Journal of the Senate

Number 26 **Friday, June 6, 1986**

PRAYER

The following prayer was offered by the Rev. Dr. Robert M. McMillan, Pastor, First Baptist Church, Tallahassee:

Father, in these closing hours of the Senate, keep us from the danger of thinking negatively in retrospect concerning decisions already made. Grant us the courage and conviction to live with our decisions believing in the process of government we have accepted for ourselves. Keep us also from second guessing what might have been. May we accept the reality of what is.

Teach us the healthy forgetfulness of what we cannot now change and help us to refocus our vision on what lies ahead, that yesterday's experiences may become tomorrow's guidelines.

Again, our God, we ask for harnessing of emotions that so easily erupt from tired bodies and minds. Grant these your servants strength for today and the determination to seek your aid again in the morrow. Amen.

CALL TO ORDER

The Senate was called to order by the President at 10:15 a.m. A quorum present—39:

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

Excused: Senator Neal, periodically, to work on the appropriations bill

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, June 6, 1986: CS for SB 527, CS for SB 397, SB 69, CS for SB 27, CS for SB's 101 and 288, SB 285, CS for SB 1026, SB 762, SB 378, CS for SB's 377, 445 and 1088, SB 374, CS for SB 431, CS for SB 180, SJR 710, SB 462, SB 747, CS for SB 996, CS for SB 1231, CS for SB 962, SB 476, CS for SB 75, CS for SB 211, CS for SB's 126, 36 and 662, SB 820, SB 1137, CS for SB 901, SB 1123, SB 552, CS for SB 444, SB 560, CS for SB 351, HB 1255

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Friday, June 6, 1986: SB 805, SB 1344, HB 361, HB 547, HB 1003, HB 1062, HB 1064, HB 1068, CS for HB 1078, HB 1086, HB 1088, HB 1151, HB 1262, HB 1347, HB 1349, HB 1373, HB 1375, HB 1419, HB 1418, HB 1186, HB 1128, HB 1063, HB 1035, SB 666, HB 1020

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Appropriations recommends the following pass: HB 1194, SB 489, CS for SB 669, SB 1216 with 1 amendment, CS for SB 1227, SB 1240, CS for HB's 1371, 1291, 1328 and 1327, CS for HB's 343 and 436, and CS for HB 268 with 2 amendments

The bills were placed on the calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 52, 73 and 605 which he approved on June 4, 1986; Senate Bills 422, 667, 833, 241, 596, 464, 579, 785 and CS for SB 399 which he approved June 6, 1986.

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 630, HB 1430; has passed as amended CS for HB 83, House Bills 868, 1011, 1293, 1314 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Clements and others—

CS for HB 630—A bill to be entitled An act relating to cemeteries; amending s. 497.006, F.S.; revising criteria for determining the need for new cemeteries; amending s. 497.033, F.S.; modifying review provisions of cemetery company bylaws by the Department of Banking and Finance with respect to the requirements of ch. 120, F.S.; creating s. 497.091, F.S.; requiring owners of burial rights to keep cemeteries informed of their addresses; providing abandonment proceedings; establishing a method by which abandoned burial rights may be sold; providing for review and repeal; providing an effective date.

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

By Representatives Thompson and Lawson—

HB 1430—A bill to be entitled An act relating to Gadsden County; establishing and organizing a municipality to be known and designated as the City of Midway in said county; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges and means for exercising the same; prescribing the general powers to be exercised by said city and its officers; providing a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Finance and Taxation and Representative Kelly and others—

CS for HB 83—A bill to be entitled An act relating to fishing; amending s. 372.57, F.S., providing for nonresident fishing licenses; providing for the periods of the licenses; providing fees; amending s. 372.571, F.S., providing for an expiration date for such licenses; amending s. 372.561, F.S., increasing the fee charged by the issuing tax collector for the cost of issuing a license or stamp tax to take wild animal life or freshwater aquatic life; repealing ss. 9, 10, 11 and 12, chapter 85-324, Laws of Florida, relating to the deduction of administration costs for issuing waterfowl stamps, the fee charged for permits to use Florida Game and Fresh Water Fish Commission lands for outdoor recreational purposes, the fee for issuance of duplicate licenses, and the deduction of administrative costs by county tax collectors for the issuance of licenses for freshwater fish dealers, frog dealers, and other licenses for fish or frog dealers, farmers, or takers, to avoid the conflicts that would arise as a result of the passage to two laws in the 1985 session amending the same sections of the Florida Statutes; amending s. 372.65, F.S., providing for an aquaculture game fish license; providing effective dates.

—was referred to the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

By Representative Silver—

HB 868—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; limiting appellate review of sentences imposed outside sentencing guidelines; providing legislative adoption and implementation of certain revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Metcalf—

HB 1011—A bill to be entitled An act relating to education; amending s. 1, ch. 84-192, Laws of Florida; changing the name of the South Florida School for the Performing and Visual Arts to the "New World School of the Arts"; removing limitation that the school is to serve only Dade County students; providing for administration of the school; authorizing the school to affiliate with certain other institutions; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Natural Resources and Representative Smith—

HB 1293—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.13, F.S., defining the term "stone crab"; amending s. 370.027, F.S.; limiting rulemaking authority of the Marine Fisheries Commission; amending s. 370.06, F.S.; providing licensing requirements for certain activities relating to saltwater products; providing license fees; providing for license fee distribution; authorizing the Department of Natural Resources to adopt certain rules for processing and issuing licenses; amending s. 370.07, F.S.; providing for the confidentiality of certain seafood dealer reports; amending s. 370.071, F.S.; authorizing the Department of Natural Resources to adopt rules for the regulation of seafood processors; providing a license requirement; authorizing the department to revoke such license under certain circumstances; amending ss. 370.08, 370.101, 370.13, 370.135, F.S.; providing regulations and license requirements with respect to use of gear and other equipment, use of poisons, drugs, and chemicals, catching or possessing saltwater fish, taking of stone crabs, and taking of blue crabs; providing penalties; repealing s. 370.082(2), F.S., relating to the confiscation of unattended nets and devices in specified counties; amending s. 370.14, F.S.; providing license requirements for harvesting crawfish; amending ss. 370.15, 370.151, 370.155, 370.156, F.S.; providing regulations for shrimping; providing license requirements; providing penalties; amending s. 370.16, F.S.; providing regulations for oyster, clam, and mussel harvesting; providing license requirements; prohibiting all dredging of shell deposits; providing penalties; amending s. 370.17, F.S.; providing a nonresident license requirement for sponge fishing; providing that this act does not affect the scheduled repeal of certain provisions of the Florida Statutes; amending s. 6, ch. 83-134, Laws of Florida, as amended; revising the list of statutory provisions relating to marine fisheries that will stand repealed upon adoption of appropriate rules by the Governor and Cabinet; providing that certain rules shall remain in force as rules of the Department of Natural Resources; providing that oysters sold in this state must be labeled as to point of harvest; providing for rules; providing effective dates.

—was referred to the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

By the Committee on Finance and Taxation and Representative Easley—

HB 1314—A bill to be entitled An act relating to tax administration; amending s. 196.131, F.S.; authorizing counties to waive the requirement for annual application for homestead exemption; amending s. 191.161, F.S.; providing a penalty; amending s. 192.037, F.S., relating to collection of taxes and special assessments on fee time-share real property; revising provisions relating to escrow accounts and reports thereon; creating s. 201.022 and amending s. 193.074, F.S.; requiring the filing of a return with the clerk of the circuit court stating the actual consideration paid for real property prior to recordation of a deed; providing for confidentiality; amending s. 193.461, F.S.; revising the date for notice of denial of agricultural classification; amending s. 194.013, F.S.; providing for return of filing fee when a petitioner prevails with respect to assessment or exemption in a conference with the property appraiser; amending ss. 195.002 and 195.087, F.S.; authorizing the Department of Revenue to establish committees and enter into certain agreements regarding fees with respect to schools conducted for property appraisers and tax collectors; providing for travel expenses; amending ss. 196.151 and 196.193, F.S.; revising dates for consideration of homestead exemption applications by the property appraiser and for notice regarding denial or modification of applications for ad valorem tax exemptions; amending s. 196.1995, F.S., relating to the economic development ad valorem tax exemption; specifying when property improvements or additions must be made to qualify for exemption; amending s. 200.065, F.S., relating to method of fixing millage; revising computation of the "rolled-back rate" to remove the exclusion of any increase in taxable value by which a tax increment is measured for a community development agency; providing for notice when a final budget hearing is recessed; revising form for notices of tax increase; providing assessment methodology; amending s. 196.295, F.S.; revising a provision for repeal of said section and providing for repeal of provisions which allow partial tax abatement when residential buildings are destroyed by fire; specifying taxpayers's liability for prior years' taxes when property is acquired by an exempt governmental unit or for for exempt use; providing an effective date.

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

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the following members have been appointed as Managers on the part of the House on HB 1381: HRS—Representatives Gordon, Lippman, Messersmith, R. C. Johnson, and alternates, Upchurch, M. E. Hawkins; General Government—Representatives Gardner, Gustafson, Crotty, Hodges, and alternates, Ogden, Gallagher; Education—Representatives Mills, Morgan, Easley, Wetherell, and alternates, Carpenter, Burnsed, Silver; Salaries and Benefits—Representatives Hodges, Gallagher, Bell and alternate, Ward.

Allen Morris, Clerk

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 97—A bill to be entitled An act relating to public lodging and public food service establishments; authorizing the operator of a public lodging establishment to detain a person he has probable cause to believe was engaging in life-threatening disorderly conduct on the premises of the establishment; providing for warrantless arrest of a person a law enforcement officer has probable cause to believe was engaging in life-threatening disorderly conduct on the premises of a public lodging establishment; providing immunity from civil or criminal liability; providing penalties for knowingly resisting such detention or arrest; amending s. 509.302, F.S.; providing for the supervision of the Hospitality Education Program by the Division of Hotels and Restaurants of the Department of Business Regulation; repealing s. 509.211(1), F.S., relating to the submission of building plans to the division; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, between lines 6 and 7, insert:

Section 3. Four positions are appropriated in the Division of Hotels and Restaurants in fiscal year 1986-87 to be funded from the special category - Hospitality Education Program in the Hotel and Restaurant trust fund.

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 15, after "arrest;" insert: appropriating positions to the Division of Hotels and Restaurants of the Department of Business Regulation;

Amendment 3—On page 5, between lines 6 and 7, insert:

Section 6. Subsections (1) and (2) of s. 509.215, F.S., are amended to read:

509.215 Fire safety.—

(1) Any public lodging establishment, as defined in this chapter, or any facility or accommodation of a time-share plan, as defined in chapters 718 and 721, which is of three stories or more and for which the construction contract has been let after September 30, 1983, ~~shall be equipped with an automatic sprinkler system in any portion of the build-~~

~~ing~~ with interior corridors which do not have direct access from the guest area to exterior means of egress *and on buildings over 75 feet in height that have direct access from the guest area to exterior means of egress and for which the construction contract has been let after September 30, 1983, shall be equipped with an automatic sprinkler system installed in compliance with the provisions prescribed in the National Fire Protection Association publication NFPA No. 13 (1985), "Standards for the Installation of Sprinkler Systems". The sprinkler installation may be omitted in closets which are not over 24 square feet in area and in bathrooms which are not over 55 square feet in area and which closets and bathrooms are located in guest rooms or time-share units* ~~on a building which is less than 75 feet in height, which system conforms to the minimum standards prescribed in the National Fire Protection Association publication NFPA No. 13 (1980), "Standards for the Installation of Sprinkler Systems"; except that the sprinkler installation may be omitted in closets which are not over 24 square feet in area and in bathrooms which are not over 55 square feet in area and which closets and bathrooms are located in guest rooms or time-share units~~. Each guest room and each time-share unit shall be equipped with an approved listed single-station smoke detector meeting the minimum requirements of *NFPA-74 (1984) "Standards for the Installation, Maintenance and Use of Household Fire Warning Equipment", powered from the building electrical service* ~~NFPA-72A (1979) and NFPA-72E (1978)~~, notwithstanding the number of stories in the structure, if the contract for construction is let after September 30, 1983. *Single station smoke detection shall not be required when guest rooms and/or time-share units contain smoke detectors connected to a central alarm system which also alarms locally.*

(2) Any public lodging establishment, as defined in this chapter, or any time-share unit of a time-share plan, as defined in chapters 718 and 721, which is of three stories or more and for which the construction contract was let before October 1, 1983, shall be equipped with:

(a) A system which complies with subsection (1); or

(b) An approved sprinkler system for all interior corridors, public areas, storage rooms, closets, kitchen areas, and laundry rooms, less individual guest rooms or time-share units, provided the following conditions are met:

1. There is a minimum 1-hour separation between each guest room or time-share unit and between each guest room or time-share unit and a corridor.

2. The building is constructed of noncombustible materials.

3. The egress conditions meet the requirements of s. 5-3 of the Life Safety Code, NFPA 101 *(1985)* ~~(1981)~~.

4. The building has a complete automatic fire detection system which meets the requirements of NFPA-72A *(1985)* ~~(1979)~~ and NFPA-72E *(1984)* ~~(1978)~~, including smoke detectors in each guest room or time-share unit individually annunciating to a panel at a supervised location.

Section 7. Section 553.895, F.S., is amended to read:

553.895 Firesafety.—Any transient public lodging establishment, as defined in chapter 509 and used primarily for transient occupancy as defined in s. 83.43(10), or any time-share unit of a time-share plan as defined in chapters 718 and 721, which is of three stories or more and for which the construction contract has been let after September 30, 1983, ~~shall be equipped with an automatic sprinkler system in any portion of the building~~ with interior corridors which do not have direct access from the guest area to exterior means of egress *and on buildings over 75 feet in height that have direct access from the guest area to exterior means of egress and for which the construction contract has been let after September 30, 1983, shall be equipped with an automatic sprinkler system installed in compliance with the provisions prescribed in the National Fire Protection Association publication NFPA No. 13 (1985), "Standards for the Installation of Sprinkler Systems."* ~~on a building which is less than 75 feet in height, which system conforms to the minimum standards prescribed in the National Fire Protection Association publication NFPA No. 13 (1980), "Standards for the Installation of Sprinkler Systems."~~ Each guest room and each time-share unit shall be equipped with an approved listed single-station smoke detector meeting the minimum requirements of *NFPA 74 (1984) "Standards for the Installation, Maintenance and Use of Household Fire Warning Equipment", powered from the building electrical service,* ~~NFPA-72A (1979) and NFPA-72E (1978),~~ notwithstanding the number of stories in the structure, if the contract for construction is let after September 30, 1983. *Single-station smoke detectors shall not be required when guest room and/or time-share units contain smoke detectors connected to a central alarm system which also alarms locally.*

(Renumber subsequent section.)

Amendment 4—On page 1 in the title, line 21, after "division;" insert: amending subsections (1) and (2) of section 509.215, F.S., and s. 553.895, F.S.; providing for compliance in installation of automatic sprinkler systems and single station smoke detectors; providing exceptions;

Amendment 5—On page 5, between lines 6 and 7, insert a new Section 5:

Section 5. Section 509.216, F.S., is created to read:

509.216 Water and Energy Regulations.—

(1) Any public lodging establishment, as defined in this chapter, or any facility or accommodation of a timeshare plan, as defined in chapter 718 and 721, for which the construction contract has been let after July 1, 1986, shall be equipped with showerhead devices which shall have no more than a 3.5 gallon per minute flow rate when measured at a line pressure of 82 p.s.i. and which contains a built-in flow control valve. Any person or entity utilizing such showerheads shall do so only upon the certification by the Commodity Testing Laboratory of the Florida Department of Agriculture and Consumer Services that the showerhead meets a 3.5 gallon per minute flow rate; and workmanship and materials are determined to be good; and the nature of the shower spray produced is determined to be satisfactory or above with a forceful spray wherein the flow control valve which restricts the flow of water is not capable of being removed without special tooling. All such units shall be tested prior to use by the Commodity Testing Laboratory of the Florida Department of Agriculture and Consumer Services.

(2) Any public or lodging establishment as defined in this chapter, or any timeshare unit of a timeshare plan, as defined in chapter 718 and 721 for which the construction contract was let prior to July 1, 1986 shall retrofit within a period of five (5) years as specified in (1).

(Renumber subsequent sections.)

Amendment 6—On page 1 in the title, line 21, following the semicolon (;) insert: providing water and energy regulation by creating s. 509.216;

Amendment 8—On page 3, line 7, insert the following new language:

Section 3. Section 509.241(3), F.S., is amended to read:

509.241 Licenses required; exceptions.—

(3) Exceptions—The licensing provisions of chapter 475 shall not be construed to prohibit the operators of a public lodging establishment or public food service establishment from offering to rent or renting to the public the facilities defined in this chapter and engaging in activities related to such offer to rent and renting such facilities, including advertising and solicitation, provided:

(a) The facilities rented, offered for rent, or having been rented are under one ownership, control, management, or franchising authority:

(b) The activities of offering for rent and renting by such operator are confined and relate to such facilities; and

(c) No operator rents or offers for rent facilities for more than one ownership, management, control, or franchising authority. *This paragraph shall not apply to public lodging establishments described in s. 509.242.*

(Renumber subsequent sections.)

Amendment 9—On page 1 in the title, line 21, insert: Amending s. 509.241, F.S.; expanding an exception from real estate licensure provisions provided to operators of hotels and motels;

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

CS for SB 97 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair

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 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 27, strike everything after the enacting clause and insert:

Section 1. Section 110.205, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 110.205, F.S., for present text.)

110.205 Career service; exemptions.—

(1) CAREER POSITIONS.—The career service to which this part applies includes all positions not specifically exempted by this part, any other provisions of the Florida Statutes to the contrary notwithstanding.

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers and employees of the Florida Public Service Commission and Commission on Ethics.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Florida School for the Deaf and the Blind.

(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission members shall be set by the department in accordance with the rules of the Senior Management Service.

(f) Judges, referees, and receivers.

(g) Patients or inmates in state institutions.

(h) All positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the department for other personal service payments pursuant to s. 110.131.

(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators and the Central Operations Services Director in the Department of Health and Rehabilitative Services. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(j) The personal secretary to the incumbent of each position exempted in paragraph (a), and, to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i). Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(k) All officers and employees in the Office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, inspector general, Director of Cabinet Affairs, Director of Press Relations, director of Planning and Budget, director of administration, director of state-federal relations, and chief prosecutor of the statewide grand jury, and the director of each separate budget entity shall have their salaries and benefits set by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subparagraph 1. shall be set by the department. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (q), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set as if career service employees.

(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health and Rehabilitative Services and the Department of Corrections that are assigned primary duties of serv-

ing as the superintendent of an institution. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

(m)1. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 10 policymaking positions as being exempt from the Career Service System; provided, however, the secretary of the Department of Health and Rehabilitative Services may designate a maximum of 20 policymaking positions as being exempt from the Career Service System. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, if the agency head certifies to the department that the general counsel, chief cabinet aide, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be set by the department in accordance with the rules of the Senior Management Service.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

(n) The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(o) All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

(p) The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, public health unit directors, public health unit administrators, and the Deputy Director of Central Operations Services of the Department of Health and Rehabilitative Services. Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(q) All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352, or membership in The Florida Bar, except for any attorney who serves as a hearing officer pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—Employees of the Department of Law Enforcement shall be subject to the provisions of s. 110.227, except in matters relating to transfer.

(4) DEFINITION OF DEPARTMENT.—When used in this section, the term "department" shall mean all departments and commissions of the executive branch, whether created by the State Constitution or chapter 20; the Office of the Governor; and the Public Service Commission; however, the term "department" shall mean the Department of Administration when used in the context of the authority to set salaries and benefits.

(5) POSITIONS EXEMPTED BY OTHER STATUTES.—If any position is exempted from the career service by any other statute and the personnel system to which that position is assigned is not specifically included in the statute, the position shall be placed in the Selected Exempt Service and the department shall set the salary and benefits for that position in accordance with the rules of the Selected Exempt Service.

Section 2. Subsections (2) and (3) of section 110.402, Florida Statutes, are amended to read:

110.402 Senior Management Service; creation, coverage.—

(2) The Senior Management Service shall be limited to those positions which are exempt from the Career Service System by s. 110.205(2) ~~, which meet the foregoing criteria for Senior Management Service,~~ and for which the salaries *and benefits* are *set* ~~fixed~~ by the ~~classification and pay plan established and maintained by the~~ department *in accordance with the rules of* ~~for~~ the Senior Management Service.

(3) ~~Those employees exempted from the Career Service by s. 110.205(2)(a) or (m), as well as~~ The Executive Director and the Deputy Executive Director of the Commission on Ethics~~,~~ shall ~~be eligible to~~ receive the same benefits, other than salary, as are provided to members of the Senior Management Service.

Section 3. Paragraph (a) of subsection (1) of section 110.403, Florida Statutes, is amended to read:

110.403 Powers and duties of the Department of Administration.—

(1) In order to implement the purposes of this part, the Department of Administration, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of employees included in the Senior Management Service exceed *500* ~~1,500~~. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 4. Subsection (1) of section 110.406, Florida Statutes, is amended to read:

110.406 Senior Management Service annual report.—

(1) The secretary shall, no later than *March* ~~February~~ 1 of each year, furnish to the President of the Senate and the Speaker of the House of Representatives a report regarding the administration of the Senior Management Service.

Section 5. Section 110.601, Florida Statutes, is amended to read:

110.601 Declaration of policy.—It is the purpose of this part to create a system of personnel management which ensures to the state the delivery of high quality performance in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the work force is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected *Exempt* ~~Professional~~ Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 6. Section 110.602, Florida Statutes, is amended to read:

110.602 Selected *Exempt* ~~Professional~~ Service; creation, coverage.—The Selected *Exempt* ~~Professional~~ Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2)~~(u)~~ and *for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service* ~~which are not included in the Senior Management Service~~. *In no event shall the number of employees included in the Selected Exempt Service exceed 2,000.*

Section 7. Section 110.603, Florida Statutes, is amended to read:

110.603 Pay and benefits.—The department shall adopt:

(1) A classification plan and a pay plan consisting of salary ranges appropriate to the positions included in the Selected *Exempt* ~~Professional~~ Service and which provides for salary increases based on performance. Such salary ranges shall be designed to attract and retain qualified personnel for the Selected *Exempt* ~~Professional~~ Service ~~system~~.

(2) A pay plan and benefit package for the Selected *Exempt* ~~Professional~~ Service which provides for greater pay and benefits overall than are provided for the Career Service and less pay and benefits overall than are provided for the Senior Management Service.

Section 8. Section 110.604, Florida Statutes, is amended to read:

110.604 Suspensions, dismissals, reductions in pay, demotions, and transfers.—Employees in the Selected *Exempt* ~~Professional~~ Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 9. Subsections (1) and (5) of section 110.605, Florida Statutes, are amended to read:

110.605 Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports and a uniform performance appraisal system relating to employees and positions in the Selected *Exempt* ~~Professional~~ Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.

(c) The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

(d) The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected *Exempt* ~~Professional~~ Service positions.

(5) The secretary may periodically hire a consultant with expertise in personnel management to advise him with respect to the administration of the Selected *Exempt* ~~Professional~~ Service.

Section 10. Section 110.606, Florida Statutes, is amended to read:

110.606 Selected *Exempt* ~~Professional~~ Service annual report.—

(1) The secretary shall, no later than *March* ~~February~~ 1 of each year, furnish to the President of the Senate and the Speaker of the House of Representatives a report regarding the administration of the Selected *Exempt* ~~Professional~~ Service.

(2) The annual report required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of this part.

(b) Any recommendations and proposals for legislation which the secretary may have with respect to improving the operation and administration of the Selected *Exempt* ~~Professional~~ Service.

(c) In addition, in each even-numbered year, the annual report shall also be furnished to the Executive Office of the Governor and shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected *Exempt* ~~Professional~~ Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected *Exempt* ~~Professional~~ Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected *Exempt* ~~Professional~~ Service, indicating the mean salary for each classification within the Selected *Exempt* ~~Professional~~ Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected *Exempt* ~~Professional~~ Service.

(3) To assist in the preparation of the report required by this section, the secretary may hire a consultant with expertise in the field of personnel management.

Section 11. Subsection (1) of section 110.607, Florida Statutes, is amended to read:

110.607 Performance audit of Selected *Exempt* ~~Professional~~ Service.—

(1) The Auditor General shall, on a biennial basis, conduct a performance audit of the Selected *Exempt* ~~Professional~~ Service to determine whether the practices and procedures of the Department of Administration comply with the provisions of this part and with sound principles of personnel management. The audit required by this section shall be completed and the report of such audit furnished to the President of the Senate and the Speaker of the House of Representatives no later than January 1 of each odd-numbered year.

Section 12. *In editing manuscript for the next official edition of the Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee is hereby directed to redesignate part VI of chapter 110, Florida Statutes, as the "Selected Exempt Service System."*

Section 13. Subsections (12) and (29) of section 121.021, Florida Statutes, ~~is~~ are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(12) "Member" means any officer or employee who is covered or who becomes covered under this system in accordance with this chapter. On and after December 1, 1970, all new members and those members transferring from existing systems shall be divided into the following classes: "Special Risk Class," as provided in s. 121.0515(2); "Special Risk Administrative Support Class," as provided in s. 121.0515(7); "Elected State Officers' Class," as provided in s. 121.052; *"Senior Management Service Class" as provided in s. 121.055;* and "Regular Class," which consists of all members who are not in the Special Risk Class, Special Risk Administrative Support Class, ~~or the~~ Elected State Officers' Class, *or Senior Management Service Class.*

(29) "Normal retirement date" means the first day of any month following the date a member attains one of the following statuses:

(c) If a special risk member:

1. Completes 10 or more years of creditable service and attains age 55;

2. Completes 25 continuous years of creditable service, regardless of age; or

3. Completes 25 years of creditable service, which may include a maximum of 4 years of military service credit, and attains age 52*; or*~~.~~

(d) If a senior management service class member:

1. Completes 7 years of creditable service in the senior management service class and attains age 62; or

2. Completes 30 years of creditable service, which may include a maximum of 4 years of military service credit, regardless of age.

Section 14. Section 121.055, Florida Statutes, is created to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987

(1) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part IV of chapter 110, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

(2) Participation in this class shall cease when the member terminates employment in an eligible position.

(3) Commencing February 1, 1987, the employing agency of a member of the Senior Management Service Class shall contribute each pay period an amount equal to 13.88 percent of the member's gross salary, which shall constitute the entire retirement contribution with respect to such member, plus the employer's share of the contribution required for social security coverage.

(4)(a) The definitions set forth in s. 121.021 and all other provisions of this chapter shall apply to the Senior Management Service Class, except the definitions and provisions in conflict with, or superseded or modified by, the provisions of this section.

(b) Service in an eligible position prior to February 1, 1987, or after January 31, 1987, shall satisfy the requirement of attaining normal retirement date as defined in s. 121.021(29) for a senior management service class member, provided the employee is a member of the Senior Management Service Class after January 31, 1987. A member of this class who fails to complete 7 years of creditable service in an eligible position shall be required to satisfy the requirements for the normal retirement date for a regular member as provided in s. 121.021(29).

(c) The average final compensation of a member of this class shall be as defined in s. 121.021(24).

(d) A member of the Senior Management Service Class shall receive retirement credit at the rate of 2 percent of average final compensation for each year of service in such class after January 31, 1987.

(5) A member of the Senior Management Service Class shall retain all rights and creditable service accumulated in the Florida Retirement System prior to membership in the Senior Management Service Class.

(6)(a) The Department of Administration shall establish a Senior Management Service Optional Annuity Program under which contracts providing retirement, death, and disability benefits may be purchased for those employees who elect to participate in the optional annuity program. The benefits to be provided for or on behalf of participants in such optional annuity program shall be provided through individual annuity contracts, which may be fixed or variable, or a combination thereof. The employing agency shall contribute, as provided in this section, toward the purchase of such optional benefits which shall be fully and immediately vested in the participants.

(b) An eligible employee who is a member of the Florida Retirement System or an existing retirement system at the time of election to participate in the Senior Management Service Optional Annuity Program shall retain all retirement service credit earned under the retirement system from which he transferred; provided, however, no additional service credit in the Florida Retirement System or existing retirement system shall be earned while the employee participates in the optional annuity program, nor shall the employee be eligible for disability retirement under the Florida Retirement System or existing retirement system.

(c)1. Any eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of participation in the Senior Management Service Class. Such election shall be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. Any eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. Any employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of commencement of employment, elect to participate in the optional annuity program. Such election shall be made in writing and filed with the personnel officer of the employer. Any eligible employee who does not within 90 days after commencement of such employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is a member of an existing retirement system and is appointed to a position in the Senior Management Service Class on or after February 1, 1987, shall have until 90 days after the date of appointment to such position to elect to participate in the Senior Management Service Class or participate in the optional annuity program.

4. Any eligible employee who is employed on or before February 1, 1987, who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System, may elect to remain in such system or class in lieu of participation in the Senior Management Service Class or optional annuity program. Such election shall be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

(d)1. Each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a Senior Management Service Class member of the Florida Retirement System, less an amount approved by the Legislature which shall be deducted by the division to provide for the administration of this program. The payment of the contributions to the optional program which is required by this subparagraph for each participant shall be made by the employer to the division, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

2. Each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the division for transfer to the Florida Retirement System Trust Fund.

3. Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each participant in the Senior Management Service retirement program, and shall be in addition to the retirement contributions specified in this paragraph.

4. Each participant in the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the participant's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the participant's contributions shall be made by the employer to the division which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

(e)1. Benefits shall be payable under the Senior Management Service Optional Annuity Program only to participants in the program or their beneficiaries, and such benefits shall be paid by the designated company in accordance with the terms of the annuity contract or contracts applicable to the participant.

2. The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

(f)1. The Senior Management Service Optional Annuity Program authorized by this section shall be administered by the Division of Retirement. The division shall designate one or more provider companies from which annuity contracts may be purchased under the program, and shall approve the form and content of the contracts.

2. The provisions of each contract applicable to a participant in the Senior Management Service Optional Annuity Program shall be contained in a written program description which shall include a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the program and the benefits applicable to the participant. Such description shall be furnished by the company or companies to each participant in the program and to the division upon commencement of participation in the program and annually thereafter.

3. The division shall ensure that each participant in the Senior Management Service Optional Annuity Program is provided an accounting of the total contribution and the annual contribution made by and on behalf of such participants.

Section 15. This act shall take effect February 1, 1987.

Amendment 2—On page 1, lines 1-31, and on page 2, lines 1-24, strike all of said lines and insert: A bill to be entitled An act relating to state employment; amending s. 110.205, F.S., revising criteria with respect to exempt positions under the career service; providing a definition; amending s. 110.402, F.S., revising language with respect to 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; amending s. 110.406, F.S., revising the date for a report with respect to the Senior Management Service; amending ss. 110.601, 110.602, 110.603, 110.604, 110.605, 110.606, and 110.607, F.S., changing the term "Selected Professional Service" to "Selected Exempt Service"; changing the due date for the annual report regarding the administration of the Selected Exempt Service; establishing a maximum number of employees that may be included in the Selected Exempt Service, directing the Statutory Revision Division to make appropriate changes to the Florida Statutes; amending s. 121.021, F.S., redefining the term "member"; creating s. 121.055, F.S., creating the Senior Management Service Class of the Florida Retirement System; specifying membership; providing for employer contributions; providing for minimum creditable service for retirement; providing for the establishment of the Senior Management Service Optional Annuity Program; providing for participation; providing for contributions; providing for payment of benefits; providing for administration; providing an effective date.

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

Amendment 1—On page 14, line 25, strike "30" and insert: 25

Amendment 2—On page 15, line 16, strike "13.88" and insert: 14.97

Amendment 3—On page 20, line 27, insert new Sections 15, 16 and 17 to read:

Section 15. Section 121.24, Florida Statutes, is amended to read:

121.24 Conduct of commission business; legal and other assistance; compensation.—

(1) The commission shall conduct its business within the following guidelines:

(a) *For purposes of hearing appeals under s. 121.23, the commission may meet in panels consisting of not fewer than three members. For all other purposes,* a quorum shall consist of four members.~~, and~~ The concurring vote of a majority of the members present shall be required to reach a decision, issue orders, and conduct the business of the commission.

(b) The commission shall elect a chairman and such other officers as it deems necessary. The chairman *or his designee* shall conduct the meetings and hearings of the commission and shall take whatever action is necessary to ensure that the business of the commission is conducted in an equitable, orderly, and expeditious manner. All parties shall abide by the ~~chairman's~~ decisions *of the chairman or his designee,* unless *he* ~~the chairman~~ is overruled by a majority of members present.

(2) Legal counsel for the commission may be provided by the Department of Legal Affairs or by the Department of Administration, with the concurrence of the commission, and shall be paid by the Department of Administration from the appropriate funds.

(3) The Department of Administration shall provide timely and appropriate training for newly appointed members of the commission. Such training shall be designed to acquaint new members of the commission with the duties and responsibilities of the commission.

(4)~~(3)~~ The Division of Retirement shall furnish administrative and secretarial assistance to the commission and shall provide a place where the commission may hold its meetings.

(5)~~(4)~~ The members of the commission shall be paid an honorarium of *$100* ~~$50~~ for each day spent on the work of the commission. In addition to the honorarium, each member shall receive per diem and travel expenses as provided in s. 112.061. The official headquarters of each member, for the purpose of calculating per diem and travel expenses, shall be his permanent home address. Members of a state-administered retirement system who are appointed to the commission shall have their work on the commission considered as part of their regular job assignments and shall not be required to take leave while engaged in the business of the commission. The receipt of an honorarium shall have no effect on the retirement benefits of a retired member of the commission.

Section 16. Notwithstanding the provisions of chapter 82-46, Laws of Florida, sections 121.22, 121.23, and 121.24, Florida Statutes, shall not stand repealed on October 1, 1987, as scheduled by such act, but said sections, as amended, are hereby revived and readopted.

Section 17. Sections 121.22, 121.23, and 121.24, Florida Statutes, are repealed on October 1, 1992, and shall be reviewed by the Legislature prior to that date pursuant to s. 11.611, Florida Statutes.

(Renumber subsequent sections.)

Amendment 4—On page 20, line 28, strike the period (.) and insert: , except that Sections 15, 16 and 17 shall take effect July 1, 1986.

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

Amendment 1—In title, on page 2, line 18, after the semicolon (;) insert: amending s. 121.24, F.S.; authorizing panels of not fewer than three members to hear appeals; providing for training of newly appointed members; increasing the daily honorarium paid to members; reviving and readopting provisions relating to the State Retirement Commission; providing for future legislative review and repeal;

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

CS for CS for SB 1012 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Hair

The Honorable Harry A. Johnston, II, President

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

SB 497—A bill to be entitled An act relating to downtown development authorities; amending s. 200.001, F.S.; providing that certain downtown development authorities are independent special districts; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, between lines 6 and 7, insert:

Section 2. The amendment to paragraph (e) of subsection (8) of section 200.001, Florida Statutes, as set forth in section 1 shall stand repealed effective July 1, 1987.

(Renumber subsequent section.)

On motion by Margolis, the Senate concurred in the House amendment.

SB 497 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten

The Honorable Harry A. Johnston, II, President

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

SB 45—A bill to be entitled An act relating to schools; creating s. 232.426, F.S.; requiring certain rules, policies or bylaws relating to athletic activities to conform to postsecondary athletic scholarship opportunities; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 23, insert a new Section to read:

Section . Subsection (5) of section 240.271, Florida Statutes, is amended to read:

240.271 State University System; funding.—

(5)*(a)* If the actual enrollment for any university is less than the planned enrollment by 0 to 5 percent for any fiscal year, the university shall receive full funding as allocated. If the actual enrollment is less than planned enrollment by more than 5 percent for any fiscal year, the allocation of the university for instruction shall be reduced proportionately to the difference between 5 percent and the actual percentage reduction in enrollment for any fiscal year. All such reductions in university allocations shall be reallocated in the fourth quarter of the fiscal year to all universities on a proportional basis based on actual enrollment by level, not including actual enrollment in excess of planned enrollment. If actual enrollment exceeds target enrollment, there shall be no increased allocation, and an explanation of the excess shall be provided with the next year's enrollment plan.

(b) Notwithstanding the provisions of paragraph (a), the Board of Regents is authorized to reduce enrollment without reducing enrollment-based funding, on a pilot basis, at any state university with a plan to improve the overall quality of its undergraduate education. Approved plans shall focus on the improvement of the quality of instruction and shall be consistent with university mission statements adopted by the Board of Regents. The board shall report biennially to the Legislature on the implementation of the approved plans.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 22, insert a new Section:

Section 2. Subsection (2) of section 235.056, Florida Statutes, is amended to read:

235.056 Lease and lease-purchase of educational facilities.—

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

(Renumber subsequent section.)

Amendment 3—On page 1, line 6, after the semicolon (;) insert: amending s. 235.056, F.S.; permitting boards to lease and lease-purchase educational facilities;

Amendment 4—On page 1, line 6, after the semicolon (;) insert: amending s. 240.271, F.S.; allowing the Board of Regents to reduce enrollment, on a pilot basis, at any state university with an approved plan to improve the quality of undergraduate education;

Amendment 6—On page 1, line 10, insert:

Section 1. *Council on Comprehensive Environmental Education.—*

(1) There is hereby created the Council on Environmental Education. The council shall serve as an advisory body to the Commissioner of Education, the State Board of Education, and the Legislature on matters pertaining to environmental education.

(a) The council shall be composed of 15 members to be appointed as follows:

1. One representative each from the Game and Fresh Water Fish Commission, the Department of Natural Resources, the Department of Environmental Regulation, the Division of Forestry of the Department of Agriculture and Consumer Services, and the Department of Health and Rehabilitative Services, appointed by the head of the agency.

2. A representative from each of five statewide environmental organizations or statewide organizations whose major concern is the protection or preservation of Florida's outdoor environment, appointed by the Governor.

3. Three professional educators who teach environmental education, one representing kindergarten through grade 12 educators, one representing community colleges, and one representing universities, appointed by the Commissioner of Education.

4. Two representatives of the business community interested in environmental education, appointed by the Commissioner of Education.

(b) The council shall be appointed within 2 months after the effective date of this section and shall elect a chairperson from among its members.

(c) For administrative purposes, the council is assigned to the Division of Community Colleges of 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 are entitled to receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out official business of the council. The council shall meet as often as it deems necessary to carry out its duties and responsibilities.

(2) The council shall:

(a) Conduct a review of existing environmental education programs sponsored by nonprofit organizations, private industry, and state agencies of this state and other states and present a report to the State Board of Education and to the Legislature by January 1, 1987.

(b) Based upon an analysis of current environmental education programs, develop a comprehensive plan for enhancing environmental education in this state and submit this plan to the State Board of Education and to the Legislature by March 1, 1987.

(c) Advise the Commissioner of Education regarding appropriate means for incorporating environmental education concepts into curriculum frameworks and the kindergarten through grade 12 public school system.

(d) Propose to the Commissioner of Education and the Legislature a budget for staff and operating costs related to carrying out the recommendations of the council.

(e) Develop and recommend actions related to strengthening environmental education for all citizens of the state.

(3) The Council on Environmental Education is repealed on October 1, 1989, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 2. Section 229.8055, Florida Statutes, is amended to read:

229.8055 Environmental education.—

(1) This section shall be known and may be cited as the "Florida Environmental Education Act."

(2) The Legislature recognizes that Florida is projected to be the fourth largest state in the nation by 1990, and will continue to be a growth state into the 21st century, and that the quality of life for future Floridians cannot continue to grow unless the state is able to ecologically sustain such growth. The Legislature further recognizes that the education of Florida's children and youth is critical to maintaining the delicate relationships among all forms of life and their environments. It is the intent of the Legislature that the public schools of Florida serve as the primary delivery system to create a continuing awareness of the essential mission of mankind to preserve the earth's capability to sustain life in the most healthful, enjoyable and productive environment possible. It is the further intent that the public schools of Florida integrate environmental education throughout the curriculum so that the desired awareness is thorough, continuous and meaningful.

(3)~~(2) It is the purpose of this act to stimulate among students, teachers, and administrators a new awareness of man's relationship to his environments, an increased comprehension of his environments, and an increased ability to utilize the tools of society to solve environmental problems.~~ To achieve this *intent* ~~purpose~~, the Commissioner of Education shall foster the development and dissemination of educational activities and materials which will assist Florida *public school* students, teachers, and administrators in the perception, appreciation, and understanding of environmental *and ecological* principles and problems *;* ~~and~~ in the identification and evaluation of possible alternative solutions to these problems*;* and *in the* assessment of their benefits and risks*.*

(4)~~(3)~~ There is hereby created an environmental education program ~~for the state educational system~~. Responsibility for the administration of the environmental education program shall rest with the Commissioner of Education~~,~~ and the *school districts* ~~administration of the program shall be pursuant to rules adopted by the State Board of Education~~. In developing the environmental education program, the commissioner shall have the power ~~and duties~~ of:

(a) Coordinating the efforts of the various disciplines within the educational system and coordinating the activities of the various divisions of the Department of Education that are concerned with environmental education.

(b) Assembling, developing, and distributing *model* instructional materials for use in environmental education, with special concern being given to the *ecology of mankind and the ecological system of Florida* ~~urban environment~~.

(c) Developing *model* programs for inservice and preservice teacher training in environmental education.

(d) Coordinating and *soliciting* ~~assisting~~ the efforts of private organizations and *other* governmental agencies that are concerned with *preserving Florida's ecology* ~~environmental education~~.

(e) Integrating environmental education into the general curriculum of ~~all~~ public school grades.

~~(f) Developing an estimate of manpower needs in government, science, and industry relative to environmental protection. The estimate shall be revised annually and distributed to the senior high schools, community colleges, and colleges and universities within the state. The commissioner shall review the adequacy of existing educational and training programs to respond to the estimated manpower needs and annually report to the Legislature regarding the adequacy of such programs. The State Employment and Training Council is authorized and directed to provide such technical assistance as is necessary for the development and revision of the manpower needs estimate and for the review of educational and training programs as described herein.~~

~~(4) Pursuant to rules adopted by the State Board of Education, each district school board, and each school principal through the district school board, may submit to the commissioner a proposed program designed to effectuate an exemplary environmental education project in the district or school. The proposal shall include a statement of the nature of the environmental education project proposed, the number of teachers and students to be involved, an estimate of the cost, a plan for evaluation of the project, the number of years for which the project is to be funded, a plan for integration of the project into the general curricular and financial program of the district at the end of the funded term of years, and such other information as the State Board of Education may require.~~

~~(a) Upon request of a district school board or any school principal, the commissioner shall provide such technical assistance as is necessary to develop and submit a proposed program for environmental education. The commissioner may use the staff of the department or such other consultants as may be necessary to accomplish this purpose.~~

~~(b) The commissioner shall review and approve, disapprove, or resubmit for modification all proposed environmental education programs submitted. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for environmental education purposes.~~

(5) Beginning July 1, 1987, the Department of Education shall:

(a) Assign appropriate staff to work directly with general curriculum development activities through district and school administrators responsible for general curriculum, in order to explicitly integrate appropriate ecological topics into the regular curriculum, where appropriate, through curriculum frameworks and performance standards as required by s. 233.011(3)(a) and (b).

(b) Provide consultation to districts concerning the inclusion of instructional components addressing environmental education in district master inservice plans and teacher education programs.

(c) Include academic environmental education and academic ecological topics in the summer camp programs for students authorized by s. 228.087 and the General Appropriations Act, as a part of the science component.

(d) Include components which address the teaching of environmental education in summer inservice institutes for teachers in programs offered in 1988 through 1990.

(e) Collect, analyze, evaluate and disseminate to school districts information about environmental curriculum materials, validated projects and other successful programs.

(f) Include adequate assessment items in the assessment instruments required by s. 232.2454(1) under the Florida Accountability in Curriculum, Educational Instructional Materials, and Testing Act (FACET) of 1984 related to ecological topics addressed by required curriculum frameworks and student performance standards so as to be able to assess the extent to which students exiting middle grades have developed an awareness of the importance of ecological balance to the future of Florida and its citizens. The results of this assessment shall be reported annually to the State Board of Education.

(Renumber subsequent sections.)

Amendment 7—On page 1 in the title, line 2 after the semi-colon, insert: creating the Council on Environmental Education; providing appointment and duties; requiring reports; providing for review and repeal; amending s. 229.8055, F.S., expanding intent with respect to environmental education in the public schools; providing responsibility to the school districts; modifying powers of the Commissioner of Education; providing duties of the Department of Education with respect to environmental education curriculum development and assessment of student performance;

Amendment 8—On page 1, line 10, insert:

Section 1. Paragraph (b) of subsection (9) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(b)1. Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his employer without any limitations, except that a person may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement. However, a district school board may reemploy a retired member as a substitute teacher on a noncontractual basis after he has been retired for 1 calendar month. Any retired member who is reemployed within 1 calendar month after retirement shall forfeit his right to retirement benefits during that month. District school boards reemploying such teachers are subject to the retirement contribution required by subparagraph *4* ~~3~~. Reemployment of a retired member as a substitute teacher is limited to 780 hours during the first 12 months of his retirement. Any retired member reemployed for more than 780 hours during his first 12 months of retirement shall give timely notice in writing to his employer and to the division of the date he will exceed the limitation. The division shall suspend his retirement benefits for the remainder of his first 12 months of retirement. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

2. A community college board of trustees may reemploy a retired member as an adjunct instructor, an instructor who is noncontractual and part-time, after he has been retired for 1 calendar month. Any retired member who is reemployed within 1 calendar month after retirement shall forfeit his right to retirement benefits during that month. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph 4. A retired member may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of his retirement. Any retired member reemployed for more than 780 hours during his first 12 months of retirement shall give timely notice in writing to his employer and to the division of the date he will exceed the limitation. The division shall suspend his retirement benefits for the remainder of his first 12 months of retirement. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

3. ~~2.~~ Any person to whom the limitation in subparagraph 1. *or subparagraph 2.* applies who violates such reemployment limitation and who is reemployed with any agency participating in the Florida Retirement System before completion of the 12-month limitation period shall give timely notice of this fact in writing to his employer and to the division and shall have his retirement benefits suspended for the balance of the 12-month limitation period. Any retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the retirement trust fund, and retirement benefits shall remain suspended until such repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

4. ~~3.~~ The employment by an employer of any retiree of any state-administered retirement system shall have no effect on the average final compensation or years of creditable service of the retiree. Any employer upon employment of any person who has been retired under any state-administered retirement program shall pay retirement contributions in an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for regular members of the Florida Retirement System.

5. ~~4.~~ Any person who has previously retired and who is holding an elective public office or an appointment to an elective public office on or after July 1, 1969, may have his membership in the Florida Retirement System reinstated by making the necessary contributions to the retirement fund for the period of reemployment. Any person who elects this alternative shall not be eligible for retirement benefits during the period of employment. During this period of employment, such compensation shall be included in the computation of the employee's average final compensation and his years of creditable service.

6. ~~5.~~ Any person who has retired and subsequently is elected or appointed to an elective public office which is covered by the Florida Retirement System and who does not elect to reinstate his membership in the Florida Retirement System shall continue to receive his retirement benefits in addition to the compensation of the elective office to which he is elected or appointed without regard to the time limitations otherwise provided in this subsection.

7. ~~6.~~ Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office, provided that he shall be required to terminate his nonelected covered employment. Any person who exercises this election shall receive his retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection; however, no additional creditable service will be earned for such continued employment. No person who seeks to exercise the provisions of this subparagraph, as the same existed prior to May 3, 1984, shall be deemed to be retired under those provisions, unless such person is eligible to retire under the provisions of this subparagraph, as amended by chapter 84-11, Laws of Florida.

8. ~~7.~~ The limitations of this paragraph apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

(Renumber subsequent section.)

Amendment 9—On page 1 in the title, line 2, after the semicolon (;) insert: amending s. 121.091, F.S.; permitting community college boards of trustees to reemploy certain retired faculty; establishing limitations on such reemployment;

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

Amendment 1—On page 2, lines 1 and 2, strike "Notwithstanding the provisions of paragraph (a), t" and insert: T

Amendment 2—On page 2, line 10, insert:

Section 2. Paragraph (b) of subsection (5), Florida Statutes, is repealed effective July 1, 1989, unless specifically reenacted by the Legislature prior to that date.

(Renumber subsequent section.)

Senator Kirkpatrick moved the following amendment to House Amendment 4 which was adopted:

Amendment 1—In title, on page 1, line 15, following the semicolon (;) insert: repealing s. 240.271, F.S., allowing the Board of Regents to reduce enrollment without reducing enrollment-based funding;

On motions by Senator Kirkpatrick, the Senate concurred in House Amendment 1 as amended and House Amendment 4 as amended, and the House was requested to concur in the Senate amendments to the House amendments; and concurred in House Amendments 2, 3, 6, 7, 8 and 9.

SB 45 as amended passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Girardeau	Langley	Plummer
Barron	Grant	Malchon	Scott
Beard	Grizzle	Mann	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Jennings	Meek	Thurman
Crenshaw	Johnson	Myers	Vogt
Deratany	Kirkpatrick	Neal	Weinstein
Dunn	Kiser	Peterson	

Nays—2

Frank Hill

Vote after roll call:

Yea—Fox

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 873—A bill to be entitled An act relating to telecommunications; amending ss. 166.231, 203.01, 203.012, 203.013, 203.60, 212.05, F.S.; specifying applicability of municipal public service tax on telecommunication services; authorizing municipalities to audit certain telecommunication service providers; providing confidentiality; specifying applicability of state tax on operating costs of private telecommunication systems; defining "gross receipts" for telecommunication services, "telecommunication service," and "interstate" for purposes of gross receipts tax; providing for calculation of gross receipts tax on interstate telecommunications service, interstate teletypewriter or computer exchange service, and interstate private communication services; providing a limit on sales taxes imposed on certain telecommunication service providers; providing for administration; amending s. 337.401, F.S.; authorizing municipalities to impose an annual license fee on certain telecommunication service providers for certain purposes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 30, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) and paragraph (a) of subsection (9) of section 166.231, Florida Statutes, are amended and paragraphs (d) and (e) are added to subsection (9) of said section to read:

166.231 Municipalities; public service tax.—

(1)(a) A municipality may levy a tax on the purchase of electricity, metered or bottled gas (natural liquefied petroleum gas or manufactured), *and* water service~~, and telegraph service~~. The tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service. Municipalities imposing a tax on the purchase of cable television service as of May 4, 1977, may continue to levy such tax to the extent necessary to meet all obligations to or for the benefit of holders of bonds or certificates which were issued prior to May 4, 1977.

(9) A municipality may levy a tax on the purchase of telecommunication services as defined in s. 203.012 as follows:

(a)1. Only upon purchases within the municipality of local telephone service as defined in s. 203.012(3) at a rate not to exceed 10 percent of the monthly recurring customer service charges, excluding public telephone charges collected on site, access charges, and any customer access line charges paid to a local telephone company; or

2. Only upon purchases within the municipality of telecommunications service which originates and terminates in this state at a rate not to exceed 7 percent of the total *amount charged for any telecommunications service provided within the municipality or, if the location of the telecommunications service provided cannot be determined, the total amount billed for such telecommunications service to a telephone or telephone number, a telecommunications number or device, or a customers' billing address located within the municipality,* ~~charge for such service~~ excluding public telephone charges collected on site, *charges for any foreign exchange service or any private line service except when such services are used or sold as a substitute for any telephone company switched service or dedicated facility by which a telephone company provides a communication path,* access charges, and any customer access line charges paid to a local telephone company. However, ~~purchases within the municipality of~~ telecommunications service as defined in s. 203.012(5)(b) shall be taxed only on the monthly recurring customer service charges excluding variable usage charges. ~~A purchase is within the municipality if the communication originates or terminates within the municipality and is billed to a purchaser, telephone or telephone number, or telecommunications number or device within the municipality.~~

(d) A municipality electing by ordinace the tax specified in subparagraph (a)2. shall provide to a telecommunications service provider who is responsible for collecting the tax, upon its request, a current map of the municipality which includes street locations within the municipality for use by the provider of the telecommunications service in calculating the proper amount of tax payable to the municipality. The municipality shall be entitled to collect a fee not to exceed the actual cost of providing the information to the telecommunications service provider requesting it.

(e) A municipality may audit the records of any provider of telecommunications service taxable by such municipality and each such provider shall provide to the municipality, upon 60 days notice, access to all applicable records for such telecommunications service. However, any information received by the municipality in connection with such audit is confidential and is not subject to the provisions of s. 119.07(1).

Purchases of local telephone service or other telecommunications service for use in the conduct of a telecommunications service for hire or otherwise for resale are exempt from the tax imposed by this subsection.

Section 2. Subsection (1) of section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility services.—

(1)(a) Every person, including a municipal corporation, that receives payment for electricity for light, heat, or power; for natural or manufactured gas for light, heat, or power; or for telecommunication services shall report quarterly to the Department of Revenue, not later than January 31 for the 3 months ending December 31, not later than April 30 for the 3 months ending March 31, not later than July 31 for the 3 months ending June 30, and not later than October 31 for the 3 months ending September 30, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding 3 months and, at the same time, shall pay into the State Treasury an amount equal to 1.5 percent of such gross receipts. Such collections shall be certified by the Comptroller upon the request of the State Board of Education.

(b) Any person who purchases, installs, rents, or leases a telephone system or telecommunication system for his own use to provide himself with telephone service or telecommunication service ~~which is wholly or partially independent of any local telephone system or any intrastate or interstate interexchange network or~~ which is a substitute for any telephone company switched service or a substitute for any dedicated facility by which a telephone company provides a communication path shall register with the Department of Revenue and pay into the State Treasury a yearly amount equal to 1.5 percent of the actual cost of operating such system. "Actual cost" includes, but is not limited to, depreciation, interest, maintenance, repair, and other expenses directly attributable to the operation of such system. For purposes of this paragraph, the depreciation expense to be included in actual cost shall be the depreciation expense claimed for federal income tax purposes. The total amount of any payment required by a lease or rental contract or agreement shall be included within the actual cost. The provisions of this paragraph do not apply to the use by any local telephone company or any telecommunication carrier of its own telephone system or telecommunication system to conduct a telecommunication service for hire *or to the use of any radio system operated by any county or municipality or by the state or any political subdivision thereof.* If a system described in this paragraph is located in more than one state, the actual cost of such system for purposes of this paragraph shall be the actual cost of the system's equipment located in Florida. The term "telecommunications carrier" specifically includes cellular telephone carriers and other radio common carriers.

Section 3. Paragraph (b) of subsection (2) of section 203.012, Florida Statutes, is amended, and subsection (8) is added to said section to read:

203.012 Definitions.—As used in this chapter:

(2)

(b) Gross receipts for telecommunication services do not include:

1. Charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

2. Charges made to the public for commercial or cable television, unless it is used for two-way communication; however, if such two-way communication service is separately billed, only the charges made for two-way communication service will be subject to tax hereunder;

3. Charges made by hotels and motels, which are required under the provisions of s. 212.03 to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service, when such charge occurs incidental to the right of occupancy in such hotel or motel;

4. Connection and disconnection charges; move or change charges; suspension of service charges; and service order, number change, and restoration charges;

5. Any tax collected pursuant to ~~part II of~~ this chapter *if the tax is separately stated as provided in s. 203.01(5) or 203.63(1)*; or

6. Charges for services or items of equipment supplied by providers of the telecommunication services described in s. 203.012(5)(b), such as maintenance charges, equipment sales, or rental which are incidental to the provision of such telecommunication services, provided such charges are separately stated, itemized, or described on the bill, invoice, or other tangible evidence of the provision of such service.

(8) The term "interstate," as applied to telecommunication services, means originating in this state but not terminating in this state, or terminating in this state but not originating in this state.

Section 4. Subsection (1) and paragraph (a) of subsection (2) of section 203.013, Florida Statutes, are amended to read:

203.013 Telecommunication services; assessment; apportionment of business done within this state.—

(1)*(a)* Except as provided in subsection (2), the tax on gross receipts from the provision of *interstate* telecommunication services, *other than interstate private communication services,* ~~when the communication originates but does not terminate in this state or terminates but does not originate in this state and~~ the charge for *which* ~~such communication~~ is billed or charged to a Florida telecommunication number or device, Florida telephone number or telephone, or Florida customer shall be reported and paid in the manner as provided in part II.

(b) The tax on gross receipts from the provision of interstate private communication services shall be reported and paid as provided in s. 203.01 on the charges for such service as follows:

1. One hundred percent of the charge imposed at each channel termination point within this state;

2. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

3. Fifty percent of the charge imposed for the total channel mileage between the first channel termination point inside this state and the nearest channel termination point outside this state.

(2)(a) The tax on gross receipts from the provision of *interstate* teletypewriter or computer exchange services ~~when the communication originates in this state and terminates in another state or originates in another state and terminates in this state~~ shall be reported and paid in the same manner as provided in s. 203.01 on the portion of the gross receipts for such interstate teletypewriter or computer exchange services which is equal to the amount determined by multiplying the gross receipts for teletypewriter and computer exchange system services included under this paragraph by a fraction the numerator of which is the number of terminal equipment stations connected to the teletypewriter or computer exchange service located in this state and the denominator of which is the total number of terminal equipment stations connected to the teletypewriter or computer exchange service included under this paragraph.

Section 5. Section 203.60, Florida Statutes, is amended to read:

203.60 Intent.—

(1) It is the intent of the Legislature that *interstate* telecommunication services, *other than interstate private communication services,* ~~which originate but do not terminate in this state or which terminate but do not originate in this state, and~~ the charge for *which* ~~such service~~ is billed or charged to a Florida telecommunication number or device, Florida telephone or number, or Florida customer, shall be subject to the tax imposed by this part.

(2) The Legislature hereby finds and declares that, as a matter of necessity, and truth in pricing related to average toll rates, the gross receipts tax applicable to *interstate* telecommunication services *other than private communication services* ~~which originate but do not terminate in this state or which terminate but do not originate in this state~~ shall be levied and collected exclusively as provided in this part.

