



Journal of the Senate

Number 26

Monday, May 30, 1983

BILL ACTION SUMMARY

Monday, May 30, 1983

- H 60 Passed as amended
- H 115 Passed
- H 429 Passed as amended
- H 463 Concurred, passed as amended
- H 1012 Passed as amended
- H 1209 Passed
- H 1287 Passed as amended
- H 1288 Passed
- S 203 Concurred, passed as amended
- S 261 Concurred in House amendments as amended, passed
- S 313 C/S passed as amended
- S 435 C/S passed
- S 461 C/S passed as amended
- S 466 C/S passed as amended
- S 504 Concurred, passed as amended
- S 506 C/S passed as amended
- S 630 Concurred, passed as amended
- S 721 Passed as amended
- S 752 Passed
- S 784 C/S passed
- S 812 Concurred, C/S passed as amended
- S 869 Passed as amended
- S 1033 Passed
- S 1106 Passed as amended
- S 1167 Passed
- S 1183 Concurred, passed as amended
- S 1204 Adopted

The Senate was called to order by the President at 2:00 p.m. A quorum present—38:

Mr. President	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Excused: Senator Barron until 2:45 p.m.; Senator Mann

Prayer by Dr. Babb Adams, President of Florida Baptist Convention and Pastor, First Baptist Church, Inverness:

Our Father, today of all days we are thankful for our democracy and mindful of the price paid to establish and preserve it.

Too often we take for granted those precious freedoms which have been made possible by the blood, sweat and tears of those who came before us, who, by determination of purpose, by pledging their honor, by giving their fortunes, and by the sacrifice of their lives made the dreams of freedom a reality, and those following who with the same determination, generation after generation have welded together the greatest nation on earth. Father, we are indebted first to you and then to those who have given themselves to such a selfless cause.

May we be banded together in the common cause of making the good, better and the better, best. Keenly aware that those things which transpire in this hallowed chamber affect the lives of the people of our great state not only today but for years to come.

Give courage that we may stand for that which is right, lest we fall for that which is wrong. For we can never go wrong doing right or ever be right doing wrong.

Give strength and integrity to deal fairly and equitably with the issues that face us.

Give divine wisdom to these who must deal with the multitude of problems, both great and small, that face our state. Problems, some of which are so complex that they are bewildering. Help them, dear God, to find simple solutions to complex problems.

Bless, O God, our favored Florida and those whom we have elected to lead and represent us. Both men and women are looking for a better means or a better method, but you, Father, are looking for better men and better women. Help us, therefore, to become what you would have us be. Bless us and guide us in spite of ourselves. Please, O God, accomplish through us that, that is beyond us.

Father, forgive us our transgressions and cleanse from our hearts every impurity that might hinder our prayer. We recognize your sovereignty and our dependence upon you for leadership.

Grant this body divine wisdom and caution for the decisions that will be made this day and the days ahead. Realizing some things are easier to do than to undo and everything done here, whether good or bad, will long affect us all.

This I pray in Jesus' name. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special and Continuing Order Calendar for Monday, May 30, 1983: SB 313, CS for SB 506, SB 752, SB 721, SB 784, SB 869, SB 1033, SB 1106, SB 1143, SB 1057, SB 461, SB 466, SB 1167, SB 198, SB 221, SB 537, SB 682, SB 56, SB 57, SB 739, SB 344, SB 234, HB 673, CS for SB 549, SB 556, SB 558, SB 1104, SB 478, SB 861, SB 985, SB 996, SB 723, SB 1150, SB 650, SB 290, SB 374, SB 449, SB 450, SB 575, SB 308, SB 123, SB 460, SB 803

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 688

The bill with committee substitute attached was referred to the Committee on Executive Business under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: SB 1094

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

REQUESTS FOR EXTENSION OF TIME

May 27, 1983

The Committee on Appropriations requests an extension of 15 days for consideration of the following: CS for SB 10, SB 23, SB 24, SB 32, SB 38, CS for SB 59, SB 67, SB 89, SB 90, CS for SB 94, SB 109, SB 133, CS for SB 139, SB 151, SB 152, SB 177, SB 189, CS for SB 196, SB 228, SB 230, SB 239, SB 249, CS for SB 250, CS for SB 260, SB 271, SB 289, CS for SB 293, CS for SB 305, SB 312, CS for SB 318, SB 329, CS for SB 337,

SB 341, SB 343, SB 371, SB 372, SB 373, CS for SB 418, SB 441, SB 456, SB 467, SB 500, SB 521, SB 528, CS for SB 532, CS for SB 540, SB 546, CS for SB 555, SB 559, SB 574, SB 601, SB 622, SB 635, SB 637, CS for SB 638, SB 647, SB 652, SB 658, CS for SB 661, SB 665, CS for SB 669, SB 681, SB 684, SB 696, CS for SB 705, CS for SB 729, SB 742, CS for SB 758, SB 766, CS for SB's 773 and 814, SB 788, CS for SB 795, CS for SB 796, SB 798, SB 818, SB 826, CS for SB 849, CS for SB 866, CS for SB 874, CS for SB 904, SB 917, SB 923, SB 933, SB 936, SB 946, SB 962, CS for SB's 963, 999, 1079 and 1098, CS for SB 968, SB 974, CS for SB 976, SB 982, SB 984, CS for SB 998, SB 1006, SB 1011, SB 1013, SB 1019, SB 1031, CS for SB 1038, SB 1044, SB 1045, SB 1046, CS for SB 1048, SB 1069, CS for SB 1070, SB 1075, SB 1080, SB 1082, SB 1083, SB 1085, CS for SB 1097, SB 1103, SB 1105, SB 1107, SB 1120, SB 1124, SB 1145, SB 1149, HB 191, HB 994, HB 1039, HB 1076

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: SB 143, SB 160, SB 184, SB 238, SB 281, SB 324, SB 326, SB 334, SB 335, SB 375, SB 385, SB 390, SB 396, SB 469, SB 475, SB 1109, SB 1136, HB 762

May 30, 1983

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: SB 5, SB 33, SB 53, SB 81, SB 82, SB 209, SB 2, SB 353, SB 422, SB 425, SB 494, SB 643, SB 676, HB 648, SB 536, SB 797, SB 834, SB 837, SB 885, SB 912, SB 913, SB 970, SB 1023, SB 1027, SB 1060, SB 1074, SB 1131, SB 1151, SB 674, SB 907, SB 1178, SB 909, CS for SB 1137, SB 926, CS for SB 716, CS for SB 446, SB 928, HB 312, SB 865, HB 248, HB 228, SB 1111, CS for SB's 594 and 389, CS for SB 1093, CS for SB 1112, SB 1135, SB 327, CS for SB 512, CS for HB 87, HB 1169, SB 735, SB 745, SB 233, CS for HB 1217, HB 1309, SB 763, SB 770

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: SB 60, SB 480, SB 535, SB 604, SB 710, SB 750, SB 819, SB 828, SB 903, SB 1089, HB 63, HB 646

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: SB 37, SB 71, SB 99, SB 100, SJR 101, SB 105, SB 106, SB 117, SJR 118, SB 119, SB 150, SB 155, SB 202, SB 204, CS for SB 229, SB 240, SB 300, SB 330, SB 339, SB 386, SB 387, SB 412, SB 427, SB 430, SJR 432, SB 445, SB 481, SB 495, SJR 519, SB 571, SB 624, SB 629, SJR 679, SB 719, SJR 725, SB 731, SB 737, SB 772, SJR 791, SB 839, SB 841, SB 889, SB 895, SB 901, SB 940, SB 945, SB 966, SB 972, SB 982, CS for SB 1010, SB 1015, SB 1020, SB 1026, SJR 1059, SB 1061, SB 1068, SB 1100, SB 1164, HB 82, HB 117, HB 207, CS for HB 208, HB 216, HB 257, HB 471, HB 608, CS for HB 632, HB 769, CS for HB 827, HB 837, HB 985, HB 1092, HB 1107, HJR 1155, HB 1225

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Economic, Community and Consumer Affairs and Senator Gersten—

CS for SB 688—A bill to be entitled An act relating to professional regulation; amending ss. 114.01, 120.71, 310.011, 310.021, 310.131, 310.151, 455.207(4), 455.213(2), 455.225(3), 455.227(1)(d), (e), 458.337(1)(b), 459.015(1)(s), 459.017, 460.406(2), 460.413(1)(n), 462.08(4), 462.14, 464.018(1)(i), 465.007(1)(b), 465.016(1)(e), 465.023(1), 466.028(1)(n), (t), and adding paragraph (ee) to said subsection, 468.1665(1), (2), 471.031(1)(b), 472.005(1), 472.013(2), (4), 472.033(1)(h), 473.303(1), 477.019(1)(b), 480.046(1), 486.091, 489.115(1), 489.129(1), 490.005(1)(b), (2), Florida Statutes; amending ss. 20.30(2)(a), (3), 455.217(1), 455.241, 458.331(1)(f), 472.007(1), 475.17(2), 475.175, 475.25(1), Florida Statutes, 1982 Supplement; adding ss. 455.203(9), 455.227(1)(f); creating ss. 455.220, 458.3311, 464.0185, Florida Statutes; amending s. 466.006(1), (3), Florida Statutes, 1982 Supplement, and adding paragraph (c) to subsection (4) of said section; adding s. 472.017(5), Florida Statutes; creating ss. 477.030, 476.184(3), 501.122(3), Florida Statutes; renaming the Division of Administrative Services of the Department of Professional Regulation; specifying when a vacancy in a board or commission of the department occurs; providing for disqualification of agency personnel; providing for verification of the amount of pilotage at ports; providing that the Board of Pilotage consists of certain members when rates of pilotage are set; providing for initial license fees; authorizing release of candidate names and numbers to national contractors for specified purposes; exempting probable cause panels from agenda requirements; authorizing peer review of certain health care providers; establishing peer review of treatment by chiropractic physicians; provid-

ing that telephone conference calls shall not be included in the definition of "other business of the board"; providing an additional ground for discipline by regulatory boards within the Department of Professional Regulation; providing a restriction upon the use of laser devices; providing a penalty; requiring reporting of physicians in violation of law; establishing an impaired professional advisory committee under the board of medical examiners; providing for approval of treatment programs and providers; providing for the monitoring of physicians in such programs; providing for confidentiality; providing for responsibility of the Department of Professional Regulation; requiring reporting of nurses in violation of law; providing for nurse membership on the impaired professionals advisory committee; providing for retention and responsibilities of consultant; providing for confidentiality; extending the date for waiver of accreditation and approval requirements for chiropractic colleges; providing additional provisions for waiver; deleting requirement for department to make available certain courses; increasing biennial renewal fees for naturopathic physicians; amending requirements for licensure as a pharmacist; providing for testing of dentists, examination fees, exemptions; revising the membership of the Board of Nursing Home Administrators; revising the name of the Board of Land Surveyors; specifying requirements for licensure; providing that an applicant shall be entitled to take the licensure examination if the applicant has certain military training and experience; requiring the board to adopt rules providing for review and approval of military schools and training and apprenticeship programs operated by the United States Government; providing for mandatory continuing education for land surveyors; expanding the membership of the Board of Accountancy; revising the qualifications for examinations and licensure as a real estate broker, broker-salesman, and salesman; changing a limitation with respect to standards established by the Board of Cosmetology pursuant to training required to qualify for licensure; specifying those cosmetology services that may be performed outside a licensed salon; amending requirements for licensure for psychological services; requiring the Department of Professional Regulation to make certain studies and to report to the Legislature; establishing the Florida Consultative Council; providing duties of the council; providing for council membership; providing powers of the council; revising grounds for discipline and actions that may be taken against medical doctors, osteopaths, chiropractors, naturopaths, pharmacists, dentists, engineers, land surveyors, real estate brokers and salesmen, masseurs, midwives, and contractors; providing penalties; requiring display of barber certificates; specifying effect of certification of contractors; providing an effective date.

By the Committee on Appropriations and Senator Johnston (by request)—

CS for SB 1094—A bill to be entitled An act relating to fiscal matters; creating s. 215.322, Florida Statutes; providing that a state agency may accept credit cards in payment for certain goods and services under specific circumstances; adding s. 215.422(8), Florida Statutes; authorizing the Comptroller to adopt rules; amending s. 216.031(3), Florida Statutes, as amended; changing the reporting of operating cost on the trust fund schedule from a cash basis to a modified accrual basis; amending s. 216.181(7), Florida Statutes, and adding a new subsection (4) to said section, to provide authority to the Executive Office of the Governor to consolidate two or more fixed capital outlay appropriations to improve contract administration and to approve changes in state trust fund appropriations; amending s. 216.192(1), Florida Statutes, as amended, relating to schedule for releases for fixed capital outlay appropriations; amending s. 216.292(2), (3), Florida Statutes, as amended; renumbering s. 216.292(4), Florida Statutes, and adding new subsections (4), (5), and (6) to said section; providing for the transfer of appropriations for operations, fixed capital outlay, to implement reorganizations authorized by the Legislature, to accounts established for disbursement purposes, and for transfers from the working capital fund; amending s. 216.301(1), Florida Statutes, as amended; adding s. 216.301(2)(c), Florida Statutes, relating to certification of outstanding obligations for operations and fixed capital outlay; providing an effective date.

On motions by Senator Rehm, by two-thirds vote SR 1204 was withdrawn from the Committee on Rules and Calendar and taken up instanter.

SR 1204—A resolution commending the Winn Dixie Corporation for its efforts in organizing Project "Identi-Child".

—was read the second time in full. On motion by Senator Rehm, SR 1204 was adopted. The vote on adoption was:

Yeas—35

Mr. President	Frank	Johnston	Plummer
Beard	Gersten	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	Meek	Vogt
Dunn	Hill	Myers	Weinstein
Fox	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—McPherson

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 982, 1149, CS for SB 293, CS for SB 418, CS for SB 139, CS for SB 968 and CS for SB 729 were withdrawn from the Committee on Appropriations.

On motion by Senator Beard, the rules were waived and SB 127 was ordered immediately certified to the House.

On motions by Senator Frank, by two-thirds vote SB 1092 was withdrawn from the committees of reference and indefinitely postponed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES*The Honorable Curtis Peterson, President*

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

SB 203—A bill to be entitled An act relating to law enforcement and correctional officers; creating s. 925.095, Florida Statutes, authorizing law enforcement and correctional officers to administer oaths in connection with their official duties; providing that making a material false statement to such officers is a felony; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 19, between the words “oaths” and “in” insert: , to witnesses,

Amendment 2—In title, on page 1, line 8, strike “felony” and insert: misdemeanor

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

SB 203 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jennings	Plummer
Beard	Girardeau	Johnston	Rehm
Carlucci	Gordon	Kirkpatrick	Scott
Castor	Grant	Langley	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	Myers	Weinstein
Fox	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Gersten, McPherson

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

SB 504—A bill to be entitled An act relating to Hillsborough County; authorizing the Board of County Commissioners of Hillsborough County to create zoning classifications within the unincorporated areas of Hillsborough County for certain purposes; authorizing the board of county commissioners to adopt zoning regulations and providing procedures for their adoption; providing for the appointment, powers, and duties of zoning hearing masters; providing procedures for the hearing of applications for a change in zoning classification; providing for review of zoning hearing masters' decisions by the board; providing for enforcement; providing a penalty; providing for severability; repealing chapter 18930, Laws of Florida, 1937, chapters 24588, 24594, 24595, and ss. 1-5 and 8-13, chapter 24592, Laws of Florida, 1947, chapters 25887, 26251, 26271, Laws of Florida, 1949, chapters 27602, 27608, 27613, Laws of Florida, 1951, chapter 29553 and ss. 1-3 and 5-13 of chapter 29131, Laws of Florida, 1953, and chapters 59-1349, 61-2928, 67-1473, 71-940, 78-524, and 79-477, Laws of Florida, relating to zoning and planning; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 5, line 27, strike “recording” and insert: record

Amendment 2—On page 5, lines 29-30, strike: the parties to present oral arguments and insert: public testimony

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

SB 504 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gersten	Jennings	Neal
Beard	Girardeau	Johnston	Plummer
Castor	Gordon	Kirkpatrick	Scott
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thomas
Crawford	Hair	Margolis	Thurman
Dunn	Henderson	Maxwell	Vogt
Fox	Hill	Meek	Weinstein
Frank	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—McPherson, Rehm

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

SB 630—A bill to be entitled An act relating to Sarasota County; incorporating the Old Myakka Area Fire Control District, describing the district boundaries; providing that the purpose of the district shall be for establishment and maintenance of fire and emergency services; providing for an elective governing body of the district composed of five commissioners and setting forth their authority, terms of office, qualifications, method of removal from office and of filling vacancies in office; prohibiting nepotism; providing for the levy, collection and enforcement of special assessments against and creating liens upon lands in the district in order to raise funds for the purpose of the district; providing for the increase in assessments when necessary, but requiring a referendum approval for any annual increase in excess of 5 percent; providing for approval of the district's budget by the Board of County Commissioners of Sarasota County; requiring a depository and that all funds be disbursed by check; requiring an annual audit and financial report; authorizing the use of the power of eminent domain, the appointment of a fire marshal and the borrowing of money; establishing claims procedure; providing immunity from claims equal to that of other agencies and subdivisions of the state; providing for the defense of claims and payment of judgments for district officers and employees acting within scope of their duties and without bad faith, malice or willful disregard of rights; providing for the expansion of the district after referendum held in district and in proposed new area; providing for assessment and collection of impact

fees; providing for injunction; providing the district shall have continuing existence; providing a savings clause; providing for effect on conflicting laws; providing for a referendum election.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 7, strike “East” and insert: West

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

SB 630 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	Jenne	Myers
Beard	Gersten	Jennings	Plummer
Carlucci	Girardeau	Johnston	Stuart
Castor	Gordon	Kirkpatrick	Thomas
Childers, D.	Grant	Langley	Thurman
Childers, W. D.	Grizzle	Malchon	Vogt
Crawford	Hair	Margolis	Weinstein
Dunn	Henderson	Maxwell	
Fox	Hill	Meek	

Nays—None

Vote after roll call:

Yea—McPherson, Rehm

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

SB 1183—A bill to be entitled An act relating to Brevard County; establishing a regional water authority; providing legislative intent; providing definitions; establishing the boundaries of the district; providing for the membership, nomination, and appointment of a governing board of the district; setting out the compensation and expense allowance for members; establishing the powers and duties of the authority; providing for the power to tax and to levy special assessments; providing for enforcement of such assessments; authorizing award of costs and attorneys’ fees; authorizing water supply agreements; providing for the authority to furnish water system supply and transmissions; providing for the issuance of revenue bonds and general obligation bonds; setting out the power of eminent domain for the authority; providing for uniform rates, fees, and charges; establishing initial operation and maintenance costs of the authority and the method of payment; providing that this act shall supersede the power and authority of any regional water supply authority; prescribing exemptions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 24, line 7, add a new Section 16 and renumber each remaining section.

Section 16. It is the express purpose and intent of this Act to preserve the rights of the holders of any outstanding indebtedness of any city or other political subdivision within the boundaries of the authority, payable in whole or in part from a publicly owned water distribution system, any indebtedness of any such political subdivision issued to provide permanent financing for or to refinance such indebtedness, and any proposed indebtedness with respect to which validation proceedings have been commenced and which is issued within a period of one year from the effective date of this act. Nothing contained herein shall be construed to adversely affect or impair any contractual or property rights presently vested or to become vested in the holders of such indebtedness. Any provision in this Act that, without this Section, adversely affects or impairs such rights shall become effective with regard to such political subdivision and its publicly owned water distribution system only after all such indebtedness has been paid in full.

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

SB 1183 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jenne	Plummer
Beard	Gersten	Jennings	Rehm
Carlucci	Girardeau	Johnston	Scott
Castor	Gordon	Kirkpatrick	Stuart
Childers, D.	Grant	Langley	Thomas
Childers, W. D.	Grizzle	Malchon	Thurman
Crawford	Hair	Maxwell	Vogt
Dunn	Henderson	Meek	Weinstein
Fox	Hill	Myers	

Nays—None

Vote after roll call:

Yea—McPherson

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, concurred in Senate amendment 2 and passed as further amended HB 463 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Bronson and others—

HB 463—A bill to be entitled An act relating to education; creating s. 232.0316, Florida Statutes, providing for district school personnel to assist students in the administration of prescribed medications under certain circumstances; providing for training of school personnel and adoption of school board policies and procedures; requiring written parental permission to include an explanation of the necessity for the medication; requiring proper storage of prescribed medications; removing liability; providing an effective date.

Amendment 1 to Senate Amendment 1—On page 2, lines 15-18, strike all of subsection (2) and insert:

(2) There shall be no liability for civil damages as a result of the administration of such medication where the person administering such medication acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.

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

HB 463 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jenne	Myers
Beard	Gersten	Jennings	Plummer
Carlucci	Girardeau	Johnston	Scott
Castor	Gordon	Kirkpatrick	Stuart
Childers, D.	Grant	Langley	Thomas
Childers, W. D.	Grizzle	Malchon	Thurman
Crawford	Hair	Margolis	Vogt
Dunn	Henderson	Maxwell	Weinstein
Fox	Hill	Meek	

Nays—None

Vote after roll call:

Yea—McPherson, Rehm

The Honorable Curtis Peterson, President

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

CS for SB 812—A bill to be entitled An act relating to reinsurance; amending ss. 624.610, 628.611, 629.501, Florida Statutes, 1982 Supplement; providing minimum standards for reinsurance contracts which must be met in order for a domestic, captive, or reciprocal insurer to receive credit for reinsurance; providing that no person other than the ceding insurer has rights against the reinsurer not specifically stated by contract; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 29, insert “that” after “or”

Amendment 2—On page 10, line 24, strike “which group” and insert “that”

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

CS for SB 812 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	Jenne	Plummer
Beard	Gersten	Jennings	Scott
Carlucci	Girardeau	Johnston	Stuart
Castor	Gordon	Kirkpatrick	Thomas
Childers, D.	Grant	Langley	Thurman
Childers, W. D.	Grizzle	Malchon	Vogt
Crawford	Hair	Maxwell	Weinstein
Dunn	Henderson	Meek	
Fox	Hill	Myers	

Nays—None

Vote after roll call:

Yea—McPherson, Rehm

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1209 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative Thomas—

HB 1209—A bill to be entitled An act relating to state land acquisition; amending s. 253.023(3), (6), (8), Florida Statutes, 1982 Supplement; providing for use of moneys in the Conservation and Recreation Lands Trust Fund; authorizing the Department of Natural Resources to enter into option contracts to buy certain lands under certain circumstances; providing requirements for such option contracts; providing for the selection of lands to be acquired under this section; amending s. 253.025, Florida Statutes, 1982 Supplement; providing procedures for state land acquisition; providing for evidence of marketable title; providing for appraisals and appraisal reports; providing for review of appraisal reports by the Division of State Lands; establishing criteria for determining land value by an independent fee appraiser; providing for offers and counteroffers; providing for confidentiality of appraisal reports, offers, and counteroffers; providing for performance postaudits of certain purchases by the Auditor General; amending s. 259.035, Florida Statutes, 1982 Supplement; providing procedures to select lands for purchase pursuant to s. 253.023, s. 259.035, and Chapter 375; requiring the preparation of two mutually exclusive land acquisition priority lists; requiring certain information on certain projects; amending s. 259.04, Florida Statutes; requiring certain projects to be acquired in a certain order to the greatest extent practical; providing for state capital projects for outdoor recreation lands; providing for approval of acquisition project priority lists; amending s. 375.021(1) and (2), Florida Statutes, 1982 Supplement; providing for the selection of lands to be acquired under this section; clarifying authority of Outdoor Recreation Advisory Committee created under this section; amending s. 375.031(3), Florida Statutes; authorizing the Department of Natural Resources to enter into option contracts to buy certain lands; providing requirements for such option contracts; providing an effective date.

—was read the first time by title and on motion by Senator Neal, by unanimous consent was taken up instanter.

On motions by Senator Neal, by two-thirds vote HB 1209 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jennings	Myers
Beard	Gersten	Johnston	Neal
Carlucci	Girardeau	Kirkpatrick	Scott
Castor	Grant	Langley	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein
Fox	Jenne	Meek	

Nays—None

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives returns CS for CS for HB 1012 as requested.

Allen Morris, Clerk

By the Committees on Appropriations and Corrections, Probation & Parole and Representative Ward and others—

CS for CS for HB 1012—A bill to be entitled An act relating to corrections and parole; providing a short title; providing findings; providing definitions; creating s. 944.022, Florida Statutes, creating an inmate to population ratio for the state correctional system for specified purposes; providing for certification of legislative budget requests for corrections residential facilities by a Criminal Justice Estimating Conference; providing for review of such requests; providing procedures for correcting inmate population levels in excess of certain levels; creating s. 921.187, Florida Statutes, providing sentencing alternatives; creating s. 775.075, Florida Statutes, providing sentencing criteria; amending s. 944.275, Florida Statutes, changing gain-time amounts and considerations; amending s. 947.16(3)(a), (b), and (g), Florida Statutes, 1982 Supplement, and adding a paragraph, reducing the portion of sentence over which a sentencing judge may retain jurisdiction; changing the date of reinterviews of inmates where parole release orders have been vacated by the sentencing court; amending s. 947.135(3)(a), Florida Statutes, 1982 Supplement, changing participation criteria for the mutual participation program; creating s. 948.001, Florida Statutes, providing definitions; creating s. 948.005, Florida Statutes, providing for the implementation of community control programs; amending s. 948.01, Florida Statutes, providing for placement of certain offenders into community control as an alternative to probation; limiting the duration of supervision; providing for the applicability of workers' compensation benefits to offenders in certain work programs; authorizing discharge from certain programs; amending s. 948.011, Florida Statutes, conforming provisions relating to imposition of fines and probation; amending s. 947.23(6), Florida Statutes, authorizing placement of certain parolees into community control; amending s. 948.03, Florida Statutes, changing terms and conditions of probation and providing terms and conditions of community control; amending s. 948.031, Florida Statutes, authorizing the Department of Corrections to establish public service programs in counties for offender public service; amending s. 948.04, Florida Statutes, to conform to the act; amending s. 948.05, Florida Statutes, providing for judicial admonishment and commendation of offenders in community control; amending s. 948.06, Florida Statutes, providing for placement of persons violating probation into community control; providing for revocation, modification, or continuance of community control; adding new subsections (2), (3), and (4) to s. 945.26, Florida Statutes, providing for a community control program as a sentencing alternative; amending s. 947.04(1), Florida Statutes, 1982 Supplement, authorizing the Parole and Probation Commission to assign temporary duties to retired commissioners; amending s. 947.01, Florida Statutes, removing the Secretary of Corrections as a member of the Parole and Probation Commission and providing for the future reduction in the membership of the commission; amending s. 947.02, Florida Statutes, revising provisions relating to the appointment of commissioners; amending s. 947.03(1) and (3), Florida Statutes, and adding a subsection, reducing the terms of office of commissioners; providing for new appointment of commissioners; amending s. 947.175, Florida Statutes, changing persons to be notified by the commission upon establishing an effective parole release date and prior to release of an inmate on work release; creating s. 947.1746, Florida Statutes, authorizing the commission to establish an effective parole release date without final interview under certain circumstances; amending s. 944.927(1) and (2), Florida Statutes, as created by chapter 82-411, Laws of Florida, expanding the applicability of the Local Offender Advisory Council Act; adding a new subsection (3) to

s. 951.23, Florida Statutes, authorizing the Department of Corrections to provide certain assistance to local governments; creating s. 253.061, Florida Statutes, providing for the acquisition or use of lands for correction facilities; creating s. 945.275, Florida Statutes, providing for a study of siting of additional correctional facilities; providing procedures for acquisition of property for such facilities over the objections of local governments; repealing s. 958.08, Florida Statutes, relating to community control program; providing for the future repeal and review of s. 20.32, Florida Statutes, and chapter 947, Florida Statutes, relating to the Parole and Probation Commission; providing for legislative review; providing severability; directing that certain changes in the Florida Statutes be made; providing an effective date.

On motion by Senator Hair, the rules were waived and the Senate immediately reconsidered the vote by which CS for CS for HB 1012 as amended passed May 26.

On motion by Senator Hair, the Senate reconsidered the vote by which CS for CS for HB 1012 was read the third time.

On motions by Senator Hair, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. Amendments 1 and 2 failed.

Further consideration of CS for CS for HB 1012 was deferred.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 872, 843, 845, 847, 415, 402, 623, CS for SB 68 and CS for SB 142.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed House Bills 1127, 1194 and 1187, as amended.

Allen Morris, Clerk

FIRST READING

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fifths vote of the membership of the House HJR 779 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Young—

HJR 779—A joint resolution proposing an amendment to Section 3, Article III of the State Constitution, relating to sessions of the Legislature.

—was referred to the Committee on Rules and Calendar.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 809 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Burned—

HB 809—A bill to be entitled An act relating to the inhalation or possession of certain chemical substances; amending s. 877.11, Florida Statutes, specifying substances the inhalation or possession of which is illegal; prohibiting the possession, purchase, sale or transfer of such substances to aid in the prohibited inhalation or possession thereof; providing a penalty; providing for participation in a drug rehabilitation program; amending ss. 316.193(1) and 316.1931(1), Florida Statutes, 1982 Supplement, expanding and conforming provisions relating to the unlawful operation of a motor vehicle while under certain influence or while intoxicated to include such chemical substances; amending s. 318.17(3), Florida Statutes, 1982 Supplement, expanding and conforming provisions relating to offenses excepted under chapter 318, Florida Statutes; reenacting ss.

