



# Journal of the Senate

Number 1—Special Session A

Thursday, December 6, 1984

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

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

- (1) Repeal of the unitary apportionment and reporting method for the corporate income tax; enactment of related corporate income tax measures.
- (2) Amendments to Chapter 83-310, Laws of Florida, relating to the remittance of estimated sales tax.
- (3) Enactment of replacement revenue measures and implementing legislation.



Harry A. Johnston, II  
President, The Florida Senate

James Harold Thompson  
Speaker, The Florida House  
of Representatives

Excused: Senator Malchon at 12:00 noon

Prayer by the Reverend Robert M. Gibbs, Pastor, John Wesley United Methodist Church, Tallahassee:

Almighty God, God of infinite wisdom and compassion, of endless mercy and forgiveness; we pray your blessing upon the members of this legislative body this day, upon their deliberations and their decisions.

Give them a sensitivity to the people whom their legislation will affect. Give them the patience and grace to deal with one another effectively. Give them the desire to accomplish justice and righteousness in all that they do. Then give them the graceful courage that comes from doing what is good and honorable in your sight.

Eternal God, we pray for the personal needs of these assembled here today and for their families. May we all feel a true sense of your loving, healing and supporting presence. And may we never forget those people the world over who are in desperate need, both physically and spiritually. And now, in this holy season of miracle and wonder, O God, we pray that you would touch us all with your gracious kindness, so that we may be blessed with your peace, surprised by your joy, challenged by your justice, and amazed by your love. Amen.

Senator Jenne led the Senate in the pledge of allegiance to the flag of the United States of America.

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

### THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE  
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Harry A. Johnston, II, President of the Florida Senate, and James Harold Thompson, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Section 3, Article III, Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Section 3(c), Article III, Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, at 10:00 A.M., on Thursday, the 6th of December, 1984, for a period of two consecutive days, ending at midnight, Friday, December 7, 1984.
2. That the Legislature is convened for the sole and exclusive purposes of consideration of the following matters:

Duly filed with and received by the Florida Department of State this 20th day of November, 1984 by:

George Firestone  
SECRETARY OF STATE

By direction of the President, the Secretary read the following proclamation:

### PROCLAMATION State of Florida Executive Department Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE  
AND THE HOUSE OF REPRESENTATIVES

WHEREAS, the Legislature has been called into Special Session commencing at 10:00 a.m., Thursday, December 6, 1984, pursuant to Section 11.011, Florida Statutes; and

WHEREAS, child care and child abuse are of serious concern to the citizens of Florida and there is need for substantive legislation within such areas and a need for supplemental appropriations for unmet needs in this area; and

WHEREAS, citrus canker disease continues to pose a threat to the citrus industry and continued efforts are needed in research, eradication, indemnification and federal matching fund areas; and

WHEREAS, legislation is necessary to ensure the continued ability of the state, counties, municipalities, special districts and other units of local government to effectively bond monies and revenue distributed under trust funds; and

WHEREAS, legislation is necessary to amend Chapter 84-373 Laws of Florida to continue to provide funds for indigent health care; and

WHEREAS, it is in the best interest of the citizens of Florida that these items be considered by the Legislature while it is in session;

NOW, THEREFORE, I, BOB GRAHAM, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(2), of the Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim as follows:

## Section 1.

That the Legislature of the State of Florida has been convened in Special Session, at the Capitol, Tallahassee, commencing at 10:00 a.m., Thursday, December 6, 1984 and extending through midnight, Friday, December 7, 1984 by Joint Proclamation of the President of the Florida Senate and the Speaker of the Florida House of Representatives.

## Section 2.

That the Legislature of the State of Florida shall consider in addition to the items set forth in the Joint Proclamation of November 20, 1984 the following matters:

1. Legislation amending Chapter 402, Florida Statutes, relating to child care and providing for supplemental appropriations for child care and child abuse.
2. Legislation relating to the research and eradication of citrus canker, indemnification for certain private losses relating to citrus canker eradication, and consideration of supplemental appropriations relating to citrus canker.
3. Legislation amending Chapter 84-346, Laws of Florida (1984), relating to the obligation of state trust funds for local government and state government bonding purposes.
4. Legislation amending Chapter 84-373, Laws of Florida (1984), relating to indigent health care.

## Section 3.

This Proclamation shall supersede and amend the Proclamation of the Governor dated November 21, 1984.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this proclamation, this 5th day of December, 1984.

Bob Graham  
GOVERNOR

ATTEST:  
George Firestone  
SECRETARY OF STATE

## INTRODUCTION AND REFERENCE OF BILLS

By Senator Crawford—

**SB 1-A**—A bill to be entitled An act relating to taxation; repealing s. 220.135, F.S., which provides special reporting requirements for unitary business groups with respect to the corporate income tax; amending s. 220.64, F.S.; correcting a reference; amending s. 220.14, F.S., relating to exemptions, to delete reference to unitary business groups; amending s. 220.03, F.S.; revising the definition of "unitary business group"; revising provisions relating to certain elections taxpayers may make; amending s. 220.131, F.S.; revising provisions relating to filing of consolidated returns by members of affiliated groups; amending s. 220.13, F.S.; revising additions and subtractions applicable in computing adjusted federal income; amending s. 220.63, F.S., relating to the franchise tax on banks and savings associations; including reference to certain subtractions; amending s. 214.71, F.S., relating to administrative provisions for designated non-property taxes; revising provisions for determining when sales of tangible personal property are in this state; amending s. 220.03, F.S.; revising the definition of "nonbusiness income" and defining "functionally related dividends"; amending s. 220.63, F.S., relating to the franchise tax on banks and savings associations; revising calculation of the tax base; amending s. 220.03, F.S.; revising the definition of "Internal Revenue Code"; amending ss. 221.01, 221.02, 221.04, and 220.03, F.S.; revising the expiration date of the emergency excise tax; deleting provisions which authorize taxpayers to make certain subsequent election with respect to applicability of the Internal Revenue Code; amending s. 212.11, F.S.; providing for phased reduction and repeal of the estimated tax liability percentage with respect to tax on sales, use, and other transactions; amending s. 212.12, F.S.; authorizing the Department of Revenue to waive or compromise certain penalties with respect to estimated tax payments; amending ss. 220.11 and 220.63, F.S.; increasing the corporate income tax and franchise tax on banks and savings associations; providing for review; amending s. 221.01, F.S.; increasing the emergency excise tax rate; providing for

recomputation of estimated corporate tax due; creating s. 220.211, F.S.; providing penalties for incomplete returns; providing specific, contingent, and retroactive effective dates.

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

On motions by Senator Crawford, by two-thirds vote SB 1-A was withdrawn from the Committees on Appropriations; and Finance, Taxation and Claims and by two-thirds vote placed on the special order calendar.

On motion by Senator Crawford, by two-thirds vote SB 1-A was read the second time by title.

Senators Langley, Jennings, Myers, Scott, Grizzle, Kiser, Johnson and Deratany offered the following amendment which was moved by Senator Langley:

**Amendment 1**—On page 3, beginning on line 1, strike all of pages 3-24 and insert a new Section 2:

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

Senators Langley, Jennings, Myers, Scott, Grizzle, Kiser, Johnson and Deratany offered the following amendment to Amendment 1 which was moved by Senator Langley and adopted:

**Amendment 1-A**—On page 1, strike "upon becoming law" and insert: July 1, 1985

Amendment 1 as amended failed. The vote was:

Yeas—10

Barron	Jennings	Langley	Vogt
Deratany	Johnson	Myers	
Grizzle	Kiser	Scott	

Nays—28

Mr. President	Dunn	Jenne	Neal
Beard	Fox	Kirkpatrick	Peterson
Carlucci	Frank	Malchon	Plummer
Castor	Gersten	Mann	Stuart
Childers, D.	Grant	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Hill	Meek	Weinstein

Vote after roll call:

Yea—Girardeau

Nay—Gordon

Senators Langley, Jennings, Myers, Scott, Grizzle, Kiser and Deratany offered the following amendment which was moved by Senator Langley and failed:

**Amendment 2**—On page 3, line 1, strike all of pages 3-19; on page 20, strike lines 1-6; on page 21, strike all of lines 12-30; strike all of pages 22-23; on page 24, strike lines 1-16 and insert:

Section 2.

