder.

Section 156. Subsection (1) of section 388.271, Florida Statutes, is amended to read:

388.271 Prerequisites to participation.—

(1) Each county or district eligible to participate hereunder may begin participation on October 1 of any year by filing with the Department of Health and Rehabilitative Services not later than July 1 a work plan and detailed work plan budget providing for the control of mosquitoes or other arthropods. Following approval of the plan and budget by the Department of Health and Rehabilitative Services, two copies of the county's or district's certified budget based on the approved work plan and detailed work plan budget shall be submitted to the Department of Health and Rehabilitative Services not later than September 15 following. State funds, supplies and services shall be made available to such county or district by and through the Department of Health and Rehabilitative Services immediately upon release of funds by the *Executive Office of the Governor* ~~Department of Administration~~.

Section 157. Subsection (3) of section 402.17, Florida Statutes, is amended to read:

402.17 Claims for care and maintenance; trust property.—The Department of Health and Rehabilitative Services shall protect the financial interest of the state with respect to claims which the state may have for the care and maintenance of patients or inmates of state institutions under its supervision and control and shall administer money and other property received for the personal benefit of such patients or inmates. In order to carry out the provisions of this section the department may delegate any of its herein enumerated powers and duties to the director of the division under whose supervision such patient or inmate comes, and any such director to whom such powers and duties are so delegated is empowered, either personally or subject to his personal responsibility, through designated employees of his personal staff or of the institutions under his supervision to exercise such powers or perform such duties. The department is empowered to perform the following acts:

(3) DEPOSIT IN STATE TREASURY.—Money received by the Department of Health and Rehabilitative Services or by any director in payment of claims of the state for the care and maintenance of any patient or inmate shall be transmitted to the State Treasurer for deposit into the General Revenue Fund or into a trust fund for the operation of a division with the approval of the *Executive Office of the Governor* ~~Department of Administration~~. Any funds received for the treatment or care of patients, based upon the Federal Social Security Act, as amended, by an institution in the Division of Mental Health or the Division of Retardation may, with the approval of the

Executive Office of the Governor ~~Department of Administration~~, be deposited into a trust fund for the operation of the division.

Section 158. Subsection (7) and paragraph (c) of subsection (8) of section 403.504, Florida Statutes, are amended to read:

403.504 Department of Environmental Regulation; powers and duties enumerated.—The Department of Environmental Regulation shall have the following powers and duties in relation to this act:

(7) To require an application fee not to exceed $50,000. The application fee shall be paid to the department upon the filing of each application for site certification. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, or increase in generating capacity proposed by the application. A minimum fee of $5,000 shall be required for each application. All reasonable expenses and costs of the proceeding incurred by the department, the Division of Administrative Hearings, the Public Service Commission, and the *Department of Community Affairs* ~~Division of State Planning~~, including those which are associated with the cost of publication of public notices, the preparation and conduct of the hearings, the recording and transcription of the proceedings, and the studies required by this act, shall be paid from the application fee. Any sums remaining after the payment of authorized costs shall be refunded to the applicant within 90 days of the issuance or denial of certification or withdrawal of the application. The applicant shall be provided with an itemized accounting of the expenditures.

(8) To prepare a written analysis which shall be filed with the designated hearing officer and served on all parties no later than 8 months after the complete application is filed with the department, and which shall include:

(c) The report of the *Department of Community Affairs* ~~Division of State Planning~~ as required by s. 403.507.

Section 159. Subsection (1) of section 403.507, Florida Statutes, is amended to read:

403.507 Reports and studies.—

(1) It shall be the duty of the department to provide copies of the application as filed to the *Department of Community Affairs* ~~Division of State Planning~~ and the Public Service Commission within 15 days of its receipt by the department.

(a) Within 5 months of receipt of a copy of the complete application, the *Department of Community Affairs* ~~Division of State Planning~~ shall present a report as to the compatibility of the proposed electrical power plant with the state comprehensive plan to the department. The division shall submit a preliminary report within 60 days of receipt of a copy of the complete application.

(b) The Public Service Commission shall prepare a report as to the present and future need for the electrical generating capacity to be supplied by the proposed electrical power plant. The report may include the comments of the commission with respect to any matters within its jurisdiction. It shall submit its report to the department within 5 months of receipt of a copy of the complete application. The commission shall submit a preliminary report within 60 days of receipt of a copy of the complete application. The applicant, at its cost, shall furnish such information, studies, and data as the department, division, or Public Service Commission may direct.

Section 160. Paragraph (a) of subsection (4) of section 403.508, Florida Statutes, is amended to read:

403.508 Proceedings, parties, participants.—

(4)(a) Parties to the proceeding shall include:

1. The applicant.

2. The Public Service Commission.

3. The *Department of Community Affairs* ~~Division of State Planning~~.

4. The water management district, as defined in chapter 373, in whose jurisdiction the proposed electrical power plant is to be located.

5. The department.

Section 161. Section 409.085, Florida Statutes, 1978 Supplement, is amended to read:

409.085 Appropriation to the department and transfer of surplus funds.—Whenever any appropriation made to the department for any program authorized by this chapter shall be insufficient fully to provide assistance to all persons lawfully entitled thereto and there exists a surplus in the appropriation for any other social and economic programs above the amount required to provide for all persons lawfully entitled thereto, the *Executive Office of the Governor* ~~Department of Administration~~ shall determine the amount of such surplus and shall, on application by the Department of Health and Rehabilitative Services, transfer so much of such surplus to said insufficient appropriation as it may find necessary. Any funds thus transferred shall be retransferred by the *Executive Office of the Governor* ~~Department of Administration~~ if subsequent events should disclose need for additional money in the appropriation from which the transfer was made. Funds which are so transferred are appropriated to the department to be used for the program for which the transfer was made and shall be disbursed and expended in the same manner as if originally appropriated for such purpose. This section shall be liberally construed to the end that the social and economic programs of the department may be fully maintained.

Section 162. Subsection (8) of section 409.2671, Florida Statutes, 1978 Supplement, is amended to read:

409.2671 Local agency contributions to medical assistance program for outpatient hospital services.—

(8) The *Executive Office of the Governor* ~~Department of Administration~~ shall periodically review expenditures for hospital outpatient services, and, if expenditure trends indicate a higher rate of utilization than that which can be funded by available local agency funds, the department shall immediately reduce the $500 maximum payment to a lesser maximum payment or increase the percentage of participation in subsection (5), or both.

Section 163. Subsection (3) of section 413.26, Florida Statutes, is amended to read:

413.26 Cooperative agreements with other governmental agencies relative to joint use of services and facilities.—

(3) In order to effectuate the provisions of this section, the *Executive Office of the Governor* ~~Department of Administration~~ is authorized and empowered within its discretion when it finds it to be in the public interest to permit two or more agencies, institutions, county or city governments, pursuant to their mutual, unanimous request to pool portions of their funds or to transfer portions of their funds to the account of the department in order to carry out plans for rehabilitation which are lawful and which give promise of better achieving the rehabilitation of disabled persons than would result through the separate efforts of the participants in the agreement. Funds pooled or transferred under this act may be made available for expenditures for rehabilitation by the agency designated in the agreement to disburse such funds. Funds expended pursuant to agreements authorized under this act may be utilized for the purpose of matching funds available under the terms of federal laws pertaining to the rehabilitation of handicapped persons.

Section 164. Subsection (3) of section 413.27, Florida Statutes, is amended to read:

413.27 Cooperative agreements with Florida School for the Deaf and Blind.—

(3) In order to effectuate the provisions of this section, the *Executive Office of the Governor* ~~Department of Administration~~ shall, upon the conclusion of any such agreement, pool portions of the funds of said agencies as indicated in such agreement. Funds pooled or transferred under this section may be made available for expenditures for rehabilitation by the agency designated in the agreement to disburse such funds, and may be used to compensate additional personnel employed under subsection (2)(b). Funds expended pursuant to any agreement authorized under this section may be utilized for the purpose of matching funds available under the terms of federal laws pertaining to the rehabilitation of the deaf.

Section 165. Subsection (2) of section 443.14, Florida Statutes, is amended to read:

443.14 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is hereby created in the State Treasury a special fund, to be known as the "Special Employment Security Administration Trust Fund," into which shall be deposited or transferred all interest on contributions, penalties, and fines or fees collected under this chapter. Interest on contributions, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust Fund shall, as soon as practicable after the close of such calendar quarter and upon certification of the division, be transferred to the Special Employment Security Administration Trust Fund; however, there shall be withheld from any such transfer the amount certified by the division to be required under this chapter to pay refunds of interest on contributions, penalties, and fines or fees collected after June 30, 1947, and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund. Such amounts of interest and penalties so certified for transfer shall be deemed to have been erroneously deposited in the clearing account and the transfer thereof to the Special Employment Security Administration Trust Fund shall be deemed to be a refund of such erroneous deposits. All moneys in this fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Said moneys shall not be expended or be available for expenditure in any manner which would permit their substitution for, or permit a corresponding reduction in, federal funds which would, in the absence of said moneys, be available to finance expenditures for the administration of the Unemployment Compensation Law. But nothing in this section shall prevent said moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund, with the approval of the *Executive Office of the Governor* ~~Department of Administration~~, shall be used by the division for the payment of costs of administration which are found not to have been properly and validly chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available to the division for expenditure in accordance with the provisions of this chapter and shall not lapse at any time. All payments from the Special Employment Security Administration Trust Fund shall be approved by the division or by a duly authorized agent thereof and shall be made by the Treasurer upon warrants issued by the Comptroller and countersigned by the Governor. The moneys in this fund are hereby specifically made available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund, established by subsection (1), which have been found by the Bureau of Employment Security, or other authorized federal agency or authority, because of any action or contingency, to have been lost or improperly expended. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Special Employment Security Administration Trust Fund.

Section 166. Subsection (2) of section 450.181, Florida Statutes, is amended to read:

450.181 Definitions.—As used in Part II, unless the context clearly requires a different meaning:

(2) *"Office" means the Executive Office of the Governor.* ~~"Division" means the Division of Community Services of the Department of Community Affairs created by s. 20.18.~~

Section 167. Section 450.191, Florida Statutes, is amended to read:

450.191 *Executive Office of the Governor* ~~Division of Community Services~~; powers and duties.—

(1) The *Executive Office of the Governor* ~~Division of Community Services~~ is authorized and directed to:

(a) Advise and consult with employers of migrant workers as to the ways and means of improving living conditions of seasonal workers;

(b) Cooperate with the Department of Health and Rehabilitative Services in establishing minimum standards of preventive and curative health and of housing and sanitation in migrant labor camps and in making surveys to determine the adequacy of preventive and curative health services available to occupants of migrant labor camps;

(c) Provide coordination for the enforcement of ss. 381.422-381.482;

(d) Cooperate with the other departments of government in coordinating all applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments, wage claims, and crew leaders;

(e) Cooperate with the Department of Education to provide educational facilities for the children of migrant laborers;

(f) Cooperate with the Department of Highway Safety and Motor Vehicles to establish minimum standards for the transporting of migrant laborers;

(g) Cooperate with the Department of Agriculture and Consumer Services to conduct an education program for employers of migrant laborers pertaining to the standards, methods, and objectives of the division;

(h) Cooperate with the Department of Health and Rehabilitative Services in coordinating all public assistance programs as they may apply to migrant laborers;

(i) Coordinate all federal, state, and local programs pertaining to migrant laborers;

(j) Cooperate with the farm labor office of the Florida state employment service in the recruitment and referral of migrant laborers and other persons for the planting, cultivation and harvesting of agricultural crops in Florida.

(2) The *office* ~~division~~ shall arrange, through the Department of Health and Rehabilitative Services, for the provision of the supplementary services set forth in subsection (1)(b) to the extent of available appropriations. Such services may be provided through the use of one or more traveling dispensaries, or by contract with physicians, dentists, hospitals, or clinics, or in such manner as may be recommended by the Department of Health and Rehabilitative Services.

Section 168. Paragraph (e) of subsection (1) of section 590.02, Florida Statutes, is amended to read:

590.02 Powers of division; appointment of forest investigators and rangers; powers and duties; entry upon lands; arrests, etc.—

(1) The Division of Forestry, in connection with the enforcement of this chapter and other forest and forest fire laws, shall have the following powers, authority and duties:

(e) To use the resources of the division on state-owned parks and historic memorials wherever located within the state to prevent and suppress fires, to cut firelines, to establish regional firefighting crews who shall be authorized to suppress fires on state-owned park lands and subject to ~~Department of Administration~~ approval *of the Executive Office of the Governor*, use funds not otherwise appropriated for the purchase of the necessary equipment for combating fires in state parks.

Section 169. Subsection (2) of section 741.01, Florida Statutes, 1978 Supplement, is amended to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(2) The fee charged for each marriage license issued in the state shall be increased by the sum of $5. The *Executive Office of the Governor* ~~Department of Administration~~ shall establish a trust fund for the purpose of collecting and disbursing funds generated from the increase in marriage license fees. Such funds generated shall be directed to the Department of Health and Rehabilitative Services for the specific purpose of funding spouse abuse centers and the funds shall be appropriated in a "Grants-in-Aids" category to the Department of Health and Rehabilitative Services, Aging and Adult Services, for the purpose of funding spouse abuse centers.

Section 170. Subsections (3), (7), and (8) of Section 943.-25, Florida Statutes, 1978 Supplement, are amended to read:

943.25 Advanced training; program; costs; funding.—

(3) All courts created by Art. V of the State Constitution shall assess $1 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. In addition,

$1 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the State Treasurer as hereinafter described. However, no such assessment shall be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles. All such costs collected by the aforesaid courts shall be collected and remitted to the Department of Revenue, in accordance with administrative rules promulgated by the executive director of the Department of Revenue, for deposit in the State Treasury and be earmarked to the Department of Law Enforcement and the trust fund for block grant matching, equally, and be disbursed by the *Executive Office of the Governor* ~~Department of Administration~~ to the Bureau of Criminal Justice ~~Planning and~~ Assistance of the ~~Division of State Planning of the~~ Department of *Community Affairs* ~~Administration~~ and to the Department of Law Enforcement, equally, as provided herein. All funds earmarked to the Department of Law Enforcement shall be disbursed only for those purposes provided for in subsection (7). At such time as matching federal funds are no longer available under the provisions of Pub. L. No. 90-351, all funds collected shall be earmarked to the Department of Law Enforcement.

(7) The *Executive Office of the Governor* ~~Department of Administration~~ is authorized to approve, for disbursement from funds allocated for, and which are credited to, the Department of Law Enforcement, those sums necessary and required for the implementation of the training programs and training facilities submitted by the department and approved by the commission.

(8) A trust fund for block grant matching by the state is created under the administration of the Bureau of Criminal Justice Assistance. Disbursement of said funds shall be made for the purpose of matching, implementing, administering, and qualifying for federal funds provided under the provisions of Pub. L. No. 90-351, as amended, and Pub. L. No. 93-415, as amended, referred to as the "Omnibus Crime Control and Safe Streets Act of 1968" and the "Juvenile Justice and Delinquency Act of 1974," including providing technical assistance to local governments for meeting criminal justice program planning requirements. The *Executive Office of the Governor* ~~Department of Administration~~ is authorized to approve, for disbursement from said trust fund, those sums necessary and required by the state for block grant matching federal funds on grants approved pursuant to Pub. L. Nos. 90-351 and 93-415, as amended. Disbursements from the trust fund for the purpose of supplanting shortfalls in LEAA program or planning funds shall not be made without specific legislative appropriation.

Section 171. Subsections (1) and (2) of section 943.36, Florida Statutes, are amended to read:

943.36 Submission of annual budget.—

(1) For the purpose of providing matching funds, each laboratory designated in s. 943.35 shall submit to the *Executive Office of the Governor* ~~Department of Administration~~, on or before November 1, a written report containing an estimate in itemized form showing the amount needed for operational expenses for the fiscal year beginning July 1 thereafter. Each such estimate shall itemize the expenditures required for the laboratory submitting it. The report shall indicate the portion of operating expenses to be funded by utilizing federal funds and that portion utilizing local funds. The report shall specify the amount of the local appropriation to be used as the basis for computing the state's matching contribution.

(2) The form of such reports shall be prescribed by the *Executive Office of the Governor* ~~Department of Administration~~.

Section 172. Subsections (1) and (2) of section 943.405, Florida Statutes, 1978 Supplement, are amended to read:

943.405 Prevention of crimes against the elderly.—

(1) It is the express intent of the Legislature that all state agencies cooperate with the Bureau of Criminal Justice *Assistance* ~~Planning~~ of the Department of *Community Affairs* ~~Administration~~ in carrying out the provisions of this section.

(2) The Bureau of Criminal Justice *Assistance* ~~Planning~~ of the Department of *Community Affairs* ~~Administration~~, in carrying out its assigned purposes under Pub. L. No. 90-351 of providing for the preparation and implementation of annual comprehensive statewide plans for the reduction of crime and improvement of the criminal justice system, and under the state plan requirement of Pub. L. No. 94-503 of providing for the development of programs and projects for the prevention of crime against the elderly, in conjunction with the Department of Health and Rehabilitative Services in carrying out its purposes of providing needed health and social services for the elderly, shall give priority to the preparation of yearly plans and a comprehensive 5-year plan for the development, implementation, and operation of programs designed to prevent crime against the elderly and to reduce the fear of crime in the elderly. The bureau shall identify, through research and through monitoring and evaluation of programs and projects conducted outside of the bureau, any social, economic, or educational methods, techniques, or procedures which have the potential effectively to prevent crime against the elderly and reduce fear of crime in the elderly. The bureau shall determine the costs and benefits that would be associated with such prevention and reduction efforts and shall develop, or recommend the implementation of, those methods, techniques, and procedures which are found likely to be cost-efficient. The bureau shall identify funding needs for such programs.

Section 173. Subsection (2) of section 945.16, Florida Statutes, is amended to read:

945.16 Use of goods and services produced in correctional work programs.—

(2) No similar article of comparable price and quality found necessary for use by any state agency may be purchased from any other source when the Department of Offender Rehabilitation shall certify that the same is available and can be furnished by the department. The purchasing authority of any such state agency shall have the power to make reasonable determinations of need, price, and quality with reference to articles available for sale by such correctional work programs operated by the department. In the event of a dispute between the department and any purchasing authority, based upon price or quality, the matter shall be referred to the *Executive Office of the Governor* ~~Department of Administration~~, whose decision shall be final.

Section 174. Subsection (5) of section 959.011, Florida Statutes, is amended to read:

959.011 Administration.—

(5) In order to instill the virtues of work, thriftiness, and responsibility for the management of their own funds in persons in its care, and to further prepare these persons for return to the community, the department is authorized to provide payment to these persons of reasonable sums of money for work performed while employed through its work programs, which either benefit the division, the department or the state or their properties, provided the funds shall be specifically provided to make such payments and that payments are made pursuant to a plan approved by the Department of Health and Rehabilitative Services and the *Executive Office of the Governor* ~~Department of Administration~~.

(Renumber Subsequent Sections)

Amendment 1 as amended was adopted.

On motion by Senator Dunn, by two-thirds vote CS for HB's 1604 and 1649 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Hair	McKnight	Stuart
Carlucci	Henderson	Myers	Tobiassen
Chamberlin	Hill	Neal	Trask
Childers, W. D.	Holloway	Peterson	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Skinner	
Gordon	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—3

Mr. President	Childers, D.	Grizzle

Vote after roll call:

Yea—Anderson

On motion by Senator Dunn, the Senate reconsidered the vote by which CS for HB's 1604 and 1649 as amended passed.

On motion by Senator Dunn, the Senate reconsidered the vote by which CS for HB's 1604 and 1649 was placed on third reading.

On motion by Senator Dunn the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

Senator Dunn moved the following amendments which were adopted:

Amendment 22—On page 3 in title, strike lines 17 through 24, inclusive

Amendment 23—On page 8 in title, line 17: strike "creating s. 25.382, Florida" lines 18-21: strike lines 18-21 in entirety and on line 22: strike "policies within the system;"

Senators Dunn and Johnston offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 24—On page 1 in the title, line 1, strike Everything before the enacting clause and insert:

A bill to be entitled An act relating to state government; creating s. 14.25, Florida Statutes, creating the Executive Office of the Governor and an Administration Commission as a part thereof; creating a Data Based Management Information System Developmental Task Force; transferring state-related comprehensive planning functions from the Department of Administration to the Executive Office of the Governor; transferring the Governor's Commission on Advocacy for Persons with Developmental Disabilities to the Executive Office of the Governor; transferring the Migrant Labor Program of Department of Community Affairs, the Commission on Hispanic Affairs and the Governor's Council on Indian Affairs from the Department of Community Affairs to the Executive Office of the Governor; amending s. 13.9965(1), Florida Statutes, 1978 Supplement, and adding subsections (5) and (6), and amending s. 13.9966(1), Florida Statutes, 1978 Supplement, to conform to the act; creating s. 14.26, Florida Statutes, creating within the Executive Office of the Governor the Citizen's Assistance Office; providing for appointment and duties; amending s. 215.195(1) and (4), Florida Statutes, 1978 Supplement, transferring the State-Federal Relations Trust Fund to the Executive Office of the Governor; amending s. 14.23(2), Florida Statutes, specifying the scope and method of determination of duties of the Office of State-Federal Relations; providing for an executive director; transferring budget functions from the Department of Administration to the Executive Office of the Governor; amending s. 215.32(2)(c), Florida Statutes; providing an increased percentage for determination of the amount of the Working Capital Fund; providing for appropriations to the fund under certain conditions; providing for consultation by the Administration Commission with legislative appropriations committees; amending s. 215.35, Florida Statutes; providing for form of warrants; creating s. 215.87, Florida Statutes; providing for an official Revenue Estimating Conference to determine the General Revenue Fund estimate; amending the introductory paragraph and paragraphs (a), (b), (bb) and (cc) of s. 216.011(1), Florida Statutes, adding paragraphs (gg) and (hh) thereto, and amending subsection (2) thereof; amending ss. 216.023, 216.031, 216.043, 216.044, 216.051, 216.081, 216.091, 216.102(2)(b), 216.121, 216.131, 216.-141(3), 216.151(2), 216.162(1), 216.172(2), 216.181, 216.182, 216.192(3), 216.201, 216.212(3), 216.221(1), 216.231(1), 216.241, 216.262(1)(a), (b) and (e) and (2), 216.275, 216.292(1) and (3), 216.301(1) and (2) (b), and 216.321, Florida Statutes, and repealing s. 216.292(4), Florida Statutes; providing definitions; providing duties of Executive Office of the Governor under chapter 216; providing duties of legislative appropriations committees with respect to agency legislative budget requests and related data, statements of intent regarding appropriations, and waiver of certain requirements; providing for consultation with said committees with respect to form of budget request documents, certain program changes in relationship to proposed budgets, expenditure of federal funds, budget reductions, release of certain classified appropriations, initiation of or changes in programs, increases in authorized positions, and appropriation transfers; deleting provision relating to submission of employee data; including the state courts system within provisions relating to estimates of financial needs which are not subject to review by the Governor, balance statements furnished by the Comptroller, submission of budget requests directly to legislative committees, release of appropriations, certification of undisbursed balances, and construction of chapter 216; providing duties of the Department of General Services regarding proposed capital outlay projects; requiring the Comptroller and state agencies to furnish certain information to the Legislature; providing a penalty; requiring that services of the Executive Office of the Governor be available to the Legislature; restricting expenditure of federal funds; providing duties of State Treasurer regarding clearing accounts; exempting biennial appropriations from provisions relating to undisbursed balances; amending s. 20.31(2) and (3), Florida Statutes, 1978 Supplement, and adding a new subsection (3), changing the structure of the Department of Administration to conform to the act; creating an Office of Labor Relations; revising chapter 110, Florida Statutes, relating to state personnel management; creating part I of said chapter, relating to general state employment provisions; providing employment policy of the state; providing for a state group insurance program; providing duties of the Department of Administration regarding productivity improvement; providing for affirmative action plans; specifying paid holidays; providing for terminal payment for accumulated sick leave; providing for administrative leave for certain athletic competition; providing pay periods; providing for wage deductions; permitting certain other state employment by historical commission employees; providing for tuition refunds; providing for a personnel information system and payroll procedures; providing for services to political subdivisions; providing for payment of administrative costs; providing powers of department regarding oaths, testimony, and records; providing penalties; creating part II of said chapter, relating to the Career Service System; providing for personnel rules, records and reports; providing definitions; providing exemptions from the system; providing for a uniform classification plan and a pay plan; providing for recruitment; providing for examination and selection procedures; providing for eligible registers and for certification of qualified persons; providing for a career advancement program; providing for examinations for deaf and blind persons; providing a penalty; providing for attendance and leave policies; providing for maternity leave; providing for an awards program; providing for suspensions, dismissals, pay reductions, demotions, layoffs and transfers; providing for retirement or transfer of employees 65 and older; prohibiting certain acts and political activities; creating part III of said chapter, replacing the Career Service Commission with a Personnel Commission consisting of three full-time commissioners; providing for appointment, terms, compensation, and duties; providing procedures with respect to suspensions and dismissals; providing penalties; providing for transfer of powers, duties and functions; creating part IV of said chapter, relating to senior management; creating a Senior Management Advisory Committee; providing for a senior management group; providing for reports and recommendations; transferring part VIII of chapter 112, Florida Statutes, relating to volunteers, to chapter 110, and redesignating it as part V of said chapter; amending s. 112.902, Florida Statutes, 1978 Supplement, correcting cross references; amending s. 112.021, Florida Statutes, relating to Florida residence as a condition precedent to county employment; amending s. 112.171(1), Florida Statutes, relating to employee wage deductions by counties, municipalities, and special districts; amending s. 215.425, Florida Statutes, relating to extra compensation claims; amending ss. 20.04(7) and 20.16 (3), and 295.11, Florida Statutes, 1978 Supplement, and ss. 104.31(3), 112.044(4), 241.195, 295.12, and 400.19(2), Florida Statutes; correcting cross references; providing for conditional repeal; providing for repeal of Division of Personnel rules; providing for department employees whose positions are abolished or transferred; providing for pending proceedings; repealing chapter 110, Florida Statutes, and Florida Statutes, 1978 Supplement, relating to the State Career Service System; repealing s. 112.031, Florida Statutes, relating to employees of historical commissions, s. 112.041, Florida Statutes, 1978 Supplement, relating to discrimination in state employment, s. 112.045, Florida Statutes, relating to examinations for deaf and blind persons, s. 112.051, Florida Statutes, relating to retirement or transfer of employees over 65, s. 112.055, Florida Statutes, relating to pay periods, s. 112.075, Florida Statutes, relating to state officers and employees group insurance program, s. 112.20, Florida Statutes, relating to terminal payment for sick leave, s. 112.216, Florida Statutes, 1978 Supplement, relating to administrative leave for certain athletic competition, and s. 683.011, Florida Statutes, relating to paid holidays; transferring certain powers, duties and functions of the State

Energy Office of the Department of Administration to the Executive Office of the Governor; transferring all powers, duties and functions of the Commission on Human Relations to the Department of Administration; amending s. 13.231, Florida Statutes, providing independence of the Commission on Human Relations from the Department of Administration; amending s. 120.65(1), Florida Statutes, 1978 Supplement, providing certain administrative support and service to the Division of Administrative Hearings; providing independence of the division from the Department of Administration; amending s. 20.18(2) and (3), Florida Statutes, 1978 Supplement, conforming divisions within the Department of Community Affairs to the act; transferring all powers, duties and functions of certain units within the Department of Administration to the Department of Community Affairs; amending s. 163.3164 (18), Florida Statutes, redefining "state land planning agency"; amending s. 18.101(1) and (2), Florida Statutes, 1978 Supplement, authorizing the State Treasurer to approve deposit of money outside the State Treasury, and the Executive Office of the Governor to authorize revolving funds; amending s. 112.061(4)(b), Florida Statutes, 1978 Supplement, authorizing an agency head to approve payment of per diem in excess of 30 continuous workdays and requiring a report; amending s. 273.055(1), Florida Statutes, to transfer to the Executive Office of the Governor duty to approve disposal of certain tangible personal property; providing exceptions; creating s. 25.382, Florida Statutes, defining the "state courts system" and exempting officers and employees of the system from certain provisions relating to planning and budgeting; providing for personnel policies within the system; amending s. 23.022(2), Florida Statutes, restricting the application of provisions relating to electronic data processing management to the executive branch; providing an appropriation; providing an effective date.

Senator Dunn moved the following amendments which were adopted:

Amendment 25—On page 8 in title, line 26, after "branch;" insert: amending ss. 11.148(2), 11.44(2), 13.231, 13.9981(5), (6), 13.9985(1), 14.057(1), 14.058, 20.24(5), 23.0113(2), 23.0115, 23.012, 23.014(2), 23.015, 23.016, 23.0161(1), 23.017, 23.0191, 23.029, 23.137, 27.33(1), (2), 27.55, 30.49(4), (5), 103.071, 120.63(2)(a), 121.061(3), 145.021(1), 153.95(1), 163.03(1)(b), 163.7055, 195.087(1)(a), 196.32, 215.25, 215.44(4), 216.111, 216.271(1), (2), 216.311(1), 216.345(4), 229.514(2), 230.767(1)(b), 233.255(3), 235.41(3), 235.42(3), 236.022(1), 240.082, 240.095(8), 240.191(4), 241.63(1), 272.05, 334.2105, 340.35, 350.0614(2), (3), 350.78(4), (5), 373.036(1), (10), 377.602(2), (3), 377.603(1), 377.608, 377.701(1)-(3), 380.11, 388.271(1), 402.17(3), 403.504(7), (8)(c), 403.507(1), 403.508(4)(a), 413.26(3), 413.27(3), 443.14(2), 450.181(2), 450.191, 590.02(1)(e), 943.36(1), (2), 945.16(2), 959.011(5), Florida Statutes, and amending ss. 13.9966(1), 20.04(6), 20.171(3), 20.19(8)(c), 20.315(13)(c), 23.0112, 23.0114(1)-(3), 23.019(1), (3), 23.151(1), 23.152(3)(d), 23.154(1), 112.061(4)(b), 215.195(1), (4), 215.37(6), 216.359, 235.40(2), 236.081(2), 255.257(1), 339.08(3)(c), 377.703(2)(i), (3)(g), (k), 378.011(1), 409.085, 409.2671(8), 741.01(2), 943.25(3), (7), (8), 943.405(1), (2), Florida Statutes, 1978 Supplement, to conform to the reorganization provisions of the act;

Amendment 26 to Amendment 1—On page 32, prior to line 1, insert: a new Section 14

Section 14. Paragraph (c) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State Funds; segregation.—

(2) The source and use of each of the aforesaid funds shall be as follows:

(c) The Working Capital Fund shall consist of an amount, not more than *10* ~~5~~ percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, which accrues from moneys in the General Revenue Fund which are in excess of the amount needed to meet the General Revenue Fund Appropriation Acts, as determined by the ~~Department of Administration~~ Executive Office of the Governor. Said moneys are hereby appropriated for transfer to the General Revenue Fund whenever it is determined by the Administration Commission that revenue collections in the General Revenue Fund will be less than the estimated amount recommended to the Legislature by the ~~Department of Administration~~ *Executive Office of the Governor* during the same fiscal year and when the Administration Commission determines, *after consultation with the Legislative Appropriations Committees,* that it would be more prudent to transfer the Working Capital Funds than to reduce agency operating budgets pursuant to s. 216.221. When not required to meet General Revenue Fund appropriations, said moneys shall be used as a revolving fund for transfers as provided by s. 215.18, and when the Comptroller determines that said moneys are not needed for either type of transfer, they may be temporarily invested as provided in ss. 215.44-215.53.

Amendment 27 to Amendment 1—On page 32, prior to line 1, insert: a New Section 15.

Section 15. Paragraph (gg) is added to subsection (1) of section 216.011, Florida Statutes, to read:

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, the following terms shall have the meaning indicated:

(gg) "Consultation" means to deliberate and seek advice in an open and forthright manner with the full committee, a subcommittee thereof, the chairman or the staff as deemed appropriate by the chairman of the respective appropriations committee.

Amendment 28 to Amendment 1—On page 32, prior to line 1, insert: a New Section 16.

Section 16. Subsection (3) of section 216.212, Florida Statutes is amended to read:

216.212 Budgets for federal funds; *expenditure* ~~reappropriations~~ of federal funds *restricted.*—

(3) Federal moneys appropriated by Congress to be used for state purposes, whether by itself or in conjunction with moneys appropriated by the Legislature, *shall not be expended unless appropriated by the Legislature. However, the office may, after consultation with the legislative appropriations committees, approve the receipt and expenditure of funds from federal and other sources. The office shall budget and recommend the expenditure of federal funds in the 1981-1983 biennial budget. The chairmen of the legislative appropriations committees may waiver these provisions as appropriate by written agreement. However, federal and other fund sources for the State University System which do not carry a continuing commitment on future appropriations* are hereby *appropriated* ~~reappropriated~~ for the purpose received.

Amendment 29 to Amendment 1—On page 32, prior to line 1, insert: a New Section 17.

Section 17. Section 216.241, Florida Statutes, is amended to read:

216.241 Initiation or commencement of new programs; approval.—No state agency shall initiate or commence any new program or make changes in its current programs that require additional state financing unless funds have been specifically appropriated therefor or unless the commission expressly approves such changes or new programs. *No new programs may be initiated nor any changes made to existing programs that materially affect the policy direction of the program without first consulting with the legislative appropriations committees.*

All such approvals shall be reported to the legislative appropriations committees ~~and said committees may advise the commission relative to such approvals~~.

Amendment 30 to Amendment 1—On page 98, lines 4-8, strike all of Section 80 and insert: New Section 80

Section 80. There is hereby appropriated from the General Revenue Fund to the Executive Office of the Governor the sum of $350,000 for fiscal year 1979-80 and $350,000 for fiscal year 1980-81 to carry out the provisions of this act.

Senator Johnston moved the following amendments which were adopted:

Amendment 31 to Amendment 1—On page 36, line 16, strike "shall" and insert: may

Amendment 32 to Amendment 1—On page 38, lines 5-16, strike all of paragraphs (b) and (c)

(Renumber subsequent paragraphs.)

Amendment 33 to Amendment 1—On page 38, lines 21-24, strike "in a dollar amount equal to the appropriate respective state contributions for individual and dependent coverage under the state group health insurance plan." and insert: as provided by the Legislature through the appropriations act.

Amendment 34 to Amendment 1—On page 41, line 21, after the word "improvement." insert: A copy of any such reviews made by the department shall be submitted to the Legislature and the Auditor General.

Amendment 35 to Amendment 1—On page 41, line 26, strike after the word "management." insert: A copy of any such study made by the department shall be submitted to the Legislature and the Auditor General.

Amendment 36 to Amendment 1—On page 43, lines 10-22, strike all of subsection (3)

Amendment 37 to Amendment 1—On page 45, lines 21-31, strike all of said lines (section 110.137)

Amendment 38 to Amendment 1—On page 40, line 1, after the period insert: Any physician's fee schedule used in the health and accident plan shall not be available for inspection or copying by medical providers or other persons not involved in the administration of the program.

Amendment 39 to Amendment 1—On page 55, between lines 15 and 16, insert: (25) "Employing agency" means any agency authorized to employ personnel to carry out the responsibilities of the agency under the provisions of chapter 20 or other statutory authority.

Amendment 40 to Amendment 1—On page 55 lines 16-31, on page 56 lines 1-31, on page 57 lines 1-31 and on page 58 lines 1-16 strike all of said lines and insert: 110.205 Career Service; exemptions.—

(1) CAREER POSITIONS.—The career service to which this *part applies* ~~chapter shall apply~~ shall include all positions not specifically exempted by this *part* ~~chapter~~, any *other* provisions of the Florida Statutes to the contrary notwithstanding.

(2) EXEMPT POSITIONS.—The exempt positions which *are* ~~shall~~ not ~~be~~ covered by this *part* ~~chapter shall~~ include the following:

(a) Officers elected by popular vote and persons appointed to fill vacancies in such offices and the personal secretary *of* ~~to~~ each such officer. However, the department shall set the salary for each of these secretarial positions unless the salary is otherwise fixed by law.

(b) Officers and employees of the Legislature.

(c) Members of boards and commissions and the head of each state agency, ~~board or commission~~, however selected; ~~provided,~~ however, ~~that~~ the department shall set the salary of these positions unless otherwise fixed by law.

(d) Judges, referees, *and* receivers.

(e)*1.* The Chancellor of the University System and the presidents of state colleges and universities, *however* ~~provided that~~ the salaries for such positions shall be set by the Board of Regents, any provisions of the Florida Statutes to the contrary notwithstanding.

2. Members of the teaching and research faculty of the State University System and comparable administrative and professional positions as determined by the Board of Regents.

(f) Patients or inmates in state institutions.

(g) Any person paid from other-personal-services appropriations.

(h) A maximum of 10 policy-making positions, *in addition to those specified herein* ~~and the secretaries to each~~, in the Offices of Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, and Commissioner of Agriculture, as *designated* ~~exempted~~ by *such* ~~each aforementioned~~ officer, and 10 such policy-making positions, *in addition to these specified herein* ~~and the secretaries to each~~, in each of the other departments, as *designated* ~~exempted~~ by the head of each such department, plus any additional positions which are ~~time limited and~~ established for *a limited period of time for* the purpose of conducting a special study, *project*, or investigation. However, the *employing agency shall advise the* department ~~of Administration shall be advised~~ in writing of each position to be exempted, and ~~must approve~~ each such exemption *shall be subject to the approval of the department* as being policy-making or *being established for a limited period of time.* ~~time limited and~~ *The department shall* set the salary unless otherwise fixed by law.

(i) All employees in the Governor's general *and executive* offices and at the Governor's mansion and the head of each separate budget entity, as defined in chapter 216, assigned to the Governor. However, the department shall set the salary of these positions unless otherwise fixed by law.

(j) All officers and employees of the judicial branch ~~of state government; provided,~~ however, ~~that~~ the department shall set the salary of these positions, unless otherwise fixed by law.

(k) The appointed secretaries, assistant secretaries, deputy secretaries, executive directors, assistant executive directors, and deputy executive directors of all departments and the personal secretary of each such officer or employee; the chief administrative officer *and the deputy administrative officer* of each board *or* ~~and~~ commission ~~under the Department of State and the Department of Professional and Occupational Regulation~~; and, unless otherwise provided *by law*, the directors, *assistant directors, and deputy directors* of all divisions, and all chiefs of all bureaus *as determined by the department to be policy-making* of all departments. *In any department not using the classifications of division director, assistant division director, deputy division director, or bureau chief as determined by the department to be policy-making, the department shall determine the comparable managerial positions and shall provide for* of these positions unless otherwise fixed by law.

(1) The institute directors of the mental health institutes authorized for Tampa and Miami for training and research in the mental health field and all faculty-type *employees* ~~members~~ chiefly concerned with training, research, and program evaluation. The salaries for these positions shall be *similar* ~~comparable~~ to the *salaries provided for faculty positions in the State* University System and shall be *subject to the approval of* ~~approved by~~ the department ~~of Administration~~, unless otherwise fixed by law.

(m) *The* ~~Each Public Service Commissioner's~~ personal secretary and personal assistant *of each member of the Public Service Commission*, the executive director and deputy executive director of the Public Service Commission, the commission clerk, *and* the hearing examiners, ~~the~~ official reporters, and ~~the~~ directors of the departments within the commission. The *Public Service* Commission shall, with the prior approval of the department, ~~of Administration~~ set the qualifications and salary of these positions unless otherwise fixed by law.

