Journal of the Senate

Number 21 **Friday, May 30, 1986**

PRAYER

The following prayer was offered by Major Thomas Jones, The Salvation Army, Tampa:

Our Father, we thank you for your continuing goodness to us, and for your blessings upon the people of this state.

As these representatives of the people meet today, we pray that you will grant them the wisdom they need to correctly interpret your will for our lives. Guide us in paths that are right and let us not forget your care and concern extends to all who live on this, your Earth.

Be with us and bless us today, for we pray in the Master's name. Amen.

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

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

Excused: Senator Neal, periodically, to work on the appropriations bill; Senators Johnson and Stuart

Excused: members of the various conference committees, periodically throughout the day

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, May 30, 1986: CS for SB 752, CS for SB 485, CS for SB 486, CS for CS for SB 1172, CS for CS for SB 1111, CS for SB's 999 and 742, CS for CS for SB 1012, CS for SB 460, CS for SB 115, CS for SB 516, CS for CS for SB 613, SB 448, SB 195, SB 200, SB 622, SB 734, CS for SB 780, CS for SB 973, SB 72, SB 689, CS for CS for SB's 432 and 281

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Rules and Calendar recommends the following pass: CS for SB 81 with 2 amendments, SB 263 with 2 amendments, CS for SB 410, CS for SB 533, SB 649, SJR 836, SB 1082, SB 1173 with 3 amendments, CS for SB 1245, CS for SB's 296, 297 and 298

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends the following pass: SB 282

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Commerce recommends the following pass: SB 1123

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends the following pass: SB 1213, SB 1338

The Committee on Rules and Calendar recommends the following pass: SM 264, CS for SB 353 with 1 amendment, SB 378, SJR 710

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Rules and Calendar recommends the following not pass: SJR 329

The bill was laid on the table.

The Committee on Education recommends committee substitutes for the following: SB 27, SB 1195, SB 1209, SB 1002

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 922

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 607, CS for SB 1090

The bills with committee substitutes attached were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 30, 1986

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bill 643; House Bills 912, 1209, 1259

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 54, 90, 91, 93, 112, 117, 120, 171, 173, 196, 245, 304, 305, 343, 404, 437, 439, 550, 556, 585, 602, 666, 691, 704, 724, 738, 838, 840, 918, 1018, 1027, 1047, 1159, 1160, 1256, 1263, 1265, 1270, 1277, 1288, 1297, 1298, 1315, 1327, 1330, 1332, 1333, 1334, 1335; House Bills 13, 71, 72, 95, 340, 358, 415, 471, 483, 525, 547, 620, 685, 696, 723, 941, 961, 967, 969, 972, 998, 1003, 1039, 1045, 1132, 1148, 1158, 1216

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bill 660; House Bills 254, 381, 393, 558, 948, 1028

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Education and Senator Castor—

CS for SB 27—A bill to be entitled An act relating to vocational education; establishing the Vocational Inservice and Business Exchange Program; providing for administration of the program; providing for the awarding of staff development grants to vocational educators to gain work experience in business and industry; providing eligibility criteria for the receipt of such grants; providing a grant application procedure; creating the Vocational Inservice and Business Exchange Review and Selection Committee; providing for committee membership; providing for duties of the committee; authorizing the employment of business and industry employees in exchange; establishing the Vocational Inservice and Business Exchange Trust Fund; providing for use of moneys of the fund; amending s. 236.081, F.S.; providing that students who complete two-thirds of a job preparatory vocational program may substitute credit for a portion of the academic credits required for high school graduation; requiring the Department of Education to develop pretechnical vocational courses that may be substituted for the required credits in English, mathematics, and science; requiring the State Course Code Directory to include such pretechnical vocational courses, beginning with the 1989-1990 school year; directing the Department of Education to submit an alternative vocational program funding structure to the Legislature by March 1, 1987; providing an effective date.

By the Committees on Appropriations and Natural Resources and Conservation and Senator Stuart—

CS for CS for SB 607—A bill to be entitled An act relating to environmental regulation; amending ss. 403.021, 403.061, 403.0861, 403.087, 403.0871, 403.0876, 403.919, 403.165, 403.1835, 403.201, 403.509, 403.511, 403.516, 403.7264, 403.7265, 403.806, 403.813, 403.853, 403.861, 403.916, 403.919, 20.261, 403.8081, 403.0862, 403.1834, 403.101, F.S.; providing public policy; removing certain limitations on designation of Outstanding Florida Waters; changing the date for the adoption of discharge standards for scallop processing; providing for collection and disposition of fees; providing for use of pollution awards; providing for comments from a special-purpose committee; providing a revolving loan program for sewage treatment facilities; requiring plans and specifications prior to loan approval; limiting the use of loans; authorizing penalties for delinquent repayments; authorizing the use of federal funds; authorizing the Department of Environmental Regulation to establish rules for prioritizing projects; establishing administrative requirements for local governments receiving assistance; providing clarifications; limiting certification conditions and variances; providing additional hazardous waste amnesty days; providing for hazardous waste grants; providing exemptions from permitting requirements; providing circumstances for adoption of drinking water standards more stringent than federal standards; providing for local participation in permitting; providing equitable distribution considerations; establishing a Division of Environmental Operations; prescribing powers and duties; providing for discharging wastes from state groundwater clean-up operations; providing for the issuance of state bonds for stormwater control and treatment facilities; defining racketeering; exempting certain certificates and renewals from s. 120.60(3), F.S.; providing for activities of the Vegetative Index Review Committee; establishing a special unit for permit coordination and processing in the Division of Permitting of the Department of Environmental Regulation; establishing procedures for processing of applications; providing for fees; providing for expedited administrative hearings; providing additional positions; designating the channel at the mouth of the Suwannee River as the "Perry C. McGriff Channel;" providing for markers; providing an appropriation; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Thomas—

CS for SB 922—A bill to be entitled An act relating to taxation; amending s. 200.065, F.S.; changing dates, times, notices, and requirements for methods of fixing millages; amending s. 373.536, F.S.; changing the date for advertising school district budgets; amending s. 193.1142, F.S.; providing requirements with respect to review notices issued to property appraisers by the Department of Revenue; providing an effective date.

By the Committees on Appropriations and Health and Rehabilitative Services and Senator Fox—

CS for CS for SB 1090—A bill to be entitled An act relating to medical practice; revising, reviving, and readopting, notwithstanding scheduled repeal, ch. 458, F.S.; amending ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, 458.313, 458.319, 458.321, 458.322, 458.324, 458.327, 458.331, 458.3315, 458.347, F.S.; creating s. 458.314, F.S.; providing purpose; providing exceptions; changing the name of the Board of Medical Examiners to the Board of Medicine; increasing membership of the board; specifying effect of rules; providing fees; providing for licensure by examination; providing for licensure by endorsement; providing for certification of foreign educational institutions; providing for renewal of licenses; providing for reactivation of inactive licenses; providing for notice relating to Medicare assignments; prohibiting certain unregistered practice; providing penalties; specifying grounds for disciplinary actions; establishing an Impaired Practitioners Committee; providing for approval of treatment providers; providing for appointment of impaired practitioner consultants; providing for involvement of a board's probable cause panel; providing that certain collaboration between a treatment provider or consultant and the practitioner is a felony of the third degree; providing penalties; providing immunity from liability; deleting reference to shortage and geographic maldistribution of health care services in the state; redefining "physician assistant", "supervision", and "proficiency examination"; outlining the performance of supervising physicians, assistants, and trainees; establishing new certification and temporary certification guidelines for physician assistants; deleting reference to application approval; creating a physician assistant committee; deleting reference to revocation of approval; providing provisions for denial, suspension, or revocation of certification; deleting reference to fees; amending s. 458.3485, F.S.; providing an additional duty for a medical assistant; imposing a duty on physicians to provide indigent health care; providing for an indigent care assessment; providing for exceptions to the assessment; increasing Medicaid physician fees; allowing to stand repealed as scheduled ss. 458.315, 458.316, 458.317, 458.333, F.S., relating to temporary certificates of need, public health certificates, limited licenses, and prescription of amygdalin (laetrile); amending s. 110.131, F.S.; requiring the Department of Administration to approve extensions for other personal service employment under certain circumstances; amending s. 768.28, F.S.; providing a definition and extending sovereign immunity to certain persons; providing that certain physicians may renew their certificate or license; providing for future repeal and legislative review; repealing s. 458.320, F.S., relating to financial responsibility; providing an effective date.

By the Committee on Education and Senators Castor, Peterson and Crenshaw—

CS for SB 1195—A bill to be entitled An act relating to community colleges; amending ss. 228.072, 240.301, 240.311, 240.35, 240.347, F.S.; providing for funding of college preparatory instruction and community instructional programs; requiring annual reports; providing for matriculation and tuition fees; providing for use of financial aid moneys; providing for investment of certain appropriations; creating s. 240.358, F.S.; establishing the Community College Small Donor Trust Fund; providing for fund distribution and administration; amending s. 240.359, F.S.; providing a formula for determining community college funding; amending s. 240.36, F.S.; providing for allocation of certain excess trust fund moneys; amending s. 229.8052, F.S.; providing for a satellite network at educational institutions; amending ss. 240.311, 240.325, 240.349, 240.35, 240.353, 240.355, 240.359, 240.36, 240.361, 240.377, F.S.; substituting the State Board of Community Colleges for the State Board of Education; amending s. 240.311, F.S.; requiring the State Board of Community Colleges to prescribe minimum standards for community college operations; amending ss. 240.319, 240.345, 240.359, 240.363, 240.379, F.S.; adding reference to State Board of Community Colleges rules; amending s. 228.2001, F.S.; allowing the Commissioner of Education to delegate certain authorities to the Executive Director of the State Board of Community Colleges; providing an effective date.

By the Committee on Education and Senator Castor—

CS for SB 1209—A bill to be entitled An act relating to education; creating s. 229.602, F.S., the Florida Private Sector and Education Partnership Act; providing intent; providing for the designation of district private sector and education partnership coordinators; providing duties; providing for the designation of an office to function as a clearinghouse and provide training; providing for grants to school districts; providing an appropriation; providing for review and repeal; creating ss. 229.86, 229.87, 229.88, 229.89, F.S.; establishing a Board of Public Schools of the Department of Education; providing for appointment of members and qualifications; providing for organization, meetings, and fiscal year; providing powers and duties; providing for the appointment of an executive director; amending s. 20.15, F.S., relating to the Department of Education, to conform; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

Senator Dunn presiding

Senator Langley moved that the rules be waived and HB 1 be withdrawn from the Committees on Judiciary-Criminal and Governmental Operations. The motion failed. The vote was:

Yeas—12

Beard	Gersten	Kirkpatrick	Mann
Crenshaw	Grant	Kiser	Scott
Deratany	Jennings	Langley	Vogt

Nays—22

Mr. President	Fox	Hill	Neal
Barron	Frank	Jenne	Thomas
Castor	Girardeau	Malchon	Thurman
Childers, D.	Gordon	Margolis	Weinstein
Crawford	Grizzle	McPherson	
Dunn	Hair	Meek	

Vote after roll call:

Yea— Plummer

Nay to Yea—Thurman

On motion by Senator Jenne, the following remarks were published in the journal:

Senator Langley: This is the concealed weapons bill we passed last year and the Governor vetoed and we were two votes short of overriding on a veto this year. We want to pass it again and give the Governor another opportunity to look at it and maybe learn a little more about what it does and not veto it this year.

Senator Johnston: I had elected not to come to the floor to speak on any bill in two years as presiding officer because I question the wisdom of the presiding officer coming to the floor to discuss merits or demerits of a bill. And I shall not do that right now. But I shall quote Senator Barron from his speech yesterday about the rules and the process. I agree, and have said time and time again—the process and protecting the process is more important than the outcome. What Senator Langley is about to set into motion this morning is a move to really violate the process—that is to start removing bills from committees summarily where they have not been heard. If we do this—and again I'm not arguing the merits of the bill—but if we do this we are initiating a process and setting a precedent from which we cannot recede during this session and sessions to come in the future.

Senator Jenne: I would like to quote from the rules so everyone understands, "Except by unanimous consent of those present, no bill shall be considered by the Senate after the fiftieth day of a regular session if the bill has not been first reported favorably by at least one committee."

So no matter what this bill is, to remove it from committees and take it up requires unanimous consent, and any member of this body may object to that.

Senator Barron: I rise to make an observation in this debate. I voted for the bill and would vote for the bill again, but I think the real issue here is political rather than substantive. I don't want anyone to misunderstand where my philosophy is, but as Senator Jenne pointed out, and as the President has pointed out, this is just a political matter at this point.

I wouldn't want anybody to misunderstand my vote, but I am going to vote not to waive the rules and take it up because you couldn't take it up, even if you got it on the calendar, as Senator Jenne pointed out.