(Renumber subsequent sections.)

Senators Dunn and Stuart offered the following amendment which was moved by Senator Dunn:

**Amendment 3**—On page 20, lines 7-30, and on page 21, lines 1-11, strike all of said lines and insert:

Section 16. Paragraphs (a) and (d) of subsection (1) of section 212.11, Florida Statutes, are amended and subsection (4) is added to said section to read:

212.11 Tax returns and regulations.—

(1)(a)1. Each dealer shall calculate his The estimated tax liability for any month by one of the following methods equals:

a. ~~Sixty-six either 66 percent of the current month's liability pursuant to this part as shown on the tax return; or~~

b. ~~Sixty-six 66 percent of the tax reported on the tax return pursuant to this part by a dealer for the taxable sales occurring during the corresponding month of the preceding calendar year; or-~~

c. ~~Sixty-six percent of the average monthly tax liability pursuant to this part for the preceding calendar year. Dealers selecting this option must do so on their return due on or before January 20 and may not change methods of calculating estimated tax liability for the remainder of the calendar year. The department is empowered to establish the estimated tax liability in cases in which a dealer was not registered for sales tax purposes during such month.~~

2. Any estimated tax liability of \$1,650 or more shall be due, payable, and remitted by the 20th day of the month for which the liability applies. The difference between the estimated tax liability paid and the actual amount and taxes due under this part for such month shall become due and payable by the first day of the following month and shall be remitted by the 20th day thereof.

3. For any dealer who ~~has an estimated had a~~ tax liability of less than \$1,650 or who was not registered for sales tax purposes ~~\$2,500~~ for the corresponding month of the preceding year, the current taxes levied pursuant to this part shall be due and payable monthly on the first day of the following month and shall be remitted by the 20th day thereof.

(d) The department shall accept returns as timely if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns shall be accepted as timely if postmarked on the next succeeding workday. Any dealer who operates two or more places of business for which returns are required to be filed with the department and maintains records for such places of business in a central office or place shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business; however, such consolidated returns must clearly indicate the amounts collected within each county of the state. *Any dealer who files a consolidated return shall calculate his estimated tax liability for each county by the same method he uses to calculate his estimated tax liability on the consolidated return as a whole.* Each dealer shall file a return for each tax period even though no tax is due for such period.

(4) *The 66 percent rate provided in subsection (1) shall be reduced over a period of 5 years beginning January 1, 1986, and is repealed December 31, 1990. During such period the following rates shall be applicable:*

(a) *From January 1, 1986, through December 31, 1986, the rate shall be 60 percent.*

(b) *From January 1, 1987, through December 31, 1987, the rate shall be 45 percent.*

(c) *From January 1, 1988, through December 31, 1988, the rate shall be 30 percent.*

(d) *From January 1, 1989, through December 31, 1989, the rate shall be 20 percent.*

(e) *From January 1, 1990, through December 31, 1990, the rate shall be 10 percent.*

Section 17. Paragraph (b) of subsection (2) of section 212.12, Florida Statutes, is amended and paragraph (c) is added to said section to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(2)

(b) When any person, firm, or corporation fails to timely remit the proper estimated payment required under s. 212.11, a specific penalty shall be added in an amount equal to 5 percent of any unpaid estimated tax. *Upon a showing of reasonable cause, Under no circumstances may this penalty may be waived or compromised by the department.* However, other penalties and interest shall be due and payable if the return on which the estimated payment was due was not timely or properly filed. *The department may waive or compromise the penalty imposed by this paragraph beginning with returns due for November 1983, and for any month thereafter.*

(c) *Dealers filing a consolidated return pursuant to s. 212.11(1)(d) shall be subject to the penalty established in paragraph (b) only on the amount of unpaid estimated taxes calculated for their consolidated return as a whole. Said penalty shall not apply to amounts indicated as collected in each county.*

Senator Johnson moved the following substitute amendment which failed:

**Amendment 4**—On page 20, line 7, strike all of Section 16 and insert:

Section . . . Paragraphs (a) and (d) of subsection (1) of section 212.11, Florida Statutes, are amended to read:

212.11 Tax returns and regulations.—

(1)(a)1. *Every dealer shall calculate his The estimated tax liability for any month by one of the following methods equals:*

a. ~~Sixty-six either 66 percent of the current month's liability pursuant to this part as shown on the tax return; or~~

b. ~~Sixty-six 66 percent of the tax reported on the tax return pursuant to this part by a dealer for the taxable transactions sales occurring during the corresponding month of the preceding calendar year;~~

c. ~~Sixty-six percent of the average tax liability pursuant to this part for those months during the preceding calendar year in which the dealer reported taxable transactions; or The department is empowered to establish the estimated tax liability in cases in which a dealer was not registered for sales tax purposes during such month.~~

d. *Thirty-three percent of the average monthly tax liability during the preceding calendar year in which the dealer reported taxable transactions if the average monthly tax liability pursuant to this part is at least \$2,500 but not more than \$5,000 and the proportion of gross taxable installment or credit sales to total gross taxable sales is more than fifty percent. For purposes of this section the term "installment or credit sales" means any sale with respect to which credit is extended directly by the selling dealer to the purchaser and does not include third party financial credit arrangements extended, excepted or honored by the selling dealer.*

e. *Sixty-six percent of the average monthly tax liability during the preceding calendar year in which the dealer reported taxable transactions if the average monthly tax liability pursuant to this part is at least \$5,000 and the proportion of gross taxable installment or credit sales to total gross taxable sales is more than seventy-five percent.*

2. Any estimated tax liability of \$1,650 or more shall be due, payable, and remitted by the 20th day of the month for which the liability applies. The difference between the estimated tax liability paid and the actual amount and dates due under this part for such month shall become due and payable by the first day of the following month and shall be remitted by the 20th day thereof. *Notwithstanding the provisions of this subsection any estimated tax liability of \$825 or more computed pursuant to s. 212.11(1)(a)d. shall be due, payable, and remitted by the 20th day of the month for which the liability applies. For any estimated tax liability of \$1,650 or more computed pursuant to s. 212.11(1)(a)1.e. one-half shall be due, payable, and remitted by the 20th day of the month for which the liability applies and one-half on the 5th day of the month following the month for which the liability applies.*

3. For any dealer who ~~has an estimated had a~~ tax liability of less than \$1,650 as computed in sub-subparagraphs a., b., c., or less than \$825 as computed in sub-subparagraphs d., or e., or who was not registered for sales tax purposes ~~\$2,500~~ for the corresponding month of the preceding year, the current taxes levied pursuant to this part shall be due and payable monthly on the first day of the following month and shall be remitted by the 20th day thereof.

(d) The department shall accept returns as timely if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns shall be accepted as timely if postmarked on the next succeeding workday. Any dealer who operates two or more places of business for which returns are required to be filed with the department and maintains records for such places of business in a central office or place shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business; however, such consolidated returns must clearly indicate the amounts collected

within each county of the state. Any dealer who files a consolidated return shall calculate his estimated tax liability for each county by the same method he uses to calculate his estimated tax liability on the consolidated return as a whole. Each dealer shall file a return for each tax period even though no tax is due for such period.

Section . . . Paragraph (b) of subsection (2) of section 212.12, Florida Statutes, is amended and paragraphs (c) and (d) are added to said section to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(2)

(b) When any person, firm, or corporation fails to timely remit the proposed estimated payment required under s. 212.11, a specific penalty shall be added in an amount equal to 5 percent of any unpaid estimated tax. Upon a showing of reasonable cause, ~~Under no circumstances may~~ this penalty may be waived or compromised by the department. However, other penalties and interest shall be due and payable if the return on which the estimated payment was due was not timely or properly filed. If any dealer calculates his estimated tax liability under the provisions of sub-subparagraph a. of paragraph 212.11(1)(a)2. and based upon his taxable transactions by the 20th day of the month has accrued an estimated tax liability of less than \$1,650 as computed in sub-subparagraphs a., b., c., or e., or less than \$825 as computed in sub-subparagraph d., yet by reason of irregular or unanticipated sales occurring after the 20th has a final sales tax liability in excess of \$2,500, shall not be subject to penalty or interest for underpayment of estimated tax unless the Department finds the dealer could have reasonably anticipated the final liability.