(n) The deputy assistant *secretaries* ~~secretary for program~~ *their exemption.* However, the department shall set the salary ~~planning~~, the staff directors ~~and the~~ district administrators, *assistant staff directors, director of management systems, director of accounting services, director of budget services, director of revenue management, director of personnel management, director of training and staff development, director of general services, director of civil rights compliance, deputy district administrators, district program managers, district program coordinators, district subdistrict administrators, district administrative service directors, district attorneys, director of central operations services, and deputy director of central operations services* of the Department of Health and Rehabilitative Services. *However, the Department of Administration shall set the salary of these positions unless otherwise provided by law.*

(o) The academic and academic administrative personnel of the Florida School for the Deaf and the Blind. ~~However,~~ In accordance with the provisions of chapter 242, the salaries for such positions shall be set by the Board of Trustees for the Florida School for the Deaf and the Blind, subject only to the approval of the State Board of Education.

(p) Members of the senior management group created pursuant to s. 110.401.

(3) PARTIAL EXEMPTION OF DEPARTMENT OF ~~CRIMINAL~~ LAW ENFORCEMENT.—Employees of the Department of ~~Criminal~~ Law Enforcement shall be subject to the provisions of *s. 110.250* ~~s. 110.061~~, except in matters relating to transfer.

Amendment 41 to Amendment 1—On page 76, lines 24 through 31 on page 77, lines 1-31 and on page 78, lines 1-4, strike all of said lines and insert: (1) There is hereby created within the Department of Administration the Career Service Commission, hereinafter referred to as the "commission." The commission shall consist of seven members to be appointed as follows:

(a) Members of the commission shall be citizens of the state and shall be laypersons with at least 5 years' experience in business, industry or labor at the management level or in a

recognized profession. No member of the commission shall be a member of any county, state, or national committee of a political party or an officer in any partisan political club or organization, or shall hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his appointment.

(b) Members of the commission shall be appointed by the Governor with the approval of three members of the cabinet and subject to confirmation by the senate. Appointments to fill vacancies shall be made in the same manner as original appointments. Each member of the commission holding office on July 1, 1979, shall continue in office for the remainder of his term. Thereafter, appointments to the commission shall be made pursuant to the provisions of this section. Members of the commission shall be appointed for four-year staggered terms and shall be removable from office by the Governor only for cause.

(2) The members of the commission shall receive no salary, but shall be paid an honorarium of $100 for each day spent on the work of the commission. Additionally, each member shall be reimbursed for his travel expenses as provided in s. 112.061.

(3) The commission shall elect a chairman and such other officers as are provided by the rules of procedure adopted by the commission.

(4) For purposes of hearing appeals pursuant to this section, the commission is authorized to meet in panels consisting of not less than three members, and the majority vote of those members present shall be required to reach a decision. Staff to perform necessary clerical and administrative functions for the commission shall be employees of the Department of Administration. Legal counsel for the commission shall be provided by the Department of Legal Affairs or by the legal staff of the Department of Administration and shall be paid by the Department of Administration from the appropriate funds.

(5) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of Administration.

(6) The property, personnel and appropriations related to the commission's specified authority, powers, duties and responsibilities shall be provided to the commission by the Department of Administration.

(7) Upon completion of satisfactory service, a member of the commission may be awarded a suitable certificate of appreciation and recognition, not to cost in excess of $50 each.

Amendment 42 to Amendment 1—On page 91, line 23 through 29, strike all of said lines

Amendment 43 to Amendment 1—On page 81, lines 26-28, strike "Rules for the senior management group shall be adopted by the Department and become operational no later than July 1, 1980. The rules shall provide for:" and insert: The Department shall review the report of the committee and develop a recommendation to the 1980 session of the legislature to implement the senior management group by July 1, 1980, which shall provide for:

Amendment 44 to Amendment 1—On page 98 between lines 3 and 4, insert: Section 80. Section 110.147, Florida Statutes, is added to part I of chapter 110, Florida Statutes, to read:

110.147 Intergovernmental transfer and interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is hereby authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with the Federal Government, with another state, with another municipality or political subdivision including school districts, or with public institutions of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education, and other nonprofit organizations under the terms and conditions provided in this section.

(1) Details of an employee interchange program shall be the subject of an agreement between a sending party and a receiving party. State agencies shall report such agreements to the department.

(2) The period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(a) An employee of a sending party who is participating in an interchange agreement may be considered as on detail to regular work assignments of the sending party or in a leave status from the sending party.

1. If on detail, an employee shall receive the same salary and benefits as if he were not on detail and he shall remain the employee of the sending party for all purposes, except that supervision during the period of detail may be governed by the interchange agreement.

2. If on leave, an employee shall have the same rights, benefits, obligations as other employees in a leave status, subject to exceptions provided in rules for state employees issued by the department, or the rules or other decisions of the governing body of the municipality or political subdivision.

(b) The assignment of an employee of a state agency either on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

(c) If the rate of pay for an employee of an agency of the state on temporary assignment or on leave of absence is less than the rate of pay he would have received had he continued in his regular position, such employee is entitled to receive supplemental pay from the sending party in an amount equal to such difference.

(d) Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending party's employee compensation program, as an employee who sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which he is entitled to and elects to receive similar benefits under the receiving party's employee compensation program.

(e) A sending party in this state may, in accordance with the travel regulations of such party, pay the travel expenses of an employee who is assigned to a receiving party on either detail or leave basis, but shall not pay the travel expenses of such an employee incurred in connection with his work assignments at the receiving party. If the assignment or detail will exceed 8 months, travel expenses may include expenses to transport immediate family, household goods, and personal effects to and from the location of the receiving party. If the period of assignment is 3 months or less, the sending party may pay a per diem allowance to the employee on assignment or detail.

(4)(a) When any agency, municipality, or political subdivision of this state acts as a receiving party, an employee of the sending party who is assigned under authority of this act may be given appointments by the receiving party covering the periods of such assignments, with compensation to be paid from the receiving party's funds, or without compensation, or be considered to be on detail to the receiving party.

(b) Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving party.

(c) During the period of an assignment, the employee who is detailed to the receiving party shall not by virtue of such detail be considered an employee of the receiving party, except as provided in paragraph (d), nor shall he be paid a wage or salary by the receiving party. The supervision of an employee during the period of the detail may be governed by agreement between the sending party and the receiving party. A detail of an employee to a state agency may be made with or without reimbursement to the sending party by the receiving party for the pay and benefits, or a part thereof, of the employee during the period of the detail.

(d) If the sending party of an employee assigned to an agency, municipality, or political subdivision of this state fails to continue making the employer's contribution to the retire-

ment, life insurance, and health benefit plans for that employee, the receiving party of this state may make the employer's contribution covering the period of the assignment or any part thereof.

(e) Any employee of a sending party assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of the receiving party's employee compensation program, as an employee who has sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which he elects to receive similar benefits as an employee under the sending party's employee compensation program.

(f) A receiving party in this state may, in accordance with the travel regulations of such party, pay travel expenses of persons assigned thereto during the period of such assignments on the same basis as if they were regular employees of the receiving party.

(5) An agency may enter into agreements with private institutions of higher education in this state as the sending or receiving party as specified in subsections (3) and (4).

(6) The department is directed to study additional ways of implementing the provisions of this section and to report to the Legislature on or before December, 1980 as to progress made and proposed amendments, if any, to further facilitate the temporary assignment of employees as authorized in this section.

Section 31. Section 110.248, Florida Statutes, is added to part II of chapter 110, Florida Statutes, to read:

110.248 Florida Administrative Intern Program.—There is hereby established within the Career Service System the Florida Administrative Intern Program which shall identify persons who have advanced administrative, managerial, or professional potential and place them in state or local agencies in an attempt to attract them to governmental employment. This program is created to provide an internship experience to foster knowledge and understanding of the governmental process and to provide assistance to state government. This program shall be implemented by rules of the Department of Administration.

(renumber subsequent sections)

Amendment 1 as amended was adopted.

Senator Dunn moved the following amendment which was adopted:

Amendment 45—On page 8 in title, line 26, after "branch;" insert: creating s. 110.147, Florida Statutes; providing for transfer and interchange of public employees; creating s. 110.-248, Florida Statutes; establishing the Florida Administrative Intern Program;

On motion by Senator Dunn, by two-thirds vote CS for HB's 1604 and 1649 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Frank	Maxwell	Skinner
Carlucci	Gordon	McClain	Steinberg
Chamberlin	Grizzle	McKnight	Stuart
Childers, D.	Holloway	Myers	Tobiassen
Childers, W. D.	Jenne	Peterson	Vogt
Dunn	Johnston	Poole	Ware
Fechtel	MacKay	Scott	Winn

Nays—None

On motion by Senator Anderson—

CS for HB 109—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051(1)(a), Florida Statutes, 1978 Supplement, providing that legislators are not subject to the compulsory participation requirements of the system; amending s. 121.052(1), Florida Statutes, 1978 Supplement, providing that legislators elected to office after July 1, 1980, may elect to become members of the Elected State Officers' Class of the Florida Retirement System or not participate at all; providing a 6-month option period; providing that legislators elected on or before July 1, 1980, shall remain in the system unless they elect, prior to January 1, 1981, to withdraw therefrom; directing the administrator to refund legislators' contributions to the system under certain circumstances; providing an effective date.

—was read the second time by title.

Senators Frank, McClain and Spicola offered the following amendment which was moved by Senator Frank and adopted:

Amendment 1—On page 6, between lines 6 and 7, insert: Section 3, Subsection (3) of section 25.073, Florida Statutes is amended to read:

25.073 Retired justices or judges assigned to active judicial service; additional compensation; appropriation.—Any retired justice of the Supreme Court or retired judge of a district court of appeal or circuit or county court assigned to active judicial service in any of said courts, pursuant to Art. V of the State Constitution, shall be compensated as follows:

(3) No retired justice or judge shall serve for more than 125 calendar days per year on temporary assignment *except that if any judge becomes 70 during his term of office, the Chief Justice may appoint that judge to a temporary position for the remainder of that term at full salary, which salary shall be funded from the circuit judges' salary account.*

(and renumber subsequent sections.)

Senator Johnston moved the following amendments which were adopted:

Amendment 2—On page 6, line 7, insert a new Section 3. to read:

Section 3. Paragraph (f) is added to subsection (3) of section 121.011, Florida Statutes, to read:

121.011 Florida Retirement System.—

(3) PRESERVATION OF RIGHTS.—

(f) The rights under an existing system of any former member of such system who has become a member of the Florida Retirement System, either by affirmative choice during any transfer period or by operation of the compulsory participation provisions of s. 121.051(1), are limited to those rights that existed and were exercised in such system at the time participation in the system ceased. The rights of such member after transfer shall be subject to the provisions of the Florida Retirement System established by this chapter and at retirement the member shall have his benefit calculated in accordance with s. 121.091. The provisions of this subsection are declaratory of the legislative intent upon the original enactment of this chapter and are hereby deemed to have been in effect from such date.

(renumber subsequent section)

Amendment 3—On page 6, between lines 6 and 7, insert: (4)

(c) *From and after October 1, 1979, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court Justice, District Court of Appeal Judge, Circuit Judge, County Court Judge, or State Attorney shall contribute an amount equal to 20.78 percent of such member's gross compensation which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.*

Amendment 4—On page 2, line 10, after the word "amended" insert: , present paragraph (c) of subsection (4) of said section is redesignated as paragraph (d), and a new paragraph (c) is added to subsection (4),

Amendment 5—On page 1 in title, line 19, following the semi-colon ";" insert: adding s. 121.011(3)(f), Florida Statutes; providing for the preservation of rights of certain members of the Florida Retirement System who transferred from an existing system;

Amendment 6—On page 1 in the title, line 19, following the semi-colon ";" insert: amending s. 121.052(4)(c), Florida Statutes, 1978 Supplement, by redesignating present paragraph (c) as new paragraph (d) and adding a new paragraph (c), providing that the employer of certain members of the Elected State Officers' Class shall pay the entire retirement contribution with respect to such members.

Senators Frank, McClain and Spicola offered the following amendment which was moved by Senator Frank and adopted:

Amendment 7—On page 1, line 19, after the semicolon insert: amending s. 25.073, Florida Statutes; Providing that certain judges over 70 may be appointed to serve out the remainder of a term;

Senator Trask moved the following amendments which were adopted:

Amendment 8—On page 6, between lines 6 and 7, insert: Section 1. Paragraph (i) of subsection (1) of section 121.081, Florida Statutes, is amended and paragraph (j) is added to said subsection to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(i) Notwithstanding any of the *provisions* ~~foregoing paragraphs~~ of this subsection, no past service credit may be purchased under this chapter for any service which is used to obtain a benefit from any local retirement system.

(j) Employees of a state agency who were members of a state administered retirement system and who were granted educational leave with pay pursuant to a written educational leave with pay policy may claim such period of educational leave as past service subject to the following conditions:

1. The educational leave must have occurred prior to December 31, 1971;

2. The member must have completed at least 10 years of creditable service excluding the period of the educational leave;

3. The employee must have returned to employment with a state agency employer who participated in the retirement system, which return was immediately upon termination of the educational leave, and must have remained on the employer's payroll for at least 30 calendar days following his return to employment;

4. The employee must be a member of the Florida Retirement System at the time he claims such service;

5. Not more than 24 months of creditable service may be claimed for such period of educational leave with pay;

6. The service shall not be claimed under any other state or federal retirement system; and

7. The member shall pay to the retirement trust fund for claiming such past service credit, an amount equal to 8 percent of his gross annual salary immediately prior to the educational leave with pay for each year of past service claimed, plus 4 percent interest thereon compounded annually each June 30 from first year of service claimed until July 1, 1975, and 6.5 percent interest thereafter on the unpaid balance compounded annually each June 30 until paid.

(Renumber subsequent section.)

Amendment 9—On page 1 in title, line 9, after the semicolon insert: amending s. 121.081(1)(i), Florida Statutes, and adding paragraph (j) to said subsection; authorizing past service retirement credit claimed by certain members for educational leave with pay prior to December 31, 1971;

Senator Johnston moved the following amendments which were adopted:

Amendment 10—On page 6, between lines 6 and 7, insert:

Section 3. Paragraph (a) of subsection (1) of section 112.-362, Florida Statutes, 1978 Supplement, and paragraph (a) of subsection (4) and paragraph (a) of subsection (5) of said section are amended to read:

112.362 Recomputation of retirement benefits.—

(1)(a) A member of any state-supported retirement system who has already retired, who is over 65 years of age, who has not less than 10 years of creditable service, and who is not entitled to the minimum benefit provided for in paragraph (b), upon application to the administrator of his retirement system, may have his present monthly retirement benefits recomputed and receive a monthly retirement allowance equal to $8 multiplied by the total number of years of creditable service. Effective July 1, *1979* ~~1978~~, this minimum monthly benefit shall be equal to *$9.50* ~~$8.50~~ multiplied by the total number of years of creditable service, and thereafter said minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). No present retirement benefits shall be reduced under this computation.

(4)(a) Effective July 1, *1979* ~~1978~~, any person who is retired under a state-supported retirement system with not less than 10 years of creditable service, who is 65 years of age or over, and who is not receiving or entitled to receive federal social security benefits shall, upon application to the Division of Retirement, be entitled to receive a minimum monthly benefit equal to *$14.50* ~~$12.50~~ multiplied by the member's total number of years of creditable service and adjusted by the actuarial factor applied to the original benefit for optional forms of retirement. Thereafter, said minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). Application for this minimum monthly benefit shall include certification by the retired member that he or she is not receiving and is not entitled to receive social security benefits and written authorization for the Division of Retirement to have access to information from the Federal Social Security Administration concerning the member's entitlement to or eligibility for social security benefits. The minimum benefit provided by this paragraph shall not be paid unless and until the application requirements of this paragraph are satisfied.

(5)(a) Effective July 1, 1979, the dollar factors (i.e., *$9.50* ~~$8.50~~, $10.50, or *$14.50* ~~$12.50~~) used in determining the minimum benefits provided by this section shall be adjusted by an amount derived by multiplying said dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent. Each July 1 thereafter, the adjusted dollar factors used in determining the minimum benefits provided by this section shall continue to be adjusted by an amount derived by multiplying the current adjusted dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent for any annual adjustment.

[Renumber subsequent section.]

Amendment 11—On page 1, strike all of lines 2 and 3 and insert: An act relating to retirement; amending s. 112.362(1)(a), (4)(a) and (5)(a), Florida Statutes, 1978 Supplement, providing that the $8.50 minimum benefit factor and the $12.50 minimum benefit factor are increased to $9.50 and $14.50, respectively, with regard to the supplemental retirement act for retired members of state retirement systems; amending s. 121.051(1)(a), Florida

Senator Anderson moved the following amendments which were adopted:

Amendment 12—On page 4, line 3, strike the period and insert: , provided such legislators meet the requirements in paragraph (c).

Amendment 13—On page 3, line 7, after "unless" insert: such legislator is a participant in any plan qualified under subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code of 1954, as amended and in effect on January 1, 1979, and unless

Amendment 14—On page 1, line 29, after "legislators" insert: who meet the requirements of s. 121.052(1)(c).

Amendment 15—On page 2, line 29, after "1980," insert: who is a participant in any plan qualified under Subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code of 1954, as amended and in effect on January 1, 1979,

Amendment 16—On page 1 in title, lines 1, 8 and 13, insert: line 4, after "that" qualified line 8, after "that" qualified line 13, after "that" qualified

On motion by Senator Anderson, by two-thirds vote CS for HB 109 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Gorman	Maxwell	Spicola
Barron	Grizzle	McClain	Steinberg
Carlucci	Hair	McKnight	Stuart
Childers, D.	Henderson	Myers	Tobiassen
Childers, W. D.	Holloway	Neal	Trask
Dunn	Jenne	Peterson	Vogt
Fechtel	Johnston	Scarborough	Winn
Frank	MacKay	Skinner	

Nays—2

Mr. President Williamson

Votes after roll call:

Yea—Chamberlin, Hill

LOCAL BILL CALENDAR

HB 519—A bill to be entitled An act relating to Okaloosa County; amending section 1 of chapter 69-798, Laws of Florida, providing that certain bona fide restaurants in Okaloosa County which have accommodations at all times for 150 persons at tables occupying more than 2,500 square feet of floor space

shall be entitled to an alcoholic beverage license regardless of specified general law; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 519 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Vogt
Childers, D.	Hill	Peterson	Ware
Childers, W. D.	Holloway	Poole	Williamson
Dunn	Jenne	Scarborough	Winn
Fechtel	Johnston	Scott	
Frank	MacKay	Skinner	

Nays—1

Trask

HB 947—A bill to be entitled An act relating to Escambia County; providing for and continuing a Civil Service Board for personnel administration, based on merit principles; providing for composition, tenure, appointments, expenses, qualificiations, officers and meetings of the Civil Service Board, joint responsibilities of the Civil Service Board, District School Board of Escambia County and Board of County Commissioners for classification and wage surveys, pay plans and voting procedures; providing funding and facilities; identifying Civil Service Board responsibility for merit principles; defining the applicability of the career Civil Service system; empowering the Civil Service Board to retain legal counsel, keep records and make reports for administration of this act and for the career Civil Service system; defining the Civil Service Board's decision authority; stating employee rights; prohibiting discrimination on non-merit factors; providing for process and penalty for violations; limiting the career Civil Service system; providing definitions; repealing chapter 77-548, Laws of Florida, as amended by chapter 78-507, Laws of Florida; providing an effective date.

On motions by Senator Tobiassen, by two-thirds vote HB 947 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Skinner	

Nays—None

HB 1139—A bill to be entitled An act relating to Pasco County; providing for the equal division between and payment to the Board of County Commissioners of Pasco County and the Pasco County School Board of racetrack and jai-alai fronton funds accruing annually to the county; authorizing such boards to use such funds for any lawful purpose; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1139 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Childers, D.	Gordon	Hill
Anderson	Childers, W. D.	Gorman	Holloway
Barron	Dunn	Grizzle	Jenne
Carlucci	Fechtel	Hair	Johnston
Chamberlin	Frank	Henderson	MacKay
Maxwell	Peterson	Spicola	Vogt
McClain	Poole	Steinberg	Ware
McKnight	Scarborough	Stuart	Williamson
Myers	Scott	Tobiassen	Winn
Neal	Skinner	Trask	

Nays—None

HB 970—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending Section 1 of Chapter 59-1177, Laws of Florida, as amended, by increasing the territorial limits of the district.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 970 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Skinner	

Nays—None

HB 1397—A bill to be entitled An act relating to Lee and Charlotte Counties; amending Section 1, Chapter 22372, Laws of Florida, 1943, to extend the District boundaries of the Boca Grande Fire Control District to include that portion of Gasparilla Island located within Charlotte County, and to include Cole Island (lying northerly of Gasparilla Island), Charlotte County; amending Section 5, chapter 22372, Laws of Florida, 1943, to require the District Board to furnish an itemized estimate of the amount of money required to carry out the provisions of the law and the required certificate as to the public posting of such estimate, to the Boards of County Commissioners of both Lee and Charlotte Counties; amending Section 6, chapter 22372, Laws of Florida, 1943, as amended by chapter 23382, Laws of Florida, 1945, to refer to the Boards of County Commissioners of both Lee and Charlotte Counties; amending Section 8, chapter 22372, Laws of Florida, 1943, to refer to the Tax Collectors of both Lee and Charlotte Counties; amending Section 11, chapter 22372, Laws of Florida, 1943, to require the District Treasurer to file a copy of the report with the Boards of County Commissioners of both Lee and Charlotte Counties; amending Section 1, chapter 69-1239, Laws of Florida, to authorize the levy of taxes by the Boards of County Commissioners of both Lee and Charlotte Counties; and to provide for a referendum.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1397 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Skinner	

Nays—None

HB 1054—A bill to be entitled An act relating to the City of Lakeland, Polk County; authorizing the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation of the State of Florida, to issue a beverage license to the City of Lakeland, or its assigns, for the operation of a restaurant at the Lakeland Municipal Airport; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1054 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Vogt
Childers, D.	Hill	Peterson	Ware
Childers, W. D.	Holloway	Poole	Williamson
Dunn	Jenne	Scarborough	Winn
Fechtel	Johnston	Scott	
Frank	MacKay	Skinner	

Nays—1

Trask

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

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 passed with amendments, by the required Constitutional three-fifths vote of the membership of the House—

By the Committee on Rules and Calendar and Senator Ware and others—

CS for SJR 93—A joint resolution proposing amendments to Article VII, and XII, State Constitution, relating to the taxes levied by school districts.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all of said lines of title and insert: A joint resolution proposing an amendment to Sections 2, 6, and 9 of Article VII and the creation of Section 18 of Article XII of the State Constitution relating to ad valorem tax relief.

WHEREAS, sound fiscal policy requires careful consideration of all needs of the State of Florida, and

WHEREAS, the ability to grant tax relief must be balanced against pressing expenditure needs in serving the best interests of the citizens of Florida, and

WHEREAS, the following road construction and improvement projects are found to be necessary and within current resources while still allowing the Legislature to pass necessary and reasonable tax relief for the Florida homeowner:

SR 597-Dale Mabry Highway at Waters/Hillsborough	2,800,000
U.S. 301-SR 778 to Manatee Co. Line/Sarasota	800,000
U.S. 301-Sarasota Co. Line to N. of SR 70/Manatee	7,200,000
SR 684-(Cortez Rd) 59th St. to 26th St./Manatee	4,000,000
U.S. 41-Estero (Existing Alignment)/Lee	5,000,000
SR 37-N. of 10th St. to N. of Fitzgerald Rd./Polk	4,000,000
U.S. 17-N. of Whidden Crk. to N. of Sand Mountain Rd/Polk	1,900,000
U.S. 98-Memorial Blvd. to I-4/Polk	4,400,000
U.S. 17-N. of Bartow to CR 559/Polk	4,800,000
SR 105-Heckscher Dr.-Haydon Rd. to W. of Broward River/Duval	2,100,000
103rd St.-From I-295 to 4.5 Miles W./Duval	6,000,000
SR 121-34th St. N. of Radio Rd. to N.W. 5th Ave./Alachua	2,000,000
SR 121-34th St.-SR 24 to N. of Radio Rd./Alachua	1,500,000
SR 297-SR 292 to U.S. 98/Escambia	1,900,000
U.S. 98-Airport Rd. to Walton Co. Line/Okaloosa	3,500,000
U.S. 98-Okaloosa Co. Line to 3 Mi. E./Walton	3,800,000
U.S. 231-Bay-Jackson Co. Line to Kents Mill Rd./Jackson	5,000,000
U.S. 231-Kents Mill Road to I-10/Jackson	5,000,000
U.S. 231-I-10 to Cottondale/Jackson	3,000,000
U.S. 319-U.S. 90 to I-10/Leon	4,500,000
U.S. 319-I-10 to Woodbine/Leon	1,700,000
U.S. 41-CR 896 to CR 898/Collier	2,000,000
U.S. 27-.25 Mi. N. of Dade Co. Line to N. of Hollywood Blvd./Broward	4,700,000
U.S. 27-N. of Hollywood Blvd. to S. of Griffin Road/Broward	3,000,000
U.S. 27-N. of Br. #10 to Palm Beach Co. Line/Broward	9,200,000
U.S. 1-N. of Sample Rd. to Hillsborough Canal/Broward	7,100,000
SR 70-Hamrick Rd. to SR 710/Okeechobee	1,800,000
U.S. 441-1 Mi. S. of City Limits to Existing 4L Okeechobee	1,100,000
U.S. 441-SR 78 to S. City Limits/Okeechobee	2,000,000
U.S. 27-Seaboard Coastline Railroad to SR 827/Palm Beach	2,000,000
U.S. 27-N. of Radio Station to SCLRR/Palm Beach	2,600,000
U.S. 27-BR #9 to N. Radio Station/Palm Beach	2,800,000
U.S. 27-Milepost 8.085 to BR. #9/Palm Beach	2,200,000
U.S. 27-Milepost 3.315 to Milepost 8.085/Palm Beach	3,500,000
U.S. 27-Broward Co. Line to Milepost 3.315/Palm Beach	2,100,000
SR 50-SR 33 JCT. in Groveland to SR 561/Lake	5,300,000
SR 44-Intersection with Voorhis Ave./Volusia	300,000
U.S. 17/92-(Kissimmee) Martin St. to Emmett St./Osceola	3,200,000
U. S. 192-Shingle Creek to Michigan Ave./Osceola	4,900,000
SR 436-Airport Interchange/Orange	16,000,000
U.S. 92-I-95 to Clyde Morris Blvd/Volusia	1,200,000
U.S. 27-W. Dade X-Way Turnpike to SR 27/Dade	10,000,000
192nd St. Causeway-U.S. 1 to SR A1A/Dade	3,500,000
Buena Vista Interchange	8,600,000
Bronough-Duval Pair	4,600,000
FCO Equipment O.H. (Inmates)	1,200,000
District 6 Office	2,700,000
SR 64 20th St. East to East Morgan Johnson Road/Manatee	8,000,000
SR 574A-SR 43 to SR 574/Hillsborough	6,800,000
SR 582-CR 583 to SR 43/Hillsborough	6,000,000
SR 674-SR 45 to SR 43/Hillsborough	3,400,000
SR 681-U.S. 41 to I-75/Sarasota	9,000,000
Construction Engineering Inspection 1979-80	5,750,000

Construction Engineering Inspection 1980-81	13,750,000
Bridge-Overpass I-4 at Altamonte Springs	1,000,000
U.S. 29 Brent Lane to I-10	4,000,000
SR 297-U.S. 98 to Saufley Field Road/Escambia	2,000,000
Barranchas to Gregory Chase	2,000,000
Ward Basin Rd. Interchange	1,000,000

NOW, THEREFORE,

Amendment 1 to Amendment 1—On page 2, lines 6 and 7, strike all of lines 6 and 7 and insert: SR 9A-Heckscher Drive to U.S. 17 right-of-way—6,000,000

Amendment 2—On page 1, strike everything after the resolving clause and insert: That the following revision consisting of amendments to Sections 2, 6, and 9 of Article VII and the creation of Section 18 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980, and that, if approved, such revision shall take effect upon such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter, except that Section 18 of Article XII shall apply to the taxes levied on the assessment rolls for the year 1979:

ARTICLE VII

FINANCE AND TAXATION

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except *as provided in Section 6 of Article VII, and except that* the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 6. Homestead Exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled.

(d) Subject to conditions specified in general law, the first $15,000 of assessed value of homestead property, or such other portion of homestead property as is hereafter prescribed by general law, shall be exempt from the operating levy of a school district, exclusive of any levy authorized by a vote of the electors pursuant to subsection 9(b) of Article VII herein, in excess of 1.6 mills, or such other millage as is hereafter prescribed by general law.

(e) By general law and subject to conditions specified therein, the Legislature may provide for ad valorem tax relief on the operating levy of a school district, exclusive of any levy authorized by a vote of the electors pursuant to subsection 9(b) of Article VII herein, as a homestead exemption equivalent to a renter who is a permanent resident of the State of Florida, in the form and amount established by general law.

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all municipal purposes, ten mills; for all school purposes, *except as provided in Section 6 of Article VII;* for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

ARTICLE XII

SCHEDULE

SECTION 18. Unless otherwise provided by general law, there is hereby granted, to each person who receives pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of the homestead, a homeowner's tax refund payment in an amount equal to the product of the following three factors:

(1) The school operating millage, exclusive of any levy authorized by a vote of the electors pursuant to subsection 9(b) of Article VII herein, in excess of 1.6 mills;

(2) The assessed value of the homestead or $15,000, whichever is lower; less the value of any exemptions applicable to the homestead parcel; and

(3) A factor equal to 0.96.

Each person granted a tax refund payment pursuant to this section shall receive such payment in the form of a warrant from the Comptroller of the state before May 31, 1980.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

ARTICLE VII, SECTIONS 2, 6, 9
and
ARTICLE XII, SECTION 18

Proposing amendments to the State Constitution to provide a homestead exemption of $15,000 from certain ad valorem school millage levies, providing that such exemption may subsequently be adjusted by the Legislature, providing authorization for a homestead exemption equivalent for permanent resident renters, and providing for an interim plan for ad valorem tax relief.

Senator MacKay moved the following amendment to House Amendment 2 which failed:

Amendment 1—On page 1, line 2, after "2," strike the remainder of the amendment and insert: That the following revision consisting of amendments to Sections 2, 3, 6, and 9 of Article VII and the creation of Section 18 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980, and that, if approved, such revision shall take effect upon such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter:

ARTICLE VII

FINANCE & TAXATION

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except *the taxes for school districts on the first $40,000 of assessed value of homestead property, or such other portion of the value of homestead property as prescribed by general law, but not less than $10,000 of assessed value may be levied at a uniform rate different from the rate on other property in the school district, and except* the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantely for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) As provided by general law, property which qualifies for a homestead tax exemption under section 6 may be exempt from taxation by school districts.

SECTION 6. Homestead Exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled.

(d) By general law and subject to conditions specified therein, the legislature shall provide for ad valorem tax relief on the operating levy of a school district, exclusive of any levy authorized by a vote of the electors pursuant to subsection 9(b) of Article VII herein, to a renter who is a permanent resident of the State of Florida, in the form and amount established by general law.

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills *except that the millage on such portion of homestead property as prescribed by general law but not less than $10,000 of assessed value shall not be in excess of 2.6 mills;* for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

ARTICLE XII

SCHEDULE

SECTION 18. Unless otherwise provided by general law, there is hereby granted to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of the homestead, a homeowner's tax refund payment in an amount equal to 5.4 mills times the taxable value of the property times a factor equal to one minus any discount for early payment of taxes. Each person granted a tax refund payment pursuant to this section shall receive such payment in the form of a warrant from the Comptroller of the State of Florida before May 31, 1980.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

Article VII, Sections 2, 3, 6 and 9; Article XII, Section 18

Proposing amendments to the State Constitution to authorize the Legislature to exempt homestead property from ad valorem taxation by school districts; to authorize a tax refund, payment from general revenue funds to homeowners based upon ad valorem taxes paid with respect to the January 1, 1979 assessment rolls; to authorize school districts to levy against homestead property a uniform millage rate different than that levied against other property; and to prohibit school districts from levying in excess of 2.6 mills against homestead property for ad valorem taxes; to provide that the legislature provide ad valorem tax relief to renters. The amendments take effect upon approval by the voters.

Senator Myers moved the following amendment to House Amendment 2 which failed:

Amendment 2—On page 1, line 2 after "2" strike the remainder of the amendment and insert: and 3 of Article VII and the creation of Section 18 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980, and that, if approved, such revision shall take effect upon such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter:

ARTICLE VII

FINANCE & TAXATION

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except *the taxes for school districts on property that qualifies for a homestead tax exemption under section 6 may be levied as provided by general law, at a uniform rate different than the rate on other property in the school district, and except* the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt

from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominately for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) As provided by general law, property which qualifies for a homestead tax exemption under section 6 may be exempt from taxation by school districts.

ARTICLE XII

SCHEDULE

SECTION 18. Unless otherwise provided by general law, there is hereby granted to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of the homestead, a homeowner's tax refund payment in an amount equal to 5.4 mills times the taxable value of the property times a factor equal to 0.96. Each person granted a tax refund payment pursuant to this section shall receive such payment in the form of a warrant from the Comptroller of the State of Florida before May 31, 1980.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

Article VII, Sections 2 and 3; Article XII, Section 18

Proposing amendments to the State Constitution to authorize the Legislature to exempt homestead property from ad valorem taxation by school districts; to authorize a tax refund payment from general revenue funds to homeowners based upon ad valorem taxes paid with respect to the January 1, 1979 assessment rolls; and to authorize school districts, as provided by general law, to levy against homestead property a uniform millage rate different than that levied against other property. The amendments take effect upon approval by the voters.

Senator Gordon moved the following amendment which was adopted:

Amendment 3—On page 1, line 3 after "Section 2," strike the remainder of the amendment and insert: 3, and 9 of Article VII and the creation of Section 18 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980, and that, if approved, such revision shall take effect upon such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter:

ARTICLE VII

FINANCE & TAXATION

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except *the taxes for school districts on property that qualifies for a homestead tax exemption under section 6 may be levied at a uniform rate different than the rate on other property in the school district, and except* the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominately for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) As provided by general law, property which qualifies for a homestead tax exemption under section 6 may be exempt from taxation by school districts.

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills, *except that the millage on homestead property shall not be in excess of 2.6 mills;* for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

ARTICLE XII

SCHEDULE

SECTION 18. Unless otherwise provided by general law, there is hereby granted to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of the homestead, a homeowner's tax refund payment in an amount equal to 5.4 mills times the taxable value of the property times a factor equal to 0.96. Each person granted a tax refund payment pursuant to this section shall receive such payment in the form of a warrant from the Comptroller of the State of Florida before May 31, 1980.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

Article VII, Sections 2, 3, and 9; Article XII, Section 18

Proposing amendments to the State Constitution to authorize the Legislature to exempt homestead property from ad valorem taxation by school districts; to authorize a tax refund payment from general revenue funds to homeowners based upon ad valorem taxes paid with respect to the January 1, 1979 assessment rolls; to authorize school districts to levy against homestead property a uniform millage rate different than that levied against other property; and to prohibit school districts from levying in excess of 2.6 mills against homestead property for ad valorem taxes. The amendments take effect upon approval by the voters.

On motions by Senator Gordon, the Senate refused to concur in House Amendment 1, concurred in House Amendment 2 as amended and the House was requested to concur in the Senate amendments to the House amendment.

CS for SJR 93 as further amended was read in full as follows:

A joint resolution proposing amendments to Article VII, and XII, State Constitution, relating to the taxes levied by school districts.

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

That the following revision consisting of amendments to Sections 2, 3, and 9 of Article VII and the creation of Section 18 of Article XII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at a special election to be held on March 11, 1980, and that, if approved, such revision shall take effect upon

such approval and apply to the taxes levied on the assessment rolls for the year 1980 and each year thereafter:

ARTICLE VII

FINANCE & TAXATION

SECTION 2. Taxes; rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit, except *the taxes for school districts on property that qualifies for a homestead tax exemption under section 6 may be levied at a uniform rate different than the rate on other property in the school district, and except* the taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided, as to any obligations secured by mortage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominately for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) As provided by general law, property which qualifies for a homestead tax exemption under section 6 may be exempt from taxation by school districts.

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property; for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills~~;~~, *except that the millage on homestead property shall not be in excess of 2.6 mills;* for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

ARTICLE XII

SCHEDULE

SECTION 18. Unless otherwise provided by general law, there is hereby granted to each person who receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes based upon the January 1, 1979 assessed value of the homestead, a homeowner's tax refund payment in an amount equal to 5.4 mills times the taxable value of the property times a factor equal to 0.96. Each person granted a tax refund payment pursuant to this section shall receive such payment in the form of a warrant from the Comptroller of the State of Florida before May 31, 1980.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

Article VII, Sections 2, 3, and 9; Article XII, Section 18

Proposing amendments to the State Constitution to authorize the Legislature to exempt homestead property from ad valorem taxation by school districts; to authorize a tax refund payment from general revenue funds to homeowners based upon ad valorem taxes paid with respect to the January 1, 1979 assessment rolls; to authorize school districts to levy against homestead property a uniform millage rate different than that levied against other property; and to prohibit school districts from levying in excess of 2.6 mills against homestead property for ad valorem taxes. The amendments take effect upon approval by the voters.

CS for SJR 93 as amended passed by the required constitutional three-fifths vote of the membership and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Peterson	Trask
Childers, W. D.	Hill	Poole	Vogt
Dunn	Holloway	Scarborough	Ware
Fechtel	Jenne	Scott	Winn
Frank	MacKay	Skinner	
Gordon	Maxwell	Spicola	

Nays—4

Chamberlin	Childers, D.	Johnston	Neal

Vote after roll call:

Yea—Williamson

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments by the required Constitutional three-fourths vote of the membership of the House—

By Senator Myers—

SB 1288—A bill to be entitled An act relating to a special election to be held on the March 11, 1980, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of Committee Substitute for Senate Joint Resolution 93; providing for publication of notice and for procedures; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 13-24, strike all of said lines and insert: Section 1. Pursuant to Section 5 of Article XI of the State Constitution, there shall be a special election on March 11, 1980, at which there shall be submitted to the electors of Florida for approval or rejection Committee Substitute for Senate Joint Resolution 93 proposing the amendment of Sections 2, 6 and 9 of Article VII, and the creation of Section 18 of Article XII of the State Constitution, providing a homestead exemption of $15,000 from certain ad valorem school millage levies, providing that such exemption may subsequently be adjusted by the Legislature, providing authorization for a homestead exemption equivalent for permanent resident renters, and providing for an interim plan for ad valorem tax relief.

Section 2. Publication of notice shall be in accordance with Section 5 of Article XI of the State Constitution. The special election shall be held as other special elections are held.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, lines 1-9, strike all of said lines and insert: A bill to be entitled An act relating to a special election to be held on March 11, 1980, pursuant to Section 5 of Article XI of the State Constitution for the approval or rejection by the electors of Florida of a joint resolution amending Sections 2, 6, and 9 of Article VII, and creating Section 18 of Article XII of the State Constitution relating to ad valorem

tax relief; providing for publication of notice and for procedures; providing an effective date.

