



Journal of the Senate

Number 1—Special Session

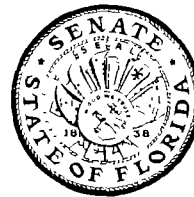
Friday, June 5, 1981

At a Special Session of the Florida Legislature convened under Section 3(c), Article III, of the Constitution of the State, as revised in 1968, and Section 11.011, Florida Statutes, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

In pursuance of the Proclamation of Senator W. D. Childers, President of the Florida Senate, and Representative Ralph H. Haben, Jr., Speaker of the Florida House of Representatives, the Senate met in Special Session at 3:00 p.m. and was called to order by the President. 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

(3) The implementation or funding of items contained in the General Appropriations Bill or PECO.



W. D. Childers, President
The Florida Senate

June 5, 1981



Ralph H. Haben, Jr., Speaker
The Florida House of Representatives

June 5, 1981

Prayer by Senator Peterson:

Gracious Heavenly Father, we find ourselves here in a dilemma. We ask for your help to resolve this problem. We ask for your guidance to give us the wisdom to get together and reason together. We ask you to forgive us if we have not done our best and to encourage us always to do our best. We ask this in Christ's name. Amen.

The Senate pledged allegiance to the flag of the United States of America.

By direction of the President, the Proclamation convening the Legislature in Special Session was read:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

To the Honorable Members of the Florida Senate and the Florida House of Representatives:

We, W. D. Childers, President of the Florida Senate, and Ralph H. Haben, Jr., Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Section 3, Article III, Florida Constitution and Section 11.011, Florida Statutes, do hereby proclaim:

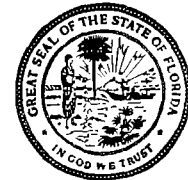
1. That the Legislature of the State of Florida is convened in Special Session pursuant to Section 3(c), Article III, Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, at 3:00 P.M., on Friday, the 5th of June, 1981, for a period of twenty consecutive days, ending midnight, Wednesday, June 24, 1981.

2. That the Legislature is convened for the sole and exclusive purposes of consideration of the following matters:

- (1) The General Appropriations Bill.
- (2) Public Education Capital Outlay (PECO).

Duly filed with and received by the Florida Department of State this 5th day of June, 1981, by:

George Firestone
Secretary of State



Senator Stuart presiding

INTRODUCTION

By Senator Dunn—

SCR 1-B—A concurrent resolution adjourning the Legislature.

—was read the first time in full. On motions by Senator Dunn by two-thirds vote SCR 1-B was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—38

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

Nays—None

On motion by Senator Dunn, the rules were waived and the general appropriations bill was introduced by Senator Gordon.

By Senator Gordon—

SB 2-B—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1981 AND ENDING JUNE

30, 1982, TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY-BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; SUSPENDING SECTIONS 216.292, 240.209, 253.025, 943.22, AND CHAPTER 427, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

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

By Senators Peterson and Frank—

SB 3-B—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, 235.411, 235.42, 235.4235, 215.61, 215.65(1), 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 and 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 survey; 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; 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; 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.

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

The President presiding

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 HB 1-B and HB 2-B and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Morgan and others—

HB 1-B—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1981 and ending June 30, 1982, except as otherwise provided within, to pay salaries, other expenses, capital outlay-buildings and improvements and for other specified purposes of the various agencies of state government; providing an effective date.

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

On motion by Senator Gordon, by two-thirds vote HB 1-B was read the second time by title.

Amendment 1—

Senator Gordon offered an amendment striking everything after the enacting clause and inserting the contents of SB 2-B, which was adopted. The amendment constituted an entirely new bill and pursuant to Rule 7.6 was not printed in the Journal.

Senator Gordon moved the following amendment which was adopted:

Amendment 2—Strike everything before the enacting clause and insert the following:

A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1981 and ending June 30, 1982, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.292, 240.209, 253.025, 943.22, and chapter 427, Florida Statutes; providing an effective date.

On motion by Senator Gordon, by two-thirds vote HB 1-B as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

By Representative Morgan and others—

HB 2-B—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.

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

On motion by Senator Peterson, by two-thirds vote HB 2-B was read the second time by title.

Senator Peterson offered an amendment striking everything after the enacting clause and inserting the contents of SB 3-B, which was adopted.

Senator Peterson offered an amendment striking the entire title and inserting the title of SB 3-B, which was adopted.

On motion by Senator Dunn, the amendments were not printed in the Journal because of their length.

On motion by Senator Peterson, by two-thirds vote HB 2-B as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Conference Committee on HB 2-B (PECO Bill)

The President announced the appointment of conferees on the part of the Senate on HB 2-B: Senator Peterson, Chairman; Senators Margolis, Tobiassen, Maxwell and Frank. The action of the Senate was certified to the House.

The Honorable W. D. Childers, President

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

By Senator Dunn—

SCR 1-B—A concurrent resolution adjourning the Legislature. —and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 9, after “p.m.” strike all line 9 and all language on lines 10 and 11.

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

SCR 1-B passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the Speaker has appointed Representatives Morgan, Mann, Bell, Easley, Mills, Burnsed, Gardner, Kutun, Gallagher, Moffitt, Kiser, and Gustafson; Alternates are Carlton, Pajcic and Burrall as the Conferees on the part of the House on HB 1-B.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the Speaker has appointed Representatives Morgan, Mann, Bell, Easley, Mills, Burnsed, Gardner, Kutun, Gallagher, Moffitt, Kiser, and Gustafson; Alternates are Carlton, Pajcic and Burrall as the Conferees on the part of the House on HB 2-B.

Allen Morris, Clerk

Conference Committee on HB 1-B (General Appropriations Bill)

The President announced the appointment of conferees on the part of the Senate on HB 1-B: Senators Gordon, Johnston, Hair, Jenne, Margolis, Tobiassen, Grizzle, McKnight, Maxwell, Thomas, Peterson, Scott; alternates: Senators Kirkpatrick, McClain and Stuart and/or Vogt. The action of the Senate was certified to the House.

On motion by Senator Dunn, the Senate adjourned at 3:27 p.m. to reconvene Monday, June 15, at 1:00 p.m.