(c) However, no penalty or interest for underpayment of any estimated tax shall be imposed if the amount of such payment made on or before the date prescribed for payment of such estimated payment equals or exceeds 90 percent of the amount of the estimated payment required under s. 212.11.

(d) Dealers filing a consolidated return pursuant to s. 212.11(1)(d) shall be subject to the penalty estimated in paragraphs (b) and (c) only on the amount of unpaid estimated taxes calculated for their consolidated return as a whole. Said penalty shall not apply to amounts indicated as collected in each county.

Section . . . This act shall take effect May 1, 1985, except that section 2 shall take effect upon becoming a law and shall operate retroactively to November 1, 1983, and shall apply to tax returns due for the month of November 1983, and thereafter.

The question recurred on Amendment 3 which was adopted.

Senator Crawford moved the following amendments which were adopted:

**Amendment 5**—On page 17, strike all of line 17 and insert: *However, dividends not otherwise subject to tax under this chapter*

**Amendment 6**—On page 8, line 17, strike "gross receipts taxes" and insert: *taxes based on gross receipts or revenues*

Senator Dunn moved the following amendments which were adopted:

**Amendment 7**—On page 2, line 8, before "providing" insert: *providing an additional method for calculating estimated tax liability;*

**Amendment 8**—On page 2, line 14, after the semicolon ";" insert: *providing for applying specified penalties to consolidated returns under certain circumstances;*

On motion by Senator Crawford, by two-thirds vote SB 1-A as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlucci	Childers, W. D.	Dunn
Barron	Castor	Crawford	Fox
Beard	Childers, D.	Deratany	Frank

Gersten  
Girardeau  
Gordon  
Grant  
Grizzle  
Hair  
Hill

Jenne  
Jennings  
Kirkpatrick  
Kiser  
Langley  
Malchon  
Mann

Margolis  
McPherson  
Meek  
Myers  
Neal  
Peterson  
Plummer

Scott  
Stuart  
Thomas  
Thurman  
Vogt  
Weinstein

Nays—1

Johnson

#### Explanations of Vote

When the unitary tax was originally adopted in June of 1983, I was not present because of the death and funeral of my mother. Had I been present, I would have voted against that measure, believing it contrary to our efforts to encourage sound economic development in this state in recent years. For that reason, I support repeal of that tax in its entirety.

I also support repeal of the sales tax speed-up contained in this bill, believing that merchants should not be required to submit taxes until they are actually accrued.

However, I want the record to reflect that I am opposed to the increase in the corporate profits tax, continuing my long-standing opposition to tax rate increases. My commitment to my constituency is to vote against such increases, and had this item been a separate bill, I would have voted no. My vote in favor of SB 1-A in no way represents support of this 1/2 percent increase in that tax.

*Dempsey Barron, 3rd District*

I would vote to repeal the unitary tax and replace it, but for the repeal of the sales tax collection method which returns to a small group of corporations 163 million dollars of non-recurring revenue and 17 million dollars annually of recurring revenue. Amendments were offered which cured all unfair aspects of the sales tax collection process at a cost of one million dollars recurring revenue and 12 million dollars non-recurring revenue. To give away 265 million dollars of taxpayers money over the next six years is without justification.

*Bob Johnson, 25th District*

I voted for this bill because of the seeming need to repeal the "Unitary Tax."

I do not, however, support the increase in the Corporate Tax. In line with that thinking, as a member of the Finance and Taxation Committee I proposed an amendment to delete the increase in the Corporate Tax at the committee meeting held on December 5. I had my opportunity to address the subject and debate it. My amendment failed to pass.

I have now voted on the bill as a whole. In weighing the pluses and minuses, the bill to repeal the "Unitary Tax" warranted my "yes" vote.

*Joe Carlucci, 8th District*

On motions by Senator Jenne, the rules were waived and the Committee on Appropriations was granted permission to meet at 2:00 p.m. and the Committee on Commerce was granted permission to meet at 3:15 p.m. this day.

On motion by Senator Neal, by unanimous consent—

By the Committee on Appropriations—

**SB 3-A**—A bill to be entitled An act making supplemental appropriation; providing moneys, for the annual period beginning July 1, 1984 and ending June 30, 1985, to pay salaries, other expenses, and for other specified purposes of the various agencies of state government; supplementing specific appropriations appropriated by chapter 84-220, Laws of Florida; providing an effective date.

—was introduced out of order, read the first time by title and referred to the Committee on Appropriations.

On motions by Senator Neal, by two-thirds vote SB 3-A was withdrawn from the Committee on Appropriations and by two-thirds vote placed on the special order calendar.

#### Senator Langley presiding

On motion by Senator Neal, by two-thirds vote SB 3-A was read the second time by title.

Senator Vogt moved the following amendment which failed:

**Amendment 1—**

SECTION 01  
ITEMS 1, 2 and 3

STRIKE:            INSERT:

1	Salaries and Benefits General Revenue Fund	Positions 123 1,700,162	Positions 246 4,044,938
2	Expenses General Revenue Fund	369,938	846,985
3	Operating Capital Outlay General Revenue Fund	159,572	349,656

Fiscal impact on General Revenue: \$3,011,907

**The President presiding**

Senator Carlucci moved the following amendment:

**Amendment 2—**

SECTION 01,  
ITEMS 1 through 5

STRIKE:            INSERT:

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES			
Salaries and Benefits General Revenue Fund	Positions 123 1,700,162	Positions 259 4,131,812	
Expenses General Revenue Fund	369,938	872,413	
Operating Capital Outlay General Revenue Fund	159,572	371,340	
Lump Sum Child Abuse/Day Care Training Social Services Block Grant Trust Fund	600,000	604,064	
Special Categories Child Day Care General Revenue Fund	966,900	3,887,302	
Insert the following new Item 6: Special Categories Information/Referral Systems Services Trust Fund			
		30,000	
Insert the following new items: ASSISTANT SECRETARY FOR OPERATIONS OFFICE OF THE ASSISTANT SECRETARY			
Salaries and Benefits General Revenue Fund		Positions 17 133,918	
Other Personal Services General Revenue Fund		48,860	
Expenses General Revenue Fund		45,415	
Operating Capital Outlay General Revenue Fund		16,235	

LAW ENFORCEMENT, DEPARTMENT OF  
CRIMINAL JUSTICE INFORMATION  
SYSTEMS, DIVISION OF

Salaries and Benefits Operating Trust Fund	Positions 5 41,640
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Expenses Operating Trust Fund	4,798
Operating Capital Outlay Operating Trust Fund	13,099

FISCAL IMPACT: Increases General Revenue: \$6,310,723  
Increases Trust Fund: 93,601

TOTAL APPROPRIATION: \$10,413,677

Senators Fox, Mann, Castor, Peterson, Jenne, Neal, Grizzle, Stuart, Meek and Malchon offered the following substitute amendment which was moved by Senator Fox:

**Amendment 3—**

SECTION 01  
ITEM 5

STRIKE:            INSERT:

5 Special Categories Child Day Care General Revenue Fund	966,900	2,102,516
Insert a new item: 6 Lump Sum Abuse Registry General Revenue Fund		
		100,000

(Expands the number of day care slots from 850 to 1,849 and provides funding for the HRS abuse registry. Impact on GR - \$1,235,616)

Senator Carlucci moved the following amendment to Amendment 3:

**Amendment 3-A—**

SECTION 01  
ITEMS 1 through 5

STRIKE:            INSERT:

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF CHILDREN, YOUTH AND FAMILY SERVICES			
Salaries and Benefits General Revenue Fund	Positions 123 1,700,162	Positions 259 4,131,812	
Expenses General Revenue Fund	369,938	872,413	
Operating Capital Outlay General Revenue Fund	159,572	371,340	
Lump Sum Child Abuse/Day Care Training Social Services Block Grant Trust Fund	600,000	604,064	
Special Categories Child Day Care General Revenue Fund	966,900	3,887,302	
Insert the following new Item 6: Special Categories Information/Referral Systems Services Trust Fund			
		30,000	

Insert the following new items:  
ASSISTANT SECRETARY FOR OPERATIONS  
OFFICE OF THE ASSISTANT SECRETARY

Salaries and Benefits General Revenue Fund	Positions 17 133,918
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Other Personal Services General Revenue Fund	48,860
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Expenses	
General Revenue Fund	45,415
Operating Capital Outlay	
General Revenue Fund	16,235

Senator Carlucci moved that the Senate recess until 2:00 p.m. The motion failed.