On motions by Senator Gordon, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Poole	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Holloway	Scott	Ware
Fechtel	Jenne	Skinner	Winn
Gordon	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—3

Childers, D.	Johnston	Neal

Vote after roll call:

Yea—Williamson

The Honorable Philip D. Lewis, President

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

By Senator Peterson and others—

SB 66—A bill to be entitled An act relating to district school boards; amending s. 236.25(1), Florida Statutes; correcting an inaccurate reference; decreasing the maximum millage which may be levied on homestead property by the board for school purposes of the district; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) Each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081*(6)*~~(5)~~ shall levy no more than 8 mills of tax on the nonexempt assessed valuation for school purposes of the district, *except that subject to the provisions of section 196.500, as created by this act, and with respect to property for which a homestead tax exemption has been granted, no more than 1.6 mills shall be levied by a school district against the first $15,000 of the assessed value of the homestead property,* exclusive of millage voted under the provisions of ss. 9(b) and 12 of article VII of the State Constitution.

Section 2. Section 196.035, Florida Statutes, is created to read:

196.035 Adjustment of limiting assessed value.—

The limiting assessed value of homestead property against which no more than 1.6 mills may be levied by a school district, as provided in subsection (1) of section 236.25, shall be adjusted, effective January 1, 1981, and on each succeeding year, by the percentage change in the average cost of housing in the period January 1 through December 31 of the immediately preceding year compared with the same period for the year prior to that. The housing cost index shall be provided by the Department of Revenue using the most appropriate index available. The department shall certify to the property appraisers and the district school boards no later than March 1 the adjusted value of such limiting assessed value, to be used for that year's assessment rolls.

Section 3. Section 196.500, Florida Statutes, is created to read:

196.500 Conditions for application of tax relief provisions.—

(1) Legislative intent. Recognizing that the Florida Constitution, Florida Statutes, and Florida Courts uniformly recognize the need for fair and equitable assessment of property; and further recognizing that taxpayers' understanding of property taxes and their ability to deal with assessment questions will be enhanced by current fair market value assessments; and further recognizing that significant inequities exist in the distribution of monies of major state programs if assessment levels are not uniform; and further recognizing that the need for homeowner tax relief is diminished where assessments do not reflect fair market value; and further recognizing that past legislative efforts, however well intentioned, have not significantly improved local assessment practices; the Legislature therefore finds that a program of selective tax relief to encourage local support for fair and equitable assessments as a public policy is in the best interests of all Floridians.

It is hereby declared to be the legislative purpose and intent to provide tax relief pursuant to this act only in those counties where locally elected officials have made or are making a reasonable and effective effort in assessing equitably and uniformly, both within and between jurisdictions, pursuant to law.

(2) The provisions of those tax relief measures in general law expressly made subject to this section shall apply only in those counties where the following conditions are met:

(a) An in-depth review, conducted pursuant to s. 195.096, Florida Statutes, of the prior year's real property assessment roll indicates for each of the real property classes listed in paragraphs (a) through (g) of subsection 195.096(3), Florida Statutes, as amended by this act, that:

1. The median level of assessments is not less than 90%.

2. The value weighted mean level of assessment is not at variance from the simple mean level of assessment by more than 10% for assessment rolls prior to 1984, or by more than 5% for 1984 assessment rolls and thereafter.

3. The coefficient of dispersion (average deviation as a percent of the median) is not greater than a maximum percentage. Said maximum shall be 25% for the 1981 assessment rolls. Thereafter, said maximum shall be reduced by 2½ percentage points each year until 1989, remaining at 5% thereafter.

(b) An in-depth review, conducted pursuant to s. 195.096, Florida Statutes, of the prior year's personal property assessment roll indicates that the median level of assessment of personal property is not less than 90%.

(c) The prior year's assessment rolls have been approved by the executive director of the Department of Revenue pursuant to s. 193.114, Florida Statutes.

(3) Notwithstanding the provisions of subsection (2) above, the provisions of those tax relief measures in general law expressly made subject to this section shall apply in a county whose prior year assessment rolls in whole or in part do not meet the provisions of subsection (1) if:

(a) the roll or part thereof not meeting said provisions has been disapproved by the executive director of the Department of Revenue, and

(b) the county's prior year assessment rolls are subject to the provisions of subsection 193.114(8), Florida Statutes, as created by this act.

Requirements for final approval of the rolls by the executive director pursuant to s. 193.114(8) shall include, but not necessarily be limited to, meeting the provisions of paragraphs (a) and (b) of subsection (2) above.

(4) Notwithstanding the provisions of subsections (2) and (3) above, the provisions of those tax relief measures in general law expressly made subject to this section shall apply to the 1980 and 1981 assessment rolls in all counties.

Section 4. Present subsection (8) of section 193.114, Florida Statutes, is renumbered as subsection (9), and a new subsection (8) is added to said section to read:

193.114 Preparation of assessment rolls.—

(8) The provisions of this subsection shall apply only with the concurrence of the county property appraiser or upon adoption of a resolution of concurrence adopted by the board of county commissioners. Once such concurrence is granted, it shall not be rescinded. However, for the provisions of this subsection to apply to the disapproval of all of part of a subsequent year's tax roll, a separate concurrence shall be required.

(a) Upon the disapproval of all or part of the assessment roll of any county by the executive director, each taxing authority within the county shall, within 60 days or by September 15, whichever occurs later, levy a provisional millage rate based upon the initial roll submitted to the department and certify said millage rate to the property appraiser. The property appraiser shall then extend the provisional millage rate on the initial roll and certify it to the tax collector. The property appraiser shall at that time notify the tax collector and the clerk of the county court that said roll is provisional and that ultimate tax liability on the property is subject to a final determination pursuant to s. 195.098, Florida Statutes. The tax collector and the clerk of the county court shall be responsible for posting these notices in conspicuous places within their respective offices.

(b) The tax collector shall prepare and mail provisional tax bills to the taxpayers based upon the provisional millage rate, which bills shall be due and collectible in the same manner as bills distributed pursuant to chapter 197. These tax bills shall be clearly marked "provisional" and shall explain the possibility of a supplemental tax bill or refund based upon the tax roll as finally approved, pursuant to paragraph (c) below.

(c) Upon final approval of the assessment roll by the executive director, each taxing authority shall adjust the millage rate in order to produce the same amount of revenue as would be generated by the provisional millage rate as extended on the initial assessment roll. The adjusted millage rate shall be submitted to the property appraiser to be extended on the final, approved assessment roll and certified to the tax collector. The tax collector shall then prepare and mail to the taxpayers either supplemental bills, due and collectible in the same manner as for bills issued pursuant to chapter 197, or refunds, to reflect the adjustments made pursuant to this subsection.

(d) An adjustment of millage rates under this subsection shall not reduce or increase the total of all revenues available from state or local sources to a school district or to a unit of local government as defined in part II of chapter 218. The Department of Education shall for the purpose of determining the required local effort of a school district whose roll has been disapproved in whole or in part treat the initial roll certified by the property appraiser as the official final tax roll for the year in question.

(e) If the property appraiser does not comply with the implementation schedule of the executive director in preparing a roll in compliance with the order of the executive director and the requirements of law, which schedule shall be a part of each order disapproving a roll, then the executive director may seek any judicial remedy available to him under law to force compliance with its implementation schedule, and may request removal of the property appraiser by the Governor when he deems such action necessary.

Section 5. Section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(1) The assessment rolls of each county shall be subject to review by the Division of Ad Valorem Tax.

(2) Beginning with *the 1981 assessment rolls* ~~1974~~, the Division of Ad Valorem Tax shall conduct *annually*~~, no less frequently than once every 4 years,~~ an in-depth review of the assessment rolls of each county. The Division of Ad Valorem Tax need not *individually* study every use-class of property set forth in s. 195.073, but shall study the level of assessment in relation to just value of such classifications and such other strata *it deems* ~~as are~~ significant in *each* ~~a particular~~ county. *Provided, however, the classifications or strata studied shall be structured to allow publication of independent results for the property classes specified in subsection (3) below.* Such in-depth review may include proceedings of the property appraisal adjustment board.

(a) The Division of Ad Valorem Tax shall, ~~at least 30 days~~ prior to the beginning of an in-depth review in any county, ~~notify the property appraiser in the county of the pending review. At the request of the property appraiser, the Division of Ad Valorem Tax shall~~ consult with the property appraiser regarding the classifications and strata to be studied, in order that the review will be useful to the property appraiser in evaluating his procedures.

(b) Every property appraiser ~~whose roll is subject to an in-depth review in the current year~~ shall, upon completion of the assessment roll, deliver a list of the parcel numbers of all parcels that did not appear on the assessment roll of the previous year, indicating the parcel number of the parent parcel from which each new parcel was created or "cut out."

(c) In the conduct of assessment ratio studies, the Division of Ad Valorem Tax shall utilize a statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. Computations for the ratio studies shall use *the median as the* ~~that~~ measure of central tendency which most accurately reflects the true ratio for that particular classification, stratum, or roll *and shall also include the simple mean, value weighted mean, and other measures of central tendency, if any, deemed necessary by the division.*

(d) In the conduct of such reviews, the Division of Ad Valorem Tax shall adhere to all standards to which the property appraisers are required to adhere.

(e) The Division of Ad Valorem Tax and each property appraiser shall cooperate in the conduct of such reviews and each shall make available to the other all matters and records bearing on the preparation and computation of such reviews. The property appraisers shall provide any and all data requested by the Division of Ad Valorem Tax in the conduct of such studies, including electronic data processing tapes. Direct reimbursable costs of providing such data shall be borne by the Division of Ad Valorem Tax.

(f) Within 120 days following the receipt of the county's assessment roll by the executive director of the department pursuant to subsection 193.114(5), but in no event later that January 1, the Division of Ad Valorem Tax shall complete a county's review and forward its findings~~, except for portions of the review relating to personal property, together with all of its work product upon which its findings are based~~, including a statement of the confidence interval for each stratum or classification studied and for the roll as a whole, employing a 95 percent level of confidence, *and related statistical and analytical details* to the *Senate Ways and Means Committee, the House Finance and Taxation Committee,* ~~executive director of the department~~ and the appropriate property appraiser. ~~The Division of Ad Valorem Tax shall complete the personal property review and forward its findings to the property appraiser and the executive director of the department no later than March 1.~~ For any roll submitted to the department for approval after December 21 and upon good cause shown, the executive director of the department may grant the Division of Ad Valorem Tax an extension of 10 days from the submission date of the roll in which to complete its review.

(3) *No later than February 1 of each year, the Division of Ad Valorem Tax shall publish the results of reviews conducted pursuant to this section. Said results shall include all statistical and analytical measures computed pursuant to this section for the real property assessment roll as a whole, the personal property assessment roll as a whole, and independently for the following real property classes:*

(a) Single-family, condominium, cooperative, and mobile home residential.

(b) Commercial and multi-family residential.

(c) Agricultural.

(d) Non-agricultural acreage.

(e) Vacant lots.

(f) Institutional and governmental.

(g) Industrial, utility, locally assessed railroad, oil, gas and mineral lands, subsurface rights, and other real property.

(f) Institutional and governmental.

The division shall also publish such results for any subgroupings of the above classes or assessment rolls it may have chosen to study.

~~For those counties not being studied in the current year, the Division of Ad Valorem Tax shall project levels of assessment for each roll not subject to an in-depth review in the current year. The Division of Ad Valorem Tax shall make its projection based upon the best information available. The projections are recognized to be approximations only, and shall not be used as the sole basis of any legal or administrative action.~~

(4) It is declared to be the legislative intent that approval of the rolls by the department pursuant to subsection 193.114(5) and certification by the property appraisal adjustment board pursuant to subsection 193.122(1) shall not be deemed to impugn the use of postcertification reviews to require adjustments in the preparation of succeeding assessment rolls to insure that such succeeding assessment rolls do meet the constitutional mandates of just value.

(5) It is the legislative intent that the Division of Ad Valorem Tax utilize to the fullest extent practicable objective measures of market value in the conduct of reviews pursuant to this section.

(6) Reviews conducted pursuant to this section shall include an evaluation of whether all assessable property is being placed on the rolls, whether exempt values determined by the appraiser pursuant to any applicable provision of Chapter 196 are correct, and whether agricultural classifications were granted in accordance with law.

(7)(a)~~(5)~~ The Auditor General shall have the responsibility to perform *financial* postaudits and performance audits of the administration of ad valorem tax laws and programs pursuant to the general authority granted in chapter 11. *Such performance audits shall be conducted no less that once every three years. A performance audit of the Ad Valorem Tax Division shall be submitted to the legislature no later than January 1, 1982.*

(b) Within 90 days of the issuance of a performance audit of the division, the division shall respond in writing to the legislature regarding any criticisms or suggestions contained herein.

(8)~~(6)~~ Chapter 120 shall not apply to this section.

Section 6. Section 195.097, Florida Statutes, is amended to read:

195.097 Postaudit *notification of defects* ~~review of rolls~~; supervision by the department.—

(1) Upon evaluation of the findings of the Division of Ad Valorem Tax, ~~and upon the independent study of his staff,~~ the executive director of the department shall ~~evaluate the assessment rolls of all counties and shall~~ issue a notice to any property appraiser who he has determined has one or more classes or other strata of property listed on the assessment rolls in a manner inconsistent with the requirements of law, or is otherwise not assessing in accordance with law. The executive director shall specify in his notice the classes or strata of property that have been improperly assessed on the prior year's roll, the nature of the defect or defects, and the requirements of the department to obtain approval of the current year's assessment roll. Such notice shall be provided to the property appraiser no later than January 15.

(2) Within 15 days after receipt of a notice, but no later than February 1, the property appraiser shall either notify the executive director in writing of his intention to comply or request an immediate conference with the executive director for the purpose of attempting to resolve differences between himself and the executive director. Such conference shall be held no later than February 15. At the conclusion of such conference, but no later than March 1, the executive director shall issue his administrative order, which order shall incorporate the remedial steps, if any, to be taken by the property appraiser to insure that all property on his rolls is assessed at just value. An administrative order shall also be issued in the case of a property appraiser who has stated his intention to comply. ~~The department may, with respect to the personal property assessment roll, amend its March 1 order prior to March 15 in those counties in which the auditor general has audited the prior year's personal property assessment roll.~~

(3) Upon the issuance of the administrative order, the *division of ad valorem tax* ~~department~~ shall commence continuing supervision of the preparation of the current rolls to insure that every reasonable effort is being taken by the property appraiser to comply with the order. Supervision may include, but shall not be limited to, the conduct of ratio or other mass data studies on the roll being prepared. During *such* ~~its~~ supervision, the *executive director* ~~department~~ may seek any judicial remedy available to *him* ~~it~~ under law to force compliance with *his* ~~its~~ order, and may request removal of the property appraiser by the Governor when *he* ~~it~~ deems such action necessary. No later than May 1, the executive director shall notify the property appraiser, in writing, as to whether he is in substantial compliance with the order. In the event that the executive director determines that the property appraiser is not in substantial compliance at that time, he shall send to the property appraiser and the governing body of each tax-levying agency in the county a notice of intent to disapprove the tax roll in whole or in part.

(4) Chapter 120 shall not apply to this section.

Section 7. Interim Homeowners' Tax Relief

(1) There is hereby granted a homeowners' tax relief payment to each person who qualifies for and receives, pursuant to s. 196.031, Florida Statutes, a homestead tax exemption with respect to ad valorem taxes levied on the assessed value of a homestead for the year 1979. The amount of said tax relief payment shall be an amount equal to the product of the following three factors:

(a) The school district operating millage, exclusive of levies authorized by a vote of the electors pursuant to subsection 9(b) of Article VII, State Constitution, in excess of 1.6 mills;

(b) The assessed value of the homestead or $15,000, whichever is lower, less the value of any exemptions applicable to the homesteaded parcel; and

(c) A factor equal to 0.96.

In no event shall the product of these factors be less than zero.

(2) Each person granted a tax relief payment pursuant to subsection (1) shall receive such payment in the form of a warrant from the Comptroller on or before May 31, 1980. However, in the event extension of the tax rolls pursuant to s. 193.122(2), Florida Statutes, is delayed beyond May 1, 1980, such payment shall be made within 30 days of extension of the tax rolls.

(3) Upon extension of the tax rolls pursuant to s. 193.122(2), Florida Statutes, the property appraiser of each county shall immediately submit to the Department of Revenue a computer tape copy of the Name-Address-Legal file used in preparing the extended real property tax roll, together with an affirmed statement that said file is correct to the best of his knowledge and belief. Said file copy shall meet the requirements of rule 12D-8.13, Florida Administrative Code, and other applicable provisions of chapter 12D-8, Florida Administrative Code. To the extent not otherwise included, said file copy shall also include the following data elements for each parcel in standard record locations as designated by the department:

(a) The name and mailing address of the owner of record.

(b) The total non-voted ad valorem millage rate levied by the school district for operating purposes applicable to the parcel.

(c) The assessed value of the homesteaded portion of the parcel, if any.

(d) The combined value of all exemptions applicable to the parcel.

(e) An indication whether said owner qualified for and received, pursuant to s. 196.031, Florida Statutes, a homestead exemption on the parcel in question for the purpose of 1979.

(4) Based on information received pursuant to subsection (3), the department shall authorize the issuance of warrants pursuant to the provisions of this section.

(5) The Comptroller, the Department of Revenue, and each county property appraiser shall take all steps necessary to insure timely compliance with the provisions of this section.

Section 8. Subsections (2) and (8) of section 192.001, Florida Statutes, are amended to read:

192.001 Definitions.—All definitions set out in chapter 1 that are applicable to this part, are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(2) "Assessed value of property" means an annual determination of the just or fair market value of an item or property, *or if a property assessed solely on the basis of character*

or use, or at a specified percentage of its value, pursuant to s. 4(a) or (b), Art. VII of the State Constitution, its classified use value or fractional value.

(8) "Homestead" *or "real estate used and owned as a homestead"* means that property described in s. 6(a), Art. VII ~~and s. 4(a)(1), Art. X~~ of the State Constitution, *limited to the homesteaded structure, the land upon which said structure rests and immediately contiguous land not exceeding 2 acres, and shall not include any portion of the property used for commercial or non-homestead purposes.*

Section 9. Subsection (12) of section 196.012, Florida Statutes, is hereby repealed.

Section 10. There is hereby appropriated the sum of $83,100,000 from the General Revenue Fund to the Department of Revenue for 1979 tax relief payments granted pursuant to this act, and the sum of $400,000 from the General Revenue Fund to the Comptroller for administration thereof.

Section 11. This act shall take effect on April 1, 1980, contingent upon approval of CS/SJR 93 or similar legislation at the special election to be held on March 11, 1980, and shall first apply to assessment rolls for the year 1980 and each year thereafter; provided, however, Section 7 shall apply only with respect to assessment rolls and taxes levied thereon for the year 1979.

Amendment 2—On page 1, lines 1-8, strike all of said lines and insert: A bill to be entitled An act relating to homestead tax relief; amending s. 236.25, Florida Statutes, providing for a maximum levy by school boards of 1.6 mills against homestead property, subject to certain limitations; creating s. 195.035, Florida Statutes, providing for annual adjustment of the maximum value of homestead property subject to the 1.6 mill limitation; creating s. 196.500, Florida Statutes, providing legislative intent; providing conditions for the application of tax relief provisions in a given county; providing exceptions thereto; renumbering subsection (8) of section 193.114, Florida Statutes, as subsection (9) and adding new subsection (8), providing that with the concurrence of the property appraiser or the board of county commissioners, interim taxes may be levied on a disapproved assessment roll; providing for issuance of provisional tax bills; providing for final supplemental bills or refunds upon approval of the roll; providing for the initial roll to be used in determining school district local effort; amending section 195.096, Florida Statutes, requiring annual review of assessment rolls; providing for review of certain property classes; providing for use of the median and other measures of central tendency; providing for finding of such reviews to be forwarded to certain entities; deleting provisions relating to delayed completion of reviews of personal property assessment rolls; providing for publication of findings; deleting provisions relating to projected levels of assessment; providing legislative intent; providing certain duties with respect to such reviews; providing minimum frequency for performance audits; providing for response thereto; amending s. 195.097, Florida Statutes, deleting requirements for independent study by the executive director; deleting obsolete provisions relating to the auditor general; clarifying procedures relating to supervision upon issuance of administrative orders; providing for a homeowner's tax relief payment for 1979; providing for computation of the amount of said payment; providing duties of the Comptroller, the property appraisers, and the Department of Revenue with respect thereto; amending s. 192.001, Florida Statutes, to define "assessed value" with respect to property assessed solely on the basis of character or use, or at a specified percentage of its value; and to define "Homestead" to exclude land in excess of 2 acres or property used for commercial purposes; repealing s. 196.012 (12) relating to the definition of homesteads; providing an appropriation; providing an effective date.

Senator Gordon moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 1, strike all of line 8 and the remainder of the amendment and insert: *except that on homestead property the levy shall be no more than 2.6 mills,* exclusive of millage voted under the provisions of ss. 9(b) and 12 of Art. VII of the State Constitution.

Section 2. This act shall take effect on July 1, 1980, contingent upon approval of CS/SJR 93 at the special election to be held on March 11, 1980.

On motion by Senator Gordon, the Senate concurred in House Amendment 1 as amended and the House was requested to concur in the Senate amendment to the House amendment.

On motion by Senator Gordon, the Senate refused to concur in House Amendment 2 and the House was requested to recede.

SB 66 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Myers	Stuart
Anderson	Hair	Neal	Tobiassen
Barron	Henderson	Peterson	Trask
Carlucci	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	MacKay	Scott	Williamson
Fechtel	Maxwell	Skinner	Winn
Frank	McClain	Spicola	
Gordon	McKnight	Steinberg	

Nays—5

Chamberlin	Grizzle	Jenne	Johnston
Childers, D.			

On motion by Senator Barron, the Senate recessed at 7:37 p.m.

The Senate was called to order by the President at 9:16 p.m. A quorum present.

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 passed with amendments—

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

CS for SB 302—A bill to be entitled An act relating to the construction industry; providing purpose and definitions; requiring the certification of specified persons engaging in contracting on a statewide basis; requiring the registration of specified persons engaging in contracting on other than a statewide basis; requiring certain work to be subcontracted; creating the Construction Industry Licensing Board and providing for membership thereof; providing for the adoption of rules and fees; providing for examinations; providing for issuance and renewal of certificates and registrations; providing procedures for the certification or licensure of business organizations; prescribing rules of construction; prescribing powers and duties of counties and municipalities; providing exemptions; prescribing powers and procedures relating to disciplinary proceedings; prohibiting certain acts and providing penalties therefor; prescribing civil penalties; providing notice to county tax collectors; repealing part II, ch. 468, Florida Statutes, including s. 468.1054, as created by chapter 78-142, Laws of Florida, and ss. 468.109 and 468.112, as amended, relating to the construction industry; providing for repeal of the act; providing a retroactive effective date.

Allen Morris, Clerk

Amendment 1—On page 8, line 28, strike 8 eight and insert: 7 seven

Amendment 2—On page 8, line 29, strike three and insert: two

Amendment 3—On page 15, lines 28-30, strike all of said lines

Amendment 4—On page 16, lines 1 & 8, strike (b) from line 1 and (c) from line 8 and insert: "(2)(a)" on line 1 and "(b)" on line 8

Amendment 5—On page 30, line 6, before the semicolon insert: which results in a financial loss to the owner, purchaser or contractor

Amendment 7—On page 26, line 3, insert: A new paragraph (14) to read:

(14) All persons, corporations, or business associations licensed under the provisions of this chapter are subject to the provisions of section 501, part 2, Florida Statutes.

On motions by Senator Dunn, the Senate concurred in House Amendments 1, 2, 3, 4 and 5; refused to concur in House Amendment 7 and requested the House to recede.

CS for SB 302 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Maxwell	Stuart
Anderson	Grizzle	McKnight	Trask
Barron	Hair	Myers	Vogt
Carlucci	Hill	Neal	Ware
Childers, D.	Holloway	Peterson	Williamson
Childers, W. D.	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	
Frank	MacKay	Spicola	

Nays—None

Vote after roll call:

Yea—McClain

The Honorable Philip D. Lewis, President

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

By the Committee on Governmental Operations and Senators Maxwell and Williamson—

CS for SB 388—A bill to be entitled An act relating to the practice of engineering and land surveying; providing purposes and definitions relating to engineering and land surveying; creating the Board of Engineers and the Board of Land Surveyors within the Department of Professional Regulation and prescribing their composition, powers, and duties; providing for relocation of the Board of Engineers; authorizing the boards to adopt certain rules regulating the practices of engineering and land surveying; authorizing the boards to establish certain fees; prescribing requirements for the examination and registration of engineers and of land surveyors; requiring each registrant to have a seal; prescribing requirements for the formation and registration of partnerships and professional service corporations engaged in the practice of engineering and of land surveying; providing for temporary registrations; prohibiting any county or municipality from issuing a building permit to any applicant under certain circumstances; providing for the issuance, renewal, suspension, and revocation of registrations and the discipline of registrants; prohibiting unauthorized practice or use of certain titles or registration certificates or giving false or forged evidence in order to obtain registration; providing penalties; providing civil remedies; providing for continuation of rules; amending s. 20.30(4), Florida Statutes, 1978 Supplement, as amended; providing for the transfer of certain funds; providing for repeal of the act; repealing Chapters 471 and 472, Florida Statutes; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 26 & 27, strike Engineer, and insert: Engineering

Amendment 3—On page 6, lines 15-18, strike all of lines 15-17 and "(b)" on line 18 and insert: at the beginning of line 18 insert: (2)(a)

Amendment 4—On page 6, line 25, strike (c) and insert: (b)

Amendment 5—On page 8, line 1-17, strike all of said lines and insert:

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in Section 8.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 8 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 7 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 15.

Amendment 6—On page 24, line 23-30; page 25, line 1-9, strike all of said lines and insert:

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in section 27.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

Section 27 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed $50.

(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to section 26 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall exceed 120 classroom hours. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension the department shall give notice to the licensee. A suspended license may be reinstated as provided in section 34.

On motions by Senator Dunn, the Senate concurred in the House Amendments.

CS for SB 388 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Grizzle	McClain	Steinberg
Anderson	Hair	McKnight	Stuart
Carlucci	Henderson	Myers	Trask
Childers, D.	Hill	Neal	Vogt
Childers, W. D.	Holloway	Peterson	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Skinner	
Gorman	Maxwell	Spicola	

Nays—None

The bill was ordered engrossed and then enrolled.

Statement of Intent

Senator Myers: Mr. President, I'd like to ask Senator Dunn some questions to establish a statement of legislative intent on this bill as we did on the bill dealing with architects. It is not the intent of this legislation in any way to interfere with or change or supercede the normal and usual performance of services and functions of land planners; comprehensive land planners, urban

and rural; which are being performed in accordance with the way they are functioning today. This practice act does not affect that practice. You recall we had an agreement with the engineers that we would put some kind of a statement of intent in the record and I simply wanted your agreement that that is correct.

Senator Dunn: That is correct, Senator.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1102 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative McPherson—

HB 1102—A bill to be entitled An act relating to the Department of Natural Resources and the Game and Fresh Water Fish Commission; amending s. 372.071, Florida Statutes, authorizing arrest by certified law enforcement officers of the Department of Natural Resources or the Game and Fresh Water Fish Commission under certain circumstances involving violations of chapters 370, 371, or 372, Florida Statutes; creating s. 372.085, Florida Statutes; creating the Endangered and Threatened Species Reward Trust Fund within the commission; authorizing the use of the fund for rewards to persons responsible for providing information leading to the conviction of persons violating laws protecting endangered and threatened species; authorizing certain expenditures; amending s. 372.72, Florida Statutes; providing for the disposition of fines, penalties, or forfeitures of bail of persons convicted of violations relating to endangered species, into the reward trust fund; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

On motion by Senator Vogt, by two-thirds vote HB 1102 was withdrawn from the Committee on Natural Resources and Conservation and by two-thirds vote placed next on the special order calendar.

SPECIAL ORDER, resumed

On motions by Senator Vogt, by two-thirds vote HB 1102 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Frank	Maxwell	Steinberg
Anderson	Gorman	McClain	Trask
Barron	Grizzle	McKnight	Vogt
Carlucci	Henderson	Neal	Ware
Chamberlin	Hill	Scarborough	Williamson
Childers, D.	Holloway	Scott	
Childers, W. D.	Johnston	Skinner	
Dunn	MacKay	Spicola	

Nays—None

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

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 concurred in Senate Amendments 1, 2, 4, 6 and 7, has refused to concur in Senate Amendment 3 and requests the Senate to recede; has amended Senate Amendment 5, concurred in same as amended and passed HB 1399 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crawford and others—

HB 1399—A bill to be entitled An act relating to the City of Winter Haven, Polk County; establishing the Winter Haven Downtown Development Authority; providing for definitions and rules of construction; setting forth a statement of policy and legislative findings; providing for By-Laws and functions of the Board; providing for the levy of ad valorem tax; providing for a referendum; providing an effective date.

House Amendment 1 to Senate Amendment 5—On page 1 of the amendment, line 1, strike 10 and insert: 45

House Amendment 2 to Senate Amendment 5—On page 1 of the Amendment, line 2, After "a" insert: public

On motions by Senator Trask, the Senate receded from Amendment 3 and concurred in House Amendments 1 and 2 to Senate Amendment 5. HB 1399 passed as amended and action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	Johnston	Scott
Anderson	Grizzle	MacKay	Spicola
Carlucci	Hair	Maxwell	Steinberg
Chamberlin	Henderson	McClain	Trask
Childers, D.	Hill	McKnight	Vogt
Dunn	Holloway	Poole	Williamson
Frank	Jenne	Scarborough	Winn

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 1036 as amended by the Conference Committee Report.

Allen Morris, Clerk

CONFERENCE COMMITTEE REPORT ON CS FOR HB 1036

June 1, 1979

The Honorable Philip D. Lewis
President of the Senate

The Honorable Hyatt Brown
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS/HB 1036, same being:

A bill to be entitled

An act relating to education; creating s. 230.2312, Florida Statutes, providing for the Florida Primary Education Program; providing legislative intent; establishing preventive, enrichment, and developmental components; providing for educational and health screening and assessment and assignment of students; providing dismissal criteria; providing for primary specialists and staff development programs; providing for phase-in funding of the program; authorizing the use of funds for parent involvement; providing for reporting; adding a new paragraph (d) to s. 229.565(2), Florida Statutes, 1978 Supplement, to require evaluation of the program; amending s. 230.2311(5), Florida Statutes, to provide for school board consultation with teacher education centers in developing certain inservice training programs; amending s. 236.013(2)(c), Florida Statutes, to allow membership in the preventive component for more than 180 school days; amending s. 236.081(1)(c), Florida Statutes, 1978 Supplement, to increase the cost factor for kindergarten through grade 3; amending s. 237.34(3)(a) and (b), Florida Statutes, 1978 Supplement, revising expenditure requirements for kindergarten through grade 3 programs; authorizing the expenditure of specified funds for inservice training; providing effective dates.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from the Senate amendments.

2. That the House and Senate concur in Conference Committee amendments 1 and 2 attached hereto, and by reference made a part of this report.

The following statement is submitted in explanation of the effect of the action agreed upon and recommended in this report:

Changes definition of components to "instructional strategies" and corrects language throughout the bill to reflect that change where appropriate.

Creates a Primary Education Council to be appointed by the Governor, the life of which will be three years.

Provides that if a district chooses, an alternative to the Primary Education Program may be implemented, subject to approval of the Primary Education Council.

Requires kindergarten as a child's first public school experience, effective July 1, 1982.

Provides for a first grade admission age.

Provides for a kindergarten admission age.

Describes the role of reading resource specialists and repeals the present statute regarding reading resource teachers.

Deletes the restriction that certain school health services be made available only to indigent children.

Don Chamberlin	*H. Lee Moffitt*
Kenneth H. MacKay	*Charles Nergard*
Clark Maxwell	*W. C. Young*
Managers on the part of the Senate	Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 2, line 6, strike everything after the enacting clause and insert:

Section 1. Section 230.2312, Florida Statutes, is created to read:

230.2312 Florida Primary Education Program; objectives and outcomes.—

(1) It is the finding of the Legislature that a comprehensive prescriptive program of primary education, kindergarten through grade 3, is needed in order to improve the results of public education in Florida in all grades in years to come. The Legislature therefore declares this intent to require the Department of Education and each district school board to implement such a program for kindergarten through grade 3. It is the intent of the Legislature that the program shall be a comprehensive improvement of public education in kindergarten through grade 3 and shall provide appropriate education opportunities for students in the critical early years that more fully meet the unique needs, talents, interests, and abilities of each student. It is further the intent of the Legislature that the program shall include an appropriate level of educational services so that the probability of success in future educational experiences will be improved. No part of this act is intended to require or imply a requirement affecting the individual district's decisions to group, mix or otherwise assemble students for the purpose of instruction.

(2) The objectives of the Florida Primary Education Program shall include assurance that each student shall have an individualized program to permit the development to his maximum potential and that all students who have completed the third grade of the public educational system shall have achieved a level of competence in the basic skills, as required by s. 229.-565, sufficient for increased success in their educational experiences throughout life. The program shall be designed to build upon the early childhood and basic skills development program required by s. 230.2311, with emphasis upon expanding the services for kindergarten through grade 3 students so that existing and potential learning problems are identified and individual needs are met prior to the intermediate grades, thereby developing the basic framework for continued progress of the student, commensurate with his ability, with a reduced risk of failure and less remediation in intermediate and secondary years. The program, or an approved alternative, which shall provide for an increase in the number of teachers and other instructional personnel in the primary classroom, kindergarten, and grades 1 through 3, shall be the kindergarten through grade 3 basic program within the Florida Education Finance Program as defined in chapter 236.

Section 2. Florida Primary Education Program; model.—

(1) DEFINITIONS.—For purposes of this section:

(a) "Program" means the Florida Primary Education Program.

(b) "Preventative Strategies" means the use of those instructional strategies which shall serve a student with identified or potential learning problems which are considered correctable. Such strategies shall be provided as deemed most appropriate for correcting the identified or potential learning problems.

(c) "Developmental Strategies" means the use of those instructional strategies which shall serve a student appearing to be developing emotionally, mentally, socially, and educationally at his expected potentiality. Instructional strategies shall be directed toward assuring the continuation of expected development.

(d) "Enrichment Strategies" means the use of those instructional strategies which shall serve a promising learner, defined as one who can emotionally, socially, mentally, and educationally accept exceptional challenges and who has demonstrated proclivities toward creativity and would most likely benefit from additional query or investigative activities.

(e) "Primary specialist" means a person designated as such by the principal of each school who possesses the competencies provided for in subsection (5).

(f) "Expectancy age formula" means a formula to predict potential academic performance.

(2) IMPLEMENTATION.—The implementation of the Florida Primary Education Program shall be the responsibility of the Commissioner of Education, with penalties for discrepancies and deficiencies to be applied as required by s. 229.565(3). Each district school board shall provide a program, with assistance from the Department of Education, which shall include at least the following:

(a) A screening program such that all public school students in kindergarten through grade 3 shall be screened prior to the end of the eighth week of their initial public school experience in Florida. Educational screening shall be performed with the classroom teacher acting as the primary screening agent, with final decisions for assessment to be made by the principal after considering the recommendations of the teacher and any school-based or itinerant resource persons that are involved. With the assistance of the primary specialist, the classroom teacher's observation of the student's academic and behavioral performance shall be given primary consideration for initial recommendations for implementation of the developmental strategies or referral for further assessment in the Florida Primary Education Program or referral for exceptional student education evaluation. Consideration shall also be given to the use of a screening instrument or instruments which shall provide objective data regarding prereading readiness, precomputational skills, auditory discrimination, visual perception, auditory perception, kinesthetic skills, motor skills, or any other data deemed necessary at the classroom level for making sound recommendations. A listing of suggested screening, identification, and assessment instruments, along with descriptions, interpretations, suggested techniques and uses, and other information deemed necessary for the classroom teacher and resource persons in educational screening, shall be developed by the Department of Education with the assistance of selected district school-based personnel and shall be updated annually, or as needed, and disseminated for use by teachers, resource persons, and other appropriate personnel.

(b) Procedures whereby, after initial screening by the classroom teacher, assisted by the primary specialist, each student shall receive the developmental individual strategies or be referred for exceptional student education evaluations as prescribed by state board rules or recommended for further assessment for receiving preventative or enrichment instructional strategies of the program.

(c) Procedures whereby each student shall be provided further assessment in the program if such assessment is recommended by the classroom teacher and primary specialist, if approved by the principal. Performance on screening instruments shall be considered as a part of the criteria for recommendation for further assessment. In recommending for further assessment a student who has been screened, the following criteria shall be considered: teacher observation of behavioral and emotional adjustment to school environment and observation of the student's performance of assigned tasks; and relative scores on standardized or other tests with particular attention to scores in the upper or lower quartile, based on an expectancy age formula. A student shall be recommended for exceptional student education evaluation if the child is performing 1½ grades or more above or below grade placement if applicable or has scored in the upper or lower decile on standardized or other tests, and if teacher observation of assigned task performance and teacher observation, according to a standardized checklist of behavioral characteristics, indicate that direct referral for exceptional student evaluation is in the best interest of the student.

(d) Procedures whereby identification and assignment of the preventative or enrichment instructional strategies to a student shall be of a flexible nature, based on results obtained in assessment beyond initial screening and involving a school staffing committee appointed by the principal, including at least the classroom teacher and a primary specialist. Areas to be considered by the school staffing committee shall include: rate of mental development; achievement in basic skills as defined by s. 230.2311; information processing ability; visual motor perception; and behavioral and social adjustment. Direct referral by the school staffing committee of the student for exceptional student education evaluation may be recommended.

(e) Procedures for identification and assignment of the preventative instructional strategies to a student which shall include, but not limited to the following: below grade level performance if applicable; scoring in lowest quartile on suggested identification and assessment tests, based upon an expectancy age formula; and teacher observation of classroom performance on assigned tasks and observation of social and behavioral adjustment. An instructional plan for any student demonstrating a need for the preventative instructional strategies shall be prepared stating the nature of the identified correctable learning problem or potential problem, the educational specific strategies that will be utilized for correction of such problem, and the length of time projected before redesigning the program of the student. The school staffing committee when appropriate, shall recommend to the principal an assignment change for the student from the preventative instructional strategies or shall recommend the child for exceptional student education evaluation, with a report substantiating such a recommendation to become a part of the students records.

(f) Procedures for assignment of the enrichment instructional strategies to the student shall include, but not be limited to: grade level performance; scoring in the top quartile on suggested identification and assignment tests, based upon an expectancy age formula; and teacher observation of performance on assigned tasks and observation of social and behavioral adjustment. Activities and instructional strategies shall provide stimulation for accelerated learning, and necessary follow-up evaluation shall be provided by the teacher and resource personnel to assure that each student assigned to the enrichment instructional strategies is challenged appropriately. If the student does not respond to enrichment and accelerated activities as anticipated, the school staffing committee, when appropriate, shall recommend to the principal the reassignment of the student from the enrichment instructional strategies assignment to another program or shall recommend the student for exceptional student education evaluation, with a report substantiating such a recommendation to become a part of the student's records.

(3) HEALTH SCREENING.—Health screening services and related referrals and follow-up shall be provided by the Department of Health and Rehabilitative Services pursuant to s. 402.32. For the purpose of implementing s. 402.32 and the Florida Primary Education Program, the Secretary of Health and Rehabilitative Services and the Commissioner of Education shall cooperatively develop written procedures for screening services, referral, and follow-up to be made available to school districts and each child-serving agency under the direct or indirect jurisdiction of the Department of Health and Rehabilitative Services whereby responsibilities of each public school, each such agency, and the district school boards shall be delineated. Such procedures shall include, but not be limited to:

(a) Use of a standard student information records system by all public schools for each student's cumulative record to be maintained by the school district. Such system shall include basic health data resulting from services of the Department of Health and Rehabilitative Services, including screening services and results, referral, and follow-up, as well as educational decisions made as a result of such screening, referral, and follow-up.