Section 6. Paragraph (h) of subsection (1) of section 212.05, Florida Statutes, is amended, and paragraph (i) is added to said subsection, to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(h) Any person who purchases, installs, rents, or leases a telephone system or telecommunication system for his own use to provide himself with telephone service or telecommunication service ~~which is wholly or partially independent of any local telephone system or any intrastate or interstate interexchange network or~~ which is a substitute for any telephone company switched service or a substitute for any dedicated facility by which a telephone company provides a communication path is exercising a taxable privilege and shall register with the Department of Revenue and pay into the State Treasury a yearly amount equal to 5 percent of the actual cost of operating such system, notwithstanding the provisions of s. 212.081(3)(b). "Actual cost" includes, but is not limited to, depreciation, interest, maintenance, repair, and other expenses directly attributable to the operation of such system. For purposes of this paragraph, the depreciation expense to be included in actual cost shall be the depreciation expense claimed for federal income tax purposes. The total amount of any payment required by a lease or rental contract or agreement shall be included within the actual cost. The provisions of this paragraph do not apply to the use by any local telephone company or any telecommunication carrier of its own telephone system or telecommunication system to conduct a telecommunication service for hire. If a system described in this paragraph is located in more than one state, the actual cost of such system for purposes of this paragraph shall be the actual cost of the system's equipment located in Florida.

(i) The tax imposed pursuant to paragraph (e) shall not exceed $50,000 per calendar year on charges to any person for interstate telecommunications services defined in s. 203.012(4) and (7)(b), if the majority of such services used by such person are for communications originating outside of this state and terminating in this state. This exemption shall only be granted to holders of a direct pay permit issued pursuant to this subparagraph. No refunds shall be given for taxes paid prior to receiving a direct pay permit. Upon application, the department may issue a direct pay permit to the purchaser of telecommunications services authorizing such purchaser to pay tax on such services directly to the department. Any vendor furnishing telecommunications services to the holder of a valid direct pay permit shall be relieved of the obligation to collect and remit the tax on such service. Tax payments and returns pursuant to a direct pay permit shall be monthly. For purposes of this subparagraph, the term "person" shall be limited to a single legal entity and shall not be construed as meaning a group or combination of affiliated entities or entities controlled by one person or group of persons. For purposes of this subparagraph, for calendar year 1986, the term "calendar year" means the last 6 months of 1986.

Section 7. Paragraph (e) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(e)1. At the rate of 5 percent on charges for all telegraph messages and long distance telephone calls beginning and terminating in this state; on charges for telecommunication service as defined in s. 203.012 and for those services described in s. 203.012(2)(a); on recurring charges to regular subscribers for wired television service; on all charges for the installation of telecommunication, wired television, and telegraphic equipment; and on all charges for electrical power or energy. For purposes of this sub-

paragraph, the term "telecommunication service" does not include local service provided through a pay telephone. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telecommunication or telegraph services or electric power subsequently found to be uncollectible. The word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication, wired television, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

2. Telegraph messages and telecommunication services which originate or terminate in this state, *other than interstate private communication services* and are billed to a customer, telephone number, or device located within this state are taxable under this paragraph. *Interstate private communication services are taxable under this paragraph as follows:*

a. One hundred percent of the charge imposed at each channel termination point within this state;

b. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

c. Fifty percent of the charge imposed for the total channel mileage between the first channel termination point inside this state and the nearest channel termination point outside this state.

Section 8. Subsection (4) is added to section 337.401, Florida Statutes, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(4) A municipality may by ordinance enter into an agreement with any person providing telecommunication services defined in s. 203.012(7) as a condition for granting permission to occupy or use any city street, alley, viaduct, elevated roadway, bridge or other public way. The agreement shall permit the telecommunication service provider to construct, operate, maintain, repair, rebuild, or replace a telecommunications route within a municipal right-of-way. The agreement shall provide for a fee or other consideration payable annually based on actual linear feet of any cable, fiber optic, or other pathway that makes physical use of the municipal right-of-way. The fee or other consideration imposed pursuant to this subsection shall not apply to any telecommunications service provider who provides telecommunications services as defined in s. 203.012(3).

Section 9. This act shall take effect July 1, 1986, or upon becoming a law, whichever occurs later, except sections 4, 5, and 7 shall take effect January 1, 1987.

Amendment 2—In title, on page 1, strike all of lines 1-26 and insert: A bill to be entitled An act relating to taxation of telecommunications services; amending ss. 166.231, 203.01, 203.012, 203.013, 203.60, 212.05, F.S.; specifying applicability of municipal public service tax on telecommunication services; providing for information sharing by municipalities; authorizing municipalities to audit certain telecommunication service providers; providing confidentiality; specifying applicability of state tax on operating costs of private telecommunication systems; defining "gross receipts" for telecommunication services, "telecommunication service," and "interstate" for purposes of gross receipts tax; providing for calculation of gross receipts tax and sales tax on interstate telecommunications service, interstate teletypewriter or computer exchange service, and interstate private communication services; providing a limit on sales taxes imposed on certain telecommunication service providers; providing for administration; amending s. 337.401, F.S.; authorizing municipalities to impose an annual license fee on certain telecommunication service providers for certain purposes; providing an effective date.

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

CS for SB 873 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Childers, D.

Vote after roll call:

Yea—Grant, Hair

The Honorable Harry A. Johnston, II, President

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

SB 1115—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.052, F.S.; providing that the court may enforce certain antenuptial agreements; creating s. 61.075, F.S.; authorizing courts to equitably distribute marital assets and liabilities; defining marital and nonmarital assets and liabilities; providing for the effect of a recorded judgment; establishing the date for determining marital assets and liabilities and the value thereof; providing a presumption as to marital assets and liabilities; provides for monetary payments; provides for the consideration of an alimony award; amending s. 61.08, F.S.; adding marital assets and liabilities as factor in the determination of an award of alimony or maintenance; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all of lines 28-31, on page 2, strike all of lines 1-31, on page 3, strike all of lines 1-31, on page 4, strike all of lines 1-31, and on page 5, strike lines 1-27 and renumber subsequent section

Amendment 2—In title, on page 1, strike all of lines 5-18, and insert: agreements; providing an effective date.

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

SB 1115 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fox	Johnson	Peterson
Barron	Frank	Kiser	Plummer
Beard	Gersten	Malchon	Scott
Childers, D.	Girardeau	Mann	Stuart
Childers, W. D.	Gordon	Margolis	Thomas
Crenshaw	Grant	McPherson	Thurman
Deratany	Hill	Meek	Vogt
Dunn	Jennings	Myers	Weinstein

Nays—1

Grizzle

Vote after roll call:

Yea—Hair

The Honorable Harry A. Johnston, II, President

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

SB 205—A bill to be entitled An act relating to the Department of Revenue; amending s. 20.21, F.S.; creating the Division of General Counsel and Tax Policy and prescribing its duties; realigning functions and responsibilities within the department; providing for legal services; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25, and on page 2, lines 29 and 30, strike "General Counsel and Tax Policy" and insert: Technical Assistance

Amendment 2—On page 3, lines 9-11, after the period (.) strike all of said lines

Amendment 3—On page 3, line 22, strike "October 1" and insert: July 1

Amendment 4—In title, on page 1, line 4, strike "General Counsel and Tax Policy" and insert: Technical Assistance

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

SB 205 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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 726—A bill to be entitled An act relating to postsecondary education; amending s. 240.209, F.S.; clarifying Board of Regents authority over State University System employees; specifying categories for positions in budgets under the Board of Regents; amending s. 240.2111, F.S.; authorizing superior accomplishment awards to such employees under the Board of Regents meritorious service awards program; providing for additional awards; requiring certain reports by universities to the board; amending s. 240.283, F.S.; authorizing extra compensation for Board of Regents employees; repealing s. 240.227(13), F.S.; deleting authority of university presidents to make meritorious service awards; amending s. 240.529, F.S.; providing for continued approval of teacher education programs; amending s. 282.308, F.S.; authorizing universities to acquire information technology resources; amending s. 447.203, F.S.; correcting a cross-reference relating to the Board of Regents and State University System employees; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 27, strike everything after the enacting clause and insert the following new sections:

Section 1. Paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, *notwithstanding provisions of law that grant authority to the Department of Administration or its secretary over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules delegating its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Administration for other state employees. The Department of Administration shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1231, 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238.* The board shall adopt only those rules necessary to provide for a coordinated, efficient systemwide program and shall delegate to the universities all authority necessary for implementation of the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. Notwithstanding the provisions of s. 216.181(5), the salary rate controls for positions in budgets under the Board of Regents shall be in the categories of *general* faculty, *university support personnel*, and all other.

Section 2. Section 240.2111, Florida Statutes, is amended to read:

240.2111 Meritorious service awards program.—

(1) *Notwithstanding the provisions of s. 110.1245(1),* the Board of Regents *and each university* shall *promulgate rules for a meritorious service awards program which provides for the following components:* ~~adopt rules to provide for recognition of employees who have contributed outstanding and meritorious service in their fields and to implement a program of meritorious service awards to~~

(a) A suggestion component to reward faculty members and university support personnel system employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing expenditures of the Board of Regents *or university*, in improving operations of the Board of Regents *or university*, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority.

(b) A superior accomplishment component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to the efficiency, economy, or other improvement in State University System operations. ~~These rules shall be consistent with the rules adopted by the Department of Administration for the meritorious services awards program under s. 110.1245.~~

The Board of Regents *and each university are* ~~is~~ authorized to expend funds for such recognition and awards. No award granted under the *suggestion component of the program* ~~provisions of this subsection~~ shall exceed $2,000 or 10 percent of the first year's actual savings, whichever is greater, unless a larger award is made by the Legislature. *No award under the superior accomplishments component of the program shall exceed $1,000.* The Board of Regents *and each university* may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. *In addition, the Board of Regents and each university may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award not exceed $50.*

(2) *Each university shall submit a report each year to the Board of Regents and* the Board of Regents shall submit *a report* to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year ~~a report~~ which outlines the level of participation of each university and the Board of Regents in the meritorious service awards program. The report shall include:

(a) The number of proposals made.

(b) The number of awards made to employees for adopted proposals.

(c) The actual cost savings realized as a result of implementing employee proposals.

(d) Total expenditures incurred by the university or board for providing awards to employees for adopted proposals.

(e) The number of employees recognized for superior accomplishments.

(f) The number of employees recognized for continuous satisfactory service to the *Board of Regents or universities* ~~state, as provided in s. 110.1245(3) and (4)~~.

(3) The Board of Regents and each university are authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring employees whose service with the Board of Regents or university has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of $25 each.

(4) The Board of Regents and each university are authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to employees who have achieved increments of 5 continuous years of satisfactory service at the Board of Regents or university, in appreciation and recognition of such service. Such awards may not cost in excess of $10 each.

Section 3. Section 240.283, Florida Statutes, is amended to read:

240.283 Extra compensation for *State* University *System* employees.—Notwithstanding the provisions of s. 216.262(1)(d), the presidents of the several universities *and the Chancellor* are authorized to approve additional compensation for university employees *and employees of the Board of Regents, respectively,* as provided by rules adopted by the Board of Regents; however, an annual report of such actions shall be part of the legislative budget request which includes actual expenditures for the preceding fiscal year.

Section 4. *Subsection (13) of section 240.227, Florida Statutes, as amended by chapter 85-68, Laws of Florida, is hereby repealed.*

Section 5. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the Board of Regents shall be deemed to be the public employer with respect to all public employees within the State University System as provided in s. 240.209(3)*(e)*~~(f)~~, except that such employees shall have the right, in elections to be conducted at each university by the commission pursuant to its rules, to elect not to participate in collective bargaining. In the event that a majority of such voting employees at any university elect not to participate in collective bargaining, they shall be removed from the applicable Board of Regents bargaining unit. If, thereafter, by election conducted by the commission pursuant to its rules, a majority of such voting employees elect to participate in collective bargaining, they shall be included again in the applicable Board of Regents bargaining unit for such purpose. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind.

Section 6. Paragraph (d) of subsection (3) of section 228.093, Florida Statutes, is amended to read:

228.093 Pupil and student records and reports; rights of parents, guardians, pupils, and students; notification; penalty.—

(3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR STUDENT.—The parent or guardian of any pupil or student who attends or has attended any public school, area vocational-technical training center, community college, or institution of higher education in the State University System shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a pupil or student has attained 18 years of age, or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents of the pupil or student shall thereafter be required of and accorded to the pupil or student only, unless the pupil or student is a dependent pupil or student of such parents as defined in 26 U.S.C. s. 152 (section 152 of the Internal Revenue Code of 1954). The State Board of Education shall formulate, adopt, and promulgate rules whereby parents, guardians, pupils, or students may exercise these rights:

(d) Right of privacy.—Every pupil or student shall have a right of privacy with respect to the educational records kept on him. No state or local educational agency, board, public school, area vocational-technical center, community college, or institution of higher education in the State University System shall permit the release of personally identifiable records or reports of a pupil or student, or of any personal information contained therein, without the written consent of the pupil's or student's parent or guardian, or of the pupil or student himself if he is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a pupil or student may be released to the following persons or organizations *without the consent of the pupil or his parent*:

1. Officials of schools, school systems, area vocational-technical centers, community colleges, or institutions of higher learning in which the pupil or student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent, guardian, pupil, or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.

4. Other school officials, in connection with a pupil's or student's application for, or receipt of, financial aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering pupil or student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of pupils or students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. For use as evidence in pupil or student expulsion hearings conducted by a district school board pursuant to the provisions of chapter 120.

8. Appropriate parties in connection with an emergency, if knowledge of the information in the pupil's or student's educational records is necessary to protect the health or safety of the pupil, student, or other individuals.

9. The Auditor General in connection with his official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General shall be protected in such a way as will not permit the personal identification of students and their parents by other than the Auditor General and his staff, and such personally identifiable data shall be destroyed when no longer needed for the Auditor General's official use.

10. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the pupil or student, or his parent if he is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. s. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

11. Credit bureaus, in connection with an agreement for financial aid which the student has executed, provided that such information may be disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement.

Nothing contained in this paragraph shall prohibit any educational institution from publishing and releasing to the general public directory information relating to a pupil or student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization which is not listed in subparagraphs 1.-*11* ~~9~~., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information which it has designated as directory information with respect to all pupils or

students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent, guardian, pupil, or student to inform the institution in writing that any or all of the information designated should not be released.

Section 7. Subsection (1) of section 232.23, Florida Statutes, is amended to read:

232.23 Procedures for maintenance and transfer of pupil records.—

(1) Each principal shall maintain a permanent cumulative record for each pupil enrolled in a public school. Such record shall be maintained in the form, and contain all data, prescribed by rules of the State Board of Education. The cumulative record shall be open to inspection only as provided in s. 228.093 ~~or upon order of a court of competent jurisdiction~~.

Section 8. Section 240.237, Florida Statutes, is amended to read:

240.237 Student records.—The university may prescribe the content and custody of records and reports which the university may maintain on its students. Such records shall be open to inspection only as provided in s. 228.093 ~~or upon order of a court of competent jurisdiction~~.

Section 9. Subsection (3) of section 240.257, Florida Statutes, is amended to read:

240.257 Florida Endowment Trust Fund for Eminent Scholars Act.—

(3) ESTABLISHMENT OF THE TRUST FUND.—There is established a Trust Fund for Eminent Scholars to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 215.535. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for challenge grants. *In the event funds in the trust fund are insufficient to match private contributions, the Board of Regents may authorize any university to encumber the state matching portion from funds available under s. 240.272, up to a total of $5 million for the system. Such authorization shall not entitle a university to a subsequent general revenue appropriation.*

Section 10. Section 240.323, Florida Statutes, is amended to read:

240.323 Student records.—Rules of the State Board of Community Colleges may prescribe the content and custody of records and reports which a community college may maintain on its students. Such records shall be open to inspection only as provided in s. 228.093 ~~or upon order of a court of competent jurisdiction~~.

Section 11. Subsection (14) of section 394.455, Florida Statutes, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(14) "Law enforcement officer" means any city police officer, officer of the Florida Highway Patrol, sheriff, or deputy sheriff, *or university police officer.*

Section 12. Paragraph (h) is added to subsection (12) of section 112.313, Florida Statutes, to read:

112.313 Standards of conduct for public officers and employees of agencies.—

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(h) The transaction is made pursuant to s. 240.229 or s. 240.241, and is specifically approved by the president and the Chancellor. The Chancellor shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

Section 13. Section 240.247, Florida Statutes, is amended to read:

240.247 Salary discrimination based on sex or race; program to eradicate within certain faculty ranks.—Each university and the Board of Regents central office is directed to undertake a program to eradicate discrimination on the basis of sex or race in the granting of salaries for the faculty ranks of professor, associate professor, assistant professor, and instructor and for administrative and professional positions in the university. On or before *September 15, 1986* ~~March 15, 1982~~, and annually thereafter, each university shall report the results of its program to the *Board of Regents* ~~State Board of Education~~.

Section 14. Subsection (3) of section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.—

(3) Grants received pursuant to this section shall be placed in a restricted endowment by the university foundation. The endowment and any interest income accrued to the endowment shall be expended exclusively for endowed professorships, *library resources, scientific and technical equipment, and scholarships other than athletic.* No moneys from the endowment shall be expended prior to approval by the Board of Regents.

Section 15. Subsection (1) of section 282.308, Florida Statutes, is amended to read:

282.308 State University System information technology resource plan.—

(1) Each state university shall prepare an information technology resource plan that consists of two parts:

(a) One part of the plan shall contain the projected information technology resource needs of the university as they relate to research and curriculum activities. The Board of Regents, in consultation with the commission, shall develop instructions that describe the format, content, and review criteria of this part of the plan. However, at a minimum, this part of the plan shall address the planning components described in s. 282.307(1).

(b) A second part of the plan shall contain the projected information technology resource needs of all other activities at the university. This part of the plan shall address how these resource needs affect the research and curriculum resources described in the first part of the plan. The Board of Regents, in consultation with the commission, shall develop instructions that describe the format, content, and review criteria of this part of the plan. However, at a minimum, the plan shall address the planning components described in s. 282.307(1).

Information technology resources acquired *primarily* through contracts and grants funds and used exclusively for research or experimental purposes by any state university are exempt from the provisions of this section, but shall be reported by each university to the Board of Regents no later than February 1 of each year for the preceding calendar year.

Section 16. Section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) On or before January 1, 1984, the State Board of Education shall adopt rules authorizing each state university and each public community college to report to each school district on the performance of the students from that school district who are enrolled at the state university or public community college. Such reports shall indicate students referred to *college preparatory* ~~remedial or developmental~~ programs.

(2) The State Board of Education shall report to the Legislature, no later than March 1 of each year, on the number of Florida high school graduates, by high school, referred to *college preparatory* ~~remediation~~ programs.

Section 17. Assent to Morrill Land-Grant Act.—The assent of the Legislature is given to the provisions and requirements of the Act of Congress commonly known as the "Hatch Act," and the Act of Congress commonly known as the "Morrill Act" and all acts supplemental thereto, and the Board of Regents may receive grants of money appropriated under said acts, insofar as the same, or so much thereof, can be used and appropriated for the benefit of the State University System. The provisions of chapter 3564, Acts of 1885, and s. 7 of chapter 1776, Acts of 1870, are made applicable to the State University System insofar as the same are

or can be made effective; and all estate, right, property claim, emoluments and the rents and issues thereof, or any substitutions thereof, and all claims and demands arising or that may or can arise thereunder, or any Act of Congress in that regard, are hereby preserved, maintained, and transferred to the Board of Regents for the use and benefit of the State University System.

Section 18. Section 2 of chapter 82-247, Laws of Florida, is amended to read:

Section 2. Notwithstanding any provisions of law to the contrary, the Board of Trustees of the Internal Improvement Trust Fund is directed to sell to the highest *and best* bidder ~~with the current appraised value as the minimum bid~~ *with a minimum bid of $2 million,* upon approval of the Board of Regents, 10 acres of land at the Florida Atlantic University West Palm Beach Center, including the improvements thereon, provided that the proceeds from the sale are sufficient to construct a substitute facility for the center, estimated to cost $2 million. The Board of Trustees of the Internal Improvement Trust Fund is further directed to immediately deed the remaining 10 acres of the property to the United Way of Palm Beach County Incorporated, for the construction of a human service center to house United Way agencies and other human service agencies approved at the discretion of the board of directors of the United Way to serve the citizens of Palm Beach County. In the event the subject property is not utilized in the aforementioned manner, title to said property shall revert to the state.

Section 19. Paragraph (c) of subsection (7) of section 228.072, Florida Statutes, is amended to read:

228.072 Adult general education.—

(7) FINANCING.—

(c)1. No matriculation or tuition fees shall be charged for *adult basic instruction for students who demonstrate literacy skills below the eighth-grade level or* adult basic or high school instruction for students who have not obtained high school diplomas. All *other* students with high school diplomas or the equivalent who are taking adult basic or high school instruction must pay matriculation and tuition fees in accordance with s. 230.645 and the rules adopted by the State Board of Education.

2. All students enrolled in vocational preparatory programs shall be charged fees equivalent to the fees charged for postsecondary adult vocational instruction; except that students enrolled in vocational preparatory programs who have not obtained high school diplomas or the equivalent *or who have basic skills which have been determined to be at or below the eighth-grade level as provided by State Board of Education rule* are exempt from this requirement. *When college preparatory and vocational preparatory instruction are provided in the same class section, the community college may charge a single fee for both types of instruction.*

3. All students enrolled in college preparatory programs shall be charged fees equivalent to the fees charged for credit courses at the community college.

4. No fees shall be charged for citizenship instruction offered through community instructional services.

5. Fees for recreation and leisure time courses shall be equivalent to the student's proportional share of the costs associated with the provision of such instruction.

Section 20. Section 229.13, Florida Statutes, is created to read:

229.13 Registration of adult students.—

(1) Beginning with the 1987-1988 school year, each school district and community college shall be required to collect and maintain on file the following information for each student enrolled in an adult basic, adult high school, adult secondary, vocational preparatory, college preparatory, postsecondary adult vocational, or vocational supplemental course funded through the Florida Education Finance Program or the Community College Program Fund.

(a) The name, address, telephone number, date of birth, and social security number of the student.

(b) The student's permanent address.

(c) The date which the student graduated from high school or received a high school equivalency diploma.

(d) The course title and number, if any, as they appear in the State Course Code Directory or common course numbering system.

(e) Any course title used to advertise or disseminate information about the course other than the course title which appears in the State Course Code Directory or common course numbering system.

(f) The reason that the student is enrolling in the course, which shall include indication as to whether the student is taking the course for any of the following reasons:

1. To achieve basic literacy;

2. To earn a high school diploma or its equivalent;

3. To enhance basic skills in order to pursue postsecondary education;

4. To acquire entry level occupational skills necessary to obtain employment;

5. To enhance occupational skills necessary to maintain current employment or retrain for a new occupation; or

6. For personal enrichment or recreation.

(g) Indication of whether the student is employed or unemployed. Students who are employed shall be requested to indicate their occupation. Students who are enrolling in vocational supplemental courses shall be requested to indicate the occupation for which they are training.

(h) Total fees assessed or indication that fees have been waived or provided through an in-kind contribution.

(i) Indication of how the student learned about the course.

(2) School districts and community colleges shall be required to collect and maintain on file the following information when registering students for any course funded through the Community Instructional Services categorical fund:

(a) The name, address, telephone number, and date of birth of the student.

(b) The student's permanent address.

(c) The course title.

(d) Hourly and total fees assessed, if any.

(3) Students shall not be required to register for community instructional services activities which are 1.5 clock hours or less in duration.

(4) Each school district and community college shall submit sample registration forms and related data collection documents to the Department of Education for review and approval. The department shall approve for use only those registration forms and related documents which include all of the data elements described in subsections (1) and (2). To the maximum extent possible, school districts and community colleges are encouraged to use or modify registration forms and data collection documents and procedures currently in use to comply with the requirements of this section.

(5) Registration forms and related data collection documents are official audit documents. School districts and community colleges shall maintain registration forms and related data collection documents in the form of hard copies or computer tapes for a period of 3 years or until the completion of all audits for the period during which the course or activity is provided, whichever occurs later.

(6) Each school district and community college shall maintain on file a listing of the location at which any course offered to adults which is funded through the Florida Education Finance Program or Community College Program Fund is provided. This information shall be maintained on file for a period of 3 years or until the completion of all audits for the period during which the course is offered, whichever occurs later.

Section 21. Subsections (3) and (4) of section 229.565, Florida Statutes, are amended to read:

229.565 Educational evaluation procedures.—

(3) EDUCATION EVALUATION.—The Commissioner of Education shall periodically examine and evaluate procedures, records, and programs in each *school* district *and community college* to determine compliance with law and rules established by the state board. Such evaluations shall include, but not be limited to:

(a) Reported full-time equivalent membership in each program category.

(b) The organization of all special programs *for exceptional students* to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and *s.* ~~ss.~~ 230.23(4)(m) ~~and 233.0682~~.

(c) The organization of all vocational education programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and ss. 229.551(3)(g), 240.355, and 233.0682. The criteria for qualification of individual programs and courses as vocational education shall be annually adopted by the state board and shall be published by the commissioner in a document titled, "Vocational Education Program Course Standards," with a designation of the effective date for the criteria.

(d) The organization of all vocational education to ensure that the capability exists in each instructional program for each student who is enrolled to achieve the intended student outcomes as stated in the "Vocational Education Program Course Standards." Capability shall be defined as resource requirements which include qualified instructors, time, facilities, equipment, and supplies.

(e) The procedures for registration and placement of students in adult basic, adult high school, adult secondary, vocational preparatory, college preparatory, vocational job preparatory, vocational supplemental, community instructional services, and recreation and leisure activities to determine that the district or college is following the procedures for placement established by the district school board or community college board of trustees and that the procedures are compatible with definitions and criteria established by the State Board of Education and s. 229.13.

(f)~~(c)~~ The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and the procedures for placement established by that district school board.

(g)~~(d)~~ Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.

(h)~~(e)~~ An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

(i)~~(f)~~ Determination of the ratio of administrators to teachers in each school district, which information shall be reported to the Legislature as a part of the commissioner's report required by s. 229.575(1).

(j)~~(g)~~ Compliance *of school districts* with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

(k)~~(h)~~ Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation shall be presented to the school districts *and community colleges* and explained well in advance of the actual audit date.

(l)~~(i)~~ Determination of school district achievement in meeting the performance standards specified in s. 232.2454(1).

(4) ASSISTANCE AND ADJUSTMENTS.—If discrepancies or deficiencies are found, the Commissioner of Education shall provide information and assistance to the superintendent and personnel of the district *or to the president and staff of the community college* in correcting the cited deficiencies. Priority for such assistance shall be given to providing the most deficient individual school programs with research-based problem identification strategies and alternatives to improve student performance. Such alternatives shall be systematically drawn from research related to school effectiveness, teacher effectiveness, or management effectiveness. If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district *or community college*, appropriate adjustments in the *district's or college's* full-time equivalent student count ~~for that district~~ shall be made. *Such adjustments shall be in an amount at least equal to the number of full-time equivalent students who have been misclassified or who have been reported in a program or course being operated in a manner which is inconsistent with law or approved criteria and procedures.*~~, and~~ Any excess funds shall be deducted from subsequent allocations of state funds to that district *or college. The department may impose additional fines or penalties for any discrepancies or deficiencies determined by the department to be of an intentional nature.*

Section 22. Section 230.645, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 230.645, F.S., for present text.)

230.645 Postsecondary student fees.—

(1) The provisions of 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, adult high school, or vocational preparatory instruction for the purpose of achieving basic literacy or receiving a high school diploma or its equivalent;

(b) Students who have a high school diploma or its equivalent, who are enrolled in adult basic, adult high school, or vocational preparatory instruction 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;

(c) Students who are enrolled in citizenship instruction offered through community instructional services.

(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. The total number of full-time equivalent students for whom the district waives fees or for whom the district accepts an in-kind contribution in lieu of fees shall not exceed the amount established annually in the General Appropriations Act.

(4) Required fees may be waived 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 which are directly related to the instructional program to be provided. Facilities, equipment, personnel, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a school district facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a school district facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. 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 market value of the contribution is at least equal to the amount of fees in lieu of which the contribution is being accepted.

(5) Required fees shall be set annually in the General Appropriations Act. 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.

(6) The State Board of Education shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond con-

trol of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules shall provide for the enforcement and the collection or other settlement of delinquent accounts.

(7) Any veteran or other eligible student who receives benefits under chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of his benefits.

(8) Each school district shall be responsible for collecting all deferred fees. If a school district has not collected a deferred fee, the student shall not earn full-time equivalent student enrollment for any course for which the student subsequently registers until the fee has been paid.

(9) Any school district that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Florida Education Finance Program and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment, payment through federal, state, or institutional financial aid, and employer fee payments.

(10) Each school district shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or institution in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he has been exempted or granted credit. School districts that report enrollments in violation of this subsection shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Florida Education Finance Program and shall revert to the General Revenue Fund.