Amendment 3-A failed.

The question recurred on Amendment 3 which was adopted.

On motion by Senator Mann, by two-thirds vote SB 3-A as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fox	Jennings	Neal
Barron	Frank	Johnson	Peterson
Beard	Gersten	Kirkpatrick	Plummer
Carlucci	Girardeau	Kiser	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Myers	

Nays—None

#### Explanation of Vote

"Yes" was the only vote I could cast on this piece of legislation. Had I been able to vote based on my own personal feelings only, I would have voted "No". Unfortunately, I could not do that and for several reasons:

First, it would have been interpreted as a vote against doing something about child abuse. Nothing could be further from the truth. From the first day I took public office, March 1, 1968, I have held the fight against child abuse as one of my highest priorities.

A second reason I could not vote against this bill was that, like it or not, a partial loaf is better than none. In the case of this bill, it could be described as "crummy".

Another reason for not voting "No" was a lack of knowledge as to what the Governor will actually do. As is the case on most key issues, there has been some sabre rattling and hints of a veto from the Governor's office; however, he has not told me (and he is certainly not obligated to do so) what his bottom-line intent is. He held a hard line on his request and gave no indication of compromise. However, that was prior to any legislative final action. Now it is showdown time. I sincerely hope he will veto this bill and call us back until we meet our obligation to the children of Florida. Failure to take strong action will be his signal to me that he, also, has moved to the position of compromising the needs of children.

In considering this legislation I looked at many items. I also did not have an opportunity to see some things. Specifically, I could find virtually nothing in the Senate in terms of a bill nor written data until I went to the Senate HRS Committee meeting at 2:00 p.m. on December 4th. That certainly does nothing to assist in the decision-making process. I would quickly add that the lack of material in the Senate certainly was not the fault of the HRS Committee staff. I stayed in contact with the Staff Director at least every several days for three or four weeks but she had not been given anything to pass on. The Governor's Office and the Secretary of the Department of Health and Rehabilitative Services, on the other hand, were in a position to provide a complete list of the Governor's requests. My contact with the Departments of Health and Rehabilitative Services, Law Enforcement and Administration also provided positive results.

An interesting point is that the final result seems to have a correlation with the information available.

Whatever Senate meetings or gatherings that took place on the child abuse subject prior to December 4th were unannounced and, consequently, I as a member of the Senate, was unable to listen to or participate in the discussions leading up to the decision-making meetings. I can't help but wonder what chance the public would have had.

I read every article in every major newspaper in the state. Many of the statements quoted would not rate being delivered from the back of a tomato truck. But they led me to believe that folks were doing their homework.

The Staff Director of the Finance and Taxation Committee as well as the staff of the Appropriations Committee were as helpful as could be. The financial status of the state clearly reflects that we could have easily afforded the Governor's request for \$10.4 million. This statement is based on Revenue Estimating Conference data, the projected fiscal year-end status of the Working Capital Trust Fund, projected revenue increases for 1985-86 and other economic indicators.

Also, a consideration was the various tax items passed in the Special Session.

The tax break on the self-generation of power in the current year is in excess of \$50 million for the large companies involved. It is something we should approve, however.

We have been requested to appropriate upwards to \$9 million for the citrus canker problem. We should do it.

And, of course, the repeal of the "Unitary Tax" cost the taxpayers about \$100 million in the current year.

I tried to amend this bill to provide just about the entire \$10 million that the Governor requested. The amendment was soundly defeated on a voice vote.

That left me in the position of voting for the bill which, in my opinion, will not scratch the surface of the problem.

Children are crying out for help. I hope and pray that the Florida Senate will hear them and respond in the 1985 Session.

*Joe Carlucci, 8th District*

By Senators Castor, Frank and Beard—

**SB 2-A**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 1, chapter 84-373, Laws of Florida; specifying counties which may levy a discretionary additional tax for indigent health care; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Senator Langley—

**SB 4-A**—A bill to be entitled An act relating to the citrus industry; directing the Department of Agriculture and Consumer Services to establish a program to reimburse citrus growers and nurserymen for damage caused by the citrus canker disease; providing an appropriation; providing an effective date.

—was referred to the Committees on Appropriations and Agriculture.

By the Committee on Appropriations—

**SB 5-A**—A bill to be entitled An act relating to trust funds; amending s. 215.3205, F.S.; providing that certain trust funds are not abolished absent legislative review; assuring that the rights of holders of certain bonds or other indebtedness are not impaired; eliminating the requirement that the Legislature provide statutory authority for trust funds if none exists; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Thurman—

**SB 6-A**—A bill to be entitled An act relating to child care; amending s. 402.302, F.S.; defining "owner" and "child care personnel"; amending s. 402.305, F.S.; providing for adoption of additional standards relating to education and training of child care personnel; creating s. 402.3055, F.S.; defining "approved educational credentials"; requiring operators of child care facilities to meet certain education or experience requirements by January 1, 1987; providing for initial and continuing training of operators, employees, and volunteers; specifying hours and areas of training; providing that such training shall be a condition upon issuance and renewal of license; creating s. 402.318, F.S.; prohibiting certain advertisements by child care facilities; providing a penalty; providing for Sunset repeal and review; requiring compilation of lists of resources available for training; providing for distribution of same; providing effective dates.

—was referred to the Committees on Health and Rehabilitative Services; Judiciary-Civil; and Appropriations.

By the Committee on Agriculture—

**SB 7-A**—A bill to be entitled An act relating to citrus canker; providing an appropriation to eradicate citrus canker and indemnify persons whose nursery stock and resets have been destroyed; providing an effective date.

—was referred to the Committee on Appropriations.

On motion by Senator Margolis, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Margolis—

**SB 8-A**—A bill to be entitled An act relating to appropriations; providing an appropriation to the City of North Miami of interest earned on funds previously appropriated for construction of an athletic stadium complex to be used in the construction of the project; providing an effective date.

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

On motion by Senator W. D. Childers, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators W. D. Childers, Crawford, Stuart, Neal, Kiser, McPherson, Dunn, Hair, Beard, Vogt, Castor, Myers, Barron, Gordon, Malchon, Frank, Hill, Johnson, Grant, Meek, Gersten, Grizzle, Peterson, Thurman, Deratany, Fox, Thomas, Margolis, Carlucci, Jennings, D. Childers, Kirkpatrick, Plummer, Scott, Jenne, Girardeau, Mann, Weinstein and Langley—

**SB 9-A**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; providing that the production of certain electric energy, steam energy, or other energy is exempt from the imposition of such tax; providing for certain refunds; providing a retroactive effective date.

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

On motion by Senator Hair, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Hair, Stuart, W. D. Childers, Kirkpatrick, Grant, Kiser, Margolis, Hill, Myers, Vogt, Jenne, Thomas, Malchon, Deratany, Thurman, Plummer, McPherson, Carlucci, Gersten, Dunn, Jennings, Weinstein, Scott, Castor, Johnson, Beard, Crawford, Barron, D. Childers, Peterson and Meek—

**SB 10-A**—A bill to be entitled An act relating to banking; creating s. 658.296, F.S.; providing definitions; prohibiting certain control of deposit-taking institutions; providing for administrative enforcement by the Department of Banking and Finance; providing exemptions; providing severability; providing for repeal; providing an effective date.