The President presiding

On motions by Senator Neal, by two-thirds vote SB 442, CS for SB 397, CS for SB 426, CS for CS for SB 711, CS for SB 859, CS for CS for SB 891, CS for SB 935, CS for SB 978, CS for SB 1145 and CS for SB 1235 were withdrawn from the Committee on Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 302, CS for HB 618; has passed as amended CS for CS for HB 644 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 302—A bill to be entitled An act relating to education; amending s. 233.057, F.S., relating to responsibilities of reading resource specialists; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Governmental Operations and Representative Selph—

CS for HB 618—A bill to be entitled An act relating to planning and budgeting; amending s. 216.102, F.S.; requiring the annual filing of specified financial information by state agencies with the Comptroller; providing duties of the Comptroller regarding preparation and distribution of annual financial statements for the state; deleting provision for certification to the Executive Office of the Governor of complying agencies; revising penalties imposed on noncomplying agencies; providing for rules; repealing s. 216.091(1)(c), F.S., relating to the Comptroller's duty to prepare a financial balance sheet for the state annually; providing an effective date.

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

By the Committees on Appropriations and Commerce and Representative Burnsed and others—

CS for CS for HB 644—A bill to be entitled An act relating to securities transactions; creating the Securities Industry Standards Act of 1986; amending s. 20.12, F.S.; renaming the Division of Securities of the Department of Banking and Finance as the Division of Securities and Investor Protection; amending s. 517.021, F.S.; providing definitions with respect to the "Florida Securities and Investor Protection Act"; amending s. 517.051, F.S., relating to exempt securities, to include self-insurance agreements; amending s. 517.061, F.S., relating to exempt transactions, to correct a cross-reference; amending s. 517.07, F.S.; eliminating language with respect to permits in excess of 1 year for the sale of certain debt securities; amending s. 517.082, F.S.; providing for notification registration; amending s. 517.12, F.S., relating to the registration of dealers, associated persons, investment advisers, and branch offices; creating s. 517.122, F.S.; providing for arbitration; amending s. 517.161, F.S.; providing for restricted registration of dealers, investment advisers, or associated persons; providing additional grounds for denial, suspension, or restriction of registration; amending s. 517.221, F.S.; providing for cease and desist orders; amending s. 517.301, F.S.; defining the term "investment"; amending s. 517.302, F.S.; providing for criminal penalties, alternative fines, the creation of the Anti-Fraud Trust Fund, and a time limitation on criminal prosecutions; amending s. 517.311, F.S.; providing for required disclaimers; providing for review and repeal; providing an effective date.

(Substituted for CS for CS for SB 613 on the special order calendar this day.)

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Ogden, Mills, Burke and McEwan as the Managers on the part of the House on CS for HB 1307.

Allen Morris, Clerk

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments and passed CS for SB 179 as amended.

Allen Morris, Clerk

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

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 128, 308, 515, 544, 547, CS for SB 842, Senate Bills 1031, 1280, 1281, 1283, 1289, 1291, 1293; has receded from House Amendment and passed CS for SB 858.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Harry A. Johnston, II, President

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

HB 1381—A bill to be entitled An act relating to state government; providing legislative intent; authorizing the Administration Commission to approve certain transfers related to reorganization; providing requirements for the purchasing or leasing of automobiles; restricting the transfer or utilization of services of certain employees; restricting price at which vehicles may be purchased; restricting lease or installment purchase of equipment by the executive or judicial branches unless approved by the Comptroller; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; providing restrictions with respect to advances for program start-up or advances for contracted services; pro-

viding for waiver of such restrictions; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; requiring the Department of Transportation to allocate resources to districts prior to a specified date; authorizing Deputy Assistant Secretaries in the Department of Transportation to reallocate certain resources within their district under certain circumstances; providing for reports; authorizing the Department of Transportation to advance certain funds to the Tallahassee Municipal Airport; authorizing the Department of Transportation to advance certain funds to Tri-County Airport, Walton County Airport, TICO Airport, Gainesville Airport, Orlando International Airport, and Pensacola Regional Airport; providing for expenditure of certain funds for a new Florida Highway Patrol Station in Brevard County, rather than in Melbourne; specifying that certain funds shall be a loan from the Department of Professional Regulation to the Soil Survey Program of the Department of Agriculture and Consumer Services; restricting the use of Special Category Contract Education funds of the Department of Corrections; providing for contract educational services; abrogating the abolition of the trust funds of certain agencies; providing procedures for state agencies with respect to solicitation for contractual training needs; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing for the inclusion of certain students in educational alternative programs; retitling certain educational programs; modifying procedures for determining annual allocations to school districts; providing for the establishment of enrollment ceilings by program groups; restricting the implementation of certain provisions of law; providing that district school boards may levy a nonvoted discretionary millage; providing procedures to be used in determining annual allocations through the Florida Education Finance Program; amending s. 212.11, F.S., providing additional criteria for the payment of estimated sales taxes; authorizing the Comptroller to withhold certain funds for electronic data processing equipment pending security related risk analysis; requiring budget entities to meet certain approved annual salary rate restrictions; authorizing an appropriation from the Public Medical Assistance Trust Fund to Jackson Memorial Hospital for indigent care; directing the Department of Administration to ensure reimbursement for health insurance claims within a certain period; authorizing assessment of penalties or withholding of fees; limiting Department of Health and Rehabilitative Services expenditures for the purchase of wood pellets; authorizing certain transfer of funds from the Working Capital Fund to the General Revenue Fund to offset reductions in federal funds; authorizing the Department of Administration to use the discretionary paid holiday for Career Service System employees as a paid holiday commemorating the birthday of Dr. Martin Luther King, Jr.; providing a retroactive effective date and an expiration date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motions by Senator Neal, by unanimous consent HB 1381 was taken up out of order and by two-thirds vote read the second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—On page 4, line 13, strike everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the following implementing and administering provisions apply for the General Appropriations Act for fiscal year 1986-1987.

Section 2. Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the Administration Commission may approve the necessary transfers to accomplish the purposes of such reorganization.

Section 3. All automobiles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class, except vehicles used for law enforcement purposes, used as tow vehicles, routinely used to transport more than three adults or bulk materials, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be the smallest class that can safely and adequately meet the transportation requirements. The exception from the subcompact vehicle requirement for law enforcement purposes does not apply to state attorneys and public defenders.

Section 4. Funds in the General Appropriations Act may not be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Department of General Services, Division of Purchasing.

Section 5. Funds provided in the General Appropriations Act may not be used to acquire equipment in the executive or judicial branches through a lease, lease purchase, or installment purchase arrangement, unless approved by the Comptroller as economically prudent and cost-effective. This restriction does not apply to equipment which requires approval of the Information Resource Commission.

Section 6. Funds appropriated in the General Appropriations Act for the executive branch to contract for legal services may not be expended without prior approval of the Attorney General. This approval shall include a certification that the legal services requested cannot be provided by the Office of the Attorney General. For agencies funded from trust funds, the Attorney General may require that the legal services be provided from the Office of the Attorney General on a contractual basis. Legal services necessary pursuant to part II, chapter 284, Florida Statutes, are exempt from the requirements of this section. Also exempt from the requirements of this section are contracts for legal services entered into by the Florida Board of Regents for defense of general liability claims, including professional liability claims, which are covered by the self-insurance programs created pursuant to s. 240.213, Florida Statutes.

Section 7. Specific appropriations are provided in the General Appropriations Act from funds available to the State of Florida due to settlements of litigation brought by the United States Department of Energy against oil companies and refineries. Other statutory provisions to the contrary notwithstanding, funds received as a result of federal statute or administrative or regulatory actions requiring the disbursement to states of refund moneys for alleged overcharges for crude oil or refined petroleum products sold during the period of time in which federal price controls on such crude oil and refined petroleum were in effect, whether by themselves or in conjunction with other moneys appropriated by the Legislature, may not be expended unless specifically appropriated by the Legislature in the General Appropriations Act.

Section 8. Any agency that has been expressly authorized by other law to make advances for program start-up or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount which may be advanced may not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements may only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This provision shall not be construed as lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Comptroller may, after consultation with the Legislative Appropriations Committees, waive the requirements of this section if it is determined to be consistent with the intent of the General Appropriations Act or the Letter of Intent.

Section 9. (1) Annually, the Commissioner of Education shall obtain the cost of all residential nonpublic school contracts and calculate the cost to be reimbursed. The commissioner shall calculate by district and by student the total cost of the contracts and deduct the amount of the weighted FTE generated plus the amount of federal handicapped entitlement funds per student and any amount paid by the Department of Health and Rehabilitative Services, or other federal, state, or local agency. Sixty percent of the difference between the actual cost of contract and the funds deducted is eligible for reimbursement.

(2) The commissioner shall request from the Legislature annually the amount of funds needed to reimburse the districts as calculated in subsection (1). If the Legislature does not appropriate the full amount requested, the amount appropriated shall be prorated among all eligible students.

Section 10. All moneys appropriated in the General Appropriations Act to the Department of Education are conditional upon each district school board, each community college board of trustees and the Board of Regents securing prior approval from the Commissioner of Education before purchasing or leasing any electronic data processing equipment or software costing in excess of $6,000 in any 12-month period. In granting approval, the commissioner must ensure that the software or equipment is compatible with the Florida Information Resources Network, and that the costs of educational computing are reduced by making the best use of existing hardware and software. The Commissioner of Education shall give priority to improving information systems, with specific emphasis on common data definitions and data handling procedures which will provide analyses and reports utilizing data from school districts, community colleges, or state universities. Such development must be carried out through a centrally coordinated and supervised effort.

Section 11. Other statutory provisions to the contrary notwithstanding, alternative education programs funded in the General Appropriations Act include students as specified in s. 232.01(1)(d)2., Florida Statutes, who could benefit from a special class or program better suited to their special needs. Bilingual education programs shall not be considered within the definition of alternative education programs. The provisions of s. 236.081(1)(c), Florida Statutes, to the contrary notwithstanding, the programs identified as Speech and Hearing Part-Time and Deaf shall be retitled Speech, Language, and Hearing Part-Time and Speech, Language, and Hearing, respectively.

Section 12. The provisions of s. 394.76(8), Florida Statutes, to the contrary notwithstanding, no additional matching funds may be required solely due to the addition in the General Appropriations Act of Alcohol, Drug Abuse, and Mental Health Block Grant Funds for local community mental health centers and alcohol project grants.

Section 13. The provisions of s. 236.081, Florida Statutes, to the contrary notwithstanding, the following procedure shall be followed in determining the annual allocation to each district for operation:

(1) The Department of Education shall review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district.

(2) Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP.

(3) As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of all basic programs other than the programs in group 1, all exceptional child programs, and all vocational programs in grades 7-12. Group 3 shall be composed of all adult education programs.

(a) The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group.

(b) If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

1. The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

2. If the difference calculated under subparagraph 1. is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

3. The reduction proportion calculated under subparagraph 2. shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under subparagraph 1.

4. The prorated reduction amount calculated under subparagraph 3. shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

5. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

a. Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

b. By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

Section 14. The Department of Law Enforcement may deposit revenues received as a result of state or federal criminal proceedings into the Forfeiture and Investigative Support Trust Fund.

Section 15. The provisions of s. 216.011, Florida Statutes, notwithstanding, funds provided in any specific appropriation in the General Appropriations Act for fiscal year 1986-1987 may be advanced if the General Appropriations Act specifically so provides.

Section 16. Notwithstanding the provisions of s. 112.24, Florida Statutes, any individual filling a position authorized in section 1 of the General Appropriations Act for any state agency may not be transferred to or his services utilized by any other state agency, unless the using agency pays for such services which are in excess of 1 week.

Section 17. Notwithstanding the provisions of s. 216.181, Florida Statutes, the Department of Corrections may not expend any of the funds provided in the General Appropriations Act from the Special Category Contract Education for any purpose other than to purchase educational services for inmates from accredited Florida educational institutions.

Section 18. Unless otherwise authorized by law, each agency shall solicit state-funded educational institutions for each procurement of contractual services to fulfill agency training needs. Those interested institutions shall respond in writing to the requesting agency within 21 days after notification by the agency. If the institution fails to respond or if the responses are not cost-effective, as determined by the agency, the agency may solicit other providers. The Department of General Services shall administer the provisions of this section.

Section 19. In order to create an incentive to encourage state employees to establish and maintain physical fitness and healthy lifestyles, differential premium rates for coverage under the state group health insurance plan which recognize the increased risk associated with use of tobacco products, abnormal body weight, and abnormal blood pressure shall, with the assistance of the Department of Insurance, be implemented. Rate differentials which recognize such other risk factors as regular exercise and other mutable characteristics may also be implemented, provided that such characteristics can be verified. The Department of Administration may adopt rules necessary to implement this section. In adopting any rules necessary to implement this section, the department shall give reasonable consideration to the relationship between risk factors and cost. Any such premium differential may not be implemented until approved by the Legislature.