Section 23. Subsection (8) of section 230.66, Florida Statutes, is amended, subsections (9) and (10) are renumbered as subsections (10) and (11), respectively, and a new subsection (9) is added to said section, to read:

230.66 Industry services training program.—

(8) Under the provisions of this act, the Department of Education is authorized to procure equipment as necessary to carry out adequate training programs. *Title to and* control of such equipment shall be vested in the Department of Education. *Whenever the training program has been concluded, the Department of Education shall have the option to transfer title in its discretion to the district school board, community college board of trustees, or Board of Regents on behalf of a specific state university in which the equipment is physically located. The department may also lease such equipment to the district school board, community college board of trustees, or Board of Regents for a period not to exceed 1 year. Such lease may provide for automatic renewal. Either party to a lease renewed pursuant to this subsection shall have the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists shall be returned to a warehouse reserve and shall become available for use in any area of the state in which a training program exists that creates a need for such equipment.* ~~Such equipment shall be maintained in a warehouse reserve and shall become available for use in any area of the state where a training program creates a need. Such equipment shall be returned to the warehouse reserve when no longer needed in a training program. Title to all equipment purchased under provisions of this act shall be vested in the Department of Education.~~

(9) When creating a program of industry services training under contract with the Department of Education, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered by the employees of the department, district school boards, community college boards of trustees, or other entities with whom the department is authorized to contract pursuant to this section, in the development or implementation of the training program shall be exempt from the provisions of chapter 119, except that the department shall make available, upon request, the title and description of the training project, the name of the client corporation for which the training program is developed, and the amount and source of the funding provided for the training project. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 24. Subsection (4) of section 236.081, Florida Statutes, is amended to read:

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

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated and final calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the nonexempt assessed valuation for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total nonexempt assessed valuation for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. The Department of Revenue shall, upon receipt of the official final tax roll from each of the property appraisers, certify to the commissioner the total assessed valuation of nonexempt property for school purposes in each school district, subject to the provisions of paragraph (c).

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (6)(b), shall use the most recent tax roll data for the appropriate year. For the purpose of this subparagraph, the official final tax roll shall be the tax roll on which the tax bills are computed and mailed to the taxpayers.

(b) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the nonexempt assessed valuation for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's nonexempt assessed valuation for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the

maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(c) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort.

(d) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in nonexempt valuation was made pursuant to paragraph (c), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(e) Required adult fees.—

1. Fees for all nonexempt students as defined in s. 230.645 shall be added to and made a part of the required local effort of each district.

2. Each district shall report the total fee exempt, fee nonexempt, fee waived, fee deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 230.645. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

3. Each district's total required local effort fee amount shall be calculated in the following manner:

a. A total resident fee amount shall be calculated for each district by summing the fee nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.

b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.

c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s 230 645.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places, and by the base student allocation defined in the General Appropriations Act, and by two.

f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.

Section 25. Subsections (3) and (4) of section 240.235, Florida Statutes, are hereby repealed, and new subsections (3), (4), (5), and (6) are added to said section to read:

240.235 Fees.—

(3) Each state university shall be responsible for collecting all deferred fees. If a state university has not collected a deferred fee, the student shall not earn full-time equivalent student enrollment for any course for which the student subsequently registers until the fee has been paid.

(4) Any state university that reports students who have not paid fees in an approved manner or whose fees have been waived in excess of the authorized number of waivers shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation for instruction funded through the Educational and General budget and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment, payment through federal, state, or institutional financial aid, graduate assistantships, and employer fee payments. Any student whose fees are waived in excess of the authorized number of waivers shall not be included in calculations of full-time equivalent enrollments for state funding purposes.

(5) Each state university shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the university in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he has been exempted or granted credit. State universities that report enrollments in violation of this subsection shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Educational and General budget and shall revert to the General Revenue Fund.

(6) State universities may waive fees or accept in-kind contributions in lieu of the payment of fees for any student. Any in-kind contribution accepted must be directly related to the instructional program to be provided. General purpose classroom space at a site other than in a university facility shall not be accepted as an in-kind contribution if adequate space is available at a university facility. Any university which reports in-kind contributions in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the educational and general budget. The aggregate value of fees waived shall not exceed the amount specified annually in the General Appropriations Act. The acceptance of in-kind contributions in lieu of fees shall constitute a waiver of fees. Any state university accepting in-kind contributions in lieu of fees shall submit an annual report to the Board of Regents which provides a detailed description of each in-kind contribution accepted and verification that the local market value of the contribution is at least equal to the value of fees for which the contribution is accepted

Section 26. Paragraphs (b) and (c) of subsection (4) of section 240.301, Florida Statutes, are amended, subsection (5) is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(4) Funding for community colleges shall reflect their mission as follows:

(b) Community education service or community instructional service programs shall be presented to the Legislature with rationale for state funding. The Legislature may identify priority areas for use of these funds. ~~Program costs shall be partially borne by the students.~~

~~(c) Recreation and leisure service program costs shall be fully borne by the students.~~

(5) Student fees for the provision of instruction shall be charged as follows:

(a) No matriculation or tuition fees shall be charged for adult basic or vocational preparatory instruction for students who demonstrate literacy skills below the eighth-grade level or for adult basic, high school, or vocational preparatory instruction for students who have not obtained high school diplomas. All other students with high school diplomas or the equivalent who take adult basic, high school, or vocational preparatory instruction shall pay matriculation and tuition fees.

(b) Required fees shall be set annually in the General Appropriations Act. When college preparatory and vocational preparatory instruction are provided in the same class section, the community college may charge a single fee for both types of instruction.

(c) All students enrolled in college preparatory instruction shall pay fees equivalent to the fees charged for credit courses.

(d) No fees shall be charged for citizenship instruction offered through community instructional services.

(e) Fees for recreation and leisure time courses shall be equivalent to the student's proportional share of the costs associated with the provision of such instruction.

Section 27. Paragraph (b) of subsection (2) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(2) STUDENT FEES.—

(b) The State Board of Community Colleges shall adopt rules permitting the deferral of registration and tuition fees for those students who receive financial aid from federal or state assistance programs when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is insufficient reason to receive such deferral.

1. A veteran or other eligible student who receives benefits under chapter 32, chapter 34, or chapter 35, 38 U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of his benefits.

2. Each community college shall be responsible for collecting all deferred fees. If a community college has not collected a deferred fee, the student shall not earn full-time equivalent student enrollment for any course for which the student subsequently registers until the fee has been paid.

3. ~~2.~~ In adopting such rules, the State Board of Community Colleges is required to enforce the collection of or otherwise settle delinquent accounts.

4. ~~3.~~ The State Board of Education shall require that each institution within the community college system withdraw all requests for course approval from the Veterans Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate.

Section 28. Subsections (2), (7), (8), and (9) of section 240.35, Florida Statutes, are amended to read:

240.35 Student fees.—

(2) *Any student whose fees are waived in excess of the authorized number of waivers shall not be included in calculations of full-time equivalent enrollments for state funding purposes.* ~~Unless otherwise provided by law, all students enrolled shall pay matriculation fees and tuition fees. Unless otherwise provided by law, any student enrolled who does not pay the required fee shall not be counted for state funding purposes.~~

(7) *Community colleges may waive fees or accept in-kind contributions in lieu of the payment of fees for any student. Any in-kind contribution accepted must be directly related to the instructional program to be provided. Facilities, personnel, equipment, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a community college facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a community college facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. Any community college which reports in-kind contributions in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund. The aggregate value of fees waived shall not exceed the amount specified annually in the General Appropriations Act. The acceptance of in-kind contributions in lieu of fees shall constitute a waiver of fees. Any community college accepting in-kind contributions in lieu of fees shall submit an annual report to the State Board of Community Colleges which provides a detailed description of each in-kind contribution accepted and verification that the local market value of the contribution is at least equal to the value of the fees for which the contribution is accepted.* ~~No community college may grant any fee waiver, except as authorized by law or rules of the State Board of Education. Rules may be developed for fee waivers only when it is necessary to assure a vocational education opportunity for students who have documented absolute financial needs which cannot be met by existing sources of student financial aid.~~

(8) *Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment, payment through federal, state, or institutional financial aid, and employer fee payments.* ~~A community college may not charge any fee, except as authorized by law or rules of the State Board of Education.~~

(9) *Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Community College Program Fund and shall revert to the General Revenue Fund.* ~~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, and other resources. Cooperating entities shall be limited to apprenticeship committees, businesses, and industries. Any community college accepting in-kind contributions in lieu of fees shall be required to submit a report to the Department of Education which provides, for each in-kind contribution accepted, a detailed description of the contribution, the name of the entity providing the contribution, and verification that the local market value of the contribution is at least equal to the amount of fees in lieu of which the contribution is being accepted. The provisions of this subsection shall expire July 1, 1986.~~

Section 29. Subsection (3) of section 112.1904, Florida Statutes, is amended to read:

112.1904 Law enforcement officers unlawfully and intentionally killed in performance of duties; death benefits.—

(3) If a law enforcement officer is unlawfully and intentionally killed while in the actual performance of his duties, the state shall pay certain educational expenses which a child of the deceased officer incurs in obtaining a vocational-technical certificate or an undergraduate education. The amount paid by the state shall be an amount equal to the cost

at a state vocational-technical school as provided in s. 230.645~~(1)~~ if the child attends a vocational-technical school, or the cost at a state community college as provided in s. 240.345~~(2)(c)~~ if the child attends a community college, or the cost for 4 academic years at a state university as provided in s. 240.235~~(3)~~ if the child attends a university. All remaining expenses shall be borne by the child of the deceased officer. The provisions of this subsection apply to a child of any law enforcement officer who was killed on or after July 1, 1980; and the benefits provided under this subsection shall continue to such a child until the child's 25th birthday.

Section 30. Subsection (3) of section 112.1914, Florida Statutes, is amended to read:

112.1914 Firefighters unlawfully and intentionally killed in performance of duties; death benefits.—

(3) If a firefighter, as a consequence of the performance of his duties, is unlawfully and intentionally killed while in the actual performance of his duties, the state shall pay certain educational expenses which a child of the deceased firefighter incurs in obtaining a vocational-technical certificate or an undergraduate education. The amount paid by the state shall be an amount equal to the cost at a state vocational-technical school as provided in s. 230.645~~(1)~~ if the child attends a vocational-technical school, or the cost at a state community college as provided in s. 240.345 ~~(2)(c)~~ if the child attends a community college, or the cost for 4 academic years at a state university as provided in s. 240.235~~(3)~~ if the child attends a university. All remaining expenses shall be borne by the child of the deceased firefighter. The provisions of this subsection apply to a child of any firefighter who was killed on or after July 1, 1980; and the benefits provided under this subsection shall continue to such a child until the child's 25th birthday.

Section 31. *Section 233.051, subsection (9) of section 240.227, paragraph (r) of subsection (3) of section 240.319, paragraph (c) of subsection (2) of section 240.345, subsection (2) of section 240.349, and paragraph (i) of subsection (3) of section 240.359, Florida Statutes, and subsection (6) of section 240.414, Florida Statutes, as created by chapter 85-196, Laws of Florida, are hereby repealed.*

Section 32. *The appropriate boards may adopt rules to implement this act.*

Section 33. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in the title, lines 1-24, strike all of the title and insert: An act relating to education; amending s. 240.209, F.S.; clarifying Board of Regents authority over State University System employees; amending s. 240.2111, F.S.; authorizing superior accomplishment awards to such employees under the Board of Regents meritorious service awards program; providing for additional awards; requiring certain reports by universities to the board; amending s. 240.283, F.S.; authorizing extra compensation for Board of Regents employees; repealing s. 240.227(13), F.S.; deleting authority of university presidents to make meritorious service awards; amending s. 447.203, F.S.; correcting a cross-reference relating to the Board of Regents and State University System employees; amending s. 228.093, F.S.; authorizing state and local educational institutions and agencies to release student educational records in compliance with a court order or subpoena; requiring certain notification; authorizing student records to be released to credit bureaus under certain conditions; amending ss. 232.23, 240.237, and 240.323, F.S., to conform; amending s. 240.257, F.S.; authorizing the Board of Regents to authorize universities to encumber certain state funds to match private contributions under the Eminent Scholars Act; amending s. 394.455, F.S.; including university police officers within the term "law enforcement officer" for purposes of the Florida Mental Health Act; amending s. 112.313, F.S.; exempting certain transactions by universities from certain conflict of interest restrictions; providing for reports; amending s. 240.247, F.S.; changing reporting requirements involving certain salary discrimination; amending s. 240.2605, F.S.; expanding authorized uses of certain university endowment funds; amending s. 282.308, F.S.; changing an exemption from State University System information technology resource plan requirements; amending s. 240.118, F.S.; providing technical revisions; providing assent to the Morrill Land-Grant Act; requiring a minimum bid on property located at the Florida Atlantic University West Palm Beach Center; amending s. 228.072, F.S.; providing fee requirements for certain adult students; creating s. 229.13, F.S.; requiring school districts and community colleges to collect specified information when registering students; providing for approval of registration forms and related documents; amending s. 229.565, F.S.; providing for the evaluation of public school and community college programs; providing for the adjustment of funding allocations and penalties in the event of audit discrepancies; amending s. 230.645, F.S.; providing exemptions from the payment of student fees for specified students; requiring the payment of fees for all students not granted exemptions; providing for the establishment of student fees in the General Appropriations Act; authorizing school districts to waive or defer fees; providing for limitation of fee waivers in the General Appropriations Act; providing penalties for erroneous enrollment reporting; amending s. 230.66, F.S., relating to the industry services training program; authorizing the Department of Education to lease or transfer title to equipment under its jurisdiction; exempting training programs contracted through the department from the provisions of chapter 119, F.S.; providing for review; amending s. 236.081, F.S.; changing the method by which fees are calculated as a part of the district required local effort; amending s. 240.235, F.S.; and repealing subsections (3) and (4), relating to fee waivers in state universities; providing penalties for erroneous state university enrollment reporting; providing for methods of fee payment; authorizing state universities to waive or defer fees; providing for limitation of fee waivers in the General Appropriations Act; amending s. 240.301, F.S.; providing a delineation of community college student fees; amending s. 240.345, F.S.; providing for fee deferments; amending s. 240.35, F.S.; providing for the reporting and calculating of students for funding purposes; providing penalties for erroneous community college enrollment reporting; deleting provisions relating to fee waivers; authorizing community colleges to waive fees; providing for limitation of fee waivers in the General Appropriations Act; amending ss. 112.1904 and 112.1914, F.S., to conform; repealing s. 233.051, F.S., relating to remedial instruction; repealing ss. 240.227(9), 240.319(3)(r), 240.345(2)(c), 240.349(2), 240.359(3)(i), and 240.414(6), F.S., relating to postsecondary fee waivers for university and community college employees, persons 60 years of age or older, and certain students from Latin American and Caribbean countries; providing for rules; providing an effective date.

Amendment 3—On page 9, line 26 after the period, insert: *The credit bureau shall not release such information so obtained.*

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

Amendment 1—On page 16, lines 13-31, through line 27 on page 42, strike all of said language and insert:

Section 19. Subsection (5) of section 240.271, Florida Statutes, is amended to read:

240.271 State University System; funding.—

(5)*(a)* If the actual enrollment for any university is less than the planned enrollment by 0 to 5 percent for any fiscal year, the university shall receive full funding as allocated. If the actual enrollment is less than planned enrollment by more than 5 percent for any fiscal year, the allocation of the university for instruction shall be reduced proportionately to the difference between 5 percent and the actual percentage reduction in enrollment for any fiscal year. All such reductions in university allocations shall be reallocated in the fourth quarter of the fiscal year to all universities on a proportional basis based on actual enrollment by level, not including actual enrollment in excess of planned enrollment. If actual enrollment exceeds target enrollment, there shall be no increased allocation, and an explanation of the excess shall be provided with the next year's enrollment plan.

(b) The Board of Regents is authorized to reduce enrollment without reducing enrollment-based funding, on a pilot basis, at any state university with a plan to improve the overall quality of its undergraduate education. Approved plans shall focus on the improvement of the quality of instruction and shall be consistent with university mission statements adopted by the Board of Regents. The board shall report biennially to the Legislature on the implementation of the approved plans.

Section 20. Paragraph (b) of subsection (5) of section 240.271, Florida Statutes, is repealed effective July 1, 1989, unless specifically reenacted by the Legislature prior to that date.

Section 21. Section 240.107, Florida Statutes, is created to read:

240.107 College-level communication and computation skills examination.—

(1) It is the intent of the Legislature that the examination of college-level communication and computation skills provided in s. 229.551 serve as a mechanism for students to demonstrate that they have mastered the academic competencies prerequisite to upper-division undergraduate instruction. It is further intended that the examination serve as both a summative evaluation instrument prior to student enrollment in upper-division programs and as a source of information for student advisors. It is not intended that student passage of the examination supplant the need for a student to complete the general education curriculum prescribed by an institution.

(2) State universities and community colleges shall conduct a minimum of two administrations, one of which may consist of an alternative administration, of the college-level communication and computation skills examination per academic term. Such administrations shall be available to all lower-division students seeking associate of arts or baccalaureate degrees. State universities and community colleges shall report at a minimum the examination scores of all students who are currently enrolled in their 60th credit hour or who have completed their 60th credit hour.

(3) No state university or community college shall confer an associate of arts or baccalaureate degree upon any student who fails to complete successfully the examination of college-level communication and computation skills. Students who received their associate of arts degree prior to September 1, 1982, shall be exempt from the provisions of this subsection.

(4) The State Board of Education, by rule, shall set the minimum scores that constitute successful completion of the examination. Determinations regarding a student's successful completion of the examination shall be based on the minimum standards prescribed by rule for the date the student initially takes the examination.

(5) Any student who, in the best professional opinion of the university, has a specific learning disability such that he can not demonstrate successful completion of one or more sections of the college-level communication and computation skills examination and is achieving at the college level in every area except that of the disability, and whose diagnosis indicates that further remediation will not succeed in overcoming the disability, may appeal through the appropriate dean to a committee appointed by the President or Vice President for Academic Affairs for special consideration. The committee shall examine the evidence of the student's academic and medical records and may hear testimony relevant to the case. The committee may grant a waiver for one or more sections of the college-level communication and computation skills examination based on the results of its review.

Section 22. Subsection (1) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to *this section and rules of* ~~minimum standards adopted by~~ the Board of Regents ~~and rules of the State Board of Education~~.

(1) *Minimum academic* ~~Each university shall develop academic standards for admission to the university. These~~ standards *for undergraduate admission to a university* shall include the requirements that:

(a) *Students have* ~~No person may be admitted, enrolled, or matriculated who has not~~ received a high school diploma pursuant to s. 232.246, or its equivalent, except as provided in s. 240.115(3).

(b) *Effective August 1, 1989, students have earned two credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level. Students who receive associate of arts degrees prior to September 1, 1987, or who enroll full-time in a program of studies leading to an associate of arts degree from a Florida community college prior to August 1, 1989, and maintain continuous full-time enrollment shall be exempt from this requirement.* ~~Effective August 1, 1987, no student may be enrolled who has not earned two credits or the equivalent in foreign language.~~

(c) Any nonexempt student who enters a state university prior to August 1, 1989, and who has not completed two credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level shall earn such credits prior to admission to the upper-division of a state university.

Section 23. Section 246.013, Florida Statutes, is created to read:

246.013 Participation in the common course designation and numbering system.—Licensed, accredited nonpublic postsecondary colleges and accredited nonpublic postsecondary colleges exempt from state licensure pursuant to s. 246.085(2)(a) may participate in the common course designation and numbering system. The State Board of Education, in conjunction with the Board of Regents and State Board of Community Colleges, shall designate by rule the acceptable agencies by which colleges must be accredited in order to participate in the system. Participating colleges shall bear the costs associated with inclusion in the system. The department shall adopt a fee schedule that includes the expenses incurred through data processing, faculty task force travel and per diem, and staff and clerical support time.

Section 24. Subsection (4) of section 246.021, Florida Statutes, is amended to read:

246.021 Definitions.—As used in ss. 246.011-246.151, unless the context otherwise requires:

(4) "Agent" means a person employed by or representing a college ~~within the state~~ subject to the licensing requirements provided in ss. 246.051, 246.081, 246.091, and 246.095, or a college ~~within the state~~ not chartered by the Secretary of State as a domestic Florida corporation, to procure Florida students, enrollees, or subscribers by solicitation in any form made at a place or places other than the office or legal place of business of a college.

Section 25. Paragraph (a) of subsection (1) of section 246.031, Florida Statutes, is amended to read:

246.031 State Board of Independent Colleges and Universities.—

(1) There shall be established in the Department of Education a State Board of Independent Colleges and Universities. The department shall perform the payroll, procurement, and related administrative functions of the board. The board shall exercise independently all other functions prescribed by law. This board shall include nine members appointed by the Governor as follows:

(a) Five educators selected from private ~~community colleges,~~ colleges, or universities in this state, *at least one* ~~two~~ of whom shall be selected from colleges licensed by the board.

Section 26. Subsection (1) of section 246.081, Florida Statutes, is amended to read:

246.081 License required.—

(1) No nonpublic college shall continue operation or be established within the state unless such college shall apply for, and obtain from the board, a license *or authorization* in the manner and form prescribed by the board. Upon receipt of approved articles of incorporation from the Department of State that purport to be for a college within the meaning and intent of ss. 246.011-246.151, the newly formed corporation shall, within 60 days of such approval, make an application to the board for a license as required by law. The approval of articles of incorporation by the Department of State shall not be deemed to be an authorization to engage in the operation of an institution of higher learning until such time as a license has been obtained from the board. Upon articles of incorporation being issued to an institution of higher learning, the Department of State shall immediately furnish a copy of the articles of incorporation to the board.

Section 27. Subsection (2) of section 246.091, Florida Statutes, is amended to read:

246.091 License period and renewal.—

(2) A licensed college which seeks to expand its educational program and degrees to be conferred shall file an amendment to the application. *The board shall promulgate standards for the approval of additional educational programs and degrees.*

Section 28. Section 246.111, Florida Statutes, is amended to read:

246.111 Refusal, suspension, or revocation of license.—Any *temporary license, provisional license, or* license required under the provisions of ss. 246.011-246.151 may be *denied, placed in a state of probation* ~~refused~~, revoked, or suspended by the board ~~for cause~~. *The board shall promulgate rules for denial, probation, and revocation. Placement of a college on probation for a period of time and subject to such conditions as the board may specify may also carry the imposition of an adminis-*

trative fine not to exceed $5,000. Such fine shall be deposited into the State Treasury. ~~The board shall have the power to refuse to issue a license and the power to suspend or revoke a license in any case in which the board finds that the licensee has violated any of the provisions of ss. 246.011-246.151 or the rules of the State Board of Education pertaining to ss. 246.011-246.151.~~

Section 29. *The State Board of Education shall adopt rules which provide for the conduct of regularly-scheduled purges of courses listed in the statewide course numbering system or institutional catalog that have not been taught at the institution for the preceding 5 years. Such rules shall include waiver provisions for course continuation in the event that an institution has reasonable cause for having not offered a course within the 5-year limit and an expectation that the course will be offered again within the following 5 years.*

Section 30. *The Board of Regents and State Board of Community Colleges shall develop plans for implementing a computer-assisted student advising network statewide. It is intended that an advising network be developed for use by students enrolled in each of the state universities, community colleges, and public secondary schools. The implementation plan shall include, but not be limited to, the development of student-specific academic programs and an identification of information and services available to students through the network, the proposed utilization of student data available through the Florida Information Resource Network, the relationship of student enrollment patterns with plans for corresponding course offerings, the relationship of the network with the student registration process, the projected timetable for institutional availablity of the network, and any corresponding rules necessary to effect implementation of the network.*

Section 31. *The Board of Regents shall adopt rules to include the following provisions:*

(1) The criteria for assigning limited access status to an educational program shall be delineated. A process for the periodic review of programs shall be identified so that the board can determine the need for retention or removal of limited access status.

(2) Each university shall provide registration opportunities for transfer students that allow such students access to high demand courses comparable to that provided native students. Further, each university that provides an orientation program for freshman enrollees shall also provide orientation programs for transfer students.

(3) Each university shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, appeals processes available to students, and a roster of contact persons within the administrative staff available to respond to student inquiries.

Section 32. *The Postsecondary Education Planning Commission shall conduct a study to determine the feasibility of developing a comprehensive articulation agreement between public and nonpublic postsecondary institutions. The results of such study shall be transmitted to the Legislature no later than February 1, 1987. The study shall include:*

(1) An assessment of the need for an articulation agreement between the public and nonpublic sectors. All of the remaining areas of study are predicated on a finding that such an agreement is necessary.

(2) An identification of the requisite components of the agreement.

(3) An analysis of the predisposition of the affected sectors toward development of the agreement.

(4) An identification of any obstacles that might hinder the development of the agreement.

(5) A description of actions necessary for development of the agreement, if such an agreement is deemed feasible.

Section 33. *The Articulation Coordinating Committee shall identify the competencies demonstrated by students upon the successful completion of 2 credits of sequential high school foreign language instruction. For the purpose of determining postsecondary equivalence pursuant to s. 240.233 (1)(b), the committee shall develop rules through which community colleges correlate such competencies to the competencies required of students in the colleges' respective courses. Based on this correlation, each community college shall identify the minimum number of postsecondary credits that students must earn in order to demonstrate a level of competence in a foreign language at least equivalent to that of students who have completed 2 credits of such instruction in high school. The committee may also specify alternative means by which students can demonstrate equivalent foreign language competence.*

Section 34. Subsection (8) of section 240.227, Florida Statutes, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

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

Section 35. Subsection (2) of section 235.056, Florida Statutes, is amended to read:

235.056 Lease and lease-purchase of educational facilities.—

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

Section 36. This act shall take effect July 1, 1986.

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

Amendment 1—In title, on page 2, line 17, after "Center;" insert: amending s. 240.271, F.S.; allowing the Board of Regents to reduce enrollment, on a pilot basis, at any state university with an approved plan to improve the quality of undergraduate education; repealing s. 240.271(5)(b), F.S., which allows the Board of Regents to reduce enrollment without reducing enrollment-based funding; creating s. 240.107, F.S.; establishing legislative intent for the college-level communication and computation skills examination; providing administration and reporting requirements; requiring successful examination completion for degree conference; providing an exemption; amending s. 240.233, F.S.; modifying provisions relating to rules and standards for university admissions; postponing the foreign language requirement for university admission; providing an exemption; creating s. 246.013, F.S.; authorizing participation of certain nonpublic postsecondary colleges in the common course designation and numbering system; providing for costs and fees; amending s. 246.021, F.S.; modifying definition of "agent"; amending s. 246.031, F.S.; modifying membership of the State Board of Independent Colleges and Universities; amending s. 246.081, F.S.; providing for authorization to establish or continue operation of a nonpublic college; amending s. 246.091, F.S.; providing for standards for approval of expanded educational programs and degrees; amending s. 246.111, F.S.; providing for rules for license denial, probation, and revocation; providing for imposition of an administrative fine; directing the State Board of Education to adopt rules related to purges of certain courses; directing the Board of Regents and the State Board of Community Colleges to develop a plan for implementing a computer-assisted student advising system; directing the Board of Regents to adopt rules relating to limited access programs, registration and orientation, and student handbooks; directing the Postsecondary Education Planning Commission to study the feasibility of an articulation agreement between public and nonpublic postsecondary institutions; directing the Articulation Coordinating Committee to develop rules regarding the equivalence of certain foreign language instruction; amending s. 240.227, F.S.; to conform to the act; amending s. 235.056, F.S.; permitting to lease and lease-purchase educational facilities;

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

CS for SB 726 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Fox	Kirkpatrick	Peterson
Beard	Frank	Malchon	Plummer
Childers, D.	Girardeau	Mann	Stuart
Childers, W. D.	Grant	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Jennings	Meek	Vogt
Dunn	Johnson	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Neal

Senator Dunn presiding

On motions by Senator Frank, by two-thirds vote HB 1342 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Frank, by unanimous consent—

HB 1342—A bill to be entitled An act relating to fitting and dispensing of hearing aids; amending s. 484.0401, F.S., relating to purpose; amending s. 484.041, F.S., providing definitions; amending s. 484.042, F.S., expanding membership of the Board of Hearing Aid Specialists; modifying qualifications for membership; amending s. 484.044, F.S., revising authority of the board to make rules; deleting reference to an apprenticeship program; creating s. 484.0445, F.S., providing for establishment of a training program; providing requirements; providing for licensure of persons who complete the training program; creating s. 484.04451, F.S., providing examination, licensure, trainee registration, and license renewal fees; amending s. 484.045, F.S., revising requirements for licensure by examination; amending s. 484.046, F.S., revising requirements for licensure by endorsement; amending s. 484.047, F.S., revising requirements for license renewal; deleting a continuing education requirement; amending s. 484.048, F.S., revising provisions relating to inactive status; amending s. 484.0501, F.S., revising provisions relating to minimal procedures and equipment for fitting and selling hearing aids; amending s. 484.051, F.S., providing for disclosure of prices; providing procedures with respect to sales; creating s. 484.0513, F.S., providing for cancellation upon certain medical advice; amending s. 484.053, F.S., modifying a prohibition; adding prohibition and penalty; amending s. 484.054, F.S., providing a penalty for repeated offenses; amending s. 484.056, F.S., providing additional grounds for disciplinary actions by the boards; providing for disciplinary action by the department against non-licensed owners in violation; creating s. 484.058, F.S., requiring establishment of a regular place of business; amending s. 484.059, F.S., prohibiting certain unlicensed practice; exempting certain trainees; saving part II of chapter 484, F.S., from Sunset repeal; providing for future repeal; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 8, lines 4 and 5, strike *"and who successfully completes the required clinical practical examination"*

Amendment 2—On page 14, strike all of lines 2-10, and insert: ~~department~~. The *board* ~~department~~ shall have the power to prescribe the minimum procedures and equipment which shall be used in the fitting and selling of hearing aids, *including equipment that will measure the hearing aid's response curves to assure that they meet the manufacturer's specifications. These* ~~which~~ procedures and equipment may differ from those provided in this section in order to take full advantage of devices and equipment which may hereafter become available and which are demonstrated to be of greater efficiency and accuracy. The *board* ~~department~~ shall adopt and enforce rules necessary to carry out the provisions of this subsection.