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

On motions by Senator Castor, by two-thirds vote SB 2-A was withdrawn from the Committee on Economic, Community and Consumer Affairs and by two-thirds vote placed on the special order calendar.

**SB 2-A**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 1, chapter 84-373, Laws of Florida; specifying counties which may levy a discretionary additional tax for indigent health care; providing an effective date.

On motions by Senator Castor, by two-thirds vote SB 2-A was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Kirkpatrick	Meek	Plummer	Weinstein
Kiser	Myers	Thomas	
Langley	Neal	Thurman	
Margolis	Peterson	Vogt	

Nays—None

Vote after roll call:

Yea—Jennings, Scott

On motions by Senator Neal, the rules were waived and the Committee on Appropriations was granted permission to consider Senate Bills 4-A, 7-A and 8-A at the meeting this day.

On motion by Senator Hair, the rules were waived and the Committee on Commerce was granted permission to consider SB 10-A at the meeting this day.

On motion by Senator Jenne, the Senate recessed at 1:07 p.m. to reconvene at 3:45 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 3:45 p.m. A quorum present—39:

Mr. President	Fox	Jennings	Neal
Barron	Frank	Johnson	Peterson
Beard	Gersten	Kirkpatrick	Plummer
Carlucci	Girardeau	Kiser	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Myers	

**REPORTS OF COMMITTEES**

The Committee on Commerce recommends the following pass: SB 10-A

**The bill was placed on the calendar.**

The Committee on Appropriations recommends the following pass: SB 8-A

**The bill was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.**

On motions by Senator Kirkpatrick, by two-thirds vote SB 5-A was withdrawn from the Committee on Appropriations and by two-thirds vote placed on the special order calendar.

**SB 5-A**—A bill to be entitled An act relating to trust funds; amending s. 215.3205, F.S.; providing that certain trust funds are not abolished absent legislative review; assuring that the rights of holders of certain bonds or other indebtedness are not impaired; eliminating the requirement that the Legislature provide statutory authority for trust funds if none exists; providing an effective date.

On motions by Senator Kirkpatrick, by two-thirds vote SB 5-A was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Barron, Deratany

On motions by Senator Margolis, by two-thirds vote SB 8-A was withdrawn from the Committee on Economic, Community and Consumer Affairs and by two-thirds vote placed on the special order calendar.

**SB 8-A**—A bill to be entitled An act relating to appropriations; providing an appropriation to the City of North Miami of interest earned on funds previously appropriated for construction of an athletic stadium complex to be used in the construction of the project; providing an effective date.

On motions by Senator Margolis, by two-thirds vote SB 8-A was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gersten	Johnson	Neal
Beard	Girardeau	Kirkpatrick	Peterson
Castor	Gordon	Kiser	Plummer
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thomas
Dunn	Hill	McPherson	Thurman
Fox	Jenne	Meek	Vogt
Frank	Jennings	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Barron, Deratany

On motions by Senator Hair, by two-thirds vote SB 10-A was placed on the special order calendar. The vote was:

Yeas—30

Beard	Gersten	Kirkpatrick	Peterson
Carlucci	Girardeau	Langley	Plummer
Childers, D.	Grant	Mann	Scott
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Hill	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	

Nays—5

Mr. President	Frank	Grizzle
Castor	Gordon	

**SB 10-A**—A bill to be entitled An act relating to banking; creating s. 658.296, F.S.; providing definitions; prohibiting certain control of deposit-taking institutions; providing for administrative enforcement by the Department of Banking and Finance; providing exemptions; providing severability; providing for repeal; providing an effective date.

On motions by Senator Hair, by two-thirds vote SB 10-A was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Fox	Kirkpatrick	Plummer
Beard	Gersten	Langley	Scott
Carlucci	Girardeau	Mann	Thomas
Castor	Grant	Margolis	Thurman
Childers, D.	Hair	McPherson	Vogt
Childers, W. D.	Hill	Meek	Weinstein
Crawford	Jenne	Myers	
Deratany	Jennings	Neal	
Dunn	Johnson	Peterson	

Nays—3

Mr. President	Frank	Grizzle
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Vote after roll call:

Nay—Gordon

On motion by Senator Myers, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Myers—

**SB 11-A**—A bill to be entitled An act relating to medical practice; repealing s. 458.303(1)(j), F.S., as created by Committee Substitute for Senate Bill 341 which was passed in the December 6th Special Session of the Legislature, the veto of the Governor notwithstanding, and which allows certain dentists to administer nondental anesthesia.

—which was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

On motions by Senator Myers, by two-thirds vote SB 11-A was withdrawn from the Committee on Health and Rehabilitative Services and by two-thirds vote placed on the special order calendar.

On motions by Senator Myers, by two-thirds vote SB 11-A was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Deratany	Hill	Myers
Barron	Dunn	Jenne	Neal
Beard	Fox	Jennings	Peterson
Carlucci	Frank	Johnson	Plummer
Castor	Gersten	Kirkpatrick	Thomas
Childers, D.	Girardeau	Langley	Thurman
Childers, W. D.	Grant	Mann	Weinstein
Crawford	Grizzle	Meek	

Nays—3

Gordon	McPherson	Scott
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Vote after roll call:

Yea—Hair, Vogt

**VETOED BILLS 1984 REGULAR SESSION**

*Honorable Harry A. Johnston* November 28, 1984  
President of the Senate

Dear Mr. President:

In compliance with the provisions of Article III, Section 8(b), of the State Constitution, I am transmitting to you for consideration of the Senate the following vetoed bills, 1984 Regular Session, with the Governor's objections attached thereto:

- CS for SB 106 Relating to the sales tax
- CS for SB 192 Relating to the Department of Corrections
- CS for SB 210 Relating to electrolysis
- CS for SB's 504 and 681 Creating the Safe Schools Act
- CS for SB 341 Relating to medical practice

Sincerely,  
*George Firestone*  
Secretary of State

*Honorable George Firestone* June 20, 1984  
Secretary of State

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Committee Substitute for Senate Bill 106 enacted by the Eighth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1984, entitled:

An act relating to the sales tax; amending s. 212.63, F.S.; revising the definition of gasohol and extending the exemption from the tax on sales of motor and special fuel; repealing said section on July 1, 1987; providing a tax exemption for certain foreign source gasohol; amending

s. 212.11, F.S.; providing an additional method for calculating estimated tax liability for the years 1986 through 1990; amending s. 212.12, F.S.; providing for waiver or compromise of specified penalties; providing for applying specified penalties to consolidated returns under certain circumstances; providing an effective date.

This bill was introduced at the request of the Department of Revenue to give the Department authority to waive or reduce penalties currently required for failing to properly calculate and remit estimated sales tax payments. The second purpose of the bill was to give taxpayers a third method of calculating their estimated tax liability that, if used, would immunize the taxpayer from penalty without regard to the ultimate accuracy of the estimate.

Two major substantive amendments were added prior to the passage of the bill. The first amendment restricted the current motor fuel tax exemption for gasoline to fuel produced from U.S. agricultural products or byproducts. Although bearing an earlier effective date, this provision was also the principal subject of a bill which has worked its way through the normal committee process and had been passed by the Legislature (CS for CS for HB 970).

The second major amendment terminated, over a period of six years beginning in Fiscal Year 1985-86, the estimated tax provision of the current sales tax statute. This provision, enacted by the 1983 Legislature, required taxpayers with monthly tax due in excess of \$1650 to file and remit, by the 20th day of each month, an estimate of 66 percent of their liability for that month. (Final payments are due by the 20th of the following month.) Committee Substitute for Senate Bill 106 would reduce the portion of total anticipated liability on which the estimated payment is made to 50 percent on January 1, 1986, 40 percent on January 1, 1987, 30 percent on January 1, 1988, 20 percent on January 1, 1989, 10 percent on January 1, 1990 and zero on January 1, 1991. Beginning January 1, 1991, the act would completely reinstate the system of sales tax remittance that obtained prior to the Legislature's action in 1983.