Section 20. Notwithstanding any other provisions of law to the contrary, the amendments to sections 228.041, 236.013, and 236.02, Florida Statutes, relating to extension of the school day for grades 9-12, which were enacted by sections 14, 15, and 16 of chapter 83-327, Laws of Florida; sections 228.085, 236.091, and 236.092, Florida Statutes, relating to mathematics, science, and computer education; and sections 230.2319 and 232.301, Florida Statutes, relating to Florida Progress in Middle Childhood Education Program and to model programs for the prevention of student failures and dropouts, enacted by sections 83 and 87 of chapter 84-336, Laws of Florida, respectively, may be implemented only to the extent specifically provided for and funded in the General Appropriations Act.

Section 21. (1) The Department of Transportation shall allocate resources to the districts prior to July 31 of each year. The allocation and all subsequent amendments shall be reported promptly to the executive Office of the Governor and the legislative appropriations and transportation committees. The secretary shall require each district deputy assistant secretary to submit a monthly report on the status of his budgets which shall indicate, by major budget category within each budget entity, the monthly expenditure, the cumulative expenditures to date and the

remaining balance of the regional allocations. A copy of such reports shall be submitted to the President of the Senate and Speaker of the House of Representatives on a monthly basis.

(2) Pursuant to s. 216.351, Florida Statutes, and notwithstanding the provisions of chapter 216, Florida Statutes, the district deputy assistant secretaries of the Department of Transportation may temporarily reallocate resources within their district to meet contingencies in the 5-Year Transportation Plan. No such transfer of positions or personnel shall exceed 90 calendar days. Each district deputy assistant secretary shall have the authority to reallocate, on a permanent basis, positions and salary dollars between budget entities so long as the lesser budget entity is not increased nor decreased by more than 5 percent in positions and 10 percent in each budget category in a fiscal year. For any budget entity in the districts with 40 or fewer positions, the secretary may transfer additional positions within a given district so long as the lesser budget entity is not increased or decreased by more than 45 percent in a fiscal year. This authority shall not be used to increase the budget entity for district administration. Further, all departmental budget authority provided under s. 216.262, Florida Statutes, shall be delegated by the secretary to the district deputy assistant secretaries for items affecting district operations. Any reallocation under this authority shall promptly be reported to the secretary, the Executive Office of the Governor, the legislative appropriations committees, and the legislative transportation committees. This report shall be submitted by the district deputy assistant secretary and shall clearly state the exact resources transferred, the purpose of the transfer, and the duration of the transfer.

(3) Notwithstanding the provisions of s. 339.08, Florida Statutes, the Department of Transportation is authorized to provide moneys to the Department of Commerce to fund economic development transportation projects under the provisions of s. 288.063, Florida Statutes.

(4) Nothwithstanding the provisions of s.332.007, Florida Statutes, the Department of Transportaion may transfer $100,000 to the Sebring Airport Authority from funds appropriated for that purpose.

Section 22. Notwithstanding the provisions of chapter 475, Florida Statutes, the Department of Professional Regulation shall transfer funds from fees collected under chapter 475, Florida Statutes, to the Department of Agriculture and Consumer Services as provided in the General Appropriations Act.

Section 23. Notwithstanding the provisions of s. 332.007, Florida Statutes, the Department of Transportation may advance state funds for aviation projects jeopardized by the uncertainty of future funding from the federal Aviation Improvement Program. State funds for specific projects contained in the General Appropriations Act shall be provided only upon written agreement by the local entity to repay the state funds upon receipt of discretionary federal aviation funds for the project.

Section 24. (1) Pursuant to the provisions of s. 215.3205(1)(b), Florida Statutes, the following trust funds are abolished:

(a) Within the Department of Insurance:

1. The Hospital Cost Containment Board Trust Fund of the Hospital Cost Containment Board. Assets and liabilities of the fund shall be transferred to the Hospital Cost Containment Trust Fund in the Office of the Governor.

2. The Fire College Publication Revolving Trust Fund within the Division of State Fire Marshal. Assets and liabilities of the fund shall be transferred to the Insurance Commissioners Regulatory Trust Fund.

3. The Firefighters Supplemental Compensation Trust Fund within the Division of State Fire Marshal. Assets and liabilities of the fund shall be transferred to the Firefighters Supplemental Compensation Trust Fund within the Department of Revenue.

(b) The Public Facilities Financing Commission Trust Fund within the Department of General Services, Division of Facilities Management. Assets of the fund shall be transferred to the General Revenue Fund unallocated.

(c) The Criminal Justice Facilities Tax Trust Fund within the Department of Revenue, Division of Collection and Enforcement. Assets and liabilities shall be disposed of in accordance with general law.

(d) Within the Division of Universities of the Department of Education:

1. Phosphate Research Trust Fund.

2. New College Endowment Trust Fund.

3. Dormitory Revenue Certificate - 1948 Operating Trust Fund.

4. Dormitory Revenue Certificate - 1948 Renewal and Replacement Trust Fund.

5. Dormitory Revenue Certificate - 1954 Interest and Sinking Trust Fund.

6. Hospital Interest and Sinking Trust Fund.

7. Extension Incidental Trust Fund. Assets of the fund shall be transferred to the Auxiliary Trust Fund.

8. Law Review Trust Fund. Assets of the fund shall be transferred to the Auxiliary Trust Fund.

9. 1981 Project Construction Trust Fund. Assets of the fund shall be transferred to the SUS Construction Trust Fund.

All funds including investment balances, shall be transferred in accordance with this section or, if the disposition provided by this section is in conflict with any other disposition provided by other general law, in accordance with such other general law.

(2) All trust funds of the Department of Education, the Department of Insurance, the Department of Revenue, the Department of State, the Department of Business Regulation, and the Department of General Services which are scheduled to be abolished on October 1, 1986 pursuant to the provisions of s. 215.3205(1)(b), Florida Statutes, and which are not abolished by this act or by any other act of the Legislature shall not be abolished on the scheduled date but are hereby continued.

Section 25. Notwithstanding the provisions of s. 236.081, Florida Statutes, the following procedures shall be followed by the Department of Education in determining the annual allocations through the Florida Education Finance Program:

(1) The base student allocation as prescribed in s. 236.081(6)(a), Florida Statutes, shall not be increased;

(2) The guaranteed minimum level of funding as prescribed in s. 236.081(6)(c), Florida Statutes, shall not be calculated; and

(3) The profoundly handicapped program adjustment as prescribed in the General Appropriations Act shall be included in the calculation of s. 236.081(6)(a), Florida Statutes.

Section 26. (1) Notwithstanding the provisions of s. 230.645, Florida Statutes, this section shall apply to all students enrolled in adult basic, adult high school, adult job preparatory, vocational preparatory, vocational supplemental, or other adult programs who are reported for funding through the Florida Education Finance Program.

(2) The following students are exempt from any requirement for the payment of fees for instruction:

(a) Students who do not have a high school diploma or its equivalent and who are enrolled in adult basic or adult high school courses for the purpose of achieving basic literacy or receiving a high school diploma or its equivalent;

(b) Students who are enrolled in vocational preparatory courses;

(c) Students who have a high school diploma or its equivalent, who are enrolled in adult basic or adult high school courses, and who have basic skills which have been determined to be at or below the eighth grade level as provided for by state board rule.

(d) Students who are dependents of a deceased or disabled veteran pursuant to s. 295.01 or s. 295.016, Florida Statutes; and

(e) Students who are dependents of special risk members as defined in s. 121.021(15), Florida Statutes.

(3) Fees shall be charged for all students not specifically granted an exemption from the payment of fees in subsection (2). School districts may waive fees or accept in-kind contributions in lieu of the payment of fees for any student. Acceptance on in-kind contributions in lieu of fees shall constitute a waiver of fees, and the aggregate value of all fees waived by the district shall not exceed the district's pro rata share of the state total fee waiver amount established in the General Appropriations Act.

(4) Required fees may be paid on behalf of students on a negotiated in-kind basis involving contributions by cooperating entities in the form of facilities, personnel, equipment, or other resources. Any school district accepting in-kind contributions in lieu of fees shall submit an annual report to the Department of Education which provides, for each in-kind contribution accepted, a detailed description of the contribution and verification that the local marked value of the contribution is at least equal to the amount of fees in lieu of which the contribution is being accepted.

(5) School districts shall establish a fee for each program specified in subsection (1) which may vary no more than 10 percent from the fee amount established in the General Appropriations Act. Nonresident fees shall be twice the amount of resident fees.

Section 27. Notwithstanding the provisions of s. 240.359(3)(d), Florida Statutes, the workload adjustments for individual colleges used in computing the distribution of community college program funds appropriated in the 1986-1987 General Appropriations Act shall be in lieu of any reduction in funds appropriated for 1986-1987 caused by close-out of the 1985-1986 appropriation as provided in s. 240.359(3)(d), Florida Statutes. However, the department shall make reductions pursuant to s. 240.359(3)(d), Florida Statutes, for those colleges for which no workload adjustments were made.

Section 28. For all projects appropriated in chapter 84-542, chapter 85-116, and chapter 86-2, Laws of Florida, the provisions of s. 216.301(3)(a), Florida Statutes, shall be calculated using the date of July 1, 1986, as the effective date of those appropriations.

Section 29. The Division of Vocational, Adult and Community Education, in consultation with the Divisions of Community Colleges and Public Schools and Postsecondary Education Planning Commission, shall develop a plan for the uniform, statewide assignment of all vocational programs as to level of degree or certificate pursuant to s. 240.355(2), F.S. The plan, which shall be submitted to the Legislature and State Board of Education by December 1, 1986, shall provide a timeline for completion of the assignment of all existing vocational programs offered by school districts and community colleges no later than December 1, 1987 and shall also specify ongoing procedures for the assignment of newly created programs. The plan shall be submitted to the State Board of Community Colleges for review and approval prior to submission to the Legislature and State Board of Education.

Section 30. Paragraph (k) of subsection (1) of section 1 of chapter 84-542, Laws of Florida, is hereby repealed.

Section 31. Paragraph (f) of subsection (3) of section 35 of chapter 85-116, Laws of Florida, as reenacted by section 1 of chapter 86-2, Laws of Florida, is hereby repealed.

Section 32. Funds appropriated for projects in section 5 of the 1986 General Appropriations Act are not subject to the provisions of s. 216.301(3)(a), Florida Statutes.

Section 33. The Board of Regents of the State University System is hereby authorized to construct a dormitory building at the University of Central Florida to be financed with bonds issued pursuant to Section 11(e) of Article VII of the State Constitution, in an amount not to exceed $2.5 million.

Section 34. The Board of Regents, pursuant to s. 240.295, Florida Statutes, is hereby granted authority to construct the following facilities:

(1) University of South Florida - Sarasota Fine Arts Facility (additional space of approximately 4,200 square feet funded from private donations).

(2) University of Central Florida - Modular Office Facility (approximately 5,000 square feet from grant overhead funds).

(3) University of Central Florida - Business Building - Additional Office Space (approximately 2,200 additional square feet from private donations).

(4) Florida International University - Office Facility (approximately 12,000 square feet from grant overhead funds).

(5) Florida State University - Science Center Library - Fourth Floor (an additional 28,300 square feet from private grant funds).

(6) University of Florida - Microkelvin Facility (approximately 4,000 square feet from grant overhead funds).

Section 35. Pursuant to s. 216.351, Florida Statutes, and notwithstanding the provisions of ss. 215.32(2)(c)1. and 216.221(2), Florida Statutes, up to $30 million may be transferred from the Working Capital Trust Fund to reduce the impact of the Gramm/Rudman/Hollings Balanced Budget Amendment to the federal Debt Ceiling Limit Bill or other federal funding reductions. If it deems necessary and in the best interest of the state, the Administration Commission may transfer these funds after consultation with the legislative appropriations committees. However, if the President of the Senate and the Speaker of the House of Representatives object in writing to such a transfer of funds from the Working Capital Trust Fund, the transfer may not be made unless approved by the Administration Commission by the affirmative vote of two-thirds of the commission members present, with the Governor voting in the affirmative.

Section 36. The $50,000 appropriation provided in Specific Appropriation 1814 of chapter 85-119, Laws of Florida, for planning and design of a new Florida Highway Patrol Station in Melbourne shall instead be expended for planning and design of a new Florida Highway Patrol Station in Brevard County.

Section 37. Notwithstanding the provisions of section 37 of chapter 85-120, Laws of Florida, no provision of section 212.11(1)(a) and (5), Florida Statutes, shall expire on July 1, 1986 as scheduled by such act, but all such provisions of said section are hereby revived and readopted.

Section 38. The sod aircraft landing strip at the Blackwater Forestry Center of the Division of Forestry of the Department of Agriculture and Consumer Services is designated for the operation of forestry aircraft. However, the airstrip is open for public use during daylight hours only.

Section 39. The Department of Health and Rehabilitative Services shall develop a proposal to amend the Medicaid reimbursement plan for nursing homes, which plan will relate annual increases in individual providers' payment rates to a specified target rate of inflation, allowing for certain exceptions for major approved changes in nursing home operations. The specified target rate of inflation shall be based on a nationally recognized market basket index of nursing home costs. The proposed amendment shall also specify whether and how cost containment or quality of care incentives could be appropriately incorporated into a target rate methodology. The department shall consult with nursing home industry representatives to obtain their comment and recommendations with regard to the proposed amendment. The department shall submit a report, including an analysis of the proposed amendment, to the Executive Office of the Governor and the chairmen of the legislative appropriations committees on or before February 1, 1987.

