



Journal of the Senate

Number 24

Wednesday, June 3, 1981

BILL ACTION SUMMARY

Wednesday, June 3, 1981

H 20	Passed	S 541	Iden./Sim. House Bill substituted passed, refer to C/S HB 456
H 58	Substituted for SB 222 Passed as amended	S 543	Concurred Passed as amended
H 63	Passed	S 566	Iden./Sim. House Bill substituted passed, refer to HB 151
H 64	Amendment pending	S 583	C/S passed
H 151	Substituted for C/S SB 566 Passed	S 631	Concurred C/S passed as amended
H 157	Substituted for SB 485	S 651	Iden./Sim. House Bill substituted refer to HB 689
H 190	Passed	S 652	Concurred Passed as amended
H 216	Substituted for C/S SB 866 Passed as amended	S 671	Iden./Sim. House Bill substituted passed, refer to HB 600
H 341	Substituted for C/S SB 407 Passed as amended	S 692	Iden./Sim. House Bill substituted; refer to HB 486
H 456	Substituted for SB 541 Passed	S 712	Passed
H 486	Substituted for SB 692 Amendment pending	S 751	Iden./Sim. House Bill substituted refer to HB 1075
H 487	Passed	S 788	Passed as amended
H 600	Substituted for SB 671 Passed	S 795	Passed as amended
H 662	Passed as amended	S 798	C/S passed as amended
H 676	Substituted for SB 871 Passed	S 798	C/S passed as further amended
H 678	Substituted for SB 868 Passed	S 811	Iden./Sim. House Bill substituted refer to C/S HB 861
H 689	Substituted for SB 651 Passed as amended	S 824	Passed
H 772	Substituted for SB 830 Passed	S 830	Iden./Sim. House Bill substituted refer to C/S HB 772
H 861	Substituted for C/S SB 811 Passed as amended	S 866	Iden./Sim. House Bill substituted refer to C/S HB 216
H 1013	Passed	S 868	Iden./Sim. House Bill substituted passed, refer to HB 678
H 1068	Substituted for C/S SB 882 Passed as amended	S 871	Iden./Sim. House Bill substituted passed, refer to HB 676
H 1075	Substituted for SB 751 Passed as amended	S 882	Iden./Sim. House Bill substituted refer to C/S HB 1068
H 1076	Substituted for SB 965 Passed as amended	S 894	Iden./Sim./Compare Bill passed, refer to HB 63
H 1081	Substituted for SB 971 Passed	S 895	Passed as amended
H 1088	Substituted for C/S SB 1006 Passed	S 905	Iden./Sim. House Bill substituted refer to HB 1228
H 1095	Amendments adopted	S 916	Iden./Sim. House Bill substituted passed, refer to HB 1127
H 1115	Substituted for C/S SB 302 Passed as amended	S 920	Iden./Sim. House Bill substituted passed, refer to HB 1158
H 1124	Substituted for SB 1007 Passed	S 937	Passed as amended
H 1127	Substituted for C/S SB 916 Passed	S 958	Passed as amended
H 1158	Substituted for SB 920 Passed	S 965	Iden./Sim. House Bill substituted refer to HB 1076
H 1228	Substituted for C/S SB 905 Passed as amended	S 971	Iden./Sim. House Bill substituted passed, refer to HB 1081
S 38	Passed as amended	S 997	Iden./Sim./Compare Bill passed, refer to HB 1124
S 41	Concurred Passed as amended	S 1006	Iden./Sim. House Bill substituted passed, refer to HB 1088
S 89	Concurred Passed as further amended	S 1007	Iden./Sim. House Bill substituted passed, refer to HB 1124
S 133	Concurred C/S passed as further amended	S 1107	Concurred Reconsidered Refused to concur, Passed Further action required for final passage
S 186	Passed as further amended Further action required for final passage		
S 208	C/S passed as amended		
S 222	Iden./Sim. House Bill substituted refer to C/S HB 58		
S 275	Passed as amended		
S 285	Passed as amended		
S 302	Iden./Sim. House Bill substituted refer to HB 1115		
S 306	C/S passed		
S 322	Concurred Passed as further amended		
S 324	C/S passed		
S 338	Concurred C/S passed as further amended		
S 357	Passed		
S 401	Passed as amended		
S 407	Iden./Sim. House Bill substituted refer to HB 341		
S 485	Iden./Sim. House Bill substituted; refer to HB 157		
S 521	Concurred; Passed as amended; Further action required for final passage		
S 528	Passed		

The Senate met from 9 a.m. until 12:00 noon and from 2 p.m. until 5:07 p.m.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

The following bills are offered for introduction. This constitutes first reading as provided in Article III, Section 7 of the Constitution and the bills are referred as indicated.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 174, HB 727 and HB 1153 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Watt—

HB 174—A bill to be entitled An act relating to political parties; creating subsection (7) of s. 103.091, Florida Statutes, providing for the membership of the state executive committees of political parties; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Rules and Calendar.

By Representative Crotty—

HB 727—A bill to be entitled An act relating to unemployment compensation; adding s. 443.151(7), Florida Statutes, 1980 Supplement; providing that, in any administrative proceeding under the Unemployment Compensation Law, any officer or full-time employee of an employer or officer or full-time employer of any trade or business association in which the employer is a member is qualified to represent his employer, and any officer or full-time employee of a labor organization is qualified to represent a claimant; providing an effective date.

—was referred to the Committees on Commerce and Judiciary-Civil.

By the Committee on Agriculture and General Legislation—

HB 1153—A bill to be entitled An act relating to the Department of Labor and Employment Security; transferring the farmworker housing assistance program and the migrant labor program from the Executive Office of the Governor to the department; amending ss. 420.403(5) and (7), 420.406, 450.181(2), and 450.191, Florida Statutes, to conform; amending ss. 450.211 and 450.261, Florida Statutes; revising membership of the Legislative Commission on Migrant Labor and the Interstate Migrant Labor Commission; providing an effective date.

—was referred to the Committees on Commerce and Agriculture.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 101 and CS for CS for HB 233 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Carpenter and Lippman—

HB 101—A bill to be entitled An act relating to motor vehicle safety equipment inspection; repealing part II of chapter 325, Florida Statutes, and Florida Statutes, 1980 Supplement, requiring such periodic inspection; authorizing the Department of Highway Safety and Motor Vehicles to reassign personnel; encouraging counties which provide the inspection program to reassign their personnel; amending s. 320.06(1)(b), Florida Statutes, to conform; creating s. 325.001, Florida Statutes, providing that any county who chooses may have a periodic motor vehicle inspection program; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By the Committees on Appropriations and Education, Higher and Representative D. L. Jones—

CS for CS for HB 233—A bill to be entitled An act relating to postsecondary education; amending s. 240.241(2), Florida Statutes, 1980 Supplement, providing for the exemption from chapter 119, Florida Statutes, of certain specified information generated or received in the course of research within state universities; amending s. 240.301, Florida Statutes, redefining the community college system; amending s. 240.335, Florida Statutes, requiring community college boards of trustees to eradicate discrimination in granting salaries and to file annual reports; amending s. 240.359(3)(d), Florida Statutes, 1980 Supplement, deleting the requirement that community colleges offer free courses to the elderly under certain circumstances; amending s. 240.363, Florida Statutes, authorizing community college boards of trustees to contract for risk management services of self-insurance claims; providing for the creation of special accounts for such purpose; adding a subsection to s. 240.365, Florida Statutes, providing for the cancellation of the registration of students with delinquent accounts; amending ss.

240.235(4) and 240.349(2), Florida Statutes, 1980 Supplement, permitting the Board of Regents and community college boards of trustees to provide free courses to elderly persons; amending s. 240.513(3)(b), (e), and (f), Florida Statutes, providing for appropriation for Shands Teaching Hospital to the J. Hillis Miller Health Center; amending s. 242.62(2)(c) and (d) and (3), Florida Statutes, providing for appropriation for the first accredited medical school to the Department of Education; amending s. 381.503(3)(a) and (b), (4), (5)(c), (6), (7), and (8), Florida Statutes, providing for community hospital education within the Department of Education; providing an effective date.

—was referred to the Committees on Education, Governmental Operations and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1060 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative Mitchell—

HB 1060—A bill to be entitled An act relating to transportation; amending s. 288.063(1) and (2), Florida Statutes, 1980 Supplement, and adding subsections thereto, authorizing the Division of Economic Development of the Department of Commerce to contract with any governmental body for transportation projects; providing requirements for the eligibility of projects; naming the Department of Transportation as the contracting agency for state highway projects; providing that funds for such projects will not be subject to reversion; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 1067 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services—

HB 1067—A bill to be entitled An act relating to health testing services; amending s. 483.051(3), Florida Statutes, permitting the Department of Health and Rehabilitative Services to retain and deposit fees for the operation of the clinical laboratory law; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 193, HB 799 and HB 967 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative J. H. Smith and others—

HB 193—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.027, Florida Statutes; increasing criminal penalties for certain such offenses; amending s. 316.1905(1) and (3)(a) to add "radar" as defined elsewhere and to require accuracy of such devices within plus or minus one mile per hour according to methods and procedures adopted by the Department of Highway Safety and Motor Vehicles; amending s. 316.1935(1), Florida Statutes, providing a third degree felony penalty for persons convicted of unlawfully fleeing or eluding a police officer while operating a motor vehicle; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Batchelor and others—

HB 799—A bill to be entitled An act relating to probation; adding a new subsection (2) to s. 948.03, Florida Statutes, requiring counseling as a term or condition of probation for persons having committed certain crimes; indicating where such counseling shall be obtained; requiring that the plan for counseling be provided to the court for review; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Representative T. McPherson—

HB 967—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052(1)(c), and (4)(a) and (b), Florida Statutes, 1980 Supplement; authorizing legislators who have withdrawn from the Florida Retirement System to rejoin said system; providing for purchase of prior service credit; requiring employers to pay the entire retirement contribution with respect to the Governor, Lieutenant Governor, Cabinet officers and legislators who are members of the Elected State Officers' Class of the Florida Retirement System; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 1175 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary—

HB 1175—A bill to be entitled An act relating to the judiciary; amending s. 26.031(1)(a), (f), (g), (h), (i), (j), (k), (l), (o), (q), (s), and (t), Florida Statutes, 1980 Supplement; providing for additional circuit judges; amending s. 34.022(6), (13), (29), (36), (50), (55), (58), and (64), Florida Statutes, 1980 Supplement; providing for additional county court judges; amending s. 35.06, Florida Statutes, 1980 Supplement; providing for additional appellate judges; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1202, HB 1131, HB 152 and HB 837 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism and Economic Development—

HB 1202—A bill to be entitled An act relating to economic revitalization; adding a subsection to s. 220.02, Florida Statutes, 1980 Supplement, providing for order of application of credits; amending s. 220.03(1)(m), Florida Statutes, 1980 Supplement; revising the definition of "new business" for purposes of the economic revitalization tax incentive credit; amending s. 220.182(13), Florida Statutes, 1980 Supplement; specifying the effect of the expiration of provisions granting said credit; repealing s. 220.181(1)(b), Florida Statutes, 1980 Supplement; deleting the requirement that an employee work for 6 months prior to being eligible for the tax credit; transferring and amending s. 220.183(3), Florida Statutes, 1980 Supplement; transferring definitions; providing expiration dates; revising the definition of "project" for purposes of the community contribution tax credit; amending ss. 288.607(2)(a) and (5)(a) and 288.608(1)(b), Florida Statutes, 1980 Supplement; designating as the "target area" the area served by a community development corporation with respect to support and loan programs under the Community Development Corporation Support and Assistance Program; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

By the Committee on Natural Resources—

HB 1131—A bill to be entitled An act relating to saltwater commercial fishing permits; creating s. 370.0822, Florida Statutes; requiring permits for the taking of certain fish with a net in Wakulla County; requiring a commercial fishing permit in Wakulla County in certain cases; providing for collection and deposit of permit fee; providing a penalty; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Meek—

HB 152—A bill to be entitled An act relating to state employment; adding subsection (26) to s. 110.203, Florida Statutes, to define "shared employment"; creating s. 110.210, Florida Statutes; requiring the Department of Administration to establish and maintain a plan for shared employment in the Career Service System; providing for conversion of a certain percentage of vacant full-time positions to shared-employment positions; providing limitations; providing for retention of status with respect to bargaining unit membership; providing for day-to-day administration by the employing agencies; providing for rules; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Representatives Brodie and S. McPherson—

HB 837—A bill to be entitled An act relating to employment compensation; amending s. 443.101(1), Florida Statutes, 1980 Supplement, providing additional grounds for disqualification for benefits; providing an effective date.

—was referred to the Committee on Commerce.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 621, HB 1241, HB 1161 and HB 563 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Myers—

HB 621—A bill to be entitled An act relating to motor vehicle license plates; creating s. 320.0897, Florida Statutes, requiring the Department of Highway Safety and Motor Vehicles to issue special motor vehicle license plates for the front of motor vehicles owned by certified emergency medical technicians, certified paramedics, firefighters, and law enforcement officers; providing requirements for the issuance of such plates; providing for the form of such plates; providing a fee; providing a penalty; amending s. 322.25(6), Florida Statutes, 1980 Supplement, requiring the court to report convictions involving illegal possession of controlled substances in motor vehicles to the Department of Highway Safety and Motor Vehicles; adding a subsection to s. 322.27, Florida Statutes, requiring the revocation of the driving privilege of a person convicted of illegal possession of a controlled substance in a motor vehicle while in the operation or control of the vehicle; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Meffert—

HB 1241—A bill to be entitled An act relating to corrections; creating s. 921.125, Florida Statutes, authorizing a pregnant woman to petition for postponement of imposition of sentence until a specified period following childbirth; requiring the woman to reappear thereafter for sentencing; requiring certain notification of the court; providing that an arrest during such period may negate the agreement; re-creating and amending s. 944.24(2), Florida Statutes, providing under certain circumstances, for temporary custody by the mother within a correctional institution of an infant born to her while an inmate of the institution; setting a time limitation for such custody; creating a presumption that a child's best interest will be served

by being placed outside of said facility; amending s. 944.24(3), Florida Statutes, to provide for placement outside of the prison system of infants born to women inmates; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By the Committee on Criminal Justice—

HB 1161—A bill to be entitled An act relating to tuberculosis hospitals; amending s. 392.27(2), Florida Statutes; providing for a judge to enter an order directing the sheriff of a county to transport a person alleged to be infected with tuberculosis to certain hospitals; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Representatives Sadowski and Gordon—

HB 563—A bill to be entitled An act relating to arrests; creating s. 901.211, Florida Statutes; defining the term "strip search"; restricting the performance of strip searches of arrested persons; providing a penalty; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1100 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Health Care Cost Containment and Planning—

HB 1100—A bill to be entitled An act relating to public health; adding a paragraph to s. 381.494(7), Florida Statutes, 1980 Supplement, relating to health-related projects, to provide for issuance of certificate of need containing certain conditions; creating s. 381.4985, Florida Statutes, directing the Department of Health and Rehabilitative Services to issue certificates of need with respect to certain hospitals; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1163 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative Rosen and others—

HB 1163—A bill to be entitled An act relating to consultants' competitive negotiations; amending s. 287.055(4) and (5), Florida Statutes, and adding a new subsection (5), limiting existing competitive selection and negotiation provisions to projects for which the agency is unable to clearly define the scope of work required with respect to certain professional services; providing separate procedures for the procurement of professional services with respect to projects for which the scope of work can be defined; providing an effective date.

—was referred to the Committee on Governmental Operations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 458, HB 1185, HB 1224 and HB 1233 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Martin—

HB 458—A bill to be entitled An act relating to the City of Gainesville; providing that the examination and approval of a plat for conformity to Chapter 177, Florida Statutes, by the City of Gainesville, does not include verification of the survey data contained on a plat; providing such verification only by use of a registered land surveyor; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ward and others—

HB 1185—A bill to be entitled An act relating to Santa Rosa County; authorizing the School Board of Santa Rosa County to be self-insured and to enter into risk management programs in anticipation of any liability, loss, damage or destruction to it or to its property; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Thompson and others—

HB 1224—A bill to be entitled An act relating to Wakulla County; amending section 5(1) of chapter 65-905, Laws of Florida, to exclude Wakulla County from exemption on bag and size limit on taking of speckled trout; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative B. L. Johnson and others—

HB 1233—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida; providing that no member of the Civil Service Board shall serve more than two terms in succession; providing that substitute appointments shall not exceed 3 weeks; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1230 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Patterson—

HB 1230—A bill to be entitled An act relating to Escambia County; creating the Escambia County Utilities Authority for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and providing for its powers with respect thereto; establishing its governing body and providing for its membership, qualifications and terms of office; providing for the transfer of the water and sewer systems of the City of Pensacola and Escambia County to the authority; providing for the transfer of additional utility systems to the authority; containing other provisions relating to the authority's budget, management, audits and employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1221 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Pajcic and others—

HB 1221—A bill to be entitled An act relating to local government in Duval County; amending ch. 67-1320, Laws of Florida, as amended, being the charter of the City of Jacksonville, to make amendments to the civil service system of the city; providing that members of the civil service board are elected by districts rather than at-large; changing the duties of the civil service board to remove from its jurisdiction over the job classification plan and examinations for hiring and promotion; prescribing the duties of the personnel department; providing for disciplinary actions; amending s. 19.01 of the charter to give the council of the City of Jacksonville full authority over the civil service system as of July 1, 1986, and empowering the council to amend the charter to the same extent as the Legislature to accomplish its purposes and implement the employment policy of the city; providing requirements for certain ex parte communications to members of the civil service board; preserving certain employment rights of current employees of the civil service board; repealing s. 19.07 of the charter relating to review of actions taken by the civil service board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 623, HB 1152 and HB 1071 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services and Representative Myers and others—

CS for HB 623—A bill to be entitled An act relating to medical transportation services; amending s. 401.23(12), Florida Statutes, amending s. 401.27(1), Florida Statutes, and adding a new subsection (4) thereto, amending s. 401.33(3), Florida Statutes, amending s. 401.34(1)(e) and (g), Florida Statutes, and adding a paragraph thereto, and amending s. 401.47(1), Florida Statutes, 1980 Supplement, relating to the Florida Emergency and Nonemergency Medical Services Act; modifying fee provisions; exempting public school bus operators; modifying standards for personnel; requiring certain recertification training; modifying the definition of "advanced life support"; defining "basic life support" and providing for the performance of esophageal intubation by emergency medical technicians under certain conditions; removing certain provisions relating to paramedics and correcting a cross reference; creating s. 401.235, Florida Statutes; authorizing the appointment of an advisory council; providing for membership, expenses, and terms; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing for repeal and legislative review of s. 401.235, Florida Statutes, as created herein, in accordance with the Sundown Act; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Agriculture and General Legislation—

HB 1152—A bill to be entitled An act relating to small farms; establishing the Governor's Conference on the Future of Small Farms in Florida; providing for determination of participants; providing a list of topics for discussion at the conference; requiring that a report of the findings of the conference be forwarded to the Governor and the presiding officer of both houses of the Legislature; providing for an appropriation; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Governmental Operations—

HB 1071—A bill to be entitled An act relating to elevator companies; adding new subsections (3), (4), and (5) to s.

399.01, Florida Statutes, providing definitions; adding paragraph (c) to s. 399.02(6), Florida Statutes, providing for contract reports; amending s. 399.035(1), Florida Statutes, 1980 Supplement, exempting certain elevators from the law requiring accessibility for the physically handicapped; amending s. 399.04, Florida Statutes, relating to inspectors; creating s. 399.045, Florida Statutes, providing for certificates of competency; creating s. 399.055, Florida Statutes, providing for the suspension or revocation of certificates; providing penalties; creating s. 399.065, Florida Statutes, providing for fees; creating s. 399.075, Florida Statutes, providing a penalty for false representation; renumbering and amending s. 399.05, Florida Statutes, authorizing an increase in fees for permits; creating s. 399.095, Florida Statutes, providing for annual inspections, certificates, and fees; renumbering and amending s. 399.07, Florida Statutes, providing for certificates of operation and construction certificates; renumbering and amending s. 399.10, Florida Statutes, providing that the Division of Hotels and Restaurants of the Department of Business Regulation shall have rulemaking authority with respect to elevator regulation; renumbering and amending s. 399.11, Florida Statutes, increasing certain fines and providing an administrative fine with respect to certain elevator companies; providing procedures; repealing s. 399.06, Florida Statutes, 1980 Supplement, relating to the registration of existing installations, reports of inspectors and annual license fees; repealing s. 399.08, Florida Statutes, relating to routine inspections, tests and maintenance; repealing s. 399.12, Florida Statutes, relating to the construction of chapter 399, Florida Statutes; providing an effective date.

—was referred to the Committees on Governmental Operations and Commerce.

The Honorable W.D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB's 344 and 741 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance and Representative Danson and others—

CS for HB's 344 and 741—A bill to be entitled An act relating to insurance; amending s. 625.121(4)-(10), Florida Statutes, and adding new subsections (5) and (11), changing the minimum standards for valuation of certain life insurance policies and annuity contracts; providing standards for interest rates used in determining such standards; changing provisions relating to the calculation of reserves for certain life insurance policies; amending s. 627.458(1)(a), Florida Statutes, providing for the interest rate applicable to loans made on certain life insurance policies; creating s. 627.4585, Florida Statutes, providing for the maximum rate of interest on loans made with respect to life insurance policies issued on or after the effective date of the act; amending s. 627.459, Florida Statutes, providing for an interest rate figure for reinstatement in keeping with s. 627.4585, Florida Statutes; amending s. 627.476, Florida Statutes, 1980 Supplement, changing nonforfeiture provisions for life insurance policies; providing for determination of cash surrender value of certain life insurance policies; exempting certain life insurance policies from provisions relating to adjusted premiums, equivalent uniform amount, and mortality tables; providing for calculation of adjusted premiums of non-life insurance policies; providing for calculation of nonforfeiture net level premiums, adjusted premiums and present values, expense allowances, recalculated nonforfeiture net level premiums, and nonforfeiture interest rates, and providing the operative date for such calculations; providing for determination of minimum values for certain policies which provide for future premium determination; providing for determination of cash surrender values on certain policies; changing the types of policies exempt from nonforfeiture provisions; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committee on Commerce.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1203 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism and Economic Development—

HB 1203—A bill to be entitled An act relating to economic revitalization; adding paragraph (d) to s. 220.181(1), Florida Statutes, 1980 Supplement, and amending subsection (7); authorizing carryover of unused economic revitalization jobs creation incentive credit; authorizing use of unused carry forward credits after expiration of economic revitalization jobs creation credit; amending s. 220.183(6)(a) and (8), Florida Statutes, 1980 Supplement, and adding paragraph (4)(e) thereto; authorizing such carryover for the community contribution tax credit; authorizing use of unused carry forward credits after expiration of the community contributions tax credit; deleting the requirement that a proposal for granting of such credit include a resolution of the local governmental unit certifying that the project is consistent with local plans and regulations; requiring the Department of Veteran and Community Affairs to determine that the project is consistent with local plans and regulations; amending s. 220.182(1)(b), Florida Statutes, 1980 Supplement; providing for application of credits and unused credit carryovers; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn

Excused: Senator Vogt at 4:45 p.m.; Senators Gordon, Johnston, Hair, Jenne, Margolis, Tobiassen, Grizzle, McKnight, Maxwell, Kirkpatrick, McClain, Stuart and Vogt, conferees and alternates on HB 1200, periodically; at 9:40 a.m.: Senators Gordon, McKnight, Thomas, Skinner, Scott, Peterson, Jenne, Maxwell, Stuart, Hair, Grizzle and Johnston, periodically, to accompany the President to negotiate with the House of Representatives on HB 1200.

Prayer by Sister Trinita Flood, President, Barry College, Miami Shores:

God, our Creator and our Father, we place ourselves in your presence and thank you for the blessings of this day, for the gift of life, for the privilege of serving you. Send the spirit of your wisdom to guide the deliberations of this body as its members accept and attempt to fulfill the awesome responsibility and the trust placed in them by the citizens of this State.

You have richly blessed Florida with abundance: with tropical warmth, with the fruits of the earth, with the richness and diversity of our people.

Help the members of this body, Lord, to work selflessly to carry the burden sought by them and laid upon them by our citizens, to provide leadership and to find the elusive answers to the problems of finance, justice, law, education and environment, that together all of us may make a better world for each other.

Our Father, we acknowledge our dependence on you and our need for your divine guidance that your justice and your love may be reflected by our actions and by our lives. We ask all these things, Lord, in humility and in trust. Amen.

The President appointed Senators Gordon, McKnight, Thomas, Skinner, Scott, Peterson, Jenne, Maxwell, Stuart, Hair, Grizzle and Johnston to accompany him to negotiate with the House of Representatives on HB 1200.

Senator Barron presiding

Vote Recorded

Senator Hill was recorded as voting yea on HB 109 which passed May 28.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, June 3, 1981: EDUCATION BILLS: CS for SB 905, CS for SB 407, HB 20, HB 63, HB 64, SB 1007, CS for SB 208, SB 541, CS for CS for SB 583, SB 751, SB 937, SB 965, HB 662, SB 712, CS for SB 798, SB 997, SB 735, SB 222, SB 275, SB 830, CS for SB 566, SB 357, SB 528 REVISED LISTING OF BILLS CARRIED OVER FROM SPECIAL ORDER OF TUESDAY, JUNE 1, 1981: SB 920, HB 190, CS for SB 916, CS for SB 811, SB 285, CS for SB 324, SB 513, SB 38, CS for SB 895, SB 971, CS for CS for SB 302, CS for CS for SB 306, CS for CS for SB 882, SB 485, SB 788, SB 651, CS for SB 866, SB 671, SB 692, HB 487, SB 401, SB 958, SB 868, SB 871, SB 909, SB 1121, SB 819, SB 642, SB 575, SB 483, SB 379, SB 147, CS for SB 344, SB 637, SB 675, SB 612, CS for SB 606, CS for SB 589, SB 524, CS for SB 409, SB 822, HB 245, HB 607, SB 935, CS for SB 753, SB 1070, CS for SB 854, CS for SB 512, CS for SB 335

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

The Committee on Commerce recommends the following pass: SB 273, HB 107, HB 147 with 1 amendment, HB 1033, HB 1116

The bills were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

June 2, 1981

The Committee on Appropriations requests an extension of 4 days for consideration of the following: CS for SB 60, SB 105, SB 183, SB 315, CS for SB 360, CS for SB 578, CS for SB 733, SB 758, SB 785, SB 980, CS for SB 1018, SB 1032, CS for SB 1044, SB 1047, SB 1087, SB 1094, SB 1096, CS for HB 58, HB 660, HB 1049, HB 1112

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: SB 14, SB 23, SB 35, SB 118, SB 199, SB 359, SB 395, SB 434, SB 457, SB 531, SB 562, SB 714, SB 718, SB 719, SB 722, SB 740, SB 770, SB 828, SB 836, SB 842, SB 852, SB 856, SB 877, SB 889, SB 918, SB 942, SB 957, SB 976

June 3, 1981

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: CS for SB 16, SB 55, SB 63, SB 73, SB 157, SB 164, SB 197, CS for SB 212, SB 321, SB 365, SB 467, SB 482, SB 520, SB 574, SB 596, SB 681, SB 682, SB 687, SB 743, SB 809, SB 898, SB 922, SB 938, SB 1003, CS for SB 1050, SB 1053, SB 1055, SB 1071, HB 68, HB 121, HB 357, HB 439, HB 510, HB 691, HB 894, HB 943, HB 1214, HB 1215, HB 1217

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: SB 155, SB 191, SB 276, SB 351, CS for SB 352, SB 523, SB 577, SB 721, SB 744, SB 805, SB 825, SB 831, SB 843, SB 1035, SB 1048, HB 87, CS for HB 277, CS for HB 480, CS for HB 707, HB 781, HB 790, CS for HB 1140, HB 1143

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Winn, the rules were waived and by two-thirds vote SB 515 was withdrawn from the Committee on Appropriations.

On motions by Senator D. Childers, by two-thirds vote HB 806 was withdrawn from the Committees on Health and Rehabilitative Services and Commerce.

On motions by Senator Rehm, by two-thirds vote HB 1013 was withdrawn from the Committees on Corrections, Probation and Parole; and Appropriations.

On motion by Senator Rehm, by unanimous consent—

HB 1013—A bill to be entitled An act relating to corrections; amending s. 944.291, Florida Statutes, providing that inmates released by reason of gain-time allowances shall not be under further supervision by the Department of Corrections or the Parole and Probation Commission; providing for the application of such release from further supervision to persons presently supervised; amending s. 959.116(4), Florida Statutes, to conform; providing an effective date.

—was taken up instanter and read the second time by title. On motion by Senator Rehm, by two-thirds vote HB 1013 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Henderson	Lewis	Steinberg
Barron	Hill	Margolis	Stevens
Beard	Jenkins	McClain	Tobiassen
Carlucci	Jenne	Poole	Trask
Childers, D.	Jennings	Rehm	Vogt
Dunn	Kirkpatrick	Renick	Ware
Frank	Langley	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 706 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Winn, by two-thirds vote SB 637 was removed from the special order calendar and indefinitely postponed.

On motion by Senator Winn, by two-thirds vote HB 1016 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Neal, by two-thirds vote CS for HB 823 was withdrawn from the Committee on Transportation.

SPECIAL ORDER

Consideration of CS for SB 905 was deferred.

On motion by Senator Tobiassen—

HB 341—A bill to be entitled An act relating to education; amending section 232.04, Florida Statutes, requiring the Department of Education to adopt standards for early admission to kindergarten; providing an effective date.

—a companion measure was substituted for CS for SB 407 and read the second time by title.

Senator Maxwell offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 2, line 1, strike all of said line and insert:

Section 2. Section 232.01, Florida Statutes, 1980 Supplement, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)(a) All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 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)1. Beginning with the 1982-1983 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. *However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curriculum or academic program of nonpublic schools.*

2. Notwithstanding the provision of ~~paragraph~~ ~~(d)~~ and (e), 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. *However, no child shall be admitted to the first grade who will not attain the age of 6 years on or before January 1 of the school year in which admission is being sought.*

(c) 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)1. This section shall not apply to students who are pregnant; however, a student who is a parent may be exempt under provisions of s. 232.06.

2. Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs.

(e) Any child who has attained the age of 6 years on or before September 1 of the school year 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 or has demonstrated a readiness to enter the first grade in accordance with rules adopted by the state board shall be admitted to the first grade at any time during the school year.

(f) Consistent with rules 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 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 1 and during the school fiscal year 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 the rules adopted by the State Board of Education.~~

(2) The *State Board of Education* school boards may adopt rules under which pupils not meeting the entrance age may be transferred from another state if their parents or guardians have been legal residents of that state.

Section 3. This act shall take effect January 1, 1982.

Senators Tobiassen, Rehm and Winn offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 2—On page 1, after line 31, insert:

Section 2. Section 229.585, Florida Statutes, is created to read:

229.585 Computerized Instructional Management Systems program.—

(1) The Commissioner of Education shall establish a program for school districts which are interested in establishing the Ozona Elementary School Model of a Computerized Instructional Management Systems.

(2) The commissioner shall designate 6 programs for use in individual schools each year in different school districts where the school board has declared the reduction of paperwork in reporting workload on classroom teachers as a primary goal of the district school system. The programs shall provide at least an equal match of local funds to state funds and state funding shall not exceed \$2,500 per program.

(Renumber subsequent section.)

Senator Maxwell offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 3—In title on page 1, lines 4-6, strike everything after "adopt" and insert: criteria for early admission to kindergarten and first grade; amending s. 232.01, Florida Statutes, 1980 Supplement; providing for first grade admission criteria; exempting private school curricula from public school control; deleting obsolete language; providing an effective date.

Senators Tobiassen, Rehm and Winn offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 4—In title on page 1, line 5, after the semicolon (;) insert: creating s. 229.585, Florida Statutes; requiring the commissioner to establish a computerized instructional management systems program; providing conditions, matching funds and maximum amounts of state funds for the programs;

On motion by Senator Tobiassen, by two-thirds vote HB 341 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—28

Anderson	Hair	Lewis	Steinberg
Barron	Henderson	Margolis	Stevens
Beard	Hill	McClain	Tobiassen
Carlucci	Jenkins	Neal	Trask
Childers, D.	Jenne	Poole	Vogt
Dunn	Jennings	Renick	Ware
Frank	Langley	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Rehm, Scott, Stuart, Thomas

CS for SB 407 and SB 407 were laid on the table.

HB 20—A bill to be entitled An act relating to the district school system; adding paragraph (g) to s. 236.081(1), Florida Statutes, 1980 Supplement, relating to computation of the basic amount to be included for operation of schools, to provide that certain districts may calculate full-time equivalent students differently for small, isolated schools under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote HB 20 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Anderson	Henderson	Lewis	Tobiassen
Barron	Hill	Neal	Trask
Beard	Jenne	Poole	Vogt
Carlucci	Jennings	Renick	Ware
Childers, D.	Kirkpatrick	Steinberg	Winn
Dunn	Langley	Stevens	

Nays—1

Frank

Vote after roll call:

Yea—Peterson, Rehm, Stuart, Thomas

HB 63—A bill to be entitled An act relating to school depositories; amending s. 237.211(2) and (3), Florida Statutes, 1980 Supplement, providing that school boards may invest deposits awaiting clearing in an approved county depository's checking account in certain instruments earning interest; extending provisions relating to the transfer of funds from depositories; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 63 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Anderson	Frank	Lewis	Steinberg
Barron	Henderson	Margolis	Stevens
Beard	Hill	McClain	Tobiassen
Carlucci	Jennings	Neal	Trask
Childers, D.	Kirkpatrick	Poole	Vogt
Dunn	Langley	Renick	Ware

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Rehm, Scott, Stuart, Thomas

SB 894 was laid on the table.

HB 64—A bill to be entitled An act relating to instructional materials; amending s. 233.37, Florida Statutes, to provide for district school board rules for the disposal of certain instructional materials; providing an effective date.

—was read the second time by title.

Senators Jenkins and Trask offered the following amendment which was moved by Senator Jenkins:

Amendment 1—On page 1, between lines 28 and 29, insert: Section 2.

The Department of Education is herein directed to implement the including of the Theory of Scientific Creationism in all instructional materials that deal with the origins of the universe and life.

(1) Scientific Creationism means the scientific evidence for creation and inferences from such scientific evidence.

(2) "Creation" includes belief in:

(a) Special creation of the universe and life.

(b) The insufficiency of mutation and natural selection in bringing about progressive evolution.

(c) Fixity of originally created kinds of plants and animals.

(d) Distinct ancestry for man and apes.

(e) Explanation of the earth's geology by catastrophism, including the occurrence of a worldwide flood.

(f) A relatively recent inception of the earth and living kinds.

(3) "Scientific evidence" for creation includes, but is not necessarily limited to:

(a) The sudden appearance of complex living forms in the fossil record.

(b) The harmful nature of most or all mutations, the tautologous nature of natural selection, the application of the law of entropy to prevent development from lesser order to greater order, and the mathematical improbability of evolution of complex living forms.

(c) The systematic absence of transitional forms between kinds in the evolutionary chain.

(d) The reasons for identification of presumed missing links as the same as either modern men or modern apes.

(e) The occurrence of geologic layers with fossils of a presumably earlier or later geologic age, and the past occurrence of catastrophic events in causing mass extinctions and ending the worldwide temperate climate.

(f) Identification of the assumptions of radiometric dating methods that support an ancient age for the earth and life and description of alternate dating methods that support a younger age.

(Renumber subsequent section.)

Further consideration of HB 64 was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1124 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education, Higher—

HB 1124—A bill to be entitled An act relating to education; amending s. 228.093(3)(d), Florida Statutes; authorizing release of personally identifiable student records to the Auditor General; providing conditions; creating s. 240.202, Florida Statutes; providing that authority vested with the universities shall be vested with the president of the university or his designee; amending s. 240.229(1), Florida Statutes; providing that universities shall enter into contracts with personnel to establish the interests of the university and such personnel in patents, copyrights, or trademarks secured by the university; amending s. 240.241(4) and (7), Florida Statutes, 1980 Supplement, relating to divisions of sponsored research at state uni-

versities; extending to the designee of a university president the power to enter into research contracts, accept grants, and collect fees and payments; authorizing contracts on a cost reimbursement basis and temporary financing of costs; providing method of payment of moneys allocated for salaries in a sponsored research development fund; providing for application of certain foreign travel provisions; providing an effective date.

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

SPECIAL ORDER, continued

On motion by Senator Frank, by two-thirds vote HB 1124 was withdrawn from the Committee on Education.

On motion by Senator Frank, HB 1124, a companion measure, was substituted for SB 1007. On motions by Senator Frank, by two-thirds vote HB 1124 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—25

Barron	Hill	McClain	Trask
Beard	Jenkins	Neal	Vogt
Carlucci	Jennings	Poole	Ware
Childers, D.	Kirkpatrick	Rehm	Winn
Dunn	Langley	Renick	
Frank	Lewis	Steinberg	
Henderson	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 1007 was laid on the table.

By the Committee on Appropriations and Senators Gordon, Margolis, Frank, Dunn, Stevens, Peterson and Anderson—

CS for SB 208—A bill to be entitled An act relating to schools; providing for pilot program instruction in writing skills; providing a formula for allocating funds for such instruction; providing school district eligibility requirements; requiring the Department of Education to establish criteria for determining if teaching writing is a primary emphasis; providing an appropriation; providing an effective date.

—was read the first time by title and SB 208 was laid on the table.

On motion by Senator Margolis, by two-thirds vote CS for SB 208 was read the second time by title.

Senator Gordon offered the following amendments which were moved by Senator Margolis and adopted:

Amendment 1—On page 3, strike all of lines 1-4 and renumber subsequent section.

Amendment 2—In title on page 1, line 9, strike "providing an appropriation;"

On motion by Senator Margolis, by two-thirds vote CS for SB 208 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Anderson	Frank	Lewis	Steinberg
Barron	Henderson	McClain	Tobiassen
Beard	Hill	Neal	Trask
Carlucci	Jenkins	Poole	Vogt
Childers, D.	Jennings	Rehm	Ware
Dunn	Kirkpatrick	Renick	Winn

Nays—2

Langley Stevens

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 541—A bill to be entitled An act relating to public education; amending s. 228.121, Florida Statutes, 1980 Supplement, to provide that students who are nonresidents, or whose guardians are nonresidents, of a school district may be admitted to the district's schools according to certain criteria; requiring a nonresident tuition fee computed according to district expenditures, and providing exceptions; providing for verification of residency and guardianship; providing for the collection, remittance, and use of tuition fees; exempting nonresident students from inclusion in Florida Education Finance Program computations and from requirements for regular school attendance; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Jennings and adopted:

Amendment 1—On page 1, line 28, strike "a school district" and insert: Florida

Amendment 2—On page 1, line 29, strike "the district" and insert: Florida

Amendment 3—On page 2, lines 4 and 5, strike "including English language skills"

Amendment 4—On page 2, lines 7 and 8, strike "the district" and insert: Florida

Amendment 5—On page 2, line 9, strike "the district" and insert: Florida

Senator Jennings moved the following amendment which was adopted:

Amendment 6—On page 2, strike all of lines 18-26 and insert:

(4) No tuition shall be charged the following students:

(a) Students whose natural or legal guardians are in the federal military service or are civilian employees, the cost of whose education is provided in part or in whole by federal subsidy to state-supported schools.