The cost of this new action in terms of funds that will not be received in each year of the phase-in process and will not, therefore, be appropriate until the following fiscal year is displayed in the table below:

Fiscal Year	Funds Not Available for Appropriation Until Following Fiscal Year
1985-86	\$43.3 million
1986-87	33.9 million
1987-88	40.9 million
1988-89	48.9 million
1989-90	57.8 million
1990-91	68.7 million

It is the final consequence of dismantling the current estimated tax remittance procedure that is of greatest concern. Because the funds not received have been incorporated into the State's non-recurring revenue base, these amounts would have to be cut from the budget during each year of the phase-in process, creating fiscal disruption in vital state programs.

The hardship caused by the current law for certain credit-dependent small businesses is readily acknowledged and should be addressed. However, the solution proposed by this bill is unacceptable both because of the fiscal consequences discussed above and because it extends its benefits to businesses unharmed by the current law. Under this bill, businesses which do not generally extend credit would receive a deferral of their liability during which time they would have use of the State's money without cost.

I acknowledge the importance of the problem this bill seeks to address but cannot accept an inequitable solution that creates a new and greater problem for needed state programs. It should be noted that since this provision would not be effective until January 1, 1986, the Legislature will have an opportunity to address this issue during the 1985 Session. I have directed the Department of Revenue and my staff to prepare legislation for the 1985 Session to solve this problem.

Finally, the Legislature, in the process of adding these amendments to the bill, changed the effective date of the portion of the act permitting the Department of Revenue to waive penalties for insufficient payment. This action negates much of the value of the original bill.

For the above reasons, I am withholding my approval of Committee Substitute for Senate Bill 106, Regular Session of the Legislature, commencing on April 3, 1984, and do hereby veto the same.

Sincerely,  
Bob Graham  
Governor

Honorable George Firestone  
Secretary of State

June 25, 1984

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections to Committee Substitute for Senate Bill 192, enacted by the Eighth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1984, entitled:

An act relating to the Department of Corrections; amending s. 944.09, 944.17, 944.19, F.S.; requiring adoption of rules; providing duties of department; providing for recordkeeping; providing for cooperative agreements; providing for commitments, classifications and transfers; providing for job training and placement programs; creating s. 944.331, F.S.; requiring adoption by rule of an inmate grievance procedure; requiring compliance with standards of the United States Department of Justice; requiring application for certification of such procedure; amending s. 944.35 and 944.36, F.S.; substantially revising provisions relating to the use of force against inmates by employees of the department; providing criminal penalties for battery or cruel or inhuman treatment against inmates; requiring reports of use of such force; requiring employees to report instances of unlawful abuse; providing penalties; deleting criminal liability for negligence in permitting prisoners to escape; requiring certain training; repealing s. 944.34, F.S.; amending s. 944.516, F.S., requiring the Department of Corrections to document certain expenditures of inmates placed on extended limits of confinement; amending s. 945.04; providing for seal; providing for use of inmate labor; amending s. 945.091, F.S., requiring documentation of disciplinary reports relating to such inmates; authorizing fines against such inmates; amending s. 945.215, F.S., restricting donations to the Inmate Welfare Trust Fund; amending s. 946.002 and 946.40, F.S., requiring certain inmates to work for political subdivisions; requiring the department to use prisoners in public works; providing that political subdivisions need not reimburse the department for such services; requiring supervision of certain inmates; amending s. 947.01, F.S.; providing the year in which membership of the Parole Commission is reduced; amending s. 948.01, F.S.; providing that circuit courts shall place defendants on probation under the supervision of the department; requiring immediate commencement of probation or community control following incarceration under certain circumstances; amending s. 948.03, F.S.; providing terms and conditions of probation or community control; amending s. 951.02, F.S.; providing for collection of data on local detention facilities; amending s. 958.021, F.S.; providing legislative intent; amending s. 958.03, F.S.; providing definitions; amending s. 958.04, F.S., authorizing the court to designate certain persons as youthful offenders; changing the categories of persons who may be so designated; providing for judicial disposition of youthful offenders; providing circumstances for early termination of probation, community control, or sentence; amending s. 958.06, F.S., expanding the period in which a court may suspend a sentence and place the defendant in a community control program; authorizing the court to set aside adjudication of guilt; amending s. 958.09, F.S., requiring the Department of Corrections to adopt rules; adding subsections (3) and (4) to section 958.09, F.S., extending limits of confinement; creating s. 958.091, F.S., providing for the classification of certain persons as youthful offenders by the department; amending s. 958.11, F.S., restricting youthful offender programs and facilities to eligible youthful offenders; authorizing the assignment of certain youthful offenders to institutions not designated for their care and supervision; amending s. 958.12, F.S., expanding the activities in which a youthful offender may be required to participate; amending s. 958.14, F.S., relating to violations of probation or community control; authorizing the Department of Corrections to reassign certain inmates to nonyouthful offender institutions; providing for severability; repealing s. 958.05, F.S., relating to judicial disposition of youthful offenders; repealing s. 958.10, F.S., relating to the term of confinement in the community control program for youthful offenders; providing severability; repealing ss. 944.13, 944.15, 944.16, 944.18, 944.25, 944.34, 944.551, 944.57, 945.031, 945.081, 945.09, 945.21, 945.26, 946.001, 958.05, 958.10, Florida Statutes, are hereby repealed; providing an effective date.

Committee Substitute for Senate Bill 192 as it passed the Senate and House reflects many hours of labor on the part of both legislative members and staff to deal with perceived problems in our corrections system. There are many excellent aspects of the legislation, however, three provisions of the bill are troublesome.

Sections 24 and 25 of the bill would tighten the criteria the Department may utilize to designate inmates as youthful offenders and require that only inmates who meet the revised criteria may be housed in youthful offender facilities. The revised criteria would enable only those offenders whose age does not exceed twenty-four years, whose sentence length does not exceed ten years, who have not previously been classified as a youthful offender, and who have not been found guilty of a capital or life felony to be classified as youthful offenders. The changes would force the Department to reassign in excess of 900 inmates to adult facilities prior to October 1, 1984. Many of these inmates to be assigned to adult facilities are under twenty years of age. This would disrupt the current method of housing inmates at a time when the Department is attempting to comply prior to July 1, 1985, with the terms of the stipulated settlement agreement entered under the *Costello v. Wainwright*, 489 F. Supp. 1100 (M.D. FLA. 1980), litigation. This disruption would bring undue pressure on the state correctional system regarding accomplishment of this important objective. Originally, this legislation would have permitted the Department to accomplish the reassignment of youthful offender and other inmates over a period of two years, but in the form of its final adoption the Department would be required to immediately transfer the majority of these offenders.

This bill also mandates in Section 13 that the Department of Corrections provide inmate labor to political subdivisions without providing the necessary \$5.9 million appropriation to implement such a policy. The bill also eliminates the Department's current authority to delegate the supervision of inmate work squads with medium custody inmates or with ten or more minimum custody inmates to those governmental entities which utilize these services. Consequently, the Department would be required to provide the inmate labor but has not been given the funds to pay for the needed equipment, transportation, and supervision. The Department would be unable to maintain the current level of inmate labor because it presently contracts with political subdivisions for the supervision of medium custody inmate work squads and for those minimum custody work squads with ten or more inmates. Sound fiscal policy dictates that it is unwise to impose a significant requirement on an agency without providing the necessary resources. Further, curtailing the ability of the Department to provide the existing level of inmate labor to political subdivisions would aggravate the problem of inmate idleness.

This legislation in Section 22 would to authorize judges to retain jurisdiction for the life of the sentence over persons sentenced as youthful offenders or designated as such by the Department of Corrections. The judge would retain jurisdiction for the purpose of mitigating or terminating the original sentence or setting aside adjudication of guilt. As passed by the legislature, such decisions could be left in the sole discretion of the court and statutorily would not require a public hearing nor require the application of objective criteria to assure equal treatment of all offenders. These provisions would constitute a significant departure from the criminal justice system reforms of recent years which have attempted to assure equitable treatment of offenders in the judicial process through the creation of uniform sentencing guidelines and the abolition of parole.