327.35 and 860.13(1), Florida Statutes, to incorporate the amendment to s. 877.11 in references thereto; providing an effective date.

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

The Honorable Curtis Peterson, President

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

Allen Morris, Clerk

By Representative Burke—

HB 837—A bill to be entitled An act relating to voter registration; amending s. 98.271, Florida Statutes, 1982 Supplement, relating to the appointment of deputy voter registrars; clarifying that the supervisors of elections may appoint any registered electors in their jurisdiction; providing for rules; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1140 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Corrections, Probation & Parole—

HB 1140—A bill to be entitled An act relating to the state correctional system; amending ss. 944.35 and 944.36, Florida Statutes, substantially revising provisions relating to the use of force against inmates by employees of the Department of Corrections; requiring reports of use of physical force; requiring employees to report instances of unlawful abuse; providing a penalty; requiring certain training; repealing s. 944.34, Florida Statutes, to conform to the act; amending s. 922.051, Florida Statutes, requiring certain imprisonment in county jails if the total cumulative sentences of a prisoner are less than 1 year; amending s. 944.08, Florida Statutes, deleting provisions relating to commitment to custody of the Department of Corrections to conform to the act; amending s. 944.17, Florida Statutes, restricting persons who may be committed to the department; requiring the department to refuse to accept certain persons into the state correctional system; requiring the delivery of certain documents and information to the department; amending s. 948.03(3), Florida Statutes, restricting the duration and location of periods of incarceration imposed as a condition of probation; requiring the return of certain inmates, upon request, to the court for appropriate disposition; repealing ss. 944.16 and 944.18, Florida Statutes, relating to the receipt of prisoners by the department and transmittal of the indictment or information to the department, to conform to the act; providing an effective date.

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

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1216 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice—

HB 1216—A bill to be entitled An act relating to worthless checks and drafts; amending ss. 832.04(1) and 832.041(1), Florida Statutes, providing for degrees of offenses relating to stopping payment on checks with intent to defraud; increasing penalties; amending subsection (1), subsection (2), and subsection (4) of s. 832.05, Florida Statutes; prohibiting use of a debit card where sufficient funds to cover the order are not available; defining "debit card"; providing penalties; providing an increase in the amount of property which must be obtained pursuant to a worthless check, draft, or written money order to constitute an offense; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1176 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1176—A bill to be entitled An act relating to health maintenance organizations; adding subsections (9)-(13) to s. 641.19, Florida Statutes, 1982 Supplement, defining "surplus," "guaranteeing organization," "uncovered expenditures," "insolvent" or "insolvency" and "surplus notes"; amending s. 641.21(7), Florida Statutes, 1982 Supplement, relating to applications for certificates; requiring a financial statement; amending s. 641.22, Florida Statutes, 1982 Supplement, relating to issuance of certificates of authority; providing for required minimum surplus for health maintenance organizations; requiring health maintenance organizations to file reinsurance contracts with the department; creating s. 641.225, Florida Statutes, relating to surplus requirements; amending s. 641.23, Florida Statutes, 1982 Supplement, relating to revocation of certificates; providing a time period for order of compliance; amending s. 641.25, Florida Statutes, 1982 Supplement, providing for administrative penalties in lieu of revocation; amending s. 641.26, Florida Statutes, 1982 Supplement, providing for filing of an annual report; providing for requirements for filing annual reports and financial statements; amending s. 641.27, Florida Statutes, 1982 Supplement, relating to examinations by the department; providing terms and conditions for expenses of examination of each health maintenance organization by the department; amending s. 641.28, Florida Statutes, 1982 Supplement, relating to civil actions and remedies; providing for recovery of attorney's fees and court costs; amending s. 641.285, Florida Statutes, 1982 Supplement, relating to insolvency protection; providing for deposits of securities with the department; providing amounts of security deposits; providing exceptions; providing for withdrawal of deposits; providing for reduction of deposits; providing for application of section; adding subsections (8) and (9) to s. 641.31, Florida Statutes, 1982 Supplement, providing for coordinating and limiting contract benefits; amending s. 641.315, Florida Statutes, 1982 Supplement, relating to provider contracts; providing that the health maintenance organization shall be liable for fees when the organization fails to meet its obligation to pay such fees; providing effective dates.

—was referred to the Committees on Health and Rehabilitative Services, and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 651 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Corrections, Probation & Parole—

HB 651—A bill to be entitled An act relating to probation; amending s. 948.01(4), Florida Statutes, requiring immediate commencement of probation following incarceration under certain circumstances; amending s. 948.03(3), Florida Statutes, restricting the duration and location of any period of treatment imposed as a condition of probation; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 827 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Sander-son—

CS for HB 827—A bill to be entitled An act relating to aircraft; prohibiting certain actions with respect to aircraft the identification of which does not meet federal requirements; providing a penalty; providing for inspection of aircraft for certain purposes; prohibiting the possession or

maintenance of aircraft with illegal fuel capacity; providing a penalty; declaring aircraft to be a dangerous instrumentality; providing liability; prohibiting the possession of unregistered aircraft and restricting such registration; providing a penalty; providing an effective date.

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

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1204 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Growth Management—

HB 1204—A bill to be entitled An act relating to growth management; amending s. 153.51, Florida Statutes, providing legislative intent with respect to the "County Water and Sewer District Law"; adding a new subsection (4) to s. 367.011, Florida Statutes, 1982 Supplement, revising legislative intent with respect to the "Water and Sewer System Regulatory Law"; amending ss. 373.016(2) and (3) and 373.036(1), Florida Statutes, providing legislative intent with respect to the state water use plans under the "Florida Water Resources Act of 1972"; amending s. 380.021, Florida Statutes, revising legislative purpose with respect to "The Florida Environmental Land and Water Management Act of 1972"; amending s. 403.851(3), Florida Statutes, revising legislative intent with respect to the "Florida Safe Drinking Water Act"; amending s. 387.09, Florida Statutes, providing for regulation of the use of septic tanks; amending s. 403.0615(3)(e), Florida Statutes, providing guidelines for establishment of criteria for the allocation of funds used for water resources restoration and preservation; amending s. 403.702, Florida Statutes, providing legislative intent with respect to the "Florida Resource Recovery and Management Act"; amending s. 334.02, Florida Statutes, providing legislative intent with respect to the "Florida Transportation Code"; amending s. 334.211(2), (3)(a), (4), (5), (6)(a), and (7), Florida Statutes, relating to the comprehensive plans required to be developed by the Department of Transportation; providing legislative intent; amending s. 341.021, Florida Statutes; providing legislative intent with respect to the "Florida Public Transit Act"; amending s. 228.002, Florida Statutes, providing legislative intent with respect to "The Florida School Code"; amending s. 228.01, Florida Statutes, providing goals with respect to the state plan for public education; amending s. 228.02, Florida Statutes, providing legislative intent with respect to the state system of public education; amending s. 154.01, Florida Statutes, providing legislative intent with respect to local health units; amending s. 154.203, Florida Statutes, providing legislative intent with respect to the "Health Facilities Authorities Law"; amending s. 154.302, Florida Statutes, providing legislative intent with respect to "The Florida Health Care Responsibility Act"; amending s. 154.402, Florida Statutes, providing legislative intent with respect to the "State Health Facilities Authority Law"; amending s. 381.493(2), Florida Statutes, 1982 Supplement, providing legislative intent with respect to the "Health Facilities and Health Services Planning Act"; amending s. 395.02(2), Florida Statutes, providing legislative intent with respect to the regulation of hospitals and ambulatory surgical centers; adding subsection (4) to s. 401.24, Florida Statutes, 1982 Supplement, providing an additional element to the emergency and nonemergency medical services state plan; amending s. 410.016(1), Florida Statutes, 1982 Supplement, providing legislative intent with respect to the elderly; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation, and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1218 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 1218—A bill to be entitled An act relating to ad valorem taxation; creating s. 194.013, Florida Statutes; authorizing property appraisal adjustment boards to impose, by resolution, a fee for the filing of petitions; providing exemptions; providing for disposition of such fees and for refund under certain circumstances; providing for waiver of the fee for

certain taxpayers; amending s. 194.032(1), Florida Statutes, 1982 Supplement; deleting provisions relating to shortening of time periods specified with respect to hearings of said boards; renumbering portions of s. 194.032, Florida Statutes, 1982 Supplement, relating to property appraisal adjustment board hearings, as ss. 194.034, 194.035, 194.036, and 194.037, Florida Statutes, and amending subsections (3), (5), and (6); correcting cross references; providing that property appraisers, petitioners, and witnesses shall be required on request of either party to testify under oath; revising provisions relating to testimony and materials denied to the property appraiser by the petitioner; transferring and amending s. 194.032(7), Florida Statutes, 1982 Supplement; amending s. 193.122(3) and (5), Florida Statutes, 1982 Supplement, and s. 194.181(1) and (2), Florida Statutes; correcting cross references; amending s. 200.065(2)(d) and (f), (3)(f), and (11)(a), Florida Statutes, 1982 Supplement; clarifying language; revising time periods with respect to public hearings to finalize the budget, school district tentative budget advertisements and hearings, and required periods between mailing of notice and hearing; revising time periods with respect to budget hearing held by a multicounty taxing authority when mailing of notice of proposed taxes is delayed beyond August 29 or beyond August 15; providing for determination of date of commencement of specified time periods; amending s. 200.066, Florida Statutes, 1982 Supplement; prohibiting a unit of local government or a dependent special taxing district created or established after January 1 from levying an ad valorem tax for the upcoming year; amending s. 200.068, Florida Statutes, 1982 Supplement; requiring that a copy of the property appraisal adjustment board's notice of tax impact be included as part of a county's certification of compliance with millage determination requirements to the Department of Revenue; amending s. 236.081(4), Florida Statutes; revising provisions relating to prescription of required local effort for school districts by the Legislature; revising deadlines for certification by the department to the Commissioner of Education of assessed valuations for school purposes and for computation by the commissioner of millage rate necessary to generate required local effort; providing for utilization of 95 percent of nonexempt assessed valuation when computing millage required for equalization; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1342 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 1342—A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1983-1984; providing authority for the Administration Commission to approve certain transfers related to reorganization; providing for transfers of funds when a state agency is delinquent on reimbursements due the Unemployment Compensation Trust Fund or payments for insurance coverage; providing procedure relating to payment for telephone services provided by the Division of Communications of the Department of General Services; authorizing certain transfers of funds appropriated in Section 1 of the General Appropriations Act; providing that persons in the Senior Management Service shall not be eligible to participate in the salary incentive program; providing that, with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; authorizing certain transfers by the Governor from the Working Capital Fund; restricting use of appropriated funds for certain legal services unless approved by the Attorney General; providing that certain unexpended balances of appropriations to the Department of Transportation shall be certified forward at the end of the fiscal year; providing for certain reduction in the assigned FTE for each community college; providing that specific appropriations in the General Appropriations Act may be advanced as provided; providing that appropriations to the Department of Education are subject to approval by the Commissioner of Education of certain purchases of electronic data processing equipment by school districts, community colleges and the Board of Regents; requiring the Commissioner of Education to conduct an allocation conference prior to distribution of FEFP formula funds; directing the Commissioner of Education to conduct certain enrollment estimating conferences, and to report the results thereof; directing the Commissioner of Education to

review adult educational programs and to report the results thereof; authorizing school districts to contract with nonpublic residential schools for education programs not otherwise available and providing conditions, eligibility and funding with respect thereto; providing effective and expiration dates.

—was referred to the Committee on Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1207 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Growth Management—

HB 1207—A bill to be entitled An act relating to "The Florida Environmental Land and Water Management Act of 1972"; amending s. 380.11, Florida Statutes, providing for judicial and administrative remedies; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation, and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1343 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 1343—A bill to be entitled An act relating to educational facilities construction and funding; authorizing and providing funding for specified public educational capital outlay projects; providing that, unless determined otherwise, 10 percent of the funds provided shall be expended with small businesses owned by socially and economically disadvantaged individuals; adding a new subsection (2) to s. 235.056, Florida Statutes, authorizing school boards to lease their lands and to permit the lessee to purchase the lands; providing for hearings; amending s. 235.212, Florida Statutes, relating to energy systems and educational facilities; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1206 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Growth Management—

HB 1206—A bill to be entitled An act relating to county and municipal planning; amending s. 163.3177(4), Florida Statutes, providing that when local government jurisdictions include a portion of land designated as an area of critical state concern, the local government shall identify portions of the local comprehensive plan applicable to the critical area; amending s. 163.3184(2) and (6), Florida Statutes, providing that no proposed local government comprehensive plan applicable to a designated area of critical state concern shall be effective until reviewed and approved pursuant to "The Florida Environmental Land and Water Management Act of 1972"; adding subsection (20) to s. 380.031, Florida Statutes, defining the term "local comprehensive plan"; amending s. 380.05(1)(b) and (d) and (5)-(15), Florida Statutes, relating to areas of critical state concern, to include reference to local comprehensive plans; providing an effective date.

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

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1302 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1302—A bill to be entitled An act relating to medical malpractice insurance; amending s. 627.351(4), Florida Statutes, 1982 Supplement; requiring the Florida Medical Malpractice Joint Underwriting Association to make certain levels of coverage available to physicians, osteopaths, podiatrists, hospitals, and ambulatory surgical centers; increasing potential assessments against members; providing immunity from suit to certain persons relating to actions taken in performance of duties; providing for departmental approval of rates; deleting obsolete language; amending s. 768.54(2) and (3), Florida Statutes, 1982 Supplement; permitting the Florida Patient's Compensation Fund to reject certain risks; changing liability limits of the fund; increasing financial responsibility limits for hospitals not participating in the fund; increasing the fund entry level; providing for reimbursement of board members; providing immunity from liability for certain actions of board members and others; granting certain powers to the fund; requiring approval of fund membership fees and assessments by the Insurance Commissioner; providing that fund members must pay protested assessment prior to filing suit; removing limitations on deficit assessments to fund members; prohibiting execution against the fund due to insufficient assets; providing for stay of execution absent posting of supersedeas bond; providing for a stay of execution against fund members; providing for termination of coverage by the fund under certain conditions and for cessation of coverage by the fund; providing effective dates.

—was referred to the Committee on Commerce.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1135 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations—

HB 1135—A bill to be entitled An act relating to statutorily required reports; amending s. 20.16(4)(d), Florida Statutes, providing that the annual report required to be filed by the Florida Pari-mutuel Commission shall be submitted by September 1 annually; amending s. 20.315(15) and (16), Florida Statutes, 1982 Supplement, relating to program evaluation and progress reports of the Department of Corrections; amending s. 23.155, Florida Statutes, relating to reports required of the Florida Council on Criminal Justice; amending s. 26.55, Florida Statutes, relating to the report required of the Conference of Circuit Judges of Florida; amending s. 27.37(4)(c), Florida Statutes, relating to the duties of the Council on Organized Crime; amending s. 106.22(11), Florida Statutes, relating to certain required reports of the Division of Elections; amending s. 110.505(2), Florida Statutes, eliminating the requirement that budget requests submitted to the Legislature be accompanied by a volunteer impact statement; amending s. 112.192(8), Florida Statutes, relating to the report required of the State Officers' Compensation Commission; amending s. 112.665(1)(d), Florida Statutes, relating to a report by the Division of Retirement of the Department of Administration concerning governmental retirement systems; amending s. 163.3184(1)(a), Florida Statutes, deleting language relating to the requirement that the state land planning agency publish notice of certain information; amending s. 229.85(5), Florida Statutes, relating to the duties and responsibilities of the Primary Education Council; amending s. 230.2312(4)(c) and (8), Florida Statutes, 1982 Supplement, relating to health screening and reporting under the Florida Primary Education Program; amending s. 233.055(5), Florida Statutes, relating to a required report of the Commissioner of Education with respect to remedial reading; amending s. 233.067(8), Florida Statutes, 1982 Supplement, relating to a required report by the Department of Education dealing with comprehensive health education; amending s. 236.088(5)(b), Florida Statutes, relating to a report required by the Commissioner of Education on administration of the basic skills and functional literacy compensatory supplement programs; amending s. 240.283, Florida Statutes, relating to a report required of presidents of the several state universities; amending s. 240.285, Florida Statutes, relating to a required report with respect to the transfer of funds to other personal services within the State University System; amending s. 284.06, Florida Statutes, relating to a required annual report of the Department of Insurance with respect to fire hazards; amending s. 287.115, Florida Statutes, relating to certain reports of the Comptroller; amending s. 370.16(12), Florida Statutes, 1982 Supplement, relating to a report required by the Division of Marine Resources of the Department of Natu-

ral Resources with respect to the oyster and clam business; amending s. 372.932(7), Florida Statutes, relating to a report on the nonindigenous aquatic plant maintenance program within the Department of Natural Resources; amending s. 409.166(3)(c), Florida Statutes, relating to a report by the Department of Health and Rehabilitative Services with respect to the subsidized adoption program; amending s. 409.2594, Florida Statutes, eliminating a report required by the Department of Health and Rehabilitative Services relating to dependent children; requiring the keeping of certain records; amending s. 409.505, Florida Statutes, eliminating a report required by the Department of Health and Rehabilitative Services with respect to financial assistance for community services programs; amending s. 410.016(2)(e), Florida Statutes, 1982 Supplement, relating to a required report with respect to the elderly; amending s. 410.024(9), Florida Statutes, eliminating a report with respect to community-care-for-the-elderly core services; amending s. 531.55(6), Florida Statutes, eliminating certain reports of the Florida Metric Council; amending s. 655.053, Florida Statutes, relating to the required annual report of the Department of Banking and Finance; amending s. 943.18, Florida Statutes, eliminating a report required by the Criminal Justice Standards and Training Commission; amending s. 947.135(4), Florida Statutes, 1982 Supplement, relating to a report with respect to the "Mutual Participation Program Act of 1976"; repealing s. 13.08(5), Florida Statutes, relating to a report required by the Commission on Interstate Cooperation; repealing s. 23.136, Florida Statutes, relating to reports appraising early childhood development programs; repealing s. 30.49(11), Florida Statutes, 1982 Supplement, as amended, relating to a report required by the Administration Commission with respect to budgets for sheriffs; repealing s. 121.135, Florida Statutes, relating to reports and surveys relative to state and local retirement systems; repealing s. 165.092, Florida Statutes, relating to local government service delivery studies; repealing s. 236.023, Florida Statutes, relating to cost of delivering equivalent educational services and the development of a Cost-of-Education Index; repealing s. 257.06, Florida Statutes, relating to an annual report of the Division of Library Services of the Department of State; repealing s. 420.407(2), Florida Statutes, as amended, relating to certain reports required of the Executive Office of the Governor with respect to the "Farmworker Housing Assistance Act"; repealing s. 553.40, Florida Statutes, as amended, relating to an annual report required by the Department of Veteran and Community Affairs under the "Florida Manufactured Building Act of 1979"; providing for the applicability of the act; providing an effective date.

—was referred to the Committee on Governmental Operations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 691, 1172, 1107, 1222, 970, 1220, 1344 and 1208 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Allen—

HB 691—A bill to be entitled An act relating to transportation; directing the Department of Transportation to install a plaque at each end of the Seven-Mile Bridge in the Florida Keys commemorating the late honorable Representative Bernard C. Papy from Monroe County; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1172—A bill to be entitled An act relating to the law enforcement and correctional officer salary incentive program; adding subsection (4) to s. 943.22, Florida Statutes, providing that individuals in the Senior Management Service shall not be eligible for salary incentive benefits; providing an effective date.

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

By Representative Martin and others—

HB 1107—A bill to be entitled An act relating to county boundaries; amending ss. 7.10, 7.54, Florida Statutes; providing for inclusion within Clay County of certain lands in Putnam County; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Natural Resources—

HB 1222—A bill to be entitled An act relating to energy appropriations; creating the Energy Conservation Grant Act; creating s. 377.704, Florida Statutes; providing legislative intent that funds received by the state due to settlements of certain federal litigation relating to petroleum overcharges shall not be expended unless appropriated by the Legislature; providing appropriations from the Governor's Office Grants and Donations Trust Fund to specified agencies for various portions of the State Energy Program; providing conditions; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Bass and others—

HB 970—A bill to be entitled An act relating to county boundaries; amending s. 7.17, Florida Statutes, providing for the legal description of Escambia County to specifically include the waters of the Gulf of Mexico within the jurisdiction of the State of Florida; deleting the provision that Escambia County shall have jurisdiction of offenses committed on the waters of the Gulf of Mexico adjacent to the shores of Santa Rosa Island; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Finance & Taxation—

HB 1220—A bill to be entitled An act relating to bonds; creating the "Registered Public Obligations Act of Florida"; providing definitions; providing legislative intent; providing for systems of registration with respect to obligations; providing for the execution of certificated registered public obligations; providing criteria for valid and binding execution; providing for a seal; authorizing issuers of public obligations to appoint agents; providing for the payment of costs of the system of registration as a condition precedent to transfer under certain circumstances; providing for payment of liabilities; providing for the validity of certain obligations issued by public entities; excluding certain records from the public records law; providing for applicability; providing for construction; providing for a covenant of the state; superseding laws in conflict; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Appropriations—

HB 1344—A bill to be entitled An act relating to state financial matters; amending ss. 215.20, 215.37(3), 570.20, 376.11(5), 350.113(2), 378.101(1)(i), 211.32(1)(f), 211.02(1), 718.509, 498.019, 721.28, 655.049, 267.051(2)(d), 493.316, 960.21(3), Florida Statutes; amending ss. 378.031(1), 395.512, 601.15(7)(a), (b), Florida Statutes, 1982 Supplement; amending ss. 206.60(2)(a), 206.605(2), 215.22, Florida Statutes, as amended by chapter 83-3, Laws of Florida; increasing the service charge imposed on certain moneys and trust funds; applying the service charge to certain trust funds; adding subsection (4) to s. 215.26, Florida Statutes, providing that said section is the exclusive remedy for refunds between individual funds and accounts in the State Treasury; amending s. 206.875(1), Florida Statutes, providing for the applicability of a service charge to the taxes levied on special fuels under part II of chapter 206, Florida Statutes; amending s. 336.025(2), Florida Statutes, as created by chapter 83-3, Laws of Florida, providing for applicability of the service charge to the Local Option Tax Trust Fund; specifying applicability; providing for retroactive operation; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By the Select Committee on Growth Management—

HB 1208—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06(9)(b), Florida Statutes, to provide additional procedure with regard to the furnishing of information by an applicant for development approval to the regional planning agency; providing an effective date.

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

SPECIAL ORDER

CS for SB 313—A bill to be entitled An act relating to educational facilities; creating s. 235.057, Florida Statutes; authorizing education boards to purchase, own, convey, sell, lease, or encumber air space or any

other interests in real property above the surface of the land; specifying conditions for board purchase, sale, lease, and conveyance of air space or other interests in property; specifying requirements for buildings constructed for nonpublic purposes in sold or leased air space; specifying that educational facilities constructed or leased in joint occupancy facilities are subject to certain rules and requirements; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1—On page 2, line 1, after "determine." insert: All proceeds from such sale or lease shall be used by the board or boards receiving the proceeds solely for fixed capital outlay purposes. These purposes may include the renovation or remodeling of existing facilities owned by the board or the construction of new facilities, provided that for the Board of Regents or community college board such new facility has been authorized by the Legislature.

Senator Vogt moved the following amendment which was adopted:

Amendment 2—On page 2, line 15, before the period (.) insert: , including all building or facility components that are common to both nonpublic and educational portions thereof.

Senator Maxwell moved the following amendments which were adopted:

Amendment 3—On page 2, strike line 20 and insert:

Section 2. Present subsection (2) of section 235.056, Florida Statutes, is renumbered as subsection (3) and a new subsection (2) is added to said section to read:

235.056 Lease and lease-purchases of educational facilities.—

(2) *A school board may lease, for any educational purposes, any land owned by it to any person or entity for such term, for such rent, and upon such terms and conditions as the school board determines to be in its best interests, and any such lease may provide for the optional or binding purchase of the land by the lessee for its fair market value determined in a manner prescribed by State Board of Education rule and upon such terms and conditions as the school board determines are in its best interests. A determination that any such land so leased is unnecessary for educational purposes shall not be a prerequisite to the leasing or lease-purchase of such land. Prior to entering into or executing any such lease, a school board shall hold an open, public hearing on the proposal of entering into the lease or lease-purchase agreement, at which hearing a copy of the proposed agreement in its final form shall be available for inspection and review by the public, after due notice as required by law.*

Section 3. Paragraph (a) of subsection (5) of section 235.26, Florida Statutes, 1982 Supplement, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The commissioner 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.

(5) OFFICE APPROVAL.—

(a) Before a contract has been let for the construction, a board 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;
 - b. Preliminary specifications;
 - c. Energy efficiency studies; and
 - d. Life-cycle cost analysis.
4. Phase III documents, to include completed contractual documents.

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 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. *A board may reuse phase III documents within the same district provided the construction documents have been updated to comply with the Uniform Building Code and any law relating to fire safety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.*

Section 4. This act shall take effect upon becoming a law, except that section 1 shall take effect July 1, 1983 and section 2 shall take effect October 1, 1983.

Amendment 4—In title, on page 1, line 15, after the semicolon (;) insert: renumbering s. 235.056(2), Florida Statutes, and adding a new subsection (2) to said section; providing for lease and lease-purchase, for educational purposes, of real property owned by a school board; amending s. 235.26(5)(a), Florida Statutes, 1982 Supplement; providing for reusing certain construction documents under certain circumstances;

Amendment 5—In title, on page 1, line 9, after the semicolon (;) insert: providing restrictions on the use of proceeds from such sale or lease;

On motion by Senator Maxwell, by two-thirds vote CS for SB 313 as amended was read the third time by title.

Further consideration of CS for SB 313 as amended was deferred.

CS for SB 506—A bill to be entitled An act relating to personnel of the school system; amending s. 231.17(2)(d), (3)(a), Florida Statutes, 1982 Supplement; prescribing requirements for issuance of an initial regular teaching certificate; providing an effective date.

—was read the second time by title.

Senator Meek moved the following amendment which was adopted:

Amendment 1—On page 3, between lines 3 and 4, insert:

Section 2. Subsection (2) of s. 231.471, Florida Statutes, 1982 Supplement, is amended to read:

231.471 Part-time teachers.—

(2) Assigned additional school duties and, salaries, and benefits shall be given in direct ratio to the number of periods taught. *Other benefits shall be provided by school board rule or, if applicable, pursuant to Chapter 447.*

(Renumber subsequent section.)

On motion by Senator Castor, by two-thirds vote CS for SB 506 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Carlucci	Childers, D.	Crawford
Beard	Castor	Childers, W. D.	Dunn

Fox	Henderson	Margolis	Stuart
Frank	Hill	McPherson	Thomas
Gersten	Jenne	Meek	Thurman
Girardeau	Jennings	Myers	Vogt
Gordon	Johnston	Neal	Weinstein
Grant	Kirkpatrick	Plummer	
Grizzle	Langley	Rehm	
Hair	Malchon	Scott	

Nays—None

SB 752—A bill to be entitled An act relating to student and pupil records and reports; amending s. 228.093(2)-(5), Florida Statutes; providing definitions; redefining "student" and "pupil" and providing conforming language; providing for inspection of educational records by certain persons; providing for certain persons to place explanatory or rebuttal material in certain educational records; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote SB 752 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Girardeau	Kirkpatrick	Plummer
Carlucci	Grant	Langley	Rehm
Castor	Grizzle	Malchon	Scott
Childers, W. D.	Hair	Margolis	Stuart
Crawford	Henderson	Maxwell	Thomas
Dunn	Hill	McPherson	Thurman
Fox	Jenne	Meek	Vogt
Frank	Jennings	Myers	Weinstein
Gersten	Johnston	Neal	

Nays—None

Senator Crawford presiding

SB 721—A bill to be entitled An act relating to the evaluation and placement of exceptional students; amending s. 230.23(4)(m), Florida Statutes, 1982 Supplement; specifying the hearing officer to conduct a hearing on the evaluation and placement of an exceptional student; providing that a party aggrieved by the outcome of such hearing may seek review in the district court of appeal; providing for educational placement of the child pending completion of proceedings; 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 Grant and adopted:

Amendment 1—On page 1, line 15, insert:

Section 1. Subsection (19) of section 228.041, Florida Statutes, 1982 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:

(19) ~~RELATED SPECIAL EDUCATION SERVICES.~~—The term "~~related special education services~~" means such *supportive services which are required to assist the exceptional student to benefit from education. Related services include related services in addition to instruction of the exceptional child as transportation; diagnostic and evaluation services; student social services; physical and occupational therapy; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and note-takers for the deaf; specified materials and equipment; and other such services as approved by regulations of the state board.*

(Renumber subsequent sections.)

Amendment 2—On page 3, strike all of lines 19 and 20 and insert:

Section 2. Section 232.247, Florida Statutes, is amended to read:

232.247 Special high school graduation requirements for certain exceptional students.—A student who has been properly classified, in accordance with rules established by the state board, as "educable mentally ~~handicapped retarded,~~" "trainable mentally ~~handicapped retarded,~~" "deaf," "specific learning disabled," "physically handicapped

whose ability to communicate orally or in writing is seriously impaired," or "emotionally handicapped" shall not be required to meet all requirements of s. 232.246 and shall, upon meeting all applicable requirements prescribed by the school board pursuant to s. 232.245, be awarded a special diploma in a form prescribed by the state board; provided, however, that such special graduation requirements prescribed by the school board shall include minimum graduation requirements as prescribed by the state board. Any such student who meets all special requirements of the district school board for his exceptionality, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the state board. *A student who has been properly classified as profoundly handicapped and who meets the special requirements of the district school board shall be awarded a special certificate of completion in a form prescribed by the state board.* Nothing provided in this section, however, shall be construed to limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 232.246 through the standard procedures established therein and thereby qualify for a standard diploma upon graduation.