(b) Students whose natural or legal guardians are migratory agricultural workers.

(c) Students who are student participants in a student exchange program properly designated as such by the United States Department of State in which such students are exchanged on a one-for-one basis.

(d) Students whose natural or legal guardians are temporarily residing in the state as a result of being brought to this state by a corporation or business with a branch located in Florida, whose temporary residence will not exceed 3 years, if at least one such guardian is employed by or renders services deemed necessary by such business or corporation, or comes as part of an exchange program with the country or business the guardian represents.

(e) Students who reside in other states than Florida in counties which are contiguous to the Florida border and who attend school in Florida.

The Committee on Education recommended the following amendment which was moved by Senator Jennings and adopted:

Amendment 7—In title on page 1, lines 5 and 6, strike "a school district" and insert: Florida

Senator Jennings moved the following amendments which were adopted:

Amendment 8—On page 1, line 13, after the word "exempting" insert: certain

Amendment 9—On page 3, line 12, strike "School" and insert: Except for those students specified in subsection (4)(b), (c), (d), and (e), school

Pending further consideration of SB 541, as amended, on motion by Senator Jennings, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 456 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education, K-12 and Representative Carlton and others—

CS for HB 456—A bill to be entitled An act relating to public education; amending s. 228.121, Florida Statutes, 1980 Supplement, to provide that students who are nonresidents, or whose guardians are nonresidents, of Florida may be admitted to the public schools according to certain criteria; requiring a nonresident tuition fee computed according to district expenditures, and providing exceptions; providing for verification of residency and guardianship; providing for the collection, remittance, and use of tuition fees; exempting certain nonresident students from inclusion in Florida Education Finance Program computations and from requirements for regular school attendance; providing an effective date.

—was referred to the Committee on Education.

SPECIAL ORDER, continued

On motions by Senator Jennings, the rules were waived and by two-thirds vote CS for HB 456, a companion measure, was withdrawn from the Committee on Education and substituted for SB 541. On motions by Senator Jennings, by two-thirds vote CS for HB 456 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—27

Anderson	Henderson	Margolis	Stevens
Barron	Hill	McClain	Tobiassen
Beard	Jenkins	Neal	Trask
Carlucci	Jennings	Poole	Vogt
Childers, D.	Kirkpatrick	Rehm	Ware
Dunn	Langley	Renick	Winn
Frank	Lewis	Steinberg	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 541 was laid on the table.

By the Committee on Appropriations and Senator Maxwell—

CS for CS for SB 583—A bill to be entitled An act relating to the funding of public schools; adding s. 236.081(8), Florida Statutes, 1980 Supplement; providing additional state funds to

school districts experiencing loss in revenue from specified sources; providing a repeal date; providing an effective date.

—was read the first time by title and SB 583 and CS for SB 583 were laid on the table.

On motions by Senator Margolis, by two-thirds vote CS for SB 583 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—27

Anderson	Henderson	Lewis	Steinberg
Barron	Hill	Margolis	Stevens
Beard	Jenkins	McClain	Tobiassen
Carlucci	Jenne	Neal	Trask
Childers, D.	Jennings	Poole	Vogt
Dunn	Kirkpatrick	Rehm	Winn
Frank	Langley	Renick	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

On motion by Senator Frank, the rules were waived and by two-thirds vote HB 1075 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Frank—

HB 1075—A bill to be entitled An act relating to the Education Practices Commission; amending s. 231.261(5) and (9), Florida Statutes, 1980 Supplement, and adding new subsections thereto; defining the powers and duties of the commission and the Department of Education; providing for expenditures by the commission; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for SB 751 and read the second time by title.

Senators Frank and Maxwell offered the following amendment which was moved by Senator Frank and adopted:

Amendment 1—On page 2, lines 14-17, strike “All such expenditures of the commission shall be allowed and paid for upon the presentation of itemized vouchers therefor approved by the chairman and executive director” and insert: The Commission’s expenditures shall be subject to the powers and duties of the Department of Banking and Finance as provided in s. 17.03

On motion by Senator Frank, further consideration of HB 1075 was deferred.

SB 937—A bill to be entitled An act relating to planning and budgeting; amending s. 216.011(1)(q), Florida Statutes, 1980 Supplement; defining “operating capital outlay”; amending s. 273.02, Florida Statutes, 1980 Supplement; defining “property”; applying certain provisions relating to inventory and records to publicly supported libraries; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Tobiasen and adopted:

Amendment 1—On page 1, line 23, strike “\$70” and insert: \$100

Amendment 2—On page 2, line 1, strike “\$70” and insert: \$100

On motion by Senator Tobiassen, by two-thirds vote SB 937 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Frank	Lewis	Steinberg
Anderson	Henderson	Margolis	Stevens
Barron	Hill	McClain	Tobiassen
Beard	Jenkins	Neal	Trask
Carlucci	Jennings	Poole	Vogt
Childers, D.	Kirkpatrick	Rehm	Ware
Dunn	Langley	Renick	Winn

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

On motions by Senator Frank, by two-thirds vote HB 1076 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Frank—

HB 1076—A bill to be entitled An act relating to education; creating s. 236.0873, Florida Statutes, providing allocations for school volunteer programs; providing an effective date.

—a companion measure, was substituted for SB 965 and read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of line 1 and insert: Section 2. Paragraph (a) of subsection (2) of section 231.40, Florida Statutes, 1980 Supplement, is amended to read:

231.40 Sick leave.—

(2) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis shall be entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which shall not be used prior to the time it is earned and credited to the member. However, the member shall be entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave a member of the instructional staff may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A school board may establish policies and prescribe standards to permit a member of the instructional staff to be absent 4 days each school year for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be noncumulative.

3. District school boards are authorized to adopt rules permitting the annual payment for accumulated sick leave earned for that year that is unused at the end of the school year based on the daily rate of pay of the employee multiplied by 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance.

4. A school board may establish policies to provide terminal pay for accumulated sick leave to any employee of the

district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his beneficiary. However, such terminal pay shall not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years and after the 10th year of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent of the number of days of accumulated sick leave.

Section 3. (1) Any member of the instructional staff of any school district may be granted sabbatical leave for a period not to exceed 1 year. A person who receives such leave may be paid one-half of his or her ordinary salary during the period of such leave or in accordance with negotiated agreements or school board policy and shall receive full benefits during such period. A person compensated under this section may not be compensated for other employment during the period of sabbatical leave such that the person would receive combined compensation in excess of his or her ordinary salary.

(2) Funds, not to exceed 25 percent of the district's allocation for inservice training under s. 236.081(3), Florida Statutes, or other district funds may be expended in order to fulfill the provisions of this section, provided that the district allocates \$5 of district funds for each dollar of state inservice training funds expended under this subsection.

(3) Each school board shall adopt rules to implement this section.

Section 4. Section 229.8095, Florida Statutes, is created to read:

229.8095 Gifted education exemplary program grants.—

(1) This section shall be known and may be cited as the "Challenge Grant Program for the Gifted".

(2) There is hereby created a gifted education grant program which shall be administered by the Commissioner of Education in cooperation and consultation with appropriate organizations and associations concerned with gifted education and pursuant to rules adopted by the State Board of Education. The program may be implemented in any public school.

(3) Pursuant to policies and rules to be adopted by the State Board of Education, each district school board, two or more district school boards in cooperation, or a public school principal through the district school board, may submit to the commissioner a proposed program designed to effectuate an exemplary gifted education program in a school, district, or group of districts. Consideration for funding shall be given to proposed programs of district school boards that are developed with the cooperation of a community college, public or private college, or a university for the purpose of providing advanced accelerated instruction for public school students pursuant to s. 229.814. In order to be approved, program proposals shall include:

(a) Clearly stated goals and objectives expressed, to the maximum extent possible, in measurable terms;

(b) Information concerning the number of students, teachers, and other personnel to be involved in the program;

(c) The estimated cost of the program and the number of years for which it is to be funded;

(d) Provisions for evaluation of the program and for its integration into the general curriculum and financial program of the school district or districts at the end of the funded period; and

(e) Such other information and provisions as shall be required by the commissioner.

(4) The commissioner shall review and approve, disapprove, or resubmit for modification all proposed gifted education programs submitted. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for gifted education exemplary program grants as provided for by this act. These funds shall be in addition to any funds for gifted education provided pursuant to s. 236.081(1)(c).

Section 5. This act shall take effect July 1, 1981.

Amendment 2—In title on page 1, between lines 4 and 5, insert: amending s. 231.40(2)(a), Florida Statutes, 1980 Supplement; authorizing full payment for unused sick leave upon termination under certain circumstances; providing for an alternate annual payment plan; providing for sabbatical leave for district school instructional staff members; providing conditions for the expenditure of certain funds; providing for adoption of rules; creating s. 229.8095, Florida Statutes; providing for grants for exemplary programs for gifted education; providing for approval of program proposals; providing an effective date.

On motion by Senator Frank, by two-thirds vote HB 1076 as amended was read the third time by title, passed, and certified to the House.

The vote on passage was:

Yeas—25

Anderson	Hill	McClain	Tobiassen
Barron	Jenkins	Neal	Trask
Beard	Jennings	Poole	Vogt
Carlucci	Kirkpatrick	Rehm	Winn
Childers, D.	Langley	Renick	
Frank	Lewis	Steinberg	
Henderson	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 965 was laid on the table.

HB 662—A bill to be entitled An act relating to postsecondary education; amending s. 231.3505, Florida Statutes, 1980 Supplement, relating to directors of vocational education; repealing s. 240.227(8) and (25), Florida Statutes, relating to certain powers and duties of each university; amending s. 240.227(15) and (16), Florida Statutes, to revise certain powers and duties relating to approval and execution of contracts; amending s. 240.241(4), Florida Statutes, 1980 Supplement, to authorize a university president's designee to perform certain duties; amending s. 240.247, Florida Statutes, to prohibit salary discrimination on the basis of race; amending ss. 240.277, 240.317, and 240.531(5), Florida Statutes, to correct cross references; amending s. 240.291(4), Florida Statutes, to authorize each university, rather than the Board of Regents, to employ a collection agency; amending s. 240.307(1)(e), Florida Statutes, relating to the State Community College Coordinating Board membership; repealing s. 240.313(2), Florida Statutes, relating to community college boards of trustees; amending ss. 240.313(4), 240.319(1), 240.339, and 240.377, Florida Statutes, to delete obsolete language; adding a paragraph to s. 240.319(3), Florida Statutes, providing additional powers to community college district boards of trustees to establish policies for law enforcement operations; amending s. 240.367(1), Florida Statutes, to require approval by the Commissioner of Education for certain community college loans; amending s. 240.533(3)(a) and (4)(b), Florida Statutes, 1980 Supplement, to provide for the creation of the Council on Equity in Athletics within the Board of Regents; repealing ss. 240.235(2)(b), 240.329, 240.437(4) and (5), and

240.455, Florida Statutes, relating to delinquent accounts, residence of community college presidents, and student financial aid; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Frank and adopted:

Amendment 1—On pages 2 and 3, line 19, strike Section 1 of the bill in its entirety and renumber remaining sections accordingly.

Amendment 2—On page 5, between lines 12 and 13, insert new Section 6., and renumber subsequent sections:

Section 6. Section 1 of Chapter 79-104, Laws of Florida, is amended to read:

Section 1. Trust fund; state funds.—

(1) The Department of Administration shall, upon request of the Board of Regents, establish a trust fund which shall serve as the depository for funds appropriated by the Legislature for matching voluntary contributions to the New College Foundation on behalf of New College, a part of the University of South Florida. Notwithstanding the provisions of s. 216.301, Florida Statutes, the amount deposited in this fund shall carry forward until *December 31 June 30*, 1981. Disbursement of state funds to the foundation shall be made by the Department of Administration, upon approval by the Administration Commission, only after private, voluntary contributions in the aggregate amount of \$3,500,000 have been received by the New College Foundation and deposited in the endowment trust, established pursuant to section 2.

(2) Private, voluntary contributions received in excess of \$3,500,000 will not be matched. If the required amount of private, voluntary contributions are not received by *December 31 June 30*, 1981, the money appropriated in this act shall revert to the General Revenue Fund.

Senator Peterson offered the following amendment which was moved by Senator Frank and adopted:

Amendment 3—On page 2, line 15, insert:

Section 1. Paragraph (b) of subsection (1) of section 228.041, Florida Statutes, 1980 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) **STATE SYSTEM OF PUBLIC EDUCATION.**—The state system of public education shall consist of such publicly supported and controlled schools, institutions of higher education, other educational institutions, and other educational services as may be provided or authorized by the Constitution and laws of Florida.

(b) **Community colleges.**—Community colleges shall consist of all educational institutions which are operated by local community college district boards of trustees under specific authority and regulations of the state board and which offer courses and programs of general and academic education parallel to that of the first and second years of work in institutions in the State University System, of *vocational occupational* education, and of adult continuing education.

Section 2. Paragraphs (e) and (g) of subsection (1) of section 229.551, Florida Statutes, are amended and a new paragraph (h) is added to said subsection to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various

aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(e) Coordination of all cost accounting and cost reporting activities for all levels of education, including public schools, *vocational vocational technical* programs, community colleges, and institutions in the State University System;

(g) Development and coordination of a common course designation and numbering system for community colleges and the State University System which shall improve program planning, increase communication among community colleges and universities, and facilitate the transfer of students. However, such a system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees. *Also, the system shall be applied to all postsecondary and postsecondary adult vocational programs and courses offered in school districts and community colleges.*

(h) *Development of those common definitions necessary for managing a uniform coordinated system of vocational education for all levels of the state system of public education.*

Section 3. Paragraph (d) of subsection (3) of section 230-2313, Florida Statutes, 1980 Supplement, is amended to read:

230.2313 Student services programs.—

(3) A "student services program" is defined as a coordinated effort which shall include, but not be limited to:

(d) Occupational and placement services, which shall include, but not be limited to, the dissemination of career education information, placement services, and follow-up studies. Such follow-up studies may be conducted on a statistically valid random-sampling basis where appropriate and shall be stratified to reflect the appropriate vocational programs of students graduating from or leaving the public school system. The occupational and placement specialist shall serve as liaison between employers and the school. *It shall be the responsibility of district placement personnel to make written recommendations to the superintendent for consideration by the district school board concerning areas of curriculum deficiency having an adverse effect on the employability of job candidates or progress in subsequent educational experiences. Further, district administrative personnel shall report to the school board concerning adjustments in program outcomes, curricula, and delivery of instruction as they are made with the use of placement and follow-up information.*

Section 4. Section 230.645, Florida Statutes, is amended to read:

230.645 ~~Waiver of~~ Postsecondary student fees.—

(1) Any dependent child of a special risk member as defined in s. 121.021(15) shall be entitled to a full waiver of postsecondary student fees at any area vocational-technical school or any other public vocational-technical postsecondary school 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.

(2) *The state board shall adopt rules permitting 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) *In adopting such rules, the state board is required to enforce the collection of or otherwise settle delinquent accounts.*

Section 5. Paragraph (a) of subsection (1) of section 240-311, Florida Statutes, is amended to read:

240.311 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 ensure 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:

(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; however, a community college shall not be required to offer a *vocational* or *adult basic education* program when such program is already operating in the district.

Section 6. Subsection (1) of section 240.353, Florida Statutes, is amended to read:

240.353 Procedure for determining number of instruction units for community colleges.—The number of instruction units for community colleges in districts which meet the requirements of law for operating a community college shall be determined from the full-time equivalent students in the community college, provided that full-time equivalent students may not be counted more than once in determining instruction units. Instruction units for community colleges shall be computed as follows:

(1) One unit for each 12 full-time equivalent students at a community college for the first 420 students and one unit for each 15 full-time equivalent students for all over 420 students, in other than *vocational* or *adult basic education* programs as defined by rules of the State Board of Education, and one unit for each 10 full-time equivalent students in *vocational* or *adult basic education* programs and compensatory education programs as defined by rules of the State Board of Education. Full-time equivalent students enrolled in a community college shall be defined by rules of the State Board of Education.

Section 7. Section 240.355, Florida Statutes, is amended to read:

240.355 State Board of Education rules.—The State Board of Education shall adopt rules which will enable community college district boards of trustees to initiate and provide comprehensive *vocational* or *adult basic education* education programs. The State 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. *It shall be the further responsibility of community college placement personnel to make written recommendations to the president for consideration by the board of trustees concerning areas of curriculum deficiency having an adverse effect on the employability of job candidates or progress in subsequent educational activities.*

Section 8. Paragraph (b) of subsection (1) of section 240.359, Florida Statutes, 1980 Supplement, is amended to read:

240.359 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. 240.313 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 allocation of funds for community colleges shall be based on advanced and professional disciplines, *vocational* or *adult basic education* program areas or *adult basic education* disciplines, compensatory programs, and adult elementary and secondary programs. The *vocational* or

adult basic education program areas or *adult basic education* disciplines shall be further subdivided into *postsecondary*, *postsecondary adult*, *technical*, *skilled* and *semiskilled*, and supplemental.

(Renumber subsequent sections.)

The Committee on Education recommended the following amendment which was moved by Senator Frank:

Amendment 4—In title on page 1, lines 4-6, strike beginning with the word “relating” on line 4 through the word “statutes” on line 6

Senator Frank moved the following substitute amendment which was adopted:

Amendment 5—On page 1, lines 3-5, strike all of said lines and insert: repealing s. 240.227(8) and (25),

The Committee on Education recommended the following amendment which was moved by Senator Frank and adopted:

Amendment 6—In title on page 1, line 18, after the (;) insert: amending Section 1, Chapter 79-104, Laws of Florida, providing that New College, a part of the University of South Florida, has until December 31, 1981, rather than June 30, 1981, to obtain private donations to match state funds;

Senator Peterson offered the following amendment which was moved by Senator Frank and adopted:

Amendment 7—In title on page 1, strike line 2, and insert: An act relating to education; amending s. 228.041(1)(b), Florida Statutes, 1980 Supplement; changing the term “occupational education” to “vocational education”; amending s. 229.551(1)(e), (g), Florida Statutes, and adding paragraph (h) to said subsection; conforming language; requiring common course numbering for postsecondary vocational education courses; directing the development of common definitions; amending s. 230.2313(3)(d), Florida Statutes, 1980 Supplement; requiring certain school district personnel to identify certain areas of curriculum deficiency and to report adjustment in certain programs; amending s. 230.645, Florida Statutes; providing for postsecondary student fee deferrals and deferments for certain students and for settlement of delinquent accounts; amending ss. 240.311(1)(a), 240.353(1), Florida Statutes; conforming language; amending s. 240.355,

On motion by Senator Frank, by two-thirds vote HB 662 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—23

Anderson	Henderson	Margolis	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jennings	Neal	Trask
Carlucci	Kirkpatrick	Poole	Vogt
Dunn	Langley	Rehm	Winn
Frank	Lewis	Renick	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 712—A bill to be entitled An act relating to educational finance; amending s. 236.081(4)(a), 1980 Supplement; prescribing the method for calculating the district required local effort of school districts; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 712 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Carlucci	Henderson	Kirkpatrick
Anderson	Childers, D.	Hill	Langley
Barron	Dunn	Jenkins	Lewis
Beard	Frank	Jennings	Margolis

McClain Renick Trask Winn
 Neal Steinberg Vogt
 Poole Tobiasse

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Stevens, Scott, Stuart, Thomas

By the Committee on Education and Senators Frank and Lewis—

CS for SB 798—A bill to be entitled An act relating to transportation of school children; amending s. 234.01, Florida Statutes, providing intent; creating s. 234.021, Florida Statutes, providing for investigation of hazardous walking conditions; providing criteria; amending s. 236.083(1), (4), (6), Florida Statutes, providing funds for the transportation to and from school of certain elementary school students who encounter hazardous walking conditions; revising the formula for determining the allowable per student cost of transported students provided for in the Florida Education Finance Program; authorizing a rate of reimbursement for transporting isolated students by passenger cars to public schools which equals the maximum rate authorized by law for public officers and employees; providing an effective date.

—was read the first time by title and SB 798 was laid on the table.

On motion by Senator Frank, by two-thirds vote CS for SB 798 was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of lines 18-21 and insert: Section 4. Subsections (1) and (2) of section 234.211, Florida Statutes, 1980 Supplement, are amended to read:

234.211 Use of school buses for public purposes.—

(1) (a) Each school district may enter into agreements with the governing body of a county or municipality in the school district or any state agency or agencies established or identified to assist the transportation disadvantaged, as defined in s. 427.011, including the elderly, pursuant to Pub. L. No. 89-73, as amended, for the use of the school buses of the school district by departments, boards, commissions, or officers of such county or municipality or of the state for county, municipal, or state purposes, including transportation of such transportation disadvantaged. Each such agreement shall provide for reimbursement of the school district, in full or in part, for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of such buses pursuant to such agreement.

(b) *Each school district may enter into agreements with nonprofit corporations and nonprofit civic associations and groups to allow the use of school buses to transport school age children for activities sponsored by such associations and groups, including, but not limited to, the Girl and Boy Scouts, 4-H Clubs, Y.M.C.A. and similar groups, excluding private and parochial schools and religious and commercial corporations and organizations. Use of school buses for such activities shall be pursuant to rules adopted by the school district and with compensation to the school board at least equal to the costs incurred by the board for such use.*

(2) The governing body or state agency or agencies established or identified pursuant to Pub. L. No. 80-73 and nonprofit corporations and nonprofit civic organizations and groups shall indemnify and hold harmless the school district from any and all liability of the school district by virtue of the use of such buses pursuant to an agreement authorized by this section. Corporations not for profit, established or identified pursuant to Pub. L. No. 89-73, as amended, and providing transportation services for the transportation disadvantaged without compensation, shall provide liability insurance coverage in the amounts of:

- (a) \$100,000 liability per single-party suit;
- (b) \$300,000 liability per joint-party suit;
- (c) \$50,000 liability per property damage suit; and

(d) \$100 deductible collision, upset loss, or damage to each vehicle.

Section 5. This act shall take effect July 1, 1982, except that sections 4 and 5 of this act and subsections (4) and (6) of section 236.083, Florida Statutes, as amended by this act, shall take effect July 1, 1981.

Amendment 2—In title on page 1, line 19, after the semicolon insert: amending s. 234.211(1) and (2), Florida Statutes, 1980 Supplement, authorizing school districts to allow the use of school buses to transport school age children to activities sponsored by certain nonprofit organizations; excluding certain nonprofit organizations; excluding certain schools and organizations; providing for rules and compensation; providing indemnification;

On motion by Senator Frank, by two-thirds vote CS for SB 798 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

Barron	Hill	McClain	Stevens
Beard	Jenne	Neal	Trask
Childers, D.	Jennings	Poole	Vogt
Dunn	Langley	Rehm	Ware
Frank	Lewis	Renick	Winn
Henderson	Margolis	Steinberg	

Nays—2

Anderson Kirkpatrick

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

On motion by Senator Winn, by two-thirds vote SB 824 was added to the education bill calendar on the special order calendar.

On motion by Senator Frank, by two-thirds vote SB 997 was removed from the special order calendar and indefinitely postponed.

Consideration of SB 735 and SB 222 was deferred.

SB 275—A bill to be entitled An act relating to education; amending s. 231.087, Florida Statutes, 1980 Supplement; assigning the Florida Council on Educational Management to the Department of Education for administrative purposes; providing duties of the council; creating the Florida Academy for School Leaders; providing the duties of the academy and assigning it to the Department of Education for administrative purposes; providing for district management training programs; directing the Commissioner of Education to transmit appraisals on program effectiveness and recommendations on compensation plans for educational managers who have met specific criteria to certain members of the Legislature and the Board of Education; deleting provision requiring the Office of the Deputy Commissioner for Educational Management to serve as fiscal agent and provide administrative support for the council; providing an appropriation; repealing s. 231.086, Florida Statutes, relating to management training programs; providing for future repeal of s. 231.087(2), (3), Florida Statutes, 1980 Supplement, as amended; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Frank and adopted:

Amendment 1—On page 6, line 13, strike "1982" and insert: 1983

Amendment 2—On page 7, lines 7-11, strike all of section 2 and renumber subsequent sections.

Amendment 3—In title on page 1, line 22, strike “providing an appropriation;”

On motion by Senator Frank, by two-thirds vote SB 275 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

Barron	Henderson	Margolis	Steinberg
Beard	Hill	McClain	Tobiassen
Carlucci	Jenkins	Neal	Trask
Childers, D.	Jennings	Poole	Vogt
Dunn	Kirkpatrick	Rehm	Winn
Frank	Lewis	Renick	

Nays—3

Anderson Langley Stevens

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

Senator Ware presiding

Consideration of SB 830 was deferred.

By the Committee on Education and Senators Margolis and Trask—

CS for SB 566—A bill to be entitled An act relating to community college employees; amending s. 240.343(1)(d), Florida Statutes; deleting the requirement that a full-time employee in order to receive terminal pay for sick leave shall retire and have attained eligibility for retirement benefits; revising the method for determining terminal pay for accumulated sick leave for full-time employees; providing that full-time employees who terminate employment without receiving terminal pay benefits shall have sick leave credit reinstated upon reemployment; providing an effective date.

—was read the first time by title and SB 566 was laid on the table.

On motion by Senator Margolis, by two-thirds vote CS for SB 566 was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendments which were moved by Senator Margolis and adopted:

Amendment 1—On page 1, strike lines 18 and 19 and insert: *Section 1. The introductory paragraph, paragraph (d) of subsection (1), and present (4) of said section is renumbered (5) and a new subsection (4) of section 240.343, Florida Statutes, are amended to read:*

Amendment 2—On page 1, strike line 22 and insert: to perform his duties at the college on account of personal sickness, accident disability or extended personal illness because of illness, or

Amendment 3—On page 2, after line 31 insert: *(4) EXPENDITURE AUTHORIZED—Community college boards are authorized to expend public funds for payment to employees “on account of sickness.” The expending and excluding of such funds shall be in compliance with rules promulgated by the Department of Administration pursuant to Chapter 650.*

Amendment 4—On page 1, strike line 13 and insert: *reinstated upon reemployment; authorizing community college boards to expend public funds for payment of sick leave in accordance with Chapter 650, Florida Statutes, providing an*

Amendment 5—On page 1, strike line 3 and insert: *amending the introductory paragraph, ss. 240.343 (1)(d) and (4), Florida Statutes;*

Pending further consideration of CS for SB 566, as amended, on motion by Senator Margolis, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W.D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 298, SB 1036, SB 1114, CS for SB 516, SB 676, SB 859, SB 1052.

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable W.D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended House Bills 397, 565, 997, 651, 730, 896, 760, 520 and 316.

Allen Morris, Clerk

The Honorable W.D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 151 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Meek and others—

HB 151—A bill to be entitled An act relating to community colleges; amending s. 240.343, Florida Statutes, to clarify sick leave provisions; eliminating the requirement that a community college employee shall have attained eligibility for retirement benefits in order to receive terminal pay for sick leave; revising the procedure for determining terminal pay for accumulated sick leave; authorizing expenditure of funds for payments “on account of sickness”; providing an effective date.

—which was read the first time by title. On motion by Senator Margolis, the rules were waived and the bill was placed on the Calendar.

SPECIAL ORDER, continued

On motions by Senator Margolis, HB 151, a companion measure, was substituted for CS for SB 566 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—28

Anderson	Henderson	Margolis	Steinberg
Beard	Hill	Maxwell	Stevens
Carlucci	Jenkins	McClain	Tobiassen
Childers, D.	Jennings	Neal	Trask
Dunn	Kirkpatrick	Poole	Vogt
Frank	Langley	Rehm	Ware
Hair	Lewis	Renick	Winn

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

CS for SB 566 was laid on the table.

Senator Barron presiding

SB 357—A bill to be entitled An act relating to the Student Financial Aid Trust Fund; amending s. 240.417, Florida Statutes; authorizing the use of such fund for student financial aid programs; deleting the requirement that administrative expenses for such programs be paid from the Student Financial Aid Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 357 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Beard	Jenkins	McClain	Trask
Carlucci	Jennings	Neal	Vogt
Childers, D.	Johnston	Poole	Ware
Dunn	Kirkpatrick	Rehm	Winn
Frank	Langley	Renick	
Henderson	Lewis	Steinberg	
Hill	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 528—A bill to be entitled An act relating to education; requiring the Department of Education, in cooperation with certain expert researchers, and certain school district personnel to conduct certain studies and develop and submit to the Legislature reports of program cost review procedures for evaluating program category cost, to be used in the Florida Education Finance Program; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 528 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Anderson	Henderson	Lewis	Steinberg
Barron	Hill	Margolis	Stevens
Beard	Jenkins	McClain	Trask
Carlucci	Jennings	Neal	Vogt
Childers, D.	Johnston	Poole	Ware
Dunn	Kirkpatrick	Rehm	Winn
Frank	Langley	Renick	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 824—A bill to be entitled An act relating to veterans; creating s. 295.016, Florida Statutes, providing that it is the policy of the state to provide educational opportunity at state expense for dependent children of the servicemen who died or suffered 100 percent disability in the Iranian Rescue Mission; amending s. 295.02, Florida Statutes, providing for use of funds; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote SB 824 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Anderson	Henderson	Lewis	Steinberg
Barron	Hill	Margolis	Stevens
Beard	Jenkins	McClain	Trask
Carlucci	Jennings	Neal	Vogt
Childers, D.	Johnston	Poole	Ware
Dunn	Kirkpatrick	Rehm	Winn
Frank	Langley	Renick	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

On motion by Senator Neal, SB 795 was recalled from engrossing.

On motion by Senator Neal, the Senate reconsidered the vote by which—

SB 795—A bill to be entitled An act relating to bidding by delinquent contractors; amending s. 337.16, Florida Statutes; declaring legislative intent; precluding bidding by a delinquent contractor; specifying when a contractor is delinquent; provid-

ing for revocation or suspension of a delinquent contractor's certificate of qualification; providing for an administrative hearing for reinstatement of such certificate; providing an effective date.

—as amended passed on June 1.

On motion by Senator Neal, the Senate reconsidered the vote by which SB 795 was placed on third reading.

On motions by Senator Neal, the Senate reconsidered the vote by which Amendments 1 and 4 were adopted.

By permission, Senator Neal withdrew Amendments 1 and 4.

On motion by Senator Neal, by two-thirds vote SB 795 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Anderson	Henderson	Lewis	Steinberg
Barron	Hill	Margolis	Stevens
Beard	Jenkins	McClain	Trask
Carlucci	Jennings	Neal	Vogt
Childers, D.	Johnston	Poole	Ware
Dunn	Kirkpatrick	Rehm	Winn
Frank	Langley	Renick	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

Senator Jennings presiding

SPECIAL ORDER, continued

SB 920—A bill to be entitled An act relating to the rights of members of the Miccosukee and Seminole Indian Tribes and other Indians; amending s. 285.09, Florida Statutes; granting year-round hunting and fishing rights to the Miccosukee and Seminole Indian Tribes in their respective reservations and in the Big Cypress Preserve, and granting subsistence hunting and fishing rights and frogging rights for food and commercial purposes to the Miccosukee Tribe in its reservation and in a leased area, subject to restriction by the Game and Fresh Water Fish Commission; amending s. 285.10, Florida Statutes; permitting Indians to exercise such rights without payment of licensing or permitting fees; requiring possession of identification cards when exercising such rights; amending s. 285.15, Florida Statutes; allowing the Board of Trustees of the Internal Improvement Trust Fund to grant to the Miccosukee and Seminole Indian Tribes and other Indians rights to hunt, fish, and frog for personal consumption and for commercial purposes on and rights of access to and use of lands under its jurisdiction; amending s. 285.17, Florida Statutes; creating a special improvement district within an area leased to the Miccosukee Tribe; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 21, strike "presidents of the Miccosukee and Seminole Tribes" and insert: Chairman of the Miccosukee Tribe and the Seminole Tribe

Pending further consideration of SB 920 as amended, on motion by Senator Vogt, by two-thirds vote HB 1158 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Vogt—

HB 1158—A bill to be entitled An act relating to the rights of members of the Miccosukee and Seminole Indian Tribes and other Indians; amending s. 285.09, Florida Statutes, granting

year-round hunting and fishing rights to the Miccosukee and Seminole Indian Tribes in their respective reservations and in the Big Cypress Preserve; granting subsistence hunting and fishing rights and frogging rights for food and commercial purposes to the Miccosukee Tribe in its reservation and in a leased area, subject to restriction by the Game and Fresh Water Fish Commission; amending s. 285.10, Florida Statutes, permitting Indians to exercise such rights without payment of licensing or permitting fees; requiring possession of identification cards when exercising such rights; amending s. 285.15, Florida Statutes, allowing the Board of Trustees of the Internal Improvement Trust Fund to grant to the Miccosukee and Seminole Indian Tribes and other Indians, rights to hunt, fish and frog for personal consumption and for commercial purposes on lands under its jurisdiction and right of access to and use of such lands; amending s. 285.17, Florida Statutes, creating a special improvement district within an area leased to the Miccosukee Tribe; providing an effective date.

—a companion measure, was substituted for SB 920 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1158 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Anderson	Hill	Margolis	Stevens
Beard	Jenkins	McClain	Trask
Carlucci	Jennings	Neal	Vogt
Childers, D.	Johnston	Poole	Ware
Dunn	Kirkpatrick	Rehm	Winn
Frank	Langley	Renick	
Henderson	Lewis	Steinberg	

Nays—None**Vote after roll call:**

Yea—Grizzle, Peterson, Scott, Stuart, Thomas

SB 920 was laid on the table.

HB 190—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 1982; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 190 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Barron	Jenkins	Margolis	Steinberg
Beard	Jenne	McClain	Stevens
Carlucci	Jennings	McKnight	Tobiassen
Childers, D.	Johnston	Neal	Trask
Dunn	Kirkpatrick	Poole	Vogt
Frank	Langley	Renick	Ware
Henderson	Lewis	Skinner	Winn

Nays—1

Anderson

Vote after roll call:

Yea—Grizzle, Hill, Peterson, Rehm, Scott, Stuart, Thomas

On motions by Senator Dunn, the rules were waived and by two-thirds vote HB 1127 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Commerce; and Finance, Taxation and Claims and placed on the calendar.

On motion by Senator Dunn—

HB 1127—A bill to be entitled An act relating to the Florida Housing Finance Agency Act; amending s. 420.503(3) and (7) (a), Florida Statutes, 1980 Supplement, providing definitions; amending s. 420.508(2)(a) and (d) and (3)(a), Florida Statutes, 1980 Supplement, providing a time limitation on the issuance of certain loans; amending s. 420.509(1), (3), (4), and (5), Florida Statutes, 1980 Supplement, providing for the payment of expenses incident to the issuance and sale of any bonds under the act from pledged revenues; eliminating

the minimum 5-year bond requirement; authorizing reduced reserves; providing for the basis of award of bonds; prohibiting financial advisors to the Florida Housing Finance Agency to underwrite agency bonds within 2 years of having been its advisor; providing an effective date.

—a companion measure, was substituted for CS for SB 916 and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1127 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Anderson	Hill	Margolis	Tobiassen
Barron	Jenne	McClain	Trask
Carlucci	Jennings	Poole	Vogt
Childers, D.	Johnston	Renick	Ware
Dunn	Kirkpatrick	Scott	Winn
Frank	Langley	Steinberg	
Henderson	Lewis	Stevens	

Nays—None**Vote after roll call:**

Yea—Grizzle, Peterson, Rehm, Stuart, Thomas

SB 916 and CS for SB 916 were laid on the table.

On motion by Senator Jenne, the rules were waived and by two-thirds vote CS for HB 861 was withdrawn from the Committee on Commerce.

On motion by Senator Jenne—

CS for HB 861—A bill to be entitled An act relating to life care contracts; amending s. 651.011(2) and (8), Florida Statutes, and adding subsections (11) and (12); providing definitions; amending s. 651.015(2)(c) and (4), Florida Statutes; providing for levy of a fine for noncompliance; providing for administrative penalties; amending s. 651.021, Florida Statutes; deleting provisions relating to maintenance of net worth by providers and requiring maintenance of a liquid reserve; amending s. 651.026(1), (3), (4), (5), (6), and (7), Florida Statutes, 1980 Supplement, and adding new subsections (8) and (10); revising provisions relating to application for certificate of authority; including reference to "applicant" within said provisions; providing that late fee may be charged if information is not received; requiring the Department of Insurance to issue acknowledgment of an application; providing a time limitation for certification or notification of deficiencies; revising information, including financial information, required to be included in annual statement; providing for departmental inquiry to determine accuracy of certain information; providing that the advisory council may assist a facility in formulating a remedial plan; providing time limitation for submission of such plan; providing for extension of time period granted to correct deficiencies; requiring providers to show a specified ratio of assets to liabilities; specifying fiscal year; providing exemptions; amending s. 651.031, Florida Statutes; requiring all persons intending to offer continuing care agreements to obtain a provisional certificate of authority; revising information to be submitted to the department; allowing deposit of funds collected from prospective members with the department; providing basis for denial of provisional certificate; requiring that entrance fees remain in reserve until financing of the facility is assured; creating s. 651.033, Florida Statutes; establishing requirements for escrow accounts; amending s. 651.035, Florida Statutes; specifying reserves which must be maintained by a provider; requiring notification to the department prior to use of certain portion of said reserves for other than authorized purposes; providing for emergency use of reserves; providing effect of failure to maintain reserves; amending s. 651.041, Florida Statutes, relating to use of reserves; deleting exceptions to maintenance of investments in forms as prescribed by part II of chapter 625, Florida Statutes; amending s. 651.055, Florida Statutes; revising requirements of continuing care agreements with respect to properties transferred, availability of services, conditions of cancellation and refund, conditions of acceptance, of remaining in the facility, and of death or removal of member, conditions for fee changes, affiliations of the provider, and reserve funding policies; regulating refunds; requiring that agreements include a statement regarding applicant's rights; requiring a provider to present a copy of the agreement to all parties thereto prior to the transfer of any money or property;

allowing an addendum to an agreement; amending s. 651.061, Florida Statutes; providing conditions of dismissal of a member for inability to pay monthly maintenance fees; amending s. 651.085, Florida Statutes; providing for notice to members of quarterly meetings with the board of directors or a designated representative thereof; amending s. 651.091(3) and (4), Florida Statutes; revising requirements regarding posting of summaries of examination reports and annual statements in the facility; amending s. 651.095(1), Florida Statutes; providing that the department shall not approve certain advertisements; amending s. 651.105(1), (3) and (4), Florida Statutes; providing for examination of applicants for certification of authority; providing for compensation for examinations; providing that the department shall require corrective action or a plan therefor from providers to remedy deficiencies; creating s. 651.106, Florida Statutes; providing grounds for denial, suspension, or revocation of, or refusal to renew, a certificate of authority; creating s. 651.107, Florida Statutes; providing duration of suspension period; providing provider's obligations during such period; providing for reinstatement; creating s. 651.108, Florida Statutes; providing for administrative fines in lieu of suspension or revocation and other fines; amending s. 651.111(3), Florida Statutes; authorizing action by advisory council upon receipt of complaint regarding a provider; amending s. 651.114, Florida Statutes, 1980 Supplement; providing procedures when a portion of a required reserve fund escrow has been or is proposed to be released; requiring provider to submit information to the advisory council; providing duties of advisory council; providing for reports; amending s. 651.121(1), (3), and (4)(b) and (c), Florida Statutes; providing for a Continuing Care Advisory Council; providing for appointment and membership; providing for per diem; providing for inspection of its records; amending s. 651.132, Florida Statutes; providing application to amendment or renewal of existing contracts; repealing s. 651.045, Florida Statutes, relating to conversion of property; amending s. 159-27(16), Florida Statutes, 1980 Supplement; redefining "health care facility" for purposes of the Florida Industrial Development Financing Act; adding subsection (10) to s. 11.6105, Florida Statutes, 1980 Supplement; providing that chapter 651, Florida Statutes, shall be repealed and reviewed in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for CS for SB 811 and read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 5, line 16, strike "and nursing care"

Amendment 2—On page 19, line 21, after "certificate" insert: *and evidence of a commitment for any mortgage loan or other long-term financing*

Amendment 3—On page 20, line 6, after "maintain" insert: *in escrow and*

On motion by Senator Jenne, by two-thirds vote CS for HB 861 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Jenkins	Margolis	Scott
Beard	Jenne	McClain	Steinberg
Carlucci	Jennings	McKnight	Stevens
Childers, D.	Johnston	Neal	Tobiasen
Frank	Kirkpatrick	Poole	Trask
Henderson	Langley	Rehm	Vogt
Hill	Lewis	Renick	Winn

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Stuart, Thomas

SB 811 and CS for SB 811 were laid on the table.