Section 40. (1) The Department of Administration shall develop a 5-year master plan for conducting a comprehensive classification review and salary survey of all occupational groups of classes utilized within the Career Service System. The master plan shall identify occupational groups of classes; provide a schedule over a 5-year period beginning July 1, 1986, for the systematic study of appropriate classification levels and competitive salary ranges prioritized by occupational group; and provide for an annual review and maintenance of the master plan to update the occupational groups and ensure that the most critical issues are assigned the highest priority on the schedule.

(2) The scheduling of reviews shall take into consideration the expressed needs of executive branch agencies relative to recruitment, retention, competitiveness of salaries and benefits, and any other factors deemed appropriate. The master plan shall be submitted to the presiding officers of the Legislature by December 31, 1986.

Section 41. Notwithstanding s. 236.25(1), Florida Statutes, district school boards for 1986-1987 may levy a nonvoted discretionary millage of up to 1.119 mills.

Section 42. With respect to any state office building to be constructed after July 1, 1986, and to be financed by bonds:

(1) Funds for planning, land acquisition, debt service reserve, and annual debt service on bonds until the building is occupied shall be paid from nonrecurring general revenues.

(2) After the building is occupied, funds for debt service shall be paid from revenues derived from rentals of space in state buildings included in the state pool.

Section 43. This act shall take effect July 1, 1986, provided that, if it does not become a law before such date, it shall operate retroactively thereto. This act, except section 37, shall expire and be void and inoperative on July 1, 1987.

Amendment 2—In title, on pages 1-4, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1986-1987; providing authority for the Administration Commission to approve certain transfers related to reorganization; providing that with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting the 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; restricting use of appropriated funds for certain legal services unless approved by the Attorney General; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing for inclusion of certain students in educational alternative programs; retitling certain educational programs; modifying certain match funding requirements relating to certain funds appropriated for local community mental health centers and alcohol project grants; modifying procedures for determining annual allocations to school districts; providing for establishment of enrollment ceilings by program groups; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; providing for advance of funds in any specific appropriation under certain conditions; providing restrictions upon the transfer of certain individuals or their services between state agencies; restricting use of Special Category Contract Education funds of the Department of Corrections; providing procedures for state agencies with respect to solicitation for contractual training needs; providing for differential premium rates for state group health insurance; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; providing for allocation of resources by the Department of Transportation; providing for monthly reports; providing for reallocation of resources within the Department of Transportation; authorizing the Department of Transportation to fund economic development transportation projects; requiring the transfer of certain funds to the Department of Agriculture and Consumer Services; authorizing the Department of Transportation to advance state funds for certain aviation projects; abolishing certain trust funds and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; providing procedures for determining annual allocations through the Florida Education Finance Program; providing exemptions from certain student fees; providing for waiver of certain fees and acceptance of in-kind contributions in lieu of fees; providing for the establishment of certain student fees by school districts; providing that workload adjustments for individual community colleges shall be in lieu of certain other reductions in funds; providing for reductions by other community colleges; specifying a date for use in calculating certain appropriations; requiring the Division of Vocational, Adult, and Community Education to develop a plan for the statewide assessment of vocational programs; repealing s. 1(1)(k) of chapter 84-542, Laws of Florida, relating to funding for a joint-use facility of the District School Board of Clay County and St. Johns River Community College; repealing s. 35(3)(f) of chapter 85-116, Laws of Florida, relating to an appropriation for St. Johns River Community College; providing that funds for certain projects shall not be subject to certain provisions; authorizing the Board of Regents to construct a dormitory building at the University of Central Florida with certain bonds; authorizing the Board of Regents to construct certain buildings on various university campuses; authorizing the transfer of up to $30 million from the Working Capital Trust Fund to compensate for certain federal budget cuts; providing for the expenditure of a $50,000 appropriation to plan and design a new Florida Highway Patrol Station in Brevard County; reviving and readopting the provisions of s. 212.11(1)(a) 1. and 2. and (5), F.S., relating to tax returns and regulations; specifiying authorized uses of the sod aircraft landing strip at the Blackwater Forestry Center; requiring the Department of Health and Rehabilitative Services to develop a proposal to amend the Medicaid reimbursement plan for nursing homes; requiring the Department of Administration to develop a master plan for a comprehensive classification review and salary survey of occupational groups within the Career Service System; authorizing district school boards to levy a specified nonvoted discretionary millage for fiscal year 1986-1987; specifying sources of funding for certain state office buildings; providing a retroactive effective date and an expiration date.

On motion by Senator Neal, by two-thirds vote HB 1381 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Jenne

On motion by Senator Neal, the rules were waived and HB 1381 was ordered immediately certified to the House.

The Honorable Harry A. Johnston, II, President

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

SB 327—A bill to be entitled An act relating to cruelty to animals; amending s. 828.122, F.S., expanding the definition of "animal" in provisions which prohibit the fighting or baiting of animals, to include every living dumb creature; providing exceptions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 4—On page 2, line 12, after the period insert:

Section 4. *No racing greyhound trained in a state that allows the use of live animals for training greyhounds may race in this state. The provisions of this section shall be enforced by the Division of Pari-mutuel Wagering of the Department of Business Regulation.*

(Renumber subsequent section.)

Amendment 5—On page 1, in the title, line 7, after the semicolon insert: prohibiting the use of certain racing greyhounds; providing for enforcement;

On motions by Senator Beard, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

SPECIAL ORDER

CS for SB 752—A bill to be entitled An act relating to tax on cigarettes; amending s. 210.02, F.S.; revising the tax rate and eliminating a credit against the tax; amending s. 210.05, F.S.; increasing the dealer collection allowance on cigarette taxes; amending s. 210.20, F.S.; revising distribution of tax proceeds; providing for tax on inventory on hand on the effective date of the act; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which failed:

Amendment 1—On page 6, strike line 5 and insert:

Section 5. Effective July 1, 1987, section 210.02, Florida Statutes, is amended to read:

210.02 Cigarette tax imposed; collection.—

(1) An excise or privilege tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state, in the following amounts, except as hereinafter otherwise provided, for cigarettes of standard dimensions:

(a) Upon all cigarettes weighing not more than 3 pounds per thousand, *10.5* ~~12.5~~ mills on each cigarette.

(b) Upon all cigarettes weighing more than 3 pounds per thousand and not more than 6 inches long, *21* ~~25~~ mills on each cigarette.

(c) Upon all cigarettes weighing more than 3 pounds per thousand and more than 6 inches long, *42* ~~50~~ mills on each cigarette.

(2) The description of cigarettes contained in paragraphs (a), (b), and (c) of subsection (1) are hereby declared to be standard as to dimensions for taxing purposes as provided in this law and should any cigarette be received, purchased, possessed, sold, offered for sale, given away, or used of a size other than of standard dimensions, the same shall be taxed at the rate of 1 cent on each such cigarette.

(3) When cigarettes, as described in paragraph (1)(a), are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rate shall govern:

(a) Packages containing 10 cigarettes or less require a *10.5-cent* ~~12.5-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a *21-cent* ~~25-cent~~ tax.

(4) When cigarettes, as described in paragraph (1)(b), are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or less require a *21-cent* ~~25-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a *42-cent* ~~50-cent~~ tax.

(5) When cigarettes, as described in paragraph (1)(c), are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or less require a *42-cent* ~~50-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require *an 84-cent* ~~a $1~~ tax.

(6) This tax shall be paid by the dealer to the division for deposit and distribution as hereinafter provided upon the first sale or transaction within the state, whether or not such sale or transfer be to the ultimate purchaser or consumer. The seller or dealer shall collect the tax from the purchaser or consumer, and the purchaser or consumer shall pay the tax to the seller. The seller or dealer shall be responsible for the collection of the tax and the payment of the same to the division. Whenever cigarettes are shipped from outside the state to anyone other than a distributing agent or wholesale dealer, the person receiving the cigarettes shall be responsible for the tax on said cigarettes and the payment of same to the division.

(7) It is the legislative intent that the tax on cigarettes shall be uniform throughout the state.

Section 6. Effective July 1, 1987, subsection (3) of section 210.05, Florida Statutes, is amended to read:

210.05 Preparation and sale of stamps; discount.—

(3)(a) The division may appoint dealers in cigarettes, manufacturers of cigarettes, within or without the state as agent to buy or affix stamps to be used in paying the tax herein imposed, but an agent shall at all times have the right to appoint a person in his employ who is to affix the stamps to any cigarettes under the agent's control; provided, however, that any wholesale dealer in the state shall have the right to buy and affix such stamps. Whenever the division shall sell and deliver to any such agent or wholesaler any such stamps, such agent or wholesaler shall be entitled to receive as compensation for his services and expenses as such agent or wholesaler in affixing and accounting for the taxes represented by such stamps and to retain out of the moneys to be paid by him for such stamps, a discount of 2 percent of the par value of any amount of stamps purchased during any fiscal year from July 1 through June 30 of the following year; provided, that the discount shall be computed on the basis of *21* ~~25~~ cents per pack. No such discount shall be allowed to a dealer, vendor, or distributor who sells or deals in any form of candy which resembles drug paraphernalia. Stamping locations approved by the division shall be responsible for computing the discount they receive pursuant to this paragraph, and said computations shall be retained by the stamping location for a period of 5 years and shall be available to the division. All stamps purchased from the division under this part shall be paid for in cash on delivery, except as hereinafter provided.

(b) Agents appointed by the division to affix stamps shall be authorized to purchase stamps by furnishing an irrevocable letter of credit or unconditional guaranty contract or by executing bond with a solvent surety company qualified to do business in this state, in an amount of 110 percent of the agent's estimated tax liability for 30 days, but not less than $2,000, conditioned upon said agent paying all taxes due the state arising hereunder. This form of payment in lieu of cash on delivery or its equivalent shall not preclude supplemental purchases for cash. Payment for each month's liability shall be due on or before the 10th day of the month following the month in which the stamps were sold. Default in the aforesaid bonding and payment provisions by any agent may result in the revocation of his privilege to purchase stamps except for cash on delivery for a period up to 12 months in the discretion of the division.

Section 7. Except as otherwise provided in this act, this act shall take effect July 1, 1986.

Senator Gordon moved the following amendment:

Amendment 2—On page 6, between lines 20 and 21, insert:

Section 5. The fifth-cent increase in the cigarette tax shall be used to fund the following programs in the Department of Health and Rehabilitative Services: The Improved Pregnancy Outcome Program in the amount of $5 million, Screening and Diagnostic Services for Medicaid Non-Eligible Children in the amount of $2.3 million, Shelter and Foster Home Care in the amount of $2.4 million, Funds for Homeless in the amount of $2.25 million and Community Mental Health Services for Disturbed Children and Adolescents in the amount of $2 million.

(Renumber subsequent section.)

Senator W. D. Childers presiding

Senators D. Childers and Dunn offered the following amendment to Amendment 2 which was moved by Senator D. Childers and adopted:

Amendment 2A—On page 1, line 11, after "million" insert: , and for programs in research and treatment of Alzheimer's disease patients in the state in the amount of $2 million.

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

Amendment 2B—On page 1, line 11, after "$2 million" insert: and federally funded primary care centers in the amount of $1 million, to be used for teenage pregnancy programs.

The President presiding

Further consideration of Amendment 2 as amended was deferred.

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

Amendment 3—On page 6, between lines 20 and 21, insert:

Section 5. There is hereby appropriated $500,000 from the General Revenue Fund for the manufacture and distribution of tax stamps to be affixed to all individual packages containing cigarettes and subject to a cigarette tax under section 210.02, Florida Statutes.

This section shall become effective six months after the effective date of this act.

Senator Crawford moved the following amendment which was adopted:

Amendment 4—On page 4, line 14, strike "*25* ~~21~~" and insert: 21

Further consideration of CS for SB 752 was deferred.

CS for SB 485—A bill to be entitled An act relating to the private operation of state or county correctional facilities; amending s. 944.105, F.S.; deleting reference to private contracting for county correctional facilities; providing for state private correctional officer's certification, a contract monitor, and a performance audit; amending s. 951.06, F.S.; changing position titles; creating s. 951.061, F.S.; providing for the designation of a sheriff as the chief correctional officer upon an ordinance by majority of the county commission and specifying duties of chief correctional officer; creating s. 951.062, F.S.; providing for private contracting

for county detention facilities upon an ordinance by majority plus one and to provide contracting requirements; creating s. 951.063, F.S.; providing for certification of county private correctional officers; amending s. 943.10, F.S.; including private correctional officer in definition of correctional officer and to include private entity in definition of employing agency; amending s. 943.13, F.S.; requiring the contracting agency to be responsible for verifying certification requirements; amending s. 121.021, F.S.; providing for the definition of continuous service to include certain contract termination circumstances; providing an effective date.

—was read the second time by title.