Section 3. Subsection (3) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(3) *The board of trustees shall be authorized to adopt rules as are necessary to operate the Florida School for the Deaf and the Blind. Such rules shall be submitted to the State Board of Education for approval or disapproval. If any rule is not disapproved by the State Board of Education within 60 days of its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State.* The board of trustees shall act at all times in conjunction with and under the supervision and general policies adopted by the State Board of Education.

Section 4. Paragraph (a) of subsection (11) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking; adoption procedures.—

(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); 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 the Florida School for the Deaf and the Blind, 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.

Section 5. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but

at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or to the Florida School for the Deaf and the Blind and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. Forms shall not be published in the Florida Administrative Code but shall be included in rules by reference. The reference shall state, at a minimum, the title and the effective date of the form and an explanation of how the form may be obtained. The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the department, a summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b). The department shall, by July 1, 1981, contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of Florida.

Section 6. This act shall take effect on July 1, 1983.

Amendment 3—In title, on page 1, lines 3-11, strike everything after "students" on line 3 and all of lines 4-11 and insert: and to the Florida School for the Deaf and the Blind; amending s. 228.041(19), Florida Statutes, 1982 Supplement; defining related services; amending s. 230.23(4)(m), Florida Statutes, 1982 Supplement; specifying the hearing officer to conduct a hearing on the evaluation and placement of an exceptional student; providing that a party aggrieved by the outcome of such hearing may seek review in the district court of appeal; providing for educational placement of the child pending completion of proceedings; amending s. 232.247, Florida Statutes; providing a special certificate of completion for students classified as profoundly handicapped; amending s. 242.331(3), Florida Statutes; authorizing the board of trustees of the Florida School for the Deaf and the Blind to adopt rules and submit same to the State Board of Education for approval or amendment; amending s. 120.54(11)(a), Florida Statutes; requiring the Florida School for the Deaf and the Blind to file rules with the Administrative Procedures Committee; amending s. 120.55(1)(a), Florida Statutes; deleting the Florida School for the Deaf and the Blind from those entities not required to publish rules in the Florida Administrative Code;

On motion by Senator Grant, by two-thirds vote SB 721 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Beard	Girardeau	Johnston	Stuart
Childers, D.	Grant	Kirkpatrick	Thomas
Childers, W. D.	Grizzle	Maxwell	Thurman
Dunn	Hair	McPherson	Vogt
Fox	Hill	Myers	Weinstein
Frank	Jenne	Neal	
Gersten	Jennings	Scott	

Nays—None

The Senate resumed consideration of:

CS for SB 313—A bill to be entitled An act relating to educational facilities; creating s. 235.057, Florida Statutes; authorizing education boards to purchase, own, convey, sell, lease, or encumber air space or any other interests in real property above the surface of the land; specifying conditions for board purchase, sale, lease, and conveyance of air space or other interests in property; specifying requirements for buildings constructed for nonpublic purposes in sold or leased air space; specifying that educational facilities constructed or leased in joint occupancy facilities are subject to certain rules and requirements; providing an effective date.

Senators Dunn, Margolis and Henderson offered the following amendment which was moved by Senator Dunn and adopted by two-thirds vote:

Amendment 6—On page 2, between lines 19 and 20, insert:

Section 2. Section 230.2301, Florida Statutes, is created to read:

230.2301 Nonprofit corporations; lease financing programs.—

(1) A school board may adopt resolutions providing for the formation of nonprofit corporations, formed under the provisions of part I of chapter 617, for the purpose of issuing tax-exempt obligations to finance or refinance educational plants as defined in s. 235.011(5). The corporation shall meet the requirements provided in the Internal Revenue Code and related Revenue Rulings governing the issuance of tax-exempt obligations.

(2) A school board may participate in programs, arrangements, and agreements to acquire, finance, or refinance educational plants. A school board may sell or lease educational plants acquired, financed, or refinanced pursuant to the provisions of this subsection and lease or sublease such educational plants back on a long-term basis for continued use.

(3) The powers conferred by this section shall be in addition and supplemental to the existing powers of the school board. The enactment of this section is not a determination that these powers were not already conferred by general or special law upon the school boards.

(4) Corporations established pursuant to this section shall report the issuance of any obligations to the Division of Bond Finance of the Department of General Services on forms to be provided by the Division.

(Renumber subsequent section.)

Senator Dunn moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 15, after the semicolon (;) insert: creating s. 230.2301, Florida Statutes, authorizing school boards, to create nonprofit corporations for the purpose of issuing tax-exempt obligations and to enter into lease financing programs for capital construction; authorizing municipalities to enter into lease-purchase agreements for property for public purposes;

CS for SB 313 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Girardeau	Johnston	Plummer
Carlucci	Gordon	Kirkpatrick	Rehm
Castor	Grant	Langley	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Maxwell	Thomas
Dunn	Henderson	McPherson	Thurman
Fox	Hill	Meek	Vogt
Frank	Jenne	Myers	Weinstein
Gersten	Jennings	Neal	

Nays—None

CS for SB 784—A bill to be entitled An act relating to powers and duties of school board; adding s. 230.23(5)(h), Florida Statutes, 1982 Supplement; authorizing employers to pay for preemployment and postemployment physical examinations; providing an effective date.

—was read the second time by title. On motion by Senator Fox, by two-thirds vote CS for SB 784 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Grant	Langley	Stuart
Castor	Grizzle	Malchon	Thomas
Childers, D.	Hair	Maxwell	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Gordon

On motions by Senator Barron, the rules were waived and by two-thirds vote HB 60 was withdrawn from the Committees on Education and Appropriations and by two-thirds vote placed on the special order calendar following CS for SB 466.

On motion by Senator Barron, by two-thirds vote CS for SB 435 was placed on the special order calendar to be considered at 3:30 p.m.

SB 869—A bill to be entitled An act relating to public education; creating s. 228.085, Florida Statutes; providing that neither students nor public education employees shall be discriminated against on the basis of race, sex, national origin, marital status, religion, or handicap by an educational institution that receives federal or state financial assistance; providing for rulemaking authority; providing penalties for failure to report certain data; providing civil remedies; providing severability; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 30, strike “an” and insert: a public Senator Fox moved the following amendments which were adopted:

Amendment 2—On page 5, lines 7-12, strike “(9) REMEDIES.—A person aggrieved by a violation of this section or of a rule adopted under this section has an independent right of action for civil damages and for such equitable relief as the court may determine. The court may also award attorneys’ fees and court costs to a prevailing plaintiff.”

Amendment 3—In title, on page 1, line 11, strike “providing civil remedies;”

On motion by Senator Fox, by two-thirds vote SB 869 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Barron	Gersten	Johnston	Rehm
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	Stuart
Castor	Grant	Margolis	Thomas
Childers, D.	Grizzle	Maxwell	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Henderson	Meek	Weinstein
Dunn	Hill	Myers	
Fox	Jenne	Neal	
Frank	Jennings	Plummer	

Nays—None

SB 1033—A bill to be entitled An act relating to public schools; amending s. 236.0841, Florida Statutes; providing enrichment programs for vocational students; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 1033 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Dunn	Henderson	Meek	Vogt
Fox	Jenne	Myers	Weinstein
Frank	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Hill

SB 1106—A bill to be entitled An act relating to district public schools; amending s. 236.24(1), Florida Statutes; authorizing the establishment of direct support organizations to accept donations for school programs; creating s. 236.241, Florida Statutes; defining public school direct support organization; authorizing use of school property; providing for annual audit; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 3, line 21, strike all of said line and insert:

Section 3. Paragraph (a) of subsection (2) and paragraph (b) of subsection (4) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Public Schools.
2. Division of Vocational, *Adult, and Community* Education.
3. Division of Community Colleges.
4. Division of Universities.
5. Division of Blind Services.

(4) The State Board of Education and the Commissioner of Education:

(b) Shall assign to the Division of Vocational, *Adult, and Community* Education such powers, duties, responsibilities, and functions as shall be necessary to ensure the greatest possible coordination, efficiency, and effectiveness of vocational, *adult, and community* education.

Section 4. Paragraph (a) of subsection (2) of section 230.66, Florida Statutes, 1982 Supplement, is amended to read:

230.66 Industry services training program.—

(2)(a) To assist the department in carrying out the provisions of this act, there is created the Industry Services Advisory Council, which shall consist of 11 members. The council shall consist of the Director of the Division of Economic Development of the Department of Commerce, who shall serve as chairman, the Director of the Division of Labor, the Director of the Division of Employment Security, the Director of the Division of Employment and Training of the Department of Labor and Employment Security, and seven members appointed by the State Board of Education pursuant to s. 20.15(5) from two or more names nominated for each position by the Commissioner of Education. The seven members shall represent private-sector Florida business and industry and should have special knowledge, experience, and familiarity with employment and training programs or industry needs in Florida. Members of the council shall, insofar as possible, represent the diverse industries of the state. Each appointive member shall be appointed for a term of 4 years, except that in case of a vacancy the appointment shall be for the unexpired term. Any of the appointive members of the council may be removed for cause. The Director of the Division of Vocational, *Adult, and Community* Education, or his designee, shall serve as executive secretary. Members of the council shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061.

Section 5. Subsection (1) of section 233.068, Florida Statutes, is amended to read:

233.068 Job-related vocational instruction.—

(1) The Department of Education shall develop and implement regulations providing for practical courses of direct job-related instruction in each school district throughout the state. Said regulations shall be effective not later than September 1, 1971, and shall place primary responsibility for the development of such instructional courses for students under 19 years of age with the district school boards, and consulting responsibility with the Division of Vocational, *Adult, and Community* Education. The provisions of this section are not intended to contradict or supersede existing agreements between school boards, area centers, and community colleges regarding responsibility for development of such courses for such students, or to authorize duplication of courses now in existence which meet the requirements of this section.

Section 6. Subsection (2) of section 446.011, Florida Statutes, 1982 Supplement, is amended to read:

446.011 Declaration of legislative intent.—

(2) It is the intent of the Legislature that the Division of Labor of the Department of Labor and Employment Security shall have responsibility

for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of Vocational, *Adult, and Community* Education of the Department of Education shall have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Labor.

Section 7. Paragraph (i) of subsection (2) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of bureau and division.—

(2) DUTIES OF THE BUREAU OF APPRENTICESHIP.—The Bureau of Apprenticeship shall be administered by a full-time chief who may exercise all powers, duties, and functions vested in the division and bureau by this chapter, except that this provision shall not be construed as a limitation on the authority of the division director, and provided further that all rulemaking and administrative hearing authority shall vest solely with the division. It is the intent of this chapter that the Bureau of Apprenticeship shall directly supervise all apprenticeship programs which are registered with the bureau. To effectuate this intent, the bureau shall:

(i) Cooperate with and assist the Division of Vocational, *Adult, and Community* Education of the Department of Education and appropriate vocational education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 8. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of Vocational, *Adult, and Community* Education of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of this chapter that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of Vocational, *Adult, and Community* Education, the district school boards, the community college district boards of trustees, and the Division of Labor shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 9. Paragraph (a) of subsection (2) of section 616.21, Florida Statutes, 1982 Supplement, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(2)(a) There is created in the Department of Agriculture and Consumer Services the Agricultural and Livestock Fair Council which shall be composed of five members, one of whom shall be appointed chairman by the commissioner, as follows: The administrator of the Agriculture Section in the Division of Vocational, *Adult, and Community* Education of the Department of Education; a representative of the Department of Agriculture and Consumer Services designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. The chief of the Bureau of Fairs and Expositions, Division of Administration of the Department of Agriculture and Consumer Services, shall serve as secretary to the council and shall keep a complete record of all its proceedings, which shall show the names of the members present at each meeting and any action taken by the council.

Section 10. Subsection (1) of section 944.551, Florida Statutes, is amended to read:

944.551 Vocational education and career development services; coordination with other agencies.—

(1) The department shall coordinate and develop job training and job placement in cooperation with the Department of Health and Rehabilita-

tive Services, the Division of Vocational, *Adult, and Community* Education of the Department of Education, and the Florida State Employment Service of the Department of Labor and Employment Security.

Section 11. Paragraph (e) is added to subsection (9) of section 230.2312, Florida Statutes, 1982 Supplement, to read:

230.2312 Florida Primary Education Program.—

(9) PRIMARY EDUCATION PROGRAM PLANS.—

(e) *A district may apply to the commissioner for approval to update or amend an approved plan.*

Section 12. Subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2)(a) Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the district's inservice educational training needs conducted by a committee which shall include parents, classroom teachers, and other educational personnel. The plan shall include a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students. The plan shall be updated annually by July 1 and shall include inservice activities for all district employees, from all fund sources.

(b) *An organization of nonpublic schools having not less than 10 member schools in Florida, which publishes and files with the Department of Education copies of its standards and whose member schools comply with the provisions of chapter 232 relating to compulsory attendance, may also develop a master plan for inservice educational training. The plan shall be submitted to the commissioner for approval pursuant to rules of the State Board of Education. Costs associated with approval of the plan, such as travel, per diem, and substitutes required for onsite reviews, shall be determined in accordance with criteria established by the Department of Education and shall be borne by the organization.*

Section 13. This act shall take effect upon becoming a law, except that sections 1 and 2 shall take effect October 1, 1983, and sections 3 through 10 shall take effect July 1, 1983.

Senator Gersten moved the following amendment to the bill as amended which was adopted:

Amendment 2—On page 7, between lines 16 and 17, insert:

Section 14. Subsection (4) of section 230.2315, Florida Statutes, is amended to read:

230.2315 Educational alternative programs.—

(4) ELIGIBILITY OF STUDENTS.—Pursuant to rules adopted by the State Board of Education, a student may be eligible for an educational alternative program if the student is disruptive, unsuccessful, or disinterested in the regular school environment as determined by grades, achievement test scores, referrals for suspension or other disciplinary action, and rate of absences. *A student whose native language is other than English may also be eligible for admission to a program of intensive English language instruction; provided, however, that bilingual education programs shall not be considered within the definition of alternative education programs.*

(Renumber subsequent sections.)

Further consideration of SB 1106 was deferred.

On motion by Senator Gordon, the rules were waived and by two-thirds vote HB 1287 was withdrawn from the Committee on Education.

On motions by Senator Gordon—

HB 1287—A bill to be entitled An act relating to education; adding paragraph (p) to s. 229.053(2), Florida Statutes, 1982 Supplement; directing the State Board of Education to adopt rules which require each state university and public community college to review any course that has not been offered for a specified period; providing for deletion of courses not reapproved; amending s. 246.021(2), Florida Statutes, expanding the definition of an out-of-state college; providing an effective date.

—a companion measure, was substituted for SB 1143 and read the second time by title.

Senator Maxwell moved the following amendment:

Amendment 1—On page 2, strike all of lines 11 and 12 and insert:

Section 3. Subsections (1) and (2) of section 240.209, Florida Statutes, 1982 Supplement, are amended to read:

240.209 Board of Regents; powers and duties.—

(1) The Board of Regents is primarily responsible for adopting systemwide rules and policies; planning for the future needs of the State University System; planning the programmatic, financial, and physical development of the system; reviewing and evaluating the instructional, research, and service programs at the universities; coordinating program development among the universities; and monitoring the fiscal performance of the universities; *reviewing the legislative budget requests including fixed capital outlay requests from each university and subject to provisions of applicable law; and presenting an aggregated budget for the State University System with recommendations for modifications to the budget request of each university. The board shall provide to the individual universities fiscal policy guidelines, formats, and instructions for each budget request, developed in accordance with chapter 216 and s. 235.41.*

(2) ~~The board Board of Regents shall:~~

(a) Appoint a Chancellor to serve at its pleasure, who shall perform such duties as are assigned to him by the board. The board shall fix the compensation for the Chancellor and for all other professional, administrative, and clerical employees necessary to assist the board and the Chancellor in the performance of their duties. The Chancellor shall be the chief administrative officer of the board and shall be responsible for appointing all employees and staff members of the board who shall serve under his direction and control. The Chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor, up to the point of transmitting a list of nominees to the Board of Regents, shall be exempt from the provisions of s. 286.011 and chapter 119.

(b) *Determine the compensation and other conditions of employment for each university president.*

(c) *Approve new degree programs for all state universities. In so doing, the board shall be mindful of the differentiated missions of the several universities. New colleges, schools, or functional equivalents of any program leading to a degree which is offered as a credential for a specific license granted under the Florida Statutes or the State Constitution shall not be established without the specific approval of the Legislature.*

(d) *Terminate programs at the state universities pursuant to findings of reviews and evaluations of instructional, research, and service programs at the universities.*

(e) *Review the legislative budget requests, including fixed capital outlay requests, from each university and, subject to provisions of applicable law, present an aggregated budget for the State University System with recommendations for modifications to the budget request of each university. The board shall provide to the individual universities fiscal policy guidelines, formats, and instructions for each budget request, developed in accordance with chapter 216 and s. 235.41.*

(f) *Establish and maintain a systemwide personnel classification and pay plan.*

(g) *Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. The Capital Improvement Trust Fund fee is established as \$1.94 per credit hour per semester. The building fee is established as \$1.82 per credit hour per semester.*

(h) *After consultation with the university, adopt a systemwide master plan which specifies goals and objectives for the State University System and a master plan for each of the universities defining the particular contributions each university will make toward the achievement of these goals and objectives. In developing these plans, the board shall consider the role of individual public and independent institutions within the state. The systemwide master plan shall identify service areas for purposes of continuing education and extension programs,*

except that the service area of the comprehensive graduate research and service universities shall be statewide in scope. The university master plan shall identify degree programs to be offered at each university in accordance with the objectives provided herein and translate general systemwide guidelines into specific goals and objectives for the universities. Plans shall also include recommendations regarding the upper division concept. The systemwide master plan and university master plans shall provide projections for the State University System for a period of 5 years with modification biennially. The systemwide master plan and the university master plans shall be consistent with the defined mission of each university. The Board of Regents shall submit a report to the Speaker of the House of Representatives and the President of the Senate upon modification of the system plan or any university plan.

(i) Implement and maintain a program review schedule in order that each program area in existence within or among the universities is reviewed at least once every five years.

(j) Coordinate the development of enrollment plans for the State University System and the individual universities. The enrollment plan shall reflect state educational policy and be a basic component of the legislative budget request.

(k) Develop a management information system for the State University System. The system shall contain the information necessary for the legislative and executive branch to plan, implement, and evaluate higher education priorities of the state.

(l) Seek the cooperation and advice of the officers and trustees of both public and private institutions of higher education in the state in performing its duties and making its plans, studies, and recommendations.

(m) Coordinate and provide for educational television in the State University System.

(n) Adopt such rules as are necessary to carry out its duties and responsibilities.

(o) Establish and maintain an effective information system which will provide composite data about the university system and assure that special analyses and studies of the universities are conducted, as necessary, for provision of accurate and cost-effective information about the universities and about the system as a whole.

(p) Set the specific in-state and out-of-state student tuition and matriculation fees which will generate an amount sufficient to equal the total matriculation and tuition fee revenues which shall be established annually in the General Appropriations Act. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee. The revenues from fees are to remain at each campus and replace existing financial aid fees. Financial need and academic merit shall be given primary consideration by each university in making awards.

Section 4. Section 240.212, Florida Statutes, is created to read:

240.212 Board of trustees incorporated.—For each university in the State University System a board of trustees is hereby created as a body corporate with all powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter. Each board shall:

- (1) Have a corporate seal.
- (2) Elect a corporate secretary.
- (3) Have the power to contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts.
- (4) Have the power to receive donations.
- (5) Have the power to make purchases of real and personal property and to contract for the sale and disposal of such property; but the title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and be conveyed by it.

Nothing contained herein shall change the existing division of responsibilities between state agencies and the Board of Regents. The Board of Regents shall continue to have maximum authority for planning and coordination of the nine universities within the State University System.

University boards of trustees shall be subject at all times to the overall supervision of the Board of Regents. Any powers not specifically delegated to the university boards of trustees by this act shall be retained by the Board of Regents unless further delegated by action of the board.

Section 5. Section 240.2121, Florida Statutes, is created to read:

240.2121 University boards of trustees; appointment of members; qualifications.—

(1) University boards of trustees shall be composed of nine members appointed by the Governor, approved by four members of the State Board of Education, and confirmed by the Senate during regular session. Members shall be residents and citizens of Florida.

(2) In making appointments to each board of trustees, the Governor shall appoint at least five members who reside in the primary regional service area of the university. Up to three appointees may be from the state at large.

(3) All members of the boards of trustees shall be selected on the basis of their interest in and their ability to promote the sound development of the university within the scope prescribed for it by the master plan for the State University System as adopted by the Board of Regents. All members shall be members-at-large charged with the responsibility of serving the best interests of the university and service area.

(4) One member shall be registered as a full-time student at the institution and shall serve a 1-year term. Such member shall have been a resident of Florida for at least 3 years prior to appointment, and no student may serve more than one term.

(5) Terms of members of university boards of trustees, except for the student member, shall be 5 years. The terms of initial membership shall be as follows: two members shall be appointed for 2 years, two members shall be appointed for 3 years, two members shall be appointed for 4 years, and two members shall be appointed for 5 years. The initial terms of office shall begin on January 1, 1984.

(6) Members shall serve until expiration of their terms and until successors are appointed and qualified, except in the case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as otherwise provided by this section. The Governor shall fill all vacancies, subject to the provisions of this section.

(7) Members may be removed for cause at any time upon the concurrence of a majority of the members of the State Board of Education.

(8) Members of the boards of trustees shall receive no salary, but shall be paid travel expenses and per diem as provided in s. 112.061, while in performance of their duties.

(9) At its first regular meeting after January 1 of each year, each board of trustees shall organize by electing a chairperson and vice-chairperson, each to serve for 1-year terms until their successors are elected. The chairperson shall preside at all meetings of the board, call special meetings thereof, and attest to actions of the board. The vice-chairperson shall act as chairperson during the absence or disability of the elected chairperson. The board shall meet not less than four times each year.

(10) A university president shall be the executive officer and corporate secretary of the board of trustees as well as the chief administrative officer of the university, and all the components of the institution and all aspects of its operation are responsible to the board of trustees through the president. When a vacancy occurs in the office of university president, the board of trustees shall select and appoint a person to fill that office. University presidents so appointed shall serve until such time as they vacate their offices or are removed for good cause by the university board of trustees.

Section 6. Section 240.2122, Florida Statutes, is created to read:

240.2122 State universities.—Each state university authorized by law is an independent, separate legal entity created for the purpose of a university. Each state university shall be operated by a board of trustees as provided by this act, and no department, bureau, division, agency, or political subdivision of the state shall exercise any responsibility or authority to operate any university of the state except as specifically provided by law or by rules of the Board of Regents.

Section 7. Subsection (1) of section 240.213, Florida Statutes, is amended to read:

240.213 Board authorized to secure liability insurance.—

(1) The Board of Regents is authorized to secure, or otherwise provide as a self-insurer, or by a combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

(a) The board.

(b) The students and faculty of any university within the State University System.

(c) The officers, employees, or agents of the board.

(d) The professional practitioners practicing a profession within, or by virtue of employment by, any university in the State University System.

(e) Any of the universities in the State University System or subdivisions thereof.

The Board of Regents is authorized to delegate to the *university boards of trustees* ~~universities~~, as appropriate, the authority to secure any liability insurance for the above.

Section 8. Section 240.227, Florida Statutes, is amended to read:

240.227 Universities; *boards of trustees*; powers and duties.—Effective *January 1, 1984* ~~July 1, 1979~~, each university *board of trustees* shall have the power and duty to:

(1) Develop and adopt rules governing the operation and administration of the university. Such rules shall be consistent with the mission of the university and statewide rules and policies and shall assist in the development of the university in a manner which will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state. The president is the chief administrative officer of the university and is responsible for the operation and administration of the university.

(2) Prepare a legislative budget request to be transmitted to the Board of Regents and the Legislature and to be presented by the *chairperson of the board of trustees* ~~president~~ to the Board of Regents. Such request shall be prepared in accordance with the fiscal policy guidelines, formats, and instructions for analysis as prescribed by the Board of Regents in accordance with chapter 216 and s. 235.41.

(3) Develop an operating budget.

(4) Conduct biennially a space utilization study to support the university budget request for capital outlay.

(5) Appoint, remove, and reassign vice presidents, academic deans, and other policy-level positions reporting directly to the president. The president shall appoint and be responsible for all other personnel.

(6) Provide for the compensation and other conditions of employment for university personnel who are exempt from chapter 110.

(7) Maintain all data and information pertaining to the operation of the university.

(8) Govern admissions, subject to minimum standards adopted by the Board of Regents and as provided in s. 240.233.

(9) Permit permanent full-time employees who have been employed for at least 6 months in the State University System and who meet requirements set by the board to enroll for credit in on-campus instruction to a maximum of six credits per *semester* ~~quarter~~ without payment of the registration fee.

(10) Develop a program of continuing education within the university service area when there is a demonstrated and justified need. The university is authorized to cooperate with any public utility, any other governmental entity or private individual, or any type of profit or nonprofit legal entity in connection with the establishment and operation of such a continuing education program, including the acceptance of money and other things of value.

(11) Provide and coordinate credit and noncredit extension courses in all fields which the university considers necessary to improve and maintain the educational standards of the university service area.

(12) Make rules necessary for the establishment and maintenance of a personnel exchange program, by which persons employed within the university as instructional and research faculty and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry. The salary and benefits of State University System and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry shall be paid by the originating employers of those participants. The duties and responsibilities of a person participating in the exchange program shall be the same as those of the person he replaces.

(13) Provide for recognition of employees who have contributed outstanding and meritorious service in their fields and adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing expenditures of the university or improving operations of the university. The university is authorized to expend funds for such recognition and awards. No award granted under the provisions of this subsection shall exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.

(14) Approve and execute contracts for goods, equipment, services, leases for real property, and construction to be rendered to the university, provided such contracts are made pursuant to the provisions of chapter 287, as applicable, are for the implementation of approved programs of the university, and do not require expenditures in excess of \$500,000.

(15) Approve and execute contracts for the delivery to the university of educational services, provided no one contract requires an expenditure in excess of \$25,000.

(16) Manage the property and financial resources of the university pursuant to s. 240.225.

(17) Establish the internal academic calendar of the university within general guidelines of the Board of Regents.

(18) Administer the university's program of intercollegiate athletics.

(19) Recommend to the Board of Regents the establishment and termination of degree programs within the approved role and scope of the university.

(20) Award degrees.

(21) Supervise all construction contracts.

(22) Administer the university classification and pay plan and any applicable collective bargaining contracts under the supervision of the Board of Regents.

(23) Recommend to the Board of Regents any fees applicable to the university and not otherwise prescribed by law.

(24) Organize the university to efficiently and effectively achieve the goals of the university; however, any reorganization which increases the number of administrators or their level of compensation shall be reviewed and approved by the Board of Regents.

(25) Review periodically the operations of the university in order to determine whether the rules and policies of the Board of Regents and the universities are being followed and to determine how effectively and efficiently the university is being administered.

(26) Otherwise provide for the effective operation of the university in the achievement of the goals established for it in the master plan adopted by the Board of Regents.

Section 9. Section 240.229, Florida Statutes, is amended to read:

240.229 Universities; powers; patents, copyrights, and trademarks.—Any other law to the contrary notwithstanding, each university *board of trustees* is authorized, in its own name, to:

(1) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and to enforce its rights therein. The university shall consider contributions by university personnel in the development of trademarks, copyrights, and patents and shall enter into written contracts with such personnel establishing the interests of the university and such personnel in each trademark, copyright, or patent.

(2) License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis or for such other consideration as the university shall deem proper.

(3) Take any action necessary, including legal action, to protect the same against improper or unlawful use or infringement.

(4) Enforce the collection of any sums due the university for the manufacture or use thereof by any other party.

(5) Sell any of the same and execute all instruments necessary to consummate any such sale.

(6) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the university. Any proceeds therefrom shall be deposited and expended in accordance with s. 240.241. Any action taken by the university in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported in writing by the president to the Department of State.

Section 10. Section 240.247, Florida Statutes, is amended to read:

240.247 Salary discrimination based on sex or race; program to eradicate within certain faculty ranks.—Each university *board of trustees* and the Board of Regents central office is directed to undertake a program to eradicate discrimination on the basis of sex or race in the granting of salaries for the faculty ranks of professor, associate professor, assistant professor, and instructor and for administrative and professional positions in the university. On or before March 15, 1982, and annually thereafter, each university shall report the results of its program to the State Board of Education.

Section 11. Subsections (5) and (6) of section 240.257, Florida Statutes, 1982 Supplement, are amended to read:

240.257 Florida Endowment Trust Fund for Eminent Scholars Act.—

(5) ESTABLISHMENT OF CHAIRS.—When the sum of the challenge grant and matching funds reaches \$1,000,000, the foundation and ~~the president of the~~ university *board of trustees* may recommend to the Board of Regents, for its approval, the establishment of an endowed chair. The Board of Regents must then approve the recommendation, considering the existing programs of the State University System, in order for the chair to be established. The chair, which is then the property of the university, may be named in honor of a donor, benefactor, or honoree of the university, at the option of the foundation.

(6) SELECTION OF EMINENT SCHOLARS.—

(a) ~~The~~ university *board of trustees* ~~president~~ shall be responsible for the final approval of criteria to be used in the selection process.