Amendment 3—On page 18, between lines 11 and 12, insert:

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, *including violations of any federal laws or regulations regarding hearing aids.*

Amendment 4—On page 19, strike lines 19 and 20, and insert:

Section 19. Paragraph (a) of subsection (5) of section 229.8361, Florida Statutes, is amended to read:

229.8361 Florida Council for the Hearing Impaired.—

(5) The Florida Council for the Hearing Impaired is authorized to employ two full-time staff persons:

(a) *An administrator* ~~A telecommunications systems consultant~~, who will collect, prepare, and analyze information *and coordinate activities* ~~concerning telecommunications devices, systems~~, and programs for the hearing impaired and speech impaired.

(b) A Secretary ~~H~~.

Section 20. Paragraph (g) of subsection (2) of section 427.504, Florida Statutes, is amended to read:

427.504 Florida Council for the Hearing Impaired; additional duties.—

(2) In addition to the duties provided in s. 229.8361, the council is specifically empowered to:

(g) Devise procedures for certifying persons as deaf, hearing impaired, or speech impaired. Such certification process shall include a statement attesting to such impairment by a licensed physician, audiologist, speech pathologist, *deaf services center director,* or appropriate state or federal agency.

To effectuate this rulemaking provision and the purposes of this part the council is hereby vested with the powers of a commission pursuant to s. 20.03(10).

Section 21. Subsection (4) of section 427.506, Florida Statutes, is amended to read:

427.506 Purchase of equipment; bid specifications and requirements; *lease* ~~sublease~~ of equipment to the deaf, hearing impaired, and speech impaired.—

(4) The council shall *lease* ~~sublease~~ the equipment discussed in this part at no cost to qualifying recipients for a period of time not exceeding 5 years. Nothing herein shall be construed to prevent the council from renewing any lease previously executed with a qualified recipient.

Section 22. This act shall take effect October 1, 1986, except that sections 19, 20, and 21 shall take effect upon becoming a law.

Amendment 5—In title, on page 1, strike all of lines 2 and 3, and insert: An act relating to services for hearing-impaired persons; amending s. 484.0401, F.S.,

Amendment 6—In title, on page 2, line 14, after the semicolon (;) insert: amending s. 229.8361, F.S., authorizing employment of an administrator; amending s. 427.504, F.S., authorizing attestation of a deaf services center director for purposes of certifying persons as deaf, hearing impaired, or speech impaired; amending s. 427.506, F.S., authorizing lease, rather than sublease, of certain equipment to impaired persons;

On motion by Senator Frank, by two-thirds vote HB 1342 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Frank	Malchon	Plummer
Beard	Girardeau	Mann	Scott
Childers, D.	Grant	Margolis	Stuart
Childers, W. D.	Grizzle	McPherson	Thomas
Crawford	Hill	Meek	Thurman
Crenshaw	Jennings	Myers	Vogt
Deratany	Johnson	Neal	Weinstein
Dunn	Langley	Peterson	

Nays—None

Vote after roll call:

Yea—Fox, Gersten, Hair, Jenne, Kirkpatrick

The President presiding

SPECIAL ORDER

CS for SB 527—A bill to be entitled An act relating to airports; amending s. 332.007, F.S.; revising the criteria for certain state funding of land acquisition for the expansion of existing airports; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 527 to conform the bill to HB 554.

Pending further consideration of CS for SB 527 as amended, on motions by Senator Plummer, by two-thirds vote HB 554 was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

On motion by Senator Plummer—

HB 554—A bill to be entitled An act relating to aviation; amending s. 332.007, F.S.; providing that the Department of Transportation may fund a certain amount of the cost of land acquisition for a new airport or for the expansion of certain existing airports; creating s. 332.008, F.S.; creating the Florida Aviation Advisory Council within the Department of Transportation; providing for membership, powers and duties; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 527 and read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 554 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Dunn	Johnson	Plummer
Barron	Frank	Kirkpatrick	Stuart
Beard	Gersten	Kiser	Thomas
Childers, D.	Girardeau	Malchon	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crawford	Grizzle	Meek	Weinstein
Crenshaw	Hill	Myers	
Deratany	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Fox, Hair, Jenne, Neal

CS for SB 527 was laid on the table.

On motions by Senator Dunn, by two-thirds vote CS for HB 347 was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

On motion by Senator Dunn—

CS for HB 347—A bill to be entitled An act relating to limited partnerships; replacing the existing laws relating to the formation, organization, and internal affairs of, and the transaction of business in this state by, domestic and foreign limited partnerships and to the liability of general and limited partners with the Uniform Limited Partnership Act (1986); providing for annual reports by limited partnerships; providing for revocation of authority to transact business for failure to file annual reports, pay fees when due, or file amendments when required; prescribing fees of the Department of State; providing for disposition of moneys collected; providing for applicability of the Uniform Partnership Act under certain circumstances; transferring and amending s. 620.081, F.S.; providing for conveyances to and by limited partnerships; deleting a provision that is no longer needed; repealing ss. 620.01-620.08, 620.09-620.49, F.S., relating to domestic and foreign limited partnerships; providing for the duties of registered agents; amending s. 48.061, F.S.; providing for service of process on limited partnerships; providing severability; providing an effective date.

—a companion measure, was substituted for CS for SB 397 and read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for HB 347 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Fox, Hair, Neal

CS for SB 397 was laid on the table.

SB 69—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 760.02, F.S.; expanding the definition of employer to remove the minimum number of employees; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike line 18 and insert:

Section 2. Subsection (5) of section 760.06, Florida Statutes, is amended to read:

760.06 Powers of the commission.—Within the limitations provided by law, the commission shall have the following powers:

(5) To receive, initiate, investigate, seek to conciliate, hold hearings on, and act upon *verified* complaints alleging any discriminatory practice, as defined by ss. 760.01-760.10.

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

Amendment 2—In title, on page 1, line 5, after the semicolon (;) insert: amending s. 760.06, F.S.; requiring that complaints alleging any discriminatory practice as defined by ss. 760.01-760.10, F.S., be verified;

On motion by Senator Frank, by two-thirds vote SB 69 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Frank	Kirkpatrick	Plummer
Castor	Gersten	Kiser	Scott
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Grant	Margolis	Thomas
Crawford	Grizzle	Meek	Thurman
Crenshaw	Hill	Myers	Vogt
Deratany	Johnson	Peterson	Weinstein

Nays—1

Beard

Vote after roll call:

Yea—Fox, Hair

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.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 10, between lines 25 and 26, insert:

Section 4. (1) There is hereby created the Florida Postsecondary Vocational Center for the Hearing Impaired. The center shall offer postsecondary vocational programs for the deaf and the hearing impaired.

(2) The Florida Postsecondary Vocational Center for the Hearing Impaired is assigned to the District Board of Trustees of the North Florida Junior College for purposes of administration and governance but shall serve as a professional school on a statewide basis for all qualified students within appropriations and limitations established annually by the Legislature.

(3) The junior college district board of trustees is authorized to established an advisory council to assist it on matters pertaining to the operation of the center.

(Renumber subsequent section.)

Amendment 2—In title, on page 2, between lines 2 and 3, insert; creating the Florida Postsecondary Vocational Center for the Hearing Impaired; providing for the administration of the center; authorizing the establishment of an advisory council;

On motion by Senator Castor, by two-thirds vote CS for SB 27 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	Dunn	Kirkpatrick	Peterson
Barron	Frank	Kiser	Plummer
Beard	Gersten	Langley	Scott
Castor	Girardeau	Malchon	Stuart
Childers, D.	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crawford	Hill	McPherson	Weinstein
Crenshaw	Jennings	Meek	
Deratany	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Fox, Hair, Jenne, Neal

On motions by Senator Thomas, by two-thirds vote CS for CS for CS for SJR's 54 and 3, CS for CS for SB 986, SB 484, SB 957, SB 1326, CS for SB 538 and CS for CS for SB 1118 were added to the special order calendar following SB 285.

Senator Mann presiding

CS for SB's 101 and 288—A bill to be entitled An act relating to the Florida Drug and Cosmetic Act; amending ss. 499.001, 499.002, 499.05, 499.051, 499.055, 499.066, 499.067, 499.068, F.S.; expanding the act to include provisions of law relating to misbranding of toilet preparations, sale of caustic substances, and ether; increasing a fine; providing for deposit of certain moneys in a trust fund; providing a continuing appropriation; creating s. 499.0053, F.S.; providing for the power to administer oaths, take depositions, and issue subpoenas; creating part II of chapter 499, F.S.; providing legislative intent; providing definitions; requiring a license or permit to manufacture, distribute, deal in, or purchase ether; providing fees; providing forms; providing for the issuance of licenses and permits; prohibiting possession of ether without a license or permit; providing exceptions; requiring the maintenance of certain records; providing for inspections; requiring reports with respect to the theft, illegal use, or illegal possession of ether; prohibiting possession in or near residential housing; providing for the adoption of rules by the Department of Health and Rehabilitative Services; providing a procedure for cease and desist orders and for administrative fines; providing for suspension or revocation of license or permit; providing for the conduct of hearings and review of orders of the department; providing penalties; providing for injunctive relief; providing exceptions; providing for the application of the act to county and municipal ordinances; providing for deposit of fees; providing for review and repeal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 10, line 10, before the comma (,) insert: and/or resident agent residing in Florida

Amendment 2—On page 10, line 11, before the period (.) insert: and/or resident agent residing in Florida

Senator Myers moved the following amendments which were adopted:

Amendment 3—On page 21, between lines 15 and 16, insert:

Section 1. Section 499.039, Florida Statutes, is created to read:

499.039 Sale, distribution, or transfer of harmful chemical substances; penalties; authority for enforcement.—Any person who sells, delivers, or gives to a person under the age of 18 years any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, ethylene glycol monomethyl ether acetate, cyclohexanone, nitrous oxide, diethyl ether, alkyl nitrites (butyl nitrite), or any similar substance for the purpose of inducing by breathing, inhaling, or ingesting a condition of intoxication or which is intended to distort or disturb the auditory, visual, or other physical or mental processes is in violation of this chapter.

(1) On the first violation, the department may issue a warning according to s. 499.071, provided the violation has not caused temporary or permanent physical or mental injury to the user.

(2) If any violation of this section has caused temporary or permanent physicial or mental injury to the user, the department may, pursuant to chapter 120, impose fines according to s. 499.066, and may report any violation to the appropriate state attorney for prosecution.

(3) The Department of Health and Rehabilitative Services shall adopt rules to implement this section.

(Renumber subsequent section.)

Amendment 4—In title, on page 2, line 8, after the semicolon (;) insert: creating s. 499.039, F.S.; providing that it is a violation of chapter 499, F.S., to sell, deliver, or give specified chemical substances to a minor for certain purposes; providing penalties for violation; providing for rules;

On motion by Senator Kiser, by two-thirds vote CS for SB's 101 and 288 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	Johnson	Neal
Beard	Frank	Kirkpatrick	Peterson
Castor	Gersten	Kiser	Plummer
Childers, D.	Girardeau	Langley	Scott
Childers, W. D.	Gordon	Malchon	Stuart
Crawford	Grant	Mann	Thomas
Crenshaw	Grizzle	Margolis	Thurman
Deratany	Hill	Meek	Vogt
Dunn	Jennings	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Hair, Jenne

On motion by Senator Grant, by two-thirds vote HB 780 was withdrawn from the Committee on Appropriations.

On motion by Senator Grant—

HB 780—A bill to be entitled An act relating to the National Forest Trust Fund; amending s. 215.551, F.S., providing that the amounts due

to the counties from the fund shall be paid in each case in two equal payments divided between the county and the district school board; providing an effective date.

—a companion measure, was substituted for SB 285 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 780 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

SB 285 was laid on the table.

On motions by Senator Stuart, by two-thirds vote CS for HB 718 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Commerce.

On motion by Senator Stuart—

CS for HB 718—A bill to be entitled An act relating to telephone companies; creating s. 364.339, F.S.; providing for shared tenant services; authorizing exclusive Florida Public Service Commission jurisdiction over this service; providing conditions under which the service may be authorized; exempting radio common carriers or cellular radio telephone carriers from commission regulation; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1026 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 718 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne

CS for SB 1026 was laid on the table.

SB 762—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.05, F.S.; providing for the establishment, implementation and maintenance of a statewide automated fingerprint identification system; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Weinstein and adopted:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2) of section 943.04, Florida Statutes, is amended to read:

943.04 Division of Criminal Investigation; creation; investigative and related authority.—

(2)

(c) All investigators employed by the department shall be considered *law enforcement* ~~peace~~ officers for all purposes. The executive director shall have the authority to designate the person occupying any appropriate position within the department as a *law enforcement* ~~peace~~ officer, if such person is qualified under the department's personnel regulations relating to agents *and is certified pursuant to s. 943.1395(1)*, and all persons thus employed by the department shall be considered *law enforcement* ~~peace~~ officers for all purposes and shall be entitled to the privileges, protection, and benefits of ss. 112.19, 121.051, 122.34, and 870.05.

Section 2. Paragraphs (b) and (c) of subsection (2) of section 943.05, Florida Statutes, are amended to read:

943.05 Division of Criminal Justice Information Systems; duties; crime reports.—

(2) The division shall:

(b) *Establish, implement, and maintain* ~~Develop a plan for~~ a statewide automated fingerprint identification system capable of, but not limited to, reading, classifying, matching, and storing fingerprints, rolled fingerprints, and latent fingerprints. The ~~plan shall address a~~ system ~~that~~ shall be available to every criminal justice agency that is responsible for the administration of criminal justice. ~~The plan shall be submitted on or before February 1, 1986, to the respective chairmen of the Senate and House of Representatives Appropriations Committees, the Senate Judiciary Committee, and the House of Representatives Criminal Justice Committee.~~

(c) *On or before January 1, 1988,* prepare and furnish to every law enforcement agency a forced-choice uniform offense report and arrest report *which shall be the primary documents used to initiate prosecutions.* Both reports shall:

1. Be *submitted by each law enforcement agency not less than once a month* ~~prepared after a review of similar reports used by law enforcement agencies throughout the state~~.

2. Identify the minimum information required to comply with paragraph (d).

3. Be compatible with the automated criminal justice information system, *and when acceptable by the division, may be submitted in an automated format.*

4. Adequately report crime as it is defined by the criminal laws of this state.

5. Be the basic documents to establish an offender-based transaction system.

6. Be the basic documents used to prepare automated or printed forms for use and updating of criminal justice information by other criminal justice agencies.

Section 3. Section 943.052, Florida Statutes, is amended to read:

943.052 Disposition reporting.—*The division shall, by rule, establish procedures and a format for* each criminal justice agency *to* ~~shall~~ monitor its records and submit *reports, as provided by this section, to the division. The disposition report shall be developed by the division and shall include the offender based transaction system number.* ~~disposition reports to the Division of Criminal Justice Information Systems in such format and detail and at such times as the department may prescribe by rule.~~

(1) Each law enforcement officer or booking officer shall include on the arrest fingerprint card the offender based transaction system number. It shall be the responsibility of the law enforcement agency to submit the uniform arrest report and the uniform disposition report to the state attorney who will forward both reports to the clerk of the court.

(2) Each clerk of the court shall submit the uniform dispositions to the division. The report shall be submitted to the division at least once a month and, when acceptable by the division, may be submitted in an automated format.

(3) The Department of Corrections shall submit information to the division relating to the receipt or discharge of any person who is sentenced to a state correctional institution.

(4) Each sheriff or unit of government or agent thereof shall submit information to the division relating to the receipt or discharge of any person who is sentenced to a jail facility.

Section 4. Section 943.0525, Florida Statutes, is amended to read:

943.0525 Criminal justice information systems; use by state and local agencies.—As a condition of participating in any criminal justice information system established by the division or of receiving criminal justice information, state and local agencies shall be required to execute appropriate user agreements and to comply with applicable federal laws and regulations, this chapter, and rules of the department. *The division shall, by rule, adopt a user agreement which shall include, but not be limited to, compliance with the provisions of s. 943.052. The user agreement between the department and the criminal justice agency shall include conspicuous language that any criminal justice agency failing to comply with laws, rules, and the user agreement shall constitute grounds for immediate termination of services. The department shall terminate the services to the criminal justice agency until the agency is in compliance. However, the department shall not terminate access to wanted persons or wanted property record information services to a law enforcement agency* ~~of Law Enforcement adopted thereunder. Failure to comply with such laws or rules shall constitute grounds for immediate termination of services or withholding of criminal justice information~~.

Section 5. Subsections (2), (3), and (10) of section 943.10, Florida Statutes, are amended to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(2) "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, and control, *or investigation,* of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

(3) "Employing agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, *or any agent thereof,* which has constitutional or statutory authority to employ or appoint persons as officers.

(10) "Support personnel" means any person employed or appointed by an employing agency who is not an officer *or, as specified by the commission, other professional employees in the criminal justice system.*

Section 6. Subsection (3) of section 943.12, Florida Statutes, is amended to read:

943.12 Powers, duties, and functions of the commission.—The commission shall:

(3) Certify, and revoke the certification of, officers, *instructors, or criminal justice training schools.*

Section 7. Subsections (4) and (10) of section 943.13, Florida Statutes, are amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as an officer shall:

(4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable ~~or undesirable~~ discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of a felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication.

(10) Be authorized to satisfy the requirements of subsection (9) by taking and passing an examination established pursuant to s. 943.17(1)(e) upon the recommendation of the employing agency and when he is in compliance with subsections (1)-(8) ~~and has had prior training or experience as an officer~~.

Section 8. Subsection (2) of section 943.137, Florida Statutes, is amended to read:

943.137 Establishment of qualifications and standards above the minimum.—

(2) The qualifications of an employing agency that exceed the minimum *employment or* basic recruit training course established by the commission are binding on individuals affected and shall be recognized by the commission.

Section 9. Subsection (2) of section 943.139, Florida Statutes, is amended to read:

943.139 Notice of employment, appointment, or termination; response by the officer; duty of commission.—

(2) In a case of termination, the employing agency shall *execute and submit to the commission an affidavit-of-termination form adopted by the commission* ~~notify the commission and the officer, in writing, of the termination~~, setting forth in detail the facts and reasons for such termination. If the officer is terminated for his failure to comply with the provisions of s. 943.13, the notice shall so specify. *The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.* Any officer who has been terminated shall be permitted to respond to the termination, in writing, to the commission, setting forth the facts and reasons for the termination as he understands them.

(3) A subsequent employing agency may contact the commission to inquire as to the facts and reasons an officer was terminated from any previous employing agency. The commission shall, upon request and without prejudice, provide to the subsequent employing agency all information which is required under subsections (1) and (2) that is in its possession.

Section 10. Subsection (5) of section 943.1395, Florida Statutes, is amended to read:

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; investigation.—

(5) The commission shall revoke the certification of any officer who is not in compliance with the provisions of s. 943.13(1)-(10) *or when an officer intentionally executes a false affidavit established in s. 943.13(8), s. 943.133(2), or s. 943.139(2),* and shall, by rule, adopt revocation-of-certification procedures pursuant to chapter 120. For the purpose of revocation, the chairman of the commission shall appoint one or more panels of three commissioners each to determine probable cause.

(a) The commission shall cause to be investigated any ground for revocation from the employing agency pursuant to s. 943.139 or from the Governor, and the commission may investigate verifiable complaints.

(b) The request for revocation, the investigation, and all information gathered from the investigation are exempt from chapter 119 and, except for information otherwise exempted by law, shall be opened to the public only after probable cause is determined. If probable cause is not found, all identifying information exempted by law shall be deleted from the record before it is made available to the public.

(c) When an officer's certification is revoked in any discipline, his certification in any other discipline shall simultaneously be revoked.

Section 11. Paragraph (b) of subsection (9) of section 943.14, Florida Statutes, is amended to read:

943.14 Criminal justice training schools; certificates and diplomas; exemptions; injunctive relief; fines.—

(9)

(b)1. In addition to any injunctive relief available under paragraph (a), the commission may impose a civil fine upon any criminal justice training school or person who violates subsection (1) or subsection (5), or any rule adopted pursuant thereto, of up to $10,000 for each violation, which fine shall ~~be divided equally and paid into the Law Enforcement Training Trust Fund and the Correctional Officer Training Trust Fund or, after June 30, 1986, shall~~ be paid into the Criminal Justice Training

Trust Fund. The commission may impose a civil fine upon any criminal justice training school or person who violates subsection (2), subsection (3), subsection (4), or subsection (6), or any rule adopted pursuant thereto, of up to $1,000 for each violation, which fine shall ~~be divided equally and paid into the Law Enforcement Training Trust Fund and Correctional Officer Training Trust Fund or, after June 30, 1986,~~ shall be paid into the Criminal Justice Training Trust Fund.

2. A proceeding under this paragraph shall comply with the provisions of chapter 120, and the final order of the commission constitutes final agency action for the purposes of chapter 120. When the commission imposes a civil fine and the fine is not paid within a reasonable time, the Department of Legal Affairs, at the request of the chairman of the commission, shall bring a civil action under the provisions of s. 120.69 to recover the fine. The commission and the Department of Legal Affairs are not required to post any bond in any proceeding herein.

Section 12. Paragraph (b) of subsection (1) of section 943.17, Florida Statutes, is amended and subsection (3) is added to said section to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(b) Design, implement, maintain, evaluate, and revise an advanced training program which is limited to those courses enhancing an officer's knowledge, skills, and abilities for the job he performs ~~and which will be eligible for funding under s. 943.25(10) and may be eligible for funding under s. 943.25(8)(a)~~.

(3) The commission may, by rule, establish a sponsorship program for prospective officers. The rule shall specify the provisions of s. 943.13 that must be satisfied prior to the prospective officer's enrollment in a basic recruit training course. However, the rule shall not conflict with any laws or rules of the Department of Education relating to student enrollment.

Section 13. Paragraph (d) is added to subsection (2) of section 921.161, Florida Statutes, to read:

921.161 Sentence not to run until imposed; credit for county jail time after sentence; certificate of sheriff.—

(2) In addition to other credits, a person sentenced to imprisonment in custody of the Department of Corrections shall receive credit on his sentence for all time spent between sentencing and being placed in custody of the department. When delivering a prisoner to the department, the sheriff shall certify to it in writing:

(d) The offender based transaction system number or numbers from the uniform arrest report or reports established pursuant to s. 943.05(2).

Section 14. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice *and specialized* training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. *Specialized training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice and specialized training programs or courses* ~~and~~ need not be approved by the commission.

(2) *The commission shall, by rule, establish procedures and criteria whereby* an employing agency *or criminal justice training school* seeking commission approval of an inservice *or specialized* training program or course must submit the program or course to the commission for evaluation. The *procedures and criteria* ~~evaluation~~ shall include, but *are* ~~is~~ not limited to, *a demonstration of* job relevance and quality of instruction.

(3) Each inservice *or specialized* training course that is approved by the commission and successfully completed by an officer shall be identified as such in any record the commission maintains on the officer. Commission-approved inservice *and specialized* training courses will be acceptable for the provisions of s. 943.135.

(4) Inservice or specialized training courses or programs shall not be part of the programs of courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

Section 15. Paragraph (c) of subsection (1) and paragraph (d) of subsection (2) of section 943.22, Florida Statutes, are amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(c) "Community college degree or equivalent" means graduation from *an accredited community college or having been granted a degree pursuant to s. 240.239; or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree from* ~~or completion of at least 60 semester hours or 90 quarter hours at~~ an accredited college, university, or community college.

(2)

(d) Any full-time officer who completes 480 hours of approved career development program training courses on or before June 30, 1985, shall receive the sum of $120 per month. Any full-time officer who is entitled to full or proportional career development salary incentive payments on or before June 30, 1985, shall continue to receive such payments. On or after July 1, 1985, any officer who completes a combination of 480 hours of approved advanced and career development training courses *established pursuant to s. 943.17(1)(b) and (c)* shall receive the sum of $120 per month. The commission, by rule, may provide for proportional shares for courses completed in 80-hour units in each program in a manner provided for in paragraph (h).

Section 16. Section 943.25, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 943.25, F.S., for present text.)

943.25 Criminal Justice trust funds; source of funds; use of funds.—All courts created by Article V of the State Constitution shall, in addition to any fine or other penalty, assess $3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, $3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as hereinafter described. However, no such assessment shall be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles. All such costs collected by the court shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the Executive Director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement and the Department of Community Affairs for distribution as follows: $2 of each $3 assessment shall be forwarded to the Department of Law Enforcement for deposit in the Criminal Justice Training Trust Fund; 75 cents of each assessment shall be deposited into the Administrative Trust Fund; and the remaining 25 cents of each assessment shall be deposited into the Trust Fund for Grant Matching and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs. Except as provided by subsection (8), no funds authorized pursuant to this section shall be expended for basic recruit training.

(1) There is created a Trust Fund for Grant Matching under the administration of the Division of Housing and Community Development of the Department of Community Affairs. Disbursement of such funds shall be made for the purpose of matching, implementing, administering, evaluating, and qualifying for federal funds providing assistance to state and local governments for meeting criminal justice needs. The Department of Community Affairs is authorized to approve, for disbursement from the trust fund, those appropriated sums necessary and required by the state for grant matching, implementing, administering, evaluating, and qualifying for such federal funds. Disbursements from the trust fund for the purpose of supplanting state general revenue funds shall not be made without specific legislative appropriation.

(2) There are created, within the Department of Law Enforcement, the Administrative Trust Fund for the purpose of providing for the payment of necessary and proper expenses incurred by the operation of the commission and the division; the Criminal Justice Training Trust Fund for the purpose of providing commission approved criminal justice train-

ing and criminal justice training school enhancements; and the Criminal Justice Training Improvement Trust Fund for the purpose of establishing the provisions of s. 943.17 and to develop the specific tests provided under s. 943.12(10).

(a) The commission shall authorize the establishment of regional training councils to advise and assist the commission in developing and maintaining a plan assessing regional criminal justice training needs and to act as an extension of the commission in planning, programming, and budgeting for expenditures of the moneys in the Criminal Justice Training Trust Fund.

(b) Commission members, regional training council members, division staff personnel, and other authorized persons who are performing duties directly related to the trust fund may be reimbursed for reasonable per diem and travel expenses as provided in s. 112.061.

(c) The commission, with the approval of the head of the department, either by contract or agreement, may authorize any university or community college in the state, or any other organization, to provide training for or facilities for training officers in the areas of crime reduction, crime control, inmate control, or professional development.

(3) The division shall administer the Administrative Trust Fund for the payment of proper expenses incurred by the commission and the division. At the direction and with the approval of the commission, the division shall administer the Criminal Justice Training Trust Fund and the Criminal Justice Improvement Trust Fund and shall report the status of both funds at each regularly scheduled commission meeting.

(4) The commission shall, by rule, establish, implement, supervise, and evaluate the expenditures of the Criminal Justice Training Trust Fund for approved criminal justice training courses. Criminal justice training school enhancements may be authorized by the commission subject to the provisions of this subsection. The commission may approve the training of appropriate support personnel when it can be demonstrated that these personnel directly support the criminal justice system. The commission shall annually forward to each regional training council a list of its specific recommended priority issues or items to be funded. Each regional training council shall consider the recommendations of the commission in relation to the needs of the region and either include the recommendations in the region's budget plan or justify their exclusion. Unless otherwise provided by this section and subject to an appropriation by the Legislature, the commission's plan of expenditures shall include the following provisions: To each region, beginning on July 1, 1986, and ending on June 30, 1988, a sum of $75,000 from the Criminal Justice Training Trust Fund; and to each region, the balance remaining in the fund based on a distribution formula approved by the commission.

(a) The commission shall establish criteria and procedures for use by the division and regions to amend the approved plan when an emergency exists. The division shall, with the consent of the chairman of the commission, initially grant, modify, or deny the requested amendment pending final approval by the commission. The commission's plan and amendments thereto shall comply with the provisions of chapter 216.

(b) No training, room, or board cost may be assessed against any officer or employing agency for any training course funded from the Criminal Justice Training Trust Fund. Such expenses shall be paid from the trust fund and are not reimbursable by the officer. Travel costs to and from the training site are the responsibility of the trainee or employing agency. The commission shall develop a policy of reciprocal payment for training officers from regions other than the region providing the training. An officer who is not employed or appointed by an employing agency of this state is authorized to attend a course funded by the trust fund, provided he is required to pay the criminal justice training school all training costs incurred for his attendance.