Senator Hill moved the following amendments which were adopted:

Amendment 1—On page 5, line 20, after "prisoners." insert: The contract may designate a representative from a private entity as the chief correctional officer pursuant to s. 951.061.

Amendment 2—On page 6, between lines 29 and 30, insert:

(10) When a county enters into a contract for the operation and maintenance of county detention facilities, the sheriff of such county shall cease to be liable for actions arising out of the operation and maintenance of the facilities under contract, except as to any acts he commits personally.

Amendment 3—In title, on page 1, line 18, after the semicolon (;) insert: limiting the liability of county sheriffs under certain circumstances;

On motion by Senator Hill, by two-thirds vote CS for SB 485 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	Dunn	Hill	Myers
Barron	Fox	Jennings	Neal
Beard	Frank	Kirkpatrick	Plummer
Castor	Gersten	Kiser	Scott
Childers, D.	Girardeau	Langley	Thomas
Childers, W. D.	Gordon	Malchon	Thurman
Crawford	Grant	Margolis	Vogt
Crenshaw	Grizzle	McPherson	Weinstein
Deratany	Hair	Meek	

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Hill, the rules were waived and CS for SB 485 after being engrossed was ordered immediately certified to the House.

CS for SB 486—A bill to be entitled An act relating to correctional probation officers; amending ss. 943.085, 943.10, 943.13, 943.131, 943.133, 943.135, 943.1395, F.S.; providing training requirements for correctional probation officers; providing intent; providing definitions; requiring affidavit of compliance prior to employment; providing for continuing education; providing for multiple and concurrent certification; providing an effective date.

—was read the second time by title.

Senator Hill moved the following amendment which was adopted:

Amendment 1—On page 5, line 30, after "*a*" insert: *full-time, part-time, or auxiliary*

On motion by Senator Hill, by two-thirds vote CS for SB 486 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motion by Senator Hill, the rules were waived and CS for SB 486 after being engrossed was ordered immediately certified to the House.

CS for CS for SB 1172—A bill to be entitled An act relating to corrections; providing definitions; creating the State of Florida Correctional Medical Council; providing powers, duties, and membership; amending s. 768.28, F.S.; providing sovereign immunity protection for certain health care providers and their agents and employees under contract to the Department of Corrections and for limited waiver thereof; providing procedure for resolution of disputes between health care providers and the Department of Corrections; providing an effective date.

—was read the second time by title.

Senator Hill moved the following amendment which was adopted:

Amendment 1—On page 3, line 9, strike "and one" and insert: and two

On motion by Senator Hill, by two-thirds vote CS for CS for SB 1172 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	Frank	Kirkpatrick	Peterson
Beard	Gersten	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hair	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jenne	Myers	
Fox	Jennings	Neal	

Nays—None

On motion by Senator Hill, the rules were waived and CS for CS for SB 1172 after being engrossed was ordered immediately certified to the House.

CS for CS for SB 1111—A bill to be entitled An act relating to parole; amending ss. 26.012, 921.187, 944.291, 944.30, 947.005, 947.01, 947.03, 947.04, 947.06, 947.10, 947.13, 947.165, 947.1745, 947.25, 947.26, 948.01, F.S.; creating s. 947.081, F.S.; providing for conditional release of inmates released through accumulation of gain-time; providing for revocation of conditional release by the circuit court under specified circumstances; providing that an inmate placed on probation as part of a split sentence is subject to the jurisdiction of the court that imposed such sentence; amending s. 944.30; authorizing the Secretary of Corrections to recommend certain inmates for clemency investigation; amending s. 947.005, F.S.; providing for a definition of board; amending s. 947.01, F.S.; providing for a reduction in the number of parole commissioners; providing for termination and reappointment; amending s. 947.03, F.S.; specifying terms; amending s. 947.04, F.S.; providing for temporary employment of ex-commissioners; amending s. 947.06, F.S., relating to commission meetings; amending s. 947.10, F.S.; providing for appointment of commissioners to the board; amending s. 947.13, F.S.; deleting certain portions thereof; amending s. 947.165, F.S.; providing for judicial objection to parole release; amending s. 947.1745, F.S.; requiring notification; amending s. 947.25, F.S.; providing for clemency recommendations to be made by the board; amending s. 947.26, F.S.; clarifying the board's right of access; creating s. 947.081, F.S.; creating a Board of Clemency; providing for membership and duties; amending s. 33 of ch. 83-131, Laws of Florida; delaying the repeal of s. 20.32, F.S.; providing an effective date.

—was read the second time by title.

Senator Crawford offered the following amendments which were moved by Senator Hill and adopted:

Amendment 1—On page 2, line 13 through page 6, line 29, strike all of said lines and renumber subsequent sections.

Amendment 2—On page 8, strike all of lines 8-11 and insert: commission shall be reduced to *five* ~~seven~~ members. *Commission members whose terms expire after the effective date of this act and on or before July 1, 1987 shall not be reappointed unless upon expiration of term there are fewer than five commissioners.*

Amendment 3—On page 8, strike all of lines 20-22 and insert: current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed pursuant to the provisions of this section, *unless otherwise provided by law.*

Amendment 4—On page 11, lines 22 and 25, strike "Board of Pardons" and insert: Executive Clemency Board

Amendment 5—On page 11, line 28, after "governance." insert:

(5) Nothing in this act shall be construed to alter or diminish the jurisdiction or role of the Office of Executive Clemency.

Amendment 6—On page 15, line 13 through page 16, line 4, strike all of said lines and renumber subsequent sections.

Amendment 7—On page 16, strike line 10 and insert:

Section 16. This act shall take effect July 1, 1987, except that sections 3, 4, and 5 shall take effect October 1, 1986.

Amendment 8—On page 16, between lines 9 and 10, insert:

Section 15. Section 34 of chapter 83-131, Laws of Florida, is amended to read:

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, 1989* ~~July 1, 1987~~, and shall be reviewed by the Legislature pursuant to section 35 of this act.

(Renumber subsequent section.)

Senator Hill moved the following amendments which were adopted:

Amendment 9—On page 16, between lines 9 and 10, insert:

Section 16. Section 947.168, Florida Statutes, is created to read:

947.168 Consideration for persons serving parole eligible and parole ineligible sentences.—

(1) A person serving a parole eligible sentence who subsequently receives a parole ineligible sentence pursuant to s. 921.001(8) shall be considered for parole on the parole eligible sentence.

(2) A grant of parole on the parole eligible sentence shall result in the initiation of service of the parole ineligible sentence, which shall continue until expiration of sentence, expiration of sentence as reduced by accumulated gain-time, or an executive order granting clemency.

(3) Actual terms of parole service shall not be initiated until the satisfactory completion of the parole ineligible sentence and subsequent review by the commission as provided in subsection (4).

(4) Following completion of the parole ineligible sentence, the commission shall reinterview the offender and consider any new information provided by the Department of Corrections. Upon an affirmative vote by the commission, the offender shall be released on parole and required to meet any conditions set by the commission pursuant to s. 947.19.

(Renumber subsequent section.)

Amendment 10—In title, on page 2, line 8, after the semicolon (;) insert: creating s. 947.168, F.S., relating to consideration for persons serving parole eligible and parole ineligible sentences; requiring consideration for parole eligible sentences; requiring completion of parole ineligible sentences and subsequent review by the Parole and Probation Commission prior to initiation of parole service;

Senator Crawford offered the following amendments which were moved by Senator Hill and adopted:

Amendment 11—In title, on page 1, strike all of lines 2-14 and insert: An act relating to parole; amending s. 944.30, F.S.; authorizing the

Amendment 12—In title, on page 1, lines 20 and 21, strike "termination and reappointment" and insert: attrition of members

Amendment 13—In title, on page 2, line 6, after "33" insert: and 34

On motion by Senator Hill, by two-thirds vote CS for CS for SB 1111 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Gersten	Grizzle

On motion by Senator Hill, the rules were waived and CS for CS for SB 1111 after being engrossed was ordered immediately certified to the House.

On motions by Senator Thurman, by two-thirds vote CS for HB 276 was withdrawn from the Committees on Corrections, Probation and Parole; Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Thurman—

CS for HB 276—A bill to be entitled An act relating to county and municipal prisoners; amending s. 951.23, F.S.; changing information collected by the Department of Corrections from county detention facilities; requiring the department to make available lists of certain construction plans for county adult detention facilities; providing for departmental review of plans of changes in existing or proposed county or municipal detention facilities prior to construction; requiring written documentation prior to housing nondangerous felons with misdemeanants; establishing a minimum square footage requirement for the housing of inmates under certain conditions in county adult detention facilities; authorizing jail inspection matters to be submitted to an advisory jail review committee within the department; providing an effective date.

—a companion measure, was substituted for CS for SB's 999 and 742 and read the second time by title.

Senators Thurman and Hill offered the following amendments which were moved by Senator Hill and adopted:

Amendment 1—On page 5, line 8, after "county" insert: *or municipal*

Amendment 2—On page 5, line 27, after "Department" insert: *or outside contractors*

Amendment 3—On page 6, between lines 8 and 9, insert:

(a) The Department of Corrections shall contract with health care providers working under the direct supervision of licensed physicians to perform comprehensive and exacting medical inspections of inmate health care in all county and municipal detention facilities. Such inspections shall be conducted at least twice annually.

(b) The managing body of the county or municipal detention facility shall contract for the firesafety inspections of such facilities. The inspections shall be performed by personnel certified by the State Fire Marshal's office as firesafety inspectors and shall be performed at least once annually.

On motion by Senator Thurman, by two-thirds vote CS for HB 276 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crenshaw	Gordon	Kirkpatrick
Barron	Deratany	Grant	Kiser
Beard	Dunn	Grizzle	Malchon
Castor	Fox	Hair	Mann
Childers, D.	Frank	Hill	Margolis
Childers, W. D.	Gersten	Jenne	McPherson
Crawford	Girardeau	Jennings	Meek

Myers	Plummer	Thurman
Neal	Scott	Vogt
Peterson	Thomas	Weinstein

Nays—None

CS for SB's 999 and 742 was laid on the table.

On motion by Senator Thurman, the rules were waived and CS for HB 276 was immediately certified to the House.

The Senate resumed consideration of—

CS for SB 752—A bill to be entitled An act relating to tax on cigarettes; amending s. 210.02, F.S.; revising the tax rate and eliminating a credit against the tax; amending s. 210.05, F.S.; increasing the dealer collection allowance on cigarette taxes; amending s. 210.20, F.S.; revising distribution of tax proceeds; providing for tax on inventory on hand on the effective date of the act; providing an effective date.

—which was taken up with pending Amendment 2 as amended.

On motion by Senator D. Childers, the rules were waived and the Senate reconsidered the vote by which Amendment 2A was adopted. Amendment 2A was withdrawn.

On motion by Senator Meek, the rules were waived and the Senate reconsidered the vote by which Amendment 2B was adopted. Amendment 2B was withdrawn.

Amendment 2 was withdrawn.

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

Amendment 5—On page 1, lines 14-30, on page 2, lines 1-31, and on page 3, lines 1-24, strike all of said lines and insert:

Section 1. Section 210.02, Florida Statutes, is amended to read:

210.02 Cigarette tax imposed; collection.—

(1) An excise or privilege tax, in addition to all other taxes of every kind imposed by law, is imposed upon the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state, in the following amounts, except as hereinafter otherwise provided, for cigarettes of standard dimensions:

(a) Upon all cigarettes weighing not more than 3 pounds per thousand, *13* ~~18.5~~ mills on each cigarette.

(b) Upon all cigarettes weighing more than 3 pounds per thousand and not more than 6 inches long, *26* ~~37~~ mills on each cigarette.

(c) Upon all cigarettes weighing more than 3 pounds per thousand and more than 6 inches long, *52* ~~58~~ mills on each cigarette.

(2) The description of cigarettes contained in paragraphs (a), (b), and (c) of subsection (1) are hereby declared to be standard as to dimensions for taxing purposes as provided in this law and should any cigarette be received, purchased, possessed, sold, offered for sale, given away, or used of a size other than of standard dimensions, the same shall be taxed at the rate of 1 cent on each such cigarette.

(3) When cigarettes, as described in paragraph (1)(a), are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rate shall govern:

(a) Packages containing 10 cigarettes or less require a *13-cent* ~~18.5-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a *26-cent* ~~37-cent~~ tax.

(4) When cigarettes, as described in paragraph (1)(b), are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or less require a *26-cent* ~~37-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a *52-cent* ~~74-cent~~ tax.

(5) When cigarettes, as described in paragraph (1)(c), are packed in varying quantities of 20 cigarettes or less, except manufacturer's free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or less require a *52-cent* ~~58-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require *a $1.04* ~~an 116-cent~~ tax.

(6) This tax shall be paid by the dealer to the division for deposit and distribution as hereinafter provided upon the first sale or transaction within the state, whether or not such sale or transfer be to the ultimate purchaser or consumer. The seller or dealer shall collect the tax from the purchaser or consumer, and the purchaser or consumer shall pay the tax to the seller. The seller or dealer shall be responsible for the collection of the tax and the payment of the same to the division. Whenever cigarettes are shipped from outside the state to anyone other than a distributing agent or wholesale dealer, the person receiving the cigarettes shall be responsible for the tax on said cigarettes and the payment of same to the division.