Although there are problems with this bill, it contains many worthwhile provisions relating to corrections reforms. Certain meritorious provisions can be adopted by the Department administratively, including improved inmate grievance procedures, collection of data regarding local jails, and a coordinated approach to inmate job training and placement. Additionally, the desirable features of the bill requiring statutory amendment can be included in the corrections legislation for the 1985 legislative session. The 1984-85 Performance Agreements with the Department of Corrections will also be amended to assure the accomplishment of these administrative tasks.

For the above reasons, I am withholding my approval of Committee Substitute for Senate Bill 192, Regular Session of the Legislature, commencing on April 3, 1984, and do hereby veto the same.

Sincerely,  
Bob Graham  
Governor

Honorable George Firestone  
Secretary of State

June 14, 1984

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Committee Substitute for Senate Bill 210 enacted by the Eighth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1984, entitled:

An act relating to electrolysis; providing definitions; creating the Advisory Council on Electrolysis under the Board of Medical Examiners in the Department of Professional Regulation; providing membership and terms; requiring licensure of electrologists and providing civil penalties; providing for application and examination for licensure; providing for temporary licenses; providing for establishment and collection of fees; authorizing disciplinary actions against licensees; providing circumstances for renewal of license; requiring that electrolysis be practiced in a permanent office; providing exemptions; providing for continuing education; providing for the approval of electrology schools; providing curriculum; providing for licensure of instructors; providing a code of ethics; providing for review and appeal; providing an effective date.

This bill provides for the regulation of individuals practicing electrolysis as defined by this act and creates the Advisory Council on Electrolysis within the Department of Professional Regulation.

The Regulatory Reform Act of 1976 makes clear the intent of the Legislature concerning regulation. It states that no profession, occupation, business, industry, or other endeavor should be subject to the state's regulatory power unless the exercise of such power is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage. The exercise of the state's police power should be used only to the extent necessary for that purpose.

The materials presented and the information gathered for analysis concerning the need for state regulation of the practice of electrolysis establish no clear documentation of consumer complaints which would indicate that significant harm to the public exists; nor, in fact, has there been evidence presented that individuals are utilizing the courts for legal redress against unqualified or incompetent practitioners. In summary, no compelling reasons have been established to necessitate the use of the state's regulatory powers to protect the public health, safety or welfare from significant and discernible harm.

For the above reasons, I am withholding my approval of Committee Substitute for Senate Bill 210, Regular Session of the Legislature, commencing on April 3, 1984, and do hereby veto the same.

Sincerely,  
Bob Graham  
Governor

Honorable George Firestone  
Secretary of State

June 14, 1984

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Committee Substitute for Senate Bills 504 and 681, enacted by the Eighth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1984, entitled:

An act relating to education; creating s. 232.257, Florida Statutes, the "Safe Schools Act"; establishing a trust fund, providing for school district eligibility for funding, and providing a funding formula; requiring school safety program plans and reports; providing for rules; providing an effective date.

This bill addresses the critical concern of the Legislature over increasing vandalism to school district buildings and grounds, which is a concern that I share. However, in creating the School Safety Trust Fund the bill provides for a funding eligibility level of 15,000 or more criminal offenses or a crime rate within the county of 7,000 or more criminal offenses per 100,000 persons. This is in direct conflict with the General Appropriations bill, House Bill 1300 Specific Appropriation 420, and my recommended budget, both of which provide for a funding eligibility level of 20,000 or more Part I criminal offenses.

In order to avoid an inconsistent funding level, and the confusion which may result, a veto of this bill is warranted.

For the above stated reasons, I am withholding my approval of Committee Substitute for Senate Bills 504 and 681, Regular Session of the Legislature, commencing on April 3, 1984, and do hereby veto the same.

Sincerely,  
Bob Graham  
Governor

Honorable George Firestone  
Secretary of State

June 20, 1984

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Committee Substitute for Senate Bill 341, enacted by the Eighth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1984, entitled:

An act relating to medical practice; amending s. 474.214, F.S., requiring a licensee to report certain violations; amending s. 458.303, F.S.; limiting the issuance of medical faculty certificates; permitting qualified dentists to administer nondental anesthesia; amending s. 458.307, F.S.; permitting medical college physicians to be members of the board; amending ss. 458.311, 458.313 and 458.319, F.S.; increasing maximum license fees; clarifying educational requirements for licensure; clarifying examination requirements for licensure by endorsement; relating to graduates of foreign medical schools; creating s. 458.349, F.S.; defining "medical assistant"; providing for duties; providing for certification; amending s. 458.347, F.S.; changing exceptions to the requirements for programs for the education and training of physician's assistants; amending s. 381.494, F.S.; providing an effective date.

This bill addresses several professions within the Department of Professional Regulation. It sets forth a procedure for dealing with impaired veterinarians. Provisions relating to Chapter 458, Florida Statutes, concerning medical practice, include a limitation on the issuance of medical faculty certificates; removal of a prohibition in current law forbidding medical college physicians from sitting on the State Board of Medical Examiners; increasing licensure and examination fees; and clarifying certain requirements for licensure by endorsement. The bill also strengthens the section of law dealing with physician's assistants by removing exemptions; and it clarifies the certificate-of-need process for osteopathic acute-care hospitals.

Certain provisions in this bill are particularly laudable. I refer specifically to sections relating to graduates of foreign medical schools and to the newly defined profession of "Medical assistant." Each of these provisions would open the doors for qualified foreign-trained health care professionals to serve in the careers for which they have trained and for which they have proven themselves capable under Florida Law.

The section directly relating to these graduates was developed with the active assistance of the Department of Professional Regulation. This provision would provide flexibility for foreign-trained graduates to take the state licensing exam, if it is available, before completion of an approved internship; at the same time, early examination would not eliminate the requirement of completing the internship, nor would it otherwise interfere with statutory safeguards for licensure.

The bill also creates the new category of "medical assistant," to mean a person who assists in all aspects of medical practice under the direct responsibility of a physician. This category, which would differ from that of the physician's assistant who need not be under direct supervision, would allow foreign-trained personnel to work in related fields while they wait to begin internships.

I am supportive of allowing access to the regulated professions for foreign-trained individuals who demonstrate ability to meet state standards for practice. Therefore, I supported the original concept of this bill; and I am disappointed that I cannot sign into law this year.

My objections to the bill focus on a section which was added on the floor of the Senate, without having gone through the regular legislative committee process. As amended, the bill allows administration of nondental anesthesia by a Florida-licensed dentist who has completed a residency program in anesthesiology at a school of medicine approved by the Board of Medical Examiners.

Anesthesia is one of the most complex fields of medical practice, traditionally ranking first or second in malpractice insurance rates in every state in the nation. In Florida, total claims have dropped in recent years, due to efforts by the profession and its regulators, but the severity of claims filed remains the highest among all medical insurance classes.

In anesthesiology, as in all other health professions regulated by the State, several issues must be considered. The most paramount, obviously, is that of the health and safety of patients, but the State also bears a responsibility for the economic impact of regulation. Health care costs must not be driven up unnecessarily because competition is unreasonably restricted to only a portion of those individuals competent to practice safely and effectively.

Both health safety and economic issues need to be studied carefully in regulatory decisions about widening or narrowing scopes of practice. Before I could sign into law any legislation opening the delicate area of anesthesiology to persons previously unlicensed for the purpose, I must be satisfied that numerous questions have been systematically addressed and answered by the legislature. Such questions should include:

- Whether dentists trained as provided under this bill could perform anesthesia with competence equal to that of an anesthesiologist otherwise medically trained.
- Whether there is reasonable evidence to believe that health and safety risks would increase if this scope of practice were added to Florida law.
- What would be the appropriate procedure for licensure, oversight and discipline by the Department of Professional Regulation for such practitioners.

For the above reasons, I am withholding my approval of Committee Substitute for Senate Bill 341, Regular Session of the Legislature, commencing on April 3, 1984, and do hereby veto the same.