(c) No trust fund money may be expended for the planning or construction of any new school or expansion of any existing school without the specific prior approval of the Legislature, designating the location and the amount to be expended for the training school. A public criminal justice training school designated as the primary training center for a region must be approved by the commission to receive and distribute the disbursements authorized under this section.

(d) The commission is authorized to direct one or more of the regional training councils to use a portion of the allocated funds to provide specific training courses or to conduct research on any activity related to the employment or training of officers.

(5) The commission shall, by rule, establish, supervise, and evaluate the expenditures of the Criminal Justice Improvement Trust Fund. These funds shall be used to develop, validate, update, and maintain test or assessment instruments relating to selection, employment, training, or evaluating of officers, instructors, or courses. Funds deposited into the Criminal Justice Training Improvement Trust Fund shall consist of funds annually transferred from the Criminal Justice Training Trust Fund and which have been approved by the Legislature and shall not exceed $250,000 per annum. Pursuant to s. 943.12(4), (5) and (8), the commission shall adopt those test or assessment instruments, which are appropriate and job-related, as minimum requirements.

(6) Funds deposited in the trust funds created by this section may be invested. Any interest earned therefrom and any unencumbered funds remaining at the end of the budget cycle shall be deposited, for redistribution, in the Additional Court Cost Clearing Trust Fund.

(7) The Auditor General is directed in his financial audit of courts to ascertain that such assessments have been collected and remitted and shall report to the Legislature annually. All such records of the courts shall be open for his inspection. The Auditor General is further directed to conduct financial audits of the expenditures of the trust funds and shall report to the Legislature annually.

(8) Municipalities and counties may assess an additional $2, as aforesaid, for expenditures for criminal justice education degree programs and training courses, including basic recruit training, for the respective officers and support personnel, provided such education degree programs and training courses are approved by the commission.

(a) Workshops, meetings, conferences, and conventions shall, on a form approved by the commission for use by the employing agency, be individually approved by the commission prior to attendance. The form shall include, but not be limited to, a demonstration by the employing agency of the purpose of the workshop, meeting, conference, or convention; the direct relationship of the subject matter to training; the direct benefits the officer and agency will receive; and all anticipated costs. When commission approval to attend a workshop, meeting, conference, or convention cannot be obtained prior to a scheduled commission meeting, the division may, with the consent of the chairman of the commission, initially approve the workshop, meeting, conference, or convention, subject to final approval by the commission. If the commission does not grant final approval, the employing agency shall not use the funds provided by this subsection for the payment of such costs.

(b) The commission may inspect and copy the documentation of independent audits conducted of municipalities and counties which make such assessments to ensure that the expenditures are in conformance with the requirements of this subsection and with other applicable procedures.

(9) The Executive Office of the Governor may approve, for disbursement from funds earmarked to the Department of Law Enforcement and the Department of Community Affairs, those sums necessary to implement the provisions of the trust funds established pursuant to this section.

(10) Except as provided by subsection (8) and notwithstanding any other provision of law, no funds collected and deposited pursuant to this section shall be expended unless specifically appropriated by the Legislature.

Section 17. This act shall take effect July 1, 1986 or upon becoming a law, whichever occurs later.

Senator Fox moved the following amendment:

Amendment 2—On page 4, between lines 24 and 25, insert new Section 5.:

Section 5. Section 943.085 is amended by creating subsection (4).

943.085 Legislative intent with respect to upgrading the quality of law enforcement officers and correctional officers.—

(4) It is the further intent of the Legislature that all law enforcement officers and correctional officers shall enjoy all rights granted public employees by law.

(Renumber subsequent sections.)

Further consideration of SB 762 was deferred.

The President presiding

On motions by Senator Frank, by two-thirds vote HB 75 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Rules and Calendar.

On motion by Senator Frank—

HB 75—A bill to be entitled An act relating to employee rights; providing for the protection of employees and persons retaliated against by agencies or independent contractors; providing a short title; providing legislative intent; providing definitions; providing prohibited actions; providing for the nature of information to be disclosed under the act; providing for remedies, relief, and defenses; providing an effective date.

—a companion measure, was substituted for SB 378 and read the second time by title. On motion by Senator Frank, by two-thirds vote HB 75 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Malchon	Scott
Barron	Frank	Mann	Stuart
Beard	Gersten	Margolis	Thomas
Castor	Grant	McPherson	Thurman
Childers, D.	Grizzle	Meek	Vogt
Childers, W. D.	Hair	Myers	Weinstein
Crenshaw	Jennings	Neal	
Dunn	Kirkpatrick	Plummer	

Nays—2

Johnson	Langley

Vote after roll call:

Yea—Girardeau

SB 378 was laid on the table.

CS for SB's 377, 445 and 1088—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, delivery, or possession with intent to sell or deliver of controlled substances within a specified distance of public or private schools: providing penalties; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, *purchase,* manufacture, or deliver, or possess with intent to sell, *purchase,* manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) is guilty of a felony of the second degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as provided in this chapter, it is unlawful to sell, *purchase,* deliver, or possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof. Any person who violates this paragraph is guilty of a felony of the first degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

(c) Except as authorized by this chapter, it is unlawful for any person over the age of 18 years to deliver any controlled substance to a person under the age of 18 years. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (2)(a), or (2)(b) is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (1)(d), (2)(c), (3), or (4) is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence shall not be suspended or deferred, nor shall the person so convicted be placed on probation.

(d) Except as authorized by this chapter, it is unlawful for any person to sell, deliver, or purchase, or to possess with the intent to sell, deliver, or purchase, a controlled substance in or on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (2)(a), or (2)(b) is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (1)(d), (2)(c), (3), or (4) is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Adjudication of guilt shall not be withheld, nor shall imposition of sentence be suspended or deferred. Any person who violates this paragraph who has a prior conviction under this paragraph shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years.

(e)~~(d)~~ It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (2)(a), or (2)(b) is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (1)(d), (2)(c), (3), or (4) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A controlled substance named or described in s. 893.03(5) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f)~~(e)~~ It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. Any person who violates this provision is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g)~~(f)~~ If the offense is the possession or delivery without consideration of not more than 20 grams of cannabis, as defined in this chapter, that person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 and s. 775.083. For the purposes of this subsection, "cannabis" does not include the resin extracted from the plants of the genus Cannabis, or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(h)~~(g)~~ Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who he has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

Section 2. Subsection (1) of section 893.135, Florida Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(a) Any person who knowingly sells, *purchases,* manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 100 pounds of cannabis is guilty of a felony of the first degree, which felony shall be known as "trafficking in cannabis." If the quantity of cannabis involved:

1. Is in excess of 100 pounds, but less than 2,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of $25,000.

2. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of $50,000.

3. Is 10,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of $200,000.

(b) Any person who knowingly sells, *purchases,* manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine as described in s. 893.03(2)(a)4. or of any mixture containing cocaine is guilty of a felony of the first degree, which felony shall be known as "trafficking in cocaine." If the quantity involved:

1. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of $50,000.

2. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of $100,000.

3. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of $250,000.

(c) Any person who knowingly sells, *purchases,* manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture containing any such substance, is guilty of a felony of the first degree, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

1. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of $50,000.

2. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of $100,000.

3. Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of $500,000.

(d) Any person who knowingly sells, *purchases,* manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of phencyclidine or of any mixture containing phencyclidine, as described in s. 893.03(2)(b), is guilty of a felony of the first degree, which felony shall be known as "trafficking in phencyclidine." If the quantity involved:

1. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of $50,000.

2. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of $100,000.

3. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of $250,000.

(e) Any person who knowingly sells, *purchases,* manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in s. 893.03(1)(d), is guilty of a felony of the first degree, which felony shall be known as "trafficking in methaqualone." If the quantity involved:

1. Is 200 grams or more, but less than 5 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of $50,000.

2. Is 5 kilograms or more, but less than 25 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of $100,000.

3. Is 25 kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of $250,000.

Section 3. For the purpose of incorporating the amendment to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsections (1), (3), and (4) of section 782.04, Florida Statutes, are reenacted to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being; or

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aircraft piracy, or

j. Unlawful throwing, placing, or discharging of a destructive device or bomb; or

3. Which resulted from the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(3) When a person is killed in the perpetration of, or in the attempt to perpetrate, any:

(a) Trafficking offense prohibited by s. 893.135(1),

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony is guilty of murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. This act shall take effect October 1, 1986.

Amendment 2—In title, on page 1, strike all of lines 1-8 and insert: A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the purchase, or possession with intent to purchase, of a controlled substance; prohibiting the sale, purchase, delivery, or possession with intent to sell or deliver of controlled substances within a specified distance of public or private schools; providing penalties, including mandatory minimum penalties; amending s. 893.135, F.S.; including purchasing of controlled substances within penalty provisions for trafficking; reenacting s. 782.04(1)(a), (3)(a), and (4)(a), F.S.; to incorporate the amendment to s. 893.135, F.S., in references thereto; providing an effective date.

On motion by Senator D. Childers, by two-thirds vote CS for SB's 377, 445 and 1088 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

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

Nays—None

Vote after roll call:

Yea—Jenne

SB 374—A bill to be entitled An act relating to corrections; amending s. 945.215, F.S., providing sources of funds and uses of the Employee Benefit Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendments which were moved by Senator Grant and adopted:

Amendment 1—On page 1, line 26, after "Fund." insert: *The Department of Corrections may use interest earned from investments to replace any funds belonging to an employee trust fund which have been stolen, lost, or otherwise misappropriated from the employee's trust account through no fault of the state and which cannot be replaced by appropriated funds, insurance payments, or other available resources. Such use of interest may be made only if, pursuant to a thorough investigation as part of the normal auditing process, the internal auditor of the department recommends in a written report that such use is appropriate. The report may also recommend other action, including prosecution, with respect to any missing funds. If the internal auditor of the department concludes that the department is at fault, the loss shall be replaced out of department funds; interest from the employee trust fund may not be used to replace such loss.*

Amendment 2—In title, on page 1, line 4, after "Fund;" insert: authorizing the Department of Corrections to replace stolen, lost or misappropriated Employee Trust Funds under certain circumstances;

On motion by Senator Grant, by two-thirds vote SB 374 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	Dunn	Hill	Myers
Barron	Fox	Jennings	Neal
Beard	Frank	Johnson	Peterson
Castor	Gersten	Kiser	Scott
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crenshaw	Grizzle	Margolis	Thurman
Deratany	Hair	McPherson	Vogt

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick

On motion by Senator Girardeau, by two-thirds vote HB 133 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Girardeau—

HB 133—A bill to be entitled An act relating to local government; prohibiting certain local actions which require the registration or background screening of persons engaged in or applying for employment in specified types of employment; providing an exception; providing an effective date.

—a companion measure, was substituted for CS for SB 431 and read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 133 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Jenne, Neal

CS for SB 431 was laid on the table.

Consideration of CS for SB 180 and SJR 710 was deferred.

On motions by Senator Crawford, by two-thirds vote HJR 1305 was withdrawn from the Committees on Finance, Taxation and Claims; Appropriations; and Rules and Calendar.

On motion by Senator Jenne, the rules were waived and time of adjournment was extended until final action on CS for CS for CS for SJR's 54 and 3.

Senator Grant presiding

The President presiding

On motion by Senator Crawford—

HJR 1305—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 20 of Article XII of the State Constitution, relating to homestead tax exemptions.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 6 of Article VII and creation of Section 20 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1986:

ARTICLE VII
FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased *by one-half of the assessed valuation in excess of five thousand dollars, until the amount of the exemption equals twenty-five thousand dollars* ~~to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).~~

~~(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school dis-~~

~~tricts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter.~~ However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(d)~~(c)~~ By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

ARTICLE XII
SCHEDULE

SECTION 20. Application of homestead exemption.—The amendment to Section 6 of Article VII specifying application of the homestead exemption with respect to one-half of the assessed value over $5,000 shall take effect January 1, 1987.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

HOMESTEAD TAX EXEMPTION

Provides that the homestead tax exemption shall be $5,000, plus one-half of the assessed value over $5,000, the total exemption not to exceed $25,000.

—a companion measure, was substituted for CS for CS for CS for SJR's 54 and 3 and read the second time in full. On motion by Senator Crawford, by two-thirds vote HJR 1305 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Kirkpatrick	Plummer
Castor	Girardeau	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Crawford	Hair	Malchon	Thurman
Crenshaw	Hill	Meek	Vogt
Deratany	Jenne	Myers	Weinstein
Dunn	Jennings	Neal	

Nays—9

Barron	Gordon	Margolis
Childers, W. D.	Grant	McPherson
Gersten	Mann	Thomas

CS for CS for CS for SJR's 54 and 3 was laid on the table.

On motions by Senator Neal, by two-thirds vote HB 1004 and SB 148 were withdrawn from the Committee on Appropriations.

On motion by Senator Jenne, the Senate recessed at 12:49 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

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

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 CS for SB's 432 and 281—A bill to be entitled An act relating to beach management; amending s. 161.021, F.S.; transferring regulatory powers of Division of Marine Resources under ch. 161, F.S., to the Division of Beaches and Shores; defining "beach renourishment" and "beach restoration" and other terms; amending s. 161.041, F.S.; placing restrictions on permits for construction of a coastal inlet jetty or excavation or maintenance of such an inlet; amending s. 161.053, F.S.; providing coastal construction and excavation regulation; amending s. 161.054, F.S.; providing liability for damage to sovereignty lands or to beaches, shores, or beach-dune systems, including animal, plant, or aquatic life thereon; creating s. 161.088, F.S.; declaring public policy relating to beach erosion control and beach restoration and renourishment projects; amending s. 161.091, F.S.; providing for use of moneys in the Beach Management Trust Fund; amending s. 161.101, F.S.; providing for state and local participation in federally authorized projects and studies relating to beach management and erosion control; amending s. 161.131, F.S.; providing for statutory construction of ss. 161.011-161.212, F.S.; amending s. 161.141, F.S.; providing property rights of state and private upland owners in beach restoration project areas; creating s. 161.142, F.S.; declaring public policy relating to improved navigation inlets; regulating construction and maintenance dredging; requiring placement of sand on downdrift beaches; providing for a management plan to mitigate adverse impacts of coastal inlets on beaches; exempting certain island downdrift coastal areas from several subsections of s. 161.053, F.S.; amending s. 161.161, F.S.; providing for a management plan; providing procedures for approval of projects; amending s. 161.26, F.S.; providing that local beach renourishment or restoration projects may not be undertaken without certain approvals; amending s. 253.03, F.S.; providing that the Board of Trustees of the Internal Improvement Trust Fund and other state agencies may levy a charge or attach a lien on materials dredged from certain lands; amending s. 315.03, F.S.; authorizing counties, port districts, port authorities, and municipalities to expend moneys to mitigate adverse impacts of inlets on beaches; amending s. 373.026, F.S.; providing powers and duties for the Department of Environmental Regulation with respect to plans or projects for coastal inlets; amending s. 403.813, F.S.; providing for the Board of Trustees of the Internal Improvement Trust Fund to fix a charge for the removal of material to create or maintain a coastal inlet; amending s. 403.8163, F.S.; providing for selection of sites for disposal of spoil from maintenance dredge operations; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 9, strike everything after the enacting clause and insert:

Section 1. Section 161.021, Florida Statutes, is amended to read:

161.021 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

~~(1) "Department" means the Department of Natural Resources.~~

~~(2) "Division" means the Division of Marine Resources of the Department of Natural Resources.~~

(1)~~(3)~~ "Beach and shore preservation," "erosion control, beach preservation and hurricane protection," "beach erosion control" and "erosion control" includes, but is not limited to, erosion control, hurricane protection, coastal flood control, shoreline and offshore rehabilitation, and regulation of work and activities likely to affect the physical condition of the beach or shore.

(2) "Beach renourishment" means the maintenance of a restored beach by the replacement of sand.

(3) "Beach restoration" means the placement of sand on an eroded beach for the purposes of restoring it as a recreational beach and providing storm protection for upland properties.

(4) "Board of trustees" means the Board of Trustees of the Internal Improvement Trust Fund.

(5)~~(4)~~ "Coastal construction" includes any work or activity which is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

(6) "Department" means the Department of Natural Resources.

(7) "Division" means the Division of Beaches and Shores of the Department of Natural Resources.

(8)~~(6)~~ "Emergency" means any unusual incident resulting from natural or unnatural causes which endangers the health, safety, or resources of the residents of the state, including damages or erosion to any shoreline resulting from a hurricane, storm, or other such violent disturbance.

(9)~~(5)~~ "Inlet sediment bypassing" includes any transfer of sediment from an inlet or beach to another stretch of beach for the purpose of renourishment and beach erosion control.

(10) "Local government" means a county, municipality, community development district, or an independent special taxing district.

Section 2. Subsection (2) of section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.—

(2) Whenever any person, firm, corporation, or governmental agency, or agent thereof, knowingly *or by gross negligence* violates any of the provisions of s. 161.041, s. 161.052, or s. 161.053 so that damage is caused to sovereignty lands seaward of mean high water or to beaches, shores, or beach-dune systems, including animal, plant, or aquatic life thereon, such violator shall be liable for such damage. If two or more persons, firms, corporations, or governmental agencies, or their agents, cause damage, and if liability for such damage cannot be apportioned, each violator shall be jointly and severally liable for the damage. If, however, liability for such damage can be apportioned, each violator is liable only for that portion of the damage and subject to that portion of the fine attributable to his violation.

Section 3. Section 161.088, Florida Statutes, is created to read:

161.088 Declaration of public policy respecting beach erosion control and beach restoration and renourishment projects.--Because beach erosion is a serious menace to the economy and general welfare of the people of this state and has advanced to emergency proportions, it is hereby declared to be a necessary governmental responsibility to properly manage and protect Florida beaches from erosion and that the Legislature make provision for beach restoration and renourishment projects. The Legislature further declares that nothing herein is intended to reduce or amend the beach protection programs otherwise established in this chapter, or to result in local governments altering the coastal management elements of their local government comprehensive plans pursuant to chapter 163.

Section 4. Section 161.091, Florida Statutes, is amended to read:

161.091 Erosion Control Trust Fund ~~Account~~.—

(1) There is created in the State Treasury an account to be known as the "Erosion Control Trust Fund ~~Account~~." Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from this account may be made by the division ~~of Marine Resources of the Department of Natural Resources~~ subject to the approval of the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide *management* plan for erosion control,~~;~~ beach preservation, *restoration, and renourishment;* and hurricane protection.~~, in accordance with the following:~~

~~(a) With regard to federal aid projects, the department is authorized to pay up to 75 percent of the nonfederal construction and maintenance costs of projects authorized for construction by the United States Congress, including biological monitoring costs, revegetation costs, and costs of monitoring postconstruction shoreline changes, provided local interests shall, as project sponsor, pay:~~

~~1. The nonfederal costs for project engineering, including engineering supervision and inspection;~~

~~2. The costs for providing all required construction easements, rights-of-way, public access easements, and required vehicle parking spaces;~~

~~3. The costs of obtaining all required permits;~~

~~4. The costs of establishing erosion control lines; and~~

~~5. All other nonfederal costs.~~

~~The department is authorized to advance federal aid funds for projects authorized by the United States Congress when such funds are not made available by the Congress at the time a project is ready for construction. In such a case, the department shall request reimbursement of the authorized federal share in the cost of such projects and is authorized to accept such reimbursement and deposit same in the Erosion Control Trust Fund Account. The project sponsor shall assume full responsibility for all project costs in excess of the state-federal cost limitation.~~

~~(b) With regard to nonfederal aid projects, the department is authorized to pay up to 75 percent of the construction costs, maintenance costs, basic engineering data costs, biological monitoring costs, revegetation costs, costs of monitoring postconstruction shoreline changes, and project monitoring costs of projects authorized for construction by the department, provided local interests shall, as project sponsor, pay:~~

~~1. The costs for project engineering, including engineering supervision and inspection;~~

~~2. The costs for providing all required construction easements, rights-of-way, public access easements, and required vehicle parking spaces;~~

~~3. The costs of obtaining all required permits;~~

~~4. The costs of establishing erosion control lines; and~~

~~5. All other costs.~~

~~(c) The department is authorized to pay up to 100 percent of the cost of sand-source data. The selection of a project engineer, acceptable to the department, by local interests, as project sponsor, shall be on a competitive negotiation basis as set forth in chapter 287. The project sponsor shall assume full responsibility for all project costs in excess of the state cost limitation.~~

~~(d) With regard to inlet sand transfer projects, the department is authorized to initiate and pay up to 75 percent of the cost of such projects when the primary purpose is beach nourishment, provided the county, municipality, port, or inlet district authority within which the inlet is located accepts the responsibility of sponsor for such project and provides easements, rights-of-way, required permits, and all other requirements normally provided by a local sponsor. Where such sand transfer projects involve the placement of sand on beaches of which the state is the upland owner, the department is authorized to pay up to 100 percent of the costs. In the case of nonfederal inlet navigation channel construction or maintenance dredging projects, the department is authorized to pay up to 75 percent of the cost involved in placing suitable sand material on adjacent beaches, provided the county, municipality, port, or inlet district authority within which the inlet is located accepts the responsibility of sponsor for such project and provides easements, rights-of-way, required permits, and all other requirements normally provided by a local sponsor; however, if such sand is placed on beaches of which the state is the upland owner, the department is authorized to pay 100 percent of the costs. In the case of federal inlet navigation channel construction or maintenance dredging projects, the department is authorized to pay up to 100 percent of any additional project cost, as determined by the department, involved in placing suitable sand material on nearby beaches instead of dumping such sand out at sea or in other disposal areas when such sand placement does not involve the construction of an authorized beach restoration project requiring public funding; provided that, except in cases where beach disposal areas are in state public ownership, the county, municipality, port, or inlet district authority within which the federal inlet navigation channel is located shall accept the responsibility of sponsor for such project and provide easements, rights-of-way, required permits, and all other requirements normally provided by a local sponsor.~~

~~(e) For an area to qualify for state funding, as provided in paragraphs (a) and (b), local interests shall, as project sponsor, provide permanent public access to project areas at approximately 1/2 mile intervals, including adequate vehicle parking areas, as determined by the department to be necessary in the public interest. Notwithstanding anything else herein, no public funds shall be spent restoring any beach where adequate public access to, and use of, the restored beach is not available.~~

~~(f) Local interests, as project sponsor, desiring to initiate and pay the entire cost of designing, constructing, and maintaining erosion control projects prior to the state's or, in the case of a federal aid project, the Federal Government's, initiating such construction may be reimbursed from state funds on the basis of the provisions of paragraphs (a), (b), and (d), provided the project is approved by the department prior to initiation, after construction and based on legislative appropriations. Such local interests shall, as project sponsor, be responsible for obtaining federal reimbursement in the case of federal aid projects.~~

~~(g) Local interests shall, as project sponsor, hold and save the state and its agencies, officers, and employees harmless from any and all liabilities which may result from the construction or operation of a project.~~

~~(h) The department is authorized to expend funds from the Erosion Control Trust Fund Account in order to alleviate emergency conditions related directly to shoreline stability, upon declaration by the Governor that a shoreline emergency of state concern exists.~~

~~(i) The department is authorized to expend funds from the Erosion Control Trust Fund Account to undertake such other erosion control, beach preservation, and hurricane protection work or activity as may be in the interest of the state, as determined by the department and subject to availability of funds as appropriated by the Legislature.~~

~~(j) The department is authorized to initiate, construct, and pay the entire costs of projects which involve shoreline of which the state is the upland owner.~~

~~(k) Twenty-five percent of any funds appropriated for implementation of this section shall be held by the department until the last quarter of the fiscal year for which the appropriation is made. This amount shall be used to meet emergencies prescribed in paragraph (h). If no such emergencies occur, then these funds may be released in the last quarter of the fiscal year in which the appropriation is made for projects.~~

~~(l) The department shall maintain a current project listing and may, in its discretion and dependent upon availability of local resources, revise the project listing.~~

~~(m) The department is authorized to pay 100 percent of the cost of studies and research it deems necessary for the state erosion control program.~~

~~(2) General revenue funds as appropriated by the Legislature shall be deposited in the Erosion Control Trust Fund Account upon appropriation.~~ The Erosion Control Trust Fund ~~Account~~ and the moneys deposited therein shall be under the direct supervision and control of the department and such moneys may be disbursed by the Treasurer from time to time upon requisition as determined by the department.

(2)~~(3)~~ Notwithstanding the provisions of s. 216.292, the Erosion Control Trust Fund ~~Account~~ shall not be available for transfer for any purpose other than those provided for in this section.

Section 5. Section 161.101, Florida Statutes, is amended to read:

161.101 State *and local* participation in ~~federally and nonfederally~~ authorized projects and studies relating to beach erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and renourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the Department of Natural Resources, shall determine those beaches which are critically eroding and in need of restoration and renourishment and may authorize the expenditure from the Erosion Control Trust Fund of the amount necessary to pay up to 75 percent of the actual costs for restoring and renourishing a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

(2)~~(1)~~ To carry out the beach and shore preservation programs, the department is hereby constituted as the beach and shore preservation authority for the state. In this capacity, the executive director of the department may at his own initiative take all necessary steps as soon as practicable and desirable to implement the provisions of this chapter.

(3)~~(2)~~ Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with any Act of Congress relating to beach erosion control in which nonfederal participation is required, it shall be the policy of the state to assist with an equitable share of such funds to the extent that funds are available, as determined by the department.

(4)~~(3)~~ The department, for itself or on behalf of any and all duly established beach and shore preservation districts and *local governments* ~~boards of county commissioners~~ within the state, may enter into cooperative agreements and otherwise cooperate with, and meet the requirements and conditions (including, but not limited to, execution of indemnification agreements) of, federal, state, and other local governments and political entities, or any agencies or representatives thereof, for the purpose of improving, furthering, and expediting the beach and shore preservation program.

(5)~~(4)~~ The department is authorized, for and on behalf of the state, to accept such federal moneys for beach erosion control as are available and to sign all necessary agreements therefor and to do and perform all necessary acts in connection therewith to effectuate the intent and purposes of this act.

(6)~~(5)~~ The department is authorized to make application for federal participation in the cost of any beach and shore preservation program under any Acts of Congress and all amendments thereto.

(7)~~(6)~~ The department is authorized to pay up to 100 percent of the ~~nonfederal~~ construction and maintenance costs of projects authorized for construction *pursuant to subsection (11)* ~~by the United States Congress, including project sponsor costs as outlined in s. 161.091(1)(a)~~, when construction and maintenance are on lands of which the state is the upland riparian owner, *or for the establishment and maintenance of a system of feeder beaches.*

~~(7) With regard to nonfederal aid projects the department is authorized to pay 100 percent of the project costs as outlined in s. 161.091(1)(b), (c), and (d) on lands of which the state is the upland riparian owner.~~

(8) With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from the Erosion Control Trust Fund an amount up to 75 percent of the actual costs of the approved project, including, but not limited to, the costs for:

(a) Project design engineering and construction supervision and inspection;

(b) Biological monitoring;

(c) Dune revegetation and stabilization;

(d) Construction easements, rights-of-way, public access easements, and vehicle parking spaces;

(e) Obtaining required permits;

(f) Establishing erosion control lines; and

(g) Enhancement of marine turtle propagation.

(9) The department may pay up to 100 percent of the cost of sand-source data. The selection of a project engineer, acceptable to the department, by local government, as project sponsor, shall be on the basis of competitive negotiation as provided in chapter 287. The project sponsor shall assume full responsibility for all project costs in excess of the state cost limitation.

(10) A local government desiring to initiate and pay the entire cost of designing, constructing, and maintaining an erosion control project prior to the state's initiating such construction may be reimbursed from state funds on the basis of the procedures set forth in s. 161.161, provided the project is approved by the department before initiation of construction and based on legislative appropriations and whether it furthers the provisions of s. 161.161. Such local interests shall, as project sponsor, be responsible for obtaining federal reimbursement in the case of federal-aid projects.

(11) The department may expend funds from the Erosion Control Trust Fund to alleviate emergency conditions, upon declaration, after a hearing, by the Governor and Cabinet that a shoreline emergency of state concern exists.

(12) Twenty-five percent of any funds appropriated for implementation of this section shall be held by the department until the last quarter of the fiscal year for which the appropriation is made. This amount shall be used to meet emergencies prescribed in subsection (11). If no such emergencies occur, then these funds may be released in the last quarter of the fiscal year in which the appropriation is made for projects.

(13) The department shall maintain a current project listing and may, in its discretion and dependent upon the availability of local resources and changes in the criteria listed in s. 161.161, revise the project listing.

Section 6. Section 161.131, Florida Statutes, is amended to read:

161.131 Construction of ss. 161.011-*161.212* ~~161.121~~.—The provisions of ss. 161.011-*161.212* ~~161.121~~ shall be liberally construed by all concerned in a manner to best accomplish the beach and shore preservation purposes and programs.