(b) ~~University boards of trustees~~ ~~Presidents of the universities~~ shall nominate individuals for consideration as candidates, or individuals may apply to the foundation for consideration as candidates. Candidates for the chairs may or may not be currently employed as faculty members of the granting institutions; however, a candidate not so employed must become employed as a faculty member by the granting institution upon acceptance of the chair.

(c) ~~The president of the~~ university *board of trustees* shall establish a committee to process each application or nomination. The committee shall consist of at least the following: one member appointed by student government; two faculty members appointed by the president; and four members appointed by the foundation, one of whom shall be an alumnus of the university. The committee shall recommend to the *university board of trustees* ~~president~~ for ~~his~~ approval one or more eligible candidates. ~~The~~ university *board of trustees* ~~president~~ shall select the candidate to be offered the chair. If a candidate is not selected by the *university board of trustees* ~~president~~ or if the approved candidate does not accept the chair, the selection process shall be repeated.

(d) Upon the approval of the *university board of trustees* ~~president~~, proceeds of the endowment may be used as salaries or a supplement for salaries for the holder of the chair and for those individuals directly associated with the holder of the chair's scholarly work and for other expenses directly related to the chair's scholarly work.

Section 12. Section 240.261, Florida Statutes, is amended to read:

240.261 Disciplinary rules.—

(1) Each university *board of trustees* may adopt, by rule, a uniform code of appropriate penalties for violations of rules by students and employees, to be administered by the president of each university. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(2) The university *board of trustees* shall adopt rules for the lawful discipline of any student, faculty member, or member of the administrative staff who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of a state university. Said rules may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 13. Subsection (2) of section 240.262, Florida Statutes, is amended to read:

240.262 Hazing prohibited at state universities.—

(2) Each university *board of trustees* shall adopt a written antihazing policy and, pursuant to such policy, shall adopt rules prohibiting students or other persons associated with any university organization from engaging in any activity which can be described as hazing.

(a) Pursuant to the provisions of s. 240.261, each university *board of trustees* shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules, to be administered by the person or agency at the university responsible for the sanctioning of such university organizations.

1. Such penalties may include the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal.

2. In the case of a university organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the university.

3. All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other university rule to which the violator may be subject.

(b) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

Section 14. Section 240.264, Florida Statutes, is amended to read:

240.264 Rules of universities; municipal ordinances.—Each university shall adopt rules which govern traffic on the grounds of that university; which provide penalties for the infraction of such traffic rules; and which the university finds necessary, convenient, or advisable for the safety or welfare of the students, faculty members, or other persons. Copies of such rules shall be posted at the university on public bulletin boards where notices are customarily posted, filed with the city clerk or corresponding municipal or county officer, and made available to any person requesting same. When adopted, said rules shall be enforceable as herein provided. All ordinances of the adjacent municipality relating to traffic which are not in conflict or inconsistent with the traffic rules adopted by the individual university shall extend and be applicable to the grounds of the university. The provisions of chapter 316 shall extend and be applicable to the grounds of the university, and the rules adopted by the individual university *board of trustees* shall not conflict with any section of that chapter.

Section 15. Section 240.268, Florida Statutes, is amended to read:

240.268 University police officers.—

(1) Each university *board of trustees* is empowered and directed to provide for police officers for the university, and said police officers shall hereafter be known and designated as the "university police."

(2) The university police are hereby declared to be law enforcement officers of the state and conservators of the peace with the right to arrest, in accordance with the laws of this state, any person for violation of state law or applicable county or city ordinances when such violations occur on any property or facilities which are under the guidance, supervision, regulation, or control of the State University System, except that arrests may be made off campus when hot pursuit originates on campus. Said officers shall have full authority to bear arms in the performance of their duties and to execute search warrants within their territorial jurisdiction. University police, when requested by the sheriff or local police authority, may serve subpoenas or other legal process and may make arrests of persons against whom a warrant has been issued or any charge has been made of violation of federal or state laws or county or city ordinances.

(3) University police shall promptly deliver all persons arrested and charged with a felony to the sheriff of the county within which the university is located, and all persons arrested and charged with misdemeanors shall be delivered to the applicable authority as may be provided by law, but otherwise to the sheriff of the county in which the university is located.

(4) University police shall meet the minimum standards established by the Police Standards and Training Commission and chapter 943. Each police officer shall, before entering into the performance of his duties, take the oath of office as established by the university, and the university board of trustees shall enter into a good and sufficient bond on each officer, payable to the Governor and his successors in office, in the penal sum of \$5,000 with a surety company authorized to do business in this state as surety thereon, conditioned on the faithful performance of the duties of said university police officer. The university board of trustees shall provide a uniform set of identification credentials for each university police officer.

(5) In performance of any of the powers, duties, and functions authorized by law or this section, university police shall have the same rights, protections, and immunities afforded other peace or law enforcement officers.

(6) The university board of trustees, in concurrence with the Department of Law Enforcement, shall adopt rules, including, but not limited to, the appointment, employment, and removal of university police in accordance with the State Career System, and, further, establish in writing a policy manual, including, but not limited to, routine and emergency law enforcement situations. A policy manual shall be furnished to each university police officer.

Section 16. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees, the Governor shall be deemed to be the public employer; and the Board of Regents shall be deemed to be the public employer with respect to faculty and administrative and professional employees and for all other public employees within the State University System not otherwise determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees, *except for those matters delegated to the institutional boards of trustees; in these matters the elected bargaining agent shall negotiate with the institutional boards of trustees except that such faculty and administrative and professional employees and all other such employees shall have the right, in elections to be conducted at each university by the commission pursuant to its rules, to elect not to participate in collective bargaining. In the event that a majority of such voting employees at any university elect not to participate in collective bargaining, they shall be removed from the Board of Regents bargaining unit. If, thereafter, by election conducted by the commission pursuant to its rules, a majority of such voting employees elect to participate in collective bargaining, they shall be included again in the Board of Regents bargaining unit for such purpose.* The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board

of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind.

Section 17. The Board of Regents shall adopt rules requiring that all faculty members in the State University System, other than those persons who teach courses that are conducted primarily in a foreign language, be proficient in the oral and written use of English. Such person shall be able to speak English fluently.

Section 18. Subsection (1) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) *Each university is authorized to establish separate activity and service, health, and athletic fees. When duly established the fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds.*

(a) *Each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on branch campuses or centers. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee at least one-half of whom shall be students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The committee's recommendations shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. Any increase in the activity and service fee may occur only once each fiscal year and shall be implemented beginning with the fall term. The Board of Regents shall be responsible for promulgating the rules and timetables necessary to implement this fee. ~~The student activity and service fee shall be collected as a component part of the registration and tuition fees in the amounts approved by the Legislature. The student activity and service fees shall be paid into a student activity and service fund at the university and shall be expended for lawful purposes to benefit the student body in general. This shall include, but not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund shall not benefit activities for which an admission fee is charged to students, except for intercollegiate athletics or student-government-association-sponsored concerts. The allocation and expenditure of the fund shall be determined by the student government association of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to intercollegiate athletics, health service, or bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.~~*

(b) *Each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on branch campuses and centers. Any subsequent increase in the health fee must be recommended by a health committee at least one-half of whom shall be students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The committee's recommendations shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. Any increase in the health fee may occur only once each fiscal*

year and shall be implemented beginning with the fall term. The Board of Regents shall be responsible for promulgating the rules and timetables necessary to implement this fee.

(c) Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on branch campuses or centers. The initial aggregate athletic fee at each university shall be equal but no greater than the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrent with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee. Any subsequent increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom shall be students appointed by the student body presidents. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The committee's recommendations shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. Any increase in the athletic fee may occur only once each fiscal year and shall be implemented beginning with the fall term. The Board of Regents shall be responsible for promulgating the rules and timetables necessary to implement this fee.

Section 19. Section 240.350, Florida Statutes, is created to read:

240.350 Fees.—

(1) Unless specifically provided in the General Appropriations Act, the State Board of Education shall establish the average tuition fee required to generate the amount of revenue established annually in the General Appropriations Act. Each community college board of trustees may establish tuition fees which shall vary no more than 10 percent from this statewide average rounded to the nearest one-fourth dollar. For those community colleges which have a 1982-1983 tuition level of \$16 per credit hour or below, the board of trustees may have until 1984-1985 to establish a tuition level within 10 percent of the statewide average. Out-of-state tuition shall be at least twice the amount of tuition for state residents.

(2) Each community college district board of trustees may establish separate activity and service fees.

(a) The amount, allocation, and expenditure of such fees shall be determined annually by the student government association after a full public hearing has been conducted. The student government association shall recommend to the community college president and the district board of trustees, a fee level and budget that are consistent with input received during the public hearing process.

(b) The president of the community college may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The community college president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 days make new budget recommendations for expenditure of the vetoed portion of the fund. If the community college board of trustees vetoes any line item or portion thereof within the new budget revisions, the community college president may reallocate by line item that vetoed portion to those activities funded by activity and service fees, after consultation with the student government association.

(c) The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. This shall include, but not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(3) Each community college is authorized to collect for financial aid purposes, an additional amount equal to 5 percent of the total student tuition or matriculation fee. However, if the amount generated by the additional 5 percent is less than \$50,000, the community college shall

have the authority to transfer from the General Current Fund to the Scholarship Fund an amount equal to the difference between \$50,000 and the amount generated by the additional 5 percent of the total student tuition and matriculation fees. Up to \$50,000 of the fees collected may be used to assist students in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution. Use of the balance of these funds shall be limited to meeting financial need and recognizing academic merit. These funds shall not be used for administrative purposes.

Section 20. Paragraph (a) of subsection (2) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(2) STUDENT FEES.—

(a) Fees may be charged to students attending a community college only as authorized by *this part*, ~~and pursuant to, rules of the state board.~~

Section 21. Subsections (3) and (4) of section 240.533, Florida Statutes, 1982 Supplement, are amended to read:

240.533 Women's intercollegiate athletics.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Florida Women's Intercollegiate Athletics Equity Act."

(2) LEGISLATIVE INTENT.—The Legislature recognizes that the educational opportunities for women athletes would be greatly enhanced by providing equal opportunity for women to participate in intercollegiate athletics. Therefore, it is the intent of the Legislature to demonstrate through financial assistance to the State University System and the institutions therein its commitment to the principle of equity by assuring equal opportunity for female athletes. Furthermore, it is the intent of the Legislature that the Title IX regulations as promulgated by the United States Department of Health, Education, and Welfare form the basis upon which appropriations are made.

(3) COUNCIL.—

(a) There is created within the Board of Regents the Council on Equity in Athletics. The council shall meet at least once, but not more than four times, annually ~~and shall receive reimbursement for travel and per diem as provided in s. 112.061.~~ The council shall be composed of:

1. One member of the board, appointed by the chairman of the board for a 2-year term.

2. The Chancellor of the State University System or a his designee, who shall serve as chairman of the council.

3. The President of the State Council of Student Body Presidents or a his designee.

4. The Equal Employment Opportunity officer for the Department of Education or a his designee.

5. *The director of the Office of Equal Opportunity Programs for the Board of Regents.*

~~6.5. The Florida Collegiate Athletic Association Association for Interscholastic Athletics for Women~~ Title IX legislative representative, appointed by the president of that association.

~~7.6. One member from each institution with at least one men's athletic director and one women's athletic director, or primary women's athletic administrator representing coordinator of women's sports, within the NCAA/AIAW institutions in the State University System, Division 1, and with no less than five members being women's athletic directors or primary women's athletic administrators, to serve to be selected from among themselves for a 2-year term. Institutional members shall be nominated by the university presidents and selected by the Chancellor of the State University System. In the event of a vacancy prior to expiration of a member's term, such vacancy shall be filled by the Chancellor of the State University System.~~

~~7.—One men's athletic director and one women's athletic director, or coordinator of women's sports, within the NAIA/AIAW institutions in the State University System, to be selected from among themselves for a 2-year term.~~

(b) The council shall have as its primary responsibilities:

1. The determination of available resources for women's intercollegiate athletics at each institution within the State University System.

2. The determination of required resources for women's intercollegiate athletics at each institution within the State University System in order to comply with the provisions herein.

3. The development of a state formula for the request and allocation of funds based on the Title IX regulations, which shall assure equity for funding women's intercollegiate athletics at each institution within the State University System.

4. The advisement of the ~~board~~ ~~commission~~ of the required appropriation and allocation to assure equity as provided herein.

(4) FUNDING.—

(a) ~~A portion of the separate athletic fee shall be designated for women's intercollegiate athletics to aid in the assurance of equal opportunity for female athletes and such portion shall include the 30-cent-per-credit-hour portion of the student activity and service fee and the per-credit-hour equivalent of the 1978-1979 level of general support from the student activity and service fee. The president shall assure that neither the amount nor the percentage share of funding to women's intercollegiate athletics shall decrease. The 20-cent-per-credit-hour increase in the student activity and service fee in the State University System provided in s. 1 of chapter 79-212, Laws of Florida (the General Appropriations Act), shall be continued and shall be awarded to women's intercollegiate athletics to aid in the assurance of equal opportunity for female athletes. In the event that the 20-cent-per-credit-hour increase exceeds the amount necessary to assure equal opportunity for female athletes on an individual campus, the council shall determine the amount of such excess which would then revert to student government for allocation to other student services. Student government associations and university presidents shall continue to budget at least the same level of funding to intercollegiate athletics as they allocated to intercollegiate athletics on each campus in the 1978-1979 fiscal year and shall not decrease the amount or percentage share awarded to women's intercollegiate athletics. In the event that the 20-cent-per-credit-hour increase does not fully meet the required allocation on an individual campus to assure equity in funding women's intercollegiate athletics as established by the aforementioned formula, the commission shall then include in the system budget request the appropriation of the necessary funds.~~

(b) The level of funding and percentage share of an institution's support for women's intercollegiate athletics attained in by the 1980-1981 fiscal year ~~appropriation~~ shall be the minimum level and percentage maintained by each institution *except as the council shall otherwise direct for the purpose of assuring equity.*

(c) In addition to the above amount, an amount equal to the sales taxes which would be collected and remitted to the state if the exemption provided in s. 212.04(2)(b) did not apply, shall be utilized by each institution to support women's athletics.

Section 22. Subsection (10) of section 240.325, Florida Statutes, is hereby repealed.

Section 23. Section 229.8053, Florida Statutes, is created to read:

229.8053 Florida High Technology and Industry Council.—

(1) It is the intent of the Legislature to promote development of the Florida economy by coordinating through joint efforts of the Department of Education and public and private postsecondary education institutions, in cooperation with the Executive Office of the Governor, other executive agencies, and leaders in high technology business and industry, the needs of such business and industry with state government programs. It is the intent of the Legislature that such cooperative efforts shall serve the needs of the citizens of Florida and meet the technical and professional demands of new and existing technology as well as being able to demonstrate to such business and industry leaders that Florida can meet such demands.

(2) The Florida High Technology and Industry Council, a not-for-profit corporation, is hereby created for the purpose of planning, coordinating, assisting in and making recommendations for policy decisions and directing activities for carrying out the intent of this act. The council shall be composed of 19 members consisting of the Governor or his designee, the Commissioner of Education or his designee, the secre-

tary of the Department of Commerce or his designee, the secretary of the Department of Labor and Employment Security or his designee, the secretary of the Department of Community Affairs or his designee, the chairman of the Florida Council of 100 and 13 other persons who shall be appointed by the Governor and who shall be Florida leaders in high technology or related business and industry. The Governor shall solicit nominations from leading business and industry organizations or other organizations interested in the economic growth of the state. The terms of the appointed members shall be for 3 years and any vacancy shall be filled by appointment by the Governor. As soon as practicable after appointing members to the council, the Governor shall call an organizational meeting of the council. The council shall elect a chairman whose term shall be 1 year. There shall be no limitation on successive appointments to the council or on the number of terms as chairman. The council shall adopt internal organizational procedures or bylaws necessary for efficient operation of the council.

(3) The council shall have the following powers and duties:

(a) To advise the Governor, the Legislature, the Commissioner of Education, the State Board of Education, and the State Board for Vocational Education regarding needed policy changes as related to the intent of this section and the council's responsibilities.

(b) To make recommendations to the Governor, the Legislature, the Commissioner of Education, the State Board of Education, and the State Board for Vocational Education for coordinating the delivery of resources with meeting needs, including assisting in establishing priorities for programs and services, and the allocation of resources according to the priorities.

(4)(a) The council may accept gifts, grants, donations, expenses, in-kind services, or other valued goods or services for carrying out its purposes and may expend such funds or assets in any legal manner according to the terms and conditions of acceptance and without interference, control, or restraint by the state. However, such funds or assets shall not be commingled in any way with funds appropriated by the state.

(b) The council shall keep full, detailed, and accurate records and accounts of all proposals, acts, proceedings, orders, determinations, receipts, disbursements, and expenditures made by or under the authority of the council, which records and accounts shall be kept open for public inspection and review at all reasonable times. The council shall on a regular basis publish the details of its activities in such form as shall give full publicity to all transactions made by the council or proposed to the council for its approval. The council shall provide to the Governor, Legislature, Commissioner of Education, and Secretary of Commerce an annual report setting forth in appropriate detail the business transacted during the year and the financial condition of the council at the close of the year. The council shall furnish to the Commissioner of Education any additional reports and information he may require.

(c) Appointed or elected officers, directors, committee chairpersons, members of the council, and council staff shall not be required to file financial disclosure statements as provided in s. 112.3145, unless they are otherwise required to do so by law.

(d) The provisions of s. 240.229, relating to patents, trademarks, and copyrights shall apply to the council and its subsidiary organizations as appropriate to the intent of the law.

(5) The council shall designate staff to assist the council in the performance of its duties, and shall give special emphasis to:

(a) Assisting the efforts of private organizations, the Florida High Technology and Industry Council, and other governmental agencies which are concerned with the establishment of high technology business and industry training programs in Florida.

(b) Ensuring that the efforts of the various state agencies which are concerned with the development of high technology business and industry programs are mutually reinforcing and supportive of state objectives related to this act.

(c) Assisting in efforts to develop programs for employee needs in new emerging high technology occupations.

(d) Coordinating the delivery of resources to meeting state needs, including assisting the council in developing recommendations for the State Board of Education concerning priorities for programs and services and allocating resources according to the priorities.

(6) The provisions of this section shall be liberally construed in order to effectively carry out the purposes of the act.

Section 24. The sum of \$150,000 is appropriated to the Department of Education for the purpose of start-up expenses of the council for fiscal year 1983-1984, and otherwise to carry out the intent of this act.

Section 25. Section 229.8053, Florida Statutes, created by section 24 is repealed October 1, 1988, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 26. Subsections (3) and (4) of section 240.209, Florida Statutes, 1982 Supplement, are hereby repealed.

Section 27. This act shall take effect October 1, 1983.

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

Amendment 1A—On page 22, strike all of lines 17 and 18 and insert: the oral use of English, as determined by a satisfactory grade on the "Test of Spoken English" of the Educational Testing Service or a similar test approved by the board.

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

Amendment 1B—On page 1, between lines 11 and 12, insert: a new Section 2

Section 2. Subsection (2) of section 229.555, Florida Statutes, is amended to read:

229.555 Educational planning and information systems.—

(2) **COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.**—The commissioner shall develop and implement an integrated information system for educational management. The system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between costs and effectiveness. The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system to the extent that all data required as input to the state system shall be made available in the appropriate input format.

(a) The specific responsibilities of the commissioner shall include the following:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;
2. Providing operational definitions for the proposed system;
3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input shall be the individual school and that the primary function of the school is to educate children, rather than to collect data for reporting;
4. Developing standardized terminology and procedures to be followed at all levels of the system;
5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;
6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;
7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;

9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in Florida as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing such plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;

10. Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;

11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented.

(b) The specific responsibilities of each district school system shall include:

1. Establishing a district level reports-control and forms-control management system *committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements, and shall submit to the district school board an annual report of its findings.* ~~by July 1, 1977.~~

2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.

3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information.

4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.

5. Advising the commissioner of all district management information needs.

6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.

7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

9. *Establishing a plan to utilize in-school computers and trained staff to operate terminals.*

10. *Establishing data collection days during the school year.*

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

Section 2. Subsection (1) of section 229.8041, Florida Statutes is amended to read:

229.8041 Educational computing.—

(1) STATE POLICY.—It is the policy of the state to use computers and related technology to make instruction and learning more effective and efficient, and to make educational programs more relevant to contemporary society, and to reduce the paperwork and data collection requirements placed on classroom teachers.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

Senator Frank moved the following amendment which was adopted:

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

Section 2. Subsection (4) is added to section 240.319, Florida Statutes, 1982 Supplement, to read:

240.319 Community college district boards of trustees; duties and powers.—

(4) *Each community college district board of trustees shall, no later than July 1, 1984, adopt, by rule, procedures governing the employment and dismissal of the community college president. Such rule shall be incorporated into the contract for employment.*

Section 3. Subsection (6) of section 240.313, Florida Statutes, is amended to read:

240.313 Community college districts; establishment and organization of boards of trustees.—

(6) A community college president shall be the executive officer and corporate secretary of the board of trustees as well as the chief administrative officer of the community college, and all the components of the institution and all aspects of its operation are responsible to the board of trustees through the president. When a vacancy occurs in the office of community college president, the board of trustees will select and appoint a person to fill that office. Community college presidents so appointed shall serve until such time as they vacate their offices or are removed for good cause by the board of trustees pursuant to rules adopted under s. 240.319(4).

Section 4. Section 111.07, Florida Statutes, is amended to read:

111.07 Defense of civil actions against public officers, employees, or agents.—Any agency of the state, or any county, municipality, or political subdivision of the state, is authorized to provide an attorney to defend any civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers, employees, or agents for an act or omission arising out of and in the scope of his employment or function, unless, in the case of a tort action, the officer, employee, or agent acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Defense of such civil action shall include, but not be limited to, any civil rights lawsuit seeking relief personally against the officer, employee, or agent for an act or omission under color of state law, custom, or usage, wherein it is alleged that such officer, employee, or agent has deprived another person of his rights secured under the Federal Constitution or laws. Legal representation of an officer, employee, or agent of a state agency may be provided by the Department of Legal Affairs. *However, any attorneys' fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee or agent.* If any agency of the state or any county, municipality, or political subdivision of the state is authorized pursuant to this section to provide an attorney to defend a civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers, employees, or agents and fails to provide such attorney, then said agency, county, municipality, or political subdivision shall reimburse any such defendant who prevails in the action for court costs and reasonable attorney's fees.

Section 5. Section 240.375, Florida Statutes, is amended to read:

240.375 Payment of costs of civil actions against officers, employees, or agents of district board of trustees.—Whenever any civil action has been brought against any officer of the district board of trustees, including a board member, or any person employed by or agent of the district board of trustees, of any public community college for any act or omission arising out of and in the course of the performance of his duties and responsibilities, the district board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, if any, and may save harmless and protect such person from any financial loss resulting therefrom; and the board of trustees is authorized to be self-insured, to enter into risk-management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, to cover all such losses and expenses. *However, any attorneys' fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee or agent.*

(Renumber subsequent sections.)

Senator Maxwell moved the following amendment:

Amendment 3—In title, on page 1, line 11, after the semicolon (;) insert: amending ss. 240.213(1), 240.227, 240.229, 240.247, 240.261, 240.262(2), 240.264, 240.268, 447.203(2), Florida Statutes; amending ss. 240.209(1), (2), 240.257(5), (6), Florida Statutes, 1982 Supplement; creating ss. 240.212, 240.2121, 240.2122, Florida Statutes; providing for the Board of Regents to set the specific amount of student tuition and matriculation fees; authorizing the board to collect an amount for financial aid purposes; authorizing the board to recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees; creating a board of trustees for each state university; providing membership, terms, powers, and duties; providing for rules; transferring specified powers and duties of the Board of Regents, university presidents, and universities to the boards of trustees; providing for delegation of certain powers to the boards of trustees; providing for faculty to be proficient and fluent in use of English; providing an exception; amending s. 240.235(1), Florida Statutes; authorizing each university to establish activity and service, athletic, and health fees; requiring the level of the activity and service, athletic, and health fees to be established by the university president upon recommendation of a committee representative of students and administration, subject to approval by the Board of Regents; providing guidelines for assessment of health fees; creating s. 240.350, Florida Statutes; providing for the collection and allocation of tuition and fees by community colleges; amending s. 240.345(2)(a), Florida Statutes; providing authority for student fees; amending s. 240.533(3), (4), Florida Statutes, 1982 Supplement; providing for certain representative members on the Council on Equity in Athletics; providing for continued funding of women's intercollegiate athletics; providing the level of funding to intercollegiate athletics; providing exceptions by the council; repealing s. 240.325(10), Florida Statutes, relating to the responsibility of the State Board of Education to establish minimum standards regarding the waiver of registration and tuition fees; creating s. 229.8053, Florida Statutes; providing legislative intent; creating the Florida High Technology and Industry Council, a not-for-profit corporation; establishing powers and duties of the council; providing for council membership; providing an appropriation; repealing s. 240.209(3), (4), Florida Statutes, 1982 Supplement; relating to duties of the Board of Regents;

Senator Neal moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—In title, on page 1, line 12, before "amending" insert: amending ss. 229.555(2) and 229.8041(1), Florida Statutes; modifying the responsibilities of the Commissioner of Education relating to data collection and retention procedures; modifying responsibilities of school districts to provide for the establishment of committees to recommend ways to eliminate or reduce paperwork and improve data collection; providing for establishment of a plan to utilize in-school computers and operators; providing for establishment of data collection days; providing state policy with respect to paperwork and data collection;

Senator Frank moved the following amendment to Amendment 3 which was adopted:

Amendment 3B—In title, on page 1, between lines 11 and 12 insert: adding s. 240.319(4), Florida Statutes; 1982 Supplement; providing for adoption of procedures for employment and dismissal of community college presidents; amending s. 240.313(6), Florida Statutes; conforming language; amending ss. 111.07, 240.375, Florida Statutes; providing for recovery of certain attorney's fees;

Senator Dunn moved the following amendment to Amendment 3 which was adopted:

Amendment 3C—In title, on page 1, between lines 11 and 12, insert: creating s. 240.3190, Florida Statutes; authorizing community college districts to create nonprofit corporations for the purpose of issuing tax-exempt obligations and to enter into lease financing programs for capital construction;

Amendment 3 as amended was adopted.

On motion by Senator Gordon, by two-thirds vote HB 1287 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Frank	Hill	Neal
Carlucci	Gersten	Jennings	Rehm
Castor	Girardeau	Kirkpatrick	Thomas
Childers, D.	Gordon	Malchon	Thurman
Childers, W. D.	Grant	Maxwell	Vogt
Crawford	Grizzle	McPherson	Weinstein
Dunn	Hair	Meek	
Fox	Henderson	Myers	

Nays—2

Johnston Langley

Vote after roll call:

Yea—Stuart

SB 1143 was laid on the table.

The hour of 3:30 p.m. having arrived, the Senate proceeded to consideration of—

CS for SB 435—A bill to be entitled An act relating to veterans; creating the Florida Vietnam Veterans' Memorial Act; providing for the construction of a memorial monument within the Florida Capitol Center Planning District; providing for the study and recommendations as to the design of such monument and its location; providing for a report; providing for a dedication ceremony to be coordinated by the Governor; creating the Florida Vietnam Veterans' Memorial Trust Fund; providing for the funding of an academic chair to study world peace and national security; providing an appropriation; providing an effective date.

—which was read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for SB 435 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Gersten	Jennings	Myers
Carlucci	Girardeau	Johnston	Neal
Castor	Gordon	Kirkpatrick	Plummer
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Malchon	Thomas
Dunn	Hair	Maxwell	Thurman
Fox	Henderson	McPherson	Vogt
Frank	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Scott

The President presiding

SB 1057—A bill to be entitled An act relating to the State University System; adding s. 240.209(1), Florida Statutes, 1982 Supplement; providing powers of Board of Regents; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 1, line 16, strike the words "master plan" and insert: systemwide and university master plans

Pending further consideration of SB 1057 as amended, on motion by Senator Gordon, the rules were waived and by two-thirds vote HB 1288 was withdrawn from the Committee on Education.

On motion by Senator Gordon—

HB 1288—A bill to be entitled An act relating to the State University System; adding paragraph (1) to s. 240.209(3), Florida Statutes, 1982 Supplement; requiring the Board of Regents to seek cooperation of superintendents and district school board members in performing its duties; requiring master plans to include certain provisions; providing an effective date.

—a companion measure, was substituted for SB 1057 and read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 1288 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Frank	Johnston	Plummer
Beard	Gersten	Kirkpatrick	Rehm
Carlucci	Girardeau	Langley	Scott
Castor	Gordon	Malchon	Stuart
Childers, D.	Grant	Maxwell	Thomas
Childers, W. D.	Grizzle	McPherson	Thurman
Crawford	Hair	Meek	Vogt
Dunn	Henderson	Myers	Weinstein
Fox	Jennings	Neal	

Nays—None

SB 1057 was laid on the table.

The Senate resumed consideration of—

SB 1106—A bill to be entitled An act relating to district public schools; amending s. 236.24(1), Florida Statutes; authorizing the establishment of direct support organizations to accept donations for school programs; creating s. 236.241, Florida Statutes; defining public school direct support organization; authorizing use of school property; providing for annual audit; providing an effective date.