Sincerely,  
Bob Graham  
Governor

**The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.**

On motion by Senator Myers, by two-thirds vote CS for SB 341 (1984 Regular Session) together with the Governor's objections thereto was withdrawn from the Committee on Rules and Calendar and taken up.

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

CS for SB 341 passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dunn	Hill	Neal
Barron	Fox	Jenne	Peterson
Beard	Frank	Jennings	Plummer
Carlucci	Gersten	Johnson	Scott
Castor	Girardeau	Kirkpatrick	Thomas
Childers, D.	Gordon	Langley	Thurman
Childers, W. D.	Grant	Margolis	Weinstein
Crawford	Grizzle	Meek	
Deratany	Hair	Myers	

Nays—2

Mann                      McPherson

Vote after roll call:

Yea—Vogt

On motion by Senator Jenne, the Senate recessed at 4:40 p.m., awaiting the call of the President.

The Senate was called to order by the President at 5:20 p.m. A quorum present.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Harry A. Johnston, II, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members voting on December 6, 1984, the Governor's objections notwithstanding—

HB 1302 (1984 Regular Session)—An act relating to educational facilities construction and funding; authorizing specified acquisitions and authorizing and providing funding for specified public education capital outlay projects and planning therefore; amending s. 1(3)(a), chapter 82-240, Laws of Florida; deleting a payback requirement for Chipola Junior College; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

*Honorable George Firestone*  
Secretary of State

June 14, 1984

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections House Bill 1302 enacted by the Eighth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1984, and entitled:

“An act relating to educational facilities construction and funding; authorizing specified acquisitions and authorizing and providing funding for specified public education capital outlay projects and planning therefor; amending s. 1(3)(a), chapter 82-240, Laws of Florida; deleting a payback requirement for Chipola Junior College; providing an effective date.”

The decision to veto the Public Education Capital Outlay (PECO) Bill has been made after thoughtful consideration of the immediate and long-term implications.

Department of Education officials have informed me that appropriations from the PECO Bill will not be available for distribution until March of 1985. This delay is caused by a vote in November of 1984 on a constitutional amendment which will extend the funding authority for this program. If successful, this extension of funding authority will be subject to judicial validation.

Should the constitutional amendment fail, the Legislature should have the opportunity to reassess the State's total effort to fund the capital needs of public education.

The policy implications of House Bill 1302 are very serious and, in my judgment, fail to address the priority needs of Florida education.

Florida's public schools are in the midst of a renewed surge of enrollment. The actual and projected full time equivalent enrollments for Florida's K-12 program are:

School Year	FTE Enrollment	Increase/(Decrease) Over Prior Years	Percent Increase/(Decrease) Over Prior Years
1977-78	1,553,382		
1978-79	1,540,286	(13,096)	(0.8)
1979-80	1,540,466	180	0.0
1980-81	1,537,951	(2,515)	(0.2)
1981-82	1,523,028	(14,923)	(1.0)
1982-83	1,528,271	5,243	0.3
1983-84	1,533,909	5,638	0.4
1984-85	1,553,108	19,199	1.3
1985-86	1,572,879	19,771	1.3
1986-87	1,594,127	21,248	1.4
1987-88	1,616,156	22,029	1.4
1988-89	1,635,681	19,525	1.2
1989-90	1,657,048	21,367	1.3
1990-91	1,689,619	32,571	2.0
1991-92	1,720,178	30,559	1.8
1992-93	1,761,696	41,518	2.4
1993-94	1,803,446	41,750	2.4
1994-95	1,848,599	45,153	2.5

In addition to meeting total enrollment requirements, the Legislature has committed Florida to important education reforms. Many of these reforms have capital outlay requirements.

For example, by the 1986-87 school year, all graduating seniors must have completed three years of science instruction, with a laboratory science course. It is estimated that the cost of constructing and equipping Florida high schools with sufficient laboratory facilities to meet this graduation requirement will be in excess of \$50,000,000.

My recommendations for appropriations from the Public Education Capital Outlay and Debt Service Trust Fund to the public school districts total \$131,645,443, including a \$5,000,000 appropriation from the General Revenue Fund to augment \$11,000,000 in PECO funds for secondary school science facilities. The sum of the appropriations found within this bill for public school districts total only \$88,384,120, an amount that I feel is insufficient to allow districts to maintain present facilities and provide new facilities to meet requirements placed on them by enrollment growth and curriculum reform.

The public school allocation has been a declining portion of total PECO funds available.

**K-12 New Construction and Maintenance and Repair Allocations Compared to the Total PECO Appropriation**

School Year	Total PECO Allocation*	K-12 New Construction and Maintenance Allocations	K-12 New Construction and Maintenance as a % of Total
1976-77	161,100,000	102,529,360	63.64
1977-78	160,000,000	90,558,768	56.60
1978-79	144,900,000	82,890,613	57.21
1979-80	199,852,671	130,229,582	65.16
1980-81	207,282,484	114,125,123	55.06
1981-82	174,263,291	91,304,559	52.39
1982-83	201,170,316	92,160,520	45.81
1983-84	223,501,907	125,596,418	56.19
1984-85	185,243,575	88,384,120	47.71

\*New Construction and Maintenance funding for public schools, community colleges and state universities and “off the top” projects.

In addition, this bill limits the allocation to secondary school science facilities to \$10,000,000, which is \$6,000,000 below our recommendation. Failure to accelerate State funding will frustrate a major education goal or thrust the funding burden back on the school districts.

Conversely, projects funded “off the top” or before the application of distribution formulas to the school districts, community colleges and state universities, have increased significantly.

**“Off the Top” Funding for PECO Projects Compared to the Total PECO Appropriation**

School Year	Total PECO Allocation	“Off the Top” Funding	“Off the Top” Funding as a % of Total
1976-77	161,100,000	8,040,334	4.99
1977-78	160,000,000	5,572,230	3.48
1978-79	144,900,000	6,405,908	4.42
1979-80	199,852,671	8,306,828	4.16
1980-81	207,282,484	6,200,900	2.99
1981-82	174,263,291	6,091,682	3.50
1982-83	201,170,316	13,720,763	6.82
1983-84	223,501,907	18,727,039	8.38
1984-85	185,243,575	36,618,873	19.77

While many of these projects are worthy, their collective scale has distorted education priorities away from the public school at the time when Florida's elementary and secondary needs are burgeoning.

Citizens concerned with the future of public education in Florida, particularly members of the Legislature, have important responsibilities before them in the next months.

It is imperative that we provide all citizens with the information necessary to assure successful passage of the public education capital outlay constitutional amendment in November.

With public support, we must reassess the policies which are utilized in distributing these public funds, including:

- The type, extent, conditions and priorities of "off the top" projects.
- The appropriateness of existing methodologies to evaluate unmet needs by the various sectors of public education.
- The extent to which PECO and other State sources, rather than local property taxes, should be the basis for funding elementary and secondary capital outlay.
- The capital outlay requirements of current or contemplated public education reforms.

This will be a year of challenge and thoughtful consideration. I look forward to working with the Legislature toward these constructive ends.

For the above reasons, I am withholding my approval of House Bill 1302, enacted during the Regular Session of 1984, commencing on April 3, 1984, and do hereby veto the same.

Sincerely,  
*Bob Graham*  
 Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules and Calendar.**

On motion by Senator Neal, by two-thirds vote HB 1302 (1984 Regular Session) was withdrawn from the Committee on Rules and Calendar and taken up.

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

HB 1302 passed by the required constitutional two-thirds vote of all members present and was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dunn	Jenne	Meek
Barron	Fox	Jennings	Myers
Beard	Frank	Johnson	Neal
Carlucci	Girardeau	Kirkpatrick	Peterson
Castor	Gordon	Kiser	Scott
Childers, D.	Grant	Langley	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Plummer, Vogt

Senator Jenne announced that the Committee on Appropriations would meet at 9:00 a.m., December 7.

On motion by Senator Jenne, the Senate adjourned at 5:31 p.m. to reconvene at 10:00 a.m., Friday, December 7.