SB 285—A bill to be entitled An act relating to artificial fishing reefs; requiring the Department of Natural Resources to establish a program to provide grants to coastal local governments for constructing artificial fishing reefs; author-

izing the department to adopt rules to carry out the program and to provide criteria for allocating available funds; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator McKnight moved the following amendments which were adopted:

Amendment 1—On page 2, strike lines 3-6

(Renumber subsequent sections.)

Amendment 2—In title on page 1, line 9, strike "providing an appropriation;"

On motion by Senator McKnight, by two-thirds vote SB 285 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	Jenkins	McKnight	Tobiasen
Beard	Jennings	Neal	Trask
Carlucci	Johnston	Poole	Vogt
Childers, D.	Kirkpatrick	Rehm	Ware
Dunn	Langley	Scott	Winn
Frank	Lewis	Skinner	
Henderson	Margolis	Steinberg	
Hill	McClain	Stevens	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Stuart, Thomas

By the Committee on Agriculture and Senators Steinberg, Anderson, Renick, Peterson and Skinner—

CS for SB 324—A bill to be entitled An act relating to aquatic plants; amending s. 403.271, Florida Statutes, eliminating the authority of the Department of Natural Resources to issue permits with respect to importation of certain aquatic plants or seeds thereof; providing that persons not licensed for importation by the Department of Agriculture and Consumer Services shall obtain certain permits from the Department of Natural Resources; adding subsection (26) to s. 581.031, Florida Statutes, 1980 Supplement, providing that the Department of Agriculture and Consumer Services shall issue permits for the importation of certain nonindigenous aquatic plants and seeds; providing an effective date.

—was read the first time by title and SB 324 was laid on the table.

On motions by Senator Steinberg, by two-thirds vote CS for SB 324 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

Anderson	Jenkins	McKnight	Tobiasen
Beard	Jenne	Neal	Trask
Carlucci	Jennings	Poole	Vogt
Childers, D.	Johnston	Rehm	Ware
Dunn	Kirkpatrick	Scott	Winn
Frank	Langley	Skinner	
Henderson	Lewis	Steinberg	
Hill	McClain	Stevens	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Stuart, Thomas

Consideration of SB 513 was deferred.

SB 38—A bill to be entitled An act relating to records of the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles; adding s. 322.20(7), Florida Statutes; authorizing the department to furnish lists of informa-

tion from such records; providing for fees for furnishing information; providing exceptions; authorizing the adoption of rules; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Winn:

Amendment 1—On page 1, strike lines 19 and 20 and insert: *the licensed drivers of the entire state or any portion thereof by age group. Each person who*

The Committee on Finance, Taxation and Claims recommended the following amendment to Amendment 1 which was moved by Senator Winn and adopted:

Amendment 1A—On page 1, strike lines 1 and 2 and insert: *the licensed drivers of the entire state or any age group of drivers licensed by the state. Each person who*

Amendment 1 as amended was adopted.

The Committee on Transportation recommended the following amendment which was moved by Senator Winn and adopted:

Amendment 2—On page 1, line 25, after the period insert: *Such state agency, state attorney or law enforcement agency may not sell, give away or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the non-complying state agency, state attorney or law enforcement agency the appropriate fee for any subsequent lists requested.*

Senator Winn moved the following amendments which were adopted:

Amendment 3—On page 1, strike lines 22 and 23 and insert: *department, of one cent per name listed; except that the department shall furnish*

Amendment 4—On page 1, strike line 28 and insert: Section 2. Subsection (3) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic licenses.—

(3) A fee of 75 ~~50~~ cents will be charged in addition to the fees required in ss. 322.21 and 233.063 to cover the additional cost of the color photographic license.

Section 3. This act shall take effect October 1, 1981 except that section 2 of this act shall take effect July 1, 1982.

The Committee on Transportation recommended the following amendment which was moved by Senator Winn and adopted:

Amendment 5—In title on page 1, line 8, after the semicolon insert: prohibiting certain acts by entities excepted from payment of fees; authorizing the department to charge any noncomplying entity for future information;

Senator Winn moved the following amendment which was adopted:

Amendment 6—On page 1, strike all of lines 2-9 and insert: An act relating to driver licenses; adding s. 322.20(7), Florida Statutes; authorizing the department to furnish lists of information from driver license records in the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles; providing for fees for furnishing information; providing exceptions; authorizing the adoption of rules; amending s. 322.142(3), Florida Statutes; increasing the fee for a color photographic driver's license; providing effective dates;

On motion by Senator Winn, by two-thirds vote SB 38 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Anderson	Childers, D.	Henderson	Jenne
Beard	Dunn	Hill	Jennings
Carlucci	Frank	Jenkins	Johnston

Kirkpatrick	Neal	Skinner	Vogt
Langley	Poole	Steinberg	Ware
Lewis	Rehm	Stevens	Winn
Margolis	Renick	Tobiassen	
McClain	Scott	Trask	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Stuart, Thomas

By the Committee on Governmental Operations and Senator Lewis—

CS for SB 895—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28(1), (5) and (9), Florida Statutes, 1980 Supplement; providing for alternative venue in tort actions against the state and its agencies or subdivisions; increasing the amount which the state and its agencies or subdivisions shall be liable to pay on any claim or judgment; providing that the officer, employee, or agent of the state of a political subdivision shall be an adverse witness in any action in tort for damages which arises as a result of his act or omission; providing an effective date.

—was read the first time by title and SB 895 was laid on the table.

On motion by Senator Lewis, by two-thirds vote CS for SB 895 was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Lewis and adopted:

Amendment 1—On page 4, line 3, strike “July 1, 1981” and insert: October 1, 1981

Senator Hair moved the following amendment which was adopted:

Amendment 2—On page 2, lines 22 and 25, strike \$300,000 and insert: \$200,000

Further consideration of CS for SB 895 was deferred.

SB 971—A bill to be entitled An act relating to tax on severance of solid minerals; amending s. 211.30(1), (5), (6) and (8), Florida Statutes, and adding subsections (9)-(19) thereto; redefining “value” and “point of severance”; providing additional definitions; amending s. 211.31(1), Florida Statutes, and repealing subsections (2)-(4) thereof; providing for distribution of the proceeds of the tax on severance of solid minerals other than phosphate rock and heavy minerals; creating ss. 211.324, 211.325, and 211.326, Florida Statutes; providing exemptions; providing for a tax on the severance of phosphate rock and heavy minerals; providing a base rate for 1981; providing for adjustment of the base rate annually thereafter; providing for distribution of the proceeds; amending s. 211.33, Florida Statutes, 1980 Supplement; providing for administration of the tax; requiring producers to keep records for 3 years; providing for inspection and audit; providing for correction of overpayments or deficiencies; providing for application of confidentiality provisions; authorizing the Department of Revenue to promulgate rules; amending s. 253.023(2)(c) and (d), Florida Statutes, 1980 Supplement; revising cross references in provisions relating to credit of certain severance tax proceeds to the Conservation and Recreation Lands Trust Fund; repealing s. 211.32(1) and (2), Florida Statutes, relating to credit for ad valorem taxes paid and to exemptions; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 7, line 15, strike “\$1.50” and insert: \$1.67

Pending further consideration of SB 971 as amended, on motion by Senator Johnston, the rules were waived and by two-thirds vote HB 1081 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Johnston—

HB 1081—A bill to be entitled An act relating to tax on severance of solid minerals; amending s. 211.30(1), (5), (6) and (8), Florida Statutes, and adding subsections (9)-(19) thereto; redefining "value" and "point of severance"; providing additional definitions; amending s. 211.31(1), Florida Statutes, and repealing subsections (2)-(4) thereof; providing for distribution of the proceeds of the tax on severance of solid minerals other than phosphate rock and heavy minerals; creating ss. 211.324, 211.325, and 211.326, Florida Statutes; providing exemptions; providing for a tax on the severance of phosphate rock and heavy minerals; providing a base rate for 1981; providing for adjustment of the base rate annually thereafter; providing for distribution of the proceeds; amending s. 211.33, Florida Statutes, 1980 Supplement; providing for administration of the tax; requiring producers to keep records for 3 years; providing for inspection and audit; providing for correction of overpayments or deficiencies; providing for application of confidentiality provisions; authorizing the Department of Revenue to promulgate rules; amending s. 253.023(2) (c) and (d), Florida Statutes, 1980 Supplement; revising cross references in provisions relating to credit of certain severance tax proceeds to the Conservation and Recreation Lands Trust Fund; repealing s. 211.32(1) and (2), Florida Statutes, relating to credit for ad valorem taxes paid and to exemptions; providing an effective date.

—a companion measure, was substituted for SB 971 and read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1081 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Henderson	Lewis	Scott
Beard	Hill	Margolis	Skinner
Carlucci	Jenkins	McClain	Steinberg
Childers, D.	Jenne	McKnight	Tobiassen
Dunn	Jennings	Neal	Trask
Frank	Johnston	Poole	Vogt
Hair	Langley	Renick	Winn

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Stevens, Stuart, Thomas

SB 971 was laid on the table.

On motions by Senator Steinberg, by two-thirds vote HB 1115 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Commerce and placed on the Calendar.

On motion by Senator Steinberg—

HB 1115—A bill to be entitled An act relating to land sales practices; amending s. 498.005(5), Florida Statutes; redefining "disposition"; amending s. 498.007(4) and (6), Florida Statutes; providing circumstances for suspension or revocation of registrations; specifying accounting methods to be adopted by the division; amending s. 498.017(1), (2), (4), (5), (8), (9), Florida Statutes, and adding a new subsection (10) to said section; specifying fees; amending s. 498.023(1), (2), and (3), Florida Statutes; prohibiting certain offers or dispositions; requiring the purchase contract and public offering statement to contain a 7-day cancellation clause; specifying rights of purchaser after disposition by telephone; creating s. 498.024, Florida Statutes; providing for filing and approval of a reservation program; providing for establishment of escrow accounts; providing for refund and release of escrow moneys; providing for disclosure of sales price; providing for right of rescission; providing penalties for failure to comply with requirements; amending s. 498.025(1), (2), and (3), Florida Statutes; clarifying exemptions; adding an exemption for sales of portions of lots; providing for additional exemptions; amending s. 498.027(1)(b) and (f), Florida Statutes; providing con-

ditions for the disposition of portions of platted lots; amending s. 498.029(1), Florida Statutes; requiring that a delay in approval be for a specified period of time; amending s. 498.031, Florida Statutes; requiring the division to investigate certain matters; amending s. 498.033, Florida Statutes, 1980 Supplement; revising procedures for registration of subdivided lands; providing an alternative method of registration; requiring that financial statements be accompanied by certain documents; requiring registrants to comply with the terms of any encumbrance; adding a new paragraph (i) to s. 498.037(1), Florida Statutes, requiring certain disclosure in the Florida offering statement if the subdivision does not obtain certain approval; amending s. 498.039, Florida Statutes; requiring certain assurances, sinking funds, escrow accounts, or trust accounts; requiring reports; amending s. 498.041, Florida Statutes; providing procedures for renewal of registration; amending s. 498.045(2), (9), and (10), Florida Statutes; specifying fees for registration of salesmen and brokers; increasing civil penalties for certain violations by salesmen or brokers; amending s. 498.047(4), Florida Statutes; deleting reference to the registration of subdividers, salesmen, and brokers; amending s. 498.049(1) and (4), Florida Statutes; providing additional grounds for suspension or revocation of registration; authorizing other remedies; providing joint and several liability; providing a right of contribution; amending s. 498.051(1), Florida Statutes, and adding subsection (3) to said section; providing for cease and desist orders; specifying affirmative action to be taken pursuant to a cease and desist order; amending s. 498.053, Florida Statutes; providing for issuance of show cause orders; amending s. 498.063, Florida Statutes; providing a saving clause; repealing s. 498.043, Florida Statutes, relating to annual reports; providing for repeal and legislative review; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 302 and read the second time by title.

Senator Steinberg moved the following amendment which was adopted:

Amendment 1—On page 38, line 26, strike the period following the word "later" and insert: , except for Section 3, which shall take effect July 1, 1982.

On motion by Senator Steinberg, by two-thirds vote HB 1115 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—28

Anderson	Jenkins	McClain	Steinberg
Beard	Jenne	McKnight	Stevens
Carlucci	Jennings	Neal	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Langley	Renick	Vogt
Henderson	Lewis	Scott	Ware
Hill	Margolis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Frank, Grizzle, Peterson, Rehm, Stuart, Thomas

CS for CS for SB 302 and CS for SB 302 were laid on the table.

By the Committee on Commerce and Senator Steinberg—

CS for CS for SB 306—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.112(2)(a), Florida Statutes, 1980 Supplement, to provide for the appointment of a receiver when an association fails to fill sufficient number of vacancies on a board of administration; amending s. 718.123(1), Florida Statutes, relating to common elements, common areas, and recreational facilities; amending s. 718.202(1) and (6), Florida Statutes, 1980 Supplement, providing that the Division of Florida Land Sales and Condominiums may approve assurances in lieu of certain escrow requirements; providing for additional requirements for the establishment of a reservation program; amending s. 718.301(2) and (4)(c), Florida Statutes, providing notice to the division of the first unit owner elected to the board of administration; providing for a financial review; amending s. 718.401(6)(a), (b) and (d) and (8)(a), Florida Statutes, 1980 Supplement, limiting the prohibition of certain escalation clauses tied to consumer price indexes;

amending s. 718.501, Florida Statutes, providing that the division may conduct investigations pursuant to chapter 498, Florida Statutes; deleting provisions allowing the division to investigate and intervene in disputes arising from the internal affairs and management of condominium associations; limiting the authority of the condominium advisory board; amending s. 718.502(2), Florida Statutes, adding certain requirements for approval of reservation programs; adding subsection (6) to s. 719.104, Florida Statutes, to provide for the appointment of a receiver when an association fails to fill sufficient number of vacancies on a board of administration; providing powers of an association; amending s. 719.106(1)(l), Florida Statutes, relating to the vote required to adopt budgets having no or inadequate reserves; amending s. 719.109(1), Florida Statutes, relating to common elements, common areas, and recreational facilities; amending s. 719.202(1) and (6), Florida Statutes, providing that the division may approve assurances in lieu of certain escrow requirements; providing for additional requirements for the establishment of a reservation program; amending s. 719.301(2) and (4)(c), Florida Statutes, providing notice to the division of the first unit owner elected to the board of administration; providing for a financial review; amending s. 719.401(6)(a), (b) and (d) and (8), Florida Statutes, 1980 Supplement, limiting the prohibition of certain escalation clauses tied to consumer price indexes; amending s. 719.501(1), (3), Florida Statutes, providing that the division may conduct investigations pursuant to chapter 498, Florida Statutes; deleting provisions allowing the division to investigate and intervene in disputes arising from the internal affairs and management of cooperative associations; amending s. 719.502(2), Florida Statutes, adding certain requirements for approval of reservation programs; providing an effective date.

—was read the first time by title and SB 306 and CS for SB 306 were laid on the table.

On motions by Senator Steinberg, by two-thirds vote CS for SB 306 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

Anderson	Jenkins	McKnight	Tobiassen
Beard	Jenne	Neal	Trask
Carlucci	Jennings	Poole	Vogt
Childers, D.	Johnston	Renick	Ware
Dunn	Langley	Scott	Winn
Frank	Lewis	Skinner	
Henderson	Margolis	Steinberg	
Hill	McClain	Stevens	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Rehm, Stuart, Thomas

On motions by Senator Steinberg, by two-thirds vote CS for HB 1068 was withdrawn from the Committees on Commerce and Judiciary-Civil and placed on the calendar.

On motion by Senator Steinberg—

CS for HB 1068—A bill to be entitled An act relating to time sharing; creating chapter 721, Florida Statutes, consisting of ss. 721.01 through 721.26, Florida Statutes; creating the "Florida Real Estate Time Sharing Act"; providing legislative purposes; providing for the scope of the act; providing for the effect of the act with respect to time share estates which were created prior to the effective date of the act; providing definitions; requiring contracts for the purchase of time share periods; requiring public offering statements; providing a fee; requiring escrow accounts, surety bonds and nondisturbance instruments; providing for reservation agreements; providing for cancellation; providing requirements with respect to advertising materials; requiring the keeping of certain records by sellers; providing regulations with respect to management; providing for the discharge of a managing entity; providing for assessments for common expenses; providing for liens with respect to overdue assessments; providing for the transfer of a seller's interest to a third party; providing for exchange programs; providing for a trust fund; requiring sellers to be licensed; providing for purchasers remedies; prohibiting partition except by contract; providing that time share plans shall

not be considered securities; providing for insurance; providing for zoning and building; providing for regulation by the Division of Florida Land Sales and Condominiums of the Department of Business Regulation; providing penalties and providing for enforcement; amending ss. 498.019 and 498.049(4), Florida Statutes, changing the name of the Florida Land Sales and Condominiums Trust Fund to the Florida Land Sales Trust Fund; amending s. 718.501(3)(c), Florida Statutes, and creating s. 718.509, Florida Statutes, creating the Florida Condominiums Trust Fund; providing for the review and repeal of provisions relating to chapter 498, Florida Statutes, in conformance with the Regulatory Reform Act of 1976; and repealing ss. 718.111-(9)(b), Florida Statutes, 1980 Supplement, relating to condominium associations, to prohibit associations from insuring more than common elements of the building; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 882 and read the second time by title.

Senator Steinberg moved the following amendments which were adopted:

Amendment 1—On page 38, line 22, insert after period (.): On July 1, 1981, there shall be transferred from the existing Florida Land Sales and Condominiums Trust Fund, the sum of \$400,000 to the Trust Fund created by this Section and the balance remaining therein shall be transferred to the Florida Condominium Trust Fund created in Section 718.509, Florida Statutes.

Amendment 2—On page 40, lines 6-9, strike said lines in their entirety.

(Renumber subsequent sections.)

Amendment 3—In title on page 2, lines 15-20, after the semicolon (;) strike remainder of line 15, strike all of lines 16, 17, 18 and 19 and through the word "building" on line 20

On motion by Senator Steinberg, by two-thirds vote CS for HB 1068 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—26

Anderson	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Trask
Carlucci	Jenne	Neal	Vogt
Childers, D.	Jennings	Poole	Ware
Dunn	Johnston	Renick	Winn
Frank	Langley	Scott	
Henderson	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson, Rehm, Stuart, Thomas

SB 882, CS for SB 882 and CS for CS for SB 882 were laid on the table.

Senator Barron presiding

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 772 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education, Higher and Representative Lippman—

CS for HB 772—A bill to be entitled An act relating to government bonds for higher education; amending s. 215.84(2)(b) and (7), Florida Statutes, 1980 Supplement, expanding the applicability of an exemption of certain government bonds from the maximum rate of interest for government bonds; abolishing an exemption from interest rate ceilings; amending s. 243.27(3),

Florida Statutes, relating to revenue bonds issued by the several county educational facilities authorities, to remove a limitation on the interest which such bonds may bear; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

SPECIAL ORDER, continued

On motions by Senator Margolis, by two-thirds vote CS for HB 772, a companion measure, was withdrawn from the Committee on Finance, Taxation and Claims and substituted for SB 830. On motions by Senator Margolis by two-thirds vote CS for HB 772 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—28

Anderson	Henderson	Margolis	Scott
Barron	Hill	McClain	Steinberg
Beard	Jenkins	McKnight	Stevens
Carlucci	Jenne	Neal	Trask
Childers, D.	Jennings	Poole	Vogt
Dunn	Johnston	Rehm	Ware
Frank	Lewis	Renick	Winn

Nays—1

Langley

Vote after roll call:

Yea—Grizzle, Peterson, Stuart, Thomas

SB 830 was laid on the table.

Consideration of SB 485 was deferred.

SB 788—A bill to be entitled An act relating to individual sewage disposal facilities; amending s. 381.272(6), Florida Statutes; deleting the requirement that individual facilities be connected to a public-owned or investor-owned sewerage system within 365 days after notification that such system is available; requiring connection to a public-owned or investor-owned sewerage system in the event of malfunction or disrepair; providing for allocation of costs; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Stevens and adopted:

Amendment 1—On page 1, line 25, re-insert: After notification that such a system is available

Amendment 2—On page 1, lines 28-31, strike "Except for the cost of individual hookups, the costs of installing the sewer line shall be borne by the utility company or other entity responsible for installation of the sewerage." and insert on line 28 after the period (.): *Except for the cost of an established connection fee, the cost of installing the sewer lateral from the sewer main to the property line shall be borne by the utility company or other entity responsible for the operation of the sewage system.*

Senator Stevens moved the following amendments which were adopted:

Amendment 3—On page 1, line 23, strike "in the event of malfunction or disrepair,"

Amendment 4—On page 1, lines 24 and 25, insert after "system": within 90 ~~365~~ days after notification that such connection is required to protect water quality or the public health and safety a system is available.

Senator Neal moved the following amendment which was adopted:

Amendment 5—On page 1, after line 31, insert: Section 2.

Paragraph (b) of subsection (1) of section 403.086, Florida Statutes, as amended by Chapter 80-371, Laws of Florida, is hereby repealed.

Section 3. The Department of Environmental Regulation shall specify wasteload allocations on a case by case basis for domestic point sources of pollution, and shall conduct a survey and shall report to the Legislature no later than October 1, 1982, on the overall impact of existing sources of nonpoint pollution, discharging into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, and Charlotte Harbor or any bay, bayou, or sound tributary thereto. Such report shall contain recommendations for economic and cost effective long-term control and abatement of existing nonpoint source discharges into the waters of the area, and shall include an estimate of the cost of each recommended control and abatement program. The department shall work closely with affected local governments and the appropriate water management district in developing the report.

(Renumber subsequent sections.)

Senator Stevens moved the following amendment which was adopted:

Amendment 6—In title on page 1, lines 7-10, strike on line 7 "365", on line 8, strike everything after the semi-colon (;), strike all of line 9, and on line 10, strike "event of malfunction or disrepair" and insert: on line 7 "90", on line 8 after semi-colon (;) insert "provides that such connection is required to protect water quality or the public health and safety"

Senator Neal moved the following amendment which was adopted:

Amendment 7—In title on page 1, line 11 after semi-colon (;), insert: repealing s. 403.086(1)(b), Florida Statutes, relating to advanced waste treatment; providing for specification of wasteland allocations; providing for survey and report;

On motion by Senator Stevens, by two-thirds vote SB 788 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

Anderson	Hill	Maxwell	Stevens
Beard	Jenkins	McClain	Stuart
Carlucci	Jenne	McKnight	Thomas
Childers, D.	Jennings	Neal	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Scott	Ware
Hair	Lewis	Skinner	Winn
Henderson	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Grizzle, Peterson

Senator Ware moved that the Senate reconsider the vote by which HB 861 passed this day.

The Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Barron at 2:00 p.m. A quorum present—29:

Anderson	Hair	Margolis	Stuart
Barron	Henderson	Maxwell	Thomas
Beard	Jenkins	McClain	Tobiassen
Carlucci	Jenne	Peterson	Trask
Childers, D.	Johnston	Renick	Winn
Dunn	Kirkpatrick	Scott	
Frank	Langley	Skinner	
Grizzle	Lewis	Stevens	

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

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

CS for SB 338—A bill to be entitled An act relating to teacher certification; amending s. 231.17(2), (3), (7), Florida Statutes, 1980 Supplement, and adding subsection (8) to said section; providing for the adoption of rules; deleting the requirement that the teacher competency test include listening skill items; extending the date for acquisition for certain teaching competencies, providing for conditions under which temporary teaching certificates may be issued; providing for a year-long supervised teaching program; providing for persons certificated prior to this act; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Subsections (2), (3), and (7) of section 231.17, Florida Statutes, 1980 Supplement, are amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2)(a) Beginning July 1, 1980, each certificate issued shall be valid for a period not to exceed 5 years, and each applicant for initial regular certification shall demonstrate, on a comprehensive written examination or 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:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;
2. The ability to comprehend and interpret a message after listening;
3. The ability to read, comprehend, and interpret, orally and in writing, professional and other written material;
4. The ability to comprehend and work with fundamental mathematical concepts;
5. The ability to comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and to counsel the same students concerning their needs in these areas; and
6. Beginning July 1, 1982, the ability to recognize and be aware of the instructional needs of exceptional students.

(b) The state board shall adopt rules which specify the minimum essential generic competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. *The written examination may be taken by a teacher education major prior to graduation.*

(c) The examination shall be developed by the commissioner and shall consist of one part covering reading, writing and mathematics and a second part covering professional skills.

(d) A person meeting all certification requirements which have been established by law or rule, other than passing the written examination, may be issued an initial temporary certificate for the first year of employment in a Florida public school district; except that the State Board of Education shall adopt criteria for eligibility for the initial temporary certificate for nondegree teachers of vocational education. Such teachers may delay examination requirements specified in subsection (2) (b) and (c) until professional educational requirements as established by law or rule are met; however, all examination requirements shall be met prior to the beginning of the fourth year of employment.

(e) An additional temporary certificate, under rules of the state board, may be issued to a person who has passed the reading, writing, and mathematics portions of the required written examination but who has not passed the professional section. A maximum of two temporary certificates may be issued to a person under provisions of this paragraph.

(f)(d) The commissioner may, with the approval of the state board, assign to a university in the state system the responsi-

bility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(g)(e) The state board shall adopt as a rule a score the achievement of which shall be required for the issuance of a regular certificate and certain temporary certificates.

(h)(f) Provision shall be made for a person who does not achieve the score necessary for certification to review his completed examination and bring to the attention of the department any errors which would result in a passing score.

(i)(g) The department and the board shall maintain confidentiality of the examination, developmental materials, and work papers pursuant to s. 119.07. The board shall adopt such rules as may be necessary to accomplish this purpose.

(j)(h) The state board shall establish by rule examination fees which shall be sufficient to pay the cost of annually administering the certification examination required herein.

(3)(a) Beginning July 1, 1982 ~~1981~~, no individual shall be issued an initial a regular certificate until he has completed 3 school years of satisfactory teaching out of state, pursuant to law and such other criteria as the state board shall require by rule, or successfully completed a year-long beginning teacher program, 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. The year-long beginning teacher program shall be for all teachers without a regular certificate and with less than 3 years out-of-state teaching experience, and shall be conducted during an individual's initial year of employment in a Florida school district subsequent to July 1, 1982. A teacher participating in the beginning teacher program shall be a member of the bargaining unit with the same rights as any other first year teacher and shall receive full pay according to the district's adopted salary schedule. The requirement for a year-long beginning teacher program may be met by teaching in a nonpublic school with an approved beginning teacher program. The beginning teacher program shall include, but not be limited to, the following conditions:

1. Each school district shall submit a request for approval of a beginning teacher program to the Commissioner of Education. The commissioner shall develop criteria for approval after consultation with the Education Standards Commission. Nonpublic schools may also submit a plan for approval of a beginning teacher program.
2. Beginning teacher activities shall be based on classroom application of the competencies described in subsection (2).
3. Successful completion of the beginning teacher program shall mean that the superintendent or chief administrator has recommended the teacher for a second year of employment as provided for in s. 230.33(7)(a).
4. In the event a beginning teacher is not recommended for continued employment after successful completion of the beginning teacher program due to a fiscal shortfall, a decline in enrollment, or a policy decision not related to the performance of the individual, such successful completion shall be certified by a written statement from the superintendent or chief administrator stating that the employment would have been continued except for such reasons.

(b) By January 1, 1982, the state board shall adopt the rules necessary to provide for the year-long beginning teacher program. Such rules shall provide for a procedure by which the applicant for a regular certificate may appeal the judgment of the superintendent or chief administrator regarding successful completion of the beginning teacher program. The appeal procedure shall involve the Educational Practices Commission and shall not apply to continued employment or re-employment. The Educational Practices Commission involvement in such appeals procedures shall be pursuant to State Board of Education rules.

(c) District school boards may expend educational training funds as provided for in ss. 236.081 and 236.0811 for beginning teacher program activities.

(7) Those persons who applied for initial regular or temporary certification under the law preceding the effective date of this act shall be governed by the law and rules in effect at the

~~time of application. All rules which are adopted to implement the testing program required by subsection (2) shall be effective immediately. Other new rules adopted by the state board in regard to certification at any time shall not become effective to the exclusion of prior rules for a period of 1 year.~~

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

Amendment 2—On page 1 in the title, lines 2-14, strike all of the title and insert:

An act relating to personnel of the school system; amending s. 231.17(2), (3), and (7), Florida Statutes, 1980 Supplement; providing that the written examination required for teacher certification may be taken by a teacher education major prior to graduation; providing the content of examinations; providing for temporary certificates; requiring 3 years of out-of-state teaching or successful completion of a year-long beginning teacher program for issuance of an initial regular certificate; providing for membership in a bargaining unit; requiring each school district to submit a request for approval of such a program; providing for beginning teacher activities and successful completion of the program; requiring a certified statement in certain cases in which a teacher is not recommended for continued employment; providing for rules including procedures for appeal; providing for the expenditure of funds; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

On motions by Senator Maxwell, the Senate concurred in the House amendments.

CS for SB 338 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Anderson	Hair	Margolis	Stuart
Barron	Henderson	Maxwell	Thomas
Beard	Jenkins	McClain	Tobiasen
Carlucci	Jenne	Peterson	Trask
Childers, D.	Johnston	Renick	Winn
Dunn	Kirkpatrick	Scott	
Frank	Langley	Skinner	
Grizzle	Lewis	Stevens	

Nays—None

Vote after roll call:

Yea—Hill, Rehm

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

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

SB 521—A bill to be entitled An act relating to the Perinatal Advisory Council; reviving and readopting s. 383.20, Florida Statutes, notwithstanding the Sundown Act; providing for future repeal and legislative review of said section; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all of lines 11-20 and insert the following: Section 1. Section 383.20, Florida Statutes, is amended to read:

383.20 Perinatal Advisory Council.—There is established a Perinatal Advisory Council made up of eight members with expertise in perinatal health care appointed by the program office. The program director of the office shall serve as an ex officio member of the council. The terms of members shall be for 4 years and shall be staggered. The chairman of the council shall be elected from the membership of the council and shall serve for a period of 2 years. The council shall meet at least semiannually or upon call of the chairman or the director of the office. The council will recommend to the office standards and facilities for designation as affiliated centers and centers. The council members shall serve without

pay. Notwithstanding the provisions of subsection 20.05(3) and s. 112.061, The council members shall be entitled to per diem and travel expenses in accordance with the provisions of s. 112.061 not be reimbursed for travel or expenses.

Section 2. Section 383.205, Florida Statutes, is created to read:

383.205 Cardiac Advisory Council.—

(1) The secretary of the Department of Health and Rehabilitative Services may appoint a cardiac advisory council for the purpose of acting as the advisory body to the children's medical services program office in the delivery of cardiac services. The council shall be composed of 8 members with technical expertise in cardiac medicine. Initially, the secretary shall appoint one-half of the members for terms of 1 year each. Thereafter, members shall be appointed for 2-year terms. In no case shall an employee of the Department of Health and Rehabilitative Services serve as a member or as an ex-officio member of this advisory council. Vacancies shall be filled for the remainder of the unexpired terms in the same manner as the original appointment. Members may be reappointed to only one subsequent term. Members shall receive no compensation, but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s. 112.061. The department shall make a separate and distinct request for an appropriation for all expenses for this advisory council. Such requests may be combined into a specific appropriation for advisory council expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for the cardiac advisory council in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for the advisory council's expenses, and the department is prohibited from using any other appropriation for supporting the activities of the cardiac advisory council.

(2) The Cardiac Advisory Council shall meet at the call of the chairman, at the request of a majority of its membership, or at the call of the staff director of the Children's Medical Services Program Office, but no more frequently than quarterly. Minutes shall be recorded for all meetings of such council and be kept on file in the Children's Medical Services Program Office.

(3) No later than December 1 of each year preceding a legislative session in which a biennial budget will be adopted, the department shall present a summary report to the President of the Senate and the Speaker of the House of Representatives documenting compliance with this act and accomplishments and expenditures of the cardiac advisory council.

Section 3. In accordance with the intent expressed in s. 11.611, Florida Statutes, s. 382.20, Florida Statutes, as amended by this act, and s. 383.205, Florida Statutes, as created by this act, shall be repealed on October 1, 1987, and the Perinatal Advisory Council and the Cardiac Advisory Council shall be subject to legislative review as required by s. 11.611(4), (5) and (6), Florida Statutes.

Section 4. This act shall take effect October 1, 1981.

Amendment 2—On page 1 in the title, lines 1-7, strike the entire title and insert: A bill to be entitled An act relating to the Perinatal Advisory Council; amending s. 383.20, Florida Statutes, changing the qualification for membership on the council and entitling members to reimbursement for travel and expenses; creating s. 383.205, Florida Statutes; authorizing the appointment of the Cardiac Advisory Council; providing for membership, expenses, terms, and reports; providing for repeal of sections 383.20 and 383.205 and legislative review in accordance with the Sundown Act; providing an effective date.

On motions by Senator Stevens, the Senate concurred in the House amendments.

SB 521 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Anderson	Jenkins	Maxwell	Stevens
Beard	Jenne	McClain	Stuart
Carlucci	Jennings	McKnight	Tobiassen
Childers, D.	Johnston	Peterson	Trask
Dunn	Kirkpatrick	Renick	Vogt
Frank	Langley	Scott	Winn
Grizzle	Lewis	Skinner	
Henderson	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Hair, Hill, Rehm

On motion by Senator Stevens, the Senate reconsidered the vote by which SB 521 as amended passed.

On motion by Senator Stevens, the Senate reconsidered the vote by which the Senate concurred in the House amendments.

Senator Stevens moved the following amendments which were adopted:

Amendment 1 to House Amendment 1—On page 1, lines 1-19, strike all of said language and insert: Section 1. Notwithstanding the provisions of the Sundown Act, section 383.20, Florida Statutes, shall not stand repealed on October 1, 1981, as scheduled by such act, but section 383.20, Florida Statutes, is hereby revived and readopted as amended in this act.

Section 2. Section 383.20, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 383.20, F.S., for present text.)

383.20 Perinatal Advisory Council.—

(1) The Secretary of the Department of Health and Rehabilitative Services may appoint a Perinatal Advisory Council for the purpose of acting as the advisory body to the children's medical services program office in the delivery of perinatal services. The council shall be composed of eight members with technical expertise in perinatal health care. Initially, the secretary shall appoint one-half of the members for terms of 1 year each. Thereafter, members shall be appointed for 2-year terms. In no case shall an employee of the Department of Health and Rehabilitative Services serve as a member or as an ex officio member of this advisory council. Vacancies shall be filled for the remainder of the unexpired terms in the same manner as the original appointment. Members may be reappointed to only one subsequent term. Members shall receive no compensation, but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s. 112.061. The department shall make a separate and distinct request for an appropriation for all expenses for this advisory council. Such requests may be combined into a specific appropriation for advisory council expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for the Perinatal Advisory Council in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for the advisory council's expenses, and the department is prohibited from using any other appropriation for supporting the activities of the Perinatal Advisory Council.

(2) The Perinatal Advisory Council shall meet no more frequently than quarterly. Minutes shall be recorded for all meetings of such council and be kept on file in the children's medical services program office.

(3) No later than December 1, of each year preceding a legislative session in which a biennial budget will be adopted, the department shall present a summary report to the President of the Senate and the Speaker of the House of Representatives documenting compliance with this act and accomplishments and expenditures of the Perinatal Advisory Council.

(Renumber subsequent sections.)

Amendment 1 to House Amendment 2—In title, lines 3-6, strike "amending s. 383.20, Florida Statutes, changing the qualification for membership on the council and entitling members to reimbursement for travel and expenses" and insert: reviving, readopting and amending s. 383.20, Florida Statutes, notwithstanding the Sundown Act; authorizing the appointment of the perinatal advisory council; providing for membership, expenses, terms, and reports; providing for future repeal and legislative review of said section; providing an effective date.

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

SB 521 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Anderson	Henderson	Margolis	Tobiassen
Barron	Jenkins	McClain	Trask
Beard	Jenne	McKnight	Vogt
Carlucci	Jennings	Neal	Ware
Childers, D.	Johnston	Peterson	Winn
Frank	Kirkpatrick	Poole	
Grizzle	Langley	Steinberg	
Hair	Lewis	Stevens	

Nays—None

Vote after roll call:

Yea—Hill, Rehm, Scott

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

SB 186—A bill to be entitled An act relating to hospitals; amending s. 395.20(1), Florida Statutes, and adding a new subsection (3) thereto; providing requirements with respect to itemized patient billing; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 8, strike the period and insert: *if the sum total of all said category figures exceeds \$50.*

Senator Langley moved the following amendment which was adopted:

Amendment 1 to House Amendment 1—On page 1, line 3, insert a new section as follows:

Section 2. 381.4985, Florida Statutes, is created to read:

381.4985 Counties with population of 20,000 or more which have no hospitals; issuance of a certificate of need for a hospital as defined in section 395.01, Florida Statutes. The provisions of ss. 381.494 and 381.495 relating to certificates of need to the contrary notwithstanding the Department of Health and Rehabilitative Services shall issue certificates of need for a hospital as defined in section 395.01, Florida Statutes, to any county with a population of 20,000 or more which does not have at least one hospital, upon application by the Board of County Commissioners of the county to the department. The provisions of this section shall stand repealed on January 15, 1982.

(Renumber subsequent section.)

On motion by Senator Gordon the following excerpts from debate were published in the Journal:

Senator Langley: This has to do with a certificate in need for one small county.

Senator Gordon: All of the certificate of need matters and the hospital questions were put together in a compromise bill which was Committee Substitute for Senate Bill 459 which provided study of all these in the interim. The question raised by this

staff memorandum is whether, in fact, your amendment doesn't violate the understanding that there would be no legislation like this until the results of Committee Substitute for SB 459 was studied.