Senator Gordon moved the following amendment to the bill as amended which was adopted:

Amendment 3—On page 1, line 20, after the word "instruction" insert: for no more than 2 years

Senator Gersten moved the following amendment to the bill as amended which was adopted:

Amendment 4—On page 7, between lines 16 and 17, insert:

Section 13. Paragraph (d) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—The annual allocation from the Florida Education Finance Program to each district for operation of schools shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(d) Allocation of full-time equivalents.—The department is authorized and directed to review all district programs in the areas of educational alternatives, including 2 years of intensive English language instruction for students whose native language is other than English, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, educational alternative programs, including 2 years of intensive English language instruction for students whose native language is other than English, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education and adult high school, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00.

3. With respect to special programs for the visually handicapped part-time (sub-subparagraph (c)2.g.), upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

4. When a student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)2. and, as a condition of such student's individualized educational plan, is assigned to a basic program on a part-time basis with required special services, aids, or equipment, the basic program cost factor for such student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program.

Senator Gersten moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 9, after the semicolon insert: amending ss. 236.081(1)(d) and 230.2315(4), Florida Statutes; including intensive English instruction in alternative education programs;

Senator Meek moved the following amendment which was adopted:

Amendment 6—On page 1, line 9, after the word "audit;" insert: authorizing demonstration day care center programs and providing for standards and funding for such programs

Senator Gordon moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 9, after the semicolon insert: amending ss. 20.15(2)(a), (4)(b), 233.068(1), 446.041(2)(i), 446.052(2), 944.551(1), Florida Statutes; amending ss. 230.66(2)(a), 446.011(2), 616.21(2)(a), Florida Statutes, 1982 Supplement; changing the name of the Division of Vocational Education of the Department of Education to the Division of Vocational, Adult, and Community Education; assigning responsibility for adult and community education to the Division of Vocational, Adult, and Community Education; adding paragraph (e) to s. 230.2312(9), Florida Statutes, 1982 Supplement, authorizing each school district to apply to the Commissioner of Education for approval to update or amend its approved primary education program plan; amending s. 236.0811, Florida Statutes; providing that an organization of nonpublic schools having not less than ten member schools in Florida may develop and submit for approval to the Department of Education, a master plan for inservice educational training; providing for costs associated with the plan to be borne by the nonpublic school organization;

On motion by Senator Gordon, by two-thirds vote SB 1106 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Beard	Castor	Childers, W. D.
Barron	Carlucci	Childers, D.	Crawford

Dunn	Hair	Malchon	Scott
Fox	Henderson	Maxwell	Stuart
Frank	Hill	McPherson	Thomas
Gersten	Jenne	Meek	Thurman
Girardeau	Jennings	Myers	Vogt
Gordon	Johnston	Neal	Weinstein
Grant	Kirkpatrick	Plummer	
Grizzle	Langley	Rehm	

Nays—None

CS for SB 461—A bill to be entitled An act relating to student financial aid; amending s. 240.401(3), (4), Florida Statutes, 1982 Supplement; providing for recipients to maintain a specified grade point average, providing for increases in voucher amounts; renumbering s. 240.402(7), Florida Statutes, 1982 Supplement, and adding a new subsection (7) to said section; providing for a biennial review by the Department of Education on program effectiveness; amending s. 240.409, Florida Statutes; deleting obsolete language; requiring students to apply for the Pell Grant if they apply for the state assistance grant; providing for distribution on the basis of need; requiring a specified grade point average; amending s. 240.413, Florida Statutes; transferring responsibility for Miccosukee and Seminole Indian Scholarship Fund from the Student Financial Assistance Commission to the Department of Education; providing for Miccosukee and Seminole Indian scholarship recipients; amending s. 240.427, Florida Statutes, 1982 Supplement; transferring responsibility of the commission to the department; providing for the department to administer financial aid programs; providing for review of financial aid resources by the department; amending ss. 240.429, 240.431, and 240.435, Florida Statutes, 1982 Supplement; transferring responsibilities of the commission to the department; creating the Florida Council of Student Financial Aid Advisors; providing for duties and responsibilities of the council; amending s. 240.437, Florida Statutes, 1982 Supplement; deleting obsolete language; providing for financial aid distribution primarily on the basis of need; providing for verification of the independent status of students; requiring recipients of state financial aid at independent Florida postsecondary institutions to participate in the skills testing program; amending s. 240.447, Florida Statutes, 1982 Supplement; substituting references to federally insured student loans with Guaranteed Student Loan; expanding the department's authority to contract for purchase and sale of loan notes; amending s. 240.459, Florida Statutes; substituting federally insured student loan with Guaranteed Student Loan; amending s. 240.60, Florida Statutes, 1982 Supplement; restricting expenditure of Work Experience Trust funds for wages not related to major areas of study; providing for a review by the department; amending s. 240.601, Florida Statutes, 1982 Supplement; requiring a student to maintain a minimum grade level for renewal of program awards; repealing s. 240.421, Florida Statutes, abolishing the Florida Student Financial Aid Advisory Council; repealing s. 240.423, Florida Statutes, abolishing the Florida Student Financial Assistance Commission; repealing s. 240.425, Florida Statutes, eliminating power and duties of the commission; repealing s. 240.433, Florida Statutes, relating to the location of the commission; providing for future repeal and review of certain sections; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 3, line 13, after the word "amended" insert: and a new subsection (5) is added to said section

Amendment 2—On page 4, after line 31, insert: (5) Handicapped students shall be eligible to receive a tuition voucher, provided they receive credit for 75 percent of the courses for which they were enrolled.

The Committee on Appropriations recommended the following amendment which was moved by Senator Maxwell:

Amendment 3—On page 5, between lines 18 and 19, insert: Section 3. Section 240.408, Florida Statutes, is created to read:

240.408 Student Financial Assistance; eligibility.—

The Department of Education shall insure that students applying for financial assistance have their eligibility assessed based on the criteria in effect at the time of submission of such application to the appropriate office. The department shall not delay in notifying students of such eligibility.

(Renumber subsequent sections.)

Senator Maxwell moved the following substitute amendment which was adopted:

Amendment 4—On page 5, between lines 18 and 19, insert:

Section 3. Section 240.408, Florida Statutes, is created to read:

240.408 Student Financial Assistance, eligibility.—Beginning January 1, 1984, the Department of Education shall insure that students applying for financial assistance have their eligibility assessed based on the criteria in effect at the time of submission of such application to the appropriate office. The department shall not delay in notifying students of such eligibility.

(Renumber subsequent sections.)

The Committee on Appropriations recommended the following amendments which were moved by Senator Maxwell and adopted:

Amendment 5—On page 21, line 21, strike “full-time” and insert: *full-time at least a half-time*

Amendment 6—In title, on page 1, line 11, after the semicolon insert: creating s. 240.408, Florida Statutes, providing for student financial assistance eligibility;

Senator Maxwell moved the following amendments which were adopted:

Amendment 7—In title, on page 1, line 4, after the semicolon insert: and adding a new subsection (5) to said section

Amendment 8—In title, on page 1, line 6, after the semicolon insert: providing eligibility for handicapped students;

On motion by Senator Maxwell, by two-thirds vote CS for SB 461 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gersten	Johnston	Rehm
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	Maxwell	Vogt
Crawford	Henderson	Meek	Weinstein
Dunn	Hill	Myers	
Fox	Jenne	Neal	
Frank	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—McPherson

CS for SB 466—A bill to be entitled An act relating to postsecondary education; creating s. 229.52, Florida Statutes; requiring the State Board of Education to provide certain assistance in the economic development of the state; adding s. 229.551(3)(g), Florida Statutes, 1982 Supplement; requiring the Department of Education to evaluate vocational education programs; amending s. 230.23(4)(l), Florida Statutes, 1982 Supplement; requiring district school boards to provide certain exchange programs for staff of technical and vocational programs; amending s. 240.115(1), Florida Statutes, and adding a new subsection (3) to said section; increasing the types of articulation included in the department’s articulation agreement; requiring certain cooperation between universities and community colleges and secondary schools; creating s. 240.122, Florida Statutes, relating to postsecondary education funding; amending s. 240.125, Florida Statutes; authorizing the Commissioner of Education to establish a Trust Fund for Postsecondary Cooperation; amending s. 240.147, Florida Statutes; expanding the duties of the Postsecondary Education Planning Commission in the review of postsecondary programs and the state master plan; amending s. 240.209(3)(e), (f), (g), Florida Statutes, 1982 Supplement; providing for certain considerations in recommending tuition fees for universities; requiring certain review of programs at state universities; creating s. 240.2095, Florida Statutes; providing criteria for the approval of new programs at state universities; restricting the approval of new programs; amending s. 240.243(2), Florida Statutes; pro-

viding for teaching hours by university faculty; repealing s. 240.271(5)-(7), Florida Statutes, relating to biennium funding for the State University System, funds for reduced enrollment, and biennial quality improvement funding; creating s. 240.312, Florida Statutes; requiring program reviews at community colleges; adding s. 240.319(3)(v), (w), Florida Statutes, 1982 Supplement; providing for community college personnel; creating s. 240.320, Florida Statutes; providing a state policy for the approval of new programs at community colleges; amending s. 240.321, Florida Statutes; correcting a cross reference; amending s. 240.325(5), Florida Statutes; providing for considerations in determining community college tuition fees; amending s. 240.353(1), Florida Statutes; providing for legislative definition of community college full-time equivalent students; amending s. 240.359(1), (3)(c), Florida Statutes, 1982 Supplement, relating to determinations of state financial support for community colleges; repealing s. 240.359(3)(d), Florida Statutes, 1982 Supplement, relating to community college funding for reduced enrollment; creating s. 240.381, Florida Statutes; creating the Florida Academic Improvement Trust Fund for Community Colleges and providing a procedure for the granting of matching funds therefrom; repealing s. 240.351, Florida Statutes, relating to determinations of instruction and transportation units for community colleges by the Department of Education; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, between lines 22 and 23, insert:

Section 1. Subsection (11) is added to section 228.071, Florida Statutes, to read:

228.071 Community education.—

(11) *JOINT AGREEMENTS.—District school boards and community college boards of trustees are authorized to submit joint grant applications, if an agreement between the boards is established. Such application shall be considered as a single grant application. For those grant applications approved for funding, the district school board is authorized to transfer all or part of such funds to the community college as specified in the contractual agreement.*

(Renumber subsequent sections.)

Senator Maxwell moved the following amendments which were adopted:

Amendment 2—On page 4, lines 19 and 22; on page 8, lines 20 and 24; on page 9, line 31; and on page 17, line 10, strike “should” and insert: *shall*

Amendment 3—On page 8, lines 2, 11 and 12, strike “should” and insert: *shall*

Amendment 4—On page 9, strike all of lines 4 and 5 and insert:

(7) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary education institutions. No branch campus shall be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only exploratory, occupational proficiency, job preparatory and supplemental vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature prior to expanding its instructional offerings to the college parallel program area.

Amendment 5—On page 11, lines 21 and 25; on page 16, lines 8 and 12, strike “should” and insert: *shall*

Amendment 6—On page 11, line 28, strike “should only be approved” and insert: *shall be approved only*

Amendment 7—On page 12, line 19, strike “doctoral” and insert: *graduate*

Amendment 8—On page 12, line 20, strike “compelling” and insert: *obvious*

Amendment 9—On page 12, line 21, strike “Subsection (2) of”

Amendment 10—On page 12, between lines 24 and 25, insert:

(1) As used in this section:

(a) "State funds" means those funds appropriated annually from the General Revenue Fund and Incidental Trust Fund for institutional instructional and research functions and, in the case of a health center, those funds appropriated from the General Revenue Fund and Operations and Maintenance Trust Fund for the same purposes.

(b) "Classroom contact hour" means a regularly scheduled 1-hour period of classroom activity, activities directly associated with instruction, or a combination of both, in a course of instruction which has been approved by the university.

Amendment 11—On page 14, line 24, strike "Every" and insert: Each

Amendment 12—On page 15, lines 11 and 12, strike "by"

Amendment 13—On page 15, line 6, strike ", by which persons" and insert: . Persons

Amendment 14—On page 15, line 16, strike "be deemed to"

Amendment 15—On page 15, line 25, strike "he replaces" and insert: replaced

Amendment 16—On page 16, line 7, strike "is" and insert: shall provide

Amendment 17—On page 16, line 15, strike "should only be approved" and insert: shall be approved only

Amendment 18—On page 21, lines 12 and 13, after the period (.), strike all of said lines and insert: The State Board of Education shall adopt rules providing all community colleges with an opportunity to apply for excess trust funds prior to the awarding of such funds.

Amendment 19—On page 12, line 27, after "component" insert: in the education and general budget

Senator Meek moved the following amendment which was adopted:

Amendment 20—On page 22, between lines 15 and 16 insert:

Section 20. Promotion and public relations funding. Each community college and district school board is authorized to budget and use a portion of funds accruing from auxiliary enterprises and undesignated gifts for promotion and public relations as prescribed by regulations of the state board. Such funds may be used to provide expenditures for hospitality of business guests at the college or district school board or elsewhere. However, such hospitality expenses shall not exceed the amount authorized for such contingency funds as prescribed by rules of the state board.

(Renumber subsequent sections.)

Senator Vogt moved the following amendment which was adopted:

Amendment 21—In title, on page 1, line 2, after the semicolon insert: adding subsection (11) to s. 228.071, Florida Statutes; authorizing joint applications for community education grants;

Senator Maxwell moved the following amendment which was adopted:

Amendment 22—In title, on page 2, lines 6-8, strike beginning with "amending" through "faculty;" on line 8 and insert: "amending s. 240.243, Florida Statutes; amending the definition of classroom contact hour; providing for teaching hours by university faculty;"

Senator Meek moved the following amendment which was adopted:

Amendment 23—In the title on page 3, line 6, after the semicolon (;) insert: authorizing community colleges and district school boards to use certain funds for certain purposes;

On motion by Senator Maxwell, by two-thirds vote CS for SB 466 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Childers, W. D.	Frank	Grant
Barron	Crawford	Gersten	Grizzle
Beard	Dunn	Girardeau	Hair
Castor	Fox	Gordon	Henderson

Hill	Margolis	Neal	Thomas
Jenne	Maxwell	Plummer	Thurman
Jennings	McPherson	Rehm	Vogt
Kirkpatrick	Meek	Scott	Weinstein
Malchon	Myers	Stuart	

Nays—None

Senator Barron presiding

HB 60—A bill to be entitled An act relating to education; creating the "Florida Community College Scholarship Program"; authorizing community college district boards of trustees to assess additional fees for the purpose of rendering financial aid to students; providing limitations; providing for the establishment of eligibility criteria; providing for placement of funds collected; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendment:

Amendment 1—On page 2, strike everything after the enacting clause and insert:

Section 1. Paragraph (j) of subsection (10) of section 230.23, Florida Statutes, 1982 Supplement, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(j) Purchasing regulations to be secured from Department of General Services.—Secure purchasing regulations and amendments and changes thereto from the Division of Purchasing of the Department of General Services and prior to any purchase have reported to it by its staff, and give consideration to the lowest price available to it under such regulations, provided a regulation applicable to the item or items being purchased has been adopted by the Division of Purchasing. The Division of Purchasing should meet with educational administrators to expand the inventory of standard items for common usage in all schools and higher education institutions. *The school board is authorized to provide for cooperative purchasing arrangements with other public or nonprofit educational agencies when the costs of such arrangements are borne by such other agencies.*

Section 2. Subsection (2) of section 230.321, Florida Statutes, 1982 Supplement, is amended to read:

230.321 Superintendents employed under Art. IX, State Constitution.—

(2) The school board of each of such districts shall enter into contracts of employment with the superintendent of schools and shall adopt rules and regulations relating to his appointment. *Any such contract may fix the duration of employment and the compensation therefor, and may contain any other terms and conditions the board may deem appropriate. In addition, the board may furnish to the superintendent the use of a motor vehicle or an allowance in lieu thereof. If any such vehicle is furnished, the board shall determine and fix the maximum nonschool use of the vehicle.*

Section 3. Paragraph (b) of subsection (4) of section 233.067, Florida Statutes, 1982 Supplement, is amended to read:

233.067 Comprehensive health education.—

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION PROGRAM.—

(b) The comprehensive health education program shall include the following:

1. Implementation of inservice education programs for teachers, administrators, and other persons. Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts.

2. Instruction in nutrition education as a specific area of health education instruction. Nutrition education shall include, but not be limited

to, sound nutritional practices, wise food selection, analysis of advertising claims about food, proper food preparation, and food storage procedures. The purpose of such nutrition education programs shall be to educate students in the overall area of nutrition education and significantly reduce health problems associated with poor or improper nutrition practices.

3. Reorientation and utilization of existing regional drug education resource centers for use as health education resource centers to assist the Department of Education in coordinating health education activities in the regions.

4. Design and development of programs for the selection and training of health education instructors from existing teaching staff and the orientation to teaching roles for persons employed in appropriate health fields and community volunteers.

5. *Demonstration in cardiopulmonary resuscitation, at least once each school year, for all students in grades 7 through 12. The district school board may provide demonstrations through the use of qualified persons, a suitable film, or other appropriate processes. When any student in grades 7 through 12 desires to receive instruction in cardiopulmonary resuscitation, the school shall, as a part of its comprehensive health program, make necessary arrangements to provide either individual or group instruction in cardiopulmonary resuscitation. To provide such instruction the school may use the services of any person qualified to give instructions in or administer cardiopulmonary resuscitation. Such persons may include, but shall not be limited to, local firemen, law enforcement officers, emergency medical technicians, or school teachers. The instruction may be given at a place other than a public school, if necessary.*

6.5. Development of training programs to allow the use of school food service personnel as resource persons.

Section 4. Section 236.135, Florida Statutes, is created to read:

236.135 Expenditure requirements for 1982-1983.—The provisions of chapters 228 through 237, and chapter 82-215, Laws of Florida, to the contrary notwithstanding, a school district may:

(1) Expend funds, not to exceed the district's total holdback from all state funds in 1982-1983, for general operations during the 1982-1983 fiscal year from the following categorical program allocations or special allocations:

(a) Instructional materials allocation as provided for in s. 236.122 and item 319 of chapter 82-215, Laws of Florida;

(b) Vocational equipment expenditure requirement as provided for in item 310 of chapter 82-215, Laws of Florida;

(c) Educational training expenditure requirements as provided for in ss. 236.081(3) and 236.0811, and in item 310 of chapter 82-215, Laws of Florida;

(d) Florida primary education program allocation as provided for in s. 230.2312, not to exceed 25 percent of the district's net allocation for 1982-1983;

(e) Student development services allocation as provided for in s. 236.089, not to exceed 25 percent of the district's net allocation for 1982-1983;

(f) Compensatory education program allocation as provided for in s. 236.088, not to exceed 25 percent of the district's net allocation for 1982-1983; or

(g) Comprehensive health education program allocation as provided for in s. 233.067, not to exceed 25 percent of the district's net allocation for 1982-1983.

(2) Use the 2-mill equivalent capital outlay funds during the 1982-1983 fiscal year for maintenance of schools without having to maintain the required level of expenditures from operating revenues for maintenance of effort as provided for in ss. 236.25(2) and 235.435(1)(d).

Section 5. The provisions of section 236.081(4)(b), Florida Statutes, shall apply only to taxes levied for fiscal year 1985-1986 and each year thereafter.

Section 6. This act shall take effect upon becoming a law.

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

Amendment 1A—On pages 4 and 5, strike all of Section 4 and renumber subsequent sections.

Amendment 1 as amended was adopted.

Senator Maxwell moved the following amendment:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 230.23(10)(j), Florida Statutes, 1982 Supplement; authorizing cooperative purchasing arrangements with public or non-profit educational agencies when costs of the arrangements are borne by such agencies; amending s. 230.321(2), Florida Statutes, 1982 Supplement; authorizing school districts which employ a superintendent of schools to furnish the superintendent with a motor vehicle or an allowance; amending s. 233.067(4)(b), Florida Statutes, 1982 Supplement; requiring demonstrations of and instruction in cardiopulmonary resuscitation for certain students; creating s. 236.135, Florida Statutes; waiving the expenditure requirements for specified categorical program allocations and special allocations during the 1982-1983 fiscal year; delaying application of ratio studies to required local effort; providing an effective date.

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

Amendment 2A—In title, on page 1, lines 28-31, strike "waiving the expenditure requirements for specified categorical program allocations and special allocations during the 1982-83 fiscal year;"

Amendment 2 as amended was adopted.

On motion by Senator Maxwell, by two-thirds vote HB 60 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Neal
Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	

Nays—None

SB 1167—A bill to be entitled An act relating to the creation of special districts; amending s. 165.022(2), Florida Statutes, 1982 Supplement; prohibiting certain laws pertaining to the creation of special districts; amending s. 165.031, Florida Statutes, 1982 Supplement; defining "special district", "dependent special district", and "independent special district"; amending s. 165.041(2), Florida Statutes, 1982 Supplement; prescribing method of creating independent special districts; providing an effective date.

—was read the second time by title. On motion by Senator Maxwell, by two-thirds vote SB 1167 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnston	Rehm
Barron	Gersten	Kirkpatrick	Scott
Beard	Girardeau	Langley	Stuart
Carlucci	Gordon	Malchon	Thomas
Castor	Grant	Maxwell	Thurman
Childers, D.	Grizzle	McPherson	Vogt
Childers, W. D.	Hair	Meek	Weinstein
Crawford	Henderson	Myers	
Dunn	Hill	Neal	
Fox	Jennings	Plummer	

Nays—None

On motions by Senator Weinstein, the rules were waived and by two-thirds vote HB 429 was withdrawn from the Committees on Judiciary-Civil and Judiciary-Criminal.

On motion by Senator Weinstein—

HB 429—A bill to be entitled An act relating to arrests; amending s. 901.15(1), Florida Statutes, permitting arrests without warrant for violations of county ordinances, under certain circumstances; amending s. 901.25(1), Florida Statutes, redefining the term “fresh pursuit” to include violations of chapter 316, Florida Statutes, and county ordinances; providing an effective date.

—a companion measure, was substituted for CS for SB 221 and read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 1, line 3, strike all of said line and insert 901 15(1), Florida Statutes; changing peace officer to law enforcement officer; permitting arrests

Amendment 2—On page 1, line 17, strike all of said line and insert: lawful.—A law enforcement peace officer may arrest a person without a warrant

Amendment 3—On page 2, lines 4-7, strike all of said lines and insert: pursuit of a person who has violated a county or municipal city ordinance, Chapter 316, or has committed a misdemeanor.

Section 3. This act shall take effect upon becoming a law.

On motion by Senator Weinstein, by two-thirds vote HB 429 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jenne	Neal
Beard	Gersten	Jennings	Plummer
Carlucci	Girardeau	Johnston	Rehm
Castor	Gordon	Kirkpatrick	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Margolis	Thomas
Crawford	Hair	McPherson	Vogt
Dunn	Henderson	Meek	Weinstein
Fox	Hill	Myers	

Nays—2

Langley Thurman

CS for SB 221 was laid on the table.

The President presiding

On motion by Senator Castor, the rules were waived and by two-thirds vote HB 115 was withdrawn from the Committee on Appropriations.

On motion by Senator Castor—

HB 115—A bill to be entitled An act relating to the Legal Affairs Revolving Trust Fund; amending s. 16.53(5), Florida Statutes, relating to moneys remaining in the fund at the end of any fiscal year and the transfer thereof to the General Revenue Fund unallocated; providing an effective date.

—a companion measure, was substituted for SB 198 and read the second time by title. On motion by Senator Castor, by two-thirds vote HB 115 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

SB 198 was laid on the table.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

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

SB 261—A bill to be entitled An act relating to landlord and tenant; amending s. 83.49(4), Florida Statutes, 1982 Supplement; providing an exemption for certain regulated housing, including federally administered or federally regulated housing programs; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1 —On page 1, strike all of lines 11 through 23 and insert:

Section 1. Section 83.05, Florida Statutes, is amended to read:

83.05 Right of possession entry upon default in rent; determination of right of possession in action or surrender or abandonment of premises.—

(1) If any person leasing or renting renting any land or premises other than a dwelling unit house fails to pay the rent at the time it becomes due, the lessor has the right to obtain possession of the premises as provided by law may immediately thereafter enter and take possession of the property so leased or rented.

(2) The landlord shall recover possession of rented premises only:

(a) In an action for possession under s. 83.20, or other civil action in which the issue of right of possession is determined;

(b) When the tenant has surrendered possession of the rented premises to the landlord; or

(c) When the tenant has abandoned the rented premises.

(3) In the absence of actual knowledge of abandonment, it shall be presumed for purposes of paragraph (2)(c) that the tenant has abandoned the rented premises if:

(a) The landlord reasonably believes that the tenant has been absent from the rented premises for a period of 30 consecutive days;

(b) The rent is not current; and

(c) A notice pursuant to s. 83.20(2) has been served and 10 days have elapsed since service.

However, this presumption shall not apply if the rent is current or the tenant has notified the landlord in writing of an intended absence.

Section 2. Section 83.22, Florida Statutes, is amended to read:

83.22 Removal of tenant; service.—

(1) If the defendant cannot be found in the county in which the action is pending and either he has no usual place of abode in the county or there is no person of his family above 15 years of age at his usual place of abode in the county, after at least two attempts to obtain personal service, the sheriff shall serve the summons by attaching it to some part of the premises involved in the proceedings.

(2) If a landlord causes or anticipates causing a defendant to be served with a summons and complaint solely by attaching it to some part of the premises involved in the proceedings, then the landlord shall provide the clerk of the court with two additional copies of the complaint and two prestamped envelopes addressed to the defendant. One envelope shall be addressed to such address or location as has been designated by the tenant for receipt of notice in a written lease or other agreement, or if none has been designated, to the residence of the tenant, if known. The second envelope shall be addressed to the last known business address of the tenant. The clerk of the court shall

immediately mail the copies of the summons and complaint by first class mail, note the fact of mailing in the docket, and file a certificate in the court file of the fact and date of mailing. Service shall be effective on the date of mailing and at least 5 days from the date of mailing shall have elapsed before a judgment for final removal of defendant may be entered.

Section 3. Subsection (2) of section 83.43, Florida Statutes, is amended to read:

83.43 Definitions.—As used in this part, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(2) "Dwelling unit" means:

(a) A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

(b) A mobile home rented by a tenant.

~~(c) A mobile home lot within a mobile home park that is rented for occupancy by one or more persons who own the mobile home located on the lot.~~

~~(c)(d)~~ A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.

Section 4. Section 83.48, Florida Statutes, is amended to read:

83.48 Attorney's fees.—~~In any civil action brought to enforce the provisions of the rental agreement or this part, the party in whose favor a judgment or decree has been rendered may recover reasonable court costs, including attorney's fees, from the nonprevailing party. If a rental agreement contains a provision allowing attorney's fees to the landlord when he is required to take any action to enforce the rental agreement, the court may also allow reasonable attorney's fees to the tenant when he prevails in any action by or against him with respect to the rental agreement.~~

Section 5. Subsections (1), (2), (4), and (5) of section 83.49, Florida Statutes, 1982 Supplement, and paragraph (a) of subsection (3) of said section are amended and subsection (9) is added to said section, to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(1) Whenever money is deposited or advanced by a tenant on a rental agreement as security for performance of the rental agreement or as advance rent for other than the next immediate rental period, the landlord or his agent shall either:

(a) Hold the total amount of such money in either a separate interest-bearing account or noninterest-bearing account in a Florida banking institution for the benefit of the tenant or tenants; and, in either event, The landlord shall not commingle such moneys with any other funds of the landlord or hypothecate, pledge, or in any other way make use of such moneys until such moneys are actually due the landlord; or

(b) Hold the total amount of such money in a separate interest-bearing account in a Florida banking institution for the benefit of the tenant or tenants, in which case the tenant shall receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on such account or 5 percent, whichever the landlord elects. The landlord shall not commingle such moneys with any other funds of the landlord or hypothecate, pledge, or in any other way make use of such moneys until such moneys are actually due the landlord; or

~~(c)(b)~~ Post a surety bond with the clerk of the circuit court in the county in which the dwelling unit is located in the total amount of the security deposits and advance rent he holds on behalf of the tenants or \$50,000, whichever is less, executed by the landlord as principal and a surety company authorized and licensed to do business in the state as surety. The bond shall be conditioned upon the faithful compliance of the landlord with the provisions of this section and shall run to the Governor for the benefit of any tenant injured by the landlord's violation of the provisions of this section. In addition to posting the surety bond, the landlord shall pay to the tenant interest at the rate of 5 percent per year, simple interest. ~~If the deposit moneys or advance rents are depos-~~

~~ited in an interest-bearing account, such account shall be in a Florida banking institution; the landlord shall immediately notify the tenant of the name and address of the banking institution and the amount of his money so deposited, and the tenant shall receive and collect at least 75 percent of the interest payable on such account. If the commingled funds are used in any other manner, the tenant shall receive and collect interest at the rate of 5 percent per year, simple interest.~~

(2) The landlord shall, within 30 days of receipt of advance rent or a security deposit, notify the tenant in writing of the manner in which the landlord is holding the advance rent or security deposit and the rate of interest, if any, which the tenant is to receive and the time of interest payments to the tenant. Such written notice shall:

(a) Be given in person or by mail to the tenant.

(b) State the name and address of the depository where the advance rent or security deposit is being held, whether the advance rent or security deposit is being held in a separate account for the benefit of the tenant or is commingled with other funds of the landlord, and, if commingled, whether such funds are deposited in an interest-bearing account in a Florida banking institution.

(c) Include a copy of the provisions of subsection (3).