Section 7. Section 161.141, Florida Statutes, is amended to read:

161.141 *Property rights of state and private upland owners in beach restoration project areas* ~~Declaration of public policy and permitting process.—~~

(1) ~~Beach erosion being a serious menace to the economy and general welfare of the people of this state and having advanced to emergency proportions, it is hereby declared to be in the public interest that appropriate steps be taken to enhance and protect Florida beaches from erosion and that the Legislature make provision for beach nourishment and restoration and erosion control projects and establish and clarify the property rights of the state and private upland owners arising from or created by such projects.~~ The Legislature hereby declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach *restoration* ~~nourishment~~ and *renourishment* ~~restoration~~ and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach *restoration* ~~nourishment~~ projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such beach *restoration* ~~nourishment~~ project, the *board of trustees* ~~local sponsor~~ shall establish the line of mean high water for the area to be *restored* ~~nourished~~; and any additions to the upland property *landward* ~~seaward~~ of the established line of mean high water which result from the *restoration* ~~nourishment~~ project shall *remain* ~~become~~ the property of the upland owner subject to all governmental regulations and shall not be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. Such resulting additions to upland property shall also be subject to a public easement for traditional uses of the sandy beach consistent with uses which would have been allowed prior to the need for such *restoration* ~~nourishment~~ project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his property. If *an* ~~a requested and~~ authorized beach *restoration and renourishment* ~~nourishment and restoration~~ and erosion control project cannot reasonably be accomplished without the taking of private property, then such taking shall be made by the requesting authority by eminent domain proceedings.

(2) When the Department of Environmental Regulation has received all information necessary to evaluate the impact of the proposed project pursuant to *chapter* ~~chapters 253 and~~ 403 and has concluded its evaluation, it shall notify the applicant within 10 days whether it intends to issue or deny the permit, regardless of whether the Board of Trustees of the Internal Improvement Trust Fund has given its consent to the use of state lands as required by s. 253.77. However, *no construction on any beach restoration or renourishment project may be initiated without complying with the provisions* ~~the Department of Environmental Regulation shall not issue any permit until the requirements~~ of s. 253.77 ~~have been complied with, and the deadline imposed pursuant to s. 120.60 shall not begin to run until s. 253.77 has been complied with~~.

Section 8. Section 161.142, Florida Statutes, is created to read:

161.142 Declaration of public policy respecting improved navigation inlets.—The Legislature hereby recognizes the need for maintaining navigation inlets to promote commercial and recreational uses of our coastal waters and their resources. The Legislature further recognizes that inlets alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited around shallow outer-bar areas instead of providing natural nourishment to the downdrift beaches. Therefore:

(1) All construction and maintenance dredgings of beach-quality sand should be placed on the downdrift beaches; or, if placed elsewhere, an equivalent quality and quantity of sand from an alternate location should be placed on the downdrift beaches at no cost to the state and at a location acceptable to the department.

(2) On an average annual basis, a quantity of sand should be placed on the downdrift beaches equal to the natural net annual longshore sediment transport. This sand shall be placed at no cost to the state. The placement location and quantities based on natural net annual longshore transport shall be established by the department, and the sand quality must be acceptable to the department.

(3) Construction waterward of the coastal construction control line on downdrift coastal areas, on islands substantially created by the deposit of spoil, located within one mile of the centerline of navigation channels or inlets, providing access to ports listed in section 403.012(9)(b), which suffers or has suffered erosion caused by such navigation channel maintenance or construction, shall be exempt from the permitting requirements and prohibitions of subsections (2),(5) and (6) of section 161.053, F.S. The timing and sequence of any construction in such coastal areas shall comply with 44 C.F.R. Part 60 and shall provide protection to nesting sea turtles and hatchlings and their habitats and to native salt resistant vegetation and endangered plant communities.

(4) The provisions of paragraphs (1) and (2) of this section shall not be a requirement imposed upon ports listed in s. 403.021(9)(b), F.S.

Section 9. Section 161.161, Florida Statutes, is amended to read:

161.161 Procedure for approval of projects.—

(1) The division shall develop and maintain a comprehensive long-term management plan for the restoration of the state's critically eroding beaches. The beach restoration management plan shall:

(a) Address long-term solutions to the problem of critically eroding beaches in this state;

(b) Evaluate each improved coastal beach inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan must include recommendations to mitigate the erosive impact of the inlet, including, but not limited to, recommendations regarding inlet sediment bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and renourishment.

(c) Specify design criteria for beach restoration and renourishment projects, including, but not limited to:

1. Dune elevation and width and revegetation and stabilization requirements; and

2. Beach profile.

(d) Evaluate the establishment of feeder beaches as an alternative to direct beach restoration and recommend the location of such feeder beaches and the source of beach-compatible sand.

(e) Establish a list of beach restoration and renourishment projects, arranged in order of priority, and the funding levels needed for such projects.

The beach restoration management plan may be prepared at the district level based upon areas of greatest need and probable federal funding. Such district plans shall be components of the state funding decisions upon approval in accordance with this act. In accordance with a schedule established for the submission of district plans by the department any completed plan must be submitted to the head of the department for approval no later than March 1, of each year. These district level plans shall include, but shall not be limited to, recommendations of appropriate funding mechanisms for implementing projects in the beach restoration management plan, giving consideration to the use of single-county and multi-county taxing districts, or other revenue generation measures by state and local governments and the private sector. Prior to presenting the plan to the head of the department, the department shall hold a public meeting in the areas or district for which the plan is prepared. The district plan submission schedule shall be submitted to the head of the department for approval by August 1, 1986. Any revisions to such schedule must be approved in like manner.

(2) In establishing the recommended list of restoration and renourishment projects described in subsection (1), the division shall consider and balance the following criteria:

(a) The estimated demand user-occasions that would be served by increased beach area;

(b) The extent of existing and threatened damage to property from beach erosion;

(c) The prospect for long-term success of the restoration or renourishment project, as measured by the anticipated amount and frequency of future renourishment;

(d) The location of the beach relative to the statewide effort to control the erosion of the beaches;

(e) The total anticipated costs of the project, including the costs for restoration and for periodic renourishment;

(f) The proximity of an adequate source of beach-compatible sand;

(g) The quality of the sand proposed to be used;

(h) The degree of public access to the beach, including adequate vehicle parking or consolidated public access points, taking into account existing access points and local public access needs;

(i) The extent of public support for the project;

(j) The anticipated impact of the project on natural resources, including, but not limited to, impacts on coral, worm and rock reefs, submerged and emergent vegetation, fishing resources, and turtle nesting.

(k) The extent to which the local governments in the area of the project have enacted ordinances or other regulations to protect sea turtles from the adverse effects of beachfront lighting.

The extent to which the foregoing criteria are addressed in a net-positive manner shall result in a greater priority being assigned to those projects. In addition to consideration of criteria listed in this subsection, a project, in order to receive state funds, must provide for public access in substantial compliance with paragraph (h) and must provide for protection for those historically established habitats identified in paragraph (j) and for endangered and threatened species.

(3) Upon approval of the beach restoration management plan by the head of the department, the executive director shall present to the head of the department written recommendations for the funding of the beach restoration and renourishment projects according to the priority specified in the beach restoration management plan. In September of each year thereafter, the executive director shall present to the head of the department written recommendations for the funding of those projects that remain in need of restoration and renourishment pursuant to the approved list.

~~(1) Upon the request by written resolution of a requesting authority for a survey preliminary to the implementation of a beach erosion control project, the board of trustees shall first require the Department of Natural Resources to furnish a written recommendation approving or disapproving the requested project and, if approval be recommended, to certify in writing that:~~

~~(a) Severe beach erosion has occurred in the area encompassed by the requested survey; and~~

~~(b) The beach sought to be protected by an erosion control project has been or will be destroyed in the immediate future unless a publicly financed program is undertaken.~~

(4) Upon receipt of the written recommendation and certification from the Department of Natural Resources *with respect to a project*, the board of trustees shall decide whether, in light of existing needs throughout the state, the project should be pursued. In determining *whether a project should* ~~the priority of projects to~~ be undertaken, the board of trustees shall consider the *criteria specified in this section* relative *to the project* ~~need for protective measures, the availability of necessary equipment, and the anticipated local and federal contribution and cooperation~~. If the board of trustees determines that *a* ~~the requested~~ project should be pursued, it shall forthwith conduct a survey of all or part of the shoreline within the jurisdiction of the *local government in which the beach is located* ~~requesting authority~~ in order to establish the area of beach to be protected by the project and locate an erosion control line. ~~However, no such line shall be fixed except in connection with an authorized beach erosion control project in which the requesting authority has secured the written consent of the owners of a majority of the lineal feet of contiguous riparian property which either abuts the requested erosion control line or would abut such line, if established at the line of mean high water, for the establishment of such a line.~~ No provision of ss. 161.141-161.211 shall be construed as preventing a *local government* ~~requesting authority~~ from participating in the funding of erosion control projects or surveys undertaken in accordance with the provisions of ss. 161.141-161.211. In lieu of conducting a survey, the board of trustees may accept and approve a survey as initiated, conducted, and submitted by the *appropriate local government* ~~requesting authority~~ if said survey is made in conformity with the appropriate principles set forth in ss. 161.141-161.211.

(5)~~(2)~~ Upon completion of the survey depicting the area of the beach erosion control project and the proposed location of the erosion control line, the board of trustees shall give notice of ~~the written resolution of the requesting authority~~, the survey~~,~~ and the date on which the board of trustees will hold a public hearing for the purpose of receiving evidence on the merits of the *proposed* ~~requested~~ project and, if approval *is* ~~be~~ granted, of locating and establishing such requested erosion control line. Such notice shall be by publication in a newspaper of general circulation published in the county or counties in which the proposed beach erosion control project shall be located, not less than once a week for 3 consecutive weeks, and by mailing copies of such notice by certified or registered mail to each riparian owner of record of upland property lying within 1,000 feet (radial distance) of the shoreline to be extended through construction of the proposed beach erosion control project, as his name and address appear upon the latest tax assessment roll, in order that any persons who have an interest in the beach erosion control project or in the location of such requested erosion control line can be present at such hearing to submit their views concerning necessity for the project and the precise location of the *proposed* ~~requested~~ erosion control line. Such notice shall be in addition to any notice requirement in chapter 120.

(6)~~(3)~~ The board of trustees shall approve or disapprove the beach *restoration or renourishment* ~~erosion control~~ project. If approval *is* ~~be~~ granted, the *head of the department* ~~board~~ *shall authorize the expenditure from the Erosion Control Trust Fund of the amount necessary to pay for up to 75 percent of the costs of the project, and the board of trustees* shall establish the location of the erosion control line. In locating said line, the board of trustees shall be guided generally by the existing line of mean high water, bearing in mind the requirements of proper engineering in the erosion control project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible. ~~In the event riparian upland owners agree to furnish financial or other acceptable assistance in the beach erosion control project, the board of trustees is authorized to locate the erosion control line a sufficient distance seaward of the existing line of mean high water in order to provide for an equitable distribution of the restored beach between the state and such existing upland owners.~~

(7) In no event shall the department undertake a beach restoration or renourishment project pursuant to this act where a local share is required without the approval of the local government or governments responsible for that local share.

(8) The department shall adopt rules for reviewing and determining projects eligible for state funds.

Section 10. Subsection (21) is added to section 315.03, Florida Statutes, to read:

315.03 Grant of powers.—Each unit is hereby authorized and empowered:

(21) To expend funds to finance the cost of implementing recommendations made pursuant to s. 161.161 to mitigate the adverse impacts of inlets on beaches.

Section 11. Paragraph (a) of subsection (8) of section 373.026, Florida Statutes, is amended to read:

373.026 General powers and duties of the department.—The Department of Environmental Regulation, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(8)(a) Provide such coordination, cooperation, or approval necessary to the effectuation of any plan or project of the Federal Government in connection with or concerning the waters in the state. Unless otherwise provided by state or federal law, the department shall, subject to confirmation by the Legislature, have the power to approve or disapprove such federal plans or projects on behalf of the state. *If such plan or project is for a coastal inlet, the department shall first consult with the Division of Beaches and Shores of the Department of Natural Resources for a determination of the impact of the plan or project on the sandy beaches in the state. If the department determines that the plan will have a significant adverse impact on the sandy beaches, the department shall not approve the plan or project unless it is revised to mitigate those impacts in accordance with the recommendations of the department.*

Section 12. Paragraph (f) of subsection (1) and paragraph (f) of subsection (2) of section 403.813, Florida Statutes, are amended to read:

403.813 Permits issued at district centers; exceptions.—

(1) The secretary is authorized to adopt procedural rules providing for a short-form application for, and issuance at the district center of, permits for certain activities. These activities shall include the following and any others established by rule:

(f) The performance, for 10 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, and harbor berths. The *Board of* Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material. However, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

(2) No permit under this chapter, chapter 373, or chapter 253, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(f) The performance of maintenance dredging of existing manmade canals, channels, and intake and discharge structures where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications and provided that control devices are utilized to prevent turbidity and prevent toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption applies to all canals constructed prior to April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The *Board of* Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

Section 13. Subsections (1) and (3) of section 403.816, Florida Statutes, are amended to read:

403.816 Permits for maintenance dredging of deepwater ports *and beach restoration projects.*—

(1) The department shall establish a permit system under this chapter and chapter 253 which provides for the performance, for up to 25 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, ~~and~~ harbor berths, *and beach restoration projects approved pursuant to chapter 161.* No charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority except as provided in s. 403.813(1)(f).

(3) The provisions of this section *relating to ports* apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow, Florida Power Corporation's Crystal River Canal, Boca Grande, Green Cove Springs, and Pensacola.

Section 14. Section 403.8163, Florida Statutes, is amended to read:

403.8163 Sites for disposal of spoil from maintenance dredge operations; selection.~~—It is the intent of the Legislature that~~ Lands created by spoil or used as dredge spoil sites *must* be given priority consideration as sites for disposal of spoil in maintenance dredge operations, *except when the Division of Beaches and Shores of the Department of Natural Resources determines that the spoil, or some substantial portion thereof, may be placed as compatible sediment into the littoral system of an adjacent sandy beach or coastal barrier dune system for the preservation and protection of such beach or dune system.*

Section 15. *Within 2 years of the effective date of this act, the Department of Natural Resources shall adopt by rule a designation of coastal areas which are utilized, or are likely to be utilized, by sea turtles for nesting. The department shall also adopt by rule guidelines for local government regulations that control beachfront lighting to protect hatching sea turtles.*

Section 16. *This act may be cited as the "Environmental Efficiency Act of 1986."*

(1) There is created the Environmental Efficiency Study Commission consisting of 15 members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint five members.

(2) Each member shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out official business of the commission.

(3) The commission shall be staffed by an executive director and other personnel who shall be appointed by the commission and who shall be exempt from the provisions of part II of chapter 110, Florida Statutes, relating to the Career Service System.

(4) The commission shall be assigned, for administrative purposes, to the Joint Legislative Management Committee within the Legislature. The Joint Legislative Management Committee and each state agency shall provide assistance when requested by the commission. Additionally, the commission is authorized to employ staff and consultants as necessary to fulfill its responsibilities.

(5) Appointments shall be made as soon as possible after the effective date of this act and the commission shall continue to exist until July 31, 1987. A chairperson shall be elected by majority vote of the other members.

(6) The Environmental Efficiency Study Commission shall:

(a) Hold a minimum of five public hearings in various locations around the state where public comment and input shall be received relative to the operation and administration of state environmental and public health laws and rules.

(b) Submit to the Legislature by February 1, 1987, a report that clearly identifies duplication in the administration of state environmental and public health laws and rules, and which makes specific recommendations that would eliminate the duplication and promote the efficient enforcement and administration of environmental and public health laws.

(7) The Department of Environmental Regulation, the Department of Natural Resources, the Department of Community Affairs, the Department of Agriculture and Consumer Services, the Department of Health and Rehabilitative Services, the Florida Game and Fresh Water Fish Commission, and each of the water management districts and regional planning councils shall:

(a) By September 1, 1986, submit a written report to the Environmental Efficiency Study Commission which identifies the specific programs, activities, or regulations the agency administers which duplicate the programs, activities, and regulations of another state or regional agency The report shall also address the sufficiency of enforcement programs and point out weaknesses and needs as well as unnecessary duplications in enforcement practices. The report shall also contain an identification of any program, activity, or regulation which is administered by more than one division, bureau, section, subsection, office, or program office of such agency.

(b) By December 1, 1986, submit a written report to the commission making specific recommendations as to how the duplication can be eliminated.

Section 17. This act shall take effect July 1, 1986.

Amendment 2—On page 1, in the title, line 1 through page 4, line 5, strike all of said language and insert:

An act relating to environmental protection; amending s. 161.021, F.S.; transferring regulatory powers of Division of Marine Resources under ch. 161, F.S., to the Division of Beaches and Shores; defining "beach renourishment" and "beach restoration" and other terms; amending s. 161.054, F.S.; providing liability for damage to sovereignty lands or to beaches, shores, or beach-dune systems, including animal, plant, or aquatic life thereon; creating s. 161.088, F.S.; declaring public policy respecting beach erosion control and beach restoration and renourishment projects; amending s. 161.091, F.S.; providing for use of moneys in the Erosion Control Trust Fund; amending s. 161.101, F.S.; providing for state and local participation in federally authorized projects and studies relating to beach erosion control; amending s. 161.131, F.S.; providing for statutory construction of ss. 161.011-161.212, F.S.; amending s. 161.141, F.S.; providing property rights of state and private upland owners in beach restoration project areas; creating s. 161.142, F.S.; declaring public policy respecting improved navigation inlets; amending s. 161.161, F.S.; providing for a management plan for beach restoration; providing procedures for approval of projects; amending s. 315.03, F.S.; authorizing counties, port districts, port authorities, and municipalities to expend moneys to mitigate adverse impacts of inlets on beaches; amending s. 373.026, F.S.; providing powers and duties for the Department of Environmental Regulation with respect to plans or projects for coastal inlets; amending s. 403.813, F.S.; relating to permits issued at district centers; amending s. 403.816, F.S.; providing for permits for maintenance dredging of beach restoration projects; amending s. 403.8163, F.S.; providing for selection of sites for disposal of spoil from maintenance dredge operations; directing the Department of Natural Resources to adopt certain rules with respect to nesting sea turtles; creating an Environmental Efficiency Study Commission; providing for public hearings and a report to the Legislature; requiring specified state and regional environmental agencies to submit reports; providing an effective date.

WHEREAS, the Department of Natural Resources prepared a report entitled "Beach Restoration: A State Initiative" and submitted the report to the Legislature in April 1985, and

WHEREAS, the Governor and Cabinet as head of the Department of Natural Resources recognize that beach restoration and renourishment should be further pursued as a state initiative in recognition that, for highly developed urban and resort areas where existing buildings are often poorly sited or designed, the failure to restore such beaches may result in extensive coastal armoring and the subsequent loss of the state's sandy beaches, and

WHEREAS, the Governor and Cabinet recognize that the restoration of selected critically eroding beaches would be in the state's best interest but further recognize that such restoration should not be justification for continuation of imprudent coastal development practices, and

WHEREAS, the report by the Department of Natural Resources estimates that the quantity of sand material in the outer bars of Florida's inlets is sufficient to address beach erosion problems as currently projected for approximately 75 years, and

WHEREAS, a 1983 visitor study indicates that the majority of visitors to this state specifically come to enjoy our beach resources, and

WHEREAS, a study by the Department of Economics at Florida State University, entitled "An Economic Analysis of the Importance of Saltwater Beaches in Florida," indicates that, in total, beach-using tourists create over $3.4 billion in sales, supporting 142,638 jobs with an annual payroll of over $860 million, and generate nearly $99 million in state taxes from beach-related tourist economic activity, NOW THEREFORE,

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

CS for CS for SB's 432 and 281 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Hill	Margolis	Vogt
Crenshaw	Jenne	McPherson	Weinstein
Dunn	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Kirkpatrick, Neal

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to CS for CS for SB 103 and again requests the Senate to concur, and in the event the Senate refuses to concur, requests a Conference Committee.

Allen Morris, Clerk

CS for CS for SB 103—A bill to be entitled An act relating to domestic violence; amending s. 415.601, F.S.; providing legislative intent; amending s. 415.602 and s. 741.30, F.S.; redefining "domestic violence" by changing the definition of what constitutes such violence; conforming provisions relating to actions for protection against domestic violence; amending s. 741.29, F.S.; specifying that certain particulars be in a police report of an alleged incident of domestic violence; providing an effective date.

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

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to House Amendment 1 and requests the Senate to recede; has amended House Amendments 1 and 2, and passed CS for SB 192, as further amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

CS for SB 192—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 514.0115, F.S.; exempting pools serving certain condominiums and cooperatives from supervision and regulation under ch. 514, F.S., except for water quality; amending s. 194.011, F.S.; allowing a condominium association to file with the property appraisal adjustment board a joint petition on behalf of certain association members; amending s. 194.013, F.S.; providing that the board may charge a fee for filing joint petitions based on costs; amending s. 194.034, F.S.; providing additional procedures for hearing joint petitions; creating ss. 718.1035, 719.1035, F.S.; providing that the use of a power of attorney that affects any aspect of the operation of a condominium or cooperative shall be subject to certain requirements; amending s. 718.111, F.S.; authorizing the condominium association to take part in actions in eminent domain; revising language with respect to official records; amending s. 718.112, F.S.; revising language with respect to bylaws, the annual budget of common expenses of a condominium with respect to reserve accounts for deferred maintenance, assessments, transfer fees, fidelity bonds, and

arbitration; authorizing the acceleration of assessments under certain circumstances; providing for fidelity bonds; amending ss. 718.116, F.S.; providing for priority of liens; amending s. 718.3025, F.S., relating to operation, maintenance, or management; amending s. 718.501, F.S., relating to powers and duties of the division; amending s. 718.608, F.S., relating to notice of conversion and time of delivery; amending s. 719.103, F.S., relating to definitions; amending s. 719.104, F.S.; providing for required official records with respect to cooperative associations; amending s. 719.105, F.S., relating to cooperative parcels; amending s. 719.106, F.S.; revising language with respect to the annual budget of common expenses of a cooperative with respect to reserve accounts for deferred maintenance; providing for priority of liens; amending s. 719.107, F.S., relating to common expenses; amending s. 719.108, F.S., relating to rent and assessment; amending s. 719.109, F.S., relating to rights of owners to peaceably assemble; amending s. 119.110, F.S., relating to limitation on actions by association; amending s. 719.111, F.S., relating to attorney's fees; amending s. 719.112, F.S., relating to unconscionable leases; creating s. 719.114, F.S., relating to separate taxation of parcels; creating s. 719.1255, F.S., relating to arbitration of disputes; amending s. 719.202, F.S., relating to sales or reservation deposits; amending s. 719.203, F.S., relating to warranties; amending s. 719.301, F.S., relating to the transfer of association control; amending s. 719.302, F.S., relating to association agreements; amending s. 719.303, F.S., relating to owner obligations; amending s. 719.304, F.S., relating to the association's right to amend cooperative documents; amending s. 719.401, F.S., relating to leaseholds; amending s. 719.403, F.S., relating to phase cooperative; amending s. 719.501, relating to powers and duties of the division; amending s. 719.502, F.S., relating to filing prior to sale or lease; amending s. 719.503, F.S., relating to disclosure prior to sale; amending s. 719.504, F.S., relating to prospectus; amending s. 719.506, F.S., relating to publication of false information; amending s. 719.606, F.S., relating to conversion to cooperatives; amending s. 719.608, F.S., relating to notice of intended conversion; amending s. 719.61, relating to notices; amending s. 719.612, F.S., relating to right of first refusal; amending s. 719.616, F.S., relating to disclosure of condition of building; amending s. 719.618, F.S., relating to converter reserve accounts; repealing s. 718.302(1)(e), F.S.; providing an effective date.

Amendment 1 to House Amendment 1—On page 1, lines 13-22, strike all of said lines and renumber subsequent sections accordingly.

Amendment 2 to House Amendment 2—On page 1, lines 12 and 13, strike: "amending s. 514.0015, F.S.; exempting pools serving certain condominiums and cooperatives from supervision and regulation under chapter 514, except for water quality;"

On motions by Senator Jenne, the Senate receded from Senate Amendment 1 to House Amendment 1; and concurred in House Amendments 1 and 2 as further amended.

CS for SB 192 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gersten, Kirkpatrick

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 3, 5, 6, 7 and 9; has refused to concur in Senate Amendments 4 and 8 and requests the Senate to recede; has further amended, concurred in same as amended and passed HB 1183, as further amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

HB 1183—A bill to be entitled An act relating to district school personnel certification; creating s. 231.145, F.S.; providing legislative intent; reenacting and amending s. 231.15, F.S.; revising types of certificates; establishing fee requirements; reenacting and amending s. 231.17, F.S.; specifying time period for issuance of a certificate; adding requirement for subject area testing in the written teacher examination; providing for subject matter tests for vocational education personnel; adding requirement for minimum grade point averages; providing certification requirements for nondegreed vocational education personnel; specifying conditions for temporary certificates; requiring the State Board of Education to designate certification areas for which subject area tests shall be developed; reenacting s. 231.24, F.S., relating to extension of certificates; amending s. 231.24, F.S.; providing an extension of validity period under certain circumstances; providing requirements for renewal of a professional certificate; establishing continuing education and subject area test requirements; amending s. 231.29, F.S.; revising assessment criteria upon which annual evaluations of personnel are made; providing for investigations; providing for determination of compliance of locally developed assessment systems; amending ss. 231.172, 231.251, 231.30, 231.36, 231.533, 236.091, and 240.4066, F.S., conforming provisions; grandfathering certificates issued prior to the effective date of the act; providing for review and repeal; providing an effective date.

Amendment 1—On page 24, line 13, insert:

Section 16. Subsection (18) of section 228.041, Florida Statutes, is amended to read:

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

(18) EXCEPTIONAL STUDENT.—The term "exceptional student" means any child or youth who has been classified under regulations of the state board as unsuited for enrollment in a regular class of the public schools or who is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities, or related services, or a combination thereof. The term "exceptional students" includes the following: the mentally handicapped, the speech-impaired, *the language-impaired,* the deaf and hard of hearing, the blind and partially sighted, the physically handicapped and other health-impaired, the emotionally handicapped, those with specific learning disabilities, and the gifted.

Section 17. Subsection (5) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(5)*(a)* A district school board may require specific courses and programs of study within the minimum credit requirements for high school graduation and *shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma, using one of the following strategies:*

1. Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district pupil progression plan; or

2. Assignment of the exceptional student to a basic education class for instruction which is modified to accommodate the student's exceptionality.

(b) The district shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the student's individual educational plan. ~~is authorized to modify courses and programs to meet graduation requirements for exceptional students as provided for in the district pupil progression plan, in accordance with rules established by the state board.~~

(c) District school boards are authorized and encouraged to establish requirements for high school graduation in excess of the minimum requirements.

Section 18. Section 240.405, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.405, F.S., for present text.)

240.405 Grants for teachers for special training in exceptional student education.—

(1) The Department of Education is authorized to make grants to teachers for special training in exceptional student education to meet professional requirements with respect thereto, and shall be responsible for the administration of such program.

(2) These grants are limited to teachers who:

(a) Hold a full-time contract to teach in a district school system, a state-operated or state-supported program, or an agency or organization under contract with the Department of Education;

(b) Hold professional teaching credentials, as specified by rule of the State Board of Education, but are not fully certified in the area or areas of exceptionality to which they have been assigned; and

(c) Satisfactorily complete the eligible courses.

(3) Grant amounts shall be determined on the basis of rates established by the Department of Education.

(4) Courses are to be taken through Florida colleges or universities unless necessary courses are not available through an institution in this state.

(5) The Department of Education shall administer this program under rules established by the state board.

Section 19. *Task Force on the Education of Exceptional Students.—*

(1) There is hereby established a Task Force on the Education of Exceptional Students consisting of 11 members appointed by the Commissioner of Education, to include two teachers, two parents of exceptional students, two school administrators, one member from the Department of Health and Rehabilitative Services, one education advocate, one psychologist not employed by a school board or the Department of Education, one educational specialist in exceptional education, and one representative from the Florida Developmental Disabilities Planning Council.

(2) The task force shall elect from among its members a chairman, who shall preside over the meetings of the task force.

(3) Members of the task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(4) The task force shall submit a written report with recommendations to the Commissioner of Education, the State Board of Education, and the Legislature, no later than March 15, 1987, which shall include the following:

(a) Assessment of the training needs of teachers who teach varying exceptionality classes.

(b) Varying exceptionality class size, composition, and staffing patterns.

(c) The applicability of the requirements of 20 U.S.C., s. 1400 et seq. to the provision of appropriate education in varying exceptionality classes.

(d) Strategies for improving parental understanding of placement in varying exceptionality classes.

(e) Procedures for assigning children, including provisions for group staffings, to various classes within the exceptional education program.

(f) An analysis of the need for and alternatives to varying exceptionality classes in districts which differ in size and other demographic factors.

(g) A comprehensive plan designed to guide policy implementation regarding the provision and funding of varying exceptionalities.

(h) A comprehensive plan to assure that placement of an exceptional student in a varying exceptionality class does not deny the student equal educational opportunity.

(5) The task force shall meet as needed, at the call of the chairman, to carry out the provisions of this section.

(6) The task force shall be terminated on June 1, 1987.