(7) It is the legislative intent that the tax on cigarettes shall be uniform throughout the state.

~~(8) There shall be allowed a credit against the tax imposed in subsections (1), (2), (3), (4), and (5), for any tax liability existing on October 1, 1985, under section 5701(b)(1) and section 5701(b)(2) of the Internal Revenue Code paid by the manufacturer upon said cigarettes. However, the amount of the credit for cigarettes weighing not more than 3 pounds per thousand shall not exceed 8 mills on each cigarette and for cigarettes weighing more than 3 pounds per thousand shall not exceed 16 mills on each cigarette.~~

Amendment 6—On page 5, lines 9-31 and on page 6, lines 1-9, strike all of said lines and insert:

Section 3. Paragraph (a) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(a) The division shall from month to month certify to the Comptroller the amount derived from the cigarette tax imposed by s. 210.02, less the service charge provided for in s. 215.22, specifying the amounts to be transferred from the Cigarette Tax Collection Trust Fund and credited *on the basis of two twenty-sixths of the net collections to the Municipal Financial Assistance Trust Fund, eleven twenty-sixths of the net collections to the Revenue Sharing Trust Fund for Municipalities, and one twenty-sixth of the net collections to the Revenue Sharing Trust Fund for Counties.* ~~to the Municipal Financial Assistance Trust Fund on the basis of a fraction, the numerator of which shall be two and the denominator of which shall be the net number of cents paid under s. 210.02(3)(b) after taking the credit provided for in s. 210.02(8), times the Cigarette Tax Collection Trust Fund balance. The Revenue Sharing Trust Fund for Municipalities shall be credited with an amount equal to the Cigarette Tax Collection Trust Fund balance multiplied by a fraction, the numerator of which shall be eleven and the denominator of which shall be as described above. The Revenue Sharing Trust Fund for Counties shall be credited with an amount equal to the Cigarette Tax Collection Trust Fund balance multiplied by a fraction, the numerator of which shall be one and the denominator of which shall be as described above.~~

Senator Grizzle moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 9, after "act;" insert: providing an appropriation;

On motion by Senator Jenne, by two-thirds vote CS for SB 752 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

Mr. President	Frank	Jennings	Myers
Castor	Gersten	Kirkpatrick	Neal
Childers, D.	Girardeau	Langley	Plummer
Crawford	Gordon	Malchon	Vogt
Deratany	Grizzle	Mann	Weinstein
Dunn	Hair	Margolis	
Fox	Jenne	Meek	

Nays—10

Barron	Crenshaw	Kiser	Thurman
Beard	Grant	Peterson	
Childers, W. D.	Hill	Thomas	

Vote after roll call:

Nay—Scott

On motion by Senator Jenne, the rules were waived and CS for SB 752 after being engrossed was ordered immediately certified to the House.

Senator Fox moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of bills:

A bill to be entitled An act relating to Health and Rehabilitative Services Reorganization.

The motion was referred to the Committee on Rules and Calendar.

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

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 with amendments—

CS for SB's 517, 407 and 540—A bill to be entitled An act relating to motor vehicle registration and drivers' licenses; amending ss. 318.14, 318.18, 320.0605, 320.07, 320.10, 322.03, 322.15, F.S.; exempting search and rescue units from motor vehicle license taxes; providing that operating a motor vehicle without a valid registration or a valid drivers' license constitutes a noncriminal infraction; providing exceptions; providing for dismissal of charges in certain cases; providing a fee; providing penalties; amending s. 320.27, F.S.; deleting the requirement that motor vehicle dealers' records be made available to all law enforcement officers for inspection; requiring the name and address of motor vehicle auction on the reassignment of title form; deleting the requirement that dealers carry uninsured motorist coverage; creating s. 316.253, F.S.; requiring certain vehicles used for retail sale of certain goods to display warnings; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 13, between lines 10 and 11, insert:

Section 13. Subsection (1) of section 316.2956, Florida Statutes, is amended to read:

316.2956 Violation of provisions relating to windshields, windows, and sunscreening material; penalties.—

(1) Any person who operates a motor vehicle on which, after June 20, 1984, material was installed in violation of ss. 316.2951-316.2954 is guilty of a *noncriminal traffic infraction subject to the penalty provided in s. 318.18(2)*~~misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.084~~.

Section 14. Paragraph (b) of subsection (4) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—

(4)

(b) Any person so arrested and released on his own recognizance by an officer and who shall fail to appear or respond to a notice to appear shall, in addition to the traffic violation charge, be guilty of a *noncriminal traffic infraction subject to the penalty provided in s. 318.18(2)* ~~misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~.

Section 15. Subsection (4) of section 322.16, Florida Statutes, is amended to read:

322.16 Restricted licenses.—

(4) It is a *noncriminal traffic infraction, subject to the penalty provided in s. 318.18(2)* ~~misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Section 16. Section 322.35, Florida Statutes, is amended to read:

322.35 Permitting unauthorized minor to drive.—No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor is not authorized by the provisions of this chapter. *Violation of this section is a noncriminal traffic infraction subject to the penalty provided in s. 318.18(2).*

Section 17. Section 322.37, Florida Statutes, is amended to read:

322.37 Employing unlicensed chauffeur.—No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided in this chapter. *Violation of this section is a noncriminal traffic infraction subject to the penalty provided in s. 318.18(2).*

Section 18. Section 325.02, Florida Statutes, is amended to read:

325.02 Statutory provisions relative to equipment requirements superseded by new rules and regulations.—The provisions of chapter 316, prescribing motor vehicle equipment requirements, shall continue to be of force and effect only until superseded by a rule, regulation or code adopted by the Department of Highway Safety and Motor Vehicles pursuant to the Vehicle Equipment Safety Compact. Any such rule, regulation or code shall specify the provision or provisions of existing statute being superseded in accordance with and as required by this chapter. Any such provision or provisions are hereby repealed, effective on the date when the rule, regulation or code superseding such provision or provisions becomes effective pursuant to the Vehicle Equipment Safety Compact and such other provisions of this act as may be applicable. Violation of any of the motor vehicle equipment requirements shall constitute a *noncriminal traffic infraction subject to the penalty provided in s. 318.18(2)* ~~misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~.

(Renumber subsequent section.)

Amendment 2—On page 1, in the title, line 19, after the semicolon (;) insert: amending s. 316.2956, F.S.; providing that operation of a motor vehicle on which unlawful sunscreening was installed is a noncriminal traffic infraction; amending s. 321.05, F.S.; providing that failure to appear on a traffic violation charge is a noncriminal traffic offense; amending s. 322.16, F.S.; providing that operation of a motor vehicle in violation of restrictions imposed on a restricted license is a noncriminal traffic offense; amending s. 322.35, F.S.; providing that permitting an unauthorized minor to drive is a noncriminal traffic infraction; amending s. 322.37, F.S.; providing that employing an unlicensed chauffeur is a noncriminal traffic infraction; amending s. 325.02, F.S.; providing that violation of motor vehicle requirements is a noncriminal traffic infraction;

Amendment 3—On page 1, line 25, insert:

Section 1. Subsection (5) of section 318.14, Florida Statutes, 1984 Supplement, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(5) Any person electing to appear before the designated official or who is required so to appear shall be deemed to have waived his right to the civil penalty provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed $500 or require attendance at a driver improvement school, or both. *If the official determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties which have been paid shall be returned.*

Section 2. Section 318.20, Florida Statutes, is amended to read:

318.20 Notification; duties of department.—The department shall prepare a notification form to be appended to, or incorporated as a part of, the Florida uniform traffic citation issued in accordance with s. 316.650. The notification form shall contain language informing persons charged with infractions to which this chapter applies of the procedures available to them under this chapter. Such notification shall contain a

schedule of points to be assessed against a person's driving record in accordance with s. 322.27, ~~and~~ a schedule of civil penalties applicable to infractions under this chapter in accordance with s. 318.18, *and a statement that if the official determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties which have been paid shall be returned.*

(Renumber subsequent sections.)

Amendment 4—On page 1, in the title, line 3, after the semicolon (;) insert: amending s. 318.14, F.S., providing that no costs shall be assessed against persons successfully contesting noncriminal traffic infraction citations; amending s. 318.20, F.S., providing for notice thereof in the traffic citation;

Senator Gordon moved the following amendment which was adopted:

Amendment 1 to House Amendment 1—On page 1, lines 12-31, and on page 2, lines 1-19 of House Amendment 1, strike all of said lines and renumber subsequent sections.

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

Amendment 2 to House Amendment 1—On page 3, between lines 16 and 17, insert:

Section 9. Paragraph (c) of subsection (1) of section 320.10, Florida Statutes, is amended to read:

320.10 Exemptions.—

(1) The provisions of s. 320.08 do not apply to:

(c) Any motor vehicle owned and operated exclusively for the benefit of the Boys' Clubs of America, the National Audubon Society, the National Children's Cardiac Hospital, any humane society, any nationally chartered veterans' organization that maintains a state headquarters in this state, the Children's Bible Mission, the Boy Scouts of America, the Girl Scouts of America, the Salvation Army, the American National Red Cross, the United Service Organization, the Young Men's Christian Association, the Young Men's Hebrew Association, the Camp Fire Girls' Council, the Young Women's Christian Association, the Young Women's Hebrew Association, any local member unit of the Association for Retarded Citizens, the Children's Home Society of Florida, *the Florida Sheriffs' Boys' Ranch, the St. Vincent De Paul Society, the Easter Seal Society of Florida,* or the Goodwill Industries. A not-for-profit organization named in this paragraph and its local affiliate organizations shall be eligible for the exemption for so long as each maintains current articles of incorporation on file with the Department of State and qualifies as a not-for-profit organization under s. 212.08;

Senator Gordon moved the following amendment which was adopted:

Amendment 1 to House Amendment 2—In title, on page 1, lines 12-21 of the amendment, strike all of said lines and insert: amending s. 322.37, F.S.; providing that

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

Amendment 2 to House Amendment 2—In title, on page 1, line 25, after the semicolon (;) insert: amending s. 320.10, F.S.; providing an exemption from motor vehicle license taxes for the Florida Sheriff's Boys' Ranch, the St. Vincent De Paul Society, and the Easter Seal Society of Florida;

On motions by Senator Gordon, the Senate concurred in House Amendments 3 and 4; concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB's 517, 407 and 540 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Barron, Jenne

SPECIAL ORDER, continued

CS for CS for SB 1012—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; specifying which positions are exempt from the Career Service System and the personnel systems in which they are placed; specifying the manner in which salaries and benefits for such positions will be set; amending s. 110.402, F.S.; defining coverage of the Senior Management Service; amending s. 110.403, F.S.; reducing the maximum number of employees that may be included in the Senior Management Service; providing for area differentials for employees in certain areas of the state; amending s. 110.406, F.S.; changing the due date of the annual report regarding the administration of the Senior Management Service; amending s. 110.601, F.S.; changing the name of the Selected Professional Service to the "Selected Exempt Service"; amending s. 110.602, F.S.; providing for coverage of the Selected Exempt Service; establishing a maximum number of employees that may be included in the Selected Exempt Service; amending s. 110.603, F.S.; providing for area differentials in the pay plan for certain employees; providing conforming language; amending ss. 110.604-110.607, F.S.; conforming terminology; changing the due date for the annual report regarding the administration of the Selected Exempt Service; creating s. 121.055, F.S.; creating the Senior Management Service Class of membership within the Florida Retirement System; specifying who may participate; providing for employer contributions; providing for minimum creditable service for retirement; specifying average final compensation; providing for the rate of retirement credit; providing for the establishment of the Senior Management Service Optional Annuity Program; providing for participation; providing for employer and employee contributions; providing for payment of benefits; providing for administration; providing for distribution of certain financial and actuarial information; providing for an accounting of participant accounts; amending s. 121.021, F.S.; including the Senior Management Service Class within the definition of "member" for purposes of the Florida Retirement System and providing a normal retirement date for such members; amending s. 447.203; conforming terminology; authorizing the presiding officer of each house of the Legislature to designate certain employees to receive Senior Management Service benefits; providing an effective date.

—was read the second time by title.

Senators Thomas and Fox offered the following amendment which was moved by Senator Thomas and adopted:

Amendment 1—On page 9, line 11, in front of "shall" insert: *and the Adjutant General and Assistant Adjutant Generals of the Florida National Guard*

On motion by Senator Margolis, by two-thirds vote CS for CS for SB 1012 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Jenne

Consideration of CS for SB 460 and CS for SB 115 was deferred.