Subsequent to providing such notice, if the landlord changes the manner or location in which he is holding the advance rent or security deposit, he shall notify the tenant within 30 days of the change according to the provisions herein set forth. ~~The landlord shall pay directly to the tenant, or credit against the current month's rent, the interest due to the tenant at least once annually.~~ This subsection does not apply to any landlord who rents fewer than five individual dwelling units. Failure to provide this notice shall not be a defense to the payment of rent when due.

(3)(a) Upon the vacating of the premises for termination of the lease, the landlord shall have 15 days to return said security deposit together with interest if otherwise required, or in which to give the tenant written notice by certified mail to the tenant's last known mailing address of his intention to impose a claim thereon. The notice shall contain a statement in substantially the following form:

This a notice of my intention to impose a claim for damages in the amount of . . . upon your security deposit. It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to . . . (landlord's address) . . .

If the landlord fails to give the required notice within the 15-day period, he forfeits his right to impose a claim upon the security deposit.

(4) The provisions of this section do not apply to transient rentals by hotels or motels as defined in chapter 509, nor shall they apply in those instances in which the amount of rent or deposit, or both, is regulated by law or by rules or regulations of a public body, including federally administered or regulated housing programs including s. 202, s. 221(d)(3) and 4, s. 236, or s. 8 of the National Housing Act, as amended, other than for rent stabilization and including public housing authorities application is prohibited by federal law. With the exception of subsections (3), (5) and (6) hereof, this section is not applicable to housing authorities or public housing agencies created pursuant to chapter 421 or other statutes.

(5) Except when otherwise provided by the terms of a written lease, any tenant who vacates or abandons the premises prior to the expiration of the term specified in the written lease, or any tenant who vacates or abandons premises which are the subject of a tenancy from week to week, month to month, quarter to quarter, or year to year, shall give at least 7 days' notice by certified mail to the landlord prior to vacating or abandoning the premises, which notice shall include the address where the tenant may be reached. Failure to give such notice shall relieve the landlord of the notice requirement of paragraph (3)(a).

(9) In those cases in which interest is required to be paid to the tenant, the landlord shall pay directly to the tenant, or credit against the current month's rent, the interest due to the tenant at least once annually. However, no interest shall be due a tenant who wrongfully terminates his tenancy prior to the end of the rental term.

Section 6. Subsection (2) of section 83.56, Florida Statutes, 1982 Supplement, is amended to read:

83.56 Remedies; termination of rental agreement.—

(2) If the tenant materially fails to comply with s. 83.52 [F. S. 1973] or material provisions of the rental agreement, other than a failure to pay rent, or reasonable rules or regulations, the landlord may:

(a) If such noncompliance is of a nature that the tenant should not be given an opportunity to cure it or if the noncompliance constitutes a subsequent or continuing noncompliance *within 12 months of a ~~after a prior~~ written warning by the landlord of a similar violation*, deliver a written notice to the tenant specifying the noncompliance and the landlord's intent to terminate the rental agreement by reason thereof. Examples of noncompliance which are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act or a subsequent or continued unreasonable disturbance. In such event, the landlord may terminate the rental agreement, and the tenant shall have 7 days from the date that the notice is delivered to vacate the premises. The notice shall be adequate if it is in substantially the following form:

You are advised that your lease is terminated effective immediately. You shall have 7 days from the delivery of this letter to vacate the premises. This action is taken because . . . (cite the noncompliance) . . .

(b) If such noncompliance is of a nature that the tenant should be given an opportunity to cure it, deliver a written notice to the tenant specifying the noncompliance, including a notice that, if the noncompliance is not corrected within 7 days from the date the written notice is delivered, the landlord shall terminate the rental agreement by reason thereof. Examples of such noncompliance include, but are not limited to, activities in contravention of the lease or this act such as having or permitting unauthorized pets, guests, vehicles, or parking or failure to keep the premises clean and sanitary. The notice shall be adequate if it is in substantially the following form:

You are hereby notified that . . . (cite the noncompliance) . . . Demand is hereby made that you remedy the noncompliance within 7 days of receipt of this notice or your lease shall be deemed terminated and you shall vacate the premises upon such termination. *If this same conduct, or conduct of a similar nature is repeated within 12 months, your tenancy is subject to termination without your being given an opportunity to cure the noncompliance.*

Section 7. Section 83.60, Florida Statutes, is amended to read:

83.60 Remedies; defenses to action for rent or possession; procedure.—

(1) In an action by the landlord for possession of a dwelling unit based upon nonpayment of rent or in an action by the landlord under s. 83.55 seeking to recover unpaid rent, the tenant may defend upon the ground of a material noncompliance with s. 83.51(1) [F. S. 1973], or may raise any other defense, whether legal or equitable, that he may have, *including the defense of retaliatory conduct in accordance with s. 83.64.* The defense of a material noncompliance with s. 83.51(1) [F. S. 1973] may only be raised by the tenant if 7 days have elapsed after the delivery of written notice by the tenant to the landlord as prescribed in s. 83.56(4) [F. S. 1973], specifying the noncompliance and indicating the intention of the tenant not to pay rent by reason thereof. A material noncompliance with s. 83.51(1) [F. S. 1973] by the landlord is a complete defense to an action for possession based upon nonpayment of rent, and, upon hearing, the court or the jury, as the case may be, shall determine the amount, if any, by which the rent is to be reduced to reflect the diminution in value of the dwelling unit during the period of noncompliance with s. 83.51(1) [F. S. 1973]. After consideration of all other relevant issues, the court shall enter appropriate judgment.

(2) In an action by the landlord for possession of a dwelling unit ~~based upon nonpayment of rent~~, if the tenant interposes any defense other than payment, the tenant shall pay into the registry of the court the accrued rent as alleged in the complaint or as determined by the court and the rent which accrues during the pendency of the proceeding, when due. *The court shall notify the tenant of such requirement.* Failure of the tenant to pay the rent into the registry of the court as provided herein constitutes an absolute waiver of the tenant's defenses other than payment, and the landlord is entitled to an immediate default.

Section 8. Section 83.64, Florida Statutes, is created to read:

83.64 Retaliatory conduct.—

(1) *It shall be unlawful for a landlord to discriminatorily increase a tenant's rent or decrease a tenant's services, or to bring or threaten to bring an action for possession or other civil action, primarily because the landlord is retaliating against the tenant. In order for the tenant to raise the defense of retaliatory conduct, the tenant must have acted in good faith. Examples of conduct for which the landlord may not so retaliate include, but are not limited to, situations where:*

(a) *The tenant has complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code, of a suspected violation applicable to the premises;*

(b) *The tenant has organized, encouraged, or participated in a tenants' organization; or*

(c) *The tenant has complained to the landlord pursuant to s. 83.56(1).*

(2) *Evidence of retaliatory conduct may be raised by the tenant as a defense in any action brought against him for possession. In any event, this section shall not apply to actions for possession based on nonpayment of rent, or if the landlord proves that the eviction is for good cause. Examples of good cause include, but are not limited to, violation of the rental agreement or reasonable rules, or violation of the terms of this chapter.*

(3) *"Discrimination" under this section shall mean that a tenant is being treated differently as to rent charged, services rendered, or the action being taken by the landlord, which shall be a prerequisite to a finding of retaliatory conduct.*

Section 9. Subsection (3) of section 83.752, Florida Statutes, is amended to read:

83.752 Definitions.—As used in this part, the following words and terms shall have the following meanings unless clearly indicated otherwise:

(3) "Mobile home park" or "park" means a use of land in which ~~10 or~~ ~~more~~ lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.

Section 10. Subsection (2) of section 83.7594, Florida Statutes, 1982 Supplement, is amended to read:

83.7594 Remedies; termination of lease agreement.—

(2) If the provisions of s. 83.759(1)(b), (c), or (d) are applicable or if a mobile home owner materially fails to comply with material provisions of a written lease which are established as cumulative grounds for eviction, the mobile home park owner shall notify the mobile home owner, in writing, of the violation, noncompliance, or grounds for eviction within 7 days of the date the mobile home park owner knew or should have known of its such occurrence. Such notice shall indicate the intention of the park owner to terminate the lease agreement and shall specify the date the mobile home owner and his mobile home are to vacate the mobile home lot. The delivery of any written notice required by this subsection ~~herein~~ shall be by United States mail or personal delivery.

Section 11. Section 83.7597, Florida Statutes, 1982 Supplement, is amended to read:

83.7597 Remedies; removal of mobile home owner; process.—In an action for possession, after entry of judgment in favor of the mobile home park owner, the clerk shall issue a writ of possession to the sheriff describing the lot or premises and commanding him to put the mobile home park owner in possession. The writ of possession shall not issue earlier than 30 days from the date judgment is granted ~~service of the complaint for removal upon the mobile home owner.~~

Amendment 2—On page 1 in the title, lines 1-7, strike the entire title and insert the following:

A bill to be entitled An act relating to landlord and tenant; amending s. 83.05, Florida Statutes, specifying alternative methods by which a landlord may recover possession of nonresidential premises; amending s. 83.22, Florida Statutes, providing additional duties for certain service of summons for the removal of a tenant; amending s. 83.43(2), Florida Statutes, redefining "dwelling unit" for purposes of provisions relating to resi-

dential tenancies; amending s. 83.48, Florida Statutes, changing provisions relating to award of attorney's fees in actions relating to residential tenancies; amending s. 83.49(1), (2), (4), and (5), Florida Statutes, 1982 Supplement, and paragraph (a) of subsection (3) of said section, and adding a subsection thereto, changing the duties of residential landlords with respect to deposits and advance rents; requiring the payment of interest to the tenant and providing procedure with respect thereto; expanding certain exemptions from provisions regulating the use of such funds; amending s. 83.56(2), Florida Statutes, 1982 Supplement, changing the circumstances in which a residential tenancy may be terminated; amending s. 83.60, Florida Statutes, relating to defenses to an action for rent or possession; expanding the applicability of provisions requiring tenants to pay accrued rent into the court registry; requiring certain notice; creating s. 83.64, Florida Statutes, prohibiting certain retaliatory conduct by a landlord against a tenant for specified actions by the tenant; providing remedies; providing exceptions and defining "discrimination" for purposes therein; amending s. 83.752(3), Florida Statutes, and adding a subsection thereto, expanding the definition of the term "mobile home park"; amending s.83.7594(2), Florida Statutes, 1982 Supplement; changing provisions relating to notice of violations by mobile home owners; amending s. 83.7597, Florida Statutes, 1982 Supplement, changing the date for the issuance of writs of possession against mobile home owners; creating part V of chapter 83, Florida Statutes; creating the "Disposition of Personal Property Landlord and Tenant Act"; providing procedures for the disposition of personal property left by a residential or commercial tenant; providing definitions; providing certain prerequisites to disposition; requiring notification of tenant and specifying the form of notice; providing for the storage of abandoned property; authorizing the release of personal property by the landlord; providing procedures for the sale of abandoned property; exempting the landlord from certain liability after disposition of the property; providing for the assessment of the cost of storage; providing an effective date.

Amendment 5—On page 1, line 24, strike all of said line and insert:

Section 12. Part V of chapter 83, Florida Statutes, consisting of sections 83.821, 83.822, 83.823, 83.824, 83.825, 83.826, 83.827, 83.828, 83.829, 83.831, 83.832, and 83.833, is created to read:

**PART V
DISPOSITION OF PERSONAL PROPERTY**

83.821 Short title.—Sections 83.821-83.833 may be cited as the "Disposition of Personal Property Landlord and Tenant Act."

83.822 Application.—

(1) This part shall apply to all tenancies to which parts I or II of this chapter are applicable.

(2) This part provides an optional procedure for the disposition of personal property which remains on the premises after a tenancy has terminated or expired and the premises have been vacated by the tenant through eviction, surrender, abandonment, or otherwise.

(3) This part does not apply to property which exists for the purpose of providing utility services and is owned by a utility, whether or not such property is actually in operation to provide such utility services.

(4) If the requirements of this part are not satisfied, nothing in this part affects the rights and liabilities of the landlord, former tenant, or any other person.

83.823 Definitions.—As used in this part, unless some other meaning is clearly indicated:

(1) "Landlord" means any operator, keeper, lessor, or sublessor of any furnished or unfurnished premises for rent, or his agent or successor-in-interest.

(2) "Owner" means any person other than the landlord who has any right, title, or interest in personal property.

(3) "Premises" includes any common areas associated therewith.

(4) "Reasonable belief" means the actual knowledge or belief a prudent person should have without making an investigation, including any investigation of public records, except that, where the landlord has specific information indicating that such an investigation would more probably than not reveal pertinent information and the cost of such an investigation would be reasonable in relation to the probable value of the personal property involved, "reasonable belief" includes the actual knowledge or belief a prudent person would have if such an investigation were made.

(5) "Tenant" includes any paying guest, lessee, or sublessee of any premises for rent, whether a dwelling unit or not.

83.824 Lost property.—Personal property which the landlord reasonably believes to have been lost shall be disposed of as otherwise provided by law. However, if the appropriate law enforcement agency or other government agency refuses to accept custody of property pursuant to chapter 705, the landlord may dispose of the property pursuant to this part. The landlord is not liable to the owner of the property if he complies with this section and this part.

83.825 Notification of tenant.—

(1) Where personal property remains on the premises after a tenancy has terminated or expired and the premises have been vacated by the tenant, through eviction or otherwise, the landlord shall give written notice to such tenant and to any other person the landlord reasonably believes to be the owner of the property.

(2) The notice shall describe the property in a manner reasonably adequate to permit the owner of the property to identify it. The notice may describe all or a portion of the property, but the limitation of liability provided by s. 83.832 does not protect the landlord from any liability arising from the disposition of property not described in the notice, except that a trunk, valise, box, or other container which is locked, fastened, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents. The notice shall advise the person to be notified that reasonable costs of storage may be charged before the property is returned, and shall state where the property may be claimed and the date before which the claim must be made. The date specified in the notice shall be a date not less than 10 days after the notice is personally delivered or, if mailed, not less than 15 days after the notice is deposited in the mail.

(3) The notice shall be personally delivered or sent by first-class mail, postage prepaid, to the person to be notified at his last known address and, if there is reason to believe that the notice sent to that address will not be received by that person, also to such other address, if any, known to the landlord where such person may reasonably be expected to receive the notice.

83.826 Form of notice to former tenant.—

(1) A notice to the former tenant which is in substantially the following form satisfies the requirements of s. 83.825:

Notice of Right to Reclaim Abandoned Property

To: . . . (Name of former tenant) . . .

. . . (Address of former tenant) . . .

When you vacated the premises at . . . (address of premises, including room or apartment number, if any) . . ., the following personal property remained: . . . (insert description of personal property) . . .

You may claim this property at . . . (address where property may be claimed). . . .

Unless you pay the reasonable cost of storage and advertising, if any, for all the above-described property and take possession of the property which you claim, not later than . . . (insert date not less than 10 days after notice is personally delivered or, if mailed, not less than 15 days after notice is deposited in the mail) . . ., this property may be disposed of pursuant to s. 83.831.

(Insert here the statement required by subsection (2))

Dated: . . . (Signature of landlord) . . .

. . . (Type or print name of landlord) . . .

. . . (Telephone number) . . .

. . . (Address) . . .

(2) The notice set forth in subsection (1) shall also contain one of the following statements:

(a) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the cost of storage, advertising, and sale is deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money."

(b) "Because this property is believed to be worth less than \$250, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

83.827 Form of notice to owner other than former tenant.—

(1) A notice which is in substantially the following form given to a person other than the former tenant and whom the landlord reasonably believes to be the owner of any of the abandoned personal property satisfies the requirements of s. 83.825:

Notice of Right to Reclaim Abandoned Property

To: . . . (Name) . . .

. . . (Address) . . .

When . . . (name of former tenant) . . . vacated the premises at . . . (address of premises, including room or apartment number, if any) . . ., the following personal property remained: . . . (insert description of personal property) . . .

If you own any of this property, you may claim it at . . . (address where property may be claimed) . . . Unless you pay the reasonable cost of storage and advertising, if any, and take possession of the property to which you are entitled, not later than . . . (insert date not less than 10 days after notice is personally delivered or, if mailed, not less than 15 days after notice is deposited in the mail) . . ., this property may be disposed of pursuant to 83.831.

(Insert here the statement required by subsection (2))

Dated: . . . (Signature of landlord) . . .

. . . (Type or print name of landlord) . . .

. . . (Telephone number) . . .

. . . (Address) . . .

(2) The notice set forth in subsection (1) shall also contain one of the following statements:

(a) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the cost of storage, advertising, and sale is deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money."

(b) "Because this property is believed to be worth less than \$250, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

83.828 Storage of abandoned property.—The personal property described in the notice shall either be left on the vacated premises or be stored by the landlord in a place of safekeeping until the landlord either releases the property pursuant to s. 83.829 or disposes of the property pursuant to s. 83.831. The landlord shall exercise reasonable care in storing the property, but he is not liable to the tenant or any other owner for any loss unless caused by his deliberate or negligent act.

83.829 Release of personal property.—

(1) The personal property described in the notice shall be released by the landlord to the former tenant or, at the landlord's option, to any person reasonably believed by the landlord to be its owner, if such tenant or other person pays the reasonable cost of storage and advertising and takes possession of the property not later than the date specified in the notice for taking possession.

(2) Where personal property is not released pursuant to subsection (1) and the notice stated that the personal property would be sold at a public sale, the landlord shall release the personal property to the former tenant if he claims it prior to the time it is sold and pays the reasonable costs of storage, advertising, and sale incurred prior to the time the property is withdrawn from sale.

83.831 Sale of abandoned property.—

(1) If the personal property described in the notice is not released pursuant to s. 83.829, it shall be sold at public sale by competitive bidding. However, if the landlord reasonably believes that the total resale value of the property not released is less than \$250, he may retain such

property for his own use or dispose of it in any manner he chooses. Nothing in this section shall be construed to preclude the landlord or tenant from bidding on the property at the public sale. The successful bidder's title is subject to ownership rights, liens, and security interests which have priority by law.

(2) Notice of the time and place of the public sale shall be given by an advertisement of the sale published once a week for two consecutive weeks in a newspaper of general circulation where the sale is to be held. The sale must be held at the nearest suitable place to that where the personal property is held or stored. The advertisement must include a description of the goods, the name of the former tenant, and the time and place of the sale. The sale must take place at least 10 days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least 10 days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale. The last publication shall not be less than 5 days before the sale is to be held. Notice of sale may be published before the last of the dates specified for taking possession of the property in any notice given pursuant to s. 83.825.

(3) The notice of the sale shall describe the property to be sold in the manner reasonably adequate to permit the owner of the property to identify it. The notice may describe all or a portion of the property, but the limitation of liability provided by s. 83.832 does not protect the landlord from any liability arising from the disposition of property not described in the notice, except that a trunk, valise, box, or other container which is locked, fastened, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.

(4) After deduction of the costs of storage, advertising, and sale, any balance of the proceeds of the sale which is not claimed by the former tenant or an owner other than such tenant shall be paid into the treasury of the county in which the sale took place not later than 30 days after the date of sale. The former tenant or other owner or other person having interest in the funds may claim the balance within 1 year from the date of payment to the county by making application to the county treasurer or other official designated by the county. If the county pays the balance or any part thereof to a claimant, neither the county nor any officer or employee thereof is liable to any other claimant as to the amount paid.

83.832 Nonliability of landlord after disposition of property.—

(1) Notwithstanding the provisions of s. 83.822, after the landlord releases to the former tenant property which remains on the premises after a tenancy is terminated, the landlord is not liable with respect to that property to any person.

(2) After the landlord releases property pursuant to s. 83.829 to a person, other than the former tenant, reasonably believed by the landlord to be the owner of the property, the landlord is not liable with respect to that property to:

(a) Any person to whom notice was given pursuant to s. 83.825; or

(b) Any person to whom notice was not given pursuant to s. 83.825 unless such person proves that, prior to releasing the property, the landlord believed or reasonably should have believed that such person had an interest in the property and also that the landlord knew or should have known upon reasonable investigation the address of such person.

(3) Where property is disposed of pursuant to s. 83.831, the landlord is not liable with respect to that property to:

(a) Any person to whom notice was given pursuant to s. 83.825; or

(b) Any person to whom notice was not given pursuant to s. 83.825 unless such person proves that, prior to disposing of the property pursuant to s. 83.831, the landlord believed or reasonably should have believed that such person had an interest in the property and also that the landlord knew or should have known upon reasonable investigation the address of such person.

83.833 Assessing cost of storage.—

(1) Cost of storage which may be required to be paid under this part shall be assessed in the following manner:

(a) Where a former tenant claims property pursuant to s. 83.829, he may be required to pay the reasonable costs of storage for all the personal property remaining on the premises at the termination of the tenancy which are unpaid at the time the claim is made.

(b) Where an owner other than the former tenant claims property pursuant to s. 83.829, he may be required to pay the reasonable costs of storage for only the property in which he claims an interest.

(2) In determining the costs to be assessed under subsection (1), the landlord shall not charge more than one person for the same costs.

(3) If the landlord stores the personal property on the premises, the cost of storage shall be the fair rental value of the space reasonably required for such storage for the term of the storage.

Section 13. This act shall take effect upon becoming a law.

Senator Kirkpatrick moved the following amendments to House Amendment 1 which were adopted:

Amendment 1 to House Amendment 1—On page 5, line 21, strike "5 percent" and insert: *interest at the rate of 5 percent per year, simple interest*

Amendment 2 to House Amendment 1—On page 12, line 27, through page 13, line 3, strike all of said lines and insert: *(2) Evidence of retaliatory conduct may be raised by the tenant as a defense in any action brought against him for possession. In any event, this section shall not apply if the landlord proves that the eviction is for good cause. Examples of good cause include, but are not limited to, good faith actions for nonpayment of rent, violation of the rental agreement or reasonable rules, or violation of the terms of this chapter.*

Amendment 3 to House Amendment 1—On page 13, line 9-17, strike all of section 9 and renumber subsequent sections

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

Amendment 1 to House Amendment 2—In title, on page 2, lines 6-9, strike all of said lines and insert: *purposes therein; amending s. 83.7594(2), Florida Statutes, 1982*

On motions by Senator Kirkpatrick, the Senate concurred in House Amendment 5, concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 261 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

On motion by Senator Dunn, the rules were waived and the Senate immediately reconsidered the vote by which—

HB 1287—A bill to be entitled An act relating to education; adding paragraph (p) to s. 229.053(2), Florida Statutes, 1982 Supplement; directing the State Board of Education to adopt rules which require each state university and public community college to review any course that has not been offered for a specified period; providing for deletion of courses not reapproved; amending s. 246.021(2), Florida Statutes, expanding the definition of an out-of-state college; providing an effective date.

—as amended passed this day.

Senator Dunn moved the following amendment which was adopted by two-thirds vote:

Amendment 4—On page 1, between lines 28 and 29, insert:

Section 2. Section 240.3190, Florida Statutes, is created to read:
240.3190 Nonprofit corporations; lease financing programs.—

(1) A community college district board of trustees may adopt resolutions providing for the formation of nonprofit corporations, formed under the provisions of part I of chapter 617, for the purpose of issuing tax-exempt obligations to finance or refinance educational plants as defined in s. 235.011(5). Educational plants or facilities to be financed, and all facilities or plants which have been constructed in whole or in part with state funds, may not be refinanced without specific authority from the Legislature. The corporation shall meet the requirements provided in the Internal Revenue Code and related Revenue Rulings governing the issuance of tax-exempt obligations.

(2) A community college district board of trustees may participate in programs, arrangements, and agreements to acquire, finance, or refinance educational plants. A community college district board of trustees may sell or lease existing educational plants acquired, financed, or refinanced pursuant to the provisions of this subsection and lease or sublease such educational plants back on a long-term basis for continued use.

(3) The powers conferred by this section shall be in addition and supplemental to the existing powers of the community college district boards of trustees. The enactment of this section is not a determination that these powers were not already conferred by general or special law upon the community college district boards of trustees.

(4) Corporations established pursuant to this section shall report the issuance of any obligations to the Division of Bond Finance of the Department of General Services on forms to be provided by the Division.

(Renumber subsequent sections.)

HB 1287 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Jennings	Rehm
Barron	Gersten	Johnston	Scott
Beard	Girardeau	Kirkpatrick	Stuart
Carlucci	Gordon	Langley	Thomas
Castor	Grant	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Vogt
Childers, W. D.	Hair	Maxwell	Weinstein
Crawford	Henderson	McPherson	
Dunn	Hill	Meek	
Fox	Jenne	Neal	

Nays—None

The Senate resumed consideration of—

CS for CS for HB 1012—A bill to be entitled An act relating to corrections and parole; providing a short title; providing findings; providing definitions; creating s. 944.022, Florida Statutes, creating an inmate to population ratio for the state correctional system for specified purposes; providing for certification of legislative budget requests for corrections residential facilities by a Criminal Justice Estimating Conference; providing for review of such requests; providing procedures for correcting inmate population levels in excess of certain levels; creating s. 921.187, Florida Statutes, providing sentencing alternatives; creating s. 775.075, Florida Statutes, providing sentencing criteria; amending s. 944.275, Florida Statutes, changing gain-time amounts and considerations; amending s. 947.16(3)(a), (b), and (g), Florida Statutes, 1982 Supplement, and adding a paragraph, reducing the portion of sentence over which a sentencing judge may retain jurisdiction; changing the date of reinterviews of inmates where parole release orders have been vacated by the sentencing court; amending s. 947.135(3)(a), Florida Statutes, 1982 Supplement, changing participation criteria for the mutual participation program; creating s. 948.001, Florida Statutes, providing definitions; creating s. 948.005, Florida Statutes, providing for the implementation of community control programs; amending s. 948.01, Florida Statutes, providing for placement of certain offenders into community control as an alternative to probation; limiting the duration of supervision; providing for the applicability of workers' compensation benefits to offenders in certain work programs; authorizing discharge from certain programs; amending s. 948.011, Florida Statutes, conforming provisions relating to imposition of fines and probation; amending s. 947.23(6), Florida Statutes, authorizing placement of certain parolees into community control; amending s. 948.03, Florida Statutes, changing terms and conditions of probation and providing terms and conditions of community control; amending s. 948.031, Florida Statutes, authorizing the Department of Corrections to

establish public service programs in counties for offender public service; amending s. 948.04, Florida Statutes, to conform to the act; amending s. 948.05, Florida Statutes, providing for judicial admonishment and commendation of offenders in community control; amending s. 948.06, Florida Statutes, providing for placement of persons violating probation into community control; providing for revocation, modification, or continuance of community control; adding new subsections (2), (3), and (4) to s. 945.26, Florida Statutes, providing for a community control program as a sentencing alternative; amending s. 947.04(1), Florida Statutes, 1982 Supplement, authorizing the Parole and Probation Commission to assign temporary duties to retired commissioners; amending s. 947.01, Florida Statutes, removing the Secretary of Corrections as a member of the Parole and Probation Commission and providing for the future reduction in the membership of the commission; amending s. 947.02, Florida Statutes, revising provisions relating to the appointment of commissioners; amending s. 947.03(1) and (3), Florida Statutes, and adding a subsection, reducing the terms of office of commissioners; providing for new appointment of commissioners; amending s. 947.175, Florida Statutes, changing persons to be notified by the commission upon establishing an effective parole release date and prior to release of an inmate on work release; creating s. 947.1746, Florida Statutes, authorizing the commission to establish an effective parole release date without final interview under certain circumstances; amending s. 944.927(1) and (2), Florida Statutes, as created by chapter 82-411, Laws of Florida, expanding the applicability of the Local Offender Advisory Council Act; adding a new subsection (3) to s. 951.23, Florida Statutes, authorizing the Department of Corrections to provide certain assistance to local governments; creating s. 253.061, Florida Statutes, providing for the acquisition or use of lands for correction facilities; creating s. 945.275, Florida Statutes, providing for a study of siting of additional correctional facilities; providing procedures for acquisition of property for such facilities over the objections of local governments; repealing s. 958.08, Florida Statutes, relating to community control program; providing for the future repeal and review of s. 20.32, Florida Statutes, and chapter 947, Florida Statutes, relating to the Parole and Probation Commission; providing for legislative review; providing severability; directing that certain changes in the Florida Statutes be made; providing an effective date.

Senator Hair moved the following amendment:

Amendment 3—On pages 4-48, strike everything after the enacting clause and insert:

Section 1. This act may be cited as the "Correctional Reform Act of 1983."

Section 2. Legislative findings.—The Legislature finds that:

(1) Prudent management of the growth of the state must include the reasonable containment of criminal justice expenditures.

(2) State government can no longer afford an uncritical and continuing escalation in capital outlay for prison construction at the expense of other competing social and economic priorities.

(3) The effectiveness of incarceration of offenders as a means to reduce the likelihood that they will return to criminal activities and to develop individuals who will become useful members of society, thereby reducing the threat of crime in our society, varies among individuals and types of offenders and is not conclusively positive.

(4) The increased use of noncustodial alternatives and nonprison custodial alternatives can alleviate prison overcrowding while still providing a sufficient measure of public safety and assuring an element of punishment.

(5) An emphasis upon the swift and certain punishment of offenders as a deterrent to crime and as retribution for the commission of a crime is warranted.

(6) There exists both a need for more standardization in the sentencing of offenders and a need for the punishment imposed to be proportionate to the seriousness of the offense.

(7) The lack of certain punishment of criminals exacerbates the sufferings of their victims and of society as a whole.

Section 3. Definitions.—As used in this act:

(1) "State correctional system" means the system as defined in s. 944.02, Florida Statutes.

(2) "Department" means the Department of Corrections.

(3) "Commission" means the Parole and Probation Commission.