(b) Collection and reporting of the information required in paragraph (a) on a school-level aggregate basis for use by school personnel and on a school district aggregate basis, on a school district-by-district basis, and on a statewide basis which will point out duplication of services provided by any agency under the direct or indirect jurisdiction of the Department of Health and Rehabilitative Services and services that need to be performed.

(c) Such district and aggregate data shall be incorporated in a report to the appropriate education and health and rehabilitative services committees of the House of Representatives and the Senate to be prepared by the Commissioner of Education or his designee by February 1981, and annually thereafter. The Secretary of Health and Rehabilitative Services shall prepare a companion report which shall specify remedies taken or to be taken to correct duplication of services or the establishment of needed services and shall provide any information deemed appropriate for improving the delivery of required services.

(4) DISMISSAL CRITERIA.—Third grade student's may be eligible for promotion from the Florida Primary Education Program to grade 4 upon satisfactory attainment of the minimum student performance standards required by s. 229.565. At the end of grade 3, there shall be three alternatives provided for each student:

(a) The student has met the minimum performance standards and shall enter the fourth grade;

(b) The student shall continue in an extension of the program experience for no more than 1 year in order to have an additional opportunity to meet the minimum performance standards of grade 3 at which time he shall progress according to the district's student progression plan; or

(c) The student shall be referred to exceptional student education if it appears that he requires the services of exceptional student education.

(5) STAFF.—

(a) Staff development programs shall be implemented by each district school board designed to enable the kindergarten through grade 3 instructional staff to be aware, to understand, and to meet the individual needs of students. Inservice training plans shall be a part of the master inservice plan required by s. 236.0811 and training shall include, but not be limited to, teachers, administrators, support personnel, aides, and volunteers, as needed. Each district school board may permit participation in inservice training programs by nonpublic school teachers where space is available. The content of the staff development and inservice programs for instructional staff shall include, but not be limited to, improving competencies in the following areas:

1. Early childhood test administration and interpretation.

2. Knowledge of kindergarten through grade 3 curriculum and development and sequential learning patterns.

3. Ability to teach the basic skills.

4. Ability to adapt, design, and implement a kindergarten through grade 3 diagnostic-prescriptive curriculum to meet the needs of the individual learner.

5. Ability to apply learning theory to individualized teaching programs.

6. Ability to design and implement a material-learner match consistent with each individual child's strengths and/or weaknesses.

7. Ability to provide diagnostic and clinical teaching.

8. Ability to maintain records and conduct ongoing reevaluations regarding progress, classroom instruction, and placement of each child.

9. Ability to develop and implement each child's program based on available data.

10. Ability to suggest educational strategies, materials, and techniques for each child to parents and other support personnel working with each child.

11. Ability to use observation techniques in screening, identification, ongoing reevaluation, and planning for each child.

(b) A role definition and set of required competencies for the primary specialist who shall be a teacher and who shall not, under any circumstances, be used in an administrative or or quasi-administrative role, shall include at least the following:

1. The competencies addressed in paragraph (a), plus a minimum of 3 year's successful teaching or other appropriate school-level experience.

2. Ability to assist in the coordination of all services and program elements in the Florida Primary Education Program, including screening and identification processes, ongoing evaluation, assignment of children in appropriate programs, and services of other personnel in a team approach.

3. Ability to provide supportive academic services to teachers, students, parents, and community agency personnel.

4. Ability to assist in individualized, personalized plans of instruction for each pupil.

5. Ability to assist in the preparation of reports and assume the responsibility of current and efficient records and procedures for transfer of records when needed.

6. Ability to assist in coordination of the school staffing committee.

7. Ability to suggest ways to facilitate parental involvement and parent education.

8. Ability to coordinate inservice activities at the school level for kindergarten through grade 3 teachers, volunteers, parents, aides, administrators, and other appropriate personnel.

9. Ability to support and assist the classroom teacher in implementing teaching strategies, identifying appropriate activities, organizing and managing the classroom, selecting materials, and identifying specific needs of children.

(c) Preservice teacher education program shall be developed to meet the requirements of the Florida Primary Education Program as a condition for program approval for the teacher training institutions, s. 231.17, and other criteria as required by state board rules.

(6) FUNDING.—

(a) Each district shall have the Florida Primary Education Program or an approved alternative fully operative by the beginning of the school year 1981-1982. First priorities in 1979-1980 shall be given to staff development of kindergarten through grade 3 personnel with emphasis on screening and preventive instructional strategies and reduction of class size.

(b) The Florida Primary Education Program or an approved alternative shall be the basic program for kindergarten through grade 3 pursuant to s. 236.081, and the cost factor shall be computed so as to enable school districts to adequately implement the program. Beginning with the 1979-80 biennium and for each year thereafter, subsection 236.081(1)(c), notwithstanding, the cost factor for the K-3 basic program shall be provided for in the Appropriations Act. The cost factor shall be sufficient to generate the amount of dollars appropriated, for the K-3 basic program, which are in addition to the amount generated by multiplying the cost factor of 1.234 by the number of full-time equivalent students in the K-3 program, times the base student allocation as specified in the Appropriations Act.

(c) Staff development for the Florida Primary Education Program or an approved alternative shall be provided from that amount allocated per full-time equivalent student pursuant to s. 236.081(3).

(d) In meeting the expenditure requirements set forth in s. 237.34, each district shall, within resources available, provide primary specialists so that no district shall provide less than one specialist and no individual school shall have less than the equivalent of one-half specialist and no more than one full-time specialist shall be required for any individual school, unless an alternative method of providing these services is approved by the Primary Education Council according to law and guidelines established.

(e) Up to $5 per kindergarten through grade 3 full-time equivalent unweighted student may be used in the calculation of meeting the expenditure requirement of s. 237.34 for funds expended by the district for activities which are planned to directly increase the parent or guardian involvement in his child's learning process and which enable the parent or guardian to improve the child's motivation and desire for success in learning, or otherwise assist the child in achieving school-related academic success.

(f) REPORTING.—The commissioner shall annually provide the Primary Education Council, the appropriate education committees of the House of Representatives and the Senate a district-by-district accounting of the extent to which expenditure requirements have been met as required by s. 237.34, and shall include in the report the remedies taken or to be taken for any expenditure deficiencies noted and to be corrected as required by said section and s. 229.565. Personnel of each school district shall cooperate fully with legislative staff and the Council as they make inquiries and observations and collect data that may be necessary for determining the extent to which the program is being implemented as prescribed by law, assists in implementation of legislative intent, and transmits annually to the Legislature recommendations for legislative changes that may be needed for achieving the intent of this act.

(7) Primary Education Program Plans.—

(a) Each district, by March 1, 1980, shall submit to the Primary Education Council a plan for implementation of the Florida Primary Education Program in the manner and format prescribed by the council which will assure the educational outcomes and objectives specified in Section 1. of this act.

(b) Any district which elects to do so may develop an alternative to the Primary Education model which will assure the educational outcomes and objectives specified in Section 1. of this act. The alternative plan shall be developed in the manner and format prescribed by the council and submitted by March 1, 1980.

(c) Any district not obtaining approval of the required PREP plan or alternative program plan by June 30, 1980 may be denied revenues that would be generated by that portion of the FEFP K-3 cost factors in excess of 1.234 for the 1980-81 fiscal year or any part of the year deemed appropriate by the council. A district may apply to the council for approval to update or amend an approved plan for a school year provided that such application is made 60 days prior to the beginning of the next fiscal year or at such earlier date as may be required by the council.

(d) Upon recommendation of the council, the commissioner shall provide the necessary technical assistance to any district that requests such services or if the council recommends such assistance for planning and implementing an adequate primary education program.

(8) A Primary Education Council of 15 members is created for the purpose of overseeing the kindergarten through grade 3 program in the state's public schools.

(a) The Governor shall appoint 11 members of the council as follows:

1. Four members shall be primary grade classroom teachers,

2. One member shall be an elementary school principal,

3. One member shall be a district supervisor, director, or consultant of elementary education,

4. One member shall be a college or university teacher educator specializing in an area related to kindergarten through grade 3 education,

5. One member shall be the director of a teacher education center,

6. One member shall be the parent of a child enrolled in a public school,

7. One member shall be a member of the school board of a public school district,

8. One member shall be a superintendent of a public school district,

(b) The President of the Senate shall appoint one member of the Senate to serve on the council.

(c) The Speaker of the House of Representatives shall appoint one member of the House to serve on the council.

(d) The Commissioner of Education shall appoint a representative of the Department of Education to serve on the council.

(e) The Secretary of the Department of Health and Rehabilitative Services shall appoint one member of the Department of Health and Rehabilitative Services to serve on the council.

(f) The term of appointment for all members shall be for 3 years.

(g) For administrative purposes, the council shall be assigned to the Department of Education and shall be financed through appropriations from the General Revenue Fund.

(h) Members of the council shall be entitled to receive per diem and expenses for travel as provided for in law while carrying out official business of the council.

(i) As soon as practicable following appointment of members, the Governor shall call an organizational meeting of the council. From among its members, the council shall elect a chairman who shall preside over meetings of the council and perform any other duties directed by the council or required by its duly adopted policies or operating procedures.

(j) Council duties and responsibilities shall include:

1. Adoption of criteria for the approval of school district instructional program plans for kindergarten through grade 3.

2. Review and approval of each district's instructional program plan for kindergarten through grade 3.

3. The council shall prepare an annual report for submission to the appropriate education committees of the Senate and House of Representatives and the commissioner which shall provide a summary of the status of primary education in each district and the state's public schools including recommendations to the commissioner and the legislative committees for appropriate action where deficiencies are detected.

4. Organizing and conducting no less than 2 statewide conferences on early childhood and primary grade instruction by March 31, 1980.

5. Reporting to the Legislature on council activities and district progress in implementing instructional programs for kindergarten through grade 3 by March 1 of each year.

6. The guidelines and criteria as required herein shall not be considered rules as defined in s. 120.52(14) and shall not be subject to the provisions of s. 120.54(4) and s. 120.56.

(k) The Primary Education Council shall be repealed effective July 1, 1982.

Section 3. Paragraphs (d), (e), and (f) of subsection (2) of section 229.565, Florida Statutes, 1978 Supplement are redesignated as paragraphs (e), (f), and (g), respectively, and a new paragraph (d) is added to said subsection to read:

229.565 Educational evaluation procedures.—

(2) EDUCATION EVALUATION.—The Commissioner of Education shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board. Such evaluation shall include, but not be limited to:

(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.

Section 4. Subsection (5) of section 230.2311, Florida Statutes, is amended to read:

230.2311 Legislative intent; early childhood and basic skills development programs; objectives; provisions.—

(5) Each district school board, in *consultation* ~~cooperation~~ with the teacher education centers established in ss. 231.600-231.610 and *in cooperation* with the Department of Education, shall develop inservice training programs designed to enable teachers:

(a) To recognize language arts and computational needs, especially reading needs.

(b) To apply prescriptive techniques in meeting such needs.

(c) To use aides, volunteers, and paraprofessionals effectively in the classroom.

Section 5. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c) A "full-time equivalent student" is:

1. A full-time student in any one of the programs listed under the cost factors in s. 236.081(1)(c); or

2. A combination of full-time or part-time students in any one of the programs listed under the cost factors in s. 236.081 (1)(c) which is the equivalent of one full-time student based on the following calculations:

a. A full-time student, except postsecondary and adult, is a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member, divided by 25; the difference between that fraction or sum of fractions and twenty-five twenty-fifths of the week for each full-time student shall be presumed to be the balance of the student's time not spent in said special education programs and shall be recorded as time in the appropriate basic program.

b. A student in the basic half-day kindergarten program of not less than 12 1/2 net hours shall earn one-half of a full-time equivalent membership.

c. A half-day kindergarten student in a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per week for which he is a member, divided by 25; the difference between that fraction and twelve and one-half twenty-fifths of the week for each full-time student in membership in a half-day kindergarten program shall be presumed to be the balance of the student's time not spent in said special education programs and shall be recorded as time in the appropriate basic program.

d. A part-time student, except postsecondary and adult, shall be a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member divided by 25.

e. All postsecondary and adult student shall be a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by 900.

3. A student in membership in a program scheduled for more or less than 180 school days shall be a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraphs 1. and 2.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days shall be limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs, and

d. Basic programs offered for promotion or credit instruction as defined by regulations of the state board; *and*~~.~~

e. The Florida Primary Education Program or an approved alternative as provided in s. 230.2312, for those students who were receiving the preventative instructional strategies for all of the last 45 days of the 180-day term and in need of such additional instruction.

4. The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which have been approved by the department under the provisions of section 228.041(13) to operate for less than the minimum school day.

Section 6. Paragraph (b) of subsection (3) of section 237.34, Florida Statutes, 1978 Supplement, is amended to read:

237.34 Cost accounting and reporting.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(b) Funds for inservice training established in s. 236.081*(3)* ~~(4)~~ and for categorical programs established in s. 236.001 (5) shall be expended for the costs of the identified programs in accordance with the rules of the state board~~.~~*; provided that in addition to the $5 per full-time equivalent student required for inservice training pursuant to s. 236.081(3), the following may be expended for inservice training and used in meeting the expenditure requirements of this section, notwithstanding any requirements set forth in ss. 231.600-231.610 relating to the administration of and expenditure of funds for teacher education center activities;*

1. Up to $6 per kindergarten through grade 3 full-time equivalent unweighted student for fiscal year 1979-1980.

2. Up to $4 per kindergarten through grade 3 full-time equivalent unweighted student for fiscal year 1980-81.

3. Up to $2 per kindergarten through grade 3 full-time equivalent unweighted student for fiscal year 1981-82.

Section 7. Subsection (1) of section 228.051, Florida Statutes, is amended to read:

228.051 Organization and support of required public schools.—The public schools of the state shall provide 13 consecutive years of instruction, beginning with kindergarten, and shall also provide such instruction for exceptional children as may be required by law. The funds for support and maintenance of such schools shall be derived from state, district, federal, or other lawful sources or combinations of sources, and shall include any tuition fees charged nonresidents as provided by law. Public schools, institutions, and agencies providing this instruction shall constitute the uniform system of free public schools prescribed by Art. IX of the State Constitution and shall include the following:

(1) KINDERGARTEN.—Kindergarten classes, comprising children between the ages as provided by s. 232.04, shall be established by the school board ~~; provided sufficient children of these ages are available to make possible an organization of at least 20 such children at any school. Such classes shall be implemented on a statewide basis in annual increments so that all such children shall be served by the 1973-1974 school year.~~

Section 8. Section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of *6* ~~7~~ and 16; permitted at age of *5* ~~6~~; exceptions.—

(1) (a) All children who have attained the age of *6* ~~7~~ years or who will have attained the age of *6* ~~7~~ years by February 1 of any school year or who are older than *6* ~~7~~ years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

(b) Beginning with the 1982-83 school year, no child shall be admitted or promoted to the first grade in any school until he has satisfactorily completed kindergarten in a public school or a nonpublic school from which the district school board accepts transfer of academic credit or he otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades.

(c) ~~(b)~~ A child who attains the age of 16 years during the school year shall not be required to attend school beyond the date upon which he attains that age.

(d)~~(c)~~1. This section shall not apply to students who become or have become married, unmarried students who are pregnant, and students who have already had a child outside of wedlock.

2. Students who become or have become married, unmarried students who are pregnant and students who have previously had a child outside of wedlock shall not be prohibited from attending school. These students shall be entitled to the same educational instruction or its equivalent as other students, but may be assigned to a special class or program better suited to their special needs.

(e) ~~(d)~~ Any child who has attained the age of 6 years on or before *September* ~~January~~ 1 of the school year ~~of any school having annual promotions~~ shall be admitted to the first grade at any time during the school year. *However, any child who has completed kindergarten and will attain the age of 6 years on or before January 1 shall be admitted to the first grade at any time during the school year.*

~~(e) Any child who has attained the age of 5 years and 11 months on or before the opening day of any semester of a school having semiannual promotions shall be admitted at any time during the semester.~~

(f) Consistent with *rules* ~~regulations~~ adopted by the state board, exceptional children who will have attained the age of 3 years on or before January 1 of the school year may be eligible for admission to public special education programs and for related services under rules *adopted* ~~and regulations prescribed~~ by

the school board. However, exceptional children who are deaf, blind, severely physically handicapped or trainable mentally retarded below age 5 may be eligible for a home instruction program or, if enrolled in other preschool or day care programs, may be eligible for supplemental instruction.

(g) Any child who will attain the age of 6 years subsequent to *September* ~~January~~ 1 and during the school fiscal year ~~of any school having annual promotions~~ shall be admitted at the beginning of that school year or at any time during the first month of the school year to the first grade, provided the child has demonstrated a readiness to enter the first grade in accordance with *rules adopted* ~~uniform criteria as established~~ by the State Board of Education.

~~(h) Any child who will attain the age of 5 years and 6 months on or before the opening day of any semester of a school having semiannual promotions may be admitted at the beginning, or at any time during the first 2 weeks, of the said semester, provided the child has demonstrated a readiness to enter the first grade in accordance with uniform criteria as established by the State Board of Education.~~

(2) The school boards may *adopt rules* ~~develop policies~~ under which pupils *not meeting the entrance age* may be transferred ~~to the first grade~~ from another state *if* ~~, provided~~ their parents or guardians *have been* ~~are~~ legal residents of that state.

Section 9. Section 232.03, Florida Statutes, is amended to read:

232.03 Evidence of date of birth required.—Before admitting a child to kindergarten ~~or the first grade~~, the principal shall require evidence that the child has attained the age at which he should be admitted in accordance with the provisions of s. 232.04 or s. 232.01. The superintendent ~~or attendance assistant~~ may require evidence of the age of any child whom he believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(1) A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births; or

(2) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent; or

(3) An insurance policy on the child's life which has been in force for at least 2 years; or

(4) A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent; or

(5) A passport or certificate of arrival in the United States showing the age of the child; or

(6) A transcript of record of age shown in the child's school record of at least 4 years prior to application, stating date of birth; or

(7) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these shall be available in the county, by a licensed practicing physician designated by the school board, which certificate shall state that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

Section 10. Subsection (2) of section 232.032, Florida Statutes, is amended to read:

232.032 Immunization against communicable diseases; school attendance requirements; exemptions.—

(2) The school board of each district and the governing authority of each *nonpublic* ~~private~~ school shall require each *child* ~~pupil~~ who is ~~otherwise~~ entitled to admittance to kindergarten ~~or first grade, whichever is applicable~~, or any other initial entrance into a Florida public or *nonpublic* ~~private~~ school, to present a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health and Rehabilitative Services.

Section 11. Section 232.04, Florida Statutes, is amended to read:

232.04 In kindergartens.—Children who will have attained the age of 5 years on or before *the date prescribed herein* ~~January 1~~ of the school year shall be eligible for admission to public kindergartens during that school year under rules ~~and regulations~~ prescribed by the school board. *For the school year 1980, the child must have attained the age of 5 on or before December 1, 1980. For the school year 1981, the child must have attained the age of 5 on or before November 1, 1981. For the school year 1982, the child must have attained the age of 5 on or before October 1, 1982. For the school year 1983 and thereafter, the child must have attained the age of 5 on or before September 1 of the school year. Any child who will attain the age of 5 years subsequent to the date prescribed herein but prior to January 1 of the school year shall be admitted at the beginning of that school year or at any time during the first month of the school year to kindergarten, provided the child has demonstrated a readiness to enter kindergarten in accordance with criteria as established by the district school board.* ~~If any school in which a kindergarten department is organized has midyear admissions, a child who has attained the age of 4 years and 11 months at the beginning of the second semester may be enrolled in such kindergarten at that time.~~

Section 12. Notwithstanding the provisions of s. 232.01(1)(d), (e), Florida Statutes, any district school board may, at the beginning of any fiscal year prior to July 1, 1982, require that each child satisfactorily complete kindergarten in a public school, or in a nonpublic school from which the district school board accepts transfer of academic credit, as a condition of admission or promotion to the first grade. Any school board which elects to institute this requirement prior to July 1, 1982 shall amend its pupil progression plan to reflect such requirement in the manner prescribed by s. 120.54, Florida Statutes.

Section 13. Section 232.031, subsection (2) of section 232.06, and subsection 5 of section 232.09, Florida Statutes, are hereby repealed.

Section 14. Section 233.057, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 233.057, F. S., for present text.)

233.057 Reading programs.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that reading is one of the communication skills which facilitates learning in all areas of the curriculum. It further recognizes the need for coordination of reading programs in public schools. In order to make this possible, the Legislature intends to authorize the employment of reading resource specialists.

(2) READING RESOURCE SPECIALISTS.—A person is eligible to serve as a reading resource specialist upon meeting all of the following prerequisites:

(a) He has met the specialization requirement for certification in reading as provided by rule of the State Board of Education.

(b) He has had a minimum of 3 years' teaching experience.

(c) In the judgment of the district school board, he possesses the qualifications and necessary experience to serve in such capacity.

Provided that nothing herein shall prevent the appointment of such persons to serve in a dual capacity.

(3) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of reading resource specialists shall include, but not be limited to, the following:

(a) Contributing the expertise needed to prepare the school's total reading program.

(b) Working with the school's curriculum person in planning and implementing the basic skills remediation program as determined by the Florida State Assessment Accountability Act of 1976.

(c) Providing individual diagnostic testing to enable better prescriptive approaches for classroom instruction.

(d) Assisting the school staff in organizing and managing reading skills as an integral part of all subject areas.

(e) Providing inservice training for school staff in the area of reading.

(f) Participating in a team teaching effort with classroom teachers.

(g) Interpreting the reading program for both parents and the community.

Section 15. Section 402.32, Florida Statutes, 1978 Supplement, is amended to read:

402.32 School health services program.—

(1) This section shall be known and may be cited as the "School Health Services Act of 1974."

(2) The Legislature finds that health services conducted as a part of the total school health program should be carried out to appraise, protect, and promote the health of students. School health services supplement, rather than replace, parental responsibility and are designed to encourage parents to devote attention to child health, to discover health problems, and to encourage use of the services of their physician, dentist, and community health agencies.

(3) The following words and phrases shall have the following meanings for the purpose of this section:

(a) "Screening" means presumptive identification of unknown or unrecognized disease or defects by the application of tests that can be given with ease and rapidity to apparently healthy persons.

(b) "Physical examination" means a thorough evaluation of medical status of an individual.

~~(c) "Indigent children" means any children of a family eligible for free or reduced price lunches, special programs under Title I of the Elementary and Secondary Education Act, or the aid to families with dependent children program.~~

(c)~~(d)~~ "Emergency health needs" means onsite management and aid for illness or injury pending student return to classroom or release to parent, guardian, designated friend, or designated health care provider.

(4) Duties of the Department of Health and Rehabilitative Services shall be:

(a) To employ, contract for, and supervise health service personnel for each school in the district in accordance with the state plan; however, in matters of coordination of health service programs with other school programs, the principal of each school shall have immediate supervisory authority over the health personnel working in that school.

(b) To carry out health appraisal and screening programs which include periodic review and analysis of health-related records, observation, and screening tests, consistent with sound health practices. Screening shall include vision, hearing, growth and development, nutrition, dental health, mental health, and communicable diseases.

(c) To meet emergency health needs.

(d) When definitive diagnosis or treatment is indicated, to consult with parents or guardians, when appropriate, regarding the need for medical attention by the family physician, dentist, or other specialist, as the case may require.

(e) To follow up on children referred for further diagnosis and treatment.

(f) *When indicated by screening,* to provide ~~indigent~~ children with physical examinations and to refer ~~indigent~~ children to appropriate medical and dental treatment, in cooperation with the private medical and dental community whenever possible. *Parents or guardians of such students shall, within 30 calendar days, report to the appropriate school personnel the action taken to satisfy the cited medical or dental needs.*

(g) In cooperation with school personnel, to counsel *students* ~~pupils~~ and parents in matters regarding health programs and practices.

(h) To maintain records by school on the incidence of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs. Records on individual *students* ~~children~~ shall remain confidential in accordance with law and regulation of the Department of Health and Rehabilitative Services and the State Board of Education.

(i) To aid in the diagnosis and evaluation of children for placement in exceptional child programs and in the reevaluation at periodic intervals of the children placed in such programs.

(j) In cooperation with the Department of Education, to promulgate the rules and regulations necessary for the implementation of this section.

(k) In cooperation with school officials, to provide assistance to school personnel in such areas as health education programs, identification of children with health problems, and working with children with special health problems.

(5) Each district school board, and the Department of Education where applicable, shall have the duty:

(a) To coordinate the educational aspects of the school health services program with the Comprehensive Health Education Act of 1973 and to include health services and health education as part of the school districts' comprehensive educational plan.

(b) To cooperate with the Department of Health and Rehabilitative Services in the provision of health services to children.

(c) To provide physical facilities at each school for the health services program.

(d) To provide inservice health training for school personnel.

(e) To cooperate with public health personnel in counseling *students* ~~pupils~~ and parents in matters regarding health programs and practices.

(f) To examine each public school child, at the proper age, for scoliosis.

(6) Nonpublic school may request to participate in the school health services program. Nonpublic schools voluntarily participating in the school health services program shall comply with paragraphs (b)-(e) of subsection (5).

(7) At the beginning of each school year, parents or guardians will be requested to provide their written permission for medical or physical examination, screening, and treatment. Any

child shall be exempt from medical or physical examination, screening, and treatment if his parent or guardian does not provide such permission. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.

(8) School health services shall be implemented in annual increments so that all children will be served ~~by 1979~~. Expenditures for school health services shall be accounted for by county in accordance with standards established by the Department of Health and Rehabilitative Services or as provided for by law. ~~Implementation shall commence January 1, 1975, upon completion of the plan required by s. 8, ch. 74-356. There is hereby designated from the moneys appropriated to the Department of Health and Rehabilitative Services for fiscal year 1974-1975 the amount of $50,000 for planning and evaluation for the purpose of carrying out this section.~~

(9) In the absence of negligence, no person shall be liable for any injury caused by an act or omission in the administration of school health services.

Section 16. This act shall take effect July 1, 1979, except that sections 7, 8, 9, 10, 11, 12, and 13 shall take effect July 1, 1980.

Conference Committee Amendment 2—On page 2 in title, line 2, strike Everything before the enacting clause and insert: A bill to be entitled An act relating to education; creating s. 230.2312, Florida Statutes providing for the Florida Primary Education Program or an approved alternative; establishing preventative, enrichment, and developmental individual and instructional strategies; providing for educational and health screening and assessment of students; providing dismissal criteria; providing for primary specialists and staff development programs; providing a procedure for funding of the program; authorizing the use of funds for parent involvement; providing for reporting; providing for district plans for primary education programs; creating the Primary Education Council; adding a new paragraph (d) to s. 229.565(2), Florida Statutes, 1978 Supplement, to require evaluation of the program; amending s. 230.2311 (5), Florida Statutes, to provide for school board consultation with teacher education centers in developing certain inservice training programs; amending s. 236.013(2)(c), Florida Statutes, to allow membership for students receiving preventative instructional strategies for more than 180 school days; amending s. 237.34(3)(a) and (b), Florida Statutes, 1978 Supplement, revising expenditure requirements for kindergarten through grade 3 programs; authorizing the expenditure of specified funds for inservice training; amending s. 228.051(1), Florida Statutes; deleting obsolete language; amending s. 232.01, Florida Statutes; providing ages for compulsory school attendance; prohibiting the admission or promotion to the first grade until kindergarten is satisfactorily completed; establishing conditions relating to the entry age for first grade; deleting provision that makes certain exceptional children eligible for certain services; amending s. 232.03, Florida Statutes; requiring evidence of date of birth before admission to kindergarten; amending s. 232.032(2), Florida Statutes; requiring each district school board and the governing authority of each nonpublic school to require each child who is entitled to admittance to kindergarten to present a certificate of immunization against communicable diseases; amending s. 232.04, Florida Statutes; establishing the entry age for kindergartens; allowing early entry based on readiness criteria established by each district school board; authorizing district school boards to require each child to satisfactorily complete kindergarten as a condition of admission or promotion to the first grade prior to July 1, 1982; repealing s. 232.031, Florida Statutes; relating to the health certificate requirement for admission to kindergarten or first grade; repealing ss. 232.06(2) and 232.09(5), Florida Statutes; relating to the issuance of a distance exemption excusing compulsory school attendance; amending s. 233.057, Florida Statutes; providing for reading resource specialists; amending s. 402.32, Florida Statutes, 1978 Supplement; deleting restriction of certain school health services to indigent children; requiring parent reports; protecting from liability under certain circumstances; providing an effective date.

The Conference Committee Report was read and on motion by Senator Maxwell, was adopted. CS for HB 1036 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Carlucci	Henderson	Myers	Trask
Chamberlin	Hill	Neal	Vogt
Childers, D.	Holloway	Peterson	Williamson
Dunn	Jenne	Poole	Winn
Fechtel	Johnston	Scarborough	
Frank	MacKay	Scott	
Gordon	Maxwell	Spicola	

Nays—None

SPECIAL ORDER, continued

HB 1654—A bill to be entitled An act relating to the Administrative Procedure Act; creating s. 120.571, Florida Statutes; providing for the issuance of a final order rather than a recommended order by the hearing officer with respect to certain proceedings; providing an effective date.

—was read the second time by title.

Senators Thomas and Neal offered the following amendment which was moved by Senator Neal and adopted:

Amendment 1—On page 1, strike all of lines 24-26.

On motion by Senator Don Childers, by two-thirds vote HB 1654 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Maxwell	Spicola
Anderson	Grizzle	McClain	Steinberg
Barron	Hair	McKnight	Stuart
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Ware
Childers, D.	Holloway	Poole	Williamson
Childers, W. D.	Jenne	Scarborough	Winn
Dunn	Johnston	Scott	
Frank	MacKay	Skinner	

Nays—None

SB 934—A bill to be entitled An act relating to traffic control; adding s. 316.003(67), Florida Statutes; defining "chief administrative officer"; amending s. 316.650, Florida Statutes; requiring the Department of Highway Safety and Motor Vehicles to supply each traffic enforcement agency an appropriate form traffic citation and specifying requirements of such citations; requires courts, enforcement agencies, and the department to be jointly accountable for such citations; requires the chief administrative officer to transmit the department record copy of a citation to the department and to the courts having jurisdiction; providing procedures for using such citations; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote SB 934 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Hair	Myers	Steinberg
Barron	Hill	Neal	Stuart
Chamberlin	Jenne	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Childers, W. D.	MacKay	Scarborough	Vogt
Fechtel	Maxwell	Scott	Williamson
Frank	McClain	Skinner	Winn
Grizzle	McKnight	Spicola	

Nays—None

Votes after roll call:

Yea—Carlucci, Dunn, Gorman, Holloway

HB 229—A bill to be entitled An act relating to the Solicitation of Charitable Funds Act; adding subsection (3) to s. 496.04, Florida Statutes, 1978 Supplement, exempting certain scholarship funds from the registration fee provision of the act; providing an effective date.

—was read the first time by title and HB 229 was laid on the table.

On motions by Senator Scott, by two-thirds vote HB 229 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Anderson	Grizzle	McClain	Tobiassen
Barron	Hair	McKnight	Trask
Chamberlin	Henderson	Myers	Vogt
Childers, D.	Hill	Peterson	Williamson
Childers, W. D.	Holloway	Scott	Winn
Frank	Jenne	Skinner	
Gorman	MacKay	Spicola	

Nays—1

Neal

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

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 accepted the Conference Committee Report as an entirety and passed CS for HB 1689 as amended by the Conference Committee Report.

Allen Morris, Clerk

CONFERENCE COMMITTEE REPORT ON CS FOR HB 1689

The Honorable Philip D. Lewis
President of the Senate May 31, 1979

The Honorable J. Hyatt Brown
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS/HB 1689, same being:

A bill to be entitled An act relating to education; creating chapter 248, Florida Statutes, consisting of ss. 248.011-248.154, Florida Statutes, consolidating postsecondary education provisions; specifying purpose and mission; providing for the composition of the State University System; providing for differentiated missions; providing for additional appropriations to the Board of Regents; providing for deposit of certain funds; providing for applicability of certain sections; providing for additional compensation for university employees; providing for transfer of certain funds; creating a Board of Regents to be responsible for coordinating the individually governed universities; providing powers and duties; creating university boards of trustees to adopt policies governing the operation of the universities; providing powers and duties; providing that both may defray civil action costs for members; providing that university boards of trustees may secure liability insurance, and shall govern student admissions, establish and collect fees, certify direct-support organizations, invest funds, collect delinquent accounts, adopt disciplinary rules, maintain student records, issue Associate of Arts degrees, create divisions of sponsored research, provide procedures relating to faculty, eliminate sexual discrimination in granting faculty salaries, regulate traffic, and provide for police officers; providing for funding of the State University System to include enrollment planning, categorical and matching programs, cost estimating, and quality improvement funds; defining the State Community College System; creating the State Community College Coordinating Board; providing powers and duties; creating community college boards of trustees; providing such boards with powers similar to university boards of trustees; providing for admissions of students; providing for community college funding; providing for articulation and acceleration mechanisms; providing for postsecondary consortiums; creating the State Tuition Voucher Fund to aid students attending certain independent colleges; providing for scholarships and financial aid; retaining miscellaneous provisions; transferring various sections to conform to the act; renumbering and amending ss. 240.191, 240.221(1), 240.181, 240.182, 240.103(1) and (2), 239.77, 239.78, 241.621, 241.73, 241.731, 241.735, 239.53(1), 239.54, 239.56(1) and (2), 239.58(1), (4) and (6), 230.7535, 230.754(2), 230.755, 230.7601, 230.763, 230.7651, 230.767, 230.-771(1), 230.776, 239.47(6), 239.684(1) and (2), 239.685(4), 239.705(1), 239.71, 239.735, 239.74, 239.745, 239.755, 239.76, 240.031(1), 239.65(1), 239.665, 241.13, 241.471, 240.141(2)(d), and 240.0421, Florida Statutes, ss. 239.671 and 239.72(2) and (3), Florida Statutes, 1978 Supplement, and repealing ss. 241.478(4), 230.753(2)(a) and 240.031(2), Florida Statutes, all to conform to the act; amending s. 20.15(3), (4)(c), (5), and (6), Florida Statutes, and repealing subsection (7) thereof, and amending ss. 112.3145(1)(a), 201.08(3), 216.031(1), 216.311(1), 229.512(1) and (12), 231.609(2), 233.0671(3), 235.02, 235.055(1), 235.149, 235.15, 235.155, 235.16, 235.18, 235.19(1), 235.42(10), 243.141, 243.151, 284.34, and 650.03(5), Florida Statutes, and ss. 229.561(2)(a), 235.195(1) 235.435 and 283.26(1), Florida Statutes, 1978 Supplement, to conform to the act; amending s. 447.203(2), Florida Statutes, allowing employees of the State University System to be removed from the Board of Regents collective bargaining unit; creating s. 229.054, Florida Statutes, providing responsibilities of the State Board of Education; repealing various sections in chapters 230, 239, 240, and 241, Florida Statutes; providing for conditional repeal; creating the Florida Endowment Trust Fund for Eminent Scholars Act; providing for establishment of a Trust Fund for Eminent Scholars to be administered by the associated foundation at each university; providing for challenge grants to the state universities from the fund to be matched on a one-to-one basis by donations collected by the foundation at each university; providing for reallocation of unmatched grant moneys; providing for establishment of endowed chairs; providing for selection of holders of such chairs; providing an appropriation; appropriating specified amounts for public education facility capital outlay projects for fiscal years 1979-1980 and 1980-1981; providing effective dates.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate do recede from Senate Amendments to Committee Substitute for House Bill 1689.

2. That the House and Senate adopt the Conference Committee Amendments to Committee Substitute for House Bill 1689 attached hereto and by reference made part of this report.

3. That the House and Senate pass Committee Substitute for House Bill 1689, as passed by the House, and as amended by said Conference Committee Amendments.

The following statement is submitted in explanation of the effect of the action agreed upon and recommended in this report:

1. Would create new Chapter 248, Florida Statutes, entitled Postsecondary Education; drawing together existing statutes relating to postsecondary education matters.

2. Would establish a Joint Commission on Postsecondary Education to undertake a comprehensive study of postsecondary education, including universities, community colleges, and vocational technical education.

3. Would retain Board of Regents as currently constituted and would state powers and duties of the Board including limited exemptions from certain statutes pertaining to the Department of Administration and the Department of General Services.

4. Would specify powers and duties to be administered by each university, recognizing the president as the chief administrative officer of a university.

5. Concerning university system funding, program cost data as well as enrollments would be provided as the basis for appropriation and allocation of funds; "corridor" funding concept included; distribution methodology of quality improvement funds outlined.

6. Would establish State Community College Coordinating Board to exercise responsibility for statewide leadership in overseeing and coordinating the individually governed public community colleges; would provide for appointment of members; powers and duties.

7. Community college boards of trustees' powers and duties would be clarified and amended to include traffic, copyrights, patents, trademarks, personnel; provides guidelines for admission and minimum standards.

8. Concerning community college system funding, funding categories would be established (previously done through proviso), enrollment planning would be required, "corridor" funding concept would be established.

9. Would recognize in statute articulation and acceleration mechanisms including use of CLEP testing and consortium arrangements.

10. Would provide for tuition assistance to graduates of Florida's high schools attending certain private postsecondary institution in Florida under certain conditions, subject to legislative appropriation.

11. Would conform miscellaneous provisions of Florida Statutes relating to postsecondary education to reflect clarification of universities' powers and duties.

12. Would amend Chapter 447 to provide that eligible faculty at any university may elect to be represented or not represented in collective negotiations by the systemwide bargaining agent.

13. Outdated and extraneous existing statutes would be repealed and applicable sections of law relating to postsecondary education transferred into new Chapter 248, Florida Statutes.

14. Eminent scholars program would be established to provide matching challenge grants to universities to assist in raising private funds.

15. An effective date of July 1, 1979 would be established.

Kenneth H. MacKay, Jr.	*Beverly B. Burnsed*
Jack D. Gordon (dissenting)	*Samuel P. Bell, III*
Curtis Peterson	*Richard S. Hodes*
Clark Maxwell, Jr.	*Herbert F. Morgan*
John T. Ware	*Steve Pajcic*
	Dennis Jones, Alternate
Managers on the part of the Senate	Managers on the part of the House

Conference Committee Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Chapter 248, Florida Statutes, consisting of sections 248.011 through 248.154, Florida Statutes, is hereby created:

PART I

POSTSECONDARY EDUCATION
PURPOSE-GENERAL PROVISIONS

Section 2. Section 248.011, Florida Statutes, is created to read:

248.011 Statement of purpose and mission.—

(1) The Legislature finds it in the public interest to provide a system of higher education which is of the highest possible quality which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional, graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.

(2) The mission of the state system of postsecondary education is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

Section 3. Section 248.013, Florida Statutes, is created to read:

248.013 State University System defined.—The State University System shall consist of the following:

(1) The Board of Regents of the Division of Universities of the Department of Education, with a central office located in Leon County.

(2) The University of Florida, with a main campus located in Alachua County.

(3) The Florida State University, with a main campus located in Leon County.

(4) The Florida Agricultural and Mechanical University, with a main campus located in Leon County.

(5) The University of South Florida, with a main campus located in Hillsborough County.

(6) The Florida Atlantic University, with a main campus located in Palm Beach County.

(7) The University of West Florida, with a main campus located in Escambia County.

(8) The University of Central Florida, with a main campus located in Orange County.