I must say, Mr. President, that I told Senator Langley I didn't have objection to his amendment but I received this memorandum afterwards and I felt obligated to raise the question. This has nothing to do with that concept on your normal procedures for the issuance of those certificates of need. This is a special case. It's really general law of local application and it has the deadline, as you know. As a matter of fact, one of your staff just re-wrote some of it for me to assure that it doesn't endanger any of the federal funds or anything.

Senator Langley: Mr. President, it didn't get in SB 459. I had the concurrence of both these senators to do this and there is no problem with it according to their own staff. I really ask you to move the amendment.

Senator Gordon: Senator Langley, if we just have your assurance, for the record, that this is one discreet bill for one discreet situation and that it doesn't represent, from your perspective, any precedent or anything else like this until this other thing is settled, I will be satisfied with the amendment.

Senator Langley: Thank you, Senator Gordon, I affirm that.

Senators Gordon and Langley offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 2 to House Amendment 1—On page 1, line 3, insert a new section as follows: Section 2. Section 395.201, Florida Statutes is created to read:

395.201 Patient records; form and content.—Each hospital operated by the Department of Health and Rehabilitative Services and the Department of Corrections shall require the use of a system of problem-oriented medical records for its patients, which system shall include the following elements: basic client data collection; a listing of the patient's problems; the initial plan with diagnostic and therapeutic orders as appropriate for each problem identified; and progress notes, including a discharge summary. The Department of Health and Rehabilitative Services shall, by rule, establish criteria for such problem-oriented medical record systems in order to insure comparability among facilities and to facilitate the compilation of statewide statistics.

Senators Langley and Gordon offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 3 to House Amendment 1—On page 1, line 3, insert a new section as follows: Section 2. Subsection (4) is added to section 395.0653, Florida Statutes, to read:

395.0653 Use of hospital and staff.—

(4) Each hospital licensed pursuant to this chapter shall provide to chiropractic physicians, licensed pursuant to chapter 460, access to all outpatient diagnostic procedures, as allowed and within the scope of such chiropractic physicians' practice as limited by chapter 460, offered by the hospital, by referral of patient to the hospital on an outpatient basis, in the same manner as other licensed physicians who refer patients to the hospital for such purposes.

(Renumber subsequent sections.)

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

SB 186 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Anderson	Grizzle	Lewis	Stuart
Barron	Hair	Margolis	Tobiassen
Beard	Henderson	McClain	Trask
Carlucci	Jenkins	Neal	Vogt
Childers, D.	Jenne	Peterson	Ware
Frank	Jennings	Scott	Winn
Gordon	Langley	Steinberg	

Nays—4

Johnston Kirkpatrick McKnight Stevens

Vote after roll call:

Yea—Hill, Rehm

The Honorable W. D. Childers, President

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

SB 543—A bill to be entitled An act relating to local government bonds; repealing s. 130.012, Florida Statutes, relating to the maximum rate of interest allowed with respect to local bonds, certificates, or other obligations; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, between lines 12 and 13 insert:

Section 2. Subsection (11) is added to section 159.28, Florida Statutes, 1980 Supplement, to read:

159.28 General powers.—Every local agency shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including, but without limiting the generality of the foregoing, the powers, with respect to any project or projects.

(11) Notwithstanding any general or special law, rule, regulation or ordinance to the contrary, including ss. 112.311-112.326, a board may sell its bonds to a bank, as defined in s. 662.02(1), which employs a member of the board as an officer, director or employee, and may appoint a bank to serve as trustee or cotrustee under a trust indenture relating to bonds issued under this part notwithstanding that an officer, director, or employee of the bank is a member of the board. However, no member of the board who is an officer, director or employee of a bank which is interested in purchasing or serving as trustee or cotrustee for a proposed or outstanding bond issue shall vote on any matter related to such bond issue after the bank's interest in such bond issue becomes known to him.

Section 3. Subsection (9) is added to section 159.45, Florida Statutes, 1980 Supplement, to read:

159.45 Creation of industrial development authorities.—

(9) Notwithstanding any general or special law, rule, regulation or ordinance to the contrary, including ss. 112.311-112.326, an authority may sell its bonds to a bank, as defined in s. 662.02(1), which employs a member of the authority as an officer, director or employee, and may appoint a bank to serve as trustee or cotrustee under a trust indenture relating to bonds issued under this part notwithstanding that an officer, director or employee of the bank is a member of the authority. However, no member of the authority who is an officer, director or employee of a bank which is interested in purchasing or serving as trustee or cotrustee for a proposed or outstanding bond issue shall vote on any matter related to such bond issue after the bank's interest in such bond issue becomes known to him.

Section 4. Subsection (10) is added to section 154.207, Florida Statutes, to read:

154.207 Creation of health facilities authorities.—

(10) Notwithstanding any general or special law, rules, regulation or ordinance to the contrary, including ss. 112.311-112.326, an authority may sell its bonds to a bank, as defined in s. 662.02(1), which employs a member of the authority as an officer, director or employee, and may appoint a bank to serve as trustee or cotrustee under a trust indenture relating to bonds issued under this part notwithstanding that an officer, director or employee of the bank which is interested in purchasing or serving as trustee or cotrustee for a proposed or outstanding bond issue shall vote on any matter related to such bond issue after the bank's interest in such bond issue becomes known to him.

Renumber subsequent sections.

Amendment 2—On page 1 in the title, line 6, insert before "providing": adding s. 159.28(11), Florida Statutes, 1980 Supplement; authorizing a local agency to sell its bonds to a bank which employs a member of the governing body of the local agency; providing that it shall not be a conflict of interest for a local agency to sell its bonds to a bank which employs a member of such agency or for a bank to serve as a trustee under a trust indenture relating to such bonds provided the member of the local agency does not vote on such matters; adding s. 159.45(9), Florida Statutes, 1980 Supplement; providing that it is not a conflict of interest for an industrial development authority to sell its bonds to a bank which employs a member of such authority or for a bank to serve as trustee under a trust indenture relating to such bonds provided the member of the authority does not vote on such matters; adding s. 154.207(10), Florida Statutes; providing that it shall not be a conflict of interest for a health facilities authority to sell its bonds to a bank which employs a member of such authority or for a bank to serve as a trustee under a trust indenture relating to such bonds provided the member of the authority does not vote on such matters;

On motions by Senator Jennings, the Senate concurred in the House amendments.

SB 543 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Anderson	Henderson	McClain	Stevens
Barron	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Tobiassen
Carlucci	Jennings	Peterson	Trask
Childers, D.	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	Winn
Grizzle	Lewis	Scott	
Hair	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Hill

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

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

CS for SB 631—A bill to be entitled An act relating to community care for the elderly; amending s. 410.024(8), Florida Statutes, 1980 Supplement; providing an exception to the collection of contributions for programs utilizing federal funds; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 11, insert after the enacting clause new sections 1-9 and renumber subsequent sections

Section 1. Subsection (3) of section 381.494, Florida Statutes, 1980 Supplement, is amended to read:

381.494 Health-related projects; certificate of need.—

(3) **HOSPICE**.—When an application is made for a certificate of need to establish or to expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice services in the community. *The formula on which the certificate of need is based shall discourage regional monopolies and promote competition. The inpatient hospice care component of a hospice which is a free-standing facility, or a part of a facility, which is primarily engaged in providing inpatient care and related services and is not licensed as a "health care facility" shall also be required to obtain a certificate of need.* Provision of hospice care by any current provider of health care is a significant change in service and therefore requires a certificate of need for such services.

Section 2. Subsection (1) of section 400.602, Florida Statutes, 1980 Supplement, is amended to read:

400.602 Licensure required; display, transferability of license.—

(1) ~~On or after July 1, 1980~~, No public or private agency or person shall establish, conduct, or maintain a hospice or hold itself out to the public as a hospice without first obtaining a license therefor from the department.

Section 3. Section 400.603, Florida Statutes, 1980 Supplement, is amended to read:

400.603 Certificate-of-need holders; time for compliance with requirements for licensure.—

(1) *A license to operate a hospice may be issued to any not-for-profit public or private agency or person who has:*

(a) *Submitted a plan, pursuant to s. 400.606(1), for the delivery of hospice care which is consistent with this part and rules in force pursuant hereto;*

(b) *Implemented, or will have implemented within 3 months, hospice home care; and*

(c) *Obtained a certificate of need for a hospice.*

(2) *If, 12 months after the date of obtaining a license pursuant to this section, or at any time thereafter, any hospice does not have in operation the outpatient and homelike inpatient components of hospice care, the department shall immediately revoke the license of such hospice.*

(3) *If, 3 months after the date of obtaining a license pursuant to this section, or at any time thereafter, any hospice does not have in operation the home-care component of hospice care, the department shall immediately revoke the license of such hospice. Any public or private agency or person who has obtained a certificate of need for a hospice program but who, by July 1, 1980, will only have the hospice home-care program operational, shall be licensed as a hospice under this act; however, if by January 1, 1982, such hospice program has not fully implemented the homelike inpatient hospice care and outpatient hospice care portions of the hospice program, the license will immediately be revoked.*

Section 4. Section 400.604, Florida Statutes, 1980 Supplement, is amended to read:

400.604 Exemptions.—

(1) Services provided by a hospital, nursing home, or other health care facility, health care provider, or care giver, or under the Community Care for the Elderly Act, shall not be considered to constitute a hospice program of care unless such facility, health care provider, or care giver establishes a free-standing or distinct hospice unit, staff, facility, and services to provide hospice home care, homelike inpatient hospice care, and outpatient hospice care under a separate and distinct administrative authority of a hospice program.

(2) Any existing organization incorporated as a hospice or as a research center offering hospice services, which, with the exception of a volunteer coordinator and secretary, is staffed only by volunteers and does not charge for its services or receive third-party reimbursement for those services, and which has been operational prior to December 31, 1979, shall be exempt from the provisions of this act. In the event that such an organization initiates a system of charges or receives third-party reimbursement, or if any services described by this act as integral to hospice care are provided through such organization by contract, or written affiliation, or by acting as an agent for an entity licensed pursuant to chapter 395 or parts I and III of this chapter which receives third-party reimbursement or charges for those services, the organization shall immediately be required to comply with the provisions of this act. *The department shall monitor any organization seeking an exemption under this subsection to ensure that criteria for an exemption, as stated herein, are met.*

(3) *Any existing organization incorporated as a hospice which has not obtained a certificate of need on or before May 25, 1981 shall not be required to obtain a certificate of need for those services provided prior to that date. However, any hospice exempt under this section shall be subject to certificate of need requirements if such hospice increases its service capacity or engages in the building, acquisition, or expansion of a hospice freestanding facility.*

Section 5. Subsections (1) and (2) of section 400.606, Florida Statutes, are amended to read:

400.606 License; application; renewal; conditional license or permit.—

(1) An application shall be filed on a form prescribed by the department and shall be accompanied by the appropriate license fee as well as satisfactory proof that the hospice is in compliance with this act and any rules and minimum standards promulgated hereunder and proof of financial ability to operate and conduct the hospice in accordance with the requirements of this act. *The initial application shall be accompanied by a plan for the delivery of home, outpatient, and inpatient hospice care to terminally ill persons and their families. Such plan contain, but not be limited to: the estimated average number of terminally ill persons to be served monthly; the geographic area in which hospice services will be available; a listing of services which are or will be provided, either directly by the applicant or through contractual arrangements with existing providers; the name and qualifications of any existing or potential contractee; the projected annual operating cost of the hospice; and a statement of financial resources and personnel available to the applicant to deliver hospice care. If the applicant is an existing health care provider, the application shall be accompanied by a copy of the most recent profit-loss statement and, if applicable, the most recent licensure inspection report.*

(2) A license issued for the operation of a hospice program, unless sooner suspended or revoked, shall expire automatically 1 year from the date of issuance. Sixty days prior to the expiration date, an application for renewal shall be submitted to the department on forms furnished by the department, and the license shall be renewed if the applicant has first met the requirements established under this act and all rules promulgated hereunder and has provided the information described in subsection (1) in addition to the application. *However, the application for license renewal shall be accompanied by an update of the plan for delivery of hospice care only if information contained in the plan submitted pursuant to subsection (1) is no longer applicable.*

Section 6. Subsections (2) and (4) of section 400.608, Florida Statutes, are amended to read:

400.608 General requirements for hospice programs.—

(2) A hospice shall coordinate its services with professional and nonprofessional services already in the community. A hospice program may contract out for some elements of its services for a patient and family; however, direct patient care must be maintained with the patient and the hospice care team so that overall coordination of services, which is responsive and appropriate to the patient and family needs, can be maintained by the hospice care team. *A majority of hospice services available through an individual hospice shall be provided directly by the licensee. Any contract entered into between a hospice and a health care facility or service provider shall specify that the hospice retains the responsibility for planning, coordinating, and prescribing hospice services and care on behalf of a hospice patient and his family. No hospice which contracts for any hospice service shall charge fees for services provided directly by the hospice care team which are duplicative of contractual services provided to the individual patient or his family. Licensed beds designated for inpatient hospice care through contract between an existing health care facility and a hospice shall not be required to be delicensed from one type of health care in order to enter into a contract with a hospice. Hospices contracting for inpatient hospice care shall not be required to obtain an additional certificate of need for the number of such designated beds. Such beds shall remain licensed to the health care facility and be subject to the appropriate inspection. Under no circumstance shall a hospice contract for the use of a licensed bed in a health care facility or another hospice that has, or has had within the last 18 months, a conditional license, accreditation, or rating. The inpatient hospice care component of a hospice which is a freestanding facility, or part of a facility, which is primarily engaged in providing inpatient care and related services and is not licensed as a "health care facility" shall also be required to obtain a certificate of need.*

(4) Any inpatient component of care facility shall be under the direct and sole administration of the hospice program.

Section 7. Subsection (2) of section 400.609, Florida Statutes, is amended to read:

400.609 Components of hospice programs of care.—Each hospice program shall consist of three components or modes of care which afford the terminally ill individual and the family of the terminally ill individual a range of service delivery which can be tailored to specific needs and preferences of the patient and family at any point in time. These three components are:

(2) INPATIENT HOSPICE CARE.—*The inpatient component of care facility is an adjunct a backup to hospice home care and shall primarily be used only for short-term stays. The hospice facility or rooms within a facility used the hospice inpatient component of care shall be arranged, administered, and managed designed in such a manner to provide privacy, dignity, comfort, warmth, and safety, privacy, and dignity for the terminally ill patient and the family. Every possible accommodation shall be made to create avoid creating an institutional atmosphere. The facility shall provide as homelike an atmosphere as practicable. To facilitate overnight family visitation within the facility, rooms shall be limited to no more than double occupancy, and both occupants shall be hospice patients. There shall be a continuum of care and a continuity of care givers between the hospice home program and the inpatient aspect of care to the extent practicable and compatible with the preferences of the patient and his family. Fees charged for inpatient hospice care, whether provided directly by the hospice or through contract, shall be made available upon request to the Hospital Cost Containment Board created in s. 395.508. The hours for daily operation and the location of the place where the services are provided shall be determined, to the extent practicable, by the accessibility of such services to the patients and families served by the hospice program.*

Section 8. Section 400.6115, Florida Statutes, is created to read:

400.6115 Licensure application review; annual inspections.—The department shall appoint a task force consisting of, but not limited to, members of the Office of Licensure and Certification, State Health Planning and Development Agency, Health Program Office, Aging and Adult Services Program Office, and Health System Agency to review license applications, as well as to serve as an inspection team to conduct annual licensure inspections. The task force shall establish criteria to evaluate licensure applications, as well as develop standards for annual licensure renewal. The criteria shall include, but not be limited to, the need for, and supply of, services in the area, the methodology for reviewing contractual agreements and their impact on local health care delivery, and a review of the quality of components of care delivered by the hospice. Contractual arrangements which designate existing licensed health care facility beds for hospice inpatient care shall not be approved if the number of contracted beds exceeds 20 percent of the monthly average number of terminally ill persons receiving hospice care within the individual hospice. The task force shall establish limits on contractual beds for new hospices applying for a license until such time as the applicant can demonstrate a need for additional beds. The department shall promulgate rules, based on the criteria developed by the task force, to insure the availability of a continuum of quality hospice care which enables the patient to remain at home for most or all of his illness.

Section 9. Section 400.615, Florida Statutes, is amended to read:

400.615 Rules.—The department shall, by *January 1, 1982* ~~January 1, 1980~~, promulgate applicable rules and standards in furtherance of the purpose of this act and may amend such rules as may be necessary. The rules shall include, but not be limited to, the following:

- (1) The qualifications of professional and ancillary personnel in order to adequately furnish hospice care;
- (2) Standards for the organization and quality of patient care;
- (3) Procedures for maintaining records; and
- (4) Provision for contractual arrangements for *the inpatient component of hospice care and for other professional and ancillary hospice services. The department shall not promulgate rules governing contractual arrangements for existing beds which would affect the physical plant of facilities licensed*

pursuant to chapter 395 or part 1 of chapter 400, but this does not preclude the hospice from being required to create a home-like atmosphere.

Amendment 2—In title on page 1, strike lines 2-7, and insert: An act relating to health and rehabilitative services; amending s. 381.494(3), Florida Statutes, 1980 Supplement; providing for certificate of need determinations under the Health Facilities and Health Services Planning Act with respect to hospices; amending ss. 400.602(1), 400.603, 400.604, Florida Statutes, 1980 Supplement; modifying licensure requirements; providing for the submission of a plan for delivery of hospice care; providing for revocation of license; providing for monitoring of organizations seeking exemptions; providing for exemptions; amending ss. 400.606(1), (2), 400.608(2), (4), 400.609(2), Florida Statutes; specifying content of application for licensure; providing for automatic expiration of license; providing for contractual arrangements for hospice services; prohibiting charges for hospice services under certain circumstances; prohibiting delicensure of beds in order to enter into contract with hospice; modifying component-of-care provisions with respect to inpatient hospice care; providing for the release of information related to charges for inpatient hospice care to the Hospital Cost Containment Board; creating s. 400.6115, Florida Statutes; providing for licensure application review and annual inspection by a task force; amending s. 400.615, Florida Statutes; providing for promulgation of rules and standards by a specified date; amending s. 410.024(8), Florida Statutes, 1980 Supplement; providing an exception to the collection of contributions for community care for the elderly programs utilizing federal funds; providing an effective date.

On motions by Senator D. Childers, the Senate concurred in the House amendments.

CS for SB 631 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Anderson	Henderson	Margolis	Steinberg
Barron	Jenkins	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Carlucci	Jennings	Neal	Tobiassen
Childers, D.	Johnston	Peterson	Trask
Frank	Kirkpatrick	Poole	Vogt
Grizzle	Langley	Renick	Ware
Hair	Lewis	Scott	Winn

Nays—None

Vote after roll call:

Yea—Hill, Rehm

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

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

SB 652—A bill to be entitled An act relating to motor vehicle liability insurance; amending s. 627.7286, Florida Statutes, 1980 Supplement, prohibiting an insurer from canceling the motor vehicle liability insurance of a person operating a motor vehicle as a part of his employment as a firefighter or law enforcement officer; providing for conditional repeal; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 6-11, strike entire section 2 and insert: Section 2. Each section within Chapter 627, Florida Statutes, which is added or amended by this act, is repealed on July 1, 1982, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Amendment 2—On page 1 in the title, line 9, strike “providing for conditional repeal;” and insert: providing for review and repeal in accordance with the Regulatory Reform Act of 1976;

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

SB 652 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Anderson	Henderson	McClain	Stuart
Barron	Jenkins	McKnight	Tobiassen
Beard	Jenne	Neal	Trask
Carlucci	Jennings	Peterson	Vogt
Childers, D.	Johnston	Poole	Ware
Frank	Kirkpatrick	Rehm	Winn
Gordon	Langley	Renick	
Grizzle	Lewis	Steinberg	
Hair	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Hill, Scott

The bill was ordered engrossed and then enrolled.

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

REPORTS OF COMMITTEES

On motion by Senator Stuart, the Senate reconsidered the vote by which the Senate took no action to confirm the appointment of Howard Odom on June 2 as a member of the Apalachee Regional Planning Council, Region Two, for a term expiring October 1, 1983. The question recurred on the appointment and Howard Odom was confirmed. The vote was:

Yeas—29

Anderson	Jenne	McKnight	Stuart
Barron	Jennings	Neal	Tobiassen
Beard	Johnston	Peterson	Trask
Frank	Kirkpatrick	Poole	Vogt
Grizzle	Langley	Rehm	Winn
Hair	Lewis	Renick	
Henderson	Margolis	Steinberg	
Jenkins	McClain	Stevens	

Nays—None

Vote after roll call:

Yea—Hill, Scott

Senator Rehm moved that the Senate reconsider the vote by which SB 186 as amended passed. The motion failed and the vote was:

Yeas—15

Anderson	Henderson	McKnight	Renick
Carlucci	Johnston	Neal	Steinberg
Childers, D.	Kirkpatrick	Poole	Stevens
Hair	McClain	Rehm	

Nays—17

Beard	Hill	Margolis	Trask
Dunn	Jenkins	Peterson	Vogt
Frank	Jennings	Scott	
Gordon	Langley	Stuart	
Grizzle	Lewis	Tobiassen	

Vote after roll call:

Nay to Yea—Hill

The bill was certified to the House.

On motion by Senator Henderson, the Senate reconsidered the vote by which—

CS for SB 798—A bill to be entitled An act relating to transportation of school children; amending s. 234.01, Florida Statutes, providing intent; creating s. 234.021, Florida Statutes, providing for investigation of hazardous walking conditions; providing criteria; amending s. 236.083(1), (4), (6), Florida Statutes, providing funds for the transportation to and from school of certain elementary school students who encounter hazardous walking conditions; revising the formula for determining the allowable per student cost of transported students provided for in the Florida Education Finance Program; authorizing a rate of reimbursement for transporting isolated students by passenger cars to public schools which equals the maximum rate authorized by law for public officers and employees; providing an effective date.

—as amended passed.

On motion by Senator Henderson, the Senate reconsidered the vote by which CS for SB 798 was read the third time.

On motion by Senator Henderson, the Senate reconsidered the vote by which Amendment 1 was adopted.

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

Amendment 1A—On page 2, strike lines 4 and 5 and insert: Use of school

Amendment 1 as amended was adopted.

On motion by Senator Henderson, by two-thirds vote CS for SB 798 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Barron	Hair	Margolis	Stevens
Beard	Henderson	McKnight	Stuart
Carlucci	Hill	Neal	Tobiassen
Childers, D.	Jenne	Peterson	Trask
Dunn	Jennings	Poole	Vogt
Frank	Johnston	Renick	Winn
Gordon	Langley	Scott	
Grizzle	Lewis	Steinberg	

Nays—None

Vote after roll call:

Yea—Rehm

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

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

SB 1107—A bill to be entitled An act relating to Escambia County; providing for the acquisition and development of Ellyson Field by the Pensacola-Escambia Promotion and Development Commission; authorizing the Escambia County Board of County Commissioners to transfer funds to the Pensacola-Escambia Promotion and Development Commission for the acquisition and development of Ellyson Field; authorizing the Pensacola-Escambia Promotion and Development Commission to issue revenue bonds and notes to carry out the purposes of this act; providing that the development of Ellyson Field not be designated a "development of regional impact" as defined in s. 380.06, Florida Statutes; providing that Ellyson Field be classified and zoned by the Escambia County Board of County Commissioners as an "Industrial Development Park"; providing that the powers granted by this act shall be supplemental to the powers granted by chapter 80-579, Laws of Florida; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 31, after the period insert: The Department is authorized to advance all state funds appropriated for this project to the Board of County Commissioners.

On motion by Senator Tobiassen, the Senate concurred in the House amendment.

SB 1107 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Anderson	Henderson	Margolis	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gordon	Kirkpatrick	Renick	Ware
Grizzle	Langley	Scott	Winn
Hair	Lewis	Skinner	

Nays—None

Vote after roll call:

Yea—Rehm

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2, has further amended and passed as further amended—

SB 41—A bill to be entitled An act relating to medical examiners; repealing certain local laws which create the office of medical examiner and provisions thereunder; repealing chapter 31063, Laws of Florida, 1955, relating to Orange County; repealing chapter 31269, Laws of Florida, 1955, relating to Sarasota County; repealing chapter 59-1242, Laws of Florida, as amended by chapter 67-1307, Laws of Florida, relating to Duval County; repealing chapter 59-1381, Laws of Florida, relating to Indian River County; repealing chapter 61-2640, Laws of Florida, relating to Palm Beach County; repealing chapter 63-1142, Laws of Florida, relating to Brevard County; repealing chapter 27439, Laws of Florida, 1951, as amended by chapter 65-1315, Laws of Florida, relating to Broward County; repealing chapter 67-1704, Laws of Florida, relating to Martin County; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 2, lines 6-11, strike all of said lines and insert: Section 1. Section 406.17, Florida Statutes, is amended to read:

406.17 Application and construction of chapter.—

(1) This chapter supersedes all parts of statutes, general law, and special acts, with which it may be in conflict. Anything herein contained shall not be construed to repeal or amend s. 925.09 or to affect the right of prosecutors to investigate and determine causes of death which, in their opinion, may have been criminally caused. In home rule counties which have established medical examiners under provisions of a home rule charter or code or ordinance enacted pursuant to the charter, said medical examiner shall also serve as the district medical examiner who would otherwise be appointed under this chapter.

(2) All special or local laws providing for the office of medical examiner or in conflict with Chapter 406 are hereby repealed.

Amendment 4—In title on page 1, lines 2-20, strike all of said lines and insert: An act relating to medical examiners; amending s. 406.17, Florida Statutes, providing that all special or local laws providing for the office of medical examiner or in conflict with Chapter 406, Florida Statutes, shall stand repealed; providing an effective date.

On motions by Senator Steinberg, the Senate concurred in the House amendments.

SB 41 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Anderson	Henderson	Margolis	Steinberg
Barron	Jenkins	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Childers, D.	Jennings	Peterson	Tobiassen
Gordon	Johnston	Poole	Trask
Grizzle	Kirkpatrick	Renick	Vogt
Hair	Lewis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Hill, Rehm, Scott

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

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

SB 89—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 487.061, Florida Statutes; providing for the creation, membership, duties, organizational structure, and meetings of the Pesticide Technical Council; providing for payment of travel expenses and per diem for members of the council; repealing s. 487.162, Florida Statutes, relating to the Pesticide Application Council; repealing s. 570.52, Florida Statutes, relating to the Fertilizer and Pesticide Technical Councils; reviving and readopting s. 487.061, Florida Statutes, as amended, notwithstanding the provisions of the Sundown Act; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 2, lines 22 and 23, strike “or secretary”

Amendment 3—On page 1, line 26, strike “13” and insert: 15 13

Amendment 4—On page 4, between lines 15 and 16, insert: *Section 4. Section 487.061, Florida Statutes, is repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to the Sundown Act.*

Renumber subsequent section accordingly.

Amendment 5—On page 1 in the title, line 16, insert after “Act;”: providing for future repeal and review;

On motions by Senator Trask, the Senate concurred in the House amendments.

SB 89 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Anderson	Henderson	McClain	Stuart
Barron	Jenkins	McKnight	Trask
Beard	Jenne	Neal	Vogt
Childers, D.	Jennings	Peterson	Ware
Dunn	Johnston	Rehm	Winn
Frank	Langley	Renick	
Grizzle	Lewis	Steinberg	
Hair	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Hill, Scott

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2; further amended, and passed as further amended—

CS for SB 133—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(3)(c), Florida Statutes, 1980 Supplement; providing for program office advisory councils; providing advisory functions; specifying membership, terms, and compensation; requiring separate and distinct appropriation for advisory council expenses; prohibiting certain uses of appropriations; providing for representation, removal for cause, and meetings; requiring biennial reports; requiring the Medicaid advisory council to be subject to the same provisions as the program office advisory councils with one exception; requiring adoption of rules; reviving and readopting, notwithstanding the Sundown Act, s. 20.19(3)(c)2., Florida Statutes, 1980 Supplement, as amended; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1 to House Amendment 1—On page 5, strike everything on lines 14 through the period on line 23 and insert: *3. The Secretary may appoint only one advisory council for the purpose of acting as the advisory body to each respective program office in performance of functions assigned to program offices in s. 20.19(3)(c)1. Not less than 8 nor more than 14 members may be appointed to each program office advisory council.*

House Amendment 2 to House Amendment 1—On page 6, line 11, after the word “Legislature.” insert: *The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council expenses, and the department is prohibited from using any other appropriation for supporting the activities of groups advisory to program offices.*

House Amendment 3 to House Amendment 1—On page 6, strike all of lines 26-30 and renumber subsequent subparagraphs

House Amendment 4 to House Amendment 1—On page 7, lines 2 and 3, strike “except when circumstances require otherwise”

House Amendment 5 to House Amendment 1—On pages 8-10, strike everything after the word “law” on page 8, line 23, through line 11 on page 10 and insert: *Provided, however, that advisory committees as defined in s. 20.03(8), or any advisory body not specifically created by law, may be established and receive funds for a period not to exceed one year if the department has provided the following information to the Speaker of the House of Representatives, the President of the Senate, and the Comptroller:*

- (1) The date of creation of the advisory body.
- (2) The advisory body’s purpose and the program office to which it is to furnish advice.
- (3) The advisory body’s termination date.
- (4) The estimated frequency of meetings and estimated costs associated with the advisory body.

Renumber subsequent sections.

House Amendment 1 to House Amendment 2—In title on page 1, strike all of lines 2-21 and insert: *An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(3)(c), Florida Statutes, 1980 Supplement; providing for program office advisory councils; providing advisory functions; specifying membership, terms, and compensation; requiring separate and distinct appropriation for advisory council expenses; prohibiting certain uses of appropriations; providing for representation and meetings; requiring biennial reports; requiring the Medicaid advisory council to be subject to the same provisions as the program office advisory councils; requiring adoption of rules; reviving and readopting, notwithstanding*

the Sundown Act, s. 20.19(3)(c)2., Florida Statutes, 1980 Supplement, as amended; providing for legislative review; providing an effective date.

On motions by Senator D. Childers, the Senate concurred in the House amendments.

CS for SB 133 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Anderson	Hair	Margolis	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gordon	Langley	Rehm	Ware
Grizzle	Lewis	Renick	Winn

Nays—None

Vote after roll call:

Yea—Hill, Scott

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 1095 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Juvenile Justice and Representative Lehman and others—

CS for CS for HB 1095—A bill to be entitled An act relating to juveniles; amending s. 39.08(1) and (2), Florida Statutes, 1980 Supplement, authorizing the court, after a petition for delinquency has been filed, to order the child to be evaluated by a county school system or a Department of Health and Rehabilitative Services educational needs assessment team; providing for mandatory educational needs assessment after adjudication; amending s. 39.09(3)(b) and (f), Florida Statutes, 1980 Supplement, requiring the court to order an educational evaluation of the child to be included in the predispositional report; including remedial educational treatment within a list of alternative community-based sanctions the court may order when the court determines not to adjudicate and commit to the department; amending s. 39.01(8), Florida Statutes, 1980 Supplement, redefining "child who has committed a delinquent act"; to remove the exemption for juvenile traffic offenses; court jurisdiction over traffic offenses; amending s. 39.02(1) and (2), Florida Statutes, 1980 Supplement, clarifying court jurisdiction over juvenile traffic offenses; amending s. 39.03(1)(c), Florida Statutes, 1980 Supplement, reducing the period of detention care for certain violations pending a detention hearing; amending s. 39.031(4), Florida Statutes, 1980 Supplement, to conform language concerning traffic offenses; amending s. 39.032, Florida Statutes, limiting the circumstances in which the intake officer may authorize detention care and providing circumstances in which the state attorney may authorize detention care; changing the circumstances in which detention care is authorized; reducing the period of detention care prior to a pre-detention hearing; deleting the required consideration of the least restrictive alternative disposition; authorizing the state attorney to authorize release from secure detention; authorizing the court to order continued detention or release from detention; amending s. 39.04, Florida Statutes, 1980 Supplement, requiring notification of the victim and the investigating law enforcement agency for certain disposition of a child alleged to have committed a delinquent act; amending s. 39.05-(7)(a), Florida Statutes, 1980 Supplement, deleting reference to s. 39.01(21); amending s. 39.12(3), Florida Statutes, 1980 Supplement, deleting reference to s. 39.01(21); amending s. 316.635, Florida Statutes; clarifying county court jurisdiction over traffic offenses; providing circumstances in which a minor may be transported; providing circumstances for which a minor may be taken into custody pursuant to Florida law pertaining to arrest and released or detained for a traffic offense; amending s. 316.655(4), Florida Statutes; providing sanctions for the

court to impose on a minor convicted of certain traffic offenses; amending s. 959.15(1), Florida Statutes, 1980 Supplement, conforming to the act provisions relating to certain acts of children committed to the Department of Health and Rehabilitative Services; repealing ss. 39.01(21), 39.11(1)(f), and 316.630, Florida Statutes, 1980 Supplement, relating to juvenile traffic offenses and jurisdiction with respect thereto; providing appropriations; providing effective dates.

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

On motion by Senator Dunn, by two-thirds vote CS for CS for HB 1095 was withdrawn from the Committees on Judiciary-Criminal, Health and Rehabilitative Services and Appropriations.

On motions by Senator Dunn, by unanimous consent CS for CS for HB 1095 was taken up and by two-thirds vote read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsections (21) and (34) of section 39.01, Florida Statutes, 1980 Supplement, are amended, and subsection (37) is added to said section to read:

39.01 Definitions.—When used in this chapter:

(21) "Juvenile traffic offense" means a violation by a child of a state law or local ordinance pertaining to the operation of a motor vehicle. However, the following offenses shall not be considered juvenile traffic offenses but shall be considered delinquent acts for the purposes of this chapter if the child is transferred by a court having jurisdiction over traffic offenses pursuant to s. 39.02(1):

(a) Fleeing or attempting to elude a law enforcement officer or failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3).

(b) Leaving the scene of a collision or an accident involving death or personal injuries.

(c) Leaving the scene of a collision or an accident involving property damage or damage to an occupied vehicle in violation of s. 316.061 or s. 316.027.

(d) Driving with an unlawful blood alcohol level or while under the influence of alcoholic beverages, *model glue*, or other controlled substances as defined in chapter 893 ~~narcotic drugs~~, or other stimulants that would impair a person's ability to operate a motor vehicle in a safe manner, in violation of s. 316.193 or s. 860.01.

(34) "Violation of law" means a violation of any law of the United States or of the state which is a misdemeanor or a felony. "Violation of law" also means ~~or~~ a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(37) "Halfway house" means a community based residential program for 12 or more committed delinquents that is operated by the department.

Section 2. Subsection (1) of section 39.02, Florida Statutes, 1980 Supplement, is amended to read:

39.02 Jurisdiction.—

(1) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law. The circuit court shall have jurisdiction in cases involving offenses described in s. 39.01(21)(a)-(d) ~~juvenile traffic offenses~~ only if the court having jurisdiction over traffic offenses waives jurisdiction and certifies the case to the circuit court. In such case, a petition of delinquency, which may include or consist of the uniform traffic complaint, shall be filed in the circuit court, and the case shall be heard de novo as a delinquency proceeding.

Section 3. Paragraph (c) of subsection (1) and subsection (2) of section 39.03, Florida Statutes, 1980 Supplement, are amended to read:

39.03 Taking a child into custody; detention.—

(1) A child may be taken into custody:

(c) By an authorized agent of the department when he has reasonable grounds to believe a child in a community control program has violated in a material way a condition or term of the program imposed by the court or otherwise required by law. Any child taken into custody for a violation of the terms or conditions of the community control program shall not be detained longer than 24 48 hours, excluding Saturdays, Sundays, and legal holidays, without an order by the court directing such detention.

(2) Unless otherwise ordered by the court, if the child is not detained or released to a crisis home pursuant to s. 39.032(2), the person taking the child into custody shall release the child to a parent, a responsible adult relative, a responsible agent of an approved crisis home, or an adult approved by the court upon agreement of the person to whom the child is released to inform the person releasing the child or to inform the department of the child's subsequent change of address and to produce the child in court at such time as the court may direct. If a child does not appear as directed by the court, the court may issue an order to have the child taken into custody. When a child is released to an adult who is not a parent or responsible adult relative of the child, the adult may be selected by the department from a list of persons previously approved by the court as authorized agents of the department to receive children for temporary placement. Unless otherwise accomplished pursuant to subsection (4), the person taking the child into custody and detaining the child shall, within 3 days, make a written report to the appropriate intake officer, stating the facts by reason of which the child was taken into custody. The report shall:

(a) Identify the child, his parents, and the person to whom he was released.

(b) Contain sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law or delinquent act.

Section 4. Section 39.032, Florida Statutes, 1980 Supplement, is amended to read:

(Substantial rewording of section. See s. 39.032, F.S., 1980 Supp., for present text.)

39.032 Detention.—

(1) The intake officer shall review the facts in the law enforcement report or complaint and make such further inquiry as necessary to determine the need for detention of the child. The intake officer may order detention care for a child in accordance with subsection (2). If the intake officer does not order detention care, the child may be released by the intake officer in accordance with paragraph (b) of subsection (6) and s. 39.03(2). Under no circumstances shall the intake officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults. When a child is charged with a felony pursuant to s. 39.04(2)(e)4. or 5., the court may order the detention of such child in a jail or other facility intended or used for the detention of adults; however, no child shall be placed in the same cell with an adult. Nothing in this subsection shall prohibit the placing of two or more children in the same cell.

(2) A child taken into custody may be placed or detained in detention care prior to disposition if:

(a) The child is an escapee from a commitment program or an absconder from probation, a community control program, or parole supervision in this or any other state, or the child is wanted by another jurisdiction for an offense which, if committed by an adult, would be a violation of law;

(b) The child is charged with a felony;

(c) The child is charged with a violent misdemeanor, for example, assault on a law enforcement officer or battery; or

(d) The child is charged with a violation of law and any of the following applies:

1. The child is already detained or has been released and is awaiting an arraignment or adjudicatory hearing on another case;

2. The child has been found by a court to have committed a felony;

3. The child has been found by a court to have committed a violent misdemeanor, for example, assault on a law enforcement officer or battery;

4. The child has been found by a court to have committed two or more violations of law or delinquent acts;

5. The child is presently in a community control program or is committed to the department;

6. There is a factual basis to believe that the child may physically harm or has threatened to physically harm witnesses, victims, or other persons or property; or

7. There is a factual basis to believe that detention is necessary to secure the presence of the child at the next hearing or proceeding in court.

A child who is detained in a secure detention facility under this subsection shall be given a detention hearing within 24 hours of his being taken into custody, excluding Sundays and legal holidays, to determine the existence of probable cause to believe the child has committed such violation of law and the need for continued detention. The circuit court, or the county court if previously designated by order of the chief judge of the circuit court, shall hold the detention hearing.

(3) Notwithstanding the criteria in subsection (2), the court may, in any individual case and for good cause shown, order that a child who is charged with a violation of law be held in detention care.

(4) Except in emergency situations, a child shall not be placed or transported in any police car or other similar vehicle which at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(5)(a) The court may order the delivery of a child to a jail or other facility intended or used for the detention of adults:

1. When the child has been transferred for criminal prosecution as an adult pursuant to this chapter; or

2. When the court determines, upon the recommendation of the superintendent of the detention home, that the child is beyond the control of the detention home staff.