CS for SB 516—A bill to be entitled An act relating to correctional education; creating s. 242.68, F.S.; providing for vocational and academic education for prisoners under jurisdiction of the Department of Corrections; creating a Correctional Education School Authority, a Board of Correctional Education, and the position of Director of Correctional Education; providing duties; providing for a comprehensive plan for correctional education; providing for legislative appropriations; providing for policies, goals, objectives, and duties; requiring that inmates meet graduation requirements provided for in ss. 232.246, and 232.247, F.S.; providing for the selection of a site for a vocational-technical center; providing for a comprehensive operational training plan; providing for the transfer of educational programs, personnel, property, and funds from the Department of Corrections to the Correctional Education School Authority; providing for a staffing and funding formula; providing for implementation; amending s. 229.565, F.S.; requiring periodic evaluations of correctional education; repealing s. 944.19, F.S., relating to education of prisoners under the jurisdiction of the Department of Corrections; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 7, line 13, strike "3" and insert: 2

Amendment 2—On page 8, line 28, strike "for state funding" and insert: to receive credit for the completion of a course required for the receipt of a standard high school diploma or its equivalent

Senator Hill moved the following amendments which were adopted:

Amendment 3—On page 2, strike all of lines 11-26 and insert:

(2)(a) There is hereby established a Board of Correctional Education attached to the Department of Corrections, which shall be composed of seven voting members appointed by the Governor and subject to confirmation by the Senate, and two non-voting ex-officio members. Voting members shall include: The Commissioner of Education or his designee, the Secretary of the Department of Corrections or his designee, and five members from the community at large jointly recommended by the Commissioner of Education and the Secretary of Corrections. The members at large shall have knowledge of correctional education and shall represent each of the five Department of Corrections geographical regions. Non-voting ex-officio members shall be the Secretary of the Department of Labor and Employment Security or his designee and the President of PRIDE or his designee. The Governor may remove any member for cause and shall fill vacancies, as appropriate, with persons recommended as provided herein.

Amendment 4—On page 3, strike all of lines 4 and 5 and insert: shall be as follows: the Department of Corrections and the Department of Education representatives and two members at large shall be appointed for 2-year terms and three members at large shall be appointed for 4-year

Amendment 5—On page 3, between lines 12 and 13, insert:

(f) The Board of Correctional Education is vested with the authority and responsibility to manage and operate the correctional education program, as provided by law. The Department of Corrections shall cooperate and render assistance as may be necessary to enable the Board to discharge its responsibilities. Resources of the Department may be used to support the operation of the education programs as agreed between the Department and the Board. The Correctional Education School Authority shall operate its education programs in accordance with applicable provisions of the Florida school laws and rules of the State Board of Education except as expressly exempted by the State Board.

(g) The Board shall be appointed no later than sixty days subsequent to passage of this bill.

On motion by Senator Peterson, by two-thirds vote CS for SB 516 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

On motions by Senator Hair—

CS for CS for HB 644—A bill to be entitled An act relating to securities transactions; creating the Securities Industry Standards Act of 1986; amending s. 20.12, F.S.; renaming the Division of Securities of the Department of Banking and Finance as the Division of Securities and Investor Protection; amending s. 517.021, F.S.; providing definitions with respect to the "Florida Securities and Investor Protection Act"; amending s. 517.051, F.S., relating to exempt securities, to include self-insurance agreements; amending s. 517.061, F.S., relating to exempt transactions, to correct a cross-reference; amending s. 517.07, F.S.; eliminating language with respect to permits in excess of 1 year for the sale of certain debt securities; amending s. 517.082, F.S.; providing for notification registration; amending s. 517.12, F.S., relating to the registration of dealers, associated persons, investment advisers, and branch offices; creating s. 517.122, F.S.; providing for arbitration; amending s. 517.161, F.S.; providing for restricted registration of dealers, investment advisers, or associated persons; providing additional grounds for denial, suspension, or restriction of registration; amending s. 517.221, F.S.; providing for cease and desist orders; amending s. 517.301, F.S.; defining the term "investment"; amending s. 517.302, F.S.; providing for criminal penalties, alternative fines, the creation of the Anti-Fraud Trust Fund, and a time limitation on criminal prosecutions; amending s. 517.311, F.S.; providing for required disclaimers; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 613 and by two-thirds vote read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 16, line 18, strike *"shall"* and insert: *may*

On motion by Senator Hair, by two-thirds vote CS for CS for HB 644 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Malchon, Vogt

CS for CS for SB 613 was laid on the table.

On motions by Senator Thurman, by two-thirds vote CS for HB 618 was withdrawn from the Committees on Finance, Taxation and Claims and Appropriations.

On motions by Senator Thurman—

CS for HB 618—A bill to be entitled An act relating to planning and budgeting; amending s. 216.102, F.S.; requiring the annual filing of specified financial information by state agencies with the Comptroller; providing duties of the Comptroller regarding preparation and distribution of annual financial statements for the state; deleting provision for certification to the Executive Office of the Governor of complying agencies; revising penalties imposed on noncomplying agencies; providing for rules; repealing s. 216.091(1)(c), F.S., relating to the Comptroller's duty to prepare a financial balance sheet for the state annually; providing an effective date.

—a companion measure, was substituted for SB 448 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 618 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 448 was laid on the table.

CS for SB 115—A bill to be entitled An act relating to alcohol and drug abuse; creating s. 233.0661, F.S., directing the Department of Education, in consultation with professionals in the field of alcohol and drug abuse and the Department of Highway Safety and Motor Vehicles, to establish an alcohol and drug abuse program; directing the State Board of Education to determine the contents of the program and its duration; providing required elements of the program; authorizing private schools to obtain approval of certain course curricula; creating s. 233.0662, F.S., creating the Alcohol and Drug Abuse Prevention and Education Trust Fund; providing funding; amending s. 316.193, F.S., providing a mandatory fine, to be deposited in such trust fund, for driving while under the influence of alcoholic beverages or other controlled substance or chemical or with an unlawful blood alcohol content or while intoxicated; amending s. 322.09, F.S., directing the Department of Highway Safety and Motor Vehicles not to issue any driver's license to any person under 18 years of age who does not present proof of satisfactory completion of an alcohol and drug abuse program; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, strike all of lines 28 and 29 and insert: relating to driver education or to drug and alcohol abuse prevention to the Department of Education for approval.

Senator McPherson moved the following amendments which were adopted:

Amendment 2—On page 4, strike all of lines 14-26 and renumber subsequent sections.

Amendment 3—On page 4, line 6, strike "s. 316.193(5)" and insert: s. 316.193

Amendment 4—In title, on page 1, strike all of lines 16-21 and insert: amending

On motion by Senator McPherson, by two-thirds vote CS for SB 115 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	Fox	Jennings	Neal
Barron	Frank	Kirkpatrick	Peterson
Beard	Gersten	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hair	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jenne	Myers	

Nays—None

On motion by Senator McPherson, the rules were waived and CS for SB 115 after being engrossed was ordered immediately certified to the House.

Senators Gordon, Dunn and Vogt offered the following motion which was moved by Senator Gordon and adopted:

Pursuant to Rule 2.19, I move that the Senate Conferees on HB 1380 be instructed to prioritize increased funding for the following programs and activities:

The Improved Pregnancy Outcome Program, in the amount of approximately $5 million;

Screening and Diagnostic Services for Medicaid Non-Eligible Children, in the amount of approximately $2.3 million;

Shelter and Foster Home Care, in the approximate amount of $2.4 million;

Matching Funds for Homeless, in the approximate amount of $2.25 million; and

Community Mental Health Services for Disturbed Children and Adolescents, in the approximate amount of $2 million;

Primary Care Centers for Teen Age Pregnancy Programs 1,000,000

Alzheimer's Disease care projects 2,000,000.

It is intended that the increased funding be taken from the fifth cent of the increase in the cigarette tax.

SB 195—A bill to be entitled An act relating to education; amending s. 233.057, F.S.; deleting language relating to appointments of reading specialists to serve in a dual capacity; specifying responsibilities of reading resource specialists; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 195 to conform the bill to CS for HB 302.

Pending further consideration of SB 195 as amended, on motion by Senator Weinstein, by two-thirds vote CS for HB 302 was withdrawn from the Committee on Education.

On motions by Senator Weinstein—

CS for HB 302—A bill to be entitled An act relating to education; amending s. 233.057, F.S., relating to responsibilities of reading resource specialists; providing an effective date.

—a companion measure, was substituted for SB 195 and by two-thirds vote read the second time by title.

Senator Peterson moved the following amendment which was adopted:

Amendment 1—On page 2, between lines 19 and 20, insert:

Section 1. Paragraph (a) of subsection (1) and subsection (5) of section 232.2465, Florida Statutes, are amended to read:

232.2465 Florida Academic Scholars' Program.—For the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public school students, nonpublic school students, and developmental research school students, the Commissioner of Education shall award to each high school graduate who meets the requirements specified herein, and as further specified by the State Board of Education, a special certificate recognizing and designating the graduate as a Florida Academic Scholar.

(1) In order to qualify as a Florida Academic Scholar, a student must:

(a) Effective with the 1983-1984 school year, complete a program of at least two more credits than the minimum number of credits required for high school graduation in advanced-level studies ~~in grades 9 through 12~~ as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature;

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available;

3. Four years of progressively advanced instruction in mathematics, including courses in algebra and geometry and calculus or trigonometry;

4. Two years of sequential foreign language;

5. One year of instruction in art and music or in either art or music;

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems; and

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(5) The State Board of Education is authorized to adopt rules necessary for the implementation and administration of this section. *Such rules shall include specific course requirements as defined by the Course Code Directory and may establish alternatives to any area of study or course of study specified herein, provided that adopted curriculum frameworks demonstrate that the alternative authorized is equivalent or more advanced.*

Senator Castor offered the following amendment which was moved by Senator Grizzle and adopted:

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

Section 2. Section 228.0615, Florida Statutes, is created to read:

228.0615 Prekindergarten early intervention program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that high quality prekindergarten education programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmental and serve as preventive measures for children at risk of educational failure and to enhance the educational readiness of all children. The purpose of the Prekindergarten Early Intervention Program is to encourage and assist school districts in implementing such programs.

(2) PROGRAM.—There is hereby created the Prekindergarten Early Intervention Program for children who are 3 and 4 years of age. The program shall be funded pursuant to subsection (7) and administered by the Department of Education. Prekindergarten early intervention programs may be implemented and conducted by any school district pursuant to a proposal developed and approved as provided in this section.

(3) PROPOSALS.—Each district school board may submit to the Commissioner of Education a proposal for implementing and conducting a prekindergarten early intervention program. Each proposal shall be developed with the assistance of the local interagency coordinating council on prekindergarten education pursuant to subsection (9). A district may submit a proposal for implementing new services, enhancing existing prekindergarten or child care programs, or contracting for the provision of such services. A proposal for the 1987-1988 school year must be submitted by March 1, 1987. After the initial year, districts with approved proposals must submit only amendments to their initial proposal to the Commissioner of Education by November 15 of each subsequent year.

(4) PROPOSAL APPROVAL.—To be considered for approval, each proposal must include:

(a) A description of the program curriculum and activities.

(b) The estimated number of children who will participate in the program.

(c) The estimated percentage of children who will participate in the program and who are economically or educationally disadvantaged and the criteria used by the district to identify participants as disadvantaged. To be eligible for approval, at least 50 percent of the estimated program participants must be economically or educationally disadvantaged.

(d) A description of the program's administrative structure.

(e) The estimated ratio of staff to children.

(f) Information on the training and qualifications of program staff, including an assurance that all staff have completed, at a minimum, the 20-clock-hour training course required by the Department of Health and Rehabilitative Services for child care workers under s. 402.305 or an amount of training determined to be equivalent. The project director must have a college degree in early childhood education or the equivalent, and supervisory personnel must have child development associate certificates or the equivalent. In order to be considered for funding, all program proposals must include a requirement that personnel will comply with screening requirements pursuant to ss. 402.305(1) and 402.3055.

(g) A description of the location or locations where the program will be provided. A program may be located on public school property or on another site which meets state and local licensing requirements for child day care facilities.

(h) A staff development component which includes a method for career development and mobility for staff.

(i) A requirement that student participation be contingent upon parental involvement, and a plan for maximizing the active participation of parents.

(j) A parent education component.

(k) A description of the interagency coordination council and efforts made to maximize use of existing facilities, equipment, medical, educational, and social services.

(l) The days and hours when the program will be provided.

(m) A child developmental and health screening and referral component.

(n) The estimated program budget, including the sliding fee scale to be used.

(o) An evaluation component which includes longitudinal assessment of the effect of program participation on children's behavior, growth and development, and scholastic achievement.

(p) A plan for coordinating the program with the Head Start Program and other child care and preschool programs for disadvantaged children.

(q) A plan for coordinating the program with the district K-three program.

(r) A child abuse and neglect recognition and prevention component.

(s) Such other information or provisions as may be required by the Commissioner of Education.

(5) PROPOSAL APPROVAL.—The Commissioner of Education shall have final authority to approve or disapprove proposals and amended proposals. A school district shall be notified of approval or disapproval of its proposal by April 1, 1987, for the 1987-1988 school year. A proposal may be adjusted based on appropriations, with final approval to be made by July 15, 1987.