(9) The University of North Florida, with a main campus located in Duval County.

(10) The Florida International University, with a main campus located in Dade County.

Section 4.

Joint Commission on Postsecondary Education.—

(1) There is hereby established a Joint Legislative and Executive Commission on Postsecondary Education to be composed of five members of the House of Representatives appointed by the Speaker of the House, five members of the Florida Senate appointed by the President of the Senate, twelve members to be appointed by the Governor, and the Commissioner of Education shall serve as ex officio member.

(2) The Commission shall meet initially upon the call of the Governor, who shall designate a chairman. The Commission shall elect such officers from among its members as it deems necessary.

(3) The Commission created by this act may contract for study of the matters outlined in subsection (4). Any contract let for such study shall be with a nationally prominent agency, institute, individual or corporation recognized for expertise in postsecondary education. In order to expedite the work of the Commission, the Governor may initiate such contracts prior to the time at which the Commission is organized.

(4) The study shall have as its overall objective the improvement of the quality and efficiency of postsecondary education. The areas which the Commission and the consultants shall address in their study shall include, but not be limited to, the following:

(a) Governance;

(b) Organization, including the position of the Chancellor in relation to the Board of Regents and the several presidents of the State University System.

(c) Facilities;

(d) Program review and program approval;

(e) Coordination of programs and institutions;

(f) Enrollment patterns and enrollment projection techniques;

(g) Finance, including a review of the current funding methods for the various levels of postsecondary education, and including recommended alternative methods of funding and allocating resources;

(h) The relationship of student fees to the total cost of postsecondary education, the proper uses of student fee revenues, and the relationship between the level of student financial aid and student fees;

(i) Management information systems;

(j) The role of the independent sector;

(k) The role of the postsecondary education in assisting Florida's economic development;

(l) The current level of quality in Florida's postsecondary educational institutions and the ways in which the current system may be enhanced in a cost-effective manner.

(5) The Commission shall prepare and submit its report and recommendations to the Governor and Legislature by March 1, 1980, and at that time the Commission shall be abolished.

(6) Members of the Commission shall be entitled to reimbursement for per diem and travel expenses incurred in carrying out their responsibilities under this act according to the provisions of s. 112.061, Florida Statutes, and are authorized to use the services of the staffs of the House of Representatives, the Senate, and the Office of the Governor, in carrying out their responsibilities.

PART II

BOARD OF REGENTS

Section 5. Section 248.018, Florida Statutes, is created to read:

248.018 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory thereof, and shall:

(1) Have a corporate seal.

(2) Elect a corporate secretary.

(3) Have and employ a staff attorney and other authorized personnel.

(4) Have power to contract and be contracted with, to sue and be sued and to plead and be impleaded in all courts of law and equity.

(5) Receive donations.

(6) Make purchases of real and personal property and contract for the sale and disposal of same; but the title to all real property however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it.

Section 6. Section 240.011, Florida Statutes, is renumbered as section 248.019, Florida Statutes, and amended to read:

248.019 ~~240.011~~ Board of Regents; appointment of members; qualifications and terms of office of members, etc.—

(1) The Board of Regents shall consist of 10 citizens of this state selected from the state at large, representative of the geographical areas of the state, who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment, one of whom shall be a member registered as a full-time student in the State University System *and who shall have been a resident of Florida for at least 5 years prior to appointment in lieu of the 10 years required of other members*, and who shall be appointed by the Governor, approved by three members of the cabinet, and confirmed by the Senate; however, no appointee shall take office until after his appointment has been approved by three members of the cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. Their terms of office shall be 9 years, except for the full-time student member, who shall serve for 1 year, and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. ~~However,~~ No member shall be selected from any county to serve with any other member from the same county, *with the exception of the student member who shall be selected at large.* The Governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur therein. ~~The terms of the initial membership of the Board of Regents shall be as follows: One member shall be appointed for 1 year beginning January 1, 1965; one member shall be appointed for 2 years beginning January 1, 1965; one member shall be appointed for 3 years beginning January 1, 1965; one member shall be appointed for 4 years beginning January 1, 1965; one member shall be appointed for 5 years beginning January 1, 1965; one member shall be appointed for 6 years beginning January 1, 1965; one member shall be appointed for 7 years beginning January 1, 1965; one member shall be appointed for 8 years beginning January 1, 1965; one member shall be appointed for 9 years beginning January 1, 1965.~~

(2) Members may be removed for cause at any time upon the concurrence of a majority of the members of the State Board of Education.

Section 7. Section 248.021, Florida Statutes, is created to read:

248.021 Board of Regents; powers and duties.—

(1) The Board of Regents is primarily responsible for the adoption of systemwide rules and policies, planning for the future needs of the State University System, planning the programmatic, financial and physical development of the system, reviewing and evaluating the instructional, research and service programs at the universities, coordinating program development among the universities and monitoring the fiscal performance of the universities.

(2) The Board of Regents shall appoint a chancellor to serve at its pleasure who shall perform such duties as assigned to him by the board. The board shall fix the compensation for the chancellor and for all other professional, administrative, and clerical employees necessary to assist the board and the chancellor in the performance of their duties. The chancellor shall be the chief administrative officer of the board, and shall be responsible for appointing all employees and staff members of the board who shall serve under his direction and control. The chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor, up to the point of transmitting a list of nominees to the Board of Regents, shall be exempt from the provisions of s. 286.011 and Chapter 119.

(3) The board shall:

(a) Appoint a search committee from representative groups including students for the purpose of making recommendations for the selection of a university president. The search committee shall provide not less than three names to the Board of Regents of those persons deemed most capable to serve. The activities of the search committee, up to the point of transmitting the list of nominees to the Board of Regents, shall be exempted from the provisions of s. 286.011 and Chapter 119. The Board of Regents shall select and appoint a president of each university drawn from the list of three nominees submitted to the Board of Regents by the search committee. The Board of Regents shall determine the compensation and other conditions of employment for each president.

(b) Approve new degree programs for all state universities. In so doing, the board shall be mindful of the differentiated missions of the several universities. New colleges, schools or functional equivalents of any program leading to a degree which is offered as a credential for a specific license granted under Florida Statutes or the State Constitution shall not be established without the specific approval of the Legislature.

(c) Review the legislative budget requests, including fixed capital outlay requests, from each university and, subject to provisions of applicable law, present an aggregated budget for the State University System with recommendations for modifications to each university's budget request. The board shall provide to the individual universities fiscal policy guidelines, formats, and instructions for each budget request, developed in accordance with chapter 216 and s. 235.41.

(d) Establish and maintain a systemwide personnel classification and pay plan.

(e) Submit to the Legislature for approval all new fees and modifications of existing fees established by law, including but

not limited to, matriculation fees, Capital Improvement Trust Fund fees, student financial aid fees, building fees, out-of-state tuition fees, and other fees as may become necessary or desirable.

(f) Terminate programs at the state universities pursuant to findings of reviews and evaluations of instructional, research and service programs at the universities.

(g) On or before October 1, 1979, and after consultation with the university presidents, adopt a systemwide master plan which specifies goals and objectives for the State University System and a master plan for each of the universities defining the particular contributions each university will make toward the achievement of these goals and objectives. In developing these plans, the board shall consider the roll of individual public and independent institutions within the state. The systemwide master plan shall identify service areas for purposes of continuing education and extension programs, except that the service area of the comprehensive graduate research and service universities shall be statewide in scope. The university master plan shall identify degree programs to be offered at each university in accordance with the objectives provided herein and translate general systemwide guidelines into specific goals and objectives for the universities. Plans shall also include recommendations regarding the upper division concept. The systemwide master plan and university master plans shall provide projections for the State University System for a period of 5 years with modification biennially. The systemwide master plan and the university master plans shall be consistent with the defined mission of each university. The Board of Regents shall submit a report to the Speaker of the House of Representatives and the President of the Senate upon modification of the system plan or any university plan.

(h) Seek the cooperation and advice of the officers and trustees of both public and private institutions of higher education in the state in performing its duties and making its plans, studies and recommendations.

(i) Contract with accredited independent institutions in Florida for the provision of those educational programs and facilities which will serve to meet the needs unfulfilled by the State University System.

(j) Coordinate and provide for educational television in the State University System.

(k) Adopt such rules as are necessary to carry out its duties and responsibilities.

(l) Establish and maintain an effective information system which will provide composite data about the university system and assure that special analyses and studies of the universities are conducted, as necessary, for provision of accurate and cost effective information about the universities and about the system as a whole.

(m) Any powers not specifically delegated to the universities by this act shall be retained by the Board of Regents unless further delegated by action of the board.

Section 8. Section 240.191, Florida Statutes, is renumbered as section 248.022, Florida Statutes, and subsections (1) and (5) thereof are amended to read:

248.022 ~~240.191~~ Board authorized to secure liability insurance.—

(1) The Board of Regents is authorized to secure, or otherwise provide as a self-insurer, or combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

(a) The board.

(b) The students and faculty of any university within the State University System.

(c) The officers, employees, or agents of the board.

(d) The professional practitioners practicing a profession within, or by virtue of employment by, any university in the State University System.

(e) Any of the *universities* ~~institutions~~ *in the State University System or subdivisions thereof* ~~under the board's management, control, or supervision or any subdivision of such institutions~~.

The Board of Regents is authorized to delegate to the universities, as appropriate, the authority to secure any liability insurance for the above.

(5) The Board of Regents is authorized and empowered to make such rules ~~and regulations~~ as may be necessary to carry out the provisions of this section, including the *delegation of* ~~[delegation of]~~ authority, other than rulemaking authority, to appropriate levels of administration within the State University System.

Section 9. Section 240.221, Florida Statutes, is renumbered as section 248.023, Florida Statutes, and subsection (1) thereof is amended to read:

248.023 ~~240.221~~ Payment of costs of civil action against ~~officers or~~ employees *or members of the Board of Regents* ~~of university system~~.—

(1) Whenever any civil action has been brought against any ~~officer or~~ employee *or*~~,~~ ~~including~~ board *member* ~~members, in the state university system~~ for any act or omission arising out of and in the course of the performance of his duties and responsibilities, the Board of Regents may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his duties and responsibilities. Claims based on such actions or omissions may, in the discretion of the Board of Regents, be settled prior to or after the filing of suit thereon. The Board of Regents may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.

Section 10. Sections 240.161, 240.171, and 241.63 Florida Statutes, are hereby transferred and renumbered as sections 248.0235, 248.024, 248.0245, Florida Statutes.

Section 11. Section 240.082, Florida Statutes is hereby transferred and renumbered as section 248.0247, Florida Statutes.

Section 12. Section 240.095, Florida Statutes is hereby transferred and renumbered as section 248.0249, Florida Statutes.

Section 13. Section 248.025, Florida Statutes, is created to read:

248.025 Applicability of certain sections.—The Department of General Services shall by rule provide for delegation to the State University System of the functions and duties in the following sections of Florida Statutes: ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, 273.04, 273.05, 273.055, part I of chapter 287 except s. 287.055, and part II of chapter 287: No additional positions shall be authorized for the State University System to implement the provisions of this section.

Section 14. Section 248.0255, Florida Statutes, is created to read:

248.0255 Compensation for university employees.—Notwithstanding provisions of s. 216.262(1)(d), the presidents of the several universities are authorized to approve additional compensation for university employees as provided by rules adopted by the Board of Regents; provided that an annual report of such actions be made to the President of the Senate and the Speaker of the House of Representatives.

Section 15. Section 248.0257 Florida Statutes, is created to read:

248.0257 Transfer of funds.—Notwithstanding the limitations of s. 216.292(2)(a), the State University System is authorized to transfer up to 15 percent from salaries to other personal services, provided that an annual report of such actions be made to the President of the Senate and the Speaker of the House of Representatives.

PART III

UNIVERSITIES

Section 16. Section 248.026, Florida Statutes, is created to read:

248.026 Universities; powers and duties.—Effective July 1, 1979 each university shall have the power and duty to:

(1) Develop and adopt rules governing the operation and administration of the university. Such rules shall be consistent with the mission of the university and statewide rules and policies and shall assist in the development of the university in a manner which will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state. The president is the chief administrative officer of the university and is responsible for the operation and administration of the university.

(2) Prepare a legislative budget request to be transmitted to the Board of Regents and the legislature and to be presented by the president to the Board of Regents. Such request shall be prepared in accordance with the fiscal policy guidelines, formats and instructions for analysis as prescribed by the Board of Regents in accordance with chapter 216 and s. 235.41.

(3) Develop an operating budget.

(4) Conduct biennially a space utilization study to support the university budget request for capital outlay.

(5) Appoint, remove and reassign vice-presidents, academic deans, and other policy-level positions reporting directly to the president. The president shall appoint and be responsible for all other personnel.

(6) Provide for the compensation and other conditions of employment for university personnel who are exempt from Chapter 110.

(7) Maintain all data and information pertaining to the operation of the university.

(8) Carry out periodic reviews of the operations of the university in order to determine whether the rules and policies of the university system are being followed and to determine how effectively and efficiently the university is being administered.

(9) Govern admissions subject to minimum standards adopted by the Board of Regents and as provided in s. 248.028.

(10) Permit permanent full-time employees who have been employed for at least 6 months in the State University System and who meet requirements set by the board, to enroll for credit in on-campus instruction to a maximum of six credits per quarter without payment of the registration fee.

(11) Develop a program of continuing education within the university service area where there is a demonstrated and justified need. The university is authorized to cooperate with any public utility, any other governmental entity or private individual, or any type of profit or nonprofit legal entity in connection with the establishment and operation of such a continuing education program, including the acceptance of money and other things of value.

(12) Provide and coordinate credit and noncredit extension courses in all fields which the university considers necessary to improve and maintain the educational standards of the university service area.

(13) Make rules necessary for the establishment and maintenance of a personnel exchange program, by which persons employed within the university as instructional and research faculty and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry. The salary and benefits of State University System and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry, shall be paid by the originating employers of those participants. The duties and responsibilities of a person participating in the exchange program shall be the same as those of the person he replaces.

(14) Provide for recognition of employees who have contributed outstanding and meritorious service in their fields and adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing expenditures of the university or improving operations of the university. The university is authorized to expend funds for such recognition and awards. No award granted under the provisions of this paragraph shall exceed $2,000 or 10 percent of the first year's gross savings, whichever is greater.

(15) Approve and execute contracts for goods, equipment, and services to be rendered to the university provided such contracts are made pursuant to the provisions of Chapter 287, Florida Statutes, as applicable, are for the implementation of approved programs of the university, and do not require expenditures in excess of $500,000.

(16) Approve and execute contracts for the delivery by the university of educational services, provided that no one contract requires an expenditure in excess of $25,000.

(17) Manage the property and financial resources of the university pursuant to section 248.025.

(18) Establish the internal academic calendar of the university within general guidelines of the Board of Regents.

(19) Administer the university's program of intercollegiate athletics.

(20) Recommend to the Board of Regents the establishment and termination of degree programs within the approved role and scope of the university.

(21) Award degrees.

(22) Supervise all construction contracts.

(23) Administer the university classification and pay plan and any applicable collective bargaining contracts under the supervision of the Board of Regents.

(24) Recommend to the Board of Regents any fees applicable to the university and not otherwise prescribed by law.

(25) Enforce the collection of all delinquent accounts and otherwise settle delinquent accounts of under $1,000.

(26) Organize the university to efficiently and effectively achieve the goals of the university, provided, however, that any reorganization which increases the number of administrators or their level of compensation shall be reviewed and approved by the Board of Regents.

(27) Review periodically the operations of the university in order to determine whether the rules and policies of the Board of Regents and the universities are being followed and to determine how effectively and efficiently the university is being administered.

(28) Otherwise provide for the effective operation of the university in the achievement of the goals established for it in the master plan adopted by the Board of Regents.

Section 17. Section 248.027, Florida Statutes, is created to read:

248.027 Universities; payment of costs of civil action.—The university may defray all costs of defending any civil action brought against any officer or employee of the university for any act or omission arising out of and in the course of the performance of his duties and responsibilities. These costs may include reasonable attorney's fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his duties and responsibilities. Claims based on such actions or omissions may be settled prior to or after the filing of suit thereon. The university may arrange for and pay the premium for appropriate insurance to cover all such losses

and expenses. The university may use funds available to the the university system, not subject to the obligation of contract, covenant, or trust, to carry out the purposes of this section in the amount necessary. Failure by the university to perform any act authorized by this paragraph shall not constitute a cause of action against the university, its members, officers, or employees.

Section 18. Section 248.028, Florida Statutes, is created to read:

248.028 Universities; admissions of students.—The university shall govern admissions of students, subject to minimum standards adopted by the Board of Regents.

(1) Each university shall develop academic standards for admission to the university. These standards shall include the requirement that no person shall be admitted, enrolled, or matriculated who has not received a high school diploma or its equivalent, except as provided in s. 248.098(3).

(2) Nonresident students may be admitted to the university upon such terms as the university may establish.

(3) Consideration shall be given to the past actions of any person applying for admission as a student to any state university, either as a new applicant, an applicant for continuation of studies, or a transfer student, when such actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college.

(4) In any application for admission by students as citizens of the state, the applicant, if 18 years of age, or if a minor, his parents or guardian, shall make and file, with such application, a written statement under oath that such applicant is a citizen and resident of the state and entitled, as such, to admission upon the terms and conditions prescribed for citizens and residents of the state.

(5) Rules of the Board of Regents, when approved by the State Board of Education, may require the use of scores on tests of college-level communication and computation skills provided in s. 229.551 as a condition of eligibility for consideration for admission to upper division instructional programs of students from community colleges, including those who have been awarded associate degrees, provided that such requirement extends to students enrolled in lower divisions in the State University System and to transfers from other colleges and universities and provided, further, that any cutoff scores required for eligibility for consideration relate to successful student performance in programs to which the scores apply and are filed with the Articulation Coordinating Committee.

Section 19. Section 248.029, Florida Statutes, is created to read:

248.029 Fees.—

(1) The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the university and shall be expended for lawful purposes to benefit the student body in general. This shall include, but not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund shall not benefit activities for which an admission fee is charged to students, except for intercollegiate athletics. The allocation and expenditure of the fund shall be determined by the student government association of the university, except that the president of the university may veto any line item or portion thereof within the budget as determined by the student government association legislative body. The president of the university may reallocate the funds to the health service, intercollegiate athletics, or current bond obligations. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(2) The university may permit the deferral of registration and tuition fees for those students receiving financial aid from federal or state assistance programs, when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. Failure to make timely application for such aid shall be insufficient reason to receive such deferral.

(a) Veterans and other eligible students receiving benefits under chapter 32, chapter 34, or chapter 35, 38 U.S.C., shall be entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of their benefits.

(b) The university is required to enforce the collection of or otherwise settle delinquent accounts.

(3) Any dependent child of a special risk member as defined in s. 121.021(15) shall be entitled to a full waiver of undergraduate fees if the special risk member was killed in the line of duty. This waiver shall apply until the child's 25th birthday. To qualify for this waiver, the child shall be required to meet regular admission requirements.

Section 20. Section 240.181, Florida Statutes, is hereby transferred and renumbered as section 248.031, Florida Statutes.

Section 21. Section 240.182, Florida Statutes, is hereby transferred and renumbered as section 248.032, Florida Statutes.

Section 22. Section 248.033, Florida Statutes, is created to read:

248.033 Investment of university agency and activity funds; earnings used for scholarships.—The university is authorized to invest available agency and activity funds and to use the earnings from such investments for student scholarships and loans. The university shall provide procedures for the administration of these scholarships and loans by rules.

Section 23. Section 248.034, Florida Statutes, is created to read:

248.034 Universities; other powers.—Any other law to the contrary notwithstanding, the university is authorized, in its own name, to:

(1) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and to enforce its rights therein.

(2) License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis or for such other consideration as said university shall deem proper.

(3) Take any action necessary, including legal action, to protect the same against improper or unlawful use or infringement.

(4) Enforce the collection of any sums due said university for the manufacture or use thereof by any other party.

(5) Sell any of the same and to execute all instruments necessary to consummate any such sale.

(6) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon said university. Any proceeds therefrom shall be deposited and expended in accordance with s. 248.041. Any action taken by the university in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported in writing by the president to the Department of State.

Section 24. Section 240.103, Florida Statutes, is renumbered as section 248.035, Florida Statutes, and subsections (1) and (2) thereof are amended to read:

248.035 ~~240.103~~ Delinquent accounts.—

(1) The *university* ~~Board of Regents~~ is directed to exert every effort to collect all delinquent accounts.

(2) The *university* ~~Board of Regents~~ is authorized to charge off *or* ~~[or]~~ to settle such accounts as may prove uncollectible.

Section 25. Section 248.036, Florida Statutes, is created to read:

248.036 Disciplinary rules.—

(1) The university may adopt, by rule, a uniform code of appropriate penalties for violations of rules by students and employees, to be administered by the president of each university. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts, pend-

ing compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(2) The university shall adopt rules for the lawful discipline of any student, faculty member, or member of the administrative staff who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of a state university. Said rules may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 26. Section 239.77, Florida Statutes, is renumbered as section 248.037, Florida Statutes, and amended to read:

248.037 ~~239.77~~ Student records.—~~Rules of~~ The *university* ~~Board of Regents~~ may prescribe the content and custody of records and reports which *the university* ~~an institution in the State University System~~ may maintain on its students. Such records shall be open to inspection only as provided in s. 228.093 or upon order of a court of competent jurisdiction.

Section 27. Section 239.78, Florida Statutes, is renumbered as section 248.038, Florida Statutes, and amended to read:

248.038 ~~239.78~~ Records of personnel.—~~Regulations of~~ The *university* ~~Board of Regents~~ may prescribe the content and custody of limited access records which *the university* ~~an institution in the State University System~~ may maintain on its employees. Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the *university* ~~institution~~ who are responsible for supervision of the employee. Except as required for use by the president in the discharge of his official responsibilities, the custodian of limited access employee records may release information from such records only upon authorization, in writing, from the employee or upon order of a court of competent jurisdiction.

Section 28. Section 241.478, Florida Statutes, is hereby transferred and renumbered as section 248.039, Florida Statutes, and subsection (4) thereof is hereby repealed.

Section 29. Section 241.621, Florida Statutes, is renumbered as section 248.041, Florida Statutes, and amended to read:

248.041 ~~241.621~~ Divisions of sponsored research at state universities.—

(1) The *university* ~~Board of Regents~~, with the approval of the Department of Education, is hereby authorized to create, as it deems advisable, ~~in the several institutions of the state university system,~~ divisions of sponsored research which will serve the function of administration and promotion of the programs of research, including sponsored training programs, of the *university* ~~institutions~~ at which they are located.

(2) The *university* ~~Board of Regents~~ shall set such policies to regulate the activities of the divisions of sponsored research as it may consider necessary to effectuate the purposes of this act and to administer the research programs ~~of the several institutions of the Florida university system~~ in a manner which assures efficiency and effectiveness, producing the maximum benefit for the educational programs and maximum service to the state.

(3) A division of sponsored research created under the provisions of this act shall be under the supervision of the president of that *university* ~~institution~~ who is hereby authorized~~, subject to the policies of the Board of Regents,~~ to appoint a director; to employ full-time and part-time staff, research personnel, and professional services; to employ on a part-time basis personnel of the *university* ~~institution~~; to employ temporary employees whose salaries are paid entirely from the permanent sponsored research development fund or in combination from that fund and other nonstate sources with such positions being exempt from the requirements of the Florida Statutes relating to salaries, provided that no such appointment shall be made for a total period of longer than 1 year.

(4) The president of the *university* ~~institution~~ where a division of sponsored research is created is hereby authorized~~, subject to the policies of the Board of Regents and acting in its behalf,~~ to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; to fix and collect fees, other payments and donations that may accrue by reason thereof.

(5) A division of sponsored research shall be financed from the moneys of *a university* ~~an institution~~ which are on deposit or received for use in the research or related programs of that particular *university* ~~institution~~. Such moneys shall be deposited by the *university* ~~institution~~ in a permanent sponsored research development fund in a depository or depositories approved for the deposit of state funds and shall be accounted for and disbursed subject to regular audit by the Auditor General.

(6) The fund balance on hand in any existing research trust fund in the respective *university* ~~institution~~, at the time a division of sponsored research is created, shall be transferred to a permanent sponsored research development fund established for the *university* ~~institution~~ and thereafter the fund balance of said sponsored research development fund at the end of any fiscal period may be used during any succeeding period for the purposes and in the manner authorized by this act.

(7) Moneys deposited in the permanent sponsored research development fund of *a university* ~~an institution~~ shall be disbursed in accordance with the terms of the contract, grant, or donation under which they are received. Moneys received for overhead or indirect costs and other moneys not required for the payment of direct costs shall be applied to the cost of operating the division of sponsored research. Any surplus moneys shall be used~~, subject to the policies of the Board of Regents,~~ to support other research programs in any area of the *university* ~~institution~~. Moneys allocated for the salaries of regular *university* ~~institutional~~ employees shall be transferred to the appropriate fund of *a university* ~~an institution~~ and shall be paid out by the State Comptroller in the same manner as salaries for other *university* ~~institutional~~ employees. Transportation and per diem expense allowances shall be the same as those provided by law for state employees in s. 112.061.

(8)*(a) Each university shall submit to the Board of Regents a report of the activities of each division of sponsored research together with an estimated budget for the next biennium.*

(b) Not less than 90 days prior to the convening of each regular session of the Legislature *in which an appropriation shall be made*, the Board of Regents shall submit to the chairman of the appropriations committee of each house of the Legislature a *compiled* ~~comprehensive~~ report ~~of the activities of each division of sponsored research at institutions under its supervision~~, together with *a compiled* ~~an~~ estimated budget for the next *biennium* ~~ensuing year~~. A copy of such report and *estimated* budget shall be furnished to the State Board of Education and to the Governor, as the chief budget officer of the state.

(9) All purchases of a division of sponsored research shall be made in accordance with the policies and procedures of the *university* ~~Board of Regents~~; provided, however, that in compliance with policies and procedures established by the *university* ~~Board of Regents~~ and concurred in by the Department of Education, whenever a director of sponsored research shall certify to the *president* ~~Board of Regents~~ that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project, the purchase of material, supplies, equipment or services for research purposes shall be exempt from the general purchasing requirement of the Florida Statutes.

(10) The *university* ~~Board of Regents~~ may authorize the construction, alteration, or remodeling of buildings when the funds used are derived entirely from the sponsored research development fund of *a university* ~~an institution~~ or in combination from that fund and other nonstate sources provided that such construction, alteration, or remodeling is for use exclusively in the area of research; it also may authorize the acquisition of real property when the cost is entirely from said funds. Title to all real property shall vest in the *Board of Trustees of the Internal Improvement Trust Fund* ~~State Board of Education~~ and shall only be transferred or conveyed by it.

(11) The sponsored research programs of the *Institute of Food and Agricultural Sciences* ~~agricultural experiment station~~ and the engineering and industrial experiment station ~~at the University of Florida~~ shall continue to be *centered at the University of Florida* ~~conducted~~ as heretofore provided by law ~~until such time as the Board of Regents shall determine that such programs shall be conducted as provided in this act.~~

(12) The operation of the divisions of sponsored research and the conduct of the sponsored research program are hereby expressly exempted from the provisions of any other laws or portions of laws in conflict herewith and are, subject to the requirements of subsection (9) ~~of this act~~, exempted from the provisions of chapters 215, 216, ~~282,~~ and 283 ~~and s. 240.141~~.

Section 30. Section 241.73, Florida Statutes, is renumbered as section 248.042, Florida Statutes, and amended to read:

248.042 ~~241.73~~ Required number of classroom teaching hours for university faculty members.—

(1) As used in this section:

(a) "State funds" means those funds appropriated annually from the General Revenue Fund and Incidental Trust Fund for institutional and research functions and, in the case of a health center, those funds appropriated from the General Revenue Fund and Operations and Maintenance Trust Fund for the same purposes.

(b) "Classroom contact hour" means a regularly scheduled 1-hour period of classroom activity in a course of instruction which has been approved by the *university* ~~Board of Regents~~.

(2) Each full-time equivalent teaching faculty member at *the university* ~~any institution under the supervision of the Board of Regents~~ who is paid wholly from state funds shall teach a minimum of 12 classroom contact hours per week at such *university* ~~an institution~~. However, any faculty member who is assigned by his departmental chairman or other appropriate university administrator professional responsibilities and duties in furtherance of the mission of the university shall teach a minimum number of classroom contact hours in proportion to 12 classroom hours per week as such especially assigned aforementioned duties and responsibilities bear to 12 classroom contact hours per week. Any full-time faculty member who is paid partly from state funds and partly from other funds or appropriations shall teach a minimum number of classroom contact hours in such proportion to 12 classroom contact hours per week as his salary paid from state funds bears to his total salary. In determining the appropriate hourly weighting of assigned duties other than classroom contact hours, the *universities* ~~Chancellor~~ shall develop~~,~~ and ~~the institution shall~~ apply~~,~~ a formula designed to equate the time required for nonclassroom duties with classroom contact hours. "Full-time equivalent teaching faculty member" shall be interpreted to mean all faculty personnel budgeted in the instruction and research portion of the budget, exclusive of those full-time equivalent positions assigned to research, public service, administrative duties, and academic advising. Full-time administrators, librarians, and counselors shall be exempt from the provisions of this section; and colleges of medicine and law and others which are required for purposes of accreditation to meet national standards prescribed by the American Medical Association, the American Bar Association, and other professional associations shall be exempt from the provisions of this section to the extent that the requirements of this section differ from the requirements of accreditation.

Section 31. Section 241.731, Florida Statutes, is renumbered as section 248.043, Florida Statutes, and amended to read:

248.043 ~~241.731~~ Evaluations of faculty members; report.—

(1) For the purpose of evaluating faculty members, *each university* ~~the Board of Regents~~ shall *adopt* ~~promulgate~~ procedures for the assignment of duties and responsibilities to faculty members. These assigned duties or responsibilities shall be conveyed to each faculty member at the beginning of each academic term, in writing, by his departmental chairman or other appropriate university administrator making the assignment. In evaluating the competencies of a faculty member, primary assessment shall be in terms of his performance of the assigned duties and responsibilities, and such evaluation shall be given adequate consideration for the purpose of salary adjustments, promotions, reemployment, and tenure. A faculty member who is assigned full-time teaching duties as provided by law shall be rewarded with salary adjustments, promotions, reemployment, or tenure for meritorious teaching and other scholarly activities related thereto.

(2) *Each university* ~~The Board of Regents~~ shall insure that the following policies are implemented ~~in each institution in the state university system~~:

(a) Flexible criteria for rewarding faculty members, consistent with the *university's* ~~institution's~~ educational goals and objectives, shall be established, which criteria shall include quality teaching as a major factor in determining salary adjustments, promotions, reemployment, or tenure.

(b) Measures shall be taken to increase the recognition, reinforcements, and rewards given quality teaching. Such measures might include grants for professional development, curriculum improvement, and instructional innovation, as well as awards of varying kinds for meritorius teaching.

(c) The means of identifying and evaluating quality teachers shall be determined ~~by each institution in the state university system~~ in accordance with established guidelines of the *university* ~~Board of Regents~~.

Section 32. Section 241.735, Florida Statutes, is renumbered as section 248.044, Florida Statutes, and amended to read:

248.044 ~~241.735~~ Salary discrimination based on sex; program to eradicate within certain faculty ranks.—

~~(1)~~ *Each university and the Board of Regents central office* ~~Universities of the Department of Education~~ is directed to undertake a program to eradicate discrimination on the basis of sex in the granting of salaries for the faculty ranks of professor, associate professor, assistant professor, and instructor.

~~(2) Each member university of the State University System shall determine, based upon salary inequality studies to be completed no later than December 1, 1976, and annually thereafter, which female faculty members shall receive increases under the provisions of this act and the amount of any such increases. All such increases shall be retroactive to September 15, 1976.~~

~~(3) On or before March 15, 1977, and annually thereafter, the Commissioner of Education shall report the results of completion of salary inequality studies at each state university to the Legislature, including in such report the individual amounts of salary increases at each state university.~~

Section 33. Section 239.53, Florida Statutes, is renumbered as section 248.045, Florida Statutes, and subsection (1) thereof is amended to read:

248.045 ~~239.53~~ Regulation of traffic at universities; definitions.—

(1) In construing ss. *248.045-248.051* ~~239.53-239.58~~:

(a) "Traffic," when used as a noun, shall mean the use or occupancy of, and the movement in, on, or over, streets, ways, walks, roads, alleys, and parking areas by vehicles, pedestrians, or ridden or herded animals.

(b) "Adjacent municipality" means a municipality which is contiguous or adjacent to, or which contains within its boundaries all or part of the grounds of, *a university* ~~an institution~~; except that if the grounds of *a university* ~~an institution~~ are not within or contiguous to a municipality, "adjacent municipality" shall mean the county seat of the county which contains within its boundaries all or part of the grounds of the *university* ~~institution~~.

(c) "Grounds" shall include all of the campus and grounds of the *university* ~~institution~~, whether it be the campus proper or outlying or noncontiguous land of the *university* ~~institution~~ within the county.

(d) "Law enforcement officer" shall include municipal police, patrolmen, and traffic officers, sheriffs, deputies, highway patrol officers, and county traffic officers, assigned to duty on the grounds of the *university* ~~institution~~, as well as campus police, traffic officers, guards, parking patrollers, and other noncommissioned personnel designated for traffic purposes by the *university* ~~Board of Regents~~.

(e) "University traffic infraction" means a noncriminal violation of university parking and traffic rules which is not included under s. 318.14 or s. 318.17 or any municipal ordinance, which is not punishable by incarceration, and for which there is no right to trial by jury or to court-appointed counsel.

(f) "Traffic authority" means an individual or a group of individuals at each *university* ~~institution~~, authorized and ap-

pointed by the *president* ~~head~~ of the *university* ~~individual institution~~ to adjudicate university traffic infractions.

~~(g) "Institution" means any university or agency under the jurisdiction of the Board of Regents.~~

Section 34. Section 239.54, Florida Statutes, is renumbered as section 248.046, Florida Statutes, and amended to read:

248.046 ~~239.54~~ Rules of *universities* ~~institutions~~; municipal ordinances.—Each *university* ~~institution~~ shall adopt rules which govern traffic on the grounds of that *university* ~~institution~~; which provide penalties for the infraction of such traffic rules; and which the *university* ~~institution~~ finds necessary, convenient, or advisable for the safety or welfare of the students, faculty members, or other persons. Copies of such rules shall be posted at the *university* ~~institution~~ on public bulletin boards where notices are customarily posted, filed with the city clerk or corresponding municipal or county officer, and made available to any person requesting same. When adopted, said rules shall be enforceable as herein provided. All ordinances of the adjacent municipality relating to traffic which are not in conflict or inconsistent with the traffic rules adopted by the individual *university* ~~institution~~ shall extend and be applicable to the grounds of the *university* ~~institution~~. The provisions of chapter 316 shall extend and be applicable to the grounds of the *university* ~~institution~~, and the rules adopted by the individual *university* ~~institution~~ shall not conflict with any section of that chapter.

Section 35. Section 239.55, Florida Statutes, is hereby transferred and renumbered as section 248.047, Florida Statutes.

Section 36. Section 239.56, Florida Statutes, is renumbered as section 248.048, Florida Statutes, and subsections (1) and (2) thereof are amended to read:

248.048 ~~239.56~~ Payment of fines; jurisdiction and procedures of university traffic authority; campus violation fines.—

(1) A person charged with a university traffic infraction shall elect the option prescribed in paragraph (a) or the option prescribed in paragraph (b). If neither option is exercised within the prescribed time by the person charged with a university traffic infraction, an additional fine or penalty may be assessed, and *shall be* ~~[shall be]~~ payable, in accordance with the rules of the *university* ~~institution~~.

(a) *The person charged may* ~~[The person charged may]~~ pay the applicable infraction fine, either by mail or in person, within the time period specified in the rules of the individual *university* ~~institution~~. A schedule of infraction fines applicable to each *university* ~~institution~~ shall be adopted by the *university* ~~individual institution~~.

(b) *The person charged may* ~~[The person charged may]~~ elect to appear before the university traffic authority for administrative determination pursuant to procedures enumerated in the rules of such *university* ~~institution~~.

(2) Each *university* ~~institution~~ is authorized to approve the establishment of a university traffic authority to hear violations of traffic rules. In such cases as come before the authority, the university traffic authority shall determine whether the person is guilty or not guilty of the charge. In the case of a finding of guilt, the authority shall, in its discretion, impose an appropriate penalty pursuant to s. *248.047* ~~239.55~~.

Section 37. Section 239.57, Florida Statutes, is hereby transferred and renumbered as section 248.049, Florida Statutes.

Section 38. Section 239.58, Florida Statutes, is renumbered as section 248.051, Florida Statutes, and subsections (1), (4), and (6) thereof are amended to read:

248.051 ~~239.58~~ University police officers.—

(1) *Each university* ~~The Board of Regents~~ is hereby empowered and directed to provide for police officers for *the university* ~~all institutions and agencies in the State University System~~, and said police officers shall hereafter be known and designated as the "university police."

(4) University police shall meet the minimum standards established by the *Police Standards and Training Commission and chapter 943* ~~[Police Standards and Training Commission and chapter 943]~~. Each police officer shall, before entering into the performance of his duties, take the oath of office as established by the *university* ~~Board of Regents~~, and the *university* ~~Board of Regents~~ shall enter into a good and sufficient bond on each officer, payable to the Governor and his successors in office, in the penal sum of $5,000 with a surety company authorized to do business in this state as surety thereon, conditioned on the faithful performance of the duties of said university police officer. The *university* ~~Board of Regents~~ shall provide a uniform set of identification credentials for each university police officer.

(6) The *university* ~~Board of Regents~~, in concurrence with the Florida Department of ~~Criminal~~ Law Enforcement, shall *adopt* ~~set up and promulgate~~ rules ~~and regulations~~, including, but not limited to, the appointment, employment, and removal of university police in accordance with the State Career System and, further, establish in writing a policy manual, including, but not limited to, routine and emergency law enforcement situations. A policy manual shall be furnished to each university police officer.

PART IV

FUNDING FOR STATE UNIVERSITY SYSTEM

Section 39. Section 248.052, Florida Statutes, is created to read:

248.052 State University System; funding.—

(1) Planned enrollments for each university as accepted or modified by the Legislature and program cost categories shall be the basis for the allocation of appropriated funds to the universities.

(2) In addition to enrollment based appropriations, categorical programs shall be established in the State University System which are not directly related to student enrollment. Such programs shall be based upon the assigned missions of the institutions and shall include, but not be limited to, research and public service programs. Appropriations by the Legislature and allocations by the board shall be based upon full costs as determined pursuant to subsection (1), and priorities established by the Legislature.

(3) The Legislature by line item in an appropriations act may identify programs of extraordinary quality for the utilization of state funds to be matched by nonstate and nonfederal sources.

(4) The Board of Regents shall establish a cost estimating system consistent with the requirements of subsection (1), and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. The report shall include total expenditures from all sources and shall be in such detail as needed to support the legislative budget request.

(5) If the actual enrollment for any university is less than the planned enrollment by 0 to 5 percent for any fiscal year, and no more than 8 percent less for any biennium, the university shall receive full funding as allocated. If the actual enrollment is less than planned enrollment by more than 5 percent for any fiscal year or more than 8 percent for any biennium, the university's allocation for instruction shall be reduced proportionately to the difference between 5 percent and the actual percentage reduction in enrollment for any fiscal year, or the difference between 8 percent and the actual percentage reduction in enrollment for the biennium, whichever is larger. If actual enrollment exceeds target enrollment, there shall be no increased allocation and an explanation of the excess shall be provided with the next year's enrollment plan.