The receiving facility shall contain a separate section for juvenile offenders and shall have an adequate staff to supervise and monitor the child's activities at all times. Nothing in this paragraph shall prohibit the placing of two or more children in the same cell.

(b) The chief judge, or, where a specialized juvenile division exists, the presiding or supervising judge of that division, shall, at monthly intervals, inform the board of county commissioners or other governing body of the county, in writing, of the number of, and the reasons for, deliveries of children to jail in that county, identifying children only by initials and court case numbers.

(6)(a) No child shall be held in a secure detention facility longer than 24 hours, excluding Sundays and legal holidays, unless an order is entered by the court after a detention hearing finding that detention care or shelter care is required. The order shall state the findings upon which the detention order is based. The order shall be a final order and shall be reviewable by appeal pursuant to s. 39.14 and the Florida Appellate Rules.

(b) During the period of time from the taking of the child into custody to the date of the detention hearing held pursuant to paragraph (a), the initial decision as to detention or the release from detention of the child shall be made jointly by the intake officer and the law enforcement officer having custody over the child, in accordance with subsection (2). If the intake officer and the law enforcement officer disagree as to whether the criteria for detention are met, as to whether detention should be required, or as to the place of such detention, the state attorney shall decide whether the child shall be detained and the place of detention.

(c) No child shall be held in detention care or a crisis home under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(d) No child shall be held in detention care or a crisis home for more than 15 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.11 has been entered by the court or unless a continuance, which shall not exceed 15 days, has been granted for good cause. The detention home superintendent shall request that the court order the release of any child held beyond 15 days without a grant of continuance.

(e) The time limits in paragraphs (c) and (d) shall not include periods of delay resulting from a continuance granted by the court for good cause shown on motion of the child or his counsel or the state, or upon motion of the court. The Supreme Court may, by rule, adopt procedures for the granting of a continuance.

Section 5. Subsection (2) of section 39.04, Florida Statutes, 1980 Supplement, is amended to read:

39.04 Intake.—

(2) The intake officer shall make a preliminary determination as to whether the report or complaint is complete, consulting with the state attorney or assistant state attorney as may be necessary. In any case where the intake officer or the state attorney finds that the report or complaint is incomplete, the intake officer or state attorney shall return the report or complaint, without delay, to the person or agency originating the report or complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request, and the agency shall promptly thereafter furnish, additional information in order to complete the report or complaint.

(a) If the intake officer determines that the report or complaint is complete, he may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. *However, the recommendations shall not be a prerequisite for any action taken by the state attorney.*

(b) If the intake officer determines that the report or complaint is complete, but that in his judgement the interest of the child and the public will be best served by providing the child care, a diversionary or mediation program, community service work, or other treatment voluntarily accepted by the child and his parents or legal custodians, the intake officer with the approval of the state attorney, may refer the child for such care, diversion or mediation program, community service work, or other treatment. Whenever a child volunteers to participate in any work program under the provisions of this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, such child shall be considered an employee of the state for the purposes of chapter 440. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer shall be considered a gratuity, and the child shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of his future wage-earning capacity.

(c) If the intake officer determines that the report or complaint is complete and in his judgment the interest of the child and the public will be best served, he may recommend that a delinquency petition not be filed. If such a recommendation is made, the intake officer shall advise in writing the complainant, the victim, if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor; and that person or agency may submit, within 10 days from the receipt of such notice, the complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the complainant or agency and by the intake officer who made the recommendation that no petition or information be filed, before such attorney makes a final decision as to whether a petition or information should or should not be filed.

(d) In all cases in which the child is alleged to have committed a delinquent act and is not detained, the intake officer

shall submit a written report to the state attorney, including the original report or complaint or a copy thereof, within 20 days from the date the child is taken into custody or the report or complaint is made to the intake office, whichever date shall last occur. In cases in which the child is in detention, the intake office report shall be submitted within 24 hours of the detention. The intake office report shall recommend that a petition or information be filed or that no petition or information be filed, and it shall set forth reasons for such recommendation.

(e) The state attorney shall in all such cases, after receiving and considering the recommendation of the intake officer, have the right to take action, regardless of the action or lack of action of the intake officer, and shall determine the action which is in the best interest of the public and the child. The state attorney may:

1. File a petition for dependency;
2. File a petition for delinquency;

3. File a petition for delinquency with a motion to transfer and certify the child pursuant to s. 39.02(5) and s. 39.09(2) for prosecution as an adult;

4. With respect to any child who at the time of commission of the alleged offense was 16 or 17 years of age, file an information when in his judgment and discretion the public interest requires that adult sanctions be considered or imposed. ~~Upon motion of the child, the case shall be transferred for adjudicatory proceedings as a child pursuant to s. 39.00(1) if it is shown by the child that he had not previously been found to have committed two delinquent acts, one of which involved an offense classified under Florida law as a felony;~~

5. Refer the case to a grand jury;

6. Refer the child to a diversionary, pretrial intervention, or mediation program or to some other treatment or care program if such program commitment is voluntarily accepted by the child or his parents or legal guardians; or

7. Dismiss the case.

(f) In cases in which a delinquency complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed on the complaint.

Section 6. Subsection (6) of section 39.05, Florida Statutes, 1980 Supplement, is amended to read:

39.05 Petition.—

(6) On motions by or in behalf of a child, a petition alleging delinquency shall be dismissed with prejudice if it was not filed within 45 days from the date the child was taken into custody. The court may grant an extension of time, not to exceed an additional 30 15 days, upon such motion by the state attorney for good cause shown when, in the opinion of the court, such additional time is justified because of exceptional circumstances.

Section 7. Subsection (6) of section 39.06, Florida Statutes, is amended to read:

39.06 Process and service.—

(6) ~~It shall not be necessary to the validity of a proceeding covered by this chapter that the parents or legal custodians be present if their identity or residence of the parents or custodians of the child is unknown after a diligent search and inquiry have been made, if the parents or custodians they are residents of a state other than Florida, or if the parents or custodians they evade service or ignore a summons, but in this event the person who made the search and inquiry shall file in the case a certificate of those facts, and the court shall appoint a guardian ad litem for the child, if appropriate.~~

Section 8. Paragraph (e) of subsection (3) of section 39.09, Florida Statutes, 1980 Supplement, is amended to read:

39.09 Hearings.—

(3) **DISPOSITION HEARING FOR DELINQUENCY CASES.**—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(e) If the court determines that the child should be adjudicated as having committed a delinquent act and that he should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding on reasons for the decision to adjudicate and to commit the child to the department. *If the court decides to commit a child to the department, the department shall furnish the court in order of the department's preference a list of not less than 3 options for programs in which the child may be placed. The court shall rank the options presented by the department in order of the court's preference. The court's recommendation shall be reviewed by the department and shall be given primary consideration. The recommendation of the court shall be followed if the commitment resource is available. The court may also require that the child be placed in a community control program following the child's discharge from commitment. The community-based sanctions may be imposed by the court at the disposition hearing or at any time prior to the child's discharge from commitment.*

Section 9. Subsection (2) of section 39.10, Florida Statutes, 1980 Supplement, is amended to read:

39.10 Adjudication.—

(2) If the court finds that the child named in the petition has committed a delinquent act, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of a delinquent act and placing the child in a community control program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose a curfew, require restitution or public service, or revoke or suspend the driver's license of the child, *require school attendance, or require that the child work faithfully at suitable employment insofar as may be possible.* If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

Section 10. Paragraphs (a) and (h) of subsection (1) and subsection (3) of section 39.11, Florida Statutes, 1980 Supplement, are amended to read:

39.11 Powers of disposition.—

(1) When any child shall be adjudicated by the court to have committed a delinquent act, the court having jurisdiction of the child shall have the power, by order in which is stated the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, to:

(a) Place the child in a community control program under the supervision of an authorized agent of the department or any other person or agency specifically authorized and appointed by the court, either in the child's own home or, if the prospective custodian is willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the court may direct. A community control program is as defined in s. 39.01(10) and shall include a penalty such as restitution, curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and a rehabilitative program.

1. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs shall include, but shall not be limited to, structured or restricted activities designed to encourage acceptable and functional social behavior, restitution in money or in kind, *school attendance*, or public service. The sanction imposed by order of the court shall be commensurate with the seriousness of the offense. When supervision or a program of public service is ordered by the court, the duration of such supervision or program shall not be longer than the sentence that could be imposed if the child were committed for the offense. When restitution is ordered by the court, the amount of restitution shall not be greater than an amount the child and his parents could reasonably be expected to pay or make. A child who partici-

pates in any work program under the provisions of this chapter shall be considered an employee of the state for purposes of liability, unless otherwise provided by law.

2. There ~~may~~ *shall* be established in each judicial circuit a community control program advisory council which shall periodically, at least quarterly, advise the court of the diversion programs and dispositional alternatives for children available within that circuit. The presiding judge of the circuit shall appoint no fewer than seven members to constitute the council. The council shall include as ex officio members the state attorney, the superintendents of schools within the circuit, and an intake officer of the department, or their designees.

If the conditions of the community control program are violated, the agent supervising the community control program as it relates to the child involved or the state attorney may bring the child before the court on a petition alleging a violation of the program. If the child denies that he has violated the conditions of his program, the court shall give him an opportunity to be heard in person or through counsel, or both. Upon his admission or after such hearing, if the court finds that the conditions of the community control program have been violated, the court shall enter an order revoking, modifying, or continuing the program. In all cases after a revocation, the court shall enter a new disposition order and shall have full power at that time to make any disposition it could have made at the original disposition hearing. Notwithstanding the provisions of s. 743.07, the term of any order placing a child in a community control program shall be until his 19th birthday unless he is sooner released by the court, on the motion of an interested party or on its own motion.

(h) As part of the community control program to be implemented by the department, order the child *or parent* to make restitution for the damage or loss caused by his offense in a reasonable amount or manner to be determined by the court. The court may require the clerk of the circuit court to be the receiving and dispensing agent. In such case, the court shall order the child *or parent* to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. *A finding by the court that the parent has made diligent good faith efforts to supervise the child and prevent him from engaging in delinquent acts shall absolve the parent of liability for restitution under this paragraph.*

(3) Any commitment of a delinquent child to the department shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department *with the concurrence of the court.* Notwithstanding the provisions of s. 743.07, no child shall be held under a commitment from a court pursuant to this section after becoming 19 years of age. The department shall give the court which committed the child to the department reasonable notice, in writing, *of its desire to discharge prior to discharging the child from a commitment to the department.* The court which committed the child may thereafter *accept or reject the request. If the court does not respond within 15 days, the request of the department shall be deemed granted resume personal jurisdiction of the child and make such orders for the after-care supervision of the child as will be in the best interest of the child and for the protection of society.*

Section 11. Section 39.112, Florida Statutes, is amended to read:

39.112 Escapes from a juvenile facility.—An escape from any *halfway house*, training school, or secure detention facility maintained for the treatment, rehabilitation, or detention of children who are alleged or found to have committed delinquent acts or violations of law constitutes escape within the intent and meaning of s. 944.40 and is a felony in the third degree.

Section 12. Section 39.12, Florida Statutes, 1980 Supplement, is amended to read:

39.12 Oaths; records; confidential information.—

(1) Authorized agents of the department shall each have power to administer oaths and affirmations.

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter. The court shall preserve the records pertaining to a child charged with committing a delinquent act until he reaches 19 years of age, ~~or~~ until 5 years after the last entry was made, *or until 3 years after the death of the child*, whichever date is *first last* reached, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and writs which may be filed therein.

(3) The clerk shall keep all official records required by this statute separate from other records of the circuit court, except those records pertaining to ~~any and all~~ motor vehicle violations, ~~including those listed in s. 39.01(21)~~, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. All official records required by this act shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or legal custodians of the child and their attorneys, law enforcement agencies, the department and its designees, the Parole and Probation Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(4) *Except as provided in subsection (7)*, all information obtained pursuant to this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole and Probation Commission, the Department of Corrections, or any law enforcement agent shall be confidential and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, the Department of Corrections, the Parole and Probation Commission, law enforcement, and others entitled under this chapter to receive that information, except upon order of the court.

(5) All orders of the court entered pursuant to this chapter shall be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult shall be admissible in evidence in the court in which he is tried, but shall create no presumption as to the guilt of the child; nor shall the same be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, shall be admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this chapter forming a part of the record on appeal shall be used in the appellate court in the manner hereinafter provided.

(d) Records necessary therefor shall be admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury.

(7) The provisions of this chapter shall not be construed to prohibit the publication of the name and address of a child who is alleged to have committed a violation of law. *Any other provisions of this chapter to the contrary notwithstanding, a law enforcement agency may release for publication the name and address of a child taken into custody if the child is 15 years of age or older and has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony or of any child 15 years of age or older who has been found by a court to have committed at least three or more violations of law which, if committed by an adult, would be misdemeanors.*

Section 13. Paragraph (f) is added to subsection (1) of section 39.401, Florida Statutes, to read:

39.401 Taking a child alleged to be dependent into custody.—

(1) A child may be taken into custody:

(f) *By a law enforcement officer when he has reasonable grounds to believe that the child is under the influence of alcoholic beverages, model glue, or a controlled substance as defined in chapter 893, to the extent that his normal faculties are impaired, for the purpose of delivery to the department. The department shall release the child to a parent or other responsible adult, but if there is no parent or responsible adult available, the department may retain custody of the child for up to 24 hours.*

Section 14. Section 316.630, Florida Statutes, 1980 Supplement, is amended to read:

316.630 Juvenile traffic offenses; jurisdiction; penalties; transfer and waiver provisions.—

(1) "Juvenile traffic offense" means a violation by a child of a state law or local ordinance pertaining to the operation of a motor vehicle; however, the following offenses, if transferred to the circuit court pursuant to subsection (5), may be considered delinquent acts:

(a) Fleeing or attempting to elude a law enforcement officer or failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3).

(b) Leaving the scene of a collision or an accident involving death or personal injuries.

(c) Leaving the scene of a collision or an accident involving property damage or damage to an occupied vehicle in violation of s. 316.061 or s. 316.027.

(d) Driving with an unlawful blood alcohol level or while under the influence of alcoholic beverages, *model glue, or other controlled substance, as defined in chapter 893 narcotic drugs, or other stimulants that would impair a person's ability to operate a motor vehicle in a safe manner*, in violation of s. 316.193 or s. 860.01.

(2) The court having jurisdiction over traffic offenses shall have original jurisdiction in the case of any *juvenile traffic offense child who is charged with a violation of state law or local ordinance pertaining to the operation of a motor vehicle*. The court shall apply sanctions appropriate to the seriousness of the violation, as provided for in this section, if it finds that the child committed the offense as charged.

(3) A juvenile traffic offense is not an act of delinquency for purposes of adjudication or disposition unless the case is transferred to the circuit court as provided in subsection (5).

(4)(a) If the court having jurisdiction over traffic offenses finds, on the admission of the child or upon the evidence, that he committed the offense charged, it may make one or more of the following orders:

1. It may reprimand or counsel the child and his parents or guardians;

2. It may suspend the child's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for a like suspension of an adult's license for a like offense;

3. It may require the child to attend a traffic school conducted by a public authority for a reasonable period; or

4. It may order the child to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

(b) If a child is found by the court having jurisdiction over traffic offenses to have operated, on a repeated basis, a motor vehicle without a valid driver's license or to have operated a motor vehicle while the child's license was suspended or revoked, the court may, in addition to the orders noted in paragraph (a), make one of the following orders:

1. It may order the child to participate in public service or a community work project for a specified number of hours, either as an alternative to a monetary fine or as part of a rehabilitative program. A child who participates in such a work program shall be considered an employee of the state for purposes of chapter 440.

2. It may impose a curfew or other such restriction to the liberty of the child for a period not to exceed 6 months.

(5) The court having jurisdiction over traffic offenses may waive jurisdiction and transfer the case to the circuit court; the offense is one enumerated in subsection (1).

(6) A finding of a violation of this chapter or of chapter 322 by the court having jurisdiction over traffic offenses or by the circuit court with respect to cases transferred pursuant to subsection (5) of this section shall constitute a "conviction" as that term is used in chapter 322.

Section 15. Subsection (1) of section 959.15, Florida Statutes, 1980 Supplement, is amended to read:

959.15 Detention of furloughed person or escapee on authority of the department.—

(1) If an authorized agent of the department has reasonable ground to believe that any delinquent child committed to the department has committed an act for which he could be adjudicated delinquent, violated his furlough agreement in a material respect, or escaped from a facility of the department, such agent may take such person into his active custody. The superintendent, warden, or jailer of any state, county, or municipal facility is authorized to take such child into custody for the purpose of assuring that the child is delivered to the appropriate intake office or appropriate facility of the department. However, no child shall be held in detention longer than 24 48 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing, finding that detention is required based on the criteria in s. 39.032(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

Section 16. This act shall take effect on October 1, 1981.

Amendment 2—In title on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to juveniles; amending s. 39.01(21), (34), Florida Statutes, 1980 Supplement and adding subsection (37) to said section; providing definitions; amending s. 39.02(1), Florida Statutes, 1980 Supplement; providing jurisdiction; amending s. 39.03(1)(c), (2), Florida Statutes, 1980 Supplement; providing criteria and procedures for taking a child into custody and releasing such child; amending s. 39.032, Florida Statutes, 1980 Supplement; providing procedures and criteria for detention; providing time limits for detention; amending s. 39.04(2), Florida Statutes, 1980 Supplement; providing intake procedures; specifying powers and duties of state attorney; amending s. 39.05(6), Florida Statutes, 1980 Supplement; providing for extension of time for filing of petition; amending s. 39.06(6), Florida Statutes; requiring inquiry as to parents or custodians; amending s. 39.09(3)(e), Florida Statutes, 1980 Supplement; specifying powers of court over commitment; amending s. 39.10(2), Florida Statutes, 1980 Supplement; providing conditions for community control programs; amending s. 39.11(1)(a), (h), (3), Florida Statutes, 1980 Supplement; specifying powers of the court over disposition; providing that creation of advisory councils is discretionary; amending s. 39.112, Florida Statutes; providing that escape from a halfway house is escape; amending s. 39.12, Florida Statutes, 1980 Supplement; providing for retention and destruction of records; providing for release of names and addresses of certain children by law enforcement agencies; adding s. 39.401(1)(f), Florida Statutes; providing circumstances for the taking of a child into custody by a law enforcement officer; amending s. 316.630, Florida Statutes, 1980 Supplement; providing jurisdiction over juvenile traffic offenses; providing exceptions; amending s. 959.15(1), Florida Statutes, 1980 Supplement; limiting time for detention without court order; providing an effective date.

Further consideration of CS for CS for HB 1095 as amended was deferred.

SPECIAL ORDER, continued

On motion by Senator Peterson, by two-thirds vote HB 1228 was withdrawn from the Committee on Appropriations.

On motion by Senator Peterson—

HB 1228—A bill to be entitled An act relating to educational facilities construction and funding; amending, creating and

repealing various sections in chapter 235, Florida Statutes, and Florida Statutes, 1980 Supplement, expanding the definitions of educational capital outlay terms, renaming the Office of Educational Facilities Construction, and reorganizing certain responsibilities of the office, the State Board of Education, and the Commissioner of Education; modifying certain standards relating to safety, sanitation, sites, facilities design, construction techniques, new construction, day labor projects, and the State Uniform Building Code; developing a new formula for the allocation of the Public Education Capital Outlay and Debt Service Trust Fund for new construction and for maintenance, renovation, remodeling, and repair; providing for priority lists for postsecondary education; creating a new Special Facility Construction Account; deleting a needs formula at the state level and a priority expenditure list required by the state; creating a new financial reporting procedure for the Public Education Capital Outlay and Debt Service Trust Fund; creating a new budget request system; amending s. 215.61(3), Florida Statutes, relating to capital outlay bonds, to provide that certain estimates shall be used to determine fiscal sufficiency; amending s. 215.79, Florida Statutes, relating to the maturity and redemption of refunding bonds; amending ss. 240.295(1) and (2)(d), 240.327 and 240.531(5), Florida Statutes, and repealing s. 240.297, Florida Statutes, relating to university and community college facilities, to conform; providing appropriations for specified capital outlay projects from the Public Education Capital Outlay and Debt Service Trust Fund, the General Revenue Fund, and the Capital Improvement Fee Trust Fund; repealing sections 9, 10, and 11 of chapter 80-414, Laws of Florida, relating to review and repeal of chapter 235, Florida Statutes; providing for repeal and legislative review; providing an effective date.

—a companion measure was substituted for CS for SB 905 and read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Section 235.001, Florida Statutes, is amended to read:

235.001 Short title.—This act shall be known and cited as the "Educational Facilities Construction Act or the "Murray H. Dubbin Act."

Section 2. Section 235.002, Florida Statutes, is amended to read:

235.002 Intent.—The intent of the Legislature is:

(1) To assure guarantee to each student in the Florida public district school education system the availability of an educational environment appropriate to his educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors.

(2) To provide facilities to adequately meet postsecondary educational needs at area vocational-technical centers, community colleges and state universities.

(3) To provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.

(4)(2) To utilize, as far as practicable, innovative designs, construction techniques, and financing mechanisms in building educational facilities for the purpose of reducing costs, creating a more satisfactory educational environment, and reducing the amount of time necessary for design and construction to fill unmet needs.

(5)(3) To provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

(6)(4) To provide a systematic plan for educational construction whereby sites may be acquired, educational requirements formulated, and architectural plans and specifications developed so as to proceed immediately with the construction of educational facilities when funds are made available.

Section 3. Section 235.01, Florida Statutes, is amended to read:

235.01 Purpose.—The purpose of this chapter is to authorize state and local officials to cooperate in establishing and maintaining educational plants that will provide for meet public educational needs throughout the state and meet the intent of the Legislature as described in s. 235.002 in promoting the health, comfort, and the moral and intellectual development of students. The state board shall adopt rules to implement this act.

Section 4. Section 235.011, Florida Statutes, is amended to read:

235.011 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are shall be defined as follows for the purpose of this chapter:

(1) "Improved educational environment" means the improvements to existing educational facilities, such as altering, remodeling, improving, renovating, or repairing, which are necessary to attain the uniform student station standards.

(1)(2) "Relocatable facility" means an educational facility which has been designed to incorporate the following elements:

- (a) Portability;
- (b) Reconstructibility;
- (c) Demountability;
- (d) Durability of components;
- (e) Simplicity of components;
- (f) Flexibility of interior spatial relationships;
- (g) Adaptability to solar energy systems;
- (h) Minimum foundation work;
- (i) Interfaceability with existing, conventional construction; and
- (j) Maximum recoverability of components when the facility is relocated.

(2)(3) "Satisfactory educational facility" means a facility which has been recommended for continued use by an educational plant survey or which has been classified as satisfactory in the state inventory of educational facilities.

(3)(4) "Educational facilities" means the buildings and equipment that are built, installed, or established to serve educational purposes and which may lawfully be used.

(4)(5) "Educational plant" comprises the buildings, equipment, and grounds all the physical features incident to, or necessary to accommodate, students, faculty, administrators, and staff and teachers and the activities of the educational program of each plant.

(5)(6) "Educational plant survey" means a systematic study of present educational plants and the determination of future needs to provide an appropriate educational program and support services for each student, conducted by or approved by the department.

(7) "Unhoused students" means the actual or projected students in excess of the existing student stations.

(6)(8) "Educational capital outlay needs Projected plant need" means the sum of the following estimated factors:

- (a) Construction costs;
- (b) Legal and administrative costs;
- (c) Architectural fees;
- (d) Educational plant needs; and Costs of correcting deficiencies which produce unsafe, unhealthy, or unsanitary environments; air conditioning; remodeling; and renovating;
- (e) Cost of new furniture and equipment for new construction;
- (f) Cost of site improvement; and

(e)(g) Cost of site acquisition.

(7)(9) "Board," unless otherwise specified, means a district school board, a community college board of trustees, the Board of Regents, or the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education.

(8)(10) "Capital project," for the purpose of s. 9(a)(2), Art. XII of the State Constitution, means sums of money appropriated from to the Public Education Capital Outlay and Debt Service Trust Fund to for the state system of public education, and other agencies as authorized by the Legislature.

(9)(11) "Housing index" is the relationship between the number of students to be housed and the number of student stations required to adequately house such students.

(12) A "student station" is the appropriate area and environment necessary for a student to engage in educational learning activities appropriate to his needs and shall include, but not limited to, classroom, teaching, vocational and occupational laboratory, library, and cafeteria space, as determined by rules of the State Board of Education.

(10) "New construction" means any construction of a building or unit of a building in which the entire work is new or an entirely new addition connected to an existing building.

(11) "Remodeling" means to change existing facilities by rearrangement of spaces and their use.

(12) "Renovation" means to upgrade existing facilities by installation of or replacement of materials and equipment.

(13) "Maintenance and repair" means the upkeep of the educational plant.

(14) "Office" means the Office of Educational Facilities.

Section 5. Section 235.014, Florida Statutes, is amended to read:

235.014 Functions of the Office of Educational Facilities.—The functions of the office shall include, but not be limited to, the following:

(1) To recommend to the Commissioner of Education rules for the administration of programs and activities as hereinafter provided for State Board of Education adoption.

(2)(1) To require of boards the development and submission of long-range plans for educational plants facilities.

(2) To require boards to submit plans for necessary improvements to existing plants.

(3) To establish standards for all educational nonformula-generated space, including public broadcasting stations, but excluding postsecondary special purpose laboratory space.

(4) To authorize and request, when there is a clear and present danger to life and safety, county and municipal governments, in cooperation with boards, to construct and maintain sidewalks or bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government.

(5) To evaluate each district school board's annual plan for educational facilities and the priority identification of specific needs for inclusion in the integrated comprehensive budget request.

(6) To require of the boards the submission of other educational plant inventories data and statistical data or information relevant to construction and educational plant capital improvements.

(7) To require of each board, all agencies of the state, and other appropriate agencies complete and accurate financial data as to the amounts of funds from all sources that are available for construction and educational plant capital improvements. Each board shall include in its budget request amounts of funds from all sources that were spent for capital outlay projects for the previous 10 years, to be updated annually.

(8) To administer, under the supervision of the commissioner, the Public Education Capital Outlay and Debt Service Trust Fund.

(9) To recommend to the *commissioner for State Board of Education approval*, rules defining approved capital expenditures which shall be paid by the state.

(10) To approve or disapprove, for reasons shown, the purchase of, or the *lease-purchase* leasing of, sites *suitable to be used* for educational purposes by the boards and plans and specifications for new educational facilities construction or the improvement of existing structures on sites as submitted.

(11) To ~~present a report to the State Board of Education on the needs for construction and capital improvements and a suggested level of funding for each fiscal year.~~

(12) To ~~develop the techniques to be used in the bidding and construction of projects.~~

(13) To recommend to the State Board of Education rules relating to the construction of educational facilities and improvements to existing structures and sites.

(14) To require analyses of locally available materials in relation to economy, ready availability, and speed of construction.

(11)(15) To determine the roles of the different state and local government agencies, including planning commissions, in the planning, design, and construction of educational facilities and improvements, to insure inclusion of services and programs for community centers that can appropriately be provided on a single site for the purpose of meeting current and future needs of the community to be served.

(12)(16) To develop, review, update, and revise a mandatory, uniform building code for facilities construction and capital improvement by boards; and to promulgate appropriate rules for the implementation of the code adopted by the State Board of Education.

(13)(17) To insure as far as practicable that there be as much participation as possible by local personnel in determining programs and activities. Local initiative should be encouraged and utilized in order that the needs of local communities be met, as far as practicable, when constructing new educational facilities or making additions or improvements to existing facilities in the community.

(14) To recommend rules for the operation of the programs and activities of the office to the commissioner for approval by the State Board of Education.

(15) To approve educational and architectural plans and specifications for new educational facilities construction or the improvement of existing structures, except that the Board of Regents shall approve plans for the State University System.

(16) To coordinate educational plant surveys and to document the determination of future needs.

(17) To make available to boards technical assistance relating to existing maintenance and operations of educational plants, custodial and maintenance training, plant services, and product specifications and evaluations; safety; security and risk management; and educational specifications.

(18) To perform any other functions that may be involved in educational facilities construction and capital improvement which shall insure that the intent of the Legislature is implemented.

Section 6. Section 235.018, Florida Statutes, is amended to read:

235.018 Delegation of review and approval authority.—

(1) The Office of Educational Facilities Construction may delegate to a board, its review, approval, and inspection process as required in subsection 235.26(5) ~~to a board~~ if:

(a)(1) The board has satisfactorily demonstrated that it is competent to inspect and approve plans for educational facilities.

(b)(2) Such plans and facilities conform with the Uniform Building Code for Public Education Facilities, as required in s. 235.26.

(c)(3) The plans and specifications for an educational facility have been prepared by, and reflect the seal of, a Florida-registered architect or a Florida-registered professional engineer and such architect or engineer certifies that the documents comply with the provisions of this chapter and all applicable rules of the State Board of Education.

(2) *The office may delegate its review, approval, and inspection process as required in s. 235.26(5) to the Department of General Services.*

Section 7. Section 235.02, Florida Statutes, is amended to read:

235.02 Use of buildings and grounds.—A The board, ~~including the Board of Regents,~~ may permit the use of educational facilities and grounds for any legal assembly or for community use centers or may permit the same to be used as voting places in any primary, regular, or special election. The board shall adopt rules necessary to protect educational facilities and grounds when used for such purposes.

Section 8. Section 235.04, Florida Statutes, is amended to read:

235.04 Disposal of property.—

(1) REAL PROPERTY.—Subject to rules of the state board, ~~a the board, other than the Board of Regents or the Board of Trustees of the Florida School for the Deaf and the Blind,~~ may dispose of any land or real property which is by resolution of such board determined to be unnecessary for educational purposes ~~as recommended in an additional plant survey.~~ A The board shall take diligent measures to dispose of educational property only in the best interests of the public.

(2) TANGIBLE PERSONAL PROPERTY.—Tangible personal property which has been properly classified as surplus by a the board shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board.

Section 9. Section 235.05, Florida Statutes, is amended to read:

235.05 Right of eminent domain.—

(1) There is conferred upon the school board in each of the several districts in the state the authority and right to take private property for any public school purpose or use when, in the opinion of the school board, such property is needed in the operation of any or all of the public schools within the district, including property needed for any school purpose or use in any school district or districts within the county. The absolute fee simple title to all property so taken and acquired shall vest in the school board of such district, unless the school board seeks to appropriate a particular right or estate in such property.

(2) The board of trustees may exercise the right of eminent domain as provided in s. 240.319(3)(f) ~~230.754(2)(f).~~

(3) *The Board of Regents may exercise the right of eminent domain as provided in s. 240.217.*

Section 10. Section 235.055, Florida Statutes, is amended to read:

235.055 Construction of facilities on leased property; conditions.—

(1) Boards, ~~including the Board of Regents,~~ are authorized, when such action is approved by the ~~State Board Department~~ of Education, to construct educational facilities on land which is owned by a federal, state, county, or municipal governmental agency, after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

(2) A board is authorized, when such action is approved by the office, to enter into a short-term lease for the use of land owned by the entities enumerated in subsection (1), on which temporary or relocatable facilities are to be utilized.

(3) Pursuant to state board rules, a board is authorized to enter into a short-term lease for the use of land and buildings on which capital improvements may be made.

Section 11. Section 235.056, Florida Statutes, is created to read:

235.056 Lease of educational facilities.—Boards are authorized to lease educational plants to a federal, state, county or municipal governmental agency or to any public nonprofit agency, for the benefit of the community, when such action is recommended in an educational plant survey.

Section 12. Section 235.06, Florida Statutes, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The State Board of Education is empowered and directed to adopt rules prescribing standards for the safety and health of occupants of educational plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26. These standards shall be used by all public agencies when inspecting public educational facilities. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational facilities. Such policies shall contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.—Each board shall provide for periodic inspection of each educational plant at least once during each fiscal year to determine compliance with standards of sanitation and safety prescribed in the rules of the state board. Such inspection shall be conducted by persons certified by the office and for fire safety inspections by the State Fire Marshal qualified employees of the board or, in the alternative and upon approval of the board, by architects or engineers licensed to practice in Florida or by appropriate state or local public agencies. A copy of each inspection report shall be forwarded from the board to the commissioner Department of Education. A copy of the fire safety inspection report only shall be forwarded from the board to the State Fire Marshal. Each report shall include a plan of action and a schedule for the correction of each deficiency. If major deficiencies are noted in any inspection, the board shall either take action to promptly correct such deficiencies or withdraw the educational plant from use until such time as the deficiencies are corrected.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—A safety or sanitation inspection of any educational plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Such inspections shall be conducted by staff members of the agency or by local personnel certified and authorized by the office and for fire safety by the State Fire Marshal agency to perform inspections. Each agency conducting inspections shall use the standards adopted by the State Board of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule. The agency shall submit a copy of the inspection report to the board and the board shall forward copies as required in subsection (1). Upon failure of the board to take corrective action within a reasonable time, the agency if deficiencies are noted in any inspection, the agency shall notify the board and, upon its failure to take corrective action within a reasonable time, may request the commissioner to:

(a) Order that appropriate action be taken to correct all deficiencies in accordance with a schedule determined jointly by the inspecting authority and the board; in the development of such schedule, consideration shall be given to the seriousness of the deficiencies and the ability of the board to obtain the necessary funds; or

(b) After 30 calendar days' notice to the board, order all or a portion of the educational plant withdrawn from use until the deficiencies are corrected.

Section 13. Section 235.065, Florida Statutes, is amended to read:

235.065 Maintenance and operation of educational plants.—The office shall develop a manual State Board of Education shall adopt rules prescribing standards for the proper maintenance and operation of educational plants. The manual and shall adopt procedures for evaluating the extent to which these standards are being met. The prescribed standards shall serve as a guide for the boards for proper maintenance.

Section 14. Section 235.09, Florida Statutes, is amended to read:

235.09 Obscenity on educational buildings or vehicles.—Whoever willfully cuts, paints, pastes, marks, or defaces by writing or in any other manner any educational building, furniture, apparatus, appliance, outbuilding, ground, fence, tree, post, vehicle, or other educational property with an obscene word, image, or device shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This section shall not apply to any student under age 16 ~~in~~, and subject to the discipline of a district school board, the school or community college.

Section 15. Section 235.14, Florida Statutes, is amended to read:

235.14 Emergency drills.—The Department of Education shall formulate and prescribe rules and instructions for emergency drills for all the K-12 schools education facilities of the state and the Florida School for the Deaf and the Blind, and each administrator or teacher in charge of such facility shall be provided with a copy of such rules and instructions; and each such person shall see that emergency drills are held at least once each calendar quarter and that all personnel and students are properly instructed regarding such rules and instructions.

Section 16. Section 235.149, Florida Statutes, is amended to read:

235.149 Survey for instructional space when needed.—Whenever any board, including the Board of Regents, in the state has insufficient instructional space to meet existing needs, such board shall conduct an in-house survey to determine whether space suitable for instructional use is available in any public or private facility which may be leased or otherwise acquired to meet the instructional needs of the board. Each board which conducts a survey shall prepare a report and submit it to the local board of realtors. The local board of realtors shall approve or disapprove the finding of availability within 7 days. If the local board of realtors disapproves the findings, it shall provide a list of available facilities to the board within 30 days. The board shall examine the facilities listed by the local board of realtors, evaluating the adequacy of any such available space with respect to sanitation, safety, and any other factors which have a bearing on its suitability for use as instructional space. After completing examination of the facilities and determining that all available space is inadequate, the board shall report its findings, and shall include in the report the estimated cost of using the available space to meet the instructional needs of the board. The board shall submit a copy of the report to the Department of Education.

Section 17. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey required.—At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant a survey to aid in formulating plans for housing the educational program and student population of the district or campus. Each survey shall be conducted by the Department of Education or an agency approved by the commissioner. Surveys conducted by agencies other than the Department of Education shall be reviewed and approved by the commissioner. The survey report shall include at least an inventory of existing educational plants; recommendations for existing educational plants; recommendations for new educational plants, including the general location of each; and such other information as may be required by the rules of the State Board of Education. An official copy of each survey report shall be filed by the board with the office. This report may be amended, if conditions warrant, at the request of the board or commissioner.

Section 18. Section 235.155, Florida Statutes, is amended to read:

235.155 Exception to recommendations in educational plant survey.—An exception to the recommendations in the educational plant survey may be allowed if a board, including the Board of Regents, deems that it will be advantageous to the welfare of the educational system or that it will make possible a substantial saving of funds. A board requesting such an exception shall present a full statement, in writing, setting forth all the facts in the case to the State Board of Education through the Commissioner of Education, who shall make a recommendation on the request. The state board shall determine whether any exception to the recommendations of the educational plant survey shall be approved.

Section 19. Section 235.16, Florida Statutes, is amended to read:

235.16 Educational plant construction ~~plans program~~ based on survey.—Each board, including the Board of Regents, after a survey has been made as provided in this chapter, shall, within ~~6 months after the completion of the survey~~, adopt and submit to the office a proposed ~~long-range plan program~~ for educational ~~plants facilities~~. This ~~plan program~~ shall, insofar as practicable, be based upon the findings and recommendations of the ~~current~~ survey report and shall be submitted in the form prescribed by the State Board of Education. The ~~plan program~~ may be amended by resolutions adopted by the board, provided copies of the resolutions with supporting evidence are submitted to the office. The office shall study the proposed ~~plan program~~, or amendments thereto, of each board and shall submit it, together with its findings and recommendations, to the ~~commissioner State Board of Education~~ for possible inclusion in the ~~legislative capital outlay budget request as required in s. 235.41 approved~~.

Section 20. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.—Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood and, insofar as possible, provisions be made for same. This capital outlay budget shall be a part of the annual budget and shall be based upon, and be in harmony with, the educational ~~plant plan facilities construction program previously approved by the State Board of Education~~. This budget shall designate the ~~proposed capital outlay expenditures by project needs for the year from all fund sources~~. No funds shall be expended on any such need not included in the budget, as amended. ~~If approved by the Department of Education, the budget, as amended, shall be executed as provided by law supplemented by rules of the State Board of Education.~~

Section 21. Section 235.19, Florida Statutes, 1980 Supplement, is amended to read:

235.19 Site planning and selection.—

(1) Before acquiring property for sites, each board, including the Board of Regents, shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the compatibility of such plans with site planning.

(2) The planning and selection of a new site or improvements to an existing site shall include:

(a) An investigation of the present and projected uses of property adjacent to the proposed site, to assure that such uses are not incompatible with the operation of the proposed educational facility;

(b) An investigation of present and projected vehicular traffic and road capabilities in the vicinity of each proposed site, to assure the adequacy of safety and traffic control devices for the protection of students; and

(c) Such other studies as may be required by the board. In preparing recommendations regarding proposed sites, the board may secure the services of the Department of Education or such other assistance as may be found desirable to aid in making a proper selection.

(3) Each new site selected shall be adequate in size to meet the educational needs of the students to be served. The State Board of Education shall prescribe by rule standard sizes for new sites according to categories of students to be housed and other appropriate factors as may be determined by the state board.