(4) "Lawful capacity" of the state corrections system means the total capacity of all institutions and facilities in the prison system as determined either by the Legislature or by the courts.

(5) "Criminal Justice Estimating Conference" means the designated professional staffs of the Governor's Office, the Legislature, and the executive agencies who meet in regularly scheduled meetings chaired by the State Economist or his designee to forecast the inmate and caseload counts, and other information needed to support the state budgeting process.

Section 4. Section 944.022, Florida Statutes, is created to read:

944.022 Inmate to population ratio; appropriations process; certification of bedspace need.—

(1) Beginning October 1, 1983, through the end of fiscal year 1987-1988, the ratio of inmates in the state correctional system to the general population of the state should not exceed 275/100,000. Beginning fiscal year 1988-1989 through the end of fiscal year 1992-1993, such ratio should be reduced in equal increments to a ratio of 250/100,000. Notwithstanding the provisions of s. 216.351, all fixed capital outlay appropriations to the Department of Corrections for additional bedspace should be allocated by general law so as to maintain bedspace consistent with the ratios established in this section. Such ratios shall be used only as a means of planning for future capital outlay of the Department of Corrections to ensure available bedspace consistent with the growth of the state population. However, the ratios established herein shall not be a basis for the emergency release of inmates from the state correctional system. The emergency release of inmates shall occur when a state of emergency exists as set forth in section 5.

(2) Beginning October 1, 1983, all legislative budget requests for the construction of additional residential facilities in the Department of Corrections shall utilize the estimates of the Criminal Justice Estimating Conference. The estimates shall be based on current legal and constitutional standards and accompanied by a supporting projected estimate of the inmate population for the period covered by the budget request. Each estimate shall include but not be limited to consideration of the following factors:

(a) Current law.

(b) Current sentencing practices.

(c) Current parole practices.

(d) Current Department of Corrections program rules.

(3) The Legislature shall accept the projected estimate from the Criminal Justice Estimating Conference as accurate, but shall not be obligated to fund any budget based on such estimate. The Legislature may elect to modify any programs, practices or procedures listed in subsection (2) and, based on a revised estimate of the impact of these modifications by the Criminal Justice Estimating Conference, adjust the level of required funding accordingly. Alternatively, the Legislature may elect to offset the need for funding the construction of residential facilities to meet the projected need through establishing alternative programs to incarceration.

(4) In the event the inmate population exceeds the lawful capacity of the residential facilities provided by the Legislature pursuant to this section, the emergency release procedures as defined in section 5 shall apply.

Section 5. (1) The Department of Corrections shall advise the Governor of the existence of a state of emergency in the state correctional system whenever the population of the state correctional system exceeds 98 percent of the lawful capacity of the system for males or females, or both. In conveying this information, the secretary of the department shall certify the rated design capacity, maximum capacity, lawful capacity, system maximum capacity, and current population of the state correctional system. When the Governor verifies such certification by letter, the secretary shall declare a state of emergency.

(2) Following the declaration of a state of emergency, the sentences of all inmates in the system who are eligible to earn gain-time shall be reduced by the credit of up to 30 days gain-time in 5-day increments as may be necessary to reduce the inmate population to 97 percent of maximum capacity.

(3) If a state of emergency still exists 15 days after the credit of gain-time pursuant to subsection (2), the secretary of the department and the Parole and Probation Commission, as appropriate to their respective functions, shall authorize, prior to scheduled release by parole, gain-time or expiration of sentence, the early termination of incarceration for those inmates confined in state correctional facilities serving sentences of 3 years or less, unless sentenced pursuant to s. 775.087 or s. 893.135, Florida Statutes, who are within the last 60 days prior to release by parole, gain-time or expiration of sentence. The secretary and the Parole and Probation Commission shall release such inmates by applying in 5-day increments credit for time served to all in this category.

(4) Within 15 days after the declaration of a state of emergency, the department shall supply the commission with the names of those inmates in the following categories, who shall be considered for compulsory conditional release:

(a) Any inmate confined in a state correctional facility with a sentence of 3 years or less, unless serving a mandatory minimum sentence, who is within the last 6 months prior to release.

(b) Any inmate confined in a state correctional facility with a sentence of more than 3 but less than 8 years, unless serving a mandatory minimum sentence, who is within the last year prior to release.

(c) Any inmate confined in a state correctional facility with a sentence of 8 years or more, unless serving a mandatory minimum sentence, who is within the last 18 months prior to release.

As used in this subsection, "Compulsory conditional release" means a release from incarceration by commission action specifying the terms of release, including the period of time the person shall be subject to such conditions as the commission shall determine, and subject to supervision as if on parole, but in no event shall such supervision extend beyond the maximum term or terms for which he was actually sentenced. The commission shall consider all inmates not otherwise ineligible for parole who have maintained satisfactory institutional behavior and who are not serving a term of imprisonment for any forcible felony as defined in s. 776.08, or for drug trafficking under s. 893.135, or as a habitual felony offender under s. 775.084.

(5) A violation of the terms or conditions of a compulsory conditional release pursuant to subsection (4) may render the person released liable to arrest and returned to prison to serve out the term for which he was sentenced. However, an offender whose compulsory conditional release is revoked may, at the discretion of the commission, be credited with any portion of his time he has satisfactorily served while on release. For the purposes of this section, the releasee shall be subject to the provisions of s. 947.22, s. 947.23, and s. 947.26, as though such releasee were on parole.

(6) The authority granted in this section shall cease whenever the secretary certifies to the Governor that the level of inmate population has remained less than 97 percent of the lawful capacity for five consecutive days.

Section 6. Section 921.187, Florida Statutes, is created to read:

921.187 Disposition and sentencing; alternatives.—The following alternatives for the disposition of criminal cases shall be used in a manner which will best serve the needs of society, which will punish criminal offenders, and which will provide the opportunity for rehabilitation. The court may:

(1) Place an offender on probation with or without an adjudication of guilt pursuant to s. 948.01.

(2) Impose a fine and probation pursuant to s. 948.011 when the offense is punishable by both a fine and imprisonment and probation is authorized.

(3) Place a felony offender into community control requiring intensive supervision and surveillance pursuant to chapter 948.

(4) Impose, as a condition of probation, or community control a period of treatment which shall be restricted to either a county facility, a Department of Corrections probation and restitution center, or a community residential or nonresidential facility excluding community correctional centers as defined in s. 944.026 which is owned and operated by any public or private entity providing such services. Prior to admission to such a facility, the court shall obtain an individual assessment and recommendations on the appropriate treatment needs pursuant to the Com-

munity Control Implementation Manual which shall be considered by the court in ordering such placements. Placement in such a facility shall not exceed 364 days. Early termination of placement shall be recommended to the court, when appropriate, by the center supervisor.

(5) Sentence an offender pursuant to s. 922.051 to imprisonment in a county jail when a statute directs imprisonment in a state prison, if the offender's cumulative sentence, whether from the same or separate circuits, is not more than 364 days.

(6) Sentence an offender who is to be punished by imprisonment in a county jail to a jail in another county if there is no jail within the county suitable for such prisoner pursuant to s. 950.01.

(7) Impose a split sentence whereby the offender is to be placed on probation upon completion of any specified period of such sentence, which may include a term of years or less.

(8) Require the offender to participate in a work release or educational or vocational training program pursuant to s. 951.24 while serving a sentence in a county jail if such a program is available.

(9) Require an offender to make restitution pursuant to s. 775.089.

(10) Require an offender to perform a specified public service pursuant to s. 775.091.

(11) Require an offender who violates chapter 893 or violates any law while under the influence of a controlled substance or alcohol to participate in a substance abuse program.

(12) Sentence an offender to imprisonment in a state correctional institution.

(13) Make any other disposition that is authorized by law.

Section 7. Section 775.075, Florida Statutes, is created to read:

775.075 Criteria for sentencing.—

(1) The court shall use the following criteria for sentencing all persons who committed crimes prior to the effective date of this act.

(2)(a) The court shall not impose a sentence of imprisonment unless, after considering the nature and circumstances of the crime and the prior criminal record, if any, of the defendant, the court finds that imprisonment is necessary for the protection of the public because:

1. A lesser sentence is not commensurate with the seriousness of the defendant's crime; or

2. There is a probability that during the period of a suspended sentence or probation the defendant will commit another crime.

(b) The following grounds, while not controlling the discretion of the court, shall be accorded weight in favor of withholding a sentence of imprisonment:

1. The defendant's criminal conduct neither caused nor threatened serious harm;

2. The defendant did not know and had no reason to know that his criminal conduct would cause or threaten serious harm;

3. The defendant acted under a strong provocation;

4. There were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;

5. The defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that the victim sustained;

6. The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime;

7. The defendant's criminal conduct was the result of circumstances unlikely to recur;

8. The character and attitudes of the defendant indicate that he is unlikely to commit another crime;

9. The defendant is particularly likely to respond affirmatively to noncustodial treatment;

(3)(a) The court shall sentence a defendant to pay a fine unless the court finds that the defendant is unable or will be unable to pay the fine and the imposition of a fine will not prevent the defendant from being rehabilitated or from making restitution to the victim of his crime.

(b) The court shall sentence a defendant to pay a fine whenever the imposition of a fine is sufficient to punish the defendant and protect the public.

(c) The court shall sentence a defendant to pay a fine in addition to imprisonment or probation if, in the opinion of the court, the defendant has derived a pecuniary gain from his crime or the fine is specially adapted to deterrence of the particular crime or the punishment and rehabilitation of the offender.

Section 8. Section 944.275, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 944.275, F.S., for present text.)

944.275 Gain-time.—

(1) The department is authorized to grant deductions from sentence in the form of gain-time to encourage satisfactory prisoner behavior, to provide incentive for prisoners to participate in productive activities and to reward prisoners who perform outstanding deeds or services.

(2)(a) The department shall establish for each prisoner sentenced to a term of years a maximum sentence expiration date which shall be the date when the sentence or combined sentences imposed on a prisoner will expire. In establishing this date, the department shall reduce the total time to be served by any time lawfully credited.

(b) When a prisoner with an established maximum sentence expiration date is sentenced to an additional term or terms without having been released from custody, the department shall extend the maximum sentence expiration date by the length of time imposed in the new sentence or sentences, less lawful credits.

(c) When an escaped prisoner or a parole violator is returned to the custody of the department, the maximum sentence expiration date in effect when the escape occurred or the parole was effective shall be extended by the amount of time the prisoner was not in custody plus the time imposed in any new sentence or sentences, but reduced by any lawful credits.

(3)(a) The department shall also establish for each prisoner sentenced to a term of years a tentative release date which shall be the date projected for the prisoner's release from custody by virtue of gain-time granted or forfeited as described in this section. The initial tentative release date shall be determined by deducting basic gain-time granted from the maximum sentence expiration date. Other gain-time shall be applied when granted or restored to make the tentative release date proportionately earlier and forfeitures of gain-time, when ordered, shall be applied to make the tentative release date proportionately later.

(b) When an initial tentative release date is reestablished because of additional sentences imposed before the prisoner has completely served all prior sentences, any gain-time granted during service of those prior sentences and not forfeited shall be applied.

(c) The tentative release date shall not be later than the maximum sentence expiration date.

(4)(a) As a means of encouraging satisfactory behavior, the department shall grant basic gain-time at the rate of 10 days for each month of each sentence imposed on a prisoner, subject to the following:

1. Portions of any sentences to be served concurrently shall be treated as a single sentence when determining basic gain-time.

2. Basic gain-time for a partial month shall be prorated on the basis of a 30-day month.

3. When a prisoner receives a new maximum sentence expiration date because of additional sentences imposed, basic gain-time shall be granted for the amount of time the maximum sentence expiration date was extended.

(b) For each month a prisoner works diligently, or participates in training, or uses time constructively or otherwise engages in positive activities, the department may grant up to 20 days of incentive gain-time, which shall be credited and applied monthly.

(c) An inmate who performs some outstanding deed, such as saving a life or assisting in recapturing an escaped inmate, or who in some manner performs an outstanding service that would merit the granting of additional deductions from the term of his sentence, may be granted meritorious gain-time of from 1 to 60 days.

(5) When a prisoner is found guilty of an infraction of the laws of this state or the rules of the department, gain-time may be forfeited according to law.

(6)(a) Basic gain-time under this section shall be computed on and applied to all sentences imposed for offenses committed on or after July 1, 1978.

(b) On the effective date of the act, all incentive and meritorious gain-time shall be granted according to the provisions of this act.

(c) All additional gain-time previously awarded under subsections (2) and (3) and all forfeitures ordered prior to the effective date of this act shall remain in effect and be applied in establishing an initial tentative release date.

(7) The department shall promulgate rules to implement the granting, forfeiture, and restoration of gain-time.

Section 9. Subsection (3) of section 947.16, Florida Statutes, 1982 Supplement, is amended to read:

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

(3) Persons who have become eligible for an initial parole interview and who may, according to the objective parole guidelines of the commission, be granted parole shall be placed on parole in accordance with the provisions of this law; except that, in any case of a person convicted of murder, robbery, burglary of a dwelling or burglary of a structure or conveyance in which a human being is present, aggravated assault, aggravated battery, kidnapping, sexual battery or attempted sexual battery, incest or attempted incest, an unnatural and lascivious act or an attempted unnatural and lascivious act, lewd and lascivious behavior, assault or aggravated assault when a sexual act is completed or attempted, battery or aggravated battery when a sexual act is completed or attempted, arson, or any felony involving the use of a firearm or other deadly weapon or the use of intentional violence, at the time of sentencing the judge may enter an order retaining jurisdiction over the offender for review of a commission release order. This jurisdiction of the trial court judge is limited to the first *one-third* ~~half~~ of the maximum sentence imposed. When any person is convicted of two or more felonies and concurrent sentences are imposed, then the jurisdiction of the trial court judge as provided herein shall apply to the first *one-third* ~~half~~ of the maximum sentence imposed for the highest felony *of which the person was convicted* ~~charged and proven~~. When any person is convicted of two or more felonies and consecutive sentences are imposed, then the jurisdiction of the trial court judge as provided herein shall apply to *one-third* ~~one-half~~ of the total consecutive sentences imposed.

(a) In retaining jurisdiction for the purposes of this act, the trial court judge shall state the justification with individual particularity, and such justification shall be made a part of the court record. *A copy of such justification shall be delivered to the department together with the commitment issued by the court pursuant to s. 944.16.*

(b) Gain-time as provided for by law shall accrue, except that an offender over whom the trial court has retained jurisdiction as provided herein shall not be released during the first *one-third* ~~one-half~~ of his sentence by reason of gain-time.

(c) In such cases of retained jurisdiction, the commission, within 30 days of the final parole interview, shall send notice of its release order to the original sentencing judge and to the appropriate state attorney. If the original sentencing judge is no longer in service, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. The chief judge may designate any circuit judge within the circuit to act in the place of the original sentencing judge. Such notice shall stay the time requirements of s. 947.174.

(d) Within 10 days after receipt of the notice provided for in paragraph (c), the original sentencing judge or his replacement shall notify the commission as to whether or not the court further desires to retain jurisdiction. If the original sentencing judge or his replacement does not so notify the commission within the 10-day period or notifies the commission that the court does not desire to retain jurisdiction, then the commission may dispose of the matter as it sees fit.

(e) Upon receipt of notice of intent to retain jurisdiction from the original sentencing judge or his replacement, the commission shall, within 10 days, forward to the court its release order, the findings of fact, the parole hearing examiner's report and recommendation, and all supporting information upon which its release order was based.

(f) Within 30 days of receipt of the items listed in paragraph (e), the original sentencing judge or his replacement shall review the order, findings, and evidence; and, if the judge finds that the order of the commission is not based on competent substantial evidence or that the parole is not in the best interest of the community or the inmate, the court may vacate the release order. The judge or his replacement shall notify the commission of the decision of the court, and, if the release order is vacated, such notification shall contain the evidence relied on and the reasons for denial. A copy of such notice shall be sent to the inmate.

(g) The decision of the ~~original sentencing trial court judge or in his absence, the Chief Judge of the Circuit, to vacate any parole release order as provided in this act shall not be appealable; and the commission shall take no further action during the pendency of the retained jurisdiction, except that~~ Each inmate whose parole release order has been vacated by the court shall be reinterviewed within 2 years after the date of receipt of the vacated release order and every 2 years thereafter, ~~90 days of the expiration of the court's retained jurisdiction or earlier by order of the court retaining jurisdiction.~~

(h) An inmate whose parole release order has been vacated by the court shall not be given a presumptive parole release date during the period of the court's retained jurisdiction. During such period, a new effective parole release date may be authorized at the discretion of the commission without further interview unless an interview is requested by no fewer than two commissioners. Any such new effective parole release date shall be reviewed in accordance with the provisions of paragraphs (c), (d), (e), (f), and (g).

Section 10. Paragraph (a) of subsection (3) and subsection (4) of section 947.135, Florida Statutes, 1982 Supplement, are amended to read:

947.135 Mutual participation program.—

(3) MUTUAL PARTICIPATION PROGRAM; DEVELOPMENT; CRITERIA; DEPARTMENT AND COMMISSION RULES.—

(a) The department and the commission shall jointly develop a mutual participation program which sets forth for each eligible offender the terms of his institutional confinement, a parole date, and terms of parole supervision and release, provided each offender meets the criteria set forth in this act and any additional criteria established by the department and the commission.

1. The department and the commission, as a portion of the mutual participation program, shall require that each eligible offender satisfactorily work at a job within the institution or as a part of a correctional industries program or ~~and~~ satisfactorily participate in a vocational training or educational program offered by the department. *Nothing in this subsection shall be construed to exclude eligible offenders from meeting both the work and training and educational requirements when deemed appropriate by the department and commission.*

2. Additional criteria shall be established and required by the commission and the department for participation in the program, including, but not limited to, vocational counseling and work release programs; however, criteria for satisfactory participation in the program shall not include academic classroom instruction at the college level.

3. A panel of at least two members of the commission shall establish a parole date for each eligible offender, based on the satisfactory completion of the program. In no case shall such date fall after the date which would have been established under s. 947.172.

~~(4) ANNUAL EVALUATION.—The department shall submit to the Legislature an annual evaluation of the mutual participation program.~~

Section 11. Section 948.001, Florida Statutes, is created to read:

948.001 Definitions.—As used in this chapter:

(1) "Probation" means a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03.

(2) "Community control" means a form of intensive supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Community control is an individualized program in which the freedom of the offender is restricted within the community, home, or noninstitutional residential placement, and specific sanctions are imposed and enforced.

Section 12. Section 948.005, Florida Statutes, is created to read:

948.005 Implementation of Community Control.—

(1) The Department of Corrections shall develop or shall contract for the development of an implementation manual, a resource directory, and training programs for implementing community control programs.

(2) The Community Control Implementation Manual shall include, but not be limited to, an explanation of the types of offenders that should be placed in community control programs, procedures for diagnosing offenders, objectives and goals of such placements, examples of alternative placements based upon other states' experiences, and instruction in developing an individualized program for each offender which shall include diagnosis of treatment needs in the areas of education, substance abuse and mental health, community sanction provisions, restitution and community service provisions, rehabilitation objectives and programs, and a schedule for periodic review and reevaluation of programs.

(3) The Community Control Resource Directory shall include but not be limited to, for each circuit in the state, an identification and description of community resources that are available for the implementation of community control programs which include the following:

- (a) Name, address, phone, county location, capacity, and cost,
- (b) Client eligibility and characteristics which prohibit acceptance,
- (c) Objectives of program,
- (d) Primary source of referral,
- (e) Average length of stay, and
- (f) Services offered.

(4) Training programs shall be provided for correctional field staff, Local Offender Advisory Councils, and others responsible for the implementation of community control programs.

(5) The Florida Court Education Council and the Office of the State Court Administrator shall coordinate the development and implementation of a reference manual, directory, and training programs for judges relating to community control dispositions.

Section 13. Section 948.01, Florida Statutes, is amended to read:

948.01 When courts may place defendant on probation or into community control.—

(1) Any court of the state having original jurisdiction of criminal actions, where the defendant in a criminal case has been found guilty by the verdict of a jury or has entered a plea of guilty or a plea of nolo contendere or has been found guilty by the court trying the case without a jury, except for an offense punishable by death, may at a time to be determined by the court, either with or without an adjudication of the guilt of the defendant, hear and determine the question of the probation of such defendant.

(2) When the penalty for the offense may involve imprisonment in the state prison, the circuit court, prior to such hearing, shall, and in misdemeanor cases may, refer the case to the Department of Corrections for investigation and recommendation. The court, upon such reference, shall direct the department, and it shall be the duty of the department, to make an investigation and report in writing at a specified time prior to sentencing to the court upon the circumstances of the offense, the criminal record, the social history, and the present condition of the defendant, together with its recommendation pursuant to the provisions of s. 921.231.

(3) If it appears to the court upon a hearing of the matter that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court, in its discretion, may either adjudge the defendant to be guilty or stay and withhold the adjudication of guilt, and in either case stay and

withhold the imposition of sentence upon such defendant, and shall place him upon probation under the supervision and control of the department for the duration of such probation. And the department shall thereupon and thereafter, during the continuance of such probation, have the supervision and control of the defendant. However, no defendant placed on probation for a misdemeanor shall be placed under the supervision of the department unless the court affirmatively and specifically orders such supervision after finding that supervision in the community is necessary to provide adequate protection to the community or to assist in the rehabilitation of the offender, or both.

(4) *If, after considering the provisions of s. 948.01(3) and the offender's prior record or the seriousness of the offense, it appears to the court in the case of a felony disposition that probation is an unsuitable dispositional alternative to imprisonment, the court may place the offender in a community control program. Or, in cases of prior disposition of a felony commitment, upon motion of the offender, the department, or upon its own motion, the court may, within the court's period of retained jurisdiction following commitment, suspend the further execution of the disposition and place the offender in a community control program upon such terms as the court may require. The court may consult with a local offender advisory council pursuant to s. 944.927 with respect to the placement of an offender into community control. Not later than 3 working days prior to the hearing on the motion, the department shall forward to the court all relevant material on the offender's progress while in custody. If this sentencing alternative to incarceration is utilized the court shall:*

(a) *Determine what community-based sanctions will be imposed in the community control plan. Community-based sanctions may include, but are not limited to, rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver's license, community service, deprivation of nonessential activities or privileges, or other appropriate restraints on the offender's liberty.*

(b) *After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of community control which will contain rules, requirements, conditions, and programs that are designed to encourage noncriminal functional behavior and promote rehabilitation of the offender and protection of the community.*

(5) *The sanctions 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 offender were committed for the offense, or for a period not to exceed 2 years, whichever is less. When restitution or public service is ordered by the court, the amount of restitution or public service shall not be greater than an amount the offender could reasonably be expected to pay or perform. An offender who participates 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.*

(6) *Whenever an offender is required by the court to participate in any work program under the provisions of this chapter or whenever an offender volunteers to work in a supervised work program conducted by a specified state, county, municipal, or community service organization or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or community control program, the offender shall be considered an employee of the state for the purposes of chapter 440. In determining the average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer shall be considered a gratuity, and the offender shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the offender may be receiving wages and remuneration from other employment with another employer and regardless of his future wage-earning capacity. The provisions of this subsection shall not apply to persons performing labor under a sentence of a court to perform community services as provided in s. 316.193.*

(7) *Upon completion of the sanctions imposed in the community control plan prior to the expiration of the term ordered by the court, the department may petition the court to discharge the offender from community control supervision or return the offender to a program of regular probation supervision. In considering the petition the court should recognize the limited staff resources committed to the community control program, purpose of the program, and the offender's successful compliance with the conditions as set forth in the court's order.*

(8)(4) *Whenever punishment by imprisonment for a misdemeanor or a felony, except for a capital felony, is prescribed, the court, in its discretion, may, at the time of sentencing, direct the defendant to be placed on probation or, with respect to any such felony, into community control, upon completion of any specified period of such sentence. In such case, the court shall stay and withhold the imposition of the remainder of sentence imposed upon the defendant, and direct that the defendant be placed upon probation or into community control after serving such period as may be imposed by the court. The period of probation shall commence immediately upon the release of the defendant from incarceration, whether by parole or gain-time allowances.*

(9)(5) *In no case shall the imposition of sentence be suspended and the defendant thereupon placed on probation or into community control unless such defendant be placed under the custody of the department, Salvation Army, or other public or private entity.*

(10)(6) *When the court, under any of the foregoing subsections, places the defendant on probation or into community control, it may specify that the defendant serve all or part of the probationary or community control period in a community residential or nonresidential facility under the jurisdiction of the Department of Corrections or the Department of Health and Rehabilitative Services or owned or operated by the Salvation Army or any public or private entity providing such services, and it shall require the payment prescribed in s. 945.30.*

(11) *Procedures governing violations of community control shall be the same as those described in s. 948.06 with respect to probation.*

Section 14. Section 948.011, Florida Statutes, is amended to read:

948.011 *When court may impose fine and place on probation or into community control as to imprisonment.—When the law authorizes the placing of a defendant on probation, and when his offense is punishable by both fine and imprisonment, the trial court may, in its discretion, impose a fine upon him and place him on probation or into community control as to imprisonment.*

Section 15. Subsection (6) of section 947.23, Florida Statutes, 1982 Supplement, is amended to read:

947.23 *Action of commission upon arrest of parolee.—*

(6) *Within a reasonable time after the hearing, the commission, commissioner, or duly authorized representative of the commission who conducted the hearing shall make findings of fact in regard to the alleged parole violation.*

(a) *If the hearing was conducted by the commission, a majority of the commission shall enter an order determining whether the charges of parole violation have been sustained, based on the findings of fact made by the commission. The commission, by such order, shall revoke the parole and return the parolee to prison to serve the sentence theretofore imposed upon him, reinstate the original order of parole, order the placement of the parolee into a community control program as set forth in s. 948.03, or enter such other order as is proper.*

(b) *If the hearing was conducted by a single commissioner or a duly authorized representative of the commission, at least two commissioners shall enter an order determining whether or not the charges of parole violation have been sustained, based on the findings of fact made by the commissioner or the duly authorized representative of the commission. The two or more commissioners, by such order, shall revoke the parole and return the parolee to prison to serve the sentence theretofore imposed upon him, reinstate the original order of parole, order the placement of the parolee into a community control program as set forth in s. 948.03, or enter such other order as is proper.*

(c) *If the revocation hearing disposition is to place the parolee into a community control program, the commission shall be guided by the procedures and requirements provided in chapter 948 which apply to the courts regarding the development and implementation of community control.*

However, any decision to revoke parole shall be based on a violation of a term or condition specifically enumerated in the parole release order. In cases in which parole is revoked, the majority of the commission or the two commissioners shall make a written statement of the evidence relied on and the reasons for revoking parole.

Section 16. Section 948.03, Florida Statutes, is amended to read:

948.03 Terms and conditions of probation or community control.—

(1) The court shall determine the terms and conditions of probation or community control and may include among them the following, that the probationer or offender in community control shall:

- ~~(a) Avoid injurious or vicious habits.~~
- ~~(b) Avoid persons or places of disreputable or harmful character.~~
- ~~(a)(e) Report to the probation and parole supervisors as directed.~~
- ~~(b)(d) Permit such supervisors to visit him at his home, or elsewhere.~~
- ~~(c)(e) Work faithfully at suitable employment insofar as may be possible.~~
- ~~(d)(f) Remain within a specified place.~~
- ~~(e)(g) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense in an amount to be determined by the court.~~
- ~~(f)(h) Support his legal dependents to the best of his ability.~~
- ~~(g)(i) Make payment of the debt due and owing to the state under s. 960.17, subject to modification based on change of circumstances.~~
- ~~(h) Not associate with persons engaged in criminal activities.~~

(2) The court shall require intensive supervision and surveillance for offenders placed into community control, which may include, but not be limited to:

- (a) Specified contact with the parole and probation officer.
- (b) Confinement to an agreed upon residence during hours away from employment and public service activities.
- (c) Mandatory public service.

(3)(2) The court shall require a diagnosis and evaluation to determine the need of a probationer or offender in community control for treatment. If the court determines that a need therefor is established by such diagnosis and evaluation process, the court shall require outpatient counseling as a term or condition of probation or community control for any person who was found guilty of any of the following, or whose plea of guilty or nolo contendere to any of the following was accepted by the court:

- (a) A lewd, lascivious, or indecent assault or act upon, or in the presence of, a child.
- (b) Sexual battery, as defined in chapter 794, against a child.
- (c) Exploitation of a child for pornographic purposes, as provided in ss. 450.151 and 847.014, or for prostitution.

Such counseling shall be required to be obtained from a community mental health center, a recognized social service agency providing mental health services, or a private mental health professional or through other professional counseling. The plan for counseling for the individual shall be provided to the court for review.

(4)(3) The enumeration of specific kinds of terms and conditions shall not prevent the court from adding thereto such other or others as it considers proper. The court may rescind or modify at any time of the terms and conditions theretofore imposed by the court upon the probationer or offender in community control.

Section 17. Section 948.031, Florida Statutes, is amended to read:

948.031 Condition of probation or community control; public service.—

(1) Any person who is convicted of a felony or misdemeanor and who is placed on probation or community control may be required as a condition of supervision ~~probation~~ to perform some type of public service for a tax-supported or tax-exempt entity, with the consent, ~~and under the supervision~~, of such entity. Such public service shall be performed at a time other than during such person's regular hours of employment.

(2) Upon the request of the chief judge of the circuit, the Department of Corrections shall establish a public service program for that county which may include, but not be limited to, any of the following types of public service:

(a) Maintenance work on any property or building owned or leased by any state, county, or municipality or any nonprofit organization or agency.