(6) For the 1979-1981 biennium, any quality improvement funds appropriated by the Legislature for the State University System and referenced to this section shall be allocated in the following manner:

(a) All disciplines shall be categorized as follows:

1. Category I-The Laboratory Sciences and Technical Disciplines.

2. Category II-The Professional and Education Disciplines.

3. Category III-The Fine Arts and Foreign Language Disciplines.

4. Category IV-All other Disciplines.

5. Category V-Law.

(b) For allocation purposes the Board of Regents shall divide any quality improvement funds among the different levels and categories in the following manner:

1. Lower Level/Category I-5 percent

2. Lower Level/Category II-3 percent

3. Lower Level/Category III-2 percent
4. Lower Level/Category IV-9 percent
5. Upper Level/Category I-11 percent
6. Upper Level/Category II-23 percent
7. Upper Level/Category III-4 percent
8. Upper Level/Category IV-18 percent
9. Beginning Graduate/Category I-2 percent
10. Beginning Graduate/Category II-9 percent
11. Beginning Graduate/Category III-.5 percent
12. Beginning Graduate/Category IV-2 percent
13. Beginning Graduate/Category V-3 percent
14. Advanced Graduate/Category I-2 percent
15. Advanced Graduate/Category II-4 percent
16. Advanced Graduate/Category III-.5 percent
17. Advanced Graduate/Category IV-2 percent

(c) Each university shall receive funds for quality improvement in a lump sum allocation for each fiscal year of the biennium, and shall expend these funds in accordance with cost data analysis and university priorities in conformance with the systemwide and university master plans.

(d) Provided, however, that any increase in salary rate resulting from new positions shall not exceed 25 percent of each university's total allocation for quality improvement. Provided further, that each university shall report to the Legislature no later than March 1, 1980, on how quality improvement funds were expended or plannned to be expended for the 1979-1981 biennium. The report shall include, but not be limited to, a listing of all new positions, any increased salary rate and a delineation of expenditures by appropriation category within each program component.

(8) The enrollment planning plus program cost data established by this section may be phased in as practicable during the 1979-1981 biennium but shall be used as the basis for preparing the legislative budget requests for succeeding bienniums.

Section 40. Subsection (1) of section 216.031, Florida Statutes, is amended to read:

216.031 Budgets for operational expenditures.—The legislative budget submitted by each state agency showing the amounts needed for operational expenditures during the next biennium shall contain the following:

(1) A financial plan of operations showing, to the level of detail established pursuant to s. 216.023, the prior year's expenditures compared to appropriations, the estimated operating budget for the current year, and the proposed operating budgets for each of the 2 years of the next biennium. *However, the legislative budget request for the State University System shall be expressed in terms of the amounts for the various programs as prescribed in s. 248.052 (created by this act), and in the specific appropriation categories, including the special units budgets, prescribed in the prior appropriations act.*

PART V

COMMUNITY COLLEGES

Section 41. Section 248.053, Florida Statutes, is created to read:

248.053 Community College System defined.—State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and shall maintain the primary responsibility for lower level undergraduate instruction. Community colleges may be authorized by the State Board of Education to operate a department designated as an area-vocational education school and authorized to operate adult high schools. These institutions may grant the associate in arts and associate in science degrees, certificates, awards, and diplomas. The total program offerings of the community colleges may include, but not be limited to, courses as components of programs leading to the above-mentioned degrees, certificates, awards, and diplomas; vocational and technical offerings leading directly to employment; compensatory, adult basic, elementary and secondary education; other general or liberal arts courses sought by the citizens of the community for personal development, and other community services.

Section 42. Section 230.741, Florida Statutes, is hereby transferred and renumbered as section 248.054, Florida Statutes.

Section 43. Section 248.055, Florida Statutes, is created to read:

248.055 State Community College Coordinating Board; establishment.—There is established a State Community College Coordinating Board of the Department of Education with the necessary powers to exercise responsibility for statewide leadership in overseeing and coordinating the individually governed public community colleges. Nothing contained herein shall change the existing division of responsibilities between state agencies and local boards of trustees and there shall continue to be maximum local autonomy in the governance and operation of individual community colleges. The board shall be subject at all times to the overall supervision of the State Board of Education.

Section 44. Section 248.056, Florida Statutes, is created to read:

248.056 State Community College Coordinating Board; appointment of members; qualifications.—

(1) The State Community College Coordinating Board shall be comprised of 11 members, appointed by the Governor, approved by four members of the State Board of Education, and confirmed by the Senate in regular session. The Commissioner of Education may nominate two or more names for each position, prior to appointment by the Governor. The State Board of Education shall adopt rules and procedures for its review and approval of nominees. Members shall have been residents and citizens of Florida for at least 10 years prior to appointment.

(a) All members shall be deemed to be members-at-large charged with the responsibility of serving the entire state.

(b) The coordinating board shall consist of at least nine incumbent members of community college boards of trustees at all times. The terms of initial membership shall be as follows: two members shall be appointed for 1 year, two members shall be appointed for 2 years, two members shall be appointed for 3 years, and three members shall be appointed for 4 years.

(c) Members of the board shall be appointed from four community college district groups as follows:

1. Three members shall be appointed from Group One, which consists of Brevard Community College, Broward Community College, Florida Junior College at Jacksonville, Hillsborough Community College, Miami-Dade Community College, Pensacola Junior College, and St. Petersburg Junior College.

2. Two members shall be appointed from Group Two, which consists of Daytona Beach Community College, Indian River Community College, Palm Beach Junior College; Polk Community College, Santa Fe Community College, Seminole Community College, and Valencia Community College.

3. Two members shall be appointed from Group Three, which consists of Central Florida Community College, Edison Community College, Gulf Coast Community College, Lake City Community College, Manatee Junior College, Okaloosa-Walton Junior College, and Tallahassee Community College.

4. Two members shall be appointed from Group Four, which consists of Chipola Junior College, Florida Keys Community College, Lake-Sumter Community College, North Florida Junior College, Pasco-Hernando Community College, St. Johns River Community College, and South Florida Junior College.

(d) One member shall be selected from the state at large. The term of initial membership shall begin on January 1, 1980, and shall be 4 years. Upon expiration of term of initial membership, terms of office shall be for 4 years.

(e) One member shall be the president of the Florida Junior College Student Government Association. The term of Office shall be 1 year. Such member shall be exempt from the aforementioned residency requirement.

(2) Members shall serve until expiration of their term and until successors are appointed and qualified, except in the case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as otherwise provided by this section. The Governor shall fill all vacancies that may at any time occur therein, subject to the above approval and confirmation.

(3) Members may be removed for cause at any time upon the concurrence of a majority of the members of the State Board of Education.

(4) The members of the State Community College Coordinating Board shall receive no compensation but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their duties and in traveling to, from, or upon the same.

Section 45. Section 248.057, Florida Statutes, is created to read:

248.057 State Community College Coordinating Board; organization; meetings; fiscal year.—

(1) The State Community College Coordinating Board shall, within 60 days after its appointment, organize, adopt a seal, and adopt rules for administration and procedures not inconsistent herewith and may from time to time amend such rules. At its organizational meeting the board shall elect from among its members a chairman and vice-chairman, each to serve for 1 year, and annually thereafter shall elect such officers who shall serve for 1-year terms until their successors are elected. At its organizational meeting, the board shall fix a date and place for its regular meetings. Six members shall constitute a quorum and no meeting shall be held with less than a quorum present. The board may appoint members to such committees as it from time to time shall establish. Members of said committees may include persons who are not members of the board.

(2) Special meetings of the board may be called as provided by the board in its rules. Regular meetings of the board shall normally be held at the board's offices, which shall be in Leon County, but whenever the convenience of the public may be promoted the board may hold meetings, hearings, and proceedings at any other place in Florida designated by the board.

(3) The board shall meet not less than four times in every fiscal year.

(4) The fiscal year of the board shall conform to the fiscal year of the state.

Section 46. Section 248.058, Florida Statutes, is created to read:

248.058 State Community College Coordinating Board; powers and duties.—

(1) The State Community College Coordinating Board shall be responsible for the establishing and developing of rules and policies which will insure the operation and maintenance of a State Community College System, as defined in s. 228.041(1)(b), in a coordinated, efficient, and effective manner. Such rules and policies shall be submitted to the State Board of Education for approval or amendment. If any rule is not disapproved by the State Board of Education within 30 days of its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State. If any rule is amended by the State Board of Education, adoption of such rule shall be delayed until a subsequent meeting. Such rules and policies shall include the following:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served; provided that a community college shall not be required to offer an occupational or adult basic education program when such program is already operating in the district.

(b) Insure that rules and procedures of community college boards relating to admission, enrollment, employment, programs, services, functions, and activities of each college provide equal access and equal opportunity for all persons.

(c) Recommend to the State Board of Education minimum standards for the operation of each community college as required in s. 248.066, which standards may include but not be limited to general qualifications of personnel, budgeting, accounting and financial procedures, educational programs, student admissions and services, and community services.

(d) Establish an effective information system which will provide composite data about the community colleges and assure that special analyses and studies about the colleges are conducted, as necessary, for provision of accurate and cost effective information about the colleges and about the community college system as a whole.

(e) Encourage the colleges and the system as a whole to cooperate with other educational institutions and agencies and with all levels and agencies of government in the interest of effective utilization of all resources, programs, and services.

(f) Establish criteria for making recommendations relative to modifying district boundary lines and for making recommendations upon all proposals for the establishment of additional centers or campuses for community colleges.

(2) The Commissioner of Education shall appoint, suspend, or dismiss, with concurrence of the board, a chief administrative officer, who shall be the director of the Division of Community Colleges. The chief administrative officer shall be responsible for the coordination of the State Community College System under policies and rules prescribed by the board; shall advise the board on all educational problems; shall supervise the board's statewide studies and make recommendations for plans to meet the state's obligations in community college education; shall serve as executive officer and as secretary to the board; shall attend, but not vote, at all meetings of the board except when on authorized leave; shall be in charge of the offices of the board; and shall be responsible for the preparation of reports and the collection and dissemination of data and other public information relating to the State Community College System. The board may, by rule, delegate to the administrative officer any of the powers and duties vested in or imposed upon it by this part. Under the supervision of the board, the administrative officer shall administer the provisions of this part and the rules established thereunder and all other applicable laws of the state.

(3) The board shall be responsible for reviewing and administering the state's program of support for the State Community College System and subject to existing law to:

(a) Review and approve all budgets and recommended budget amendments in the State Community College System.

(b) Recommend to the Commissioner of Education all requests for appropriations for inclusion in the Commissioner of Education's budget presentation to the Governor, as chief budget officer of the state, in the manner provided in chapter 216.

(c) Provide for and coordinate implementation of the community college program fund in accordance with provisions of ss. 248.084 and 248.086, and in accordance with rules of the State Board of Education.

(4) The board is authorized to exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this part; provided that powers and duties granted to the several district boards of trustees by ss. 248.062, 248.063, 248.-064, and 447.203 shall remain with the several district boards of trustees.

Section 47. Section 230.753, Florida Statutes, is hereby transferred and renumbered as section 248.061, Florida Statutes, and paragraph (a) of subsection (2) thereof is hereby repealed.

Section 48. Section 248.062, Florida Statutes, is created to read:

248.062 Community college board of trustees; board to constitute a corporation.—Each community college board of trustees is constituted a body corporate by the name of "The District Board of Trustees of (name of community college), Florida." In all suits against boards, service of process shall be made on the chairman of the board, and in the absence of the chairman, on another member of the board.

Section 49. Section 230.7535, Florida Statutes, is renumbered as section 248.063, Florida Statutes, and amended to read:

248.063 ~~230.7535~~ Community colleges; legislative intent.— It is the legislative intent that community colleges, *constituted as political subdivisions of the State of Florida,* continue to be operated by district boards of trustees as provided in s. *248.061(2) and s. 248.062* ~~230.753(2)~~ and that no department, bureau, division, agency, or subdivision of the state shall

exercise any responsibility and authority to operate any community college of the state except as specifically provided by law or *rules* ~~regulations~~ of the State Board of Education.

Section 50. Section 230.754, Florida Statutes, is renumbered as section 248.064, Florida Statutes, and subsection (2) thereof is amended to read:

248.064 ~~230.754~~ Community *college board of trustees* ~~colleges~~; duties and powers.—

(2) In carrying out this responsibility, the trustees, after considering recommendations submitted by the community college president, *shall be authorized to adopt such rules and procedures as are necessary to operate the community college in such a manner as to assure the fulfillment of the responsibilities assigned to the board.*

(3) Such rules and procedures for the boards of trustees include but are not limited to the following ~~shall exercise the following general powers~~:

(a) The board of trustees shall determine and adopt such policies as are deemed necessary by it for the efficient operation and general improvement of the community college.

(b) The board of trustees shall adopt such *rules* ~~regulations~~ to supplement those prescribed by the State Board *of Education* as in its opinion will contribute to the more orderly and efficient operation of the community college and to the provision of educational services to all qualified citizens of the community college district.

(c) The board of trustees shall adopt such minimum standards *consistent with and no less stringent than those* ~~as are considered desirable by it to supplement those standards~~ of the State Board *of Education including the prescribing of student performance standards for the award of certificates or degrees.*

(d) The board of trustees shall constitute the contracting agent of the community college. It may when acting as a body make contracts, sue, and be sued in the name of the board of trustees; provided, that in any suit a change in personnel of the board shall not abate the suit, which shall proceed as if such change had not taken place.

(e) The board of trustees shall perform those duties and exercise those responsibilities which are assigned to it by law or by *rules* ~~regulations~~ of the State Board *of Education* and in addition thereto those which it may find necessary for the improvement of the community college.

(f) Whenever the Department of Education finds it necessary for the welfare and convenience of any community college to acquire private property for the use of said community college and the same cannot be acquired by agreement satisfactory to the district board of trustees of such community college and the parties interested in, or the owners of, said private property, the said district board of trustees may exercise the right of eminent domain and proceed to condemn the property in the manner provided by chapters 73 and 74.

(g) The board of trustees may enter into lease-purchase arrangements with private individuals or corporations for necessary grounds and buildings for community college purposes, other than dormitories, or for buildings other than dormitories to be erected for community college purposes. Such arrangements shall be paid from capital outlay and debt service funds as provided by s. *248.084(5)* ~~230.767(5)~~, with terms not to exceed 30 years at a stipulated rate. The provisions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without said approval. The State Board of Education is authorized to promulgate such rules as it deems necessary to implement the provisions of this paragraph.

(h) The board of trustees of each community college may purchase, acquire, receive, hold, own, manage, lease, sell, dispose of, and convey title to, real property to the best interests of the college, pursuant to rules ~~and regulations~~ adopted by the state board.

(i) Community college boards of trustees are authorized to enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees. However, no discount shall be given and no service charge assessed. Community colleges are further authorized to establish accounts in credit card banks for the deposit of credit card sales invoices.

(j) The board of trustees may adopt, by rule, a uniform code of appropriate penalties for violations of rules by students and employees. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(k) The board of trustees may consider the past actions of any person applying for admission or employment and may provide, by board rule or procedure, for denying admission, enrollment, or employment to a person if past actions have been found to disrupt or interfere with the orderly conduct, processes, functions or programs of any other university, college, or community college.

(l) The board of trustees is authorized to develop and produce work products which relate to educational endeavors which are subject to trademark, copyright, or patent statutes. To this end, the board shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements with such personnel or organizations and corporations or government entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the board is authorized in its own name, to:

1. Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and to enforce its rights therein.

2. License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis or for such other consideration as said board shall deem proper.

3. Take any action necessary, including legal action, to protect the same against improper or unlawful use of infringement.

4. Enforce the collection of any sums due said board for the manufacture or use thereof by any other party.

5. Sell any of the same and execute all instruments necessary to consummate any such sale.

6. Do all other acts necessary and proper for the execution of powers and duties herein.

(m) The board of trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries; and may hire appropriate personnel to enforce campus parking rules. The board of trustees may adopt, by rule, a uniform code of appropriate penalties for violations. Such penalties, unless otherwise provided by law, may include the levying of fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal. Monies collected from parking rule infractions shall be deposited in appropriate funds at each community college for student financial aid purposes.

(n) The board shall provide for the appointment, employment and removal of personnel, including the president of the community college, and the compensation including salaries and fringe benefits and other conditions of employment for such personnel. It may appoint a search committee for making recommendations to the board for the selection of the president. The activities of the committee, up to the point of transmitting a list of nominees to the board, shall be exempted from the provisions of s. 286.011 and chapter 119.

(o) The board of trustees may provide for recognition of employees who have contributed outstanding and meritorious service in their fields and may adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing community college expenditures or improving community college operations. The community college is authorized to expend funds for such recognition and awards. No award granted under the provisions of this paragraph shall exceed $2,000 or 10 percent of the first year's gross savings, whichever is greater.

(p) The board of trustees shall provide admissions counseling to all students entering college credit programs, which

counseling shall utilize tests designated by the Articulation Coordinating Committee to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(q) The board of trustees may limit students whose level of achievement of communication and computation skills is below that defined by the college as required for successful performance in a college credit program to compensatory courses and any other instruction for which they are adequately prepared.

(r) The board of trustees shall provide students who are being awarded an associate of arts degree opportunity to demonstrate superior levels of achievement of communication and computation competencies as defined by the Articulation Coordinating Committee and to recognize same in the awarding of that degree.

(s) The board of trustees may adopt rules to provide for loans, scholarships and other student services.

Section 51. Section 248.065, Florida Statutes, is created to read:

248.065 Community college board of trustees; rules for admissions of students.—The board of trustees shall make rules governing admissions of students and fees pursuant to provisions of this part. Admission to the Associate of Arts Degree program shall require a high school diploma or its equivalent, except as provided in s. 248.098(3). Admission to other programs within the community college shall include education requirements as established by the board of trustees. Nonresident students may be admitted to the community college upon such terms as the board may establish.

Section 52. Section 230.755, Florida Statutes, is renumbered as section 248.066, Florida Statutes, and amended to read:

248.066 ~~230.755~~ Minimum standards, *definitions, and guidelines* for community colleges.—The State Board *of Education* shall prescribe minimum standards, *definitions* ~~which must be met before a community college is organized, acquired or operated~~, and *guidelines for community colleges* which will assure *quality education, systemwide coordination, and* that the purposes of the community college are attained. *Such guidelines may include but are not limited to the following areas:*

(1) Personnel.

(2) Contracting.

(3) Program offerings and classification including college-level communication and computation skills associated with successful performance in college, with tests and other assessment procedures which measure student achievement of those skills. It should be provided that students moving from one level of education to the next acquire the necessary competencies for that level.

(4) Admissions and fees.

(5) Budgeting.

(6) Business and financial matters.

(7) Student services.

(8) Information systems.

(9) Waiver of registration and tuition fees.

Section 53. Sections 230.756, 230.7565, 230.7566, 230.757, and 230.759, Florida Statutes, section 230.7591, Florida Statutes, 1978 Supplement, and section 230.760, Florida Statutes, are hereby transferred and renumbered as sections 248.067, 248.068, 248.069, 248.071, 248.072, 248.073, and 248.074, Florida Statutes.

Section 54. Section 230.7601, Florida Statutes, is renumbered as section 248.075, Florida Statutes, and amended to read:

248.075 ~~230.7601~~ Teaching faculty; minimum teaching hours per week.—Each full-time member of the teaching faculty at any institution under the supervision of the Division of Community Colleges of the Department of Education who is paid wholly from funds appropriated from the *state community college program fund* ~~minimum foundation fund~~ shall teach a minimum of 15 classroom contact hours per week at such institution. However, the required classroom contact hours per week may be reduced upon approval of the president of the institution in direct proportion to specific duties and responsibilities assigned the faculty member by his departmental chairman or other appropriate college administrator. Such specific duties may include specific research duties, specific duties associated with developing television, video tape, or other specifically assigned innovative teaching techniques or devices, or assigned responsibility for off-campus student internship or work study programs. A classroom contact hour consists of a regularly scheduled ~~1 hour period of~~ classroom activity *of not less than 50 minutes* in a course of instruction which has been approved by the board of trustees of the community college. Any full-time faculty member who is paid partly from *state community college program funds* ~~minimum foundation funds~~ and partly from other funds or appropriations shall teach a minimum number of classroom contact hours per week in such proportion to 15 classroom contact hours as his salary paid from *state community college program funds* ~~minimum foundation funds~~ bears to his total salary.

Section 55. Section 230.761, Florida Statutes, 1978 Supplement, and section 230.762, Florida Statutes, are hereby transferred and renumbered as sections 248.076 and 248.077, Florida Statutes.

Section 56. Section 230.763, Florida Statutes, is renumbered as section 248.078, Florida Statutes, and amended to read:

248.078 ~~230.763~~ Requirements for participation in community college program fund.—Each district which participates in the state appropriations for the community college program fund shall provide evidence of its effort to maintain an adequate community college program which shall meet the minimum standards prescribed by the State Board *of Education* in accordance with s. *248.066* ~~230.755~~.

Section 57. Sections 230.764, 230.765, and 230.7661, Florida Statutes, are hereby transferred and renumbered as sections 248.079, 248.081, and 248.082, Florida Statutes.

Section 58. Section 230.7651, Florida Statutes, is renumbered as section 248.083, Florida Statutes, and amended to read:

248.083 ~~230.7651~~ State Board *of Education rules* ~~regulations~~.—The Board of Education shall adopt *rules* ~~regulations~~ which will enable community college district boards of trustees to initiate and provide comprehensive occupational education programs. The Board of Education shall adopt procedures for determining the extent to which minimum requirements are being met. Furthermore, procedures shall include examination of the employment performance of program graduates. The minimum requirements so adopted shall include standards of educational output, with particular emphasis on job placement and satisfactory performance in employment. *All such procedures should take into account the cost of the procedure. Whenever possible, proven research methods, including sampling, shall be utilized.*

Section 59. Section 230.767, Florida Statutes, is renumbered as section 248.084, Florida Statutes, and amended to read:

248.084 ~~230.767~~ Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. *248.061* ~~230.752 or s. 230.753~~ shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(a) The Department of Education shall determine annually from an analysis of operating costs, prepared in the manner prescribed by *rules* ~~regulations~~ of the State Board *of Education*, the costs per full-time equivalent student served in courses and fields of study offered in community colleges. Such fields of study shall be classified into multilevel cost categories in relation to the average statewide costs and the costs adjusted to the year of apportionment for changes in economic conditions and other factors as prescribed by *rules* ~~regulations~~ of the State Board *of Education.*

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines, occupational disciplines, compensatory programs, and adult elementary and secondary programs. The occupational disciplines shall be fur-

ther subdivided into technical, skilled and semi-skilled, and supplemental.

(c)~~(b)~~ The amounts determined by multiplying the cost of each field of study times the full-time equivalent students estimated by the Department of Education shall be submitted to the Department of Administration with the legislative budget request prior to each regular session of the legislature.

(d)~~(c)~~ The State Board of Education shall adopt *rules* ~~regulations~~ to implement s. 9(d)(8)f., Art. XII of the State Constitution. These *rules* ~~regulations~~ shall provide for the use of the funds available under s. 9(d)(8)f., Art. XII by an individual community college for operating expense in any fiscal year during which the State Board of Education has determined that all major capital outlay needs have been met. Highest priority for the use of these funds for purposes other than financing approved capital outlay projects shall be for the proper maintenance and repair of existing facilities for projects approved by the State Board *of Education*. However, in any fiscal year in which funds from this source are authorized for operating expense other than approved maintenance and repair projects, the allocation of community college program funds shall be reduced by an amount equal to the sum used for such operating expense for that community college that year, and that amount shall not be released or allocated among the other community colleges that year.

~~(2) DETERMINING THE AMOUNT TO BE INCLUDED FOR TRANSPORTATION. The allocation to each district for transportation shall be determined by multiplying the number of transported students as determined in s. 230.7661 (1) times the allowable per student cost as calculated in accordance with the following formula:~~

$$\frac{\$434.77}{2 \text{ plus the density index of the district}} \text{ minus } \$13.65 \text{ (times) } \frac{\text{Total days of Operation}}{100}$$

(2)~~(3)~~ DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL OUTLAY AND DEBT SERVICE.—The amount included for capital outlay and debt service shall be as determined and provided in s. 18, Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII of the 1968 revised State Constitution and State Board of Education *rules* ~~regulations~~.

(3)~~(4)~~ DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(a) By December 15 of each year, the Department of Education shall estimate the annual enrollment of each community college for the current fiscal year and for the 6 subsequent fiscal years. These estimates shall be based upon prior years enrollments and upon the initial fall term enrollments for the current fiscal year for each college and upon each college's estimated current enrollment and demographic changes in the respective community college districts.

(b) The enrollment as accepted or modified by the Legislature shall be the assigned enrollment and the basis for the allocation of appropriated funds to the Division of Community Colleges by the Legislature, and to the individual colleges by the division.

(c)~~(a)~~ The apportionment to each community college from the community college program fund for current operations shall be based on an assigned full-time equivalent enrollment *as* determined *in paragraphs (a) and (b)* ~~by the Department of Education~~ and shall consider the cost level of each field of study and such other factors as prescribed by *rules* ~~regulations~~ of the State Board of Education. ~~The amount allocated herein to each community college from the community college program fund shall be adjusted in the next succeeding fiscal year, based on direct instructional cost as determined from the most recent analysis of operating costs, using the final reports of full-time equivalent students served in the previous academic year. However, the allocations to colleges with actual full-time equivalent enrollment above or below their assigned enrollment shall be adjusted by the statewide average direct instructional cost per student for each full-time equivalent student above or below the assigned enrollments. The total adjusted allocation of the community college program fund for all colleges collectively shall not exceed the amount appropriated for all colleges for the previous year. However, for fiscal years 1973-1974 and 1974-1975, no college shall receive a lesser amount from the community college program fund than the amount that would have been generated by the previous year's actual enrollment.~~

(d) If the actual enrollment for any community college is from 0 to 5 percent or 100 FTE, whichever is greater, less than the assigned enrollment for any fiscal year, and no more than 8 percent less for any biennium, the college shall receive full funding as allocated. If the actual enrollment is more than 5 percent below the assigned enrollment for any fiscal year or more than 8 percent for any biennium, the college's allocation for direct instructional cost shall be reduced proportionately to the difference between 5 percent and the actual percentage reduction in enrollment for any fiscal year, or the difference beween 8 percent and the actual percentage reduction in enrollment for the biennium, whichever is larger. If actual enrollment of a college exceeds the assigned enrollment, there shall be no increased allocation. Any institution not meeting their assigned enrollments within the 5 percent difference shall enroll the elderly in existing courses, at no charge to them, within the 5 percent difference. "Elderly" shall be defined as a person 65 years of age or older. If the course is offered for credit, the elderly student may enroll in the course, but shall not receive credit for the course.

(e) No community college shall commit funds for the employment of personnel or resources in excess of those required to continue the same level of support for either the previously approved enrollment or the revised enrollment whichever is lower.

(f) The apportionment to each community college district for capital outlay and debt service shall be the amount determined in accordance with subsection (2).

~~(b) The apportionment to each community college district for transportation shall be determined in accordance with subsection (2) and regulations of the State Board of Education.~~

~~(c) The apportionment to each community college district for capital outlay and debt service shall be the amount determined in accordance with subsection (3).~~ This amount, less any amount determined as necessary for administrative expense by the State Board *of Education* and any amount necessary for debt service on bonds issued by the State Board *of Education*, shall be transmitted to the community college district board of trustees to be expended in a manner prescribed by *rules* ~~regulations~~ of the State Board of Education.

(g)~~(d)~~ The total apportionment to each community college district from state funds shall be the total apportionment from the community college program fund for each community college district as determined in paragraph *(c)* ~~(a), the amount for transportation as determined in paragraph (b),~~ and the amount for capital outlay and debt service as provided in paragraph *(f)* ~~(c), except that for 1973-1974 only, the final allocation to each community college from state funds shall be based on the estimated full-time equivalent annual enrollment determined after the initial registration in the winter term.~~

(h)~~(e)~~ Colleges shall seek to maintain an unencumbered fund balance between *4* ~~6~~ and 10 percent of the funds available in the current general fund of the operating budget. If the 10 percent upper level is exceeded for 2 consecutive years, the appropriation to the college in a succeeding fiscal year shall be reduced by the average of the excess of the fund balance over the 10 percent for the 2 years. In exceptional cases, when fund balances greater than 10 percent are necessary for a college, prior approval shall be obtained from the director of the Division of Community Colleges.

(5) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated herein to any district for a public community college ~~organized under s. 230.752~~ shall be expended only for the purpose of supporting said college.

Section 60. Sections 230.768, 230.7681 and 230.7685, Florida Statutes, are hereby transferred and renumbered as sections 248.085, 248.086 and 248.087, Florida Statutes.

Section 61. Sections 230.769 and 230.7695, Florida Statutes, are hereby transferred and renumbered as sections 248.089 and 248.091, Florida Statutes.

Section 62. Section 230.771, Florida Statutes, is renumbered as section 248.092, Florida Statutes, and subsection (1) thereof is amended to read:

248.092 ~~230.771~~ Exemption from county civil service commissions.—

(1) Any community college located in a county which has *either* ~~both~~ a budget commission *or* ~~and~~ a civil service commis-

sion ~~on the effective date of this act and which community college is supported by two or more districts and established pursuant to s. 230.752,~~ is exempt from the regulation, supervision and control of ~~the civil service commission of~~ any such *commission* ~~county within a community college district.~~

Section 63. Sections 230.772, 230.773, 230.774, and 230.775, Florida Statutes, are hereby transferred and renumbered as sections 248.093, 248.094, 248.095 and 248.096, Florida Statutes.

Section 64. Section 230.776, Florida Statutes, is renumbered as section 248.097, Florida Statutes, and amended to read:

248.097 ~~230.776~~ Certain chapters inapplicable to community colleges.—Chapters 231, 233, 234, 236, and 237 are not applicable to community colleges, except for those sections specifically referred to in *this part* ~~chapter 230~~ and in the State Board of Education *rules* ~~regulations.~~

PART VI

ARTICULATION AND ACCELERATION MECHANISMS

Section 65. Section 248.098, Florida Statutes, is created to read:

248.098 Articulation agreement; acceleration mechanisms.—

(1) Admission of Associate of Arts degree graduates from Florida community colleges and state universities and the use of acceleration mechanisms, including the College Level Examination Program (CLEP), shall be governed by the articulation agreement, as established by the Department of Education.

(2) The universities, community college boards of trustees, and district school boards are authorized to establish intrainstitutional and interinstitutional programs to maximize this articulation. Should the establishment of these programs necessitate the waiver of existing State Board of Education rules, reallocation of funds, or revision or modification of student fees, each college or university shall submit the proposed articulation program to the State Board of Education for review and approval. The State Board of Education is authorized to waive its rules and make appropriate reallocations, revisions, or modifications in accordance with the above.

(3) The levels of postsecondary education shall collaborate in further developing and providing articulated programs in which students can proceed toward their educational objectives as rapidly as their circumstances permit. Time-shortened educational programs as well as the use of acceleration mechanisms, shall include, but not be limited to, credit by examination or demonstration of competency, advanced placement, early admissions, and dual enrollment.

(4) Each university in the State University System shall offer, upon request, to all students enrolled for the first time at that university, at the time of enrollment, and make available to all other students, not less than once annually, the College Level Examination Program (CLEP) examinations offered by the college entrance examination board or equivalent examinations in those general subject areas which are required or may be applied toward general education requirements for a baccalaureate degree at that university. A student satisfactorily completing such examinations shall receive full credit for the course the same as if it had been taken, completed, and passed.

Section 66. Section 248.0981, Florida Statutes, is created to read:

248.0981 Postsecondary consortiums.—

(1) Community colleges and universities serving the same students in a geographic and service area may establish appropriate interinstitutional mechanisms to achieve cooperative planning and delivery of academic programs and related services, share a high cost instructional facility and equipment, coordinate credit and noncredit outreach activities, have access to each others library and media holdings and services, and provide cooperative campus activities and consultative relationships for the discussion and resolution of interinstitutional issues and problems which discourage student access or transfer.

(2) Public community colleges and universities may include independent colleges and universities within their service areas in mutual planning of a comprehensive, complementary, cost-effective array of undergraduate and beginning graduate programs of study to serve that geographic area.

PART VII

SCHOLARSHIP AND FINANCIAL AID

Section 67. Section 248.099, Florida Statutes, is created to read:

248.099 Independent sector; State Tuition Voucher Fund.—

(1) There is created the State Tuition Voucher Fund to be administered by the Department of Education. The department shall adopt rules for the administration of such fund.

(2) The department shall issue from the fund a tuition voucher to any full-time undergraduate student registered at a non-profit college or university which is located in and chartered by the state, which is accredited by an agency holding membership in the Council on Postsecondary Accreditation, which grants baccalaureate degrees and whose credits are acceptable without qualification for transfer to state universities, and which is not a state university or a pervasively sectarian institution.

(3) A person is eligible to receive such tuition voucher if:

(a) He is a graduate of a Florida high school.

(b) He is registered:

1. As a freshman after July 31, 1979;

2. As a freshman or sophomore after July 31, 1980;

3. As a freshman, sophomore, or junior after July 31, 1981; or

4. As a freshman, sophomore, junior, or senior after July 31, 1982; and

(4) He is enrolled as a full-time undergraduate student at an eligible college or university; he is not enrolled in a program of study leading to a degree in theology or divinity; he has resided continuously in the state for the 2 years immediately preceding the award of the tuition voucher and is not a resident of another state; and he is making satisfactory academic progress as defined by the college or university in which he is enrolled.

(5)(a) The amount of the tuition voucher issued to a full-time student shall be no more than $1,000 per academic year or as specified in the General Appropriations Act. The tuition voucher shall be paid on a prorated basis at the beginning of each quarter, semester, or term. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Students shall not be eligible to receive the award for more than 4 years, 8 semesters, or 12 quarters.

(b) If the combined amount of the tuition voucher issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the tuition voucher issued pursuant to this act by an amount equal to such excess.

Section 68. Sections 239.34, 239.371, 239.38 and 239.461, Florida Statutes, are hereby transferred and renumbered as sections 248.10, 248.101, 248.102, and 248.1025, Florida Statutes.

Section 69. Section 239.47, Florida Statutes, is renumbered as section 248.103, Florida Statutes, and subsection (6) thereof is amended to read:

248.103 ~~239.47~~ Professional and practical nursing education; scholarships; value.—

(6) From the nursing scholarship loans available to be awarded in any year, the Department of Education shall have authority to designate on the basis of existing and projected need a specific number of such scholarships to be awarded only to recipients who pledge their services to a state institution or agency. If at the time of graduation or completion of training it is determined that the services of recipients of such scholarship loans shall not be needed by a state institution or agency, the Department of Education may accept in lieu thereof service rendered to a county or municipal institution or agency. Recipients of such scholarship funds who pledge their services to a state institution or agency shall do so at the

regular rate of pay and periods of time ~~to be comparable to those set forth in s. 239.52~~. However, no new awards shall be made after July 1, 1971.

Section 70. Section 239.66, Florida Statutes, is hereby transferred and renumbered as section 248.104, Florida Statutes.

Section 71. Section 239.67, Florida Statutes, is hereby transferred and renumbered as section 248.105, Florida Statutes.

Section 72. Section 239.671, Florida Statutes, 1978 Supplement, is renumbered as section 248.106, Florida Statutes, and amended to read:

248.106 ~~239.671~~ Increased registration or tuition fees for funding scholarship loan program.—Student registration or tuition fees at each state university and public community college shall include up to $4.68 per quarter, or $7.02 per semester, per full-time student, or the per student credit hour equivalents of such amounts. These funds shall be paid into the Student Financial Aid Trust Fund, to be maintained in a separate account therein, and administered by the Department of Education under the provisions of this act. The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. *248.118* ~~239.705~~. If the Division of Bond Finance of the Department of General Services and the Commissioner of Education determine that such fees are no longer required as security for revenue bonds issued pursuant to ss. *248.117-248.131* ~~239.70-239.76~~, moneys previously collected pursuant to this section which are held in escrow, after administrative expenses have been met and up to $150,000 has been used to establish a financial aid data processing system for the State University System incorporating the necessary features to meet the needs of all nine universities for application through disbursement processing, shall be reallocated to the generating institutions to be used for student loan programs. Upon such determination, such fees shall no longer be assessed and collected.

Section 73. Section 239.672, Florida Statutes, section 239.68, Florida Statutes, 1978 Supplement, and sections 239.681, 239.682 and 239.683, Florida Statutes, are hereby transferred and renumbered as sections 248.107, 248.108, 248.109, 248.110 and 248.111, Florida Statutes.

Section 74. Section 239.684, Florida Statutes, is renumbered as section 248.112, Florida Statutes, and subsections (1) and (2) thereof are amended to read:

248.112 ~~239.684~~ Assistance programs and activities of the commission.—

(1) The commission may contract for the administration of the student financial assistance programs ~~provided in chapters 239 and 295,~~ as specifically provided in ss. *248.104, 248.105, 248.106, 248.107, 248.117* ~~239.34, 239.371, 239.38, 239.41, 239.42, 239.43, 239.44, 239.441, 239.451, 239.461, 239.47, 239.49, 239.50, 239.51, 239.52, 239.66, 239.67, 239.671, 239.672, 239.70, 239.705, 239.71, 239.715, 239.72, 239.725, 239.73, 239.735, 239.74, 239.745, 239.755, 239.76, 239.80~~, and 295.01.

(2) The commission may contract to provide the planning and development activities provided in ss. *248.108 and 248.116* ~~239.68 and 239.69~~.

Section 75. Section 239.685, Florida Statutes, is renumbered as section 248.113, Florida Statutes, and subsection (4) thereof is amended to read:

248.113 ~~239.685~~ Funding for programs administered by the commission.—

(4) The principal sources of operating funds shall be from the earnings from the temporary investment of the Student Loan Guaranty Reserve Fund and from compensation for services performed under contract for the administration of student financial assistance programs pursuant to s. *248.112* ~~239.684(1)~~.

Section 76. Sections 239.686, 239.687, 239.69 and 239.70, Florida Statutes, are hereby transferred and renumbered as sections 248.114, 248.115, 248.116 and 248.117, Florida Statutes.

Section 77. Section 239.705, Florida Statutes, is renumbered as section 248.118, Florida Statutes, and subsection (1) thereof is amended to read:

248.118 ~~239.705~~ Issuance of revenue bonds pursuant to s. 15, Art. VII, State Constitution.—

(1) The issuance of revenue bonds to finance the establishment of the fund, to be payable primarily from payments of interest, principal, and handling charges to the fund from the recipients of the loans, and with the other revenues authorized hereby being pledged as additional security, is hereby authorized, subject and pursuant to the provisions of s. 15, Art. VII, State Constitution; the State Bond Act, ss. 215.57-215.83; and ss. *248.117-248.131* ~~239.70-239.76~~.

Section 78. Section 239.71, Florida Statutes, 1978 Supplement, is renumbered as section 248.119, Florida Statutes, and amended to read:

248.119 ~~239.71~~ Fees collected under s. *248.105* ~~239.67~~ as security for bonds.—The Department of Education shall have power to pledge, collect, and apply the fees provided for in s. *248.106* ~~239.671~~ in the Student Financial Aid Trust Fund, created by s. *248.105* ~~239.67~~, as additional security for such revenue bonds, together with the revenues provided for under s. *248.118* ~~239.705~~ and any other moneys contained in the fund. Any such pledged fees not used for debt service on the revenue bonds issued pursuant to ss. *248.117-248.131* ~~239.70-239.76~~ shall be used for the other purposes of the Student Financial Aid Trust Fund, including the purposes specified in s. *248.106* ~~239.671~~.