(4) Sites recommended for purchase, or purchased, in accordance with the provisions of chapter 230 or chapter 240 shall meet standards prescribed in this chapter and such supplementary standards as may be prescribed by the state board to promote the educational interests of the students. Each site shall be well drained and reasonably free from mud, and the soil shall be adaptable to landscaping and suitable for outdoor educational purposes. Insofar as practicable, the site shall not be located within any path of flight approach of any airport or adjoin a right-of-way of any railroad or through highway and shall not be adjacent to any factory or other property from which noise, odors, or other disturbances or conditions would be likely to interfere with the educational program.

(5) It shall be the responsibility of the board to secure the cooperation of appropriate municipal, county, regional, and state governmental agencies, in order that all necessary traffic control and safety devices are installed and operating upon, or directly adjacent to, the school site or any proposed site prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to secure all necessary changes indicated by such review.

(6) When a school board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway directly adjacent to a school site and the hazard endangers the life or threatens the health or safety of pupils who walk or are transported regularly between their homes and the school in which they are enrolled, the school board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the school board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard pupils until the hazard can be permanently corrected. However, if the governmental entity having jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of pupils, the entity shall, within 5 days after notification by the school board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. After the 5-day period has elapsed, the governmental entity shall indemnify the school board from any liability with respect to injuries, if any, arising out of the hazardous condition.

Section 22. Section 235.193, Florida Statutes, is amended to read:

235.193 Coordination of planning with local governing bodies.—

(1) It is hereby declared to be the policy of this state to require the coordination of planning between the school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are coordinated in time and place with plans for residential development and concurrent with other necessary services. *Such planning shall include the consideration of allowing students to attend the school located nearest their home when new housing developments are constructed near a county boundary, so that it is more feasible to transport students a short distance to an adjacent county's existing facility rather than to construct a new facility or transport students longer distances in the county of residence.*

(2) A school board, upon the request of a local governing body within its district, shall submit in writing to the local governing body an official statement clearly showing the capa-

bility, or lack thereof, of the existing public school facilities in an area being considered for development, redevelopment, or additional development to absorb additional students without overcrowding such facilities.

(3) If there are no public school facilities in existence in the area of proposed development, the school board is required to provide the local governing body with the projected delivery date of such facilities in that area.

(4) The local governing body is empowered to reject development plans when public school facilities made necessary by the proposed development are not available in the area which is proposed for development or are not planned to be constructed in such area concurrently with the development.

Section 23. Section 235.195, Florida Statutes, is amended to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(1) Two or more boards, including district school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and the Board of Regents, desiring to cooperatively establish a common educational facility to accommodate students shall:

(a) Adopt and submit to the commissioner a joint resolution of the participating boards indicating their commitment to the utilization of the requested facility.

(b) Request the commissioner to have an educational plant survey conducted by the office to determine the need.

(c) Designate the exact location of the educational plant and which board is to assume responsibility for the operation, maintenance, and control of the proposed plant.

(2) The commissioner shall cause the requested educational plant survey to be conducted within 90 days after receiving the joint resolution and substantiating data and shall evaluate the findings of the survey in terms of the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed plant. The office commissioner shall then present its evaluation of the request to the commissioner for his approval State Board of Education and, if his evaluation is in favor of the project, shall request the approval of the state board for the project. Upon approval of the project by the commissioner state board, he the commissioner shall include the each approved project in the legislative capital outlay annual comprehensive budget requests as provided in s. 235.41 for educational plants facilities, including an estimated cost for completing each project not to exceed 50 percent of the cost of the project after the participating boards have made the necessary commitment to finance the remaining one-half. Upon approval by the commissioner, the participating boards shall include the recommended projects in their plan as provided in s. 235.16. Public Education Capital Outlay and Debt Service Trust FUNDS may not be expended on any project unless specifically authorized by the Legislature in the General Appropriations Act; however, the participating boards shall, through cooperative efforts, provide the site for such facility.

(3) The use of modular and relocatable facilities shall be considered, where appropriate, in all facilities established pursuant to this section.

(4) The State Board of Education shall adopt rules necessary to carry out the intent of this section.

Section 24. Section 235.211, Florida Statutes, is amended to read:

235.211 Educational facilities design and construction techniques.—

(1) **RELOCATABLE FACILITIES REQUIRED.**—Upon the request of a board, the commissioner may state board shall provide state-owned relocatable educational facilities for use at centers where there is an immediate need for student stations or where there is reason to believe the student population will not remain stable in the near future years. The commissioner state board shall make an agreement with recommendations to the boards for the use of the relocatables under the circumstances described herein.

(a) The commissioner shall give highest priority to providing relocatables to districts that have space needs caused by unforeseen circumstances that bring about emergency conditions. The office is empowered and directed to provide systems based, modular, relocatable facilities and to purchase, or contract for the purchase of, such modular relocatable facilities.

(b) The ownership of such facilities shall rest with the state board, and they shall be loaned to boards for use as instructional facilities on a student-station-need basis. Requests for use of these facilities shall be based on the relative numbers of students in excess of capacity, and shall be granted on the basis of availability and recommendations of a survey conducted by the office. Any amount of the funds earmarked in the general appropriation act for relocatable facilities and not committed for that purpose by March 1 of the fiscal year shall revert to the Public Education Capital Outlay and Debt Service Trust Fund.

(b) In choosing the facility which best meets the needs of the boards, the following factors shall be considered:

1. Portability;
2. Reconstructibility;
3. Demountability;
4. Durability of components;
5. Life span of the total system;
6. Simplicity, standardization, and ease of replacement of components;
7. Flexibility of interior spatial relationships;
8. Flexibility of external configurations;
9. Adaptability to solar energy systems;
10. Minimum foundation work;
11. Interfaceability with existing, conventional construction; and
12. Maximum recoverability of components when the facility is relocated.

(c) As student populations stabilize, and as the need for these facilities for instructional purposes decreases for whatever reason, the commissioner office is authorized to approve the relocation within the district or to other boards as provided in s. (1)(b). The State Board of Education shall pay all costs for moving the state-owned relocatables from one board jurisdiction to another. Costs of relocating within a board's jurisdiction shall be paid by that board sell, lease, or otherwise dispose of the facilities to the boards, other state agencies, or others, to the best possible advantage of the state. Funds accruing from the sale or lease of these facilities shall become part of the Public Education Capital Outlay and Debt Service Trust Fund.

(d) Should any of these facilities no longer be needed for educational purposes, the State Board of Education is authorized to sell, lease or otherwise dispose of the facilities to the boards, other state agencies, or others, to the best possible advantage of the state. Funds accruing from the sale or lease of these facilities shall become part of the Public Education Capital Outlay and Debt Service Trust Fund.

(e)(d) The office may require that relocatable facilities be provided at educational centers where there is reason to believe that student population is unstable or is projected to decline in future years.

(2) COMMUNITY EDUCATIONAL FACILITIES.—

(a) Each school district, community college, or state university may submit a request to the commissioner for funds from the trust fund to construct community educational facilities. Such request shall contain the following provisions:

1. A detailed statement of the site, site development and facility facilities to be constructed. Such statement shall include an analysis of the relationship of educational and community use of the facility.

2. The estimated number of students and community residents who are to utilize the facility.

3. The estimated cost of the site, site development and facility.

4. A resolution or other appropriate indication of intent to participate in the funding and utilization of the facility from a noneducational governmental agency, including community, public, and educational broadcasting stations. Such indication shall include a commitment by such governmental agency to provide at least one-half of the cost of the site, site development and facility. Public Education Capital Outlay and Debt Service Trust Funds may not be expended on any project unless specifically authorized by the Legislature in the General Appropriations Act.

(b) Facilities constructed on board-owned property shall be an integral part of the educational plant. Boards shall obtain a lease as provided in s. 235.055(1) for site development on buildings constructed on non-board-owned sites.

(c)(b) As provided by s. 235.41, The commissioner, through the office, shall review such request for allocation and, upon determining compliance with the requirement of paragraph (a) and such other provisions as deemed appropriate, shall include provide the State Board of Education with recommendations for the joint funding of capital outlay projects involving both educational and noneducational governmental agencies, in the legislative capital outlay budget request, as provided in s. 235.41 from the trust fund.

(3) PROTOTYPE DESIGN CRITERIA TO BE PROVIDED.—The state board shall provide prototype design criteria for the development of educational facilities for the purpose of providing school boards, boards of trustees, and the Board of Regents with the means of constructing sound educational facilities more rapidly.

(a) The office is empowered and directed to develop prototype educational criteria, performance specifications, and design relationships for the several program-grade groups which shall be provided to each school board or board of trustees or the Board of Regents by the office. These prototype design criteria shall be developed and distributed to the appropriate board within 6 months of the effective date of this act.

(a)(b) The office is empowered and directed to develop prototype design criteria. The Program grade groups are facilities delineated by the programs or grades which they are designed to house. Prototype design criteria shall be developed for the following program-grade groups:

1. Elementary schools and kindergartens;
2. Middle or junior high schools;
3. Senior high schools;
4. Vocational-technical facilities;
5. Community colleges; and
6. Universities.

(b)(c) The design criteria shall include, but not be limited to, the following items for each program-grade group:

1. Minimum and maximum square footage requirements for different functions and areas and the procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state;

2. Minimum construction quality standards for the educational facility;

3. 2. Minimum performance criteria for all systems, including mechanical, electrical, heating, cooling, ventilating, plumbing, and structural systems, which for the Board of Regents shall be prescribed by the Department of General Services;

4. 3. Energy-efficiency and energy-conservation requirements, which for the Board of Regents shall be prescribed by the Department of General Services;

4. Spatial relationships of the different functions of the plant and facility and traffic flow and patterns; and

5. Prototype design and criteria relating specifically to the structural design, strength, and quality of materials proposed to be used. +

a. Instructional areas.

b. Core areas, which include administrative suites, guidance and counseling facilities, record storage areas, first aid facilities, faculty areas, media centers, libraries, and food and student centers.

c. Special instructional areas, such as exceptional education facilities, language and science laboratories, and physical education facilities.

d. Ancillary facilities.

e. Community service areas for initial design and instructional spaces that can be converted to community service areas should the student population decline.

(c)(d) The office shall biennially annually review, revise, update, and improve the state board-approved design criteria, based upon the latest educational, technological, and construction developments so that the prototypes shall be representative of the most advanced procedures available. The office shall biennially annually provide each school board or board of trustees or the Board of Regents with a copy of the updated prototype design criteria for each program-grade group.

(4) LEASING AUTHORIZED.—The commissioner, upon recommendation of the office, may require or approve the utilization of rented or leased facilities. Facilities may also be acquired by lease-purchase agreement, and any capital outlay funds available are hereby authorized to be expended for such purpose purposes.

(5) CONSTRUCTION TECHNIQUES AND FINANCING MECHANISMS.—Pursuant to state board rules, the office shall require boards to employ procedures for the design and construction of new facilities, or major additions to existing facilities, that will include, but not be limited to, the latest developments in construction, in order to insure that educational facilities are constructed rapidly and economically. The following concepts may be included in the requirements of the office:

(a) Systems building process.—An approach to construction that combines the organization and programming, planning, design, financing, manufacturing, construction, and evaluation of buildings under single or highly coordinated management into an efficient total process. A total building system is an interdependent group of building subsystems forming a unified whole. The systems building process requires the standardization and multiple reuse of building subsystems for maximum compatibility and interfaceability of different structures and facilities.

(b) Fast-track construction scheduling.—A method which involves the bidding and awarding of certain building subsystems after approval of preliminary design, and before final document completion. Fast-track construction reduces construction time by permitting early subsystems manufacture and erection, it can improve cost and price control and eliminate extensive design development time by planners and designers.

(c) Construction management.—A process whereby a single or highly coordinated authority is responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely, and economical completion of the construction project.

(d) Turnkey bidding.—A method whereby the contractor agrees to complete construction to the user's specifications and requirements at a previously agreed cost.

(e) Design and build bidding.—A procedure which requires that an architect, contractor, or engineer bid the entire design and construction of a project and which requires that the owner hire a single source for the project completion and be responsible for the development of performance specifications and technical criteria.

(f) The use of modular, prefabricated, and standardized components.

Notwithstanding anything above, A board shall be authorized to utilize its own procedures, designs, construction techniques,

and materials upon a showing to the office that such proposal will result in equivalent educational facilities without an increase in cost or a delay in construction.

Section 25. Section 235.212, Florida Statutes, is amended to read:

235.212 New construction; window placement; solar energy systems.—In the design and construction of new permanent educational facilities, a ~~district school~~ board shall consider the placement of adequate windows sufficient to utilize the natural Florida climate for both light and ventilation in case of power shortages. A ~~district school~~ board shall also install solar energy systems in the public schools whenever feasible.

Section 26. Section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The office is directed to recommend to the ~~commissioner for~~ state board ~~for~~ approval rules prescribing a mandatory, uniform, statewide building code for the construction of public educational facilities. The ~~commissioner office~~ shall recommend and the state board shall adopt, as part of the State Uniform Building Code for public school construction, flood plain management criteria in compliance with the rules and regulations at 24 C.F.R., Parts 1909-1925, established by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. ss. 4001-4128. Wherever the words "Uniform Building Code" appear, they shall mean the "State Uniform Building Code for Public Educational Facilities Construction." It shall not be the intent of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor shall it specify or prohibit materials by brand names. The code shall be flexible enough to cover all phases of construction which will afford reasonable protection for public safety, health, and general welfare. The office may secure the service of other state agencies or such other assistance as it may find desirable in the revision of the code.

(1) UNIFORM BUILDING CODE.—All educational facilities constructed by a *school board or a community college board of trustees* shall incorporate the State Uniform Building Code for Public Educational Facilities Construction and shall be exempt from all state, county, district, municipal, or local building codes, interpretations, building permits and assessments of fees for building permits, ~~and~~ ordinances, ~~and~~ *impact or service availability fees*. Any inspection by local or state government shall be based on the Uniform Building Code as prescribed by ~~rule the office~~. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Uniform Building Code. The Uniform Building Code shall incorporate as part of its minimum standards the applicable provisions of the State Minimum Building Codes.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—~~All A board shall not approve any plans for the construction, erection, renovation, repair, or demolition of any educational facility by a school board or community college board of trustees shall unless these plans conform to the requirements of the Uniform Building Code. It shall also be the responsibility of the office to develop, as a part of the Uniform Building Code, standards relating to:~~

(a) Prefabricated or factory-built facilities which are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.821-320.832.

(b) The sanitation of educational plants and the health of occupants of educational plants.

(c) The safety of occupants of educational plants as provided in s. 235.06.

(d) The physically handicapped.

(e) An energy performance index which shall be a number describing the energy requirements at the building boundary of a facility, per square foot of floor space, under defined internal and external ambient conditions over an annual cycle. As experience develops on the energy performance achieved by the facility, the energy performance index will serve as a measure of building performance with respect to energy consumption and as a guide for the revision of the energy performance index

used in the design of future facilities. The energy performance index will consider the energy efficiency of the facility so as to minimize the consumption of energy used in the operation and maintenance of the facility. The office may adopt standards for the energy performance index or portions thereof already established by the Department of General Services under ss. 255.251-255.256.

(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis shall be the sum of:

a. The reasonably expected fuel costs, over the life of the building, that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the office shall develop standards that shall include, but not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system, lighting system, and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards shall be based on the best currently available methods of analysis, including such methods as those of the National Bureau of Standards, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of General Services and the office. Provisions shall be made for an annual updating of standards as required.

(3) ENFORCEMENT BY BOARD.—It is the responsibility of each *school board or community college board of trustees* to insure that all plans and educational plants meet the standards of the Uniform Building Code and to provide for the enforcement of this code in the areas of their jurisdiction. Each board shall provide for the proper supervision and inspection of the work *by a person certified by the office, and, for fire safety, by the State Fire Marshal*. Each board is authorized to employ a chief building official or inspector and such other inspectors and personnel as may be necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified as provided herein to enforce this code. Inspector shall show evidence of certification by the office as having met the requirements of the office for Uniform Building Code inspectors. Plans or facilities that fail to meet the standards of the Uniform Building Code shall not be approved.

(4) ENFORCEMENT BY OFFICE OF EDUCATIONAL FACILITIES CONSTRUCTION.—As a further means of insuring that all educational facilities hereafter constructed or materially altered or added to conform to the Uniform Building Code standards, each *school board or community college board of trustees* which undertakes the construction, erection, alteration, renovation, repair, purchasing, or *lease-purchase leasing* of any educational plant, the cost of which exceeds \$100,000 ~~\$50,000~~, shall ~~receive~~ ~~see that~~ the approval of the office is ~~obtained as here-in provided~~. *Projects costing \$100,000 or less shall receive approval from a person certified by the office, and, for fire safety, by the State Fire Marshal before beginning construction*. No public educational funds may legally be expended for the construction, erection, alteration, renovation, repair, purchasing, or leasing of any educational *plant facility* unless the provisions of this section are observed and until ~~the board has received~~ a written statement *has been issued* from the office, within the time limits as provided in this section, that approval has been granted.

(5) OFFICE APPROVAL.—

(a) Before the contract has been let for the construction, the school board or community college board of trustees shall require the superintendent or president to submit to the office, in accordance with state board rules, two copies each of:

1. Educational specifications.
2. Phase I documents, to include schematic drawings and proposals.
3. Phase II documents, to include:
 - a. Preliminary drawings and proposals; and
 - b. Preliminary specifications;
 - c. Energy efficiency studies; and
 - d. Life-cycle cost analyses.
4. Phase III documents, to include:
 - a. Completed contractual documents;
 - b. Energy efficiency studies; and
 - c. Life-cycle cost analyses.

The board shall not proceed with the opening of bids for any proposed construction until the written approval of phase III documents has been received from the office the office is received. The office shall, in writing, approve, disapprove, make recommendations, or otherwise act on the educational specifications and phase documents submitted by a board within 30 calendar days of the official receipt of each set of phase documents by the office. If the board does not receive written notice within the time prescribed above, then it shall proceed with the opening of bids as if written approval had been received. The State Board of Education is empowered and directed to adopt rules providing for exceptions to the steps required for approval for state board-approved prototype design criteria, reuse of previously approved district plans, and other plans and proposed minor renovations or construction projects which do not necessarily require detailed documentation and intense review by the office. Approval of phase III documents shall be effective for a 3-year period after the date of such approval.

(b) In reviewing plans for approval, the office shall take into consideration:

1. The desirability and need for the new facility.
2. The educational planning.
3. The functional and architectural planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.
7. Sanitary provisions.
8. Conformity to Uniform Building Code standards.
9. The structural design and strength of materials proposed to be used.
10. The mechanical design of any heating, air conditioning, plumbing, or ventilating system.
11. The electrical design of educational plants.
12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The construction of special facilities for physically handicapped persons.
15. The net to gross square footage ratio.
16. The proposed construction cost per gross square foot.

(6) STATE BOARD OF APPEALS.—The State Board of Education shall be the final board of appeals for all questions, disputes, or interpretations involving the Uniform Building Code, and any school board or community college board of trustees shall prepare in writing its reasons for objecting to

decisions made by Uniform Building Code inspectors or the office.

(7) BIENNIAL ANNUAL REVIEW AND UPDATE; DISSEMINATION.—The office is authorized to biennially annually review, update, and revise the Uniform Building Code. The office shall publish and make available to each school board or community college board of trustees at no cost copies of the code and each amendment and revision thereto. The office shall make additional copies available to all interested persons at a price sufficient to recover costs.

(8) FALLOUT SHELTERS.—

(a) After the effective date of this act, the school board or community college board of trustees may require the architect concerned in the initial design, stages of design, and construction of new educational facilities to apply for technical advice and counsel on fallout shelter slanting and cost-reduction techniques available without cost through the Department of Community Affairs.

(b) When the school board or community college board of trustees concerned determines the application of fallout shelter slanting and cost-reduction techniques to be feasible and economical for the inclusion of a fallout shelter in the proposed educational facility, the design and construction of such educational facility may include fallout protection which meets the minimum standards for such protection as prescribed by the Department of Community Affairs.

(c) School authorities of the state and its political subdivisions are authorized to modify existing educational structures to incorporate fallout shelters, and the Department of Community Affairs shall make available to such authorities the same professional services as set forth in paragraph (a). Such authorities are further authorized to participate in such federal assistance programs as may be available to assist local authorities in providing fallout protection in educational facilities.

(9) LEGAL EFFECT OF CODE.—The State Uniform Building Code for Public Educational Facilities Construction shall have the force and effect of law and shall supersede any other code adopted by a school board or community college board of trustees or any other building code or ordinance for the construction of educational facilities, whether at the local, county, or state level, and whether adopted by rule or legislative enactment. All special acts or general laws of local application are hereby repealed to the extent that they conflict with this section.

(10) LOCAL LEGISLATION PROHIBITED.—After July 1, 1974, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

Section 27. Section 235.30, Florida Statutes, reads:

235.30 Supervision and inspection.—Before the construction or alteration of, or addition to, any building is started, the board shall provide for the proper supervision and necessary inspection of the work.

Section 28. Section 235.31, Florida Statutes, is amended to read:

235.31 Advertising and awarding contracts; day labor projects; prequalification of contractor.—

(1) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, repair, alteration, or otherwise for the improvement of any educational plant facility, and after plans for the work have been approved by the office, the board, after advertising the same in the manner prescribed by law, shall award the contract for such building or improvements to the lowest responsible bidder. However, the school board or community college board of trustees may, within its discretion, reject all bids received, if it deems the same expedient, and may readvertise, calling for new bids. For construction, renovating, and remodeling, or otherwise improving educational facilities at a cost not exceeding \$50,000, the board may arrange for the work to be done on a day-labor basis.

(2)(a) As an option to the provisions prescribed above, a school board or community college board of trustees boards

may elect to come under the rules prescribed by the State Board of Education for the prequalification of bidders of educational facilities construction.

(b) As another option, a school board or community college board of trustees boards may negotiate with contractors in accordance with the provisions of this subsection only for construction associated with the extensive repair, alteration, remodeling, renovation, or improvement of any existing educational plant, but not for the expansion of the facility.

(c) If any board elects either or both of the above options, it shall publish for at least 30 days a notice of the board's intent to elect said option in a local newspaper having general circulation throughout its district, after which a public hearing shall be held.

(d) The board shall adopt rules to implement the state board rules with regard to the prequalification of bidders. The board shall submit a copy of the rules and procedures adopted to the office, and these shall be approved by it.

(e) The board shall not adopt, nor shall the office approve, any procedure or requirement for the prequalification or certification of contractors which may operate to restrict responsible competition or to prevent the submission of a bid by, or prohibit the consideration of a bid submitted by, any responsible contractor, whether resident or nonresident of the district wherein the work is to be performed. Such rules shall operate only to limit competition to parties able to promptly perform the conditions of the contract and to respond in damages in case of default.

(3)(a) The board may negotiate a contract with a contractor for services, as provided in subsection (2), at compensation which the board determines is fair, competitive, and reasonable. In making such determination, the board shall conduct a detailed analysis of the cost of the services required, in addition to considering their scope and complexity. For all lump sum or negotiated contracts estimated to cost over \$50,000, the board shall require the contractor receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums when the board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract.

(b) Should the board be unable to negotiate a satisfactory contract with the contractor first considered to be qualified at a price the board determines to be fair, competitive, and reasonable, negotiations with that contractor shall be formally terminated. The board shall then undertake negotiations with another qualified contractor. Failing accord with the next qualified contractor, the board shall terminate negotiations. The board shall then undertake negotiations with another qualified contractor until their original list is exhausted or a selection is made.

(c) Should the board be unable to negotiate a satisfactory contract with any of the originally selected contractors, it may select additional contractors and continue negotiations in accordance with this subsection until an agreement is reached.

(4) Any person or firm desiring to bid or negotiate for the performance of any contract which the board proposes to let must first be certified by the board as qualified pursuant to law and rules of the State Board of Education. The board shall be required to act upon the application for qualification within 30 days after the same is presented. Upon receipt of such application, the superintendent or president acting on behalf of said board shall cause the same to be examined and the statements therein to be verified and, after obtaining whatever technical assistance is needed, shall determine whether the applicant shall be recommended for certification to the board. If the applicant is found to possess the prescribed qualifications, the superintendent or president shall recommend to the board that a certificate of qualification be issued. The board, acting on the recommendation of the superintendent or president, may issue a certificate of qualification valid for such period of time as it shall prescribe, but not to exceed 1 year;

however, the board may revoke such certificate of qualification for cause.

(5) The board shall require all applicants to furnish the superintendent or president a statement under oath, on such forms as the board may prescribe, setting forth detailed information with respect to the applicant's competence, past performance record, experience, financial resources, and capability, in conformity with state board rules, together with such other information as the board may deem necessary. The state board rules may require that said application be accompanied by a current financial statement prepared by a public accountant certified in the state and in accordance with standard reporting requirements prescribed by the said board. Financial information as may be required by such rules shall remain confidential and shall not be disclosed to anyone except members of the board and its staff who may elect to adopt such rules as hereinafter provided.

(6) The certificate of qualification shall contain a statement fixing the actual amount of work, in terms of estimated cost, which the applicant will be permitted to have on contract with the board and not completed at any one time and may contain a statement limiting such applicant to the submission of bids, or to negotiation, upon a certain class of work. Subject to the foregoing restrictions, the certificate of qualification shall authorize the holder to bid on all work on which bids are taken, or negotiate on all work on which contracts are negotiated, by the board during the period of time therein specified.

(7) Any applicant for a certificate of qualification aggrieved by the action of the board may, within 10 days after receiving notification of such action, request in writing a reconsideration by the board of the application and submit additional evidence of qualification. The board shall thereupon reconsider the application and may adhere to, modify, or reverse its original action. The board shall act upon any request for reconsideration within 30 days after the filing thereof, and shall immediately notify the applicant of the action taken.

(8) No contractor shall be qualified to bid or negotiate when an investigation by an agent or designee of the board discloses that such contractor is delinquent on a previously awarded contract by said board, and, in such case, the certificate of qualification may be suspended or revoked by the board. The board may suspend, for a specified period of time, or revoke for good cause any certificate of qualification. Any person or firm found delinquent on a contract or whose certificate is revoked or suspended shall be given the same benefit of appeal and reconsideration as provided in the case of an applicant refused an original certificate.

(9) All general laws, population acts, special acts, or local acts authorizing the exercise of power in conflict with the provisions of this section are hereby repealed.

Section 29. Section 235.32, Florida Statutes, 1980 Supplement, is amended to read:

235.32 Substance of contract; contractors to give bond; penalties.—Upon accepting a satisfactory bid, the school board or community college board of trustees shall enter into a contract with the party or parties whose bid has been accepted; and such contract shall contain the drawings and specifications of the work to be done or the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract. The contractor shall furnish the board with a performance bond, issued by a surety company licensed to do business in this state, for 100 percent of the contract price for a project for which the contract price exceeds \$25,000. For a project for which the contract price is \$25,000 or less, a performance bond may be required in accordance with s. 255.05(1). The contractor shall also furnish a payment bond in accordance with s. 255.05, as a guaranty against the involvement of the board in actions to obtain payment for materials, supplies, or labor used directly or indirectly by contractors or subcontractors. Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined

by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. Any and all persons, firms, or corporations who shall construct any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the State Board of Education relating to building standards or specifications shall be subject to forfeiture of bond and unpaid compensation in an amount sufficient to reimburse the board for any costs which will need to be incurred in making any changes necessary to assure that all requirements are met and shall also be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

Section 30. Section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—

(1) After the award of a construction contract no changes may be made other than those which result from conditions which were not foreseen at the time of the award of contract. When any one change increases or decreases the scope of the original contract, the proposal to change shall be supported by accurate cost data establishing the fair and current market value of the labor, materials, equipment, and incidentals required to accomplish the change, plus or minus a reasonable margin to represent the contractor's profit and overhead. Cost data shall be in sufficient detail to enable any qualified architect or engineer to confirm the accuracy of such proposal. Before the school board or community college board of trustees shall act on the proposal to change the contract, the accuracy of the supporting cost data shall be certified to the board by the architect or engineer in charge of the work, who shall also certify that the prices quoted are both fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding.

(2) A record copy of all change orders shall be filed with the office by the school board or community college board of trustees as may be prescribed by rules of the State Board of Education.

(3) The school board or community college board of trustees may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the school board or community college board of trustees for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes.

Section 31. Section 235.33, Florida Statutes, is amended to read:

235.33 Payments.—

(1) The final payment shall not be made until the building has been inspected by the architect or other person designated by the school board or community college board of trustees for that purpose and until he has issued a written certificate that the building has been constructed in accordance with the approved plans and specifications and approved change orders and until the school board or community college board of trustees, acting on these recommendations, has accepted the building. After acceptance by the school board or community college board of trustees, a duplicate copy of this written certificate, duly certified as having been accepted by the school board or community college board of trustees, shall be filed with the office Department of Education.

(2) Each school board and each community college board of trustees Boards shall have full authority and responsibility for all decisions regarding educational plant construction contracts and payments.

Section 32. Section 235.34, Florida Statutes, is amended to read:

235.34 Expenditures authorized.—

(1) School Boards, boards of trustees, the Board of Regents, boards of county commissioners, municipal boards, and other agencies and boards of the state shall expend funds, separately or collectively, by contract or agreement, for the placement,

paving, or maintaining of any road, byway, or sidewalk adjacent to or running through the property of any educational plant, or for the maintenance or improvement of the property of any educational plant or of any facility on such property. Expenditures may also be made for sanitary and utility improvements and for the installation, operation, and maintenance of traffic control and safety devices upon, or in the vicinity of, any existing or proposed educational plant. The boards of county commissioners, municipal boards, and other agencies and boards of the state may plant or maintain trees, flowers, shrubbery, and beautifying plants upon the grounds of any educational plant, upon approval of the superintendent or president or designee. Payment by a board for any improvement set forth in this section shall be authorized in any amounts agreed to by the board. Any payments so authorized to be made shall not be mandatory unless the specific improvement and costs have been agreed to prior to the improvements being made.

(2) The provisions of any law, municipal ordinance, or county ordinance to the contrary notwithstanding, the provisions of this section shall regulate the levying of assessments for special benefits on school or community college districts and the directing of the payment thereof. Any municipal ordinance or county ordinance making provision to the contrary is void and shall be of no effect.

Section 33. Section 235.40, Florida Statutes, is amended to read:

235.40 Radio and television facilities.—

(1) The school boards or boards of trustees may acquire, by purchase, permanent easement, or gift, suitable lands and other facilities, either within or without the boundaries of the district, for use in providing educational radio or television transmitting sites and may erect such buildings, antennas, transmission equipment, towers, or other structures as are necessary to accomplish the purposes of this section.

(2) Fixed capital outlay budget requests for public broadcasting stations and instructional television and radio facilities shall be submitted pursuant to s. 235.41 to the Executive Office of the Governor 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 34. Section 235.41, Florida Statutes, is amended to read:

235.41 Legislative capital outlay budget request; educational facilities assessment.—

(1) The State Board of Education, through the office, commissioner shall develop a uniform, comparable system for determining total fixed capital outlay needs, inventorying existing facilities, and conducting utilization studies, and for any other procedure deemed appropriate in arriving at the amounts required to fund net unmet needs as reflected in the integrated comprehensive budget request required by this section.

(2) The commissioner, through the office, shall submit to the Legislature State Board of Education an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for all boards pursuant to the provisions of s. 234.435 and applicable provisions of chapter 216. Each board shall submit to the commissioner a long-range plan and data required in the development of the annual capital outlay budget no later than October 1 of each year. No further disbursements shall be made from the Public Education Capital Outlay and Debt Service Trust Fund to a board that fails to timely submit the required data until such board submits the data the public schools, the community colleges, the institutions in the State University System, the Florida School for the Deaf and the Blind, and the state system of public education. The request shall include information necessary to develop the budget request by the commissioner required in subsection (3).

(3) The commissioner, through the office, shall submit an integrated, comprehensive budget request to the Executive Office of the Governor and to the Legislature no later than November 1 of 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) For the Public Education Capital Outlay and Debt Service Trust Fund, and all sinking and investment accounts which are in receipt of any portion of the revenue sources listed in s. 235.42(2)(a) and for all district funds for capital outlay excluding transportation from all sources, including federal funds and capital outlay and debt service trust funds:

1. A schedule for each fund showing the actual beginning cash balance for each of the 2 prior fiscal years and for the current fiscal year the estimated beginning cash balance, and a listing of all disbursements and receipts.

2. For the budget fiscal year for each fund, the projected beginning cash balance, a monthly projection of all receipts, and a monthly projection of all disbursements.

3. For the budget fiscal year, a monthly gross receipts tax forecast, a monthly bond proceeds estimate, the interest rate assumption used in the bond proceeds estimate, a monthly interest earnings forecast, and the interest rate assumption used in the calculation of interest to be received on the idle balances invested.

(b) For all capital outlay funds listed in paragraph (a) in the current fiscal year:

1. Actual capital outlay fund balances brought forward from the 2 prior fiscal years, listed separately as encumbered and unencumbered.

2. 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.

3. Capital outlay appropriations made from current fiscal year revenues, listed separately to indicate those appropriations that will be encumbered throughout the current fiscal year and those that will remain unencumbered at the end of the current fiscal year.

4. Estimated capital outlay funds to be disbursed in the current fiscal year from:

a. Fund balances brought forward from the preceding fiscal year.

b. Appropriations made from the current fiscal year revenues.

5. Estimated undisbursed capital outlay funds remaining at the end of the current fiscal year from:

a. Fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

b. Appropriations made from the current fiscal year revenues, listed separately as encumbered and unencumbered.

(c) For the capital outlay fund for the budget fiscal year:

1. Estimated capital outlay fund balances to be carried forward from the current fiscal year, listed separately as encumbered and unencumbered.

2. Estimated encumbrances to be made in the budget fiscal year from estimated capital outlay fund balances carried forward from the current fiscal year as unencumbered.

3. Requested capital outlay appropriations to be made from the projected revenues for the budget fiscal year, listed separately to indicate those requested appropriations that will be encumbered throughout the budget fiscal year and those that will remain unencumbered at the end of the budget fiscal year.

4. Estimated capital outlay funds to be disbursed in the budget fiscal year from:

a. Fund balances brought forward from the current fiscal year.

b. Requested appropriations to be made from the projected revenues from the budget fiscal year.

5. Estimated undisbursed capital outlay funds remaining at the end of the budget fiscal year from:

a. Fund balances brought forward from the current fiscal year, listed separately as encumbered and unencumbered.

b. Requested appropriations to be made from the revenues projected for the budget fiscal year, listed separately as encumbered and unencumbered.

(d)(a) Actual capital outlay fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

(e)(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.

(e) 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.

(f)(h) Recommendation for the priority of expenditure of funds in the state system of public education, with reasons for the recommended priorities.

(g)(i) Other recommendations which relate to the effectiveness of the educational facilities construction program.

(4) The commissioner office shall recommend, and the state board shall adopt, rules to implement the provisions of this section.

Section 35. 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.—

(1) It is the intent of the Legislature that effective July 1, 1977, and each fiscal year thereafter, the plan for capital projects for the state system of public education shall be for the ensuing 5 years and shall be referred to as the 5-year capital projects program. To implement this 5-year program, there is created a continuing annual appropriation to the Public Education Capital Outlay and Debt Service Trust Fund of all receipts and revenues from the Gross Receipts Tax as authorized in s. 9(a)(2), Art. XII of the State Constitution, and the proceeds from all bonds issued pursuant to that authority, as authorized by the Legislature.

(2) The Commissioner of Education shall, in administering the 5-year capital projects program, determine the annual and aggregate resources of the Public Capital Outlay and Debt Service Trust Fund and shall recommend to the state board approval of the 5-year capital projects program. The state board shall annually authorize the capital projects plan for each participating board; however, total approved encumbrances and disbursements of the 5-year capital projects program in each fiscal year shall not exceed an amount that would prevent the state board from meeting the encumbrances and disbursement requirements for that year for approved capital projects.

In addition, the commissioner shall have, and shall exercise, the authority to inform each participating board of the time certain when approved capital projects may be, in whole or in part, subjected to contractual obligations, and until such notification is received from the commissioner the participating board shall not incur obligations for capital projects to be funded from the Public Education Capital Outlay and Debt Service Trust Fund. The State Board of Education shall adopt rules to implement the 5-year capital projects program.

(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 to the Executive Office of the Governor pursuant to s. 216.301.

(1)(4) The commissioner, through the office, shall administer the Public Education Capital Outlay and Debt Service Trust Fund. The commissioner shall provide for the timely disbursement distribution of moneys necessary to meet the encumbrance authorizations disbursement requirements of the boards to plan or construct and equip facilities which have been approved by the State Board of Education. The commissioner shall provide for timely encumbrances of funds for duly authorized projects. Records shall be maintained by the office to identify legislative appropriations, State Board of Education allocations, encumbrance authorizations, disbursements, advances, transfers, investments, sinking funds, and revenue receipts by source. The Department of Education shall pay the administrative costs of the Public Education Capital Outlay and Debt Service Trust Fund from the funds which comprise the trust fund. Support for the programs and activities of the office shall be included in the legislative budget request of the commissioner.

(2)(5)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues in excess of the debt service and reserve requirements which accrues from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, interest on investments, and federal interest subsidies.

2. All student building fees and capital improvement fees collected, or to be collected, by the Board of Regents, except that portion that may be required for transfer from the Public Education Capital Outlay and Debt Service Trust Fund to pay scheduled debt service and reserve requirements. Funds from such fees not required to pay prior lien amounts at each university for debt service administration pursuant to previous bond resolutions shall be deposited within 30 days after collection.

3. That portion of federal revenue sharing funds appropriated for educational facilities construction.

4. Any other funds for educational facilities construction, including all federal grants and donations.

5. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

(b) There is hereby appropriated from the trust fund all certifications forward to this fund and all previous allocations by the Board of Regents from student building and capital improvement fees. All future allocations or increases for projects funded from student building and capital improvement fees shall be by legislative appropriation from the Public Education Capital Outlay and Debt Service Trust Fund.

However, any funds required by law to be segregated or maintained in separate accounts shall be segregated or maintained in such manner that the relationship between program and revenue source is retained. Nothing in this subsection shall be construed so as to limit the use by the Public Education Capital Outlay and Debt Service Trust Fund of the resources of funds so segregated or maintained.

(3)(6) Upon the request of each board, the office shall distribute to the board an amount sufficient to cover capital outlay disbursements anticipated from encumbrance authorizations for the following month. For projects over \$100,000, contracts shall be approved and signed before any disbursements are authorized. Encumbrance of these capital outlay funds shall be made pursuant to the most recent survey conducted under rules prescribed by the State Board of Education, to determine the capital outlay requirements of each board.

(7) The office may authorize each board to enter into contracts for a period exceeding 1 year, within amounts appropriated and budgeted for fixed capital outlay needs; but any contract so made shall be executory only for the value of the services to be rendered, or agreed to be paid for, in succeeding fiscal years. This subsection shall be incorporated verbatim in all executory contracts of a board.

(8) No board shall, during any fiscal year, expend any money, incur any liability, or enter into any contract which, by its terms, involves expenditure of money in excess of the amounts appropriated and budgeted or in excess of the cash that will be available to meet the disbursement requirements. Prior to entering into an executory, or any other, contract, the boards shall obtain certification from the office that moneys will be available to meet the disbursement requirements. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no payment shall be made thereon.

(9) The State Board of Administration is authorized to invest the trust funds of any state-supported retirement system, and any other state funds available for loans to the trust fund at a rate of interest that is no less favorable than would have been received had such moneys been invested in accordance with authorized practices.