(b) Maintenance work on any state-owned, county-owned, or municipally-owned road or highway.

(c) Landscaping or maintenance work in any state, county, or municipal park or recreation area.

(d) Work in any state, county, or municipal hospital or any Sunland Center or other nonprofit organization or agency.

Section 18. Subsection (1) of section 948.04, Florida Statutes, is amended to read:

948.04 Period of probation; duty of probationer.—

(1) Defendants found guilty of misdemeanors who are placed on probation shall be under supervision not to exceed 6 months unless otherwise specified by the court. Defendants found guilty of felonies who are placed on probation shall be under supervision not to exceed 2 years unless otherwise specified by the court. No defendant placed on probation pursuant to subsection 948.01(8)(4) shall be subject to the probation limitations of this subsection.

Section 19. Section 948.05, Florida Statutes, is amended to read:

948.05 Court to admonish or commend probationer or offender in community control.—The court may at any time cause the probationer or offender in community control to appear before it to be admonished, or commended, and when satisfied that its action will be for the best interests of justice and the welfare of society, may discharge the probationer or offender in community control from further supervision.

Section 20. Section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance.—

(1) Whenever within the period of probation or community control there is reasonable ground to believe that a probationer or offender in community control has violated his probation or community control in a material respect, any parole or probation supervisor may arrest such probationer or offender without warrant wherever found, and forthwith shall return him to the court granting such probation or community control. Any committing magistrate may issue a warrant upon the facts being made known to him by affidavit of one having knowledge of such facts for the arrest of the probationer or offender, returnable forthwith before the court granting such probation or community control. Any parole or probation supervisor, all officers authorized to serve criminal process, and all peace officers of this state shall be authorized to serve and execute said warrant. The court, upon the probationer or offender being brought before it, shall advise him of such charge of violation and if such charge is admitted to be true may forthwith revoke or, modify the probation, place the probationer in a community control program, or continue the probation. ~~and~~ If probation is revoked, the court shall adjudge the probationer guilty of the offense charged and proven or admitted, unless he shall have previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer on probation or the offender in community control. If such violation of probation or community control is not admitted by the probationer or offender, the court may commit him or release him with or without bail to await further hearing, or it may dismiss the charge of probation or community control violation. If such charge is not at said time admitted by the probationer or offender and if it is not dismissed, the court, as soon as may be practicable, shall give the probationer or offender an opportunity to be fully heard on his behalf in person or by counsel. After such hearing, the court may revoke, modify, or continue the probation or community control or place the probationer in community control. If such probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he shall have previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer or offender on probation or community control.

(2) No part of the time that the defendant is on probation or in community control shall be considered as any part of the time that he shall be sentenced to serve.

(3) Parolees in community control programs who have allegedly violated terms and conditions of such placement shall be subject to the provisions of ss. 947.22 and 947.23.

Section 21. Present subsection (2) of section 945.26, Florida Statutes, is renumbered as subsection (5) and new subsections (2), (3), and (4) are added to said section to read:

945.26 Department powers and duties relating to parolees and probationers.—

(2) The department shall develop and administer a community control program. Such community control program and required manuals shall be developed in consultation with the Florida Conference of Circuit Court Judges and the Office of the State Court Administrator. This complementary program shall be rigidly structured and designed to accommodate offenders who, in the absence of such a program, would have been incarcerated. The program shall focus on the provision of sanctions and consequences which are commensurate with the seriousness of the crime. The program shall offer the courts and the Parole and Probation Commission an alternative community-based method to punish an offender in lieu of incarceration for the following target groups:

(a) Probation violators charged with technical or misdemeanor violations;

(b) Parole violators charged with technical or misdemeanor violations, and

(c) Individuals found guilty of felonies, who, due to their criminal background or the seriousness of the offense, would not be placed on regular probation.

(3) The department shall commit not less than 10 percent of the probation and parole field staff and supporting resources to the operation of the community control program. Caseloads should be restricted to a maximum of 20 cases per supervisor in order to ensure an adequate level of staffing. Community control shall be an individualized program where the offender is restricted to noninstitutional quarters or restricted to his own residence subject to an authorized level of limited freedom.

(4) The department shall develop and implement procedures to diagnose offenders during the prison intake process in order to recommend to the sentencing court during the period of retained jurisdiction, suitable candidates for placement in a program of community control.

Section 22. Subsection (1) of section 947.04, Florida Statutes, 1982 Supplement, is amended to read:

947.04 Organization of commission; officers; offices.—

(1) On July 1 of each even-numbered year, the members of the commission shall meet and select from their number a chairman who shall serve for a period of 2 years and until a successor is elected and qualified. The chairman shall not succeed himself. The chairman, as chief administrative officer of the commission, shall have the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the commission, except those of granting and revoking parole as provided for in this chapter. *Subject to approval by the Governor and the Cabinet the chairman shall have the power to assign consenting retired commissioners to temporary duty when there is a workload need. Any such commissioner shall be paid \$100 for each day or portion of a day spent on the work of the commission and shall be reimbursed for travel expenses as provided in s. 112.061.* The chairman is authorized to provide or disseminate information relative to parole by means of documents, seminars, programs, or otherwise as he shall determine necessary. The chairman shall establish, execute, and be held accountable for all administrative policy decisions. However, parole granting and revocation decisions shall be made in accordance with the provisions of ss. 947.172, 947.174, and 947.23. The commissioners shall be directly accountable to the chairman in the execution of their duties as commissioners, and the chairman shall have authority to recommend to the Governor suspension of a commissioner who fails to perform the duties as provided for by statute.

Section 23. Section 947.01, Florida Statutes, is amended to read:

947.01 Creation of Parole and Probation Commission; number and qualifications of its members.—A Parole and Probation Commission is created to consist of ~~nine~~ ~~eight~~ members citizens who are residents of the state. ~~The members of the commission shall include:~~

~~(1) Seven members who are qualified by their knowledge of penology and allied social sciences to discharge the duties and perform the work of the commission efficiently, and residents of the state; and~~

~~(2) One member who shall be the Secretary of Corrections. The secretary shall participate in the policymaking decisions of the commission, including the development and review of objective parole guidelines, but shall not participate in decisions on the granting and revocation of parole. The secretary shall be ineligible for appointment as chairman, shall receive no compensation for his services on the commission, and shall not be required to attend any minimum number of meetings.~~

~~(1) Effective July 1, 1985, the membership of the commission shall be reduced to 7 members.~~

~~(2) The Secretary of Corrections shall act in a liaison capacity between the commission and the Department of Corrections.~~

Section 24. Section 947.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 947.02, F.S., for present text.)

947.02 Commission; appointment.—

(1) The members of the Parole and Probation Commission shall be appointed by the Governor and Cabinet from a list of eligible applicants submitted by the Parole and Probation Qualifications Committee. The appointments of members of the commission shall be certified to the Senate by the Governor and Cabinet for confirmation.

(2) The Parole and Probation Qualifications Committee shall consist of five persons who are appointed by the Governor and Cabinet. One member shall be designated as chairman by the Governor and Cabinet. The committee shall provide for statewide advertisement and the receiving of applications for the position or positions on the commission and shall devise a plan for the determination of the qualifications of the applicants by investigation and comprehensive evaluations, including, but not limited to, the character, habits, and philosophy of the applicants. Each Parole and Probation Qualifications Committee shall exist for 2 years. If additional vacancies on the commission occur during this 2-year period, the committee may advertise and accept additional applications; however, all previously submitted applications shall be considered along with the new applications according to the previously established plan for the evaluation of the qualifications of the applicants.

(3) Whenever a vacancy occurs on the commission pursuant to s. 947.03(3) or by reason of the resignation, retirement, or death of a commissioner, the Governor and Cabinet shall appoint a Parole and Probation Qualifications Committee if one has not been appointed during the previous 2 years. The committee shall consider applications for the commission seat according to the provisions of subsection (2) and shall submit the names of three eligible applicants, without recommendation, to the Governor and Cabinet for appointment to the commission for the remainder of the unexpired term or until a successor is appointed and qualified. If more than one seat is vacant, the committee shall submit the names of a total of three eligible applicants for each seat; however, the names submitted shall not be distinguished by seat, and each submitted applicant shall be considered eligible for each vacancy.

(4) Whenever a vacancy occurs on the commission by reason of expiration of a commissioner's term, the Governor and Cabinet shall appoint a Parole and Probation Qualifications Committee if one has not been appointed during the previous 2 years. The committee shall consider applications for the commission seat according to the provisions of subsection (2). If a commissioner whose term has expired or will expire does not seek reappointment, the terms of subsection (3) shall apply. If a commissioner whose term has expired or will expire seeks reappointment, the Parole and Probation Qualifications Committee shall recommend to the Governor and Cabinet one of the following:

(a) That the incumbent member be reappointed to the commission. If the committee selects this option, only the name of the incumbent commissioner shall be submitted to the Governor and Cabinet.

(b) That the incumbent be considered along with other eligible persons. If the committee selects this option, the name of the incumbent and two eligible applicants shall be submitted to the Governor and Cabinet without recommendation.

(c) That the incumbent not be considered for reappointment. If the committee selects this option, the provisions of subsection (3) shall apply.

Except for a recommendation under paragraph (a), if two or more terms expire at the same time, the names submitted shall not be distinguished by seat and each submitted applicant shall be considered eligible for each vacancy.

(5) Upon receiving a list of eligible persons from the Parole and Probation Qualifications Committee, the Governor and Cabinet may reject the list. The committee shall reinitiate the application and examination procedure according to the provisions of subsection (2).

(6) The provisions of s. 120.53 and chapters 119 and 286 shall apply to all activities and proceedings of the Parole and Probation Qualifications Committee.

Section 25. Subsections (1) and (3) of section 947.03, Florida Statutes, are amended to read:

947.03 Commission; tenure and removal.—

(1) *Each commissioner serving on July 1, 1983, shall be permitted to remain in office until completion of his current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed pursuant to the provisions of this section. Members appointed by the Governor and Cabinet shall be appointed for terms of 4 years. However, of the initial appointments under this section, three members shall be appointed for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years, and the terms of such members shall be designated by the Governor and Cabinet at the time of appointment. No person shall be eligible to be appointed for more than 2 consecutive 4-year terms. ~~Members of the commission shall be appointed for terms of 6 years and until their successors are appointed and qualified.~~*

(3) *Each member appointed by the Governor and Cabinet shall be accountable to the Governor and Cabinet for the proper performance of the duties of his office. The Governor and Cabinet may remove from office any such member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, or permanent inability to perform official duties or for pleading guilty or nolo contendere to, or being found guilty of, a felony. ~~Each member shall devote his whole time and capacity to the duties of his office, and shall be subject to removal by the Governor and Cabinet for the same reasons that a state officer may be removed as provided in s. 7, Art. IV of the State Constitution.~~ All such removals shall be submitted to the Senate for its consent as provided by ~~said section~~ of the Constitution.*

Section 26. Section 947.175, Florida Statutes, is amended to read:

947.175 Notice to local agencies.—

(1) The Parole and Probation Commission shall, *upon establishing at least 10 days prior to the effective parole release date of an inmate, notify the county law enforcement agency inform the appropriate local criminal justice agencies in the county in Florida community in which the inmate is scheduled to be released and any other criminal justice agency which, in writing, requests the commission to be provided such notice.*

(2) The department shall, at least 10 7 days prior to the anticipated date of release on work release of an inmate, notify the county law enforcement agency ~~inform the sheriff and the state attorney in the county in Florida community in which the inmate is scheduled to be released and in the community in which the inmate was convicted.~~

Section 27. Section 947.1746, Florida Statutes, is created to read:

947.1746 Establishment of effective parole release date without final interview.—Within 30 days of the receipt of new information or upon receipt of a written recommendation from the department that an inmate be considered for mitigation of the authorized presumptive parole release date, the commission may, at its discretion, provide for a final interview to establish an effective parole release date or review the official record and establish an effective parole release date without provision of a final interview, unless an interview is requested by no fewer than 2 commissioners.

Section 28. Subsections (1) and (2) of section 944.927, Florida Statutes, as created by chapter 82-411, Laws of Florida, are amended to read:

944.927 Local Offender Advisory Council Act.—

(1) It is the intent of the Legislature that cities and counties or combinations thereof ~~within the 1st and 8th judicial circuit~~ have the option to

develop, establish and maintain ~~as pilot projects~~ community programs to provide the judicial system with ~~community sentencing~~ alternatives for certain nonviolent offenders who may require less than institutional custody but more than probation supervision *pursuant to chapter 948*. It is further intended that such programs provide increased opportunities for offenders to make restitution to victims of crime through financial reimbursement or community service, while promoting efficiency and economy in the delivery of correctional services.

(2) In the event that cities or counties or combinations thereof ~~within the 1st and 8th judicial circuits~~ elect to develop, establish and maintain such community programs, they shall provide support to a local offender advisory council composed of members appointed by the county or city governing body; if a combination thereof, an equal number of members shall be appointed by each participating governing body. Each council shall also include in its membership two persons appointed by the chief judge of the circuit serving the jurisdiction or jurisdictions participating on the committee, and one person appointed by the appropriate regional office of the Department of Corrections. Such councils shall be responsible for:

- (a) Identifying and developing community services and programs for use by the courts in diverting offenders from state correctional institutions.
- (b) Providing a mechanism whereby all offenders with needs for services will be linked to appropriate agencies and individuals.
- (c) Upon referral to the council by the circuit court, determining if an appropriate behavioral contract can be developed with an offender in a community program as an alternative to incarceration, and providing findings and recommendations to the referring judge.

Section 29. Present subsections (3) and (4) of section 951.23, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to said section to read:

951.23 County and municipal detention facilities; definitions.—

(3) *ASSISTANCE TO LOCAL GOVERNMENT.—Upon the request of a sheriff, or the chairman of the board of county commissioners in those counties in which the chief corrections officer is not a constitutional officer, the department may provide technical assistance to local governments in the design and implementation of offender classification systems, evaluation of construction and financing alternatives, the development of community service programs, and the use of mutual aid programs in jail-sharing efforts.*

Section 30. Section 253.061, Florida Statutes, is created to read:

253.061 Use of stateowned land for correctional facilities.—

(1) The Department of Natural Resources shall review, identify, and secure stateowned lands which may be used for correctional facilities subject to the Department of Corrections' determination of where sites are needed and their appropriateness for use as a prison or other corrections facility.

(2) Notwithstanding the provisions of s. 253.025, the Board of Trustees of the Internal Improvement Trust Fund may purchase federal surplus lands for use as sites for correctional facilities, using federal land purchasing procedures, regulations, and requirements.

(3) The Auditor General is directed to conduct performance audits of any purchases made pursuant to the provisions of subsection (2).

Section 31. Section 945.275, Florida Statutes, is created to read:

945.275 Siting of additional correctional facilities.—

(1) The Department of Corrections is directed to conduct a statewide comprehensive study to determine the current and future needs for all types of correctional facilities in the state.

(2) The study shall assess, rank, and designate appropriate sites and be reflective of the different purposes and uses for all correctional facilities based upon the following criteria:

- (a) Current and future estimates of offenders originating from each county;
- (b) Current and future estimates of types of crimes committed in each county;

- (c) Current geographic location of state correctional facilities;
- (d) The availability of personnel within the local labor market;
- (e) Current capacity of facilities in the area;
- (f) The total usable and developable acreage of various sites based upon the use and purpose of the facility;
- (g) The accessibility of the site to existing utility, transportation, law enforcement, health care, fire protection, refuse collection, water, and sewage disposal services;
- (h) The susceptibility of the site of flooding hazards or other adverse natural environmental consequences;
- (i) Site location in relation to desirable and undesirable proximity to other public facilities, including schools;
- (j) Patterns of residential growth and projected population growth; and
- (k) Such other criteria as the Department of Corrections, in conjunction with local governments, deems appropriate.

Nothing herein shall be construed to require the department to locate in each county the same percentage of prison beds as that county contributes inmates to the state correctional system.

(3) The Department of Corrections shall recommend certification by the Governor and Cabinet of the study within 2 months of its receipt.

(4) Upon certification of the study by the Governor and Cabinet, the Department of Corrections shall notify those counties designated as in need of a correctional facility.

(5) When the department proposes a site for a state correctional facility, it shall request that the local government having jurisdiction over such proposed site determine whether or not the proposed site is in compliance with local government comprehensive plans, local land use ordinances, local zoning ordinances or regulations, and other local ordinances in effect at the time of such request. If no such determination is made within 90 days of the request, it shall be presumed that the proposed site is in compliance with such plans, ordinances or regulations.

(6) If the local government determines within 90 days of the request that construction of a correctional facility on the proposed site does not comply with such plans, ordinances, or regulations, the department may request a modification of such plans, ordinances, or regulations without having an ownership interest in such property. For the purposes of this section, modification shall include, but not be limited to, a variance, rezoning, special exception, or any other action of the local government having jurisdiction over the proposed site which would authorize siting of a correctional facility.

(7) Upon receipt of a request for modification from the department, the local government may recommend alternative sites to the department and shall give notice and hold a public hearing on the request for modification in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such proceedings shall be recorded by tape or by a certified court reporter and made available for transcription at the expense of any interested party.

(8) When the department requests such a modification and:

- (a) It is denied by the local government; or
- (b) There is no action on the modification requested by the department within 90 days of the request;

the department may appeal the decision of the local government on the requested modification of local plans, ordinances, or regulations to the Governor and Cabinet.

(9) The Governor and Cabinet shall consider the following when determining whether to grant the appeal from the local government's decision on the requested modification:

- (a) The record of the proceedings before the local government.
- (b) Reports and studies of any other agencies relating to matters within that agency's jurisdiction which may be potentially affected by the proposed site.

(c) The statewide study, as established in subsection (1), other existing studies, reports and information maintained by the department as the Governor and Cabinet may request addressing the feasibility and availability of alternative sites in the general area, and the need for a correctional facility in the area based on the county's average number of commitments to state correctional facilities for the most recent 3 calendar years.

(10) The Governor and Cabinet, upon determining that the local government has recommended no feasible alternative site and that the interests of the state in providing correctional facilities outweigh the concerns of the local government, shall authorize construction and operation of a correctional facility on the proposed site notwithstanding any local plans, ordinances or regulations.

(11) The Governor and Cabinet may adopt rules of procedure to govern these proceedings in accordance with the provisions of s. 120.54.

(12) Actions taken by the department or the Governor and Cabinet pursuant to this section shall not be subject to the provisions of ss. 120.56 and 120.57. The decision by the Governor and Cabinet shall be subject to judicial review pursuant to s. 120.68, in the District Court of Appeal, First District.

(13) Insofar as the provisions of this section are inconsistent with the provisions of any other law, general, special, or local, the provisions of this section shall be controlling.

Section 32. Section 958.08, Florida Statutes, is hereby repealed.

Section 33. Section 20.32, Florida Statutes, is repealed on July 1, 1987, and shall be reviewed by the Legislature pursuant to section 36 of this act.

Section 34. Chapter 947, Florida Statutes, consisting of sections 947.001, 947.002, 947.005, 947.01, 947.02, 947.03, 947.04, 947.05, 947.06, 947.07, 947.071, 947.09, 947.095, 947.10, 947.11, 947.12, 947.13, 947.15, 947.16, 947.165, 947.172, 947.173, 947.174, 947.1745, 947.175, 947.18, 947.181, 947.19, 947.20, 947.21, 947.22, 947.23, 947.24, 947.25, 947.26, and 947.275 is repealed on July 1, 1987, and shall be reviewed by the Legislature pursuant to section 36 of this act.

Section 35. Legislative committee review of the Parole and Probation Commission shall begin July 1, 1984, and shall include consideration of the following criteria:

- (1) The role of parole release in the corrections system.
- (2) The role of parole supervision in the corrections system.
- (3) The relationship of parole release to the sentencing system.
- (4) The cost to the state of eliminating parole release and other criminal justice mechanisms which could be adjusted to ameliorate this cost.
- (5) Those functions performed by the Parole and Probation Commission which must be continued.
- (6) The procedural and substantive effect of eliminating parole on the inmate population.

Section 36. There is hereby appropriated to the office of the State Court Administrator from the General Revenue Fund, the sum of \$185,000 for resource directory training programs and manuals in support of community control; and to the Department of Corrections from the General Revenue Fund the sum of \$146,000 to fund 6 positions and related expenses for implementation of the provisions of this act.

Section 37. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 38. The Division of Statutory Revision of the Joint Legislative Management Committee is directed to prepare such reviser's bills for introduction in subsequent sessions of the Florida Legislature as may be necessary to conform the Florida Statutes to the provisions of this act.

Section 39. Legislative intent.—The Legislature hereby finds and declares that:

(1) North Florida counties that have been cooperative in the establishment of correctional institutions and facilities are unduly burdened when inmates are released from those north Florida correctional institutions and remain in the area.

(2) The majority of inmates are committed from urban areas of the state, especially in the southern part of the state, but inmates are incarcerated in disproportionate numbers in rural areas of the state, especially northern Florida.

(3) It is desirable that inmates be confined in and released from institutions and facilities as close to their permanent residence or county of commitment as possible in order to lessen the transportation expense to the public.

(4) It is the intent of the Legislature that:

(a) To the extent possible, inmates committed from urban areas be returned to those same urban areas upon release.

(b) Inmates being released from community work release shall not be eligible for the provision of transportation.

(c) Transportation provided for eligible inmates upon release shall be to one of the following points:

1. The county where parole placement has been approved and supervision is to commence.

2. Another state.

3. The county of employment within the state.

4. The county of legal residence within the state.

5. The county of original commitment within the state.

(d) All releasees eligible for the provision of transportation shall be escorted to the site of embarkment by an officer of the correctional facility who shall remain until the releasee has departed.

Section 40. Definitions.—As used in this act:

(1) "Out-of-state releasees" means:

(a) Those inmates being released on interstate compact pursuant to s. 949.07, Florida Statutes.

(b) Those inmates whose sentences have expired who intend to leave the state or are required to leave the state upon release.

(2) "Florida releasees" means:

(a) Inmates paroled prior to expiration of their sentences who will be supervised at the location shown on their parole certificate.

(b) Inmates whose sentences have expired or who are released by means of gain-time.

Section 41. Methods of transportation.—

(1) **OUT-OF-STATE RELEASEES.**—In instances when releasees intend or are required to leave the state, transportation shall be provided by common carrier utilizing the most economical means. Transportation as authorized herein shall be furnished by nonnegotiable travel voucher payable to the common carrier being utilized and in no event shall there be any cash disbursement to the releasee or any person, firm or corporation. Such travel voucher shall not be valid for more than 5 days after its issuance. The source of any private transportation must be by a family member or friend whose purpose is to immediately transport the releasee out of state.

(2) **FLORIDA RELEASEES.**—In instances when releasees remain in Florida but leave the county where the correctional institution or facility of their confinement is located, transportation shall be provided by common carrier using the most economical means. Transportation as authorized herein shall be furnished by nonnegotiable travel voucher, payable to the common carrier being utilized and in no event shall there be any cash disbursement to the releasee or any person, firm or corporation. Such travel vouchers are to be utilized immediately by the releasee. Source of any private transportation must be a family member or friend whose purpose is to immediately transport the releasee to the approved location pursuant to section 1.

Section 42. Basic release assistance.—

(1) Prior to the release from commitment of any inmate, the department shall determine the releasee's post-incarceration plans. Any inmate not being released from a work release program or to another state, to detainer, to parole supervision, to pre-secured employment or to a qualifying residence, family member or friend, shall be eligible for a contract release.

(2) The department is authorized to contract with the Department of Health and Rehabilitative Services, the Salvation Army and other public or private organizations in the various counties of the state for the provision of support services as the receiving agencies for contract releasees.

(3) The department shall advance the release date of a contract releasee by up to 10 days and shall forward to the support agency designated in the contract an additional amount equal to that of the discharge gratuity for the purpose of motivating the releasee to secure permanent employment and residence. The receiving agency shall distribute the stipend to the releasee in accordance with the terms of the release contract. Violation of the terms of the contract may constitute grounds for the forfeiture of said stipend and termination of the contract.

(4) The department shall promulgate rules for the development, implementation and termination of release contracts.

Section 43. Section 944.54, Florida Statutes, is hereby repealed.

Section 44. This act shall take effect October 1, 1983, except that sections 5, 8, 9, 10, 22, 23, 24, 25, 26, and 27 shall take effect upon becoming a law.

Senators Rehm and Kirkpatrick offered the following amendment to Amendment 3 which was moved by Senator Rehm and adopted:

Amendment 3A—On page 47, strike all of lines 25-27 and insert:

(a) To the extent possible, inmates shall be returned to those same areas from which they were committed upon release.

Amendment 3 as amended was adopted.

Senator Hair moved the following amendment which was adopted:

Amendment 4—In title, on pages 1-4, strike everything before the enacting clause and insert: A bill to be entitled An act relating to corrections and parole; providing a short title; providing findings; providing definitions; creating s. 944.022, Florida Statutes; creating a maximum inmate population ratio for the state correctional system; providing procedures for correcting inmate population levels in excess of the maximum level; providing additional sentencing considerations; creating s. 921.187, Florida Statutes, providing sentencing alternatives; creating s. 775.075, Florida Statutes; providing sentencing criteria for persons sentenced prior to guidelines; amending s. 944.275, Florida Statutes; changing gain-time amounts and considerations; amending s. 947.16(3), Florida Statutes, 1982 Supplement; changing the date of reinterviews of inmates where parole release orders have been vacated by the sentencing court; reducing the period of retained jurisdiction from one-half to one-third of sentence; amending s. 947.135(3)(a), (4), Florida Statutes, 1982 Supplement; changing participation criteria; providing for panels of two commissioners to establish contract parole dates; creating s. 948.001, Florida Statutes, providing definitions; creating s. 948.005, Florida Statutes, to provide for the implementation of a community control manual by the Department of Corrections; amending s. 948.01, Florida Statutes, providing for placement of certain offenders into community control as an alternative to probation; limiting the duration of supervision; providing for the applicability of workers' compensation benefits to offenders in certain work programs; authorizing discharge from certain programs; amending s. 948.011, Florida Statutes, conforming provisions relating to imposition of fines and probation; amending s. 947.23(6), Florida Statutes, authorizing placement of certain parolees into community control; amending s. 948.03, Florida Statutes, changing terms and conditions of probation and providing terms and conditions of community control; amending s. 948.031, Florida Statutes, authorizing the Department of Corrections to establish public service programs in counties for offender public service; amending s. 948.04, Florida Statutes, to conform to the act; amending s. 948.05, Florida Statutes, providing for judicial admonishment and commendation of offenders in community control; amending s. 948.06(2), Florida Statutes, providing for placement of persons violating probation into community control; providing for revocation, modification, or continuance of community control; renumbering s. 945.26(2), Florida Statutes, and adding new subsections (2)-(4) to said section providing for a community control program as a sentencing alternative;

amending s. 947.04(1), Florida Statutes, 1982 Supplement, authorizing the Parole and Probation Commission to assign temporary duties to retired commissioners; amending s. 947.01, Florida Statutes, to increase the membership of the Parole and Probation Commission from seven to nine voting members; abolishing the two new commission memberships on July 1, 1985; amending s. 947.02, Florida Statutes, to revise procedures for the screening and appointment of parole and probation commissioners; amending s. 947.03(1), (3), Florida Statutes, to provide for 4-year terms of office for the Parole and Probation Commission; amending s. 947.175, Florida Statutes, to provide notice to local criminal justice agencies of parole releases; creating s. 947.1746, Florida Statutes, to provide for the establishment of an effective parole release date without a final interview; amending s. 944.927(1), (2), Florida Statutes, as created by chapter 82-411, Laws of Florida; expanding the applicability of the Local Offender Advisory Council Act; renumbering s. 951.23(3), (4), Florida Statutes, and adding a new subsection (3) to said section; authorizing the Department of Corrections to provide certain assistance to local governments; creating s. 253.061, Florida Statutes; providing for the acquisition or use of lands for correction facilities; creating s. 945.275, Florida Statutes; providing for a study of siting of additional correctional facilities; providing procedures for acquisition of property for such facilities over the objections of local governments; repealing s. 958.08, Florida Statutes, relating to community control program; providing for the future repeal and review of s. 20.32, Florida Statutes, and chapter 947, Florida Statutes, relating to the Parole and Probation Commission; providing for legislative review; providing severability; directing that certain changes in the Florida Statutes be made; providing intent; providing definitions; providing for transportation of released inmates; providing for contract release; repealing s. 944.54, Florida Statutes, relating to transportation of prisoners upon release; providing an effective date.

On motion by Senator Hair, by two-thirds vote CS for CS for HB 1012 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gersten	Jennings	Neal
Barron	Girardeau	Johnston	Plummer
Beard	Gordon	Kirkpatrick	Rehm
Castor	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Hair	Margolis	Thomas
Dunn	Henderson	McPherson	Thurman
Fox	Hill	Meek	Vogt
Frank	Jenne	Myers	Weinstein

Nays—2

Carlucci Childers, D.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 1031 and 681 were withdrawn from the Committee on Appropriations.

ENROLLING REPORTS

Senate Bills 140, 354, 602, CS for SB 182, CS for SB 195, and CS for SB 286 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 30, 1983.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Stuart—CS for SB 435; Senator Neal—SB 690; Senator Hair—SB 868; Senator Peterson—SB 1049; Senators Carlucci and Girardeau—SR 1200

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 27 was corrected and approved.

On motion by Senator Barron, the Senate adjourned at 4:30 p.m. to reconvene at 10:00 a.m., May 31.