Section 79. Section 239.715, Florida Statutes, is hereby transferred and renumbered as section 248.121, Florida Statutes.

Section 80. Section 239.72, Florida Statutes, 1978 Supplement, is renumbered as section 248.122, Florida Statutes, and subsections (2) and (3) thereof are amended to read:

248.122 ~~239.72~~ Approval of loans; administration of fund.—

(2) The Department of Education is authorized to contract for the purchase of federally insured student loans to be made by other eligible lenders under the federally insured student loan program; provided, that any such loans must comply with all applicable requirements of s. 15, Art. VII, of the State Constitution, ss. *248.117-248.131* ~~239.70 239.76~~, the rules of the State Board of Education relating to the federally insured student loan program, and the proceedings authorizing the student loan revenue bonds; provided, further, that the loans so purchased shall have been made during the period specified in the contract.

(3) The Department of Education is authorized to sell loan notes acquired pursuant to ss. *248.117-248.131* ~~239.70-239.76~~ to the federally created Student Loan Marketing Association and shall take such action as is necessary to comply with applicable federal law and regulations and the provisions of any agreement with the Student Loan Marketing Association for the sale of such loan notes not inconsistent with such law and regulations, including, but not limited to, making agreements for the repurchase of loan notes sold to the Student Loan Marketing Association.

Section 81. Sections 239.725 and 239.73, Florida Statutes, are hereby transferred and renumbered as sections 248.123 and 248.124, Florida Statutes.

Section 82. Section 239.735, Florida Statutes, is renumbered as section 248.125, Florida Statutes, and amended to read:

248.125 ~~239.735~~ Rate of interest and other charges.—The Department of Education shall from time to time fix the interest and other charges to be paid for any student loan, at rates sufficient to pay the interest on revenue bonds issued pursuant to ss. *248.117-248.131* ~~239.70-239.76~~, plus any costs incident to issuance, sale, security, and retirement thereof, including administrative expenses.

Section 83. Section 239.74, Florida Statutes, is renumbered as section 248.126, Florida Statutes, and amended to read:

248.126 ~~239.74~~ Loan use of Student Financial Aid Trust Fund to finance loans until issuance of bonds.—Subject to approval by the Department of Administration, the Department of Education is authorized to use up to $75,000 from the Student Financial Aid Trust Fund during the 1972-1973 fiscal year for carrying out the provisions of ss. *248.117-248.131* ~~239.70-239.76~~; provided such funds shall be repaid from the proceeds of the first issue of bonds under the provisions of ss. *248.117-248.131* ~~239.70-239.76~~.

Section 84. Section 239.745, Florida Statutes, is renumbered as section 248.127, Florida Statutes, and amended to read:

248.127 ~~239.745~~ Procurement of insurance as security for loans.—The Department of Education may contract with any insurance company or companies licensed to do business in the state for insurance payable in the event of the death or total disability of any student borrower in an amount sufficient to retire the principal and interest owed under a loan made as provided in ss. *248.117-248.131* ~~239.70-239.76~~. The cost of any insurance purchased under this section shall be paid by the student borrower as a part of the handling charges for the loan or as a separate item to be paid in connection with the loan.

Section 85. Section 239.75, Florida Statutes, is hereby transferred and renumbered as section 248.128, Florida Statutes.

Section 86. Section 239.755, Florida Statutes, is renumbered as section 248.129, Florida Statutes, and amended to read:

248.129 ~~239.755~~ Provisions of chapter 72-169, Laws of Florida, cumulative.—The provisions of ss. *248.117-248.131* ~~239.70-239.76~~ shall be in addition to the other provisions of this chapter and shall not be construed to be in derogation thereof, except as otherwise expressly provided hereby.

Section 87. Section 239.76, Florida Statutes, is renumbered as section 248.131, Florida Statutes, and amended to read:

248.131 ~~239.76~~ Validation of bonds.—Revenue bonds issued pursuant to ss. *248.117-248.131* ~~239.70~~ ~~239.76~~ shall be validated in the manner provided by chapter 75. In actions to validate such revenue bonds the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the attorney of the circuit in which the action is pending.

Section 88. Section 239.80, Florida Statutes, is hereby transferred and renumbered as section 248.132, Florida Statutes.

PART VIII

MISCELLANEOUS PROVISIONS

Section 89. Section 240.031, Florida Statutes, is renumbered as section 248.133, Florida Statutes, subsection (1) is amended, and subsection (2) thereof is hereby repealed.

248.133 ~~240.031~~ Board of Education; responsibilities for higher education.—With respect to the state university system, the State Board of Education shall:

(1) Approve all rules ~~and regulations~~ adopted by the Board of Regents before they are filed with the Department of State; provided that if any rule is not disapproved by the Board of Education within 30 days of its adoption by the Board of Regents the rule shall immediately be filed with the Department of State.

Section 90. Section 248.134, Florida Statutes, is created to read:

248.134 Property applied to the State University System; apportionment.—All funds, appropriations, and real property of every nature and description which may come to the state for higher education, or which may lawfully be applied to the promotion or advancement of higher education in this state, shall be held and allocated by the Department of Education in conjunction with the Board of Regents. Such funds shall be distributed as deemed appropriate in the judgment of said department and board for the support and maintenance of the State University System.

Section 91. Section 239.04, Florida Statutes, is hereby transferred and renumbered as section 248.135, Florida Statutes.

Section 92. Section 239.581, Florida Statutes, is hereby transferred and renumbered as section 248.136, Florida Statutes.

Section 93. Section 239.582, Florida Statutes, 1978 Supplement, is hereby transferred and renumbered as section 248.137, Florida Statutes.

Section 94. Section 239.65, Florida Statutes, is renumbered as section 248.138, Florida Statutes, and subsection (1) thereof is amended to read:

248.138 ~~239.65~~ Contracts of institutions for supplies, etc., exempt from operation of county or municipal ordinance or charter.—

(1) The *state universities* ~~institutions under the Board of Regents of the Division of Universities of the Department of Education~~ are authorized to contract for supplies, utility services, and building construction without regulation or restriction by municipal or county charter or ordinance. Contractual arrangements shall be in the best interests of the state and shall give consideration to rates, adequacy of service, and the dependability of the contractor.

Section 95. Section 239.665, Florida Statutes, is renumbered as section 248.139, Florida Statutes, and amended to read:

248.139 ~~239.665~~ Credit card use in University System; authority.—The several universities in the State University System are hereby authorized to enter into agreements and accept credit card payments as compensation for goods, services, tuition, and fees; however, no discount shall be given and no service charge assessed. *Each university* ~~The Board of Regents~~ is further authorized to establish accounts in credit card banks for the deposit of credit card sales invoices.

Section 96. Section 239.795, Florida Statutes, 1978 Supplement is renumbered as section 248.141, Florida Statutes, and amended to read:

248.141 ~~239.795~~ Approved teacher education programs.—

(1) Each teacher education program of an institution of higher learning within the state which has been approved by the Department of Education, as provided for by rules of the State Board of Education, shall require, as a prerequisite for admission into the teacher education program, that a student receive a passing score *at the 40th percentile or above,* to be established by state board rule, on a nationally normed standardized college entrance examination. *Provided, that the State Board of Education shall provide by rule for a waiver of this requirement for up to 10 percent of the applicants on an institutional basis or on a systemwide basis in the case of the state university system.*

(2) Effective July 1, 1982, continued approval of specific teacher education programs at each institution of higher learning within the state shall be contingent upon the passing of the state written examination required by s. 231.17(2) by at least 80 percent of the graduates of the program who take the examination.

Section 97. Section 241.10, Florida Statutes, is hereby transferred and renumbered as section 248.142, Florida Statutes.

Section 98. Section 241.13, Florida Statutes, is renumbered as section 248.143, Florida Statutes, and amended to read:

248.143 ~~241.13~~ Functions.—The functions of the Florida State Museum, *located at the University of Florida,* are to make scientific investigations toward the further development of the natural resources of the state and maintain a depository and exhibitions of the collections and specimens coming into its possession, and of a library of publications pertaining to the work as herein provided. The collections and library of said museum shall be open, free to the public, under suitable rules and regulations to be promulgated by the director of said museum, and approved by the *University of Florida* ~~State Board of Regents~~.

Section 99. Sections 241.18, 241.19, 241.193, 241.195, 241.21 and 241.22, Florida Statutes, are hereby transferred and renumbered as sections 248.144, 248.145, 248.146, 248.147, 248.148 and 248.149, Florida Statutes.

Section 100. Section 241.471, Florida Statutes, is renumbered as section 248.151, Florida Statutes, and amended to read:

248.151 ~~241.471~~ University of Florida; ~~School of Medicine and Nursing established;~~ Medical Center.—

~~(1) There is created a School of Medicine and Nursing at the University of Florida to be located on University of Florida campus at Gainesville and to be a component part of the University.~~

(1) ~~(2)~~ *The* ~~It is hereby declared a state policy that~~ hospital operations of the Medical Center are to be financed from patient fees and payments from charity, welfare and county agencies referring part-pay and nonpay patients to the center under an equitable county quota patient system, so that the hospital will be as nearly self-sustaining as possible.

(2) ~~(3)~~ Each county transferring indigent patients to the hospital without referral approval through the normal admission procedure shall be liable for all costs incurred by the hospital in providing care and treatment of such patients. Each county utilizing the facilities of the hospital to care for its indigent patients, other than those referrals approved prior to admission, shall budget, set moneys aside, and pay for all services based upon statements rendered by the hospital. If payment is not received within 30 days of billing, the hospital may certify the amount due and unpaid to the Department of Banking and Finance. The Department of Banking and Finance, upon receipt of a nonpayment certification, shall remit payment to the hospital, deduct the amount from any moneys held in the state treasury for distribution to the county failing to make prompt payment, and issue a notice to the county of payments made on its behalf.

Section 101. Section 241.74, Florida Statutes, is hereby transferred and renumbered as section 248.152, Florida Statutes.

Section 102. Section 240.141, Florida Statutes, is renumbered as section 248.153, Florida Statutes, and paragraph (d) of subsection (2) thereof is amended to read:

248.153 ~~240.141~~ State University System of buildings; approval of construction.—

(2) This section shall not be construed to prohibit:

(d) Construction of new buildings to meet needs as determined by the *university* ~~Board of Regents~~; provided, that the amount of state funds included in the total cost of the completed building shall not exceed $50,000.

Section 103. Section 240.0421, Florida Statutes, is renumbered as section 248.154, Florida Statutes, and amended to read:

248.154 ~~240.0421~~ Applicability of certain sections.—Unless otherwise specified, only the following sections of chapter 235 shall apply to the *university* ~~Board of Regents~~: ss. 235.014, 235.02, 235.055, 235.065, 235.14, 235.149, 235.15, 235.155, 235.16, 235.18, 235.19, 235.195, 235.211(2) and (3), 235.34, 235.41, 235.42, 235.4235, and 235.435.

Section 104. Subsection (7) of section 20.15, Florida Statutes, is hereby repealed, and subsections (3), (5), and (6) and paragraph (c) of subsection (4) are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(3) The Board of Regents is the director of the Division of Universities *pursuant to chapter 248*. The directors of all other divisions shall be appointed by the commissioner subject to approval by the state board.

(4) The State Board of Education and the Commissioner of Education:

(c) Shall assign to the Division of Community Colleges such powers, duties, responsibilities, and functions as shall be necessary to insure the ~~greatest possible~~ coordination, efficiency, and effectiveness of community colleges, *except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551 and the duties concerning physical facilities in chapter 235.*

(5) Notwithstanding anything contained in law to the contrary, all members of all councils and committees of the Department of Education except the Board of Regents, *State Community College Coordinating Board,* and community college boards of trustees shall hereafter be appointed by the State Board of Education from a list of two or more names nominated for each position by the Commissioner of Education. However, each member of a board, council, or committee transferred herein to the Department of Education by a type five transfer shall continue in office for the remainder of his current term.

(6) Notwithstanding anything contained in law to the contrary, all members of the Board of Regents, *Community College Coordinating Board, and community college boards of trustees* shall be appointed *according to chapter 248.* ~~by the Governor, approved by three members of the Cabinet, and confirmed by the Senate. No appointee shall take office until after his appointment has been approved by three members of the Cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees.~~

Section 105. Subsection (3) of section 201.08, Florida Statutes, is amended to read:

201.08 Tax on promissory notes, written obligations to pay money, assignments of wages, etc.; exception.—

(3) No documentary stamps shall be required on promissory notes executed in compliance with s. *248.029(2)* ~~240.052(4)~~, and the holder of such promissory notes shall not lose any rights incident to the payment of said stamp costs.

Section 106. Subsection (1) of section 216.311, Florida Statutes, is amended to read:

216.311 Unauthorized agency contracts in excess of appropriations, prohibited; penalty.—

(1) No agency of the state government shall contract to spend, or enter into any agreement to spend, any moneys in excess of the amount appropriated to such agency unless specifically authorized by law, and any contract or agreement in violation of this chapter shall be null and void. ~~However, the department, upon written request of the Board of Regents of the Division of Universities of the Department of Education, may in its discretion authorize the Board of Regents to recruit for the first year of the biennium up to 50 percent of the new positions recommended in the Governor's budget submitted at least 45 days prior to scheduled annual legislative session in each odd numbered year in accordance with s. 216.162. The salaries for the new positions so authorized shall be based on current salary schedules, and the total shall not exceed the average salary approved in the current appropriation. The department shall notify the chairman of the appropriations committee of each house of the Legislature of the number approved under this authorization.~~

Section 107. Subsection (2) of section 229.053, Florida Statutes, is amended to read:

229.053 General powers of state board.—

(2) The board has the following duties:

(a) To adopt comprehensive educational objectives for public education;

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education;

(c) To exercise general supervision over the divisions of the Department of Education, including the Division of Universities, to the extent necessary to insure coordination of educational plans and programs and resolve controversies and to coordinate the academic calendars of universities, community colleges, and public schools to minimize problems of articulation and student transfers, *to assure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level,* and to insure maximum utilization of facilities;

(d) To adopt for public universities and community colleges and from time to time modify minimum standards of college-level communication and computation skills generally associated with successful performance in college through the baccalaureate level, and to approve tests and other assessment procedures which measure student achievement of those skills.

(e) ~~(d)~~ To adopt and transmit to the Governor as chief budget officer of the state on official forms furnished for such purposes, on or before November 1 of each year, estimates of expenditure requirements for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year;

(f) ~~(e)~~ To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and regulations relating to the state system of public education;

(g)~~(f)~~ To have possession of and manage all lands granted to or held by the state for educational purposes;

(h)~~(g)~~ To administer the state school fund;

(i)~~(h)~~ To approve plans for cooperating with the Federal Government and, pursuant thereto, by regulation to accept funds, create subordinate units and provide the necessary administration required by any federal program;

(j)~~(i)~~ To approve plans for cooperating with other public agencies in the development of regulations and in the enforcement of laws for which the state board and such agencies are jointly responsible;

(k)~~(j)~~ To approve plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools;

(l)~~(k)~~ To authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy or completeness in executing contracts, keeping records or making reports;

(m)~~(l)~~ To create such subordinate advisory bodies as may be required by law or as it may find necessary for the improvement of education; and

(n)~~(m)~~ To constitute the State Board for Vocational Education or other structures as may be required by federal law.

Section 108. Present paragraph (g) is redesignated (j) and new paragraphs (g), (h), and (i) are added to subsection (3) of section 229.551, Florida Statutes, to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(g) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit same to the State Board of Education for approval.

(h) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit same to the State Board of Education for approval.

(i) Maintain for the information of the State Board of Education and the State Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(j)~~(g)~~ Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 109. Subsection (1) of section 229.512, Florida Statutes, is amended to read:

229.512 Commissioner of Education, general powers and duties.—The Commissioner of Education is the chief educational officer of the state and he has the following general powers and duties:

(1) To appoint staff necessary to carry out his powers and duties; except that appointment of all division directors shall be subject to approval by the state board, except the Board of Regents, whose members shall be appointed pursuant to *ss. 248.019* ~~s. 240.011~~ *and the State Community College Coordinating Board, whose members shall be appointed pursuant to s. 248.056;*

Section 110. Subsections (2) and (3) of section 231.17, Florida Statutes, 1978 Supplement, are amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2) Beginning July 1, 1980, each certificate issued shall be valid for a period not to exceed 5 years, and each applicant for initial certification shall demonstrate, on a comprehensive written examination and through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

(a) The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

(b) The ability to comprehend and interpret a message after listening;

(c) The ability to read, comprehend, and interpret orally and in writing, professional and other written material;

(d) The ability to comprehend and work with fundamental mathematical concepts; and

(e) The ability to comprehend patterns of physical, social, and academic development in students and to counsel students concerning their needs in these areas.

The Commissioner may, with the approval of the state board, assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(3) Beginning July 1, 1981, no individual shall be issued a regular certificate until he has completed *3* ~~1~~ school *years* ~~year~~ of satisfactory teaching pursuant to law and such other criteria as the state board shall require by rule, or a year-long internship approved by the state board. *The department, in conjunction with teacher education centers and colleges of education, shall provide for model satisfactory teaching and internship programs to be implemented in selected districts. The models shall be evaluated by the department, and the specifications for such programs shall be selected for implementation in all districts by July 1, 1981.*

Section 111. Subsection (2) of section 231.609, Florida Statutes, is amended to read:

231.609 Funding.—Teacher education centers shall be funded jointly by participating school districts and colleges and universities, the Department of Education, federal or private grants and donations, fees, and funds from any other appropriate source. The primary funding responsibility shall be as follows:

(2) *Universities* ~~BOARD OF REGENTS~~.—The duties and responsibilities of the *universities* ~~Board of Regents~~ shall be to adopt, or cause to be adopted, policies and procedures necessary to accomplish the following:

(a) Full-time equivalency faculty and nonfaculty positions equal to the student credit hours, undergraduate or graduate, earned by individuals participating in activities of teacher education centers established pursuant to this act shall be allocated to the activities of the centers where generated.

(b) All appropriate faculty professional activities and services, in addition to student contact hours teaching performed in school districts to effectuate the purposes and intent of this act, shall be recognized on the same basis as all other activities or services recognized for faculty rewards, including salary and promotions, and for allocating faculty time for research, counseling, and all other nonteaching services.

(c) The pro rata amount of nonfaculty support and other resources appropriated for the state university system is allocated for the activities of the approved teacher education centers where generated.

Section 112. Subsection (3) of section 233.0671, Florida Statutes, is amended to read:

233.0671 Courses of study in care of nursing home patients.—

(3) The *universities* ~~Board of Regents~~ and the boards of trustees of community colleges are authorized to enter into contracts with nursing home facilities rated "*A*" ~~"AA"~~ under the provisions of subsection 400.23(3), for the purpose of providing practical education for students in health service careers related to nursing home care.

Section 113. Paragraphs (c) and (d) are added to subsection (3) of section 236.081, Florida Statutes, 1978 Supplement, to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (3), $5 per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. If a district has an approved teacher education center, at least $3 of the $5 shall be expended as provided in ss. 231.600-231.610. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit.

Section 114. Subsection (2) of section 236.0811, Florida Statutes, 1978 Supplement, is amended to read:

236.0811 Educational training.—

(2) Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the district's inservice educational training needs conducted by a committee which shall include parents, classroom teachers, and other educational personnel. The plan shall be updated annually by *July 1* ~~April 1~~ and shall include inservice activities for all district employees, from all fund sources.

Section 115. Section 243.141, Florida Statutes, is amended to read:

243.141 Board of Administration to act as fiscal agent.—In furtherance of the provisions of chapter 243, the State Board of Administration may upon request of the Board of Regents *or of each university* act as fiscal agent for the Board of Regents in the issuance and sale of any revenue certificates which may be issued pursuant to this chapter, and may upon request of the Board of Regents take over the management, control, administration, custody and payment of any or all debt services or funds or assets now or hereafter available for any revenue certificates issued pursuant to this chapter. The Board of Regents may from time to time provide by its duly adopted resolution the duties said fiscal agent shall perform and such duties may be changed, modified, or repealed by subsequent resolution as the Board of Regents may deem appropriate.

Section 116. Section 243.151, Florida Statutes, is amended to read:

243.151 Lease agreements; land, facilities.—

(1) *Each university* ~~The Board of Regents~~ is authorized to negotiate and enter into agreements to lease land ~~at any institution~~ under its jurisdiction to individuals or corporations for the purpose of erecting thereon facilities and accommodations necessary and desirable to serve the needs and purposes of the *university* ~~various institutions of the State University System~~, as determined by the *systemwide master plan adopted by the* Board of Regents. Such agreement will be for a term not in excess of 40 years and shall include as a part of the consideration provisions for the eventual ownership of the completed facilities by the *of the university* ~~Board of Regents~~. The Board of Trustees of the Internal Improvement Trust Fund upon request of the *university* ~~Board of Regents~~ shall lease any such property to the *university* ~~board~~ for sublease as heretofore provided.

(2) *Each university* ~~The Board of Regents~~ is authorized to enter into lease agreements whereby income-producing buildings, improvements and facilities are leased to the *university* ~~Board of Regents~~ for a period of time specified in such agreement. However, such lease agreement shall provide that no funds other than rentals or other income produced by such building, improvement, or facility shall be pledged for the payment of rent to the owner thereof.

(3) The power granted in this section shall be supplemental to those provided elsewhere in part I, and the *universities* ~~Board of Regents~~ may do any and all things necessary to implement a lease program including the powers enumerated in part I. The board shall be empowered to negotiate contracts under this section.

(4) Agreements negotiated by the Board of Regents prior to January 1, 1980, for the purposes listed herein shall be validated, and said board's capacity to act in such cases ratified and confirmed.

Section 117. Subsection (1) of section 283.26, Florida Statutes, 1978 Supplement, is amended to read:

283.26 University of Florida Law Review; Florida State University Law Review.—

(1) Subject to the approval of the *appropriate university* ~~Board of Regents~~, the University of Florida Law Review and the Florida State University Law Review are authorized to engage in the following activities relating to their respective publications, notwithstanding the contrary provision of any statute, rule, or regulation of the state or its subdivisions or agencies:

(a) The grant of reprint rights relating to any or all issues of the University of Florida Law Review, or the Florida State University Law Review, or any of the materials, articles, or ideas contained therein;

(b) The sale for adequate consideration of any or all past or future stock and inventory of published issues of the University of Florida Law Review, or the Florida State University Law Review, or portions thereof; and

(c) The retention of the proceeds obtained under paragraphs (a) or (b), together with all moneys received by the University of Florida Law Review or the Florida State University Law Review from current or future subscriptions, sale of individual issues, sale of advertising, binding service, royalties, donations, and all other sources except direct or indirect appropriations from the state, its subdivisions, or agencies.

Section 118. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees, the Governor shall be deemed to be the public employer, and the Board of Regents shall be deemed to be the public employer with respect to faculty and administrative and professional employees and for all other public employees within the state university system not otherwise determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees, *except that such faculty and administrative and professional employees and all other such employees shall have the right, in elections to be conducted at each university by the commission pursuant to its rules, to elect not to participate in collective bargaining. In the event that a majority of such voting employees at any university elect not to participate in collective bargaining, they shall be removed from the Board of Regents bargaining unit. If, thereafter by election conducted by the commission pursuant to its rules, a majority of such voting employees elect to participate in collective bargaining, they shall be included again in the Board of Regents bargaining unit for such purpose.* The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind.

Section 119. If chapter 231, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended, it is the intent of the Legislature that sections 110 and 111 of this act shall also be repealed on the same date as is therein provided.

Section 120. Sections 239.011, 239.012, 239.013, and 239.014, Florida Statutes, are hereby renumbered as sections 248.0131, 248.0132, 248.0133, and 248.0134, Florida Statutes.

Section 121. Sections 230.751, 230.752, 239.03, 239.05, 239.06, 239.07, 239.08, 239.25, 239.26, 239.27, 239.28, 239.35, 239.41, 239.42, 239.43, 239.44, 239.441, 239.451, 239.49, 239.50, 239.52, 239.60 and 239.79, Florida Statutes, section 230.7686, Florida Statutes, as created by chapter 77-57, Laws of Florida, section 239.01, Florida Statutes, 1978 Supplement, as amended by chapter 78-208, Laws of Florida, section 239.51, Florida Statutes, as amended by chapter 77-121, Laws of Florida, sections 239.59, 239.61, 239.62, 239.63, and 239.64, Florida Statutes, as amended by chapter 77-147, Laws of Florida, sections 240.001, 240.021, 240.043, 240.044, 240.0445, 240.046, 240.073, 240.0951, 240.096, and 240.111, Florida Statutes, section 240.042, Florida Statutes, as amended by chapter 77-174, Laws of Florida, section 240.045, Florida Statutes, as amended by chapter 77-59, Laws of Florida, section 240.047, Florida Statutes, as created by chapter 77-211, Laws of Florida, section 240.052, Florida Statutes, 1978 Supplement, as amended by chapters 76-111, 77-57, 77-121, 77-338, 78-91, 78-95 and 78-338, Laws of Florida, and section 240.062, Florida Statutes, as amended by chapter 76-111, Laws of Florida, sections 241.08, 241.091, 241.096, 241.097, 241.12, 241.121, 241.231, 241.24, 241.26, 241.28, 241.281, 241.36, 241.-401, 241.42, 241.44, 241.441, 241.45, 241.477, 241.48, 241.49, 241.491, 241.60, 241.68, 241.69, 241.691, 241.692, 241.693, 241.694, 241.695, 241.71, and 241.72, Florida Statutes, sections 241.475 and 241.476, Florida Statutes, as amended by chapter 77-104, Laws of Florida, section 241.361, Florida Statutes, as amended by chapter 77-120, Laws of Florida, section 241.362, Florida Statutes, 1978 Supplement, as created by chapter 78-265, Laws of Florida, section 241.365, Florida Statutes, 1978 Supplement, as created by chapter 78-93, Laws of Florida, section 241.461, Florida Statutes, as amended by chapter 77-147, Laws of Florida, section 241.479, Florida Statutes, as amended by chapter 77-320, Laws of Florida, section 241.751, Florida Statutes, as created by chapter 76-53, Laws of Florida, sections 241.753, 241.755, and 241.757, Florida Statutes, 1978 Supplement, as amended by chapters 76-53 and 78-358, Laws of Florida, are hereby repealed.

Section 122. The repeal of statutory sections by this act shall not be construed as a legislative mandate to discontinue or disestablish existing colleges, schools, departments, branches, centers, museums, stations, laboratories, and dormitories established pursuant to acts of the Legislature, which shall continue in existence and operation pursuant to rules of the Board of Regents, rules of the Community College Coordinating Board, rules of the board of trustees of each community college, general law, and the annual appropriation of the Legislature.

Section 123. Florida Endowment Trust Fund for Eminent Scholars Act.

(1) SHORT TITLE.—This section shall be known and may be cited as the "Florida Endowment Trust Fund for Eminent Scholars Act."

(2) LEGISLATIVE INTENT.—The Legislature recognizes that the State University System would be greatly strengthened by the addition of distinguished scholars. It further recognizes that private support as well as state support is preferred in helping to obtain distinguished scholars for the state universities, and that private support will help strengthen the commitment of citizens and organizations in promoting excellence throughout all state universities. It it therefore the intent of the Legislature to establish a trust fund to provide the opportunity to each state university to receive and match challenge grants to create endowments for selected eminent scholars to occupy chairs within the universities. The associated foundations that serve the universities shall have the responsibility for maintaining and investing their shares of the trust fund and shall solicit and receive gifts from private sources to provide for matching funds to the trust fund challenge grants for the establishment of endowments for chairs within universities.

(3) ESTABLISHMENT OF THE TRUST FUND.—There is established a Trust Fund for Eminent Scholars to be divided into challenge grants to be allocated to and administered by the associated foundation that serves each university. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund.

(4) ALLOCATION AND ADMINISTRATION OF THE TRUST FUND.—

(a) For the duration of the program, each university shall be eligible to match one-ninth of the funds provided. The amount appropriated to the trust shall be allocated by the Board of Regents to each university on the basis of one $400,000 challenge grant for each $600,000 raised from private sources. If a university chooses to pursue the use of the allocated challenge grant funds, such funds shall be matched on a one and a half -to-one basis. Matching funds shall come from contributions made after the effective date of the act and pledged for the purposes of the act. To be eligible, such contributions must be in excess of the total average annual level of contributions made to the foundation in the 3 fiscal years prior to the effective date of this act. All funds collected by each foundation as matching funds for the challenge grant shall be added to the trust fund to provide for the establishment of an endowment for the specified university. Once the income from the endowment can be effectively utilized pursuant to subsection (5), the university shall proceed to implement plans for establishing an endowed chair. Any allocated funds which remain unmatched 4 years from the date of appropriation shall revert to the Board of Regents for reallocation. No funds accruing to the New College foundation of the University of South Florida for its separate endowment program shall qualify for an endowed chair as provided for in this act.

(b) The foundation serving a university shall have the responsibility for the maintenance and investment of its share of the allocated trust fund and for the administration of the program at that university. The governing board of each foundation shall be responsible for soliciting and receiving gifts to be used as matching funds to be deposited and matched with the challenge grants for the establishment of the endowments for the specified university. Funds collected by the foundation as matching funds for the challenge grant shall be placed in the trust fund and credited to the endowment for the specified university. Once an endowment is established and operating, there may be further challenge grants to be matched for the establishment of more chairs. Each foundation shall include in its annual report to the Board of Regents information concerning collection and investment of matching gifts and donations and investment of the trust fund.

(5) ESTABLISHMENT OF CHAIRS.—When the sum of the challenge grant and matching funds reach $1,000,000, the foundation and the president of the university may recommend to the Board of Regents, for its approval, the establishment of an endowed chair. The Board of Regents must then approve the recommendation, considering the existing programs of the State University System, in order for the chair to be established. The chair, which is then the property of the university, may be named in honor of a donor, benefactor, or honoree of the university, at the option of the foundation.

(6) SELECTION OF EMINENT SCHOLARS.—

(a) The president shall be responsibile for the final approval of criteria to be used in the selection process.

(b) Presidents of the universities shall nominate individuals for consideration as candidates, or individuals may apply to the foundation for consideration as candidates. Candidates for the chairs may or may not be currently employed as faculty members of the granting institutions; however, candidates not so employed must become employed as faculty members by the granting institutions upon acceptance of the chairs.

(c) The president of the university shall establish a committee to process each application or nomination. The committee shall consist of at least the following: one member appointed by student government; two faculty members appointed by the president; four members appointed by the foundation, one of whom shall be an alumnus of the university. The committee shall recommend to the president for his approval one or more eligible candidates. The president shall select the candidate to be offered the chair. If a candidate is not selected by the president or if the approved candidate does not accept the chair, the selection process shall be repeated.

(d) The proceeds of the endowment may be used as salaries or a supplement for salaries and associated with the holder of the chair's scholarly work.

Section 124. There is hereby appropriated from the General Revenue Fund, for the fiscal years 1979-1981, $10 million to be placed in the Trust Fund for Eminent Scholars, as created herein.

Section 125. This act shall take effect July 1, 1979 except that Section 4 shall take effect upon becoming law and except that Section 118 shall take effect on July 1, 1980.

Conference Committee Amendment 2—On page 1, strike the title and insert:

A bill to be entitled An act relating to education; creating chapter 248, Florida Statutes, consisting of ss. 248.011-248.154, Florida Statutes, consolidating postsecondary education provisions; specifying purpose and mission; providing for the composition of the State University System; providing for a joint commission on postsecondary education; providing for applicability of certain sections; providing for additional compensation for university employees; providing for transfer of certain funds; creating a Board of Regents to be responsible for coordinating the individually governed universities; providing powers and duties; providing powers and duties of universities; providing for payment of civil action costs; providing that universities shall govern student admissions, establish and collect fees, invest funds, collect delinquent accounts, adopt disciplinary rules, maintain student records, issue Associate of Arts degrees, create divisions of sponsored research, provide procedures relating to faculty, eliminate sexual discrimination in granting faculty salaries, regulate traffic, and provide for police officers; providing for funding of the State University System to include enrollment planning, categorical and matching programs, cost estimating, and quality improvement funds; defining the State Community College System; creating the State Community College Coordinating Board; providing powers and duties; creating community college boards of trustees; providing such boards with powers similar to university boards of trustees; providing for admissions of students; providing for community college funding; providing for articulation and acceleration mechanisms; providing for postsecondary consortiums; creating the State Tuition Voucher Fund to aid students attending certain independent colleges; providing for scholarships and financial aid; retaining miscellaneous provisions; transferring various sections to conform to the act; renumbering and amending ss. 240.011, 240.191, 240.221(1), 240.-103(1) and (2), 239.77, 239.78, 241.621, 241.73, 241.731, 241.735, 239.53(1), 239.54, 239.56(1) and (2), 239.58(1), (4) and (6), 230.7535, 230.754(2), 230.755, 230.7601, 230.763, 230.7651, 230.-767, 230.771(1), 230.776, 239.47(6), 239.684(1) and (2), 239.-685(4), 239.705(1), 239.71, 239.735, 239.74, 239.745, 239.755, 239.76, 240.031(1), 239.65(1), 239.665, 241.13, 241.471, 240.141 (2)(d), and 240.0421, Florida Statutes, ss. 239.671, 239.72(2) and (3), and 239.795, Florida Statutes, 1978 Supplement, and repealing ss. 241.478(4), 230.753(2)(a) and 240.031(2), Florida Statutes, all to conform to the act; amending s. 20.15(3), (4) (c), (5), and (6), Florida Statutes, and repealing subsection (7) thereof, and amending ss. 201.08(3), 216.311(1), 229.053 (2), 229.512(1), 231.609(2), 233.0671(3), 243.141, and 243.151, Florida Statutes, and s. 283.26(1), Florida Statutes, 1978 Supplement, to conform to the act; adding paragraphs (g), (h), and (i) to s. 229.551(3), Florida Statutes, relating to educational management; amending s. 231.17(2) and (3), Florida Statutes, 1978 Supplement, relating to teacher certificates; adding paragraphs (c) and (d) to s. 236.081(3), Florida Statutes, 1978 Supplement, and amending s. 236.0811(2), Florida Statutes, 1978 Supplement, relating to inservice personnel training; amending s. 447.203(2), Florida Statutes, allowing employees of the State University System to be removed from the Board of Regents collective bargaining unit; repealing various sections in chapters 230, 239, 240, and 241, Florida Statutes; providing for conditional repeal; creating the Florida Endowment Trust Fund for Eminent Scholars Act; providing for establishment of a Trust Fund for Eminent Scholars to be administered by the associated foundation at each university; providing for challenge grants to the state universities from the fund to be matched on a one-to-one basis by donations collected by the foundation at each university; providing for reallocation of unmatched grant moneys; providing for establishment of endowed chairs; providing for selection of holders of such chairs; providing an appropriation; providing effective dates.

The Conference Committee Report was read and on motion by Senator MacKay was adopted. The vote was:

Yeas—22

Mr. President	Gorman	McClain	Stuart
Barron	Grizzle	Peterson	Tobiassen
Carlucci	Hair	Poole	Trask
Childers, W. D.	Henderson	Scarborough	Ware
Dunn	MacKay	Scott	
Fechtel	Maxwell	Spicola	

Nays—17

Anderson	Hill	Myers	Williamson
Chamberlin	Holloway	Neal	Winn
Childers, D.	Jenne	Skinner	
Frank	Johnston	Steinberg	
Gordon	McKnight	Vogt	

CS for HB 1689 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—23

Mr. President	Gorman	McClain	Stuart
Barron	Grizzle	Peterson	Tobiassen
Carlucci	Hair	Poole	Trask
Childers, W. D.	Henderson	Scarborough	Ware
Dunn	MacKay	Scott	Williamson
Fechtel	Maxwell	Spicola	

Nays—16

Anderson	Gordon	Johnston	Skinner
Chamberlin	Hill	McKnight	Steinberg
Childers, D.	Holloway	Myers	Vogt
Frank	Jenne	Neal	Winn

The Honorable Philip D. Lewis, President

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

By the Committee on Transportation—

SB 722—A bill to be entitled An act relating to the Florida Transportation Code and to the financing of county road construction; amending s. 334.03(26) Florida Statutes, defining the resurfacing, widening and reconstruction of roads as construction; amending s. 339.089, Florida Statutes; requiring use of certain surplus second gas tax revenues on the county road system; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 19, strike all of line 19 and INSERT:

Section 3. Section 334.172, Florida Statutes, is created to read:

334.172 Traffic control signal devices; jurisdiction; installation, operation, and maintenance.—The installation, operation, and maintenance of traffic control signal devices installed on public roads in this state shall conform to the following provisions except as otherwise provided by statute:

(1) It is the intent of the Legislature that such traffic control signal devices, associated equipment, and other necessary appurtenances as may be necessary to assure safe and efficient operation should be installed on the public roads in this state and the Department of Transportation and counties, municipalities, and other political subdivisions of the state shall each bear an equitable share in the costs of installing, operating, and maintaining such equipment and material as provided herein. It is the further intent of the Legislature that single networks of traffic signals within a given geographical area should, where feasible, under the management of a single jurisdiction based on a locally developed written agreement between all concerned jurisdictions in order to promote operational efficiency and economy and to provide for the safety of the public.

(2) The following words and phrases when used in this section shall, unless the context clearly indicates otherwise, have the following meanings:

(a) "Traffic control signal device" or "traffic signal" means any type of highway, road, or street traffic signal, excluding railroad crossing signal devices, by which traffic is alternately directed to stop and permitted to proceed and includes permanently installed flashing beacons and school area traffic signals and flashing beacons but excludes temporary construction and maintenance area hazard identification beacons.

(b) "Basic number of lanes" means the basic through lanes of a roadway facility, excluding extra turning lanes, storage lanes and any other additional lanes.

(3) No later than December 31, 1979, the Department of Transportation shall propose for adoption pursuant to chapter 120 a procedural plan to implement an orderly phase-in of this section. Counties and municipalities shall, prior to July 1, 1980, adopt procedural plans for an orderly phase-in of this section. All such transfers and assumptions shall begin to be implemented by no later than July 1, 1980. All such actions shall, as nearly as practicable, be made at a rate of at least 30 percent per year to be completed no later than June 30, 1983, on which date all actions required by the plans which have not been effected shall automatically occur except as otherwise provided herein.

(4) The Department of Transportation, in its manual on uniform traffic control devices adopted pursuant to s. 316.-0745(2), shall provide a procedure to be used in determining the necessity for installation of a traffic control signal device and shall specify the data necessary to warrant a signal installation.

(5) Each traffic control signal device to be installed on any public road in the state shall be supported by a traffic engineering study which documents that such traffic control signal device meets official warrants for traffic control signals as specified in the Department of Transportation's manual on uniform traffic control devices. Traffic signals, which are by nature an impediment to normal traffic flow, should only be considered for installation after all other viable and practical alternatives have been evaluated. No traffic control signal device shall be installed or retained on a public road in the state unless the need for such a device is based on a traffic engineering study and the location of such device conforms to one or more warrants as specified in subsection (4). Responsibility for performing the traffic engineering analysis necessary to assess whether traffic control signal device warrant criteria are met shall rest with the installing jurisdiction as defined in subsection (6).

(6)(a) The installation or alteration of a traffic control signal device on a public road or at an intersection of two or more public roads wherein a single jurisdiction is responsible for the roadway or roadways involved shall be the responsibility of such jurisdiction.