(4)(10) Boards authorized to participate in the trust fund are district school boards, the community college boards of trustees, the Trustees of the Florida School for the Deaf and the Blind, the Board of Regents, and other units of the state system of public education, and other agencies authorized by the Legislature.

(11) Authorized boards needing more capital outlay funds than are currently available may make application to the office for approval to participate in advance finding from the trust fund. The board's application shall include the following information:

(a) Proof that the educational plant or fixed capital outlay need has been authorized by law.

(b) Certification that:

1. The educational plant or fixed capital outlay need is intended to be financed from the sale of bonds pursuant to subsection 9(a)(2) or 9(d), Art. XII of the State Constitution, or from currently authorized appropriations; and

2. Sufficient allocations have been made but that insufficient funds are currently available to award a contract.

(c) A schedule of the cash disbursements necessary and a schedule of the repayment of advances and any interest, where applicable, to the trust fund.

(12) When borrowed funds as authorized in subsection (9) above are commingled with working capital trust funds and advanced to a board, that board shall be charged a rate of interest on the total amount advanced sufficient to discharge a proportionate amount of the debt service of the borrowed funds.

(13) The office, after determining that the request for advanced funding is eligible, shall recommend the board's request to the State Board of Education for approval. When approved by the State Board of Education, the office shall certify this action to the requesting board. Upon receipt of this certification and an encumbrance authorization from the office, the board is authorized to enter into contracts. The board shall certify to the office that insufficient funds are available to the board to pay progress payments to contractors when such payments are due within the next 30 days and request a disbursement from the trust fund. The office, after determining that the request is reasonable, shall request the State Comptroller to issue a warrant payable to the requesting board, and such warrant shall be promptly transmitted. The office is empowered

to provide for the release of funds to authorized boards so as to assure that the funds are expended in the most effective and efficient manner practicable. The intent of the Legislature is to assure that facilities to provide needed adequate student stations for all students be constructed as rapidly as possible. Except as provided in s. 235.221, agencies that have received cash disbursements from the trust fund shall repay the total amount of such advancements plus accrued interest, if any, from the proceeds of the next authorized sale of bonds or revenue certificates in which that agency participates or from any cash receipts deposited in the trust fund that have been allocated to that agency.

(14) A board may also make application for funding from the trust fund for projects financed pursuant to the provisions of ss. 235.195, 235.211(2), and 235.221.

(5)(15) The commissioner office shall recommend, and the state board shall adopt, rules to implement the provisions of this section.

Section 36. Section 235.4235, Florida Statutes, is amended to read:

235.4235 Financing of approved capital projects.—

(1) As moneys become available, pursuant to s. 9(a)(2), Art. XII of the State Constitution, as amended, the State Board of Education, through the office, may allocate moneys among capital projects in such amounts as the state board in its discretion shall deem appropriate. However, no allocation to any one group of capital projects shall exceed the total amount appropriated in the general appropriations act.

(1)(2) The Legislature shall appropriate funds for capital projects that are to be financed in accordance with s. 9(a)(2), Art. XII of the State Constitution, or from other funds deposited in the Public Education Capital Outlay and Debt Service Trust Fund, as amended, or from other legally available state funds or grants, donations, or matching funds, or by a combination of such funds.

(2)(2) The sum designated annually by the Legislature is the maximum sum to be expended from funds accruing under s. 9(a)(2), Art. XII of the State Constitution, and from funds accruing under s. 235.42(2) as amended. However, funds appropriated from this source and remaining unexpended from previously authorized capital projects, along with grants, donations, and matching funds from other sources, may be added to such maximum sums for any item or category, when so approved by the State Board of Education.

(3) No allocations, reallocations or transfers of appropriations shall be made without prior approval by the Administration Commission under the provisions of chapter 216.

Section 37. Section 235.435, Florida Statutes, 1980 Supplement, is amended to read:

235.435 Funds for comprehensive educational plant capital outlay needs construction and debt service.—The annual allocation from the Public Education Capital Outlay and Debt Service Trust Fund to each board, including the Board of Regents, for comprehensive construction and debt service shall be determined as follows:

(1) Pursuant to rules of the state board, the commissioner shall determine annually the projected educational capital outlay plant and annual debt service needs for each board. In determining the needs for each board of the state system of public education, the office shall recommend, and the commissioner shall use, equitably uniform standards for all types of like space, regardless of the level of education. These standards shall also establish a minimum uniform utilization rate of 85 percent of all postsecondary classrooms, based on 50 45 hours per week Monday through Saturday Friday. The commissioner shall include at least the following elements:

(a) The capital outlay full-time equivalent membership for the previous year.

(b) The education facilities inventory for determining student capacity needs.

(c) The housing index for public schools and colleges with multiple campuses.

(d) Square footage requirements for program groups at all levels.

(e) Special instructional facilities needed to improve the program at an educational center without necessarily increasing the student capacity of the center, and ancillary facilities based on the recommendations of an educational plant survey.

(f) Cost of new site acquisition for each board.

(g) Construction cost data as determined by the state board. Information for determining construction cost data shall be taken from an item analysis of educational plant expenditures as reported in the annual financial report of the board to the commissioner.

(h) The payment of the ad valorem bonded indebtedness of the district and the amount of funds derived from local capital improvement funds which were expended for projects which would have been funded under the provision of subsection 235.435(3) for the previous year.

(i) Amount of additional resources available under the provisions of s. 9(a)(2) and (d), Art. XII of the State Constitution earmarked for capital outlay purposes.

(a) Projected student membership for the next 5-year period.

(b) Projected number of unhousted students.

(c) Costs of correcting the deficiencies which produce unsafe, unhealthy, or unsanitary environments; air conditioning; remodeling; and renovations.

(d) Current construction cost data as determined by the state board. Information for determining construction cost data shall be prescribed by the office and shall be taken from an item analysis of educational plant expenditures as reported in the board's annual financial report to the commissioner.

(e) Five-year projected cost of amortizing the annual payment of the ad valorem bonded indebtedness of the district.

(f) Cost of site acquisition and improvement.

(g) Amount of additional resources available pursuant to the provisions of s. 9(a)(2) and (d), Art. XII of the State Constitution as amended in 1974.

(h) Amount of funds from other sources available and earmarked for capital outlay purposes. However, funds available and earmarked for capital outlay purposes from the current tax levied on nonexempt property by the district school board for operating expenses shall not be considered in determining the unmet need until the school board encumbers or expends such funds.

(i) District housing index.

(j) Square footage requirements for program groups.

(k) Special instructional facilities needed to improve the program at an educational center, but not necessarily to increase the student stations of the center.

(l) Amount of funds derived from voted ad valorem taxes in excess of 10 mills which were expended for construction projects which would have been funded by the state under provisions of this section during the 5 years immediately prior to the beginning of each fiscal year, except that these funds utilized for payment on bonded indebtedness shall not be included in the calculations required by this subsection.

(j)(m) Relocatables shall be included in the inventory of educational facilities for boards, including the Board of Regents, but shall be rated at one-half of actual student capacity for purposes of the inventory and future needs determination as provided under this section and s. 235.15. Relocatables acquired or constructed and in use prior to 1975 shall be rated at zero student capacity. Application of this paragraph in the determination of available student capacity shall occur at the next regularly scheduled educational plant survey as required under s. 235.15, but no later than October 1, 1984.

(2) The commissioner shall determine annually the amount allocated to each board from the funds appropriated for the purpose of implementing this section as follows:

(a) Determine the costs of the educational capital outlay needs pursuant to subsection (1).

(b) Determine the additional resources available pursuant to paragraph (i) of subsection (1) and the amount available to each board from other sources allocated for capital outlay purposes. However, funds available and earmarked for capital outlay purposes from local capital improvement funds shall not be considered in determining the unmet need until the board encumbers or expends such funds.

(c) From the costs of the educational capital outlay needs, subtract the resources available. To the remainder, add the amount as determined in paragraph (h) of subsection (1), the amount of prior year advance funding, if not repaid, and the prior year amount expended for lease-purchase of capital outlay needs. The results shall represent the estimated cost of unfunded capital outlay and debt service needs for each board.

(a) Determine the costs of the projected educational plant needs, the 5-year projected debt service needs, and the expenditures of ad valorem taxes in excess of 10 mills, for each district, as determined in subsection (1).

(b) Determine the projected additional resources available under the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972 and the projected amount available to each board from other fund sources allocated for educational plants.

(c) From the costs of the projected educational plant and 5-year projected debt service needs for each board subtract the projected additional resources available and add the expenditure of ad valorem taxes in excess of 10 mills, as determined in paragraph (a). The result shall represent the estimated cost of unfunded educational plant and debt service needs for each board.

(d) The funds appropriated annually for the purpose of implementing this section shall be allocated to the respective boards in proportion to their percentage of the state total of unfunded educational capital outlay plant and debt service needs as determined above for the fiscal year immediately preceding the fiscal year for which the funds are appropriated.

(3) Funds accruing to a board from the provisions of this section shall be expended on needed projects as shown by a survey or surveys under rules of the state board. Funds allocated to each board in fiscal years prior to 1977-1978 may be spent on projects as defined in this subsection. The priority of expenditure by boards shall be as follows:

(a) Classrooms and, special instructional facilities, and remodeling necessary to provide needed student stations at a new or existing center, as determined by the board, based on student population projections and the educational plant survey; sites or additions to sites and site improvement, incident to new construction or to make a site addition usable; restoration and correction as required by s. 235.06 of deficiencies which produce an unsafe, unhealthy, or unsanitary environment for occupants of educational facilities, except that, based upon the need as determined by the commissioner in the formula calculations, up to one-tenth of a board's annual allocation shall be expended on restoration and correction of such deficiencies. Pursuant to rules of the state board, the office shall determine what percentage of a board's total capital outlay need is generated by needed remodeling of existing facilities. The office is directed to develop a facility depreciation formula for adoption by the state board. In addition, a board may repay the principal on loans for capital outlay projects as provided in s. 237.161.

(b) Special instructional and auxiliary facilities needed to improve the program at an educational plant, but not necessary to increase the student stations; remodeling of existing buildings which would substantially improve the utility of the space; replacing, remodeling, or adding to the existing heating, cooling, lighting, and sanitary facilities at an educational plant. Any facilities described above shall qualify as first priority when constructed as a part of a new educational center or as an addition to an existing educational center, if more than one-half of the facility to be constructed is designated as first priority. When an existing educational plant is determined to be unsuitable pursuant to the survey conducted under s. 235.15, the board may, by resolution, designate the plant as an historic education facility and may use funds generated for renovation and repair pursuant to paragraph (a) to restore

the facility for use by the board. The board shall agree to pay all renovation costs in excess of funds generated through the State Board of Education depreciation formula applied to that facility. The board shall further agree that the plant shall continue to house students.

(c) Ancillary plants based on recommendations of an educational plant survey. Energy projects, including studies of the energy efficiency of existing facilities and renovations designed to increase the energy efficiency of existing facilities.

(d) Other capital outlay and educational plant improvement purposes authorized by statute or by rules of the state board. Library books and equipment.

(e) All other formula-generated projects.

(f) All nonformula-generated projects; however, any funds earmarked for a board for nonformula-generated items shall be deducted from that board's entitlement for formula-generated items calculated pursuant to this section.

(e)(g) Debt service for district bonds serviced by voted ad valorem taxes.

(f) Exceptions to the priorities listed in this subsection may be allowed if a board shows that it will be advantageous to the welfare of the district, college, or university, or that it will make possible substantial savings of funds, to vary from the schedule of priorities prescribed herein. A board requesting such an exception shall present a full statement, in writing, setting forth all the facts in the case, to the state board through the commissioner, who shall make a recommendation on the request, and the state board shall determine whether any exception from the priorities is to be approved.

(4) Each board that is allocated funds under this section shall submit to the commissioner a projection of its schedule of eligible capital outlay disbursements for specified periods, as prescribed by s. 235.42 and rules of the state board. Upon approval by the commissioner, the Comptroller shall disburse the funds. Prior to the distribution of the initial funds pursuant to this section, the commissioner shall determine the board's needs pursuant to paragraphs (2)(a), (b), and (c) and update the state facilities inventory subsequent to the effective date of this act.

(5) Funds accruing to a board from the provisions of this section shall only be expended on construction projects that utilize state board approved design criteria as provided by law or that utilize plans previously approved by the department and used by the district which conform to the standards of the Uniform Building Code for Public Educational Facilities Construction and have not been substantially or materially altered since approval was granted by the department.

(5)(6) In the event that a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a board, the allocation to that board shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the boards' future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

(6) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the Special Facility Construction Account. The Special Facility Construction Account shall be used to provide necessary construction funds to school districts that have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of revenue that require a majority vote of the school board to use. School districts requesting funding from the Special Facility Construction Account shall submit one specific construction project on one site to the Special Facility Construction Committee. The request shall meet the following criteria in order to be considered by the committee:

(a) The project is recommended in the district's most recent survey or surveys under the rules of the State Board of Education.

(b) The district does not have sufficient funds available in total from all capital outlay sources including the potential revenue of the optional two mill levy that, within the next 3 fiscal years, would allow the district to provide the total estimated cost of the project.

(c) A certification from the Office of Educational Facilities of the inability of the district to pay for the project within 3 years from the total amount available from all capital outlay sources including the potential revenue of the optional two mill levy, and that the project is survey recommended.

(d) A certification from the Office of Educational Facilities that plans for the project are complete and approved.

(e) An agreement signed by the district board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the office. An additional 30 days may be granted by the commissioner.

(f) If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility Construction Account to be reallocated to other projects on the list.

(g) Boards experiencing catastrophic loss of an educational facility from such sources as fire, flooding, hurricane, or tornado may apply to the Special Facility Construction Committee for consideration of funding from this account. Such projects recommended by the committee shall be funded for the difference between the insurance benefits received and other local capital outlay funds not currently encumbered and available, and the total estimated cost of construction.

(7) The Special Facility Construction Committee shall be composed of the following: the Associate Commissioner for Educational Facilities Construction, the Associate Deputy Commissioner for Educational Management, and a representative from the Governor's Office.

(8) The committee shall review the requests submitted from the districts, evaluate the project's ability to relieve a critical need, and rank the requests in priority order. This statewide priority list for special facilities construction shall be submitted to the Legislature at least 30 days prior to the legislative session.

(9) Projects recommended by the committee and funded from the Special Facility Construction Account shall be funded for the difference between state and local capital outlay funds not currently encumbered and available, and the total estimated cost of construction.

(10)(a) Funds for remodeling, renovation, repairs, and site improvement of existing satisfactory facilities shall be allocated to the boards pursuant to a formula established by state board rules. This formula shall include the following basic calculation: the building value times the building age over the sum of the years' digits assuming a 50-year building life. For relocatables, a 20 year life shall be used. Building value is calculated by multiplying each building's assignable square feet times the appropriate net-to-gross conversion rates found in state board rules and that times the current average new construction cost. Building age is calculated by multiplying the prior year building age times 1 minus the prior year sum received from this paragraph divided by the prior year building value. To the net result shall be added the sum of 1.

(b) Funds accruing to a board shall be expended under the following:

1. The board shall not use the funds received pursuant to this section to supplant funds in the approved operating budget, and all budgeted funds shall be expended at a rate not less than would have been expended had the funds under this act not been received.

2. The board shall maintain its effort for expenditures for remodeling, renovation, and repair for each year at not less than the level included in the approved operating budget for 1980-1981 minus funds provided pursuant to chapter 79-583, Laws of Florida.

3. Each remodeling, renovation, and repair project will expand or upgrade current educational facilities to prolong the useful life of the facility.

4. The board shall not reduce employment for the remodeling, renovation, and repair projects that are already budgeted in its approved operating budget.

5. The board shall maintain fund accounting in a manner which will permit a detailed audit of the funds expended in this program.

Section 38. Section 240.277, Florida Statutes, is amended to read:

240.277 Additional appropriation.—All moneys received by the institutions under the management of the State Board of Regents, other than from state and federal sources or from student building and capital improvement fees, 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; however, said funds shall not be expended except in pursuance of detailed budgets filed with and approved by the Executive Office of the Governor and shall not be expended for the construction or reconstruction of buildings except as provided under s. 240.141.

Section 39. Section 240.295, Florida Statutes, is amended to read:

240.295 State University System buildings; approval of construction.—

(1) No construction of new or remodeling of existing building facilities, except as hereinafter provided, shall occur without being recommended in an educational plant survey as prescribed in chapter 235 be constructed or added to by the State University System without prior approval of the Legislature.

(2) This section shall not be construed to prohibit:

(a) Construction of any new buildings from nonstate sources such as federal grant funds, private gifts, grants, or lease arrangements if such grants or gifts are given for the specific purpose of construction; however, no facilities shall be constructed under this paragraph that require general revenue funds for operation or maintenance upon project completion or in subsequent years of operation unless approved by the Legislature;

(b) The replacement of any buildings destroyed by fire or other calamity; south

(c) Construction of dormitories or other auxiliary accommodations financed as provided in s. 243.131; or

(d) Construction of new buildings to meet needs as determined by the university; however, the amount of state funds included in the total cost of the completed building shall not exceed \$50,000.

Section 40. Section 240.327, Florida Statutes, is amended to read:

240.327 Planning and construction of community college facilities.—The need for community college facilities shall be established by a survey conducted pursuant to chapter 235 made under the supervision of the department or an agency approved by the commissioner; the facilities recommended by such survey must be approved by the state board; and the projects must be constructed according to the provisions of chapter 235 and state board rules.

Section 41. Section 240.217, Florida Statutes, is amended to read:

240.217 Board empowered to exercise right of eminent domain.—Whenever it becomes necessary for the welfare and convenience of any of its institutions or divisions to acquire private property for the use of said institutions, and the same cannot be acquired by agreement satisfactory to the Board of Regents and the parties interested in, or the owners of, said private property, the Board of Regents may exercise the right of eminent domain after receiving approval therefor from the State Board of Education and may then proceed to condemn the property in a manner provided by chapter 73.

Section 42. Paragraph (f) of subsection (3) of section 240.319, Florida Statutes, is amended to read:

240.319 Community college board of trustees; duties and powers.—

(3) Such rules and procedures for the boards of trustees include, but are not limited to, the following:

(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 *after receiving approval therefor from the State Board of Education and may then proceed to condemn the property in the manner provided by chapters 73 and 74.*

Section 43. Section 215.61, Florida Statutes, is amended to read:

215.61 State system of public education capital outlay bonds.—

(1) The issuance of school bonds, payable primarily from revenues as provided in s. 18, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of s. 9(d), Art. XII of the State Constitution and the provisions of ss. 215.57-215.83, "The State Bond Act."

(2) The issuance of bonds to finance or refinance capital outlay projects authorized by the Legislature for the state system of public education, primarily payable from revenues as provided in s. 19, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of s. 9(a)(2), Art. XII of the State Constitution and the provisions of ss. 215.57-215.83, "The State Bond Act."

(3) No bonds authorized by s. 9(a)(2), Art. XII of the State Constitution shall be issued in an amount exceeding 90 percent of the amount which the State Board of Education determines can be serviced by the revenues derived from the gross receipts tax levied and collected pursuant to chapter 203. In determining the amount which can be serviced by the gross receipts tax, the State Board of Education shall utilize the average annual amount of revenue collected for the 24 months immediately preceding the most recent January 1, April 1, October 1, or July 1 prior to the date of issuance of any such bonds. *In computing the 24-month period, if a report from a semi-annual collection prevents an even quarterly calculation, the amount of the semiannual collection shall be divided in one-half to determine the funds to be included in the computation of receipts for the 24-month period.* However, 100 percent of the amount required to provide for the debt service for the current fiscal year of the bonds issued prior to July 1, 1975, under the provisions of s. 9(a)(2), Art. XII of the State Constitution shall be deducted in making the determination.

(4) With respect to the bonds authorized by s. 9, Art. XII of the State Constitution, the Division of Bond Finance shall act as the agent of the State Board of Education pursuant to ss. 215.57-215.83, "The State Bond Act."

(5) The State Board of Education shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted.

Section 44. Section 243.131, Florida Statutes, is amended to read:

243.131 Federal aid; financing dormitories and auxiliary accommodations, institutions of higher learning.—

(1) The Board of Regents is authorized to negotiate with the federal government and, after advertising for bids, with any governmental or private agency, for funds to construct dormitories and other auxiliary accommodations, including student unions, food and health service facilities, bookstores, and recreational facilities necessary and desirable to serve the needs of the students and faculty at the institutions in the State University System, such loans to be secured through the issuance of revenue certificates by the said Board of Regents. Income derived from the rental of said dormitories and other auxiliary accommodations shall be used to retire said revenue certificates so issued and for such other purposes as may be provided in the loan agreement.

(2) In order to furnish said facilities, authority is hereby given for the use of surplus auxiliary money for the purpose of equipping and furnishing said dormitories and other auxiliary accommodations.

(3) Authority is further granted to the Board of Regents for the pledging of any trust funds *which do not require legislative appropriation or approval*, available and not otherwise obligated, for the purpose of securing said loans. Trust funds described herein shall be restricted to auxiliary trust funds and ~~such student building fees~~ as established by the Board of Regents and approved by the Legislature pursuant to s. 240.062.

(4) The Board of Regents is authorized to use the funds for the construction of dormitories and other auxiliary accommodations under the terms of the agreements with the agency involved.

Section 45. Section 215.79, Florida Statutes, is amended to read:

215.79 Refunding bonds.—

(1) The board is authorized to provide by resolution for the issuance by the division of refunding bonds of the state, or on behalf of any state agency, for the purpose of refunding any bonds then outstanding. The board is further authorized to provide by resolution for the issuance of bonds for the combined purposes of paying the cost of the construction or acquisition of capital projects and refunding any bonds then outstanding. Any outstanding bonds may be so refunded *at any time prior to the date or dates on which when they shall mature* or be subject to redemption prior to maturity ~~within 10 years from the date of issuance of such refunding bonds~~ or can be acquired for voluntary exchange. The proceeds of any refunding bonds may, ~~if the bonds to be refunded have not matured and are not then subject to prior redemption~~, be invested in direct obligations of the United States maturing not later than the date upon which such outstanding bonds will mature or ~~to any the first date upon which such outstanding bonds will be redeemed subject to redemption prior to maturity, but not in any event later than 10 years from the date of the issuance of such refunding bonds.~~

(2) The amount of refunding bonds to be issued for the purposes of refunding outstanding bonds, or for refunding outstanding bonds and the construction or acquisition of capital projects, may be increased in the amount necessary for the payment of all costs and expenses of the issuance of such bonds and also for the purpose of depositing in escrow until the date upon which any outstanding bonds will mature or be redeemed or acquired or will be subject to redemption prior to maturity, in any event not later than 10 years from the date of issuance of said bonds, all interest and redemption premiums which will accrue to and including the date on which of the redemption of said outstanding bonds shall mature or be redeemed or acquired. In determining the amount of such refunding bonds to be issued, the amounts of any discounts or interest on such direct obligations of the United States to be deposited in escrow, which will accrue to and be deposited in the escrow account prior to the ~~date or dates on which maturity date or the earliest ensuing redemption date of the outstanding bonds being so refunded shall mature or be redeemed, or acquired~~, may be taken into account. Deposit in escrow of direct obligations of the United States in an amount which, at maturity, together with interest to accrue thereon prior to the ~~date or dates on which maturity date or the earliest ensuing redemption date of the outstanding bonds being refunded, shall mature or be redeemed or acquired~~ will equal the total amounts of principal, interest, and any redemption premiums required to redeem, or retire or purchase such outstanding bonds on such date or dates shall be sufficient to terminate the lien of such outstanding bonds on all funds except such escrow fund.

Section 46. Section 236.25, Florida Statutes, 1980 Supplement, 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) shall levy no more than 8 mills of tax on the non-exempt assessed valuation for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution. However, in no event shall the nonvoted discretionary millage of a district exceed 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy up to 2 mills

of tax on the nonexempt assessed valuation for the following school purposes:

(a) New construction of classrooms and special instructional facilities and remodeling projects, as set forth in s. 235.435(3), without regard to the prioritization in that section, sites and site improvements or expansion to new sites, existing sites, auxiliary facilities, or ancillary facilities.

(b) Remodeling and Maintenance, renovation, and repair of existing school plans. However, these funds shall not supplant current expenditures from operating revenues for maintenance, renovation, and repair, based on the average of the prior 3 fiscal years; and such These funds shall be subject to the provisions of s. 4 of chapter 79-583, Laws of Florida provided, that these funds shall be subject to the provisions of s. 237.055.

(c) Fire, health and safety deficiencies as reported on the annual inspection report.

(d) Roof replacement and replacement of HVAC Systems.

(e) Removal and replacement of asbestos material.

(f) Correction of deficiencies affecting the accessibility to the handicapped.

(g) School bus replacement.

(8) Beginning in fiscal year 1981-1982, the maximum allowable millage levied under subsection (2) in any fiscal year shall be the millage required to produce revenue equivalent to 2 mills on the dollar based on the 1980 school taxable value as certified by the property appraiser pursuant to s. 193.122(2) or, in the event of a disapproved assessment roll for 1980 where court action is still pending as of July 1, 1981, the 1980 certified estimate by the Department of Revenue pursuant to s. 236.081(4)(a)1., plus a dollar amount equal to said equivalent millage applied to the cumulative taxable value of net new construction as certified pursuant to s. 195.073(5) on each year's assessment roll subsequent to fiscal year 1980-1981.

(4) All taxes levied under subsection (2) shall be levied with reference to the purposes and projects for which they will be expended and shall be expended only upon the projects so referenced.

(5) At the close of each fiscal year all funds from prior year taxes levied under subsection (2), which are not earmarked as of April 1, shall be deducted from the maximum allowable levy for the following year.

(6)(4) Any school district levying the additional millage provided by this section shall not receive funds as provided in s. 196.033 for the additional capital outlay millage.

(7)(3) These taxes shall be certified, assessed, and collected as prescribed in s. 237.091 and shall be expended as provided by the law.

(8)(4) All levies and collections of ad valorem taxes made for the support of public schools prior to the effective date of this section are hereby approved, ratified, and confirmed.

(9)(5) Nothing in chapter 75-284, Laws of Florida, shall in any way be construed to increase the maximum school millage levies as provided for in subsection (1).

(10) This section shall take effect upon becoming law and shall apply to 1981 assessments and taxes levied thereon, and each year thereafter.

Section 47. Notwithstanding the intent expressed in chapter 80-414, Laws of Florida, sections 235.001, 235.002, 235.01, 235.011, 235.014, 235.018, 235.02, 235.04, 235.05, 235.055, 235.06, 235.065, 235.09, 235.14, 235.149, 235.15, 235.155, 235.16, 235.18, 235.19, 235.193, 235.195, 235.211, 235.212, 235.26, 235.30, 235.31, 235.32, 235.321, 235.33, 235.34, 235.40, 235.41, 235.42, 235.4235, and 235.435, Florida Statutes, shall not stand repealed on July 1, 1981, but said sections, as amended, are revived and readopted.

Section 48. Sections 235.012, 235.013, 235.015, 235.016, 235.-43, and 240.297, Florida Statutes, are hereby repealed.

Section 49. Section 10 of chapter 80-414, Laws of Florida, is hereby repealed.

Section 50. This act shall take effect June 30, 1981, and, if it becomes a law after that date, it shall operate retroactively to June 30, 1981.

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

Amendment 1A—On page 84, line 15, strike "assessibility" and insert: accessibility

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

Amendment 1B—On page 80 after line 14, insert: Section 44. Subsection (1) of section 215.65, Florida Statutes, is amended to read:

215.65 Bond Fee Trust Fund, expenditures; schedule of fees.—

(1) There is created a Bond Fee Trust Fund, which shall be maintained as a separate fund. The working capital reserve of this fund for any fiscal year shall never exceed the expenditures of the previous fiscal year. The working capital reserve shall be defined as the amount of cash, investments at cost, and accounts receivable due within 1 year, less the amount of accounts payable due within 1 year, at the end of the current fiscal year. Any moneys in excess of the working capital reserve at the end of the fiscal year shall be transferred by the division within 120 days to the sinking fund accounts established for the bonds issued by the division during such prior fiscal year and shall be distributed to such accounts on a pro rata basis according to the fees charged for the issuance of such bonds. The unencumbered surplus of this fund shall never exceed the sum of \$225,000 at the end of any fiscal year.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

Senator Peterson moved the following amendment:

Amendment 2—On page 1, strike the title and insert: A bill to be entitled An act relating to educational facilities; amending ss. 235.001, 235.002, 235.01, 235.011, 235.014, 235.018, 235.02, 235.04, 235.05, 235.055, 235.06, 235.065, 235.09, 235.14, 235.149, 235.15, 235.155, 235.16, 235.18, 235.193, 235.195, 235.211, 235.212, 235.26, 235.31, 235.321, 235.33, 235.34, 235.40, 235.41, 235.42, 235.4235, 215.61, 215.79, 240.217, 240.277, 240.295, 240.319(3)(f), 240.327, 243.131, Florida Statutes, and ss. 235.19, 235.32, 235.435, 236.25, Florida Statutes, 1980 Supplement; creating s. 235.056, Florida Statutes; providing a short title, providing intent, purpose, and definitions; providing for adoption of rules; providing functions of the Office of Educational Facilities of the Department of Education; providing for delegation by such office of its powers; providing standards and procedures for inspection of facilities; requiring adoption of guidelines for maintenance; specifying applicability of prohibition against defacing educational facilities; requiring survey for instructional facilities; requiring educational plant; requiring long range plans; providing budgeting procedures; authorizing two or more boards to establish common facilities; providing design and construction standards; providing contracting standards; providing priorities for allocation of funds; requiring the Commissioner of Education to calculate the capital outlay needs for each board; creating a special facility Construction Account; providing for remodeling or repair expenditures for existing facilities; prohibiting certain construction or remodeling by a state university without a recommendation therefor in the educational plant survey; limiting the exercise of eminent domain by community college boards of trustees and the Board of Regents; providing for lease of educational facilities; providing for computation of revenues from gross receipts tax for bonding purposes; amending the process by which bonds may be refunded; limiting the purposes for which certain taxes levied may be expended; limiting the maximum millage which may be levied; requiring that taxes be levied for specific projects and be expended only on those projects; requiring that unencumbered funds be deducted from the maximum allowable levy for the following year; providing an effective date; reviving and readopting, notwithstanding chapter 80-414, Laws of Florida, ss. 235.001, 235.002, 235.01, 235.011, 235.014, 235.018, 235.02, 235.04, 235.05, 235.055, 235.06, 235.065, 235.09, 235.14, 235.149, 235.15, 235.155, 235.16, 235.18, 235.19, 235.193, 235.195, 235.211, 235.212, 235.26, 235.30, 235.31, 235.32, 235.321, 235.33, 235.34, 235.40,

235.41, 235.42, 235.4235, 235.435, Florida Statutes, as amended; repealing ss. 235.012, 235.013, 235.015, 235.016, 235.43, Florida Statutes, relating to the Office of Educational Facilities Construction of the Department of Education; repealing s. 240.297, Florida Statutes, relating to the applicability of certain provisions to state universities; repealing s. 10, chapter 80-414, Laws of Florida, relating to abolition of the Office of Educational Facilities Construction; providing a retroactive effective date.

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

Amendment 2A—In title on page 2, line 23 following "review;" insert: amending s. 215.65(1), Florida Statutes, providing that the working capital reserve of the Bond Fee Trust Fund shall never exceed expenditures of the previous fiscal year; providing for transfer of excess moneys to sinking fund accounts;

Amendment 2 as amended was adopted.

On motion by Senator Henderson, by two-thirds vote HB 1228 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

Anderson	Hill	McClain	Stevens
Barron	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gordon	Kirkpatrick	Rehm	Winn
Grizzle	Langley	Renick	
Hair	Lewis	Scott	
Henderson	Margolis	Steinberg	

Nays—None

CS for SB 905 and SB 905 were laid on the table.

On motion by Senator Peterson, the rules were waived and by two-thirds vote CS for HB 58 was withdrawn from the Committee on Appropriations.

On motion by Senator Peterson—

CS for HB 58—A bill to be entitled An act relating to education; amending s. 240.402, Florida Statutes, 1980 Supplement, to replace the Florida Academic Scholars' Fund with the Florida Legislative Scholars' Fund; providing that certain students who meet certain requirements are eligible for a stipend for educational expenses; providing for administration of the fund by the Department of Education; providing for appropriations to the fund; providing an effective date.

—a companion measure was substituted for SB 222 and read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Peterson:

Amendment 1—On page 1, line 23, strike everything after the enacting clause and insert: Section 1. Section 240.402, Florida Statutes, 1980 Supplement, is amended to read:

240.402 Florida Academic Scholars' Fund.—

(1) There is created a Florida Academic Scholars' Fund, to award scholarships to each Florida students student who meet the following eligibility requirements:

(a)1. If he is an undergraduate student, is recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar, finalist, semifinalist, or commended student or has obtained a 3.5 grade point average on a 4.0 scale, or equivalent, in high school academic subjects and is ranked ~~has scored~~ in the upper 2 percent of the graduating class, as determined under the policies of the district school boards, of an accredited high school and is a first-time-in-college freshman who received a Florida high school diploma during the academic year preceding enrollment in an eligible institution; or,

2. Is a first-time-in-college student in an acceleration mechanism program recognized in s. 240.115; however, those students in dual enrollment or other joint programs shall carry a minimum combined total number of hours equal to a full-time college student; or,

3.2. If he is a graduate student, has maintained a 3.8 3-5 grade point average on a 4.0 scale, or equivalent, is ranked and has scored in the upper 1 2 percent of the graduating class of an accredited public or private college or university, and is enrolling for the first time in graduate school programs leading to a masters or doctoral degree. Graduate students enrolling in programs leading to degrees in medicine, dentistry, or law are not eligible for this award;

(b) Has been a bona fide resident of this state for the preceding 2 years preceding prior to graduation from a Florida high school or equivalent, as defined in s. 230.814; or if qualifying under (a)2. has been a resident of this state for 2 years prior to entering the accelerated program; and

(c) Attends, on a full-time basis, a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities; and

(d) Files a completed, documented application for a Florida Academic Scholars' award with the Florida Student Financial Assistance Commission which is received or postmarked on or before August 1 of each academic year. The application period for the ensuing academic year shall begin on December 1.

(2) Florida academic scholarships shall be awarded as follows:

(a) The General Appropriations Act shall specify the maximum amount of awards and the maximum number of awards. The General Appropriations Act may:

1. Specify the maximum amount of each award to be granted to students by type of institution and level of study; and

2. Specify the number of awards to be granted to students by type of institution or level of study.

(b) Florida academic scholarships shall be awarded to eligible applicants on a first come-first serve basis within the maximums established in the General Appropriations Act.

(c) If the combined amount of the Florida Academic Scholars' award and all other scholarships and grants for total educational costs exceeds the amount charged to the student for total educational costs, the Florida Student Financial Assistance Commission shall reduce the Florida Academic Scholars' award to such student by whatever amount necessary to assure that the total of all such awards, scholarships and grants does not exceed the computed total educational cost for such student.

(2) Each student who meets such requirements is eligible for a stipend for tuition and registration fees, not to exceed \$1,240 per academic year. This award is in addition to other scholarships, grants, or loans received by the student, but shall be used in the determination of need for awards based on need. If a student transfers from one eligible institution to another as specified in subsection (2), his grant shall be transferable. The amount of unmet need shall be recalculated for the new institution in accordance with s. 240.409(1) and (3).

(d) Payments of Florida Academic Scholars' awards shall be transmitted, on behalf of the students, to the president of the college, university, community college, or nursing diploma school which the recipient is attending or to his representative in advance of the registration period. Should any recipient not enroll or terminate his enrollment for any reason during the academic year, the unused portion of the award grant, as determined by policies and rules of the State Board of Education Department of Education, shall be refunded within 60 days to the Florida Student Financial Assistance Commission department, for the purposes of this section, by the president of the college, university, community college, or nursing diploma school, or by his representative.

(3) Recipients of *Florida* academic scholarships shall maintain the equivalent of a 3.2 cumulative grade average in undergraduate studies, or a 3.5 cumulative grade average or the equivalent in graduate studies, on a 4.0 scale, or shall maintain an approved equivalent student progress evaluation plan, on at least 12 hours per quarter, trimester, or semester in order to be eligible for a continuation of the award. No undergraduate student may receive a Florida Academic Scholars' Fund award for more than the equivalent of 8 semesters or 12 quarters. No graduate student may receive a Florida Academic Scholars' Fund award for more than 3 years. The award may be renewed on an annual basis upon a showing by the recipient that he meets the necessary qualifications. If any recipient transfers from one accredited Florida college, university, community college, or nursing diploma school to another eligible institution, his award shall be transferable, provided he is otherwise eligible for the award.

(4) The *Florida Student Financial Assistance Commission* of the Department of Education shall administer this fund under policies and rules established by the State Board of Education. *The commission shall, no later than March 1 of each fiscal year, certify to the President of the Senate and Speaker of the House of Representatives the total number of eligible applicants by type of institution, the number of Florida Academic scholarships awarded and other appropriate data concerning the scholarship program.*

(5) The Legislature shall appropriate biennially, from the general revenue, funds to be deposited in the Florida Academic Scholars' Fund, as created herein, for the purpose of funding this act.

Section 2. For the initial implementation of the Florida Academic Scholars' award program in the 1981-82 academic year, the application deadline established in s. 240.402(1)(d), Florida Statutes, may be changed to a date no later than 60 days after August 1, 1981.

Section 3. This act shall take effect upon becoming a law.

Senator Peterson moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 2, between lines 30 and 31 insert: Section 3. Subsection (3) is added to section 240.427, Florida Statutes, to read:

240.427 Administration by the commission.—

(3) When administering state scholarship, grant and voucher programs, the commission shall determine, when applicable, the eligibility of institutions to participate. In making these determinations, the commission may seek the assistance of the state board charged with licensing independent colleges and universities. Institutions whose programs are comprised solely of sectarian instruction shall not be eligible for these programs. Notwithstanding the provisions of s. 204.401, the commission shall consider institutions whose credits are acceptable for transfer to state universities as eligible for that program if they meet other eligibility requirements. The commission is authorized to provide procedures to include students in early admission status, dual enrollment or time-shortened educational programs, when the institutions have articulated programs, and high school students who obtain state of Florida high school diplomas, issued pursuant to s. 229.814, within the eligibility requirements for these financial aid programs.

(Renumber subsequent sections.)

Amendment 1B—On page 2, between lines 23 and 24, insert: (4) For one time only, each eligible public or private college, university, or nursing diploma school in this state shall receive \$1,000 of additional funds for each Florida academic scholar who first enrolls at that institution. The additional funds shall be for the specific purpose of establishing or enhancing honors programs for academically superior students.

(Renumber subsequent subsection.)

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

Amendment 1C—On page 1, lines 28 and 29, strike "is a first-time-in-college freshman" and insert: *who first enrolled in college during the fall, 1980 term or thereafter, and*

Amendment 1 as amended was adopted.