(6) ANNUAL REPORT.—Each district school board that implements a prekindergarten early intervention program under this section shall submit an annual report of its program, to the Commissioner of Education, describing the overall program operations; expenditures; the number of students served; ratio of staff to children; staff qualifications; evaluation findings, including identification of program components which were most successful; and other information required by the Commissioner of Education or the state advisory council.

(7) FUNDING.—

(a) Beginning in the 1987-1988 school year and continuing through the 1989-1990 school year, the funds appropriated in the General Appropriations Act for the Preschool Early Intervention Program shall be allocated proportionately to each school district with an approved program on the basis of the number of students in the district in grades K through three who receive free or reduced-price school lunches as of the date established by the Commissioner of Education.

(b) The Department of Education shall solicit from school districts participating in the Prekindergarten Early Intervention Program, information regarding the cost of providing the program, which shall be used by the Legislature as the basis for determining the feasibility of establishing a cost factor in the Florida Education Finance Program to fund the program after the 1989-1990 school year.

(c) In addition to the state revenues provided under paragraph (a), fees shall be assessed for program participation. A district shall develop and adopt a sliding fee scale based upon the income level of participants' parents or guardians. The fee scale shall provide for the waiver of all fees for the most economically disadvantaged participants and shall require that parents or guardians who are able to do so be assessed a fee sufficient to cover the full cost of the program provided to their child.

(d) State funds appropriated for the prekindergarten early intervention program may not be used for the construction of new facilities.

(8) STATE ADVISORY COUNCIL.—

(a) The State Advisory Council on Early Childhood Education is hereby created. The council's first priority shall be to advise the Commis-

sioner of Education regarding the implementation of the Prekindergarten Early Intervention Program. The council shall be comprised of 11 members to be appointed as follows:

1. The Governor shall appoint three members to the council, one of whom shall represent the Head Start Program, one of whom shall represent state-subsidized child care providers, and one of whom shall represent child day care providers who are not state-subsidized.

2. The Commissioner of Education shall appoint four members to the council, one of whom shall represent elementary school principals, one of whom shall represent the Bureau of Education for Exceptional Students of the Department of Education, one of whom shall be a public school teacher certified in early childhood education, and one of whom shall represent an advocacy group for early childhood education.

3. The President of the Senate shall appoint one member to the council.

4. The Speaker of the House of Representatives shall appoint one member to the council.

5. The Secretary of the Department of Health and Rehabilitative Services shall appoint two members to the council, one of whom shall represent health services and one of whom shall represent child welfare services.

(b) The term of appointment for all members shall be 3 years with terms staggered to assure continuity of membership. Council members shall be appointed by September 15, 1986. The Commissioner of Education shall call an organizational meeting of the council by October 15, 1986, and appoint the chairman and vice-chairman of the council.

(c) For administrative purposes, the council is assigned to the Department of Education and shall be financed through appropriations made for this purpose by the Legislature in the General Appropriations Act. Members of the council shall be entitled to receive per diem and expenses for travel as provided in s. 112.061 while carrying out official business of the council. The council shall be staffed by the Early Childhood and Elementary Education section of the Department of Education. The Commissioner of Education and the Secretary of the Department of Health and Rehabilitative Services may designate additional staff of their departments to assist the council in performing its duties and responsibilities.

(d) The council shall adopt internal organizational procedures or bylaws necessary for efficient operation of the council.

(e) The State Advisory Council shall:

1. Review and recommend rules for the successful implementation of the Prekindergarten Early Intervention Program.

2. Recommend and participate in providing technical assistance to school districts in developing proposals and programs under this section.

3. Advise the Commissioner of Education regarding educational issues, trends, and programs pertaining to early childhood education.

4. Assist the Department of Education in monitoring and evaluating the districts' programs, disseminating information on successful program strategies, and conducting studies of the effectiveness of prekindergarten early intervention programs and other early childhood programs.

5. Report to the Commissioner of Education, by March 1 of each year, on council activities and districts' progress in implementing prekindergarten early intervention programs.

6. Submit to the Legislature and the Commissioner of Education, by January 1, 1988, a report describing the availability of prekindergarten programs in each school district and assessing the feasibility of statewide implementation of prekindergarten education, including, if appropriate, a 5-year plan for statewide implementation.

7. Submit to the Commissioner of Education and the Legislature, by January 1, 1987, a report describing the availability of training programs for prekindergarten early intervention program personnel and containing recommendations for training requirements and for establishing a career ladder for such personnel.

(9) DISTRICT INTERAGENCY COORDINATING COUNCILS.—

(a) To be eligible for a prekindergarten early intervention program, each school district must develop, implement, and evaluate its prekindergarten program in cooperation with a district interagency coordinating council on prekindergarten education.

(b) Each district coordinating council shall be comprised of at least 11 members to be appointed by the district school board for the county in which participating schools are located and to include at least the following:

1. One member who is a parent of a child enrolled in, or intending to enroll in, the public school prekindergarten program.

2. One member who is a director or designated director of a prekindergarten program in the district.

3. One member who is a member of a district school board.

4. One member who is a representative of an agency serving the handicapped.

5. Three members who are representatives of organizations providing prekindergarten educational services, one of whom is a representative of a Head Start Program; and one of whom is a representative of a Title XX subsidized child day care program, if such programs exist within the county; and one of whom is a representative of a private prekindergarten program. If there is no Head Start Program or Title XX program operating within the county, the school board shall appoint two members to represent community interests in prekindergarten education.

6. Two members who are representatives of agencies responsible for providing social, medical, dental, or transportation services.

7. One member to represent a local child advocacy organization.

8. One member to represent the district K-three program.

(c) Each district interagency coordinating council shall:

1. Assist district school boards in developing a proposal to implement a prekindergarten early intervention program. The proposal must be signed by the council chairman, the chairman of the district school board, and the district school superintendent before being submitted to the Commissioner of Education for approval.

2. Coordinate the delivery of educational, social, medical, child care, and other services.

3. Submit, in cooperation with the district school board, to the Commissioner of Education, a biennial report, beginning July 1, 1988, on council activities and the district's progress in implementing the prekindergarten education program. The report shall include recommendations to the state advisory council concerning local and statewide implementation of prekindergarten programs.

(10) IMPLEMENTATION.—The State Board of Education shall adopt rules to implement this section.

Section 3. Section 228.061, Florida Statutes, is amended to read:

228.061 Other public schools; nursery schools, *prekindergarten early intervention programs*, special schools and courses.—The public schools of Florida may, in addition to the schools prescribed in s. 228.051, include nursery schools, *prekindergarten early intervention programs, and* special schools, courses and classes as authorized below:

(1) NURSERY SCHOOLS.—Nursery schools shall comprise classes for children who have attained the ages prescribed by s. 232.05 and may be established in the discretion of the school board where sufficient children of these ages are available to make possible an organization of at least 20 such children at any school center. Such schools or classes shall be supported and maintained from district taxes, from such funds supplemented by tuition charges, or from funds from federal or other lawful sources, exclusive of state sources*; however, state funds may be used to support prekindergarten early intervention programs pursuant to s. 228.0615.*

(2) PREKINDERGARTEN EARLY INTERVENTION PROGRAMS.—Prekindergarten early intervention programs shall consist of educational and enrichment activities for children who have attained the ages prescribed by s. 232.045. Such programs shall be supported and maintained by state funds, district funds, tuition charges, or such funds as may be available from federal or other lawful sources.

(3)~~(2)~~ OTHER SCHOOLS, COURSES, AND CLASSES.—

(a) There may be established, at the discretion of the school board, other schools, courses, and classes pursuant to law or by regulations of the state board for:

1. Giving instruction in applied arts and sciences;

2. Rehabilitating atypical, dependent; and delinquent children;

3. Promoting the education of adults;

4. Furnishing part-time, evening, and vocational schools and classes;

5. Providing technical or vocational training for persons regardless of age; and

6. Offering other types of instruction of a similar nature.

(b) Such schools, courses, and classes shall be supported by state, district, and federal funds or by any combinations of these funds supplemented by funds from such other lawful sources as may be available, including tuition or matriculation fees as may be authorized by regulations of the state board.

Section 4. Section 232.045, Florida Statutes, is created to read:

232.045 In prekindergarten early intervention programs.—Children who will have attained the age of 3 years on or before September 1 of the school year are eligible for admission to prekindergarten early intervention programs during that school year as provided in s. 228.0615.

(Renumber subsequent section.)

Senator Peterson moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 4, after the semicolon (;) insert: amending s. 232.2465, F.S., modifying qualification requirements; providing for establishment of course requirements and alternatives by rule of the State Board of Education;

Senators Grizzle, Castor and Meek offered the following amendment which was moved by Senator Grizzle and adopted:

Amendment 4—In title, on page 1, line 4, following the semicolon (;) insert: creating s. 228.0615, F.S.; establishing the Prekindergarten Early Intervention Program within the Department of Education; providing legislative intent; providing for implementation of prekindergarten early intervention programs by district school boards; requiring program proposals by district school boards; providing proposal criteria; providing for proposal approval by the Commissioner of Education; requiring an annual report of each program; providing for the distribution of funds; requiring the Department of Education to collect program cost data; requiring certain program participants be assessed certain fees; prohibiting use of program funds to construct new facilities; establishing the State Advisory Council on Early Childhood Education; providing for membership and organization; providing council duties and responsibilities; requiring each school board to appoint a district interagency coordinating council on prekindergarten education; providing for membership and duties; requiring an annual report by each district coordinating council; amending s. 228.061, F.S.; providing for inclusion of prekindergarten early intervention programs in state public schools; creating s. 232.045, F.S.; providing a minimum age requirement for admission to a prekindergarten early intervention program;

On motion by Senator Weinstein, by two-thirds vote CS for HB 302 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Deratany

SB 195 was laid on the table.

On motion by Senator Weinstein, the rules were waived and CS for HB 302 was ordered immediately certified to the House.

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

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 recalled from the Senate, reconsidered passage, further amended and passed as further amended HB 871, and requests the concurrence of the Senate.

Allen Morris, Clerk

HB 871—A bill to be entitled An act relating to county authorities; amending ss. 159.45, 159.605, 159.703, and 243.21, F.S.; revising membership requirements for industrial development authorities, housing finance authorities, research and development authorities, and educational facilities authorities; providing an effective date.

On motion by Senator Beard, by unanimous consent HB 871 was taken up out of order. On motions by Senator Beard, by two-thirds vote HB 871 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	Fox	Jenne	Myers
Barron	Frank	Jennings	Neal
Beard	Gersten	Kiser	Peterson
Childers, D.	Girardeau	Langley	Plummer
Childers, W. D.	Gordon	Malchon	Scott
Crawford	Grant	Mann	Thomas
Crenshaw	Grizzle	Margolis	Thurman
Deratany	Hair	McPherson	Vogt
Dunn	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jenne, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet from 12:30 until 2:00 p.m. Monday, June 2 to consider SB 252, CS for SB's 77 and 191, SB 246, CS for SB 1041, CS for SB 1236, SB 1326 and CS for SB 446.

On motions by Senator Jenne, by two-thirds vote SB 430 and CS for SB 841 were withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; CS for SB 829, 402 and 223 was withdrawn from the Committee on Economic, Community and Consumer Affairs; Senate Bills 889, 1123 and HB 556 were withdrawn from the Committee on Judiciary-Civil; SB 952, CS for SB 953, SB 954, SB 955 and CS for SB 1096 were withdrawn from the Committee on Finance, Taxation and Claims; SB 1036, SCR 1095 and CS for SB 1228 were withdrawn from the Committee on Commerce; CS for SB 1155 was withdrawn from the Committee on Health and Rehabilitative Services; CS for HB 377 was withdrawn from the Committee on Natural Resources and Conservation; and HB 1039 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Neal, by two-thirds vote SB 560 was removed from the calendar and recommitted to the Committee on Appropriations.

ENROLLING REPORTS

Senate Bills 241, 422, 464, 579, 596, 667, 719, 785, 804, 833, 1317, 1318, CS for SB 399 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 30, 1986.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 29 was corrected and approved as follows:

Page 499, column 1, between lines 27 and 28 insert:

Barron	Grant	Mann	Thomas
Beard	Grizzle	Myers	Vogt
Crenshaw	Jennings	Peterson	
Deratany	Kiser	Scott	

CO-INTRODUCERS

Senator D. Childers—CS for SB 192

VOTES RECORDED

Senator Johnson was recorded as voting yea on the following which were considered May 30: CS for SB 115, CS for SB 485, CS for SB 486, CS for SB 516, CS for CS for SB 1012, CS for CS for SB 1111, CS for CS for SB 1172, House Bills 276, 302, 618 and CS for CS for HB 644.

RECESS

Senator Jenne moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Monday, June 2 at 2:00 p.m. The motion was adopted.

Pursuant to the motion by Senator Jenne, the Senate recessed at 12:06 p.m. to reconvene at 2:00 p.m., Monday, June 2.