(b) The installation or alteration of a traffic control signal device on a public road or at the intersection of two or more public roads where two or more jurisdictions are responsible for the roadways involved shall be the responsibility of:

1. The Department of Transportation when one or more of the roadways involved is a portion of the state highway system.

2. A county when both that county and a municipality or municipalities, but not the Department of Transportation, are responsible for a roadway or roadways involved at that location.

(c) The installation or alteration of a traffic control signal device at the intersection of a public road and a private road or driveway shall be the responsibility of the private road or driveway owner. The traffic signal installation must meet the requirements of subsection (5) and the requirements of the jurisdiction responsible for that public road.

(7)(a) The Department of Transportation and the counties, municipalities, and other political subdivisions shall be responsible for all aspects of the operation and maintenance of traffic control signal devices installed on public roads at single-jurisdiction locations under their sole responsibility.

(b) At signalized intersections on public roads at multi-jurisdiction allocations, the jurisdiction having installation responsibilities at that location shall exercise operating and maintenance responsibilities for traffic control signal devices installed at that location. However, each jurisdiction that shares roadway access at that intersection shall share in the operating and maintenance costs of that intersection and such sharing shall be based on a ratio of the basic number of lanes on each roadway leg upstream of the intersection. Cost sharing agreements shall be executed in writing by all jurisdictions involved.

(c) Any jurisdiction responsible for signalization functions on a public road may, by written agreement, assign any or all of those functions, in part or in full, to any other governmental or private agency found qualified to perform such functions.

(d) The Department of Transportation shall be responsible for developing and conducting, on a continuing basis, a program designed to identify criteria for, and effectively assess and certify, a minimum level of technical competence for the various jurisdictions, private companies, and any other parties who maintain and operate traffic control signal devices installed on public roads in the state.

(e) Providers of electricity for traffic control signals shall bill the responsible jurisdictions in as cost-efficient a manner as practicable and there shall be no prohibition against the use of such cost reduction concepts as conjunctive billing when used in conjunction with these activities.

(f) The traffic control signal devices, associated equipment, and other necessary appurtenances addressed in this subsection shall include all traffic signal interconnection features which have been identified and associated with specific signalized intersections or locations but shall exclude system communication features supplied by local utilities and all remote central system traffic control equipment. The maintenance and operation responsibilities for such excluded items shall be the exclusive responsibility of the installing jurisdiction except as otherwise provided by written agreement.

(g) The maintenance and operation responsibilities for traffic control signal devices installed at the intersection of a public road and a private road or driveway shall rest with the jurisdiction responsible for such public road.

(8) Traffic control signal devices, associated equipment, and other necessary appurtenances installed on public roads shall become the property of the jurisdiction assigned installation responsibility and in the case of private road or driveway connections, the jurisdiction responsible for that public road. Ownership transfers of such devices, material, and equipment shall be accomplished concurrently with the cited jurisdictional transfers.

(9) All obligations of a jurisdiction under any other agreement relating to any specific signal installation for which operation and maintenance responsibilities are to be transferred under this section shall be transferred to the jurisdiction acquiring such obligations upon execution of that assumption. Such transfers shall be by assignment or reexecution; however, the jurisdiction transferring such obligations shall be responsible for notifying all parties to an assigned agreement.

(10) The Department of Transportation and counties, municipalities, and other political subdivisions may enter into such agreements as are deemed necessary and convenient for the proper exercise of their responsibilities provided in this section.

(11) The counties and municipalities shall expend on traffic operations projects in their local areas the net savings received from the Department of Transportation as a result of the cost sharing established by this act.

Section 4. Subsection (2) of section 316.006, Florida Statutes, is amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads *and county roads*, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. This subsection shall not limit those

counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

Section 5. Subsection (4) of section 218.32, Florida Statutes, is transferred and renumbered as section 334.225, Florida Statutes.

Section 6. This act shall take effect July 1, 1979.

Amendment 2—On page 1, lines 9 and 10 in the title, strike "revenues on the county road system; providing an effective date" and insert: revenues on the county road system; creating s. 334.172, F. S., providing jurisdiction over traffic control signal devices; providing legislative intent; providing definitions; providing a phase-in period; providing a signal installation warranting procedure; assigning signal installation, operation and maintenance responsibilities and costs; providing for written agreements; providing for a technical competence certification; providing for equipment ownership; providing for assignment and reexecution of existing agreements; providing that counties and municipalities use the savings on traffic operations projects; amending s. 316.006(2), F. S., exempting traffic control of county roads within municipalities from jurisdiction of such municipalities; transferring s. 218.32(4), F. S., relating to data on road construction, maintenance, etc., to be reported by local governments to the Department of Banking and Finance, to s. 334.225, F. S.; providing an effective date.

On motions by Senator Holloway, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 553—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Young and others—

HB 553—A bill to be entitled An act relating to the district school system; amending s. 230.23(9)(b), Florida Statutes, 1978 Supplement, to delete certain restrictions on lease or lease-purchase arrangements between school boards and private individuals or corporations; amending s. 230.2311(1), Florida Statutes relating to early childhood and basic skills development-programs; requiring basic skills to be developed through certain basic programs; adding subsection (6) to s. 236.013, Florida Statutes, defining the term "basic programs" as it relates to the Florida Education Finance Program; providing an effective date.

—was read the first time by title and on motion by Senator Williamson, by unanimous consent placed on the calendar.

On motion by Senator Williamson, by two-thirds vote HB 553 was read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 3, line 1, strike the effective date section and insert: Section 2 Section 229.595, Florida Statutes, is created to read:

229.595 Management Training Act.—

(1) TITLE.—This section shall be known and may be cited as the "Management Training Act of 1979."

(2) INTENT.—The Legislature recognizes that the school principal is of primary importance in achieving and maintaining instructional excellence in a school. The Legislature further recognizes that although the role of the principal has been modified to increase managerial discretion, many principals, have not been trained as school managers. It is the legislative intent that school principals shall be prepared to make the necessary managerial and budget decisions required for effective school-based management.

(3) COMPETENCIES FOR SCHOOL-BASED MANAGERS.—Each district school board shall review and evaluate the present system of selecting, appointing, and reappointing school principals and other school-based managers and shall, in consultation with members of the profession, establish rules for the selection, appointment, and reappointment of such persons. Such rules shall include that school-based managers be trained in competencies, identified by the Commissioner of Education, necessary to effectively implement school-based management as required by s. 229.555.

(4) MANAGEMENT TRAINING PROGRAMS.—

(a) Pursuant to rules to be adopted by the commissioner, each school board may submit to the commissioner a proposed program designed to train district administrators and school-based managers, including principals, assistant principals, and school site administrators, and persons who are potential candidates for employment in such administrative positions, in the competencies necessary for effective school-based management. Such proposed program shall include a statement of the number of individuals to be included in the program and an itemized statement of the estimated total cost of the program which shall be paid by the Department of Education. Priority shall be given to school principals.

(b) Upon the request of any school board, the Department of Education shall provide such technical assistance to the school board as is necessary to develop and submit a proposed program of training for school-based management. The department may use its own staff or such consultants as may be necessary to accomplish this purpose.

(c) The commissioner shall review and approve, disapprove, or resubmit to the school board for modification all proposed programs submitted. For those programs approved, the commissioner shall authorize distribution of funds.

(d) The commissioner shall, no later than November 1 of each even-numbered year, transmit to members of the State Board of Education, the President of the Senate, the Speaker of the House of Representatives, and the chairmen of the Senate and House committees on public school education an appraisal of the funded programs as to effectiveness, efficiency, and utilization of resources, including a statement of the overall program for the coming biennium, the recommended level of funding for the program for that biennium, and any other recommendations deemed by the commissioner to be appropriate.

(5) SALARY SUPPLEMENT.—Each school board is authorized to provide a salary supplement to principals who have successfully completed the management training program provided for herein.

Section 3 Subsection (2) of section 237.211, Florida Statutes, 1978 Supplement, is amended to read:

237.211 School depositories; payments into and withdrawals from depositories.—

(2) ~~SEPARATE ACCOUNTS FOR~~ FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING ACCOUNTS PROHIBITED.—The school board shall require an accurate and complete set of accounts to be maintained *in the books and records* for each fund on deposit in each district school depository. *Each such* ~~This~~ account shall show the amount subject to withdrawal, amount deposited, amount expended, and the balance thereof. *In compliance with the provisions of this subsection, a school board may maintain a separate checking account for each such fund or may utilize a single checking account for the deposit and withdrawal of moneys from all funds and segregate the various funds on the books and records only.* No check or warrant shall be drawn in excess of the balance to the credit of the *appropriate* fund.

Section 4. Subsection (1) of section 246.011, Florida Statutes, is amended and subsection (5) is added to said section to read:

246.011 Purpose.—

(1) *It is the intent of the Legislature to encourage privately supported higher education and to protect the integrity of degrees and diplomas conferred by privately supported educational institutions.* This chapter shall provide for the protection of the health, education, welfare, and morals of the citizens of Florida and shall facilitate and promote the acquisition of a minimum satisfactory education by all the citizens of this state. Presently existing in this state are many fine nonpublic colleges, but there are some nonpublic colleges which do not generally offer those

educational opportunities which the citizens of this state deem essential. The latter type of college also fails to contribute to the ultimate health, education, welfare, and morals of the citizens of Florida. It is in the interest of, and essential to, the public health, education, welfare, and morals that the state create the means whereby all nonpublic colleges as defined in this chapter shall satisfactorily meet minimum educational standards.

(5) The State Board of Independent Colleges and Universities shall serve as a repository for current information and as a clearinghouse for inquiries relating to institutions under its purview.

Section 5. Paragraph (g) of subsection (1) of section 246.021, Florida Statutes, is amended to read:

246.021 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "College" means any educational facility maintained or conducted by any person, association, partnership, corporation, or trust and operating as an institute, community college, college, university, or entity of whatever kind which furnishes or offers to furnish a degree as defined herein or which furnishes or offers to furnish instruction leading toward, or prerequisite to, an academic degree beyond the secondary level and which requires that, in order to obtain a degree or diploma, the recipient thereof satisfactorily completes appropriate courses or classes or laboratory or research study in person or by correspondence. The following shall be excluded from this definition as it applies to the licensing and regulation requirements of this chapter.

(g) Chartered, religious~~, and nonprofit~~ colleges whose only purpose is to *prepare* ~~train~~ students in religious disciplines ~~to prepare them~~ for either missionary or ministerial service and whose catalogs honestly and accurately present their academic programs, offering only degrees ~~in theology or~~ of an ecclesiastical nature ~~and requiring a minimum of 120 semester hours, or the equivalent thereof, in residence for a 4 year degree which describes on its face the amount of work completed~~.

Section 6 Subsection (1) of section 246.091, Florida Statutes, is amended to read:

246.091 License period and renewal.—

(1) Each original license shall be ~~permanent,~~ subject to an annual review and renewal by the board to determine if the licensee is in compliance with this chapter. An institution affected under this act may be granted a ~~1 year~~ temporary or provisional license *for a period up to 1 year.* Nothing in this act shall prevent the extension of such temporary or provisional licenses provided a good faith effort has been made by the college and agent. The burden of determining compliance or a good faith effort shall rest with the board.

Section 7. Subsection (1) of section 246.095, Florida Statutes, is amended to read:

246.095 Disclosure to prospective students; condition of licensing.—

(1) Every institution which is required to be licensed under the provisions of s. 246.081 and which either directly or indirectly solicits for enrollment any student ~~whose residence is outside the United States and its dependencies~~ shall disclose to each prospective student a statement of the institution's purpose, its educational programs and curricula, a description of its physical facilities, its status regarding licensure, and the fact that additional information regarding the institution may be obtained by contacting the State Board of Independent Colleges and Universities, Department of Education, Tallahassee. The disclosures required to be made under the provisions of this subsection shall be made in writing and prior to the collection of any fee or tuition from the prospective student to whom disclosure is required to be made.

Section 8. The 1982 repeal of sections 246.011, 246.021, 246.091, and 246.095, Florida Statutes, by chapter 76-168, Laws of Florida, as amended, shall not be affected by the amendment of those sections by this act.

Section 9. Section 230.234, Florida Statutes, is amended to read:

230.234 Legal services for employees.—The school boards of the several districts are authorized to provide legal services for officers and employees of said boards who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities~~.~~ *upon successful defense of the employee. The school board shall provide for reimbursement of reasonable expenses for legal services for officers and employees of said boards who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon successful defense by the employee or officer.* However, in any case in which the officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee shall reimburse the board for any legal services which the board may have supplied pursuant to this section. Each *expenditure by* ~~determination of~~ the school board ~~to expend funds~~ for legal defense of an officer or employee shall be made at a public meeting with notice pursuant to paragraph 120.53(1)(d). The providing of such legal services under the conditions described above is declared to be a district school purpose for which district school funds may be expended.

Section 10. This act shall take effect July 1, 1979.

Amendment 2—Strike in title, the words "providing an effective date." and insert: creating s. 229.595, Florida Statutes, the "Management Training Act of 1979"; providing legislative intent; providing rules for the selection, appointment, and reappointment of principals and other school-based managers and for competencies thereof; authorizing each district school board to submit to the Commissioner of Education a proposed program for the training of such persons; providing for technical assistance; providing for funding; providing for reporting; authorizing salary supplements to principals; amending s. 237.211 (2), Florida Statutes, 1978 Supplement, relating to school depositories, to authorize each school board to commingle certain of its funds in a single checking account under certain conditions; amending s. 246.011(1), Florida Statutes, and adding subsection (5) to said section; clarifying the legislative intent as to nonpublic postsecondary institutions; providing for the collection and dissemination of information relating to nonpublic postsecondary institutions; amending s. 246.021(1)(g), Florida Statutes; changing the exemption from licensure and regulation requirements provided for missionary and ministerial institutions; amending s. 246.091(1), Florida Statutes; prescribing the periods of licensure; amending s. 246.095(1), Florida Statutes; requiring disclosure of certain information to all prospective students; amending s. 230.234, Florida Statutes, requiring district school boards to reimburse officers and employees for expenses for legal services in civil or criminal actions under certain circumstances; providing an effective date.

On motion by Senator Williamson, by two-thirds vote HB 553 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	McKnight	Stuart
Anderson	Hair	Neal	Tobiassen
Barron	Henderson	Peterson	Trask
Carlucci	Hill	Poole	Vogt
Chamberlin	Jenne	Scarborough	Ware
Childers, D.	Johnston	Scott	Williamson
Childers, W. D.	MacKay	Skinner	Winn
Fechtel	Maxwell	Spicola	
Frank	McClain	Steinberg	

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 2; refused to recede from House Amendment 3 to CS for SB 277, has passed as amended and again requests the Senate to concur.

Allen Morris, Clerk

By the Committee on Governmental Operations and Senator Gorman and others—

CS for SB 277—A bill to be entitled An act relating to real estate brokers and salesmen; reviving, readopting, and amending

various sections of chapter 475, Florida Statutes, as amended, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; creating ss. 475.001, 475.011, 475.125, 475.175, 475.182, 475.183, 475.454, 475.455, Florida Statutes; providing purpose, definitions, and exemptions; creating the Board of Real Estate in the Department of Professional Regulation and providing membership, terms, powers, and duties thereof; providing for fees; prescribing qualifications for practice; providing for examinations and licensure; providing for renewal; providing for inactive status; requiring brokers to maintain certain offices and signs; providing for registration of branch offices; providing grounds and procedures for discipline; providing rules of evidence; authorizing payment of costs; providing that certain contracts are void; prescribing prohibited acts and providing penalties therefor; providing presumptions; providing for licensure of certain schools and persons teaching real estate; prohibiting such schools and persons from making certain representations; providing procedures for advance-fee transactions; providing penalties; providing circumstances for award of treble damages and attorney's fees; providing procedures for rental information transactions; providing penalties; requiring the board to report criminal violations; providing for exchange of disciplinary information; creating the Florida Real Estate Recovery Fund; prescribing eligibility and providing procedures for recovery from the fund; providing for subrogation; providing for investment of the fund; prohibiting certain false statements in connection with claims; providing penalties; amending s. 20.30(4)(x), Florida Statutes, 1978 Supplement, as amended; changing the name of the Real Estate Commission to the Board of Real Estate; providing for continuation of rules; providing for legislative review; allowing to stand repealed under the Regulatory Reform Act ss. 475.06, 475.07, 475.08, 475.09, 475.11, 475.12, 475.13, 475.131, 475.14, 475.16, 475.18, 475.19, 475.20, 475.21, 475.26, 475.29, 475.34, 475.40, Florida Statutes, as amended, relating to powers and duties of the Florida Real Estate Commission which are superseded by chapter 79-36, Laws of Florida, or by this act; allowing to stand repealed under the Regulatory Reform Act s. 475.48, Florida Statutes, relating to penalties for false advertising and s. 475.481, Florida Statutes, which provided a short title; providing a retroactive effective date.

Amendment 3—On page 12, line 7, strike An applicant for licensure as a broker shall first successfully complete all educational and examination requirements prescribed for licensure as a salesman. and insert: After the period (.)

No person shall be registered as a real estate broker unless, in addition to the other requirements of law, he shall have held an active real estate salesman's registration certificate in the office of one or more registered real estate brokers for at least 12 months during the preceding 5 years.

On motion by Senator Dunn, the Senate concurred in the House Amendment.

CS for SB 277 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	McClain	Steinberg
Anderson	Gordon	McKnight	Stuart
Barron	Gorman	Myers	Tobiassen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	
Fechtel	MacKay	Spicola	

Nays—None

The bill was ordered engrossed and then enrolled.

On motion by Senator Barron, the Senate recessed at 10:18 p.m., awaiting the call of the President.

The Senate was called to order by the President at 11:35 p.m. A quorum present.

The Honorable Philip D. Lewis, President

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

By the Committee on Education and Senator Peterson and others—

CS for SB's 627, 480, 616, 1068, 1086 and 1060—A bill to be entitled An act relating to education; amending s. 236.081-(1)(c), (d), Florida Statutes, 1978 Supplement; providing cost factors for certain educational programs for fiscal years 1979-1980 and 1980-1981; establishing cost factor for severely emotionally disturbed for fiscal years 1979-1980 and 1980-1981; establishing cost factors for individualized manpower training systems and vocational handicapped for 1979-80 and 1980-81; providing for full-time exceptional students participation in basic programs; creating a new subsection (7), and amending paragraph (6)(a) of s. 236.081, Florida Statutes, 1978 Supplement; providing for additional funding for school districts with declining full-time equivalent students; amending s. 236.013-(2)(c), Florida Statutes, defining the term "full-time equivalent student" under certain circumstances; providing additional compensatory education for students failing to meet graduation requirements; amending s. 230.2311(1), (3), Florida Statutes, providing requirements for programs to meet individual needs of all students for mastery of basic skills, including adults; amending s. 232.246(3), Florida Statutes, 1978 Supplement; authorizing an additional high school year for remedial studies; creating s. 236.0815, Florida Statutes, providing for inclusion of certain students within the basic programs; creating s. 232.2481, Florida Statutes; extending the requirements of ss. 232.245, 232.246, 232.247 and 232.248, Florida Statutes, to elementary and secondary school programs operated by other state and local public agencies; authorizing the presiding officer of a district school board to order removal of persons interfering with the expeditious or orderly process of any public meeting held by the school board; providing for removal of such persons; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 31, strike *p. severely emotionally disturbed* 6.50 6.50

Amendment 2—On page 5, line 29, strike d. Diversified *2.10* ~~1.67~~ *2.10* and insert: d. Diversified *1.48* ~~1.67~~ *1.34*

Amendment 3—On page 6, line 4-6, strike *j. Individualized manpower training systems 2.10 2.10*
k. Vocational handicapped 3.13 3.13

Amendment 4—On page 8, line 13, strike "on either a full-time or" and insert: on a

Amendment 5—On page 1, lines 6-11 in the title, strike establishing a cost factor for severely emotionally disturbed for fiscal years 1979-1980 and 1980-1981; establishing cost factors for individualized manpower training systems and vocational handicapped for 1979-80 and 1980-81;

On motions by Senator Peterson, the Senate concurred in the House amendments.

CS for SB's 627, 480, 616, 1068, 1086 and 1060 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiassen
Barron	Hair	Myers	Trask
Carlucci	Henderson	Neal	Vogt
Chamberlin	Hill	Peterson	Ware
Childers, D.	Holloway	Scott	Williamson
Childers, W. D.	Jenne	Skinner	Winn
Dunn	Johnston	Spicola	
Fechtel	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—None

The bill was ordered engrossed and then enrolled.

On motion by Senator Barron, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill:

INTRODUCTION

By Senator Barron—

SCR 1318—A CONCURRENT RESOLUTION extending the regular 1979 legislative session under the authority of Article III, Section 3, of the State Constitution; establishing limitations in scope of legislation to be considered; providing for exceptions.

—was read the first time in full. On motions by Senator Barron, by two-thirds vote SCR 1318 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—39

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Childers, W. D.	Jenne	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Fechtel	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	

Nays—None

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 concurred in Senate Amendment 1 has amended Senate Amendment 2, concurred in same as amended and passed HB 1424 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative O'Malley—

HB 1424—A bill to be entitled An act relating to insurance; amending s. 627.311(3), Florida Statutes, 1978 Supplement; authorizing the Department of Insurance to review the automobile liability insurance joint underwriting plan and to approve or disapprove the plan or any part thereof at any time; providing that disapproval is subject to the provisions of chapter 120; providing that the plan shall operate subject to the supervision and approval of a board of governors; providing for the appointment of all of the board, including the chairman by the Insurance Commissioner; providing that four of the board shall be chosen from the insurance industry and two from insurance agents' associations; providing for terms and granting the Insurance Commissioner authority to remove and replace any board member appointed thereby; providing an effective date.

House Amendment 1 to Senate Amendment 2—On page 1, line 11, after board; insert: creating s. 629.401, Florida Statutes; providing for a Florida insurance exchange to provide a facility for the underwriting of reinsurance, direct insurance of risks located outside the United States, and certain risks eligible for export; providing for a committee to write a constitution and bylaws upon a determination by the Insurance Commissioner and Treasurer that the exchange may operate in an economic and beneficial manner; providing requirements with respect thereto; providing for certain tax exemption and providing an exception; providing for application of the insurance law; providing for limitations on investments in and by exchange members; providing for inapplicability of state security or guaranty funds; providing for conditional repeal;

On motion by Senator MacKay, the Senate concurred in the House amendment to Senate Amendment 2.

HB 1424 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Chamberlin	Fechtel	Hair
Anderson	Childers, D.	Gordon	Henderson
Barron	Childers, W. D.	Gorman	Hill
Carlucci	Dunn	Grizzle	Holloway
Jenne	Myers	Skinner	Trask
Johnston	Neal	Spicola	Vogt
MacKay	Peterson	Steinberg	Ware
Maxwell	Poole	Stuart	Williamson
McClain	Scarborough	Thomas	Winn
McKnight	Scott	Tobiassen	

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 and passed CS for HB 109 as amended; has refused to concur in Senate Amendments 12, 13, 14, 15 and 16 to CS for HB 109 and requests the Senate to recede.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Robinson and others—

CS for HB 109—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051(1)(a), Florida Statutes, 1978 Supplement, providing that legislators are not subject to the compulsory participation requirements of the system; amending s. 121.052(1), Florida Statutes, 1978 Supplement, providing that legislators elected to office after July 1, 1980, may elect to become members of the Elected State Officers' Class of the Florida Retirement System or not participate at all; providing a 6-month option period; providing that legislators elected on or before July 1, 1980, shall remain in the system unless they elect, prior to January 1, 1981, to withdraw therefrom; directing the administrator to refund legislators' contributions to the system under certain circumstances; providing an effective date.

On motions by Senator Anderson, the Senate refused to recede from Amendments 12, 13, 14, 15, and 16 and the House was again requested to concur. The action of the Senate was certified to the House.

On motion by Senator Barron, all bills, joint resolutions, concurrent resolutions, resolutions and memorials with the exception of those specified in SCR 1318 were removed from the calendar and referred to the Committee on Rules and Calendar.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 thru 45 to CS for HB's 1604 & 1649; further amended and passed as further amended—

By the Committees on Appropriations and Governmental Operations and Retirement, Personnel & Collective Bargaining—

CS for HB's 1604 and 1649—A bill to be entitled An act relating to state government; creating s. 14.25, Florida Statutes, creating the Executive Office of the Governor and an Administration Commission as a part thereof; creating a Data Based Management Information System Developmental Task Force; transferring state-related comprehensive planning functions from the Department of Administration to the Executive Office of the Governor; transferring the Governor's Commission on Advocacy for persons with Developmental Disabilities to the Executive Office of the Governor; transferring the Migrant Labor Program of Department of Community Affairs, the Commission on Hispanic Affairs and the Governor's Council on Indian Affairs from the Department of Community Affairs to the Executive Office of the Governor; amending s. 13.9965(1), Florida Statutes, 1978 Supplement, and adding subsections (5) and (6), and amending s. 13.9966(1), Florida Statutes, 1978 Supplement, to conform to the act; creating s. 14.26, Florida Statutes, creating within the Executive Office of the Governor the Citizen's Assistance Office; providing for appointment and duties; amending s. 215.195(1) and (4), Florida Statutes, 1978 Supplement, transferring the State-Federal Relations Trust Fund to the Executive Office of the Governor; amending s. 14.23(2), Florida Statutes, specifying the scope and method of determination of duties of the Office of State-Federal Relations; providing for an executive director; transferring budget func-

tions from the Department of Administration to the Executive Office of the Governor; amending s. 215.32(2)(c), Florida Statutes; providing an increased percentage for determination of the amount of the Working Capital Fund; providing for appropriations to the fund under certain conditions; providing for consultation by the Administration Commission with legislative appropriations committees; amending s. 215.35, Florida Statutes; providing for form of warrants; creating s. 215.87, Florida Statutes; providing for an official Revenue Estimating Conference to determine the General Revenue Fund estimate; amending the introductory paragraph and paragraphs (a), (b), (bb) and (cc) of s. 216.011(1), Florida Statutes, adding paragraphs (gg) and (hh) thereto, and amending subsection (2) thereof; amending ss. 216.023, 216.031, 216.043, 216.044, 216.051, 216.081, 216.091, 216.102(2)(b), 216.121, 216.131, 216.141(3), 216.151(2), 216.162(1), 216.172(2), 216.181, 216.182, 216.192(3), 216.201, 216.212(3), 216.221(1), 216.231(1), 216.241, 216.262(1)(a), (b) and (e) and (2), 216.275, 216.292(1) and (3), 216.301(1) and (2)(b), and 216.321, Florida Statutes, and repealing s. 216.292(4), Florida Statutes; providing definitions; providing duties of Executive Office of the Governor under chapter 216; providing duties of legislative appropriations committees with respect to agency legislative budget requests and related data, statements of intent regarding appropriations, and waiver of certain requirements; providing for consultation with said committees with respect to form of budget request documents, certain program changes in relationship to proposed budgets, expenditure of federal funds, budget reductions, release of certain classified appropriations, initiation of or changes in programs, increases in authorized positions, and appropriation transfers; deleting provision relating to submission of employee data; including the state courts system within provisions relating to estimates of financial needs which are not subject to review by the Governor, balance statements furnished by the Comptroller, submission of budget requests directly to legislative committees, release of appropriations, certification of undisbursed balances, and construction of chapter 216; providing duties of the Department of General Services regarding proposed capital outlay projects; requiring the Comptroller and state agencies to furnish certain information to the Legislature; providing a penalty; requiring that services of the Executive Office of the Governor be available to the Legislature; restricting expenditure of federal funds; providing duties of State Treasurer regarding clearing accounts; exempting biennial appropriations from provisions relating to undisbursed balances; amending s. 20.31(2) and (3), Florida Statutes, 1978 Supplement, and adding a new subsection (3), changing the structure of the Department of Administration to conform to the act; creating an Office of Labor Relations; revising chapter 110, Florida Statutes, relating to state personnel management; creating part I of said chapter, relating to general state employment provisions; providing employment policy of the state; providing for a state group insurance program; providing duties of the Department of Administration regarding productivity improvement; providing for affirmative action plans; specifying paid holidays; providing for terminal payment for accumulated sick leave; providing for administrative leave for certain athletic competition; providing pay periods; providing for wage deductions; permitting certain other state employment by historical commission employees; providing for tuition refunds; providing for a personnel information system and payroll procedures; providing for services to political subdivisions; providing for payment of administrative costs; providing powers of department regarding oaths, testimony, and records; providing penalties; creating part II of said chapter, relating to the Career Service System; providing for personnel rules, records and reports; providing definitions; providing exemptions from the system; providing for a uniform classification plan and a pay plan; providing for recruitment; providing for examination and selection procedures; providing for eligible registers and for certification of qualified persons; providing for a career advancement program; providing for examinations for deaf and blind persons; providing a penalty; providing for attendance and leave policies; providing for maternity leave; providing for an awards program; providing for suspensions, dismissals, pay reductions, demotions, layoffs and transfers; providing for retirement or transfer of employees 65 and older; prohibiting certain acts and political activities; creating part III of said chapter, replacing the Career Service Commission with a Personnel Commission consisting of three full-time commissioners; providing for appointment, terms, compensation, and duties; providing procedures with respect to suspensions and dismissals; providing penalties; providing for transfer of powers, duties and functions; creating part IV of said chapter, relating to senior management; creating a Senior Management Advisory Committee; providing for a senior management group; providing for reports and recommendations; transferring part VIII of chapter 112, Florida Statutes, relating to volunteers, to chapter 110, and redesignating it as part V of said chapter; amending s. 112.902, Florida Statutes, 1978 Supplement, correcting cross references; amending s. 112.021, Florida Statutes, relating to Florida residence as a condition precedent to county employment; amending s. 112.171(1), Florida Statutes, relating to employee wage deductions by counties, municipalities, and special districts; amending s. 215.425, Florida Statutes, relating to extra compensation claims; amending ss. 20.04(7) and 20.16(3), and 295.11, Florida Statutes, 1978 Supplement, and ss. 104.31(3), 112.044(4), 241.195, 295.12, and 400.19(2), Florida Statutes; correcting cross references; providing for conditional repeal; providing for repeal of Division of Personnel rules; providing for department employees whose positions are abolished or transferred; providing for pending proceedings; repealing chapter 110, Florida Statutes, and Florida Statutes, 1978 Supplement, relating to the State Career Service System; repealing s. 112.031, Florida Statutes, relating to employees of historical commissions, s. 112.041, Florida Statutes, 1978 Supplement, relating to discrimination in state employment, s. 112.045, Florida Statutes, relating to examinations for deaf and blind persons, s. 112.051, Florida Statutes, relating to retirement or transfer of employees over 65, s. 112.055, Florida Statutes, relating to pay periods, s. 112.075, Florida Statutes, relating to state officers and employees group insurance program, s. 112.20, Florida Statutes, relating to terminal payment for sick leave, s. 112.-216, Florida Statutes, 1978 Supplement, relating to administrative leave for certain athletic competition, and s. 683.011, Florida Statutes, relating to paid holidays; transferring certain powers, duties and functions of the State Energy Office of the Department of Administration to the Executive Office of the Governor; transferring all powers, duties and functions of the Commission on Human Relations to the Department of Administration; amending s. 13.231, Florida Statutes, providing independence of the Commission on Human Relations from the Department of Administration; amending s. 120.65(1), Florida Statutes, 1978 Supplement, providing certain administrative support and service to the Division of Administrative Hearings; providing independence of the division from the Department of Administration; amending s. 20.18(2) and (3), Florida Statutes, 1978 Supplement, conforming divisions within the Department of Community Affairs to the act; transferring all powers, duties and functions of certain units within the Department of Administration to the Department of Community Affairs; amending s. 163.3164(18), Florida Statutes, redefining "state land planning agency"; amending s. 18.101(1) and (2), Florida Statutes, 1978 Supplement, authorizing the State Treasurer to approve deposit of money outside the State Treasury, and the Executive Office of the Governor to authorize revolving funds; amending s. 112.061(4)(b), Florida Statutes, 1978 Supplement, authorizing an agency head to approve payment of per diem in excess of 30 continuous workdays and requiring a report; amending s. 273.055(1), Florida Statutes, to transfer to the Executive Office of the Governor duty to approve disposal of certain tangible personal property; providing exceptions; creating s. 25.382, Florida Statutes, defining the "state courts system" and exempting officers and employees of the system from certain provisions relating to planning and budgeting; providing for personnel policies within the system; amending s. 23.022(2), Florida Statutes, restricting the application of provisions relating to electronic data processing management to the executive branch; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 32, prior to line 1 creating a new section 15 insert: Section 15.

216.181 Agency approved budget for operations and fixed capital outlay.—

(1) On or before July 1 of any year in which an appropriation is made, the chairmen of the legislative appropriations committees shall jointly transmit *a statement of intent, including performance and workload measures as appropriate*, information to the *office* department and the Auditor General relative to differences, if any, between the General Appropriations Act and budgets submitted pursuant to s. 216.162. The *office* department shall furnish such information to each affected state

agency. *The statement of intent shall act as additional directions to the office and each affected state agency relative to the purpose, objectives and spending philosophy of the appropriations act.*

On motion by Senator Dunn, the Senate concurred in the House amendment.

CS for HB's 1604 and 1649 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Anderson	Gorman	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Skinner	Winn
Fechtel	Johnston	Spicola	
Frank	MacKay	Steinberg	
Gordon	McClain	Stuart	

Nays—7

Mr. President	Grizzle	Poole	Williamson
Childers, D.	Maxwell	Scott	

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 5, 6 & 7 and passed HB 1824, as amended; has refused to concur in Senate Amendments 2 and 4 to HB 1824 and requests the Senate to recede.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1824—A bill to be entitled An act relating to optometrists; creating chapter 463, Florida Statutes, providing intent and definitions; providing applicability of the chapter; providing for a Board of Optometry and providing the membership and terms of the board; providing eligibility requirements for examination; providing requirements with respect to licenses; providing procedures for the renewal of licenses; providing for inactive status and license cancellation; providing disciplinary actions and penalties and specifying grounds therefor; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of optometry; providing for optometric services to public agencies; providing for keeping of prescriptions; providing for making copies available upon request; providing for supportive personnel; providing for prosecution of criminal violations; providing for reciprocity; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 463, Florida Statutes; providing an effective date.

On motions by Senator Dunn, the Senate receded from Amendments 2 and 4. HB 1824 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Carlucci	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtel	Johnston	Scott	Winn
Frank	MacKay	Spicola	

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22 and 23; has amended Senate Amendments 8 and 15, concurred in same as amended and passed HB 1814 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 1814—A bill to be entitled An act relating to medical practice; creating chapter 458, Florida Statutes; providing intent and definitions; providing applicability of the chapter; providing for medical faculty certificates; providing for a Board of Medical Examiners and providing the membership and terms of the board; authorizing issuance of temporary licenses and providing criteria; providing for licensure by examination and providing eligibility requirements; authorizing issuance of licenses by endorsement; authorizing issuance of limited licenses and providing requirements; providing disciplinary actions and penalties and specifying grounds therefor; prohibiting sexual misconduct in the practice of medicine; requiring medical organizations to provide certain notification of disciplinary actions taken against physicians and providing a penalty for noncompliance; providing that acceptance of a license constitutes agreement to certain activities relating to handwriting samples and confidentiality of medical records; providing for search pursuant to a search warrant under certain circumstances; providing for subpoena of certain records; providing criminal penalties for specified unlawful acts with respect to the practice and licensing of medicine; providing procedures for the renewal of licenses; providing for inactive status; providing for certification of hospital residents and interns; providing duties of hospitals; providing penalties; providing for physicians' assistants and providing procedures for the approval of programs for such assistants; providing penalties; providing procedures relating to patient records and disposition of deceased practitioners' records under specified medical practice chapters; providing, for physicians and osteopathic physicians, procedures and limitations with respect to emergency treatment of minors, consent of unwed pregnant minors to medical care, and termination of pregnancy; providing penalties; providing duties of abortion referral or counseling agencies and providing penalties; providing restrictions with respect to electroconvulsive and psychosurgical procedures; authorizing physicians and osteopathic physicians to prescribe or administer laetrile or DMSO; creating s. 382.195, Florida Statutes, transferring to chapter 382 provisions relating to the reporting of terminations of pregnancies; providing for effect on certain rules; providing for repeal and legislative review; repealing chapter 458, Florida Statutes; providing for licenses and certificates which are valid, and proceedings which are pending, on the effective date of the act; providing an effective date.

House Amendment 1 to Senate Amendment 8—On page 1, lines 13-14, add a new subsection (5):

(5) The licensee must have on file with the department the address of his primary place of practice within this state prior to engaging in that practice. Prior to changing the address of his primary place of practice, whether or not within this state, the licensee shall notify the department of the address of his new primary place of practice.

House Amendment 1 to Senate Amendment 15—On page 2, line 11, strike "Such" and insert: Such exempted physicians shall hold a valid license to practice medicine, osteopathy or chiropratic in another state and such

On motions by Senator Dunn, the Senate concurred in the House amendments to the Senate amendments.

HB 1814 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dunn	Holloway	Neal
Anderson	Fechtel	Jenne	Peterson
Barron	Gordon	Johnston	Poole
Chamberlin	Grizzle	Maxwell	Scott
Childers, D.	Hair	McClain	Skinner
Childers, W. D.	Hill	McKnight	Spicola
Carlucci	Gorman	MacKay	Scarborough

Steinberg	Tobiassen	Ware	Winn
Stuart	Trask	Williamson	
Thomas	Vogt		

Nays—None

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 7, receded from House Amendments 5 and 6 passed as amended SB 1024.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments and passed SB 669, as amended.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 7 and passed as amended, SB 1262.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 1 and passed SB 1304, as amended.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 2 to House Amendments 1 and 2 and passed SB 110, as amended.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 7 and passed CS for SB 302 as amended.

Allen Morris, Clerk

The bills contained in the above messages were ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

CS for SB 1146	SB 443	CS for CS for SB 645
SB 1313	SB 403	SB 401

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1298.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 472.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 392	SB 702	SB 382
SB 1065	CS for CS for SB 717	CS for SB 805
SB 422	SB 550	CS for SB 1011
SB 1247	CS for SB 969	SB 1062
CS for SB 387	SB 832	SB 1246
SB 1264	SB 79	CS for SB 746
SB 250	SB 1185	SB 1054
SB 865	SB 423	SB 586
SB 1079	SB 1044	SB 615
CS for SB 1074	SB 353	
SB 64		

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted by the required Constitutional 3/5 vote of the House SCR 1318.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

By permission the following reports were received:

The Special Master for Claims recommends the following pass: HB 294 with 5 amendments

The Committee on Commerce recommends the following pass: HB 1707 with 15 amendments

The Special Master for Claims recommends the following not pass: SB 962, HB 1381

The bills contained in the above reports were referred to the Committee on Ways and Means under the original reference.

The Special Master for Claims recommends the following not pass: SB 75

The bill contained in the above message was referred to the Committee on Transportation under the original reference.

The Special Master for Claims recommends the following not pass: HB 270

The bill contained in the above message was referred to Ways and Means Subcommittee E under the original reference.

ENROLLING REPORTS

CS for SB 758	SB 403	SB 412
CS for SB 1255		

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 1, 1979.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 31 was corrected and approved.

Senator Barron moved that the Senate adjourn to reconvene at 3:00 p.m., Saturday, June 2.

Senator Don Childers moved as a substitute motion that the Senate adjourn to reconvene at 10:00 a.m., Monday, June 4. The motion failed.

The motion by Senator Barron was adopted and the Senate adjourned at 12:16 a.m. to reconvene at 3:00 p.m., June 2, 1979.