The Committee on Education recommended the following amendment which was moved by Senator Peterson:

Amendment 2—In title on page 1, strike lines 1-11 and insert: A bill to be entitled An act relating to educational scholarships and financial aid; amending s. 240.402, Florida Statutes, 1980 Supplement; revising eligibility standards for awards from the Florida Academic Scholars' Fund; revising the method of allocating and funding such awards; providing for administration and reporting of information; requiring that certain limitations be specified in the General Appropriations Act; providing an effective date.

Senator Peterson moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—On page 1, line 11, after the semicolon (;) insert: amending s. 240.427, Florida Statutes, relating to administration of student financial aid;

Amendment 2B—On page 1, line 10, after the semicolon (;) insert: providing for incentive grants to certain educational institutions;

Amendment 2 as amended was adopted.

On motion by Senator Peterson, by two-thirds vote CS for HB 58 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—29

Anderson	Henderson	McClain	Stevens
Barron	Hill	McKnight	Trask
Beard	Jenkins	Neal	Vogt
Childers, D.	Jennings	Peterson	Ware
Frank	Johnston	Poole	Winn
Gordon	Langley	Rehm	
Grizzle	Lewis	Renick	
Hair	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Scott

SB 222 was laid on the table.

The Senate resumed consideration of—

HB 1075—A bill to be entitled An act relating to the Education Practices Commission; amending s. 231.261(5), and (9) Florida Statutes, 1980 Supplement, and adding new subsections thereto; defining the powers and duties of the commission and the Department of Education; providing for expenditures by the commission; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

On motion by Senator Frank, by two-thirds vote HB 1075 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—23

Beard	Henderson	McClain	Tobiasen
Dunn	Hill	Rehm	Trask
Frank	Jenne	Renick	Vogt
Gordon	Johnston	Steinberg	Ware
Grizzle	Lewis	Stevens	Winn
Hair	Margolis	Stuart	

Nays—7

Anderson	Jennings	Neal	Scott
Jenkins	Langley	Poole	

Vote after roll call:

Nay to Yea—Jennings

SB 751 was laid on the table.

On motion by Senator Winn, the rules were waived and by two-thirds vote CS for SB 360 was withdrawn from the Committee on Appropriations.

The motion by Senator Ware that the Senate reconsider the vote by which HB 861 passed this day was taken up and the Senate refused to reconsider. The bill was certified to the House.

On motions by Senator Anderson, the rules were waived and HB 1088 was withdrawn from the Committee on Commerce and by two-thirds vote placed on the special order calendar.

On motion by Senator Anderson, by unanimous consent—

HB 1088—A bill to be entitled An act relating to liquefied petroleum gas; amending s. 527.01, Florida Statutes, 1980 Supplement, relating to definitions, to include "installation of carburetion equipment" and to revise the categories included in the term "qualified" for purposes of examination and licensure under chapter 527; amending s. 527.02, Florida Statutes, 1980 Supplement, to revise license fees; requiring a competency examination for licensure to engage in installation of carburetion equipment; amending s. 527.04, Florida Statutes, increasing the bond required for issuance of a license; amending ss. 527.05, 527.07, 527.08, 527.09, 527.10, 527.12, 527.13, 527.14(1), 527.15, and 527.16(1), (2), and (5), Florida Statutes, and ss. 527.06, 527.0605, 527.061, and 527.062(1) and (4), Florida Statutes, 1980 Supplement, and repealing s. 527.18, Florida Statutes, relating to the powers of the department; reviving and readopting chapter 527, Florida Statutes, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1006 and read the second time by title. On motion by Senator Anderson, by two-thirds vote HB 1088 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Anderson	Hill	Margolis	Stevens
Barron	Jenkins	McKnight	Trask
Beard	Jenne	Neal	Vogt
Childers, D.	Jennings	Poole	Ware
Gordon	Johnston	Rehm	Winn
Grizzle	Langley	Renick	
Hair	Lewis	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

SB 1006 and CS for SB 1006 were laid on the table.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 1, 2 and 3 and passed SB 257, as amended.

Allen Morris, Clerk

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended House Bills 565, 997, 651, 730, 896, 760, 520 and 316.

Allen Morris, Clerk

The Honorable W. D. Childers, President

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

SB 322—A bill to be entitled An act relating to housing; adding s. 20.18(8), Florida Statutes, 1980 Supplement; providing for creation of the Florida Housing Advisory Council to serve in an advisory capacity within the Department of Veteran and Community Affairs; providing for terms of office and filling of vacancies on the council; providing for the selection of officers; providing for reimbursement of expenses; providing for investigation of certain reports and for removal of council members; providing for staff support; providing for future repeal; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, strike all of lines 8-17 and insert: (c) *The council shall meet at the call of its chairman, at the request of a majority of its members, at the request of the department, or at such times as may be prescribed by its rules, except that the council membership or chairman may call no more than two meetings.*

Amendment 2—On page 1 in the title, lines 11 and 12, strike line 11, and "removal of council members;" on line 12 and insert: meetings

On motions by Senator Steinberg, the Senate concurred in the House amendments.

SB 322 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—24

Mr. President	Hair	Johnston	Poole
Anderson	Henderson	Langley	Rehm
Barron	Hill	Lewis	Renick
Beard	Jenkins	Margolis	Steinberg
Childers, D.	Jenne	McKnight	Vogt
Grizzle	Jennings	Neal	Winn

Nays—None

Vote after roll call:

Yea—Peterson

The bill was ordered engrossed and then enrolled.

The Senate resumed consideration of—

CS for SB 895—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28(1), (5) and (9), Florida Statutes, 1980 Supplement; providing for alternative venue in tort actions against the state and its agencies or subdivisions; increasing the amount which the state and its agencies or subdivision shall be liable to pay on any claim or judgment; providing that the officer, employee, or agent of the state or a political subdivision shall be an adverse witness in any action in tort for damages which arises as a result of his act or omission; providing an effective date.

Senator Anderson moved the following amendment which failed:

Amendment 3—On page 2, lines 18 and 25, strike "100,000" and insert: 75,000

Senator Frank moved the following amendment which failed:

Amendment 4—On page 4, line 3, strike the period (.) and insert: , and shall apply only to causes of actions which accrue on or after that date.

Senator Lewis moved that the Senate reconsider the vote by which Amendment 4 failed and the amendment was adopted.

Senator Neal moved the following amendment which failed:

Amendment 5—On page 4, line 3, strike "1981" and insert: 1982

On motion by Senator Lewis, by two-thirds vote CS for SB 895 as amended was read the third time by title, passed, ordered engrossed and then certified to the House.

The vote on passage was:

Yeas—22

Barron	Jenkins	Maxwell	Steinberg
Carlucci	Jennings	McClain	Trask
Childers, D.	Johnston	McKnight	Vogt
Frank	Langley	Poole	Ware
Grizzle	Lewis	Rehm	
Henderson	Margolis	Renick	

Nays—4

Anderson	Beard	Neal	Stevens
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Vote after roll call:

Yea—Hill, Peterson

SPECIAL ORDER, continued

Senator Hill presiding

SB 485—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(1), Florida Statutes, 1980 Supplement; providing a specified minimum sum for fidelity bonds required of certain officers or directors of condominium associations; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, lines 11-27, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (9) of section 718.111, Florida Statutes, 1980 Supplement, is amended to read:

718.111 The association.—

(9)

(b) All hazard policies issued to protect condominium buildings shall provide that the word "building" wherever used in the policy shall include, but shall not necessarily be limited to, fixtures, installations, or additions comprising that part of the building within the unfinished interior surfaces of the perimeter walls, floors, and ceilings of the individual units initially installed, or replacements thereof of like kind or quality, in accordance with the original plans and specifications. With respect to the coverage provided for by this paragraph, the unit owners shall be considered additional insureds under the policy.

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

Amendment 2—On page 1, lines 1-7, strike everything before the enacting clause and insert: A bill to be entitled An act relating to condominiums; amending s. 718.111(9)(b), Florida Statutes, 1980 Supplement; requiring hazard insurance policies to insure specified items of the individual units; providing an effective date.

Pending further consideration of SB 485 as amended, on motion by Senator Henderson, by two-thirds vote HB 157 was withdrawn from the Committee on Commerce.

On motion by Senator Henderson—

HB 157—A bill to be entitled An act relating to condominiums; amending s. 718.111(9)(b), Florida Statutes, 1980 Supplement; requiring hazard insurance policies to insure specified units of the individual units; providing an effective date.

—a companion measure, was substituted for SB 485 and read the second time by title. On motion by Senator Henderson, further consideration of HB 157 was deferred.

SB 651—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.032, Florida Statutes, placing exclusive jurisdiction for health and sanitary inspections in the Division of Hotels and Restaurants of the Department of Business Regulation; removing certain duties from the Department of Health and Rehabilitative Services; requiring the division to contract with the Department of Health and Rehabilitative Services for certain inspections; requiring a minimum of two annual inspections of nontransient public lodging establishments; authorizing the Department of Health and Rehabilitative Services and county health units to respond under emergency conditions; requiring written notice of such action from county health units to the division; reviving and readopting ch. 509, Florida Statutes, as amended, notwithstanding the Regulatory Reform Act of 1976, as amended; providing for legislative review; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Hair:

Amendment 1—On page 1, line 26, strike everything after the enacting clause and insert: Section 1. Notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended, chapter 509, Florida Statutes, shall not stand repealed on July 1, 1981, as scheduled by such act, but chapter 509, Florida Statutes, is hereby revived and readopted.

Section 2. Chapter 509, Florida Statutes, 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 3. This act shall take effect July 1, 1981, and if it becomes a law after that date, it shall operate retroactively to July 1, 1981.

Senator Hair moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 26, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(a) The division shall inspect, at least four times annually, each public lodging establishment, *except nontransient public lodging establishments which shall be inspected at least two times annually, and shall inspect at least four times annually* each public food service establishment in this state ~~or shall contract with the Department of Health and Rehabilitative Services to perform such inspections, through the facilities of the county health unit, on a county by county basis, and for that purpose, it, or its contractual designee, shall have the right of entry and access to such establishments at any reasonable time.~~

Section 2. Section 509.141, Florida Statutes, is amended to read:

509.141 Refusal of admission and ejection of undesirable guests; notice, procedure, etc.—

(1) The operator of any public lodging establishment or public food service establishment may remove or cause to be removed from such establishment, in the manner hereinafter provided, any guest of the public food service establishment or any transient guest of the public lodging establishment who, while on the premises of the establishment, is intoxicated, immoral, profane, lewd, or brawling; who indulges in any language or conduct which disturbs the peace and comfort of other guests or which injures the reputation, dignity, or standing of the establishment; *who, in the case of a public lodging establishment, fails to make payment of rent at the agreed-upon rental rate by the agreed-upon check-out time; or who, in the case of a public food service establishment, fails to make payment for food, beverages or services; or who, in the opinion of the operator, is a person the continued entertainment of whom would be detrimental to such establishment.* The admission to, or the removal from, such establishment shall not be based upon race, creed, color, sex, physical disability, or national origin.

(2) The operator of any public lodging establishment or public food service establishment shall notify such guest that the establishment no longer desires to entertain him and shall request that such guest immediately depart from the establishment. Such notice may be given orally or in writing. If the notice is in writing, it shall be as follows:

"You are hereby notified that this establishment no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this state."

If such guest has paid in advance, the establishment shall, at the time such notice is given, tender to such guest the unused portion of the advance payment.

(3) Any guest who remains or attempts to remain in any such establishment after being requested to leave is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) If any person is illegally on the premises of any public lodging establishment or public food service establishment, the operator of such establishment may call upon any law enforcement officer of this state for assistance. It is the duty of such law enforcement officer, upon request of such operator, to place under arrest and take into custody for violation of this section any guest who violates subsection (3) in the presence of the officer. If a warrant has been issued by the proper judicial officer for the arrest of any violator of subsection (3), the officer shall serve the warrant, arrest the person, and take him into custody. Upon arrest, with or without warrant, the guest will be deemed to have given up any right to occupancy or to have abandoned his right of occupancy of said premises, and the operator of the establishment may then make such premises available to other guests. However, the operator of said establishment shall employ all reasonable and proper means adequately to care for any personal property which may be left on the premises by such guest and shall refund any unused portion of moneys paid by such guest for occupancy of such premises.

Section 3. Notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended, chapter 509, Florida Statutes, shall not stand repealed on July 1, 1981, as scheduled by such act, but chapter 509, Florida Statutes, as amended by this act is hereby revived and readopted.

Section 4. Chapter 509, Florida Statutes, shall stand repealed on October 1, 1990, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 5. This act shall take effect July 1, 1981, and if it becomes a law after that date, it shall operate retroactively to July 1, 1981.

The Committee on Commerce recommended the following amendment which was moved by Senator Hair:

Amendment 3—In title on page 1, strike lines 3-24 and insert: food service establishments; reviving and readopting chapter 509, Florida Statutes, notwithstanding the Regulatory Reform Act of 1976, as amended; providing for legislative review; providing an effective date.

Senator Hair moved the following substitute amendment which was adopted:

Amendment 4—In title on page 1, strike lines 3-24 and insert: amending paragraph (a) of subsection (2) of s. 509.032, Florida Statutes, requiring a minimum of two annual inspections of nontransient public lodging establishments; reviving and readopting chapter 509, Florida Statutes, as amended, notwithstanding the Regulatory Reform Act of 1976, as amended; providing for legislative review; amending s. 509.141, Florida Statutes, providing procedures for ejection of a guest of a public lodging establishment for nonpayment of rent and for ejection of a guest of a public food service establishment for nonpayment of food, beverages or services; providing a penalty for failure to leave upon receipt of certain notice; providing for enforcement; providing an effective date.

Pending further consideration of SB 651 as amended, on motion by Senator Hair, the rules were waived and by two-thirds vote HB 689 was withdrawn from the Committee on Commerce.

On motion by Senator Hair—

HB 689—A bill to be entitled An act relating to public lodging and public food service establishments; amending paragraph (a) of subsection (2) of s. 509.032, Florida Statutes, requiring a minimum of two annual inspections of nontransient public lodging establishments; reviving and readopting chapter 509, Florida Statutes, as amended, notwithstanding the Regulatory Reform Act of 1976, as amended; providing for legislative review; amending s. 509.141, Florida Statutes, providing procedures for ejection of a guest of a public lodging establishment for nonpayment of rent and for ejection of a guest of a public food service establishment for nonpayment of food, beverages or services; providing a penalty for failure to leave upon receipt of certain notice; providing for enforcement; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for SB 651 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 4, lines 8-17, strike all of said lines and renumber subsequent sections

Amendment 2—In title on page 1, strike lines 19 and 20

On motion by Senator Hair, by two-thirds vote HB 689 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Hill	Maxwell	Steinberg
Beard	Jenne	McClain	Stevens
Carlucci	Jennings	McKnight	Tobiassen
Childers, D.	Johnston	Neal	Trask
Grizzle	Langley	Poole	Vogt
Hair	Lewis	Rehm	Ware
Henderson	Margolis	Renick	Winn

Nays—None

Vote after roll call:

Yea—Peterson

SB 651 was laid on the table.

On motion by Senator Tobiassen, the Senate reconsidered the vote by which—

SB 1107—A bill to be entitled An act relating to Escambia County; providing for the acquisition and development of Ellyson Field by the Pensacola-Escambia Promotion and Development Commission; authorizing the Escambia County Board of County Commissioners to transfer funds to the Pensacola-Escambia Promotion and Development Commission for the acquisition and development of Ellyson Field; authorizing the Pen-

sacola-Escambia Promotion and Development Commission to issue revenue bonds and notes to carry out the purposes of this act; providing that the development of Ellyson Field not be designated a "development of regional impact" as defined in s. 380.06, Florida Statutes; providing that Ellyson Field be classified and zoned by the Escambia County Board of County Commissioners as an "Industrial Development Park"; providing that the powers granted by this act shall be supplemental to the powers granted by chapter 80-579, Laws of Florida; providing an effective date.

—as amended passed this day.

On motion by Senator Tobiassen, the Senate reconsidered the vote by which the Senate concurred in the House amendment.

On motion by Senator Tobiassen, the Senate refused to concur in the House amendment and the House was requested to recede.

SB 1107 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Anderson	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Tobiassen
Carlucci	Jenkins	McKnight	Trask
Childers, D.	Jennings	Neal	Vogt
Dunn	Johnston	Poole	Ware
Frank	Langley	Rehm	Winn
Grizzle	Lewis	Renick	
Hair	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Neal, the rules were waived and by two-thirds vote CS for HB 216 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Neal—

CS for HB 216—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54(3) and (11) (b), Florida Statutes, 1980 Supplement, providing that certain materials must be considered by an agency and made a part of the record of rulemaking proceedings; requiring the inclusion of an agency's reasons for rejecting pertinent material in the adoption of a rule; amending s. 120.53(1)(b), Florida Statutes; requiring that certain forms be filed with the Department of State; requiring the department to send a copy of such forms to the Joint Administrative Procedures Committee; providing when forms may become effective; amending s. 120.55(1)(a), (b), Florida Statutes, 1980 Supplement; providing that forms shall not be published in the Florida Administrative Code or the Florida Administrative Weekly, but shall be included in rules by reference; providing an effective date.

—a companion measure, was substituted for CS for SB 866 and read the second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 15-31 and on page 3, lines 1-13 and insert:

(8) Each rule adopted shall contain only one subject and shall be preceded by a concise statement of the purpose of the rule and reference to the rules repealed or amended, which statement need not be printed in the Florida Administrative Code. Pursuant to rule of the Department of State, a rule may incorporate material by reference but only as such material exists on the date the rule is adopted. For purposes of such rule, changes in such material shall have no effect with respect to the rule unless the rule is amended to incorporate such material is changed. No rule shall be amended by reference only. Amendments shall set out the amended rule in full in the same manner as required by the constitution for laws.

(11) (a) The adopting agency shall file with the committee, at least 21 days prior to the proposed adoption date, a copy of each rule it proposes to adopt, a detailed written statement of the facts and circumstances justifying the proposed rule, a copy of the estimate of economic impact required by subsection (2) (1), a statement of the extent to which the proposed rule establishes standards more restrictive than federal standards or a statement that the proposed rule is no more restrictive than federal standards or that a federal rule on the same subject does not exist, and the notice required by subsection (1). After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, the adopting agency shall file any changes in the proposed rule and the reasons therefor with the committee or advise the committee that there are no changes. In addition, when any change is made in a proposed rule other than a technical change, the adopting agency shall provide a detailed statement of such change by certified mail or actual delivery to any person who requests it in writing at the public hearing. The agency shall file the change with the committee, and provide the statement of change to persons requesting it, at least 7 days prior to filing the rule for adoption. Educational units, other than units of the State University System, and local units of government with jurisdiction in only one county or part thereof shall not be required to make filings with the committee. This paragraph shall not apply to emergency rules adopted pursuant to subsection (9). However, agencies, other than those listed herein, adopting emergency rules shall file a copy of each emergency rule with the committee.

(b) If the adopting agency is required to publish its rules in the Florida Administrative Code, it shall file with the Department of State three certified copies of the rule it proposes to adopt, a summary of the rule, a summary of any hearings held on the rule, and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required above, in the office of the agency head, and such rules shall be open to the public pursuant to s. 120.53(2). Filings shall be made ~~no not~~ less than 21 days ~~nor or~~ more than 90 days after the notice required by subsection (1); ~~if no public hearing is held. If a public hearing is held, the 90-day limit is extended to 21 days after adjournment of the final hearing on the rule, the adopting agency shall file within 21 days after receipt of all material authorized to be submitted at the hearing, or after receipt of the transcript, if one is made, whichever is latest later. If a public hearing is held and no material is authorized to be submitted and no transcript is made, filings shall be made not less than 21 days or more than 90 days after the notice required in subsection (1).~~ At the time a rule is filed, the agency shall certify that the time limitations prescribed by this subsection have been complied with and that there is no administrative determination pending on the rule. The department shall reject any rule not filed within the prescribed time limits or upon which an administrative determination is pending. *If a rule has not been adopted within the time limits imposed by this section, the agency proposing the rule shall withdraw the rule and give notice of its action in the same manner as is prescribed in paragraphs (a) and (b) of subsection (1).*

Section 3. Paragraph (b) of subsection (1) of section 120.53, Florida Statutes, is amended to read:

(Renumber subsequent section.)

Amendment 2—On page 1, strike lines 25 and 26 and insert: Section 1. Subsections (3), (8), and (11) of section 120.54, Florida Statutes, 1980

Amendment 3—On page 3, line 30, insert: Section 4. Paragraph (f) is added to subsection (1) of section 120.545, Florida Statutes, 1980 Supplement, and paragraph (c) is added to subsection (2) of said section to read:

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.54(11)(a), and its accompanying material, and may examine any existing rule, for the purpose of determining whether:

(f) The economic impact statement accompanying the rule is adequate to accurately inform the public of the economic effect of the rule.

If the committee objects to a proposed or existing rule, it shall, within 5 days of the objection, certify that fact to the agency whose rule has been examined and include with the certification a statement detailing its objections with particularity.

(2) Within 30 days of receipt of the objection, if the agency is headed by an individual, or within 45 days of receipt of the objection, if the agency is headed by a collegial body, the agency shall:

(c) *If the rule is either an existing or a proposed rule and the objection is to the economic impact statement:*

1. *Prepare a corrected economic impact statement, give notice of the availability of the corrected economic impact statement in the first available issue of the Florida Administrative Weekly, and file copies of the corrected statement with the committee and the Department of State; or*

2. *Notify the committee that it refuses to prepare a corrected economic impact statement.*

(Renumber subsequent section.)

Amendment 4—In title on page 1, strike all of lines 3-9 and insert: Act; amending s. 120.54(3) (8), (11), Florida Statutes, 1980 Supplement; requiring certain materials to be considered and made part of the record; providing for incorporating into rules certain material by reference; providing certain deadlines for filing copies of certain rules; providing for withdrawal of a proposed rule under certain circumstances; adding s. 120.545(1)(f), (2)(c), Florida Statutes, 1980 Supplement; providing for review by the Administrative Procedures Committee of the economic impact statement accompanying a proposed rule; providing for agency response to such review; amending s.

On motion by Senator Neal, by two-thirds vote CS for HB 216 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Hill	McClain	Tobiassen
Beard	Jenkins	McKnight	Trask
Carlucci	Jenne	Neal	Vogt
Childers, D.	Jennings	Poole	Ware
Frank	Johnston	Rehm	Winn
Grizzle	Langley	Renick	
Hair	Lewis	Steinberg	
Henderson	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Peterson

SB 866 and CS for SB 866 were laid on the table.

On motion by Senator Anderson, the rules were waived and by two-thirds vote HB 600 was withdrawn from the Committee on Commerce.

On motion by Senator Anderson—

HB 600—A bill to be entitled An act relating to savings associations; correcting a scrivener's error in chapter 80-257, Laws of Florida, which occurred in the 1980 regular session of the Legislature; amending s. 665.0201(5), Florida Statutes, 1980 Supplement, to provide certain factors that the Department of Banking and Finance must consider when acting on an application for a new association; amending s. 665.028(1), Florida Statutes, 1980 Supplement, to set out certain information that must be contained in a branch office application; providing certain factors that the department must consider when acting on a branch office application; deleting certain language held invalid; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for SB 671 and read the second time by title. On motion by Senator Anderson, by two-thirds vote HB 600 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Anderson	Jenkins	McClain	Tobiassen
Beard	Jenne	McKnight	Trask
Frank	Jennings	Neal	Vogt
Grizzle	Johnston	Poole	Ware
Hair	Langley	Renick	Winn
Henderson	Lewis	Steinberg	
Hill	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—D. Childers, Peterson

SB 671 was laid on the table.

On motion by Senator Anderson, the rules were waived and by two-thirds vote HB 486 was withdrawn from the Committee on Commerce.

On motion by Senator Anderson—

HB 486—A bill to be entitled An act relating to financial institutions; creating s. 655.034, Florida Statutes, providing for injunctions; amending s. 655.045(3)(b), Florida Statutes, 1980 Supplement, deleting reference to periodic examination; providing an implementation schedule for semiannual fees paid by credit unions to the Department of Banking and Finance; amending s. 658.18(2)(b), Florida Statutes, 1980 Supplement, providing that unexpended organization funds may be transferred to undivided profits upon issuance of a charter; amending s. 658.19, Florida Statutes, 1980 Supplement, deleting the requirement that each stock subscriber file a sworn statement that he subscribes in his own right; providing that the name and address of proposed key officers must be filed with the application only if known; deleting the requirement that certain persons file with the department a complete set of fingerprints; creating s. 658.391, Florida Statutes, requiring banks to publish a statement of assets and liabilities; amending s. 658.42(1), Florida Statutes, 1980 Supplement, requiring that the board of directors of each constituent bank approve a plan of merger; amending s. 658.67, Florida Statutes, 1980 Supplement, limiting investments up to specified amounts of capital accounts; amending s. 663.05(1)(e), Florida Statutes, 1980 Supplement, requiring that an application for a license by an international banking corporation must show the total amount of its capital accounts and must include a detailed financial statement as of a date within 180 days prior to the application, which may be extended to 240 days within the discretion of the department; amending s. 665.0201(3)(e), (f) and (g), Florida Statutes, 1980 Supplement, deleting the requirement that certain persons file with the department a complete set of fingerprints; amending s. 665.027(1), Florida Statutes, 1980 Supplement, eliminating the 60-day delay prior to opening a savings association for business; amending s. 662.02(2), Florida Statutes, 1980 Supplement, redefining "bank services"; amending s. 662.06, Florida Statutes, 1980 Supplement, permitting bank service corporations to serve all financial institutions; repealing s. 665.034(3), Florida Statutes, deleting the requirement that certain persons file with the department a complete set of fingerprints; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for SB 692 and read the second time by title.

Senator Anderson moved the following amendments which were adopted:

Amendment 1—On page 6, lines 16-22, strike entire section 6 and renumber subsequent sections.

Amendment 2—On page 10, line 15, insert new section 10 to read: Section 10. Section 663.14, Florida Statutes, 1980 Supplement, is amended to read:

663.14 Foreign Traveling Expenses.—

If foreign travel is deemed necessary by the department to effectuate the purposes of ss. 663.01-663.14, representatives of the department shall be reimbursed in the manner at the rates set forth in s. 288.01 ~~288.03~~ for actual reasonable and necessary expenses incurred in such foreign travel.

(Renumber subsequent sections.)

Senator Barron presiding

Senator Johnston moved the following amendment:

Amendment 3—On page 11, between lines 16 and 17, insert a new section 12 to read: Section 12. Subsection (8) of section 665.-0731, Florida Statutes, 1980 Supplement, is amended to read:

665.0731 Real estate loan plans.—Real estate loans eligible for classification under the real estate loan requirement of s. 665.0711 may be written upon the following plan, or upon any other loan plan approved by the department:

(8)(a) *Acceleration Clauses.—Legislative Intent*—It is the intent of the Legislature to provide parity for state-chartered associations operating pursuant to this chapter with federal associations with respect to acceleration clauses in real estate loan contracts. Therefore, *state-chartered associations continue to have the power to include in any mortgage instrument an acceleration clause which is entitled to enforcement in the courts of this state in accordance with the fair meaning of its terms and principles of equity. The Legislature further intends to provide express authority for certain acceleration provisions in mortgage instruments which an association may enforce upon the sale or transfer of the property encumbered by the mortgage or, as a condition for the waiver of such right, may insist upon the transferee's agreement to an increase in the interest rate payable on the debt secured by the mortgage.*

(b) *An association may condition its consent to any sale or transfer of the property upon an agreement by the transferee that the interest on the debt secured by the mortgage shall be payable at a rate requested by the association, if such condition is expressly included in the mortgage instrument. Upon such agreement, the association shall release the original mortgagor from all obligations under the mortgage and any note secured by it, and the association shall be deemed to have made a new loan to the transferee.*

(c) *If the transferee does not agree to pay a higher rate of interest or other consideration requested by the association and the association elects to accelerate the debt pursuant to the terms of the mortgage, no prepayment penalty may be charged if the debt is paid in full within 3 months after the failure to agree to a higher rate of interest.*

(d) *For purposes of this subsection an agreement or contract for deed shall be deemed a sale or transfer of the property. The following events or occurrences shall not be deemed a sale or transfer:*

(1.) *The creation of a lien or other encumbrance subordinate to the lender's mortgage.*

(2.) *A transfer by devise, descent or operation of law upon the death of a joint tenant or pursuant to a court order entered in proceedings for the dissolution of the marriage of tenants by the entirety.*

(3.) *The grant of any leasehold interest.*

(4.) *A transfer to a spouse or relative removed by not more than three degrees of consanguinity.*

(e) *An acceleration clause which complies substantially with the provisions of paragraphs (b), (c) and (d) shall not be considered an unreasonable restraint on alienation and shall be enforceable according to its terms in the courts of this state.*

(f) *This subsection shall apply in all judicial proceedings in which the provisions of any mortgage instrument may be construed, regardless of the date on which such mortgage was executed, if federal associations domiciled within this state should lose the right to include such a provision in a real estate lien contract, then associations operating under this chapter shall be prohibited from including such a provision in real estate loan contracts.*

(Renumber subsequent sections.)

Senator Langley raised a point of order that Amendment 3 was not germane to the bill. The Presiding Officer appointed Senators Dunn and Ware to examine the amendment and advise the Chair.

Further consideration of HB 486 was deferred.

The Committee subsequently reported and advised the Presiding Officer that the amendment was germane. Based on the report of the Committee, the Presiding Officer so ruled.

HB 487—A bill to be entitled An act relating to securities transactions; amending s. 517.021(8), Florida Statutes, expanding an exemption from the term "investment adviser"; amending s. 517.051(5), Florida Statutes, deleting a notice requirement upon the exemption of certain securities from registration; amending s. 517.061(12)(a) and (c), Florida Statutes, 1980 Supplement, to clarify which securities will be considered in applying this exemption; amending s. 517.12(3), Florida Statutes, 1980 Supplement, clarifying provisions relating to the registration of dealers acting as agents for unsolicited securities transactions; amending s. 517.211(1), Florida Statutes, clarifying the period during which a purchaser may rescind an unlawful sale of securities; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 487 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Margolis	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Jenkins	McKnight	Thomas
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	Winn
Grizzle	Lewis	Skinner	

Nays—None

Vote after roll call:

Yea—Hill

SB 401—A bill to be entitled An act relating to the Department of Commerce; adding paragraph (c) to s. 20.17(2), Florida Statutes, and adding subsection (5) to said section; creating a Division of Administrative Services within the department; providing powers and duties of the division; providing rule-making authority to the department; amending ss. 288.03 and 288.34, Florida Statutes, as amended, relating to powers and duties of the Division of Economic Development and the Division of Tourism; authorizing the divisions to make expenditures for their enumerated duties; authorizing the divisions to promulgate rules for the purpose of entering into contracts for promotional events which may include commodities involving a service; authorizing the divisions to provide for items and services in connection with the performance of promotional and other duties; requiring the Division of Economic Development to prepare a single report annually on trends and developments in industry of the state, current business activities in the state, employment in manufacturing in the state, and issues pertaining to barriers to free trade in Florida; authorizing said division to engage in certain activities to assist small businesses; authorizing the Division of Tourism to utilize advertising in magazines of international circulation; authorizing said division to accept and expend certain grants, payments or gifts; amending s. 288.115, Florida Statutes, 1980 Supplement; correcting a cross reference; amending s. 23.148(3), Florida Statutes; deleting the requirement that the Florida Research and Development Commission hold meetings at least quarterly; providing an effective date.

—was read the second time by title.

Senator Winn moved the following amendments which were adopted:

Amendment 1—On page 2, lines 21-31 and on page 3, lines 1-7, strike all of said lines

Amendment 2—On page 7, strike lines 27 and 28 and insert: (19)(20) Accept, and expend without necessity of appropriation by the Legislature, any gift or grant of money

Amendment 3—On page 15, lines 16 and 17, strike “without necessity of appropriation by the Legislature”

Amendment 4—In title on page 1, lines 5-7, strike “creating a Division of Administrative Services within the department; providing powers and duties of the division;”

On motion by Senator Winn, by two-thirds vote SB 401 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Hair	Lewis	Stevens
Barron	Henderson	McClain	Tobiassen
Beard	Hill	McKnight	Trask
Carlucci	Jenkins	Neal	Vogt
Childers, D.	Jenne	Poole	Ware
Dunn	Jennings	Renick	Winn
Frank	Johnston	Scott	
Gordon	Kirkpatrick	Skinner	
Grizzle	Langley	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson, Rehm

SB 958—A bill to be entitled An act relating to local government; amending ss. 163.3164(1), (6), Florida Statutes; providing definitions; amending s. 163.3167, Florida Statutes; providing local governments with a later deadline date for preparing and adopting a comprehensive plan; providing for assumption by a county of the responsibility for preparing and adopting a comprehensive plan; amending s. 163.3171, Florida Statutes; providing for exercise of certain authority by specified units of local government; amending s. 163.3174, Florida Statutes; requiring local governments to establish by ordinance a “local planning agency”; providing for powers, duties, and meetings of a local planning agency; amending s. 163.3177(6), Florida Statutes, 1980 Supplement; requiring certain plans to address the effects of development on agricultural resources; amending s. 163.3184, Florida Statutes; providing for adoption of a comprehensive plan or element or portion of such plan; requiring transmission of adopted plan to state land planning agency; amending s. 163.3191, Florida Statutes; providing for evaluating, appraising, and amending comprehensive plans; amending s. 163.3194, Florida Statutes, 1980 Supplement; providing that a comprehensive plan is the guideline for development and zoning in an area; amending s. 163.3197, Florida Statutes; providing for authority of previously established comprehensive plans; amending s. 163.3207, Florida Statutes; providing for establishment of technical advisory committees; creating s. 163.3214, Florida Statutes; requiring the state land planning agency to make certain reports; creating s. 163.3217, Florida Statutes; providing for enforcement of provisions of a comprehensive plan; providing for attorney’s fees; providing for validity of certain plans; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator McKnight and adopted:

Amendment 1—On page 13, line 26, after the word “s. 163.3194” insert: and subject to the exceptions provided in s. 163.3194(2)(a)

Amendment 2—On page 26, line 6, after the word “by” insert: ,

Senator McKnight moved the following amendments which were adopted:

Amendment 3—On page 30, strike lines 3-30

Amendment 4—On page 31, lines 1-10, strike remainder of said section

Senators McKnight and Vogt offered the following amendment which was moved by Senator McKnight and adopted:

Amendment 5—On page 9, strike lines 1-4 and insert: (10) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 nor modify the density and land use approved in a development of regional impact development order. Where no density is specified in a development of regional impact development order, the density for the approved land uses shall be the density allowed under the regulations existing at the time the development order is approved, except as modified by any other provisions of the approved development order. If an approved development order authorizes certain land uses or densities upon the granting of a local rezoning, consent, or other approval, such local rezoning, consent, or other approval shall not be unreasonably withheld and shall be governed by the land use and density provisions of the local land use regulations in effect at the time the development order was approved and the conditions contained in the development order.

Senator McKnight moved the following amendment which was adopted:

Amendment 6—On page 1, lines 7-10, strike “creating s. 163.3217, Florida Statutes; providing for enforcement of provisions of a comprehensive plan; providing for attorney’s fees;”

Senator Langley moved the following amendment which failed:

Amendment 7—On page 25, lines 29-31; page 26, lines 1-31 and page 27, lines 1-4, strike in their entirety and insert:

(1) Unless the option set forth below is selected by local government, after a comprehensive plan or element or portion thereof has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted, and all land development regulations enacted or amended shall be consistent with the adopted comprehensive plan or element or portion thereof. Local government shall have the option to adopt by ordinance a determination that the comprehensive plan or element or portion thereof shall provide long-range guidance for the orderly social, economic and physical growth of the area covered. If such option is selected nothing contained in the comprehensive plan or element or portion thereof shall have the force or effect of law or authorize the implementation of any programs not otherwise authorized pursuant to law.

Senator McKnight moved the following amendment which was adopted:

Amendment 8—In title on page 1, line 10, after the first semicolon insert: specifying the densities and land use regulations applicable to developments under development of regional impact development orders;

On motion by Senator McKnight, by two-thirds vote SB 958 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Henderson	Maxwell	Steinberg
Barron	Jenkins	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Carlucci	Jennings	Peterson	Thomas
Childers, D.	Johnston	Poole	Tobiassen
Dunn	Kirkpatrick	Rehm	Trask
Frank	Langley	Renick	Vogt
Gordon	Lewis	Scott	Ware
Grizzle	Margolis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Hill, Neal

SB 868—A bill to be entitled An act relating to the beverage law; creating s. 564.07, Florida Statutes, authorizing wine tastings; creating s. 565.16, Florida Statutes, authorizing spirituous beverage tastings; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 868 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Barron	Jenne	McClain	Steinberg
Beard	Jennings	Neal	Stevens
Childers, D.	Johnston	Poole	Stuart
Dunn	Kirkpatrick	Rehm	Tobiassen
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	Winn
Henderson	Maxwell	Skinner	

Nays—1

Trask

Vote after roll call:

Nay—Jenkins

Yea—Hill

On motion by Senator Henderson, the rules were waived and the Senate reconsidered the vote by which SB 868 passed.

Pending further consideration of SB 868, on motion by Senator Henderson, the rules were waived and by two-thirds vote HB 678 was withdrawn from the Committee on Commerce.

On motion by Senator Henderson, the rules were waived and—

HB 678—A bill to be entitled An act relating to the beverage law; creating s. 564.07, Florida Statutes, authorizing wine tastings; creating s. 565.16, Florida Statutes, authorizing spirituous beverage tastings; providing an effective date.

—a companion measure, was substituted for SB 868 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 678 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Jenkins	McKnight	Steinberg
Beard	Jenne	Neal	Stevens
Carlucci	Jennings	Peterson	Stuart
Childers, D.	Johnston	Poole	Thomas
Dunn	Kirkpatrick	Rehm	Tobiassen
Gordon	Margolis	Renick	Vogt
Grizzle	Maxwell	Scott	Ware
Henderson	McClain	Skinner	Winn

Nays—1

Trask

Vote after roll call:

Yea—Hill

SB 868 was laid on the table.

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 676 was withdrawn from the Committee on Commerce.

On motion by Senator Henderson—

HB 676—A bill to be entitled An act relating to the beverage law; creating s. 564.07, Florida Statutes; authorizing distributors of vinous beverages to furnish wine lists; creating s. 565.16, Florida Statutes; authorizing distributors of spirituous beverages to furnish wine lists; providing an effective date.

—a companion measure, was substituted for SB 871 and read the second time by title. On motion by Senator Henderson by two-thirds vote HB 676 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Grizzle	Maxwell	Skinner
Barron	Henderson	McClain	Steinberg
Beard	Jenne	Neal	Stevens
Carlucci	Jennings	Peterson	Stuart
Childers, D.	Johnston	Poole	Thomas
Dunn	Kirkpatrick	Rehm	Tobiassen
Frank	Lewis	Renick	Ware
Gordon	Margolis	Scott	Winn

Nays—2

Jenkins Trask

Vote after roll call:

Yea—Hill

SB 871 was laid on the table.

CO-INTRODUCERS

Senator Poole—CS for SB 512 and SB 700; Senator Grizzle—SB 330; Senator D. Childers—CS for SB 360; and Senator Winn—SB 515 and SB 824

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 2 was corrected and approved.

The Senate adjourned at 5:07 p.m. to reconvene at 9:00 a.m., Thursday, June 4.