Section 20. Section 232.145, Florida Statutes, is created to read:

232.145 Exceptional students; reports to Department of Health and Rehabilitative Services and other appropriate state agencies.—In conjunction with an individualized educational plan meeting, each school district shall, prior to the anticipated final school year, identify those exceptional students who may need post-school services from the Department of Health and Rehabilitative Services and any other appropriate state agency. Pursuant to the provisions of s. 228.093, each school district shall obtain written consent from the parent, guardian, or student who is not a minor prior to releasing to the Department of Health and Rehabilitative Services and any other appropriate state agency the name of the student and the classification of exceptional student under s. 228.041(18) in which the student participated during that year. Such information shall be submitted at least annually and no later than September 1 during the school year in which the student turns 14 years of age to the Department of Health and Rehabilitative Services district administrator of the service district in which the school system is located and to any other appropriate state agency.

(Renumber subsequent section.)

Amendment 2—On page 2 in the title, line 5, after the semicolon (;) insert: amending s. 228.041, F.S.; redefining "exceptional student"; amending s. 232.246, F.S.; requiring district school boards to modify basic courses to meet specified graduation requirements for exceptional students; amending s. 240.405, F.S.; revising provisions relating to grants for teachers for special training in exceptional student education; creating the Task Force on the Education of Exceptional Students and providing for membership, officers, compensation, duties, meetings, and termination thereof; creating s. 232.145, F.S.; requiring school districts to submit to the Department of Health and Rehabilitative Services and other appropriate state agencies the names of those exceptional students who may need post-school services from such department and such other state agencies;

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

Amendment 1—On page 24, between lines 12 and 13, insert:

Section 16. Paragraph (c) of subsection (7) of section 228.072, Florida Statutes, is amended to read:

228.072 Adult general education.—

(7) FINANCING.—

(c)1. No matriculation or tuition fees shall be charged for *adult basic instruction for students who demonstrate literacy skills below the eighth-grade level or* adult basic or high school instruction for students who have not obtained high school diplomas. All other students with high school diplomas or the equivalent who are taking adult basic or high school instruction must pay matriculation and tuition fees in accordance with s. 230.645 and the rules adopted by the State Board of Education.

2. All students enrolled in vocational preparatory programs shall be charged fees equivalent to the fees charged for postsecondary adult vocational instruction; except that students enrolled in vocational preparatory programs who have not obtained high school diplomas or the equivalent *or who have basic skills which have been determined to be at or below the eighth-grade level as provided by State Board of Education rule* are exempt from this requirement. *When college preparatory and vocational preparatory instruction are provided in the same class section, the community college may charge a single fee for both types of instruction.*

3. All students enrolled in college preparatory programs shall be charged fees equivalent to the fees charged for credit courses at the community college.

4. No fees shall be charged for citizenship instruction offered through community instructional services.

5. Fees for recreation and leisure time courses shall be equivalent to the student's proportional share of the costs associated with the provision of such instruction.

Section 17. Section 229.13, Florida Statutes, is created to read:

229.13 Registration of adult students.—

(1) Beginning with the 1987-1988 school year, each school district and community college shall be required to collect and maintain on file the

following information for each student enrolled in an adult basic, adult high school, adult secondary, vocational preparatory, college preparatory, postsecondary adult vocational, or vocational supplemental course funded through the Florida Education Finance Program or the Community College Program Fund.

(a) The name, address, telephone number, date of birth, and social security number of the student.

(b) The student's permanent address.

(c) The date which the student graduated from high school or received a high school equivalency diploma.

(d) The course title and number, if any, as they appear in the State Course Code Directory or common course numbering system.

(e) Any course title used to advertise or disseminate information about the course other than the course title which appears in the State Course Code Directory or common course numbering system.

(f) The reason that the student is enrolling in the course, which shall include indication as to whether the student is taking the course for any of the following reasons:

1. To achieve basic literacy;

2. To earn a high school diploma or its equivalent;

3. To enhance basic skills in order to pursue postsecondary education;

4. To acquire entry level occupational skills necessary to obtain employment;

5. To enhance occupational skills necessary to maintain current employment or retrain for a new occupation; or

6. For personal enrichment or recreation.

(g) Indication of whether the student is employed or unemployed. Students who are employed shall be requested to indicate their occupation. Students who are enrolling in vocational supplemental courses shall be requested to indicate the occupation for which they are training.

(h) Total fees assessed or indication that fees have been waived or provided through an in-kind contribution.

(i) Indication of how the student learned about the course.

(2) School districts and community colleges shall be required to collect and maintain on file the following information when registering students for any course funded through the Community Instructional Services categorical fund;

(a) The name, address, telephone number, and date of birth of the student.

(b) The student's permanent address.

(c) The course title.

(d) Hourly and total fees assessed, if any.

(3) Students shall not be required to register for community instructional services activities which are 1.5 clock hours or less in duration.

(4) Each school district and community college shall submit sample registration forms and related data collection documents to the Department of Education for review and approval. The department shall approve for use only those registration forms and related documents which include all of the data elements described in subsections (1) and (2). To the maximum extent possible, school districts and community colleges are encouraged to use or modify registration forms and data collection documents and procedures currently in use to comply with the requirements of this section.

(5) Registration forms and related data collection documents are official audit documents. School districts and community colleges shall maintain registration forms and related data collection documents in the form of hard copies or computer tapes for a period of 3 years or until the completion of all audits for the period during which the course or activity is provided, whichever occurs later.

(6) Each school district and community college shall maintain on file a listing of the location at which any course offered to adults which is funded through the Florida Education Finance Program or Community College Program Fund is provided. This information shall be maintained on file for a period of 3 years or until the completion of all audits for the period during which the course is offered, whichever occurs later.

Section 18. Section 230.645, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 230.645, F.S., for present text.)

230.645 Postsecondary student fees.—

(1) The provisions of 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, adult high school, or vocational preparatory instruction for the purpose of achieving basic literacy or receiving a high school diploma or its equivalent;

(b) Students who have a high school diploma or its equivalent, who are enrolled in adult basic, adult high school, or vocational preparatory instruction 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;

(c) Students who are enrolled in citizenship instruction offered through community instructional services.

(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. The total number of full-time equivalent students for whom the district waives fees or for whom the district accepts an in-kind contribution in lieu of fees shall not exceed the amount established annually in the General Appropriations Act.

(4) Required fees may be waived 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 which are directly related to the instructional program to be provided. Facilities, equipment, personnel, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a school district facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a school district facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. Any school district which reports in-kind contributions in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program. 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, the name of the entity providing the contribution, and verification that the local market value of the contribution is at least equal to the amount of fees in lieu of which the contribution is being accepted.

(5) Required fees shall be set annually in the General Appropriations Act. 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.

(6) The State Board of Education shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules shall provide for the enforcement and the collection or other settlement of delinquent accounts.

(7) Any veteran or other eligible student who receives benefits under chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of his benefits.

(8) Each school district shall be responsible for collecting all deferred fees. If a school district has not collected a deferred fee, the student shall not earn full-time equivalent student enrollment for any course for which the student subsequently registers until the fee has been paid.

(9) Any school district that reports students who have not paid fees in an approved mannerin calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Florida Education Finance Program and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment, payment through federal, state, or institutional financial aid, and employer fee payments.

(10) Each school district shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or institution in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he has been exempted or granted credit. School districts that report enrollments in violation of this subsection shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Florida Education Finance Program and shall revert to the General Revenue Fund.

Section 19. Subsection (8) of section 230.66, Florida Statutes, is amended, subsections (9) and (10) are renumbered as subsections (10) and (11), respectively, and a new subsection (9) is added to said section, to read:

230.66 Industry services training program.—

(8) Under the provisions of this act, the Department of Education is authorized to procure equipment as necessary to carry out adequate training programs. *Title to and* control of such equipment shall be vested in the Department of Education. *Whenever the training program has been concluded, the Department of Education shall have the option to transfer title in its discretion to the district school board, community college board of trustees, or Board of Regents on behalf of a specific state university in which the equipment is physically located. The Department may also lease such equipment to the district school board, community college board of trustees, or Board of Regents for a period not to exceed 1 year. Such lease may provide for automatic renewal. Either party to a lease renewed pursuant to this subsection shall have the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists shall be returned to a warehouse reserve and shall become available for use in any area of the state in which a training program exists that creates a need for such equipment.* ~~Such equipment shall be maintained in a warehouse reserve and shall become available for use in any area of the state where a training program creates a need. Such equipment shall be returned to the warehouse reserve when no longer needed in a training program. Title to all equipment purchased under provisions of this act shall be vested in the Department of Education.~~

(9) When creating a program of industry services training under contract with the Department of Education, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered by the employees of the department, district school boards, community college boards of trustees, or other entities with whom the department is authorized to contract pursuant to this section, in the development or implementation of the training program shall be exempt from the provisions of chapter 119, except that the department shall make available, upon request, the title and description of the training project, the name of the client corporation for which the training program is developed, and the amount and source of the funding provided for the training project. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(10)~~(9)~~ The Department of Education, after consulting with the Industry Services Advisory Council, shall recommend to the state board of education any and all regulations necessary to implement and carry out the provisions of this act.

(11)~~(10)~~ To assist in carrying out the provisions of this act, the Department of Education is hereby authorized to accept grants of money, materials, services, or property of any kind from a federal agency, private agency, corporation or individual upon such terms and conditions as such federal agency, private agency, corporation or individual may impose.

Section 20. Subsection (4) of section 236.081, Florida Statutes, is amended to read:

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

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated and final calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the nonexempt assessed valuation for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total nonexempt assessed valuation for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. The Department of Revenue shall, upon receipt of the official final tax roll from each of the property appraisers, certify to the commissioner the total assessed valuation of nonexempt property for school purposes in each school district, subject to the provisions of paragraph (c).

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (6)(b), shall use the most recent tax roll data for the appropriate year. For the purpose of this subparagraph, the official final tax roll shall be the tax roll on which the tax bills are computed and mailed to the taxpayers.

(b) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the nonexempt assessed valuation for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's nonexempt assessed valuation for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the

maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(c) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort.

(d) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in nonexempt valuation was made pursuant to paragraph (c), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(e) Required adult fees.—

1. Fees for all nonexempt students as defined in s. 230.645 shall be added to and made a part of the required local effort of each district.

2. Each district shall report the total fee exempt, fee nonexempt, fee waived, fee deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 230.645. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

3. Each district's total required local effort fee amount shall be calculated in the following manner:

a. A total resident fee amount shall be calculated for each district by summing the fee nonexempt full-time equivalent enrollment for each adult program and by substracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.

b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.

c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 230.645.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places, and by the base student allocation defined in the General Appropriations Act, and by two.

f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.

Section 21. Paragraphs (b) and (c) of subsection (4) of section 240.301, Florida Statutes, are amended, subsection (5) is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(4) Funding for community colleges shall reflect their mission as follows:

(b) Community education service or community instructional service programs shall be presented to the Legislature with rationale for state funding. The Legislature may identify priority areas for use of these funds. ~~Program costs shall be partially borne by the students.~~

~~(c) Recreation and leisure service program costs shall be fully borne by the students.~~

(5) Student fees for the provision of instruction shall be charged as follows:

(a) No matriculation or tuition fees shall be charged for adult basic or vocational preparatory instruction for students who demonstrate literacy skills below the eighth-grade level or for adult basic, high school, or vocational preparatory instruction for students who have not obtained high school diplomas. All other students with high school diplomas or the equivalent who take adult basic, high school, or vocational preparatory instruction shall pay matriculation and tuition fees.

(b) Required fees shall be set annually in the General Appropriations Act. When college preparatory and vocational preparatory instruction are provided in the same class section, the community college may charge a single fee for both types of instruction.

(c) All students enrolled in college preparatory instruction shall pay fees equivalent to the fees charged for credit courses.

(d) No fees shall be charged for citizenship instruction offered through community instructional services.

(e) Fees for recreation and leisure time courses shall be equivalent to the student's proportional share of the costs associated with the provision of such instruction.

(6)~~(5)~~ Community colleges are authorized to offer such programs and courses as are necessary to fulfill their mission and are authorized to grant associate in arts degrees, associate in science degrees, certificates, awards, and diplomas.

Section 22. Paragraph (b) of subsection (2) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(2) STUDENT FEES.—

(b) The State Board of Community Colleges shall adopt rules permitting the deferral of registration and tuition fees for those students who receive financial aid from federal or state assistance programs when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is insufficient reason to receive such deferral.

1. A veteran or other eligible student who receives benefits under chapter 32, chapter 34, or chapter 35, 38 U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of his benefits.

2. Each community college shall be responsible for collecting all deferred fees. If a community college has not collected a deferred fee, the student shall not earn full-time equivalent student enrollment for any course for which the student subsequently registers until the fee has been paid.

3.~~2.~~ In adopting such rules, the State Board of Community Colleges is required to enforce the collection of or otherwise settle delinquent accounts.

4.~~3.~~ The State Board of Education shall require that each institution within the community college system withdraw all requests for course approval from the Veterans Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate.

Section 23. Subsections (2), (7), (8), and (9) of section 240.35, Florida Statutes, are amended to read:

240.35 Student fees.—

(2) *Any student whose fees are waived in excess of the authorized number of waivers shall not be included in calculations of full-time equivalent enrollments for state funding purposes.* ~~Unless otherwise provided by law, all students enrolled shall pay matriculation fees and tuition fees. Unless otherwise provided by law, any student enrolled who does not pay the required fee shall not be counted for state funding purposes.~~

(7) *Community colleges may waive fees or accept in-kind contributions in lieu of the payment of fees for any student. Any in-kind contribution accepted must be directly related to the instructional program to be provided. Facilities, personnel, equipment, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a community college facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a community college facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. Any community college which reports in-kind contributions in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund. The aggregate value of fees waived shall not exceed the amount specified annually in the General Appropriations Act. The acceptance of in-kind contributions in lieu of fees shall constitute a waiver of fees. Any community college accepting in-kind contributions in lieu of fees shall submit an annual report to the State Board of Community Colleges which provides a detailed description of each in-kind contribution accepted, the name of the entity providing the contribution, and verification that the local market value of the contribution is at least equal to the value of the fees for which the contribution is accepted.* ~~No community college may grant any fee waiver, except as authorized by law or rules of the State Board of Education. Rules may be developed for fee waivers only when it is necessary to assure a vocational education opportunity for students who have documented absolute financial needs which cannot be met by existing sources of student financial aid.~~

(8) *Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment, payment through federal, state, or institutional financial aid, and employer fee payments.* A community college may not charge any fee, except as authorized by law or rules of the State Board of Education.

(9) *Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate two times the value of such enrollments. Such penalty shall be charged against the following year allocation from the Community College Program Fund and shall revert to the General Revenue Fund.* ~~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, and other resources. Cooperating entities shall be limited to apprenticeship committees, businesses, and industries. Any community college accepting in-kind contributions in lieu of fees shall be required to submit a report to the Department of Education which provides, for each in-kind contribution accepted, a detailed description of the contribution, the name of the entity providing the contribution, and verification that the local market value of the contribution is at least equal to the amount of fees in lieu of which the contribution is being accepted. The provisions of this subsection shall expire July 1, 1986.~~

Section 24. Subsection (3) of section 112.1904, Florida Statutes, is amended to read:

112.1904 Law enforcement officers unlawfully and intentionally killed in performance of duties; death benefits.—

(3) If a law enforcement officer is unlawfully and intentionally killed while in the actual performance of his duties, the state shall pay certain educational expenses which a child of the deceased officer incurs in obtaining a vocational-technical certificate or an undergraduate education. The amount paid by the state shall be an amount equal to the cost at a state vocational-technical school as provided in s. 230.645~~(1)~~ if the child attends a vocational-technical school, or the cost at a state community college as provided in s. 240.345~~(2)(c)~~ if the child attends a community college, or the cost for 4 academic years at a state university as provided in s. 240.235(3) if the child attends a university. All remaining expenses shall be borne by the child of the deceased officer. The provisions of this subsection apply to a child of any law enforcement officer who was killed on or after July 1, 1980; and the benefits provided under this subsection shall continue to such a child until the child's 25th birthday.

Section 25. Subsection (3) of section 112.1914, Florida Statutes, is amended to read:

112.1914 Firefighters unlawfully and intentionally killed in performance of duties; death benefits.—

(3) If a firefighter, as a consequence of the performance of his duties, is unlawfully and intentionally killed while in the actual performance of his duties, the state shall pay certain educational expenses which a child of the deceased firefighter incurs in obtaining a vocational-technical certificate or an undergraduate education. The amount paid by the state shall be an amount equal to the cost at a state vocational-technical school as provided in s. 230.645~~(1)~~ if the child attends a vocational-technical school, or the cost at a state community college as provided in s. 240.345 ~~(2)(c)~~ if the child attends a community college, or the cost for 4 academic years at a state university as provided in s. 240.235(3) if the child attends a university. All remaining expenses shall be borne by the child of the deceased firefighter. The provisions of this subsection apply to a child of any firefighter who was killed on or after July 1, 1980; and the benefits provided under this subsection shall continue to such a child until the child's 25th birthday.

Section 26. Subsection (9) of section 240.227, paragraph (r) of subsection (3) of section 240.319, paragraph (c) of subsection (2) of section 240.345, subsection (2) of section 240.349, and paragraph (i) of subsection (3) of section 240.359, Florida Statutes, are hereby repealed.

Section 27. The appropriate board may adopt rules to implement this act.

(Renumber subsequent sections.)

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

Amendment 1—In title, on page 1, line 24, after the semicolon (;) insert: amending s. 228.072, F.S.; providing fee requirements for certain adult students; creating s. 229.13, F.S.; requiring school districts and community colleges to collect specified information when registering students; providing for approval of registration forms and related documents; amending s. 230.645, F.S; providing exemptions from the payment of student fees for specified students; requiring the payment of fees for all students not granted exemptions; providing for the establishment of student fees in the General Appropriations Act; authorizing school districts to waive or defer fees; providing for limitation of fee waivers in the General Appropriations Act; providing penalties for erroneous enrollment reporting; amending s. 230.66, F.S., relating to the industry services

training program; authorizing the Department of Education to lease or transfer title to equipment under its jurisdiction; exempting training programs contracted through the department from the provisions of chapter 119, F.S.; providing for review; amending s. 236.081, F.S.; changing the method by which fees are calculated as a part of the district required local effort; amending s. 240.301, F.S.; providing a delineation of community college student fees; amending s. 240.345, F.S.; providing for fee deferments; amending s. 240.35, F.S; providing for the reporting and calculating of students for funding purposes; providing penalties for erroneous community college enrollment reporting; deleting provisions relating to fee waivers; authorizing community colleges to waive fees; providing for limitation of fee waivers in the General Appropriations Act; amending ss. 112.1904 and 112.1914, F.S., to conform; repealing ss. 240.227(9), 240.319(3)(r), 240.345(2)(c), 240.349(2), and 240.359(3)(i), F.S., relating to postsecondary fee waivers for university and community college employees and persons 60 years of age or older; providing for rules; providing an effective date.

On motions by Senator Peterson, the Senate receded from Amendments 4 and 8; concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

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

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick, Neal

SPECIAL ORDER, continued

CS for CS for SB 986—A bill to be entitled An act relating to areas of critical state concern; creating ss. 380.0661-380.0675, F.S.; authorizing certain counties to create a land authority by ordinance; providing for membership thereof; providing for an executive director and employees; providing powers of the land authority; providing for an advisory committee to establish priorities for acquisition of land; authorizing the issuance of bonds and providing requirements and procedures; requiring disclosure with respect to finder's fees; providing a penalty; limiting state and local government liability for bonds; requiring an annual report; prohibiting certain conflicts of interest by financial advisers; specifying tax exempt status of the land authority; creating s. 125.0108, F.S.; authorizing counties that create a land authority to levy a tourist impact tax in areas of critical state concern on certain transient rentals, food and beverage sales, and admissions; requiring a referendum; authorizing repeal of the tax; providing for collection and administration; providing uses of tax revenue; providing penalties; providing for liens; requiring development of a solid waste management facility and authorizing pledging of revenues by a land authority; directing the Department of Natural Resources to levy surcharges on certain admission to and overnight visits to state parks in areas of critical state concern in counties that create a land authority; providing for use of proceeds; amending s. 380.0552, F.S.; creating the Florida Keys Area Protection Act; ratifying the designation of an area of Monroe County as an area of critical state concern; providing for removal of such designation; providing for the application of certain land and water management laws; providing for the appointment and duties of a resource planning and management committee; providing principles for guiding development; providing for comprehensive plan elements and land development regulations; providing for modifications thereto; creating s. 380.051, F.S.; providing for coordinated agency review with respect to certain projects in the Florida Keys area of critical state concern; providing appropriations; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 34, strike all of lines 13 and 14 and insert: this bill, except for the sum of $300,000 of the $1,050,000 appropriated in Section 6 of this act for implementation assistance and except for the sum of $200,000 of the $1,050,000 appropriated in Section 6 of this act

Amendment 2—On page 33, line 5, strike "Supervision Trust Fund in the"

Amendment 3—On page 34, line 4, after "$850,000 for" insert: the remaining state share for

Senator Crenshaw presiding

Senator McPherson moved the following amendment which failed:

Amendment 4—On page 33, strike all of lines 3-17.

The vote was:

Yeas—6

Barron	Dunn	McPherson
Childers, D.	Mann	Peterson

Nays—28

Beard	Frank	Johnson	Neal
Castor	Gordon	Kirkpatrick	Plummer
Childers, W. D.	Grant	Kiser	Scott
Crawford	Hair	Malchon	Stuart
Crenshaw	Hill	Margolis	Thomas
Deratany	Jenne	Meek	Thurman
Fox	Jennings	Myers	Weinstein

Senator Mann moved the following amendment which failed:

Amendment 5—On page 23, strike all of lines 21-27 and renumber subsequent sections.

The vote was:

Yeas—10

Barron	Deratany	McPherson	Vogt
Beard	Frank	Peterson	
Castor	Mann	Stuart	

Nays—22

Childers, W. D.	Grant	Kiser	Neal
Crawford	Hill	Langley	Plummer
Crenshaw	Jenne	Malchon	Scott
Dunn	Jennings	Margolis	Weinstein
Girardeau	Johnson	Meek	
Gordon	Kirkpatrick	Myers	

Senator McPherson moved the following amendment which failed:

Amendment 6—On page 25, lines 17-31 and on page 26, lines 1-17, strike all of said lines.

Senator Mann moved the following amendment which failed:

Amendment 7—On page 34, strike all of lines 2-11 and insert: Florida Keys.

The President presiding

On motion by Senator Stuart, by two-thirds vote CS for CS for SB 986 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	Fox	Johnson	Peterson
Beard	Frank	Kirkpatrick	Plummer
Castor	Girardeau	Kiser	Scott
Childers, D.	Gordon	Langley	Stuart
Childers, W. D.	Grant	Malchon	Thurman
Crawford	Hair	Margolis	Vogt
Crenshaw	Hill	Meek	Weinstein
Deratany	Jenne	Myers	
Dunn	Jennings	Neal	

Nays—2

Mann McPherson

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jenne, by two-thirds vote HB 1288 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Commerce; SB 612 was withdrawn from the Committee on Finance, Taxation and Claims; CS for CS for SB's 218 and 219 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jenne, by two-thirds vote SB 769, CS for SB 676, CS for SB 1175, HB 11, SM 501, SB 824, CS for SB 841, CS for SB 1149, CS for SB 77, SB 292, CS for SB 81, CS for SB 922, SB 489, CS for SB 655, SB 1216, CS for CS for SB's 218 and 219, SB 612 were added to the special order calendar following CS for CS for SB 1118.

SPECIAL ORDER, continued

Consideration of SB 484 was deferred.

On motion by Senator Peterson—

HB 1004—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.203, F.S.; modifying the definition of "school"; defining "accreditation"; amending ss. 246.205, 246.207, 246.211, and 246.215, F.S.; clarifying and expanding powers and duties of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; amending s. 246.217, F.S.; providing for biennial licensure of such schools; modifying procedures for provisional licensure; amending s. 246.219, F.S.; increasing certain license fees; amending s. 246.220, F.S., relating to the surety bond required of licensed schools; creating s. 246.226, F.S.; providing for investigation and prosecution of complaints against a licensee; amending s. 246.227, F.S.; authorizing the board to issue cease and desist orders against certain unlicensed persons; providing a civil penalty; providing for payment of court costs and attorney's fees; creating s. 246.228, F.S.; providing disciplinary actions by the board and grounds therefor; providing an administrative fine; amending s. 246.231, F.S.; providing penalties; repealing s. 246.209, F.S., relating to administrative powers of the board; repealing s. 246.221, F.S., relating to refusal, suspension, or revocation of a license; repealing s. 246.223, F.S., relating to accreditation of schools; saving ss. 246.201-246.231, F.S., from Sunset repeal; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 957 and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1004 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Langley	Plummer
Barron	Frank	Malchon	Scott
Beard	Girardeau	Mann	Stuart
Castor	Grant	Margolis	Thomas
Childers, D.	Hill	McPherson	Thurman
Crenshaw	Jennings	Meek	Weinstein
Deratany	Johnson	Myers	
Dunn	Kiser	Peterson	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Hair, Jenne, Kirkpatrick, Neal, Vogt

SB 957 was laid on the table.

SB 1326—A bill to be entitled An act relating to the School Board of Dade County; providing for the relief of Charles Miller, a minor, by and through his parents and next friends, Ralph and Linda Miller, to compensate for serious physical injury to Charles Miller while he was under the supervision of the School Board of Dade County; providing for the payment by the school board; providing an effective date.

—was read the second time by title. On motion by Senator Fox, by two-thirds vote SB 1326 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Kiser	Plummer
Barron	Frank	Langley	Scott
Beard	Girardeau	Malchon	Stuart
Castor	Gordon	Margolis	Thomas
Childers, D.	Grant	Meek	Thurman
Childers, W. D.	Hill	Myers	Vogt
Crenshaw	Jennings	Neal	Weinstein
Dunn	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Kirkpatrick

CS for SB 538—A bill to be entitled An act relating to psychological services; amending ss. 490.002, 490.003, 490.004, 490.005, 490.006, 490.007, 490.008, 490.0085, 490.009, 490.0111, 490.012, and 490.014, F.S.; removing provisions relating to regulation of clinical social workers, marriage and family therapists, and mental health counselors; conforming language; removing obsolete language; modifying provisions relating to license renewal, inactive status, and disciplinary actions, violations, and exemptions; creating chapter 491, F.S., the "Counseling and Clinical Therapy Act"; providing intent; providing definitions; creating the Board of Counseling and Clinical Therapy; providing for licensure by examination for clinical social workers, marriage and family therapists, and mental health counselors; providing for licensure by endorsement; providing for license renewal; providing for inactive status; providing for board approval of continuing education providers, programs, and courses; requiring proof of completion of continuing education; providing disciplinary actions and grounds therefor; providing violations; providing a penalty; providing for injunction; providing exemptions from the provisions of the chapter; providing for the practice of hypnosis; providing for certification of certified master social workers; providing for confidentiality and privileged communications; providing for continuation of certain rules, legal and administrative proceedings, and licenses; amending ss. 232.02 and 394.455, F.S.; correcting cross references; repealing s. 490.015, F.S., relating to duties of the Department of Professional Regulation with respect to clinical social workers, marriage and family therapists, mental health counselors, and school psychologists; providing for review and repeal of chapter 491, F.S.; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 31, line 9, after "chapter" insert: or use any title protected by this chapter

On motion by Senator Stuart, by two-thirds vote CS for SB 538 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Girardeau	Malchon	Scott
Beard	Gordon	Mann	Stuart
Childers, D.	Grant	Margolis	Thomas
Childers, W. D.	Hill	McPherson	Thurman
Crenshaw	Jennings	Meek	Vogt
Deratany	Johnson	Myers	Weinstein
Dunn	Kiser	Peterson	
Frank	Langley	Plummer	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Kirkpatrick, Neal

On motion by Senator Vogt, by two-thirds vote HB 1366 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Vogt—

HB 1366—A bill to be entitled An act relating to legislative review of regulatory programs and functions and of advisory bodies; repealing ss. 390.011(2) and 390.012-390.021, F.S., relating to regulation and licensing of abortion clinics; repealing s. 390.026, F.S., relating to internal risk management programs of facilities licensed under chapters 390, 389, and 395; repealing s. 520.085, F.S., relating to simple-interest contracts under

The Motor Vehicle Sales Finance Act; repealing s. 520.125, F.S., relating to variable-rate contracts for the purchase of mobile homes; repealing s. 520.345, F.S., relating to simple-interest contracts under The Retail Installment Sales Act; repealing s. 520.785, F.S., relating to simple-interest contracts under The Home Improvement Sales and Finance Act; repealing s. 624.075, F.S., relating to the treatment of certain foreign or alien insurers as commercially domiciled insurers; repealing s. 624.124, F.S., relating to the automobile services exemption from the insurance code; repealing s. 624.21, F.S., relating to the prospective nature of amendments to the insurance code; repealing s. 624.34, F.S., relating to the authority of the Department of Law Enforcement to accept fingerprints of, and exchange history records with respect to, insurers and certain other persons being investigated under the insurance code; repealing s. 624.4095, F.S., relating to the authority of the Department of Insurance to place restrictions on premiums written by insurers; repealing s. 624.4241, F.S., relating to the filing requirements of the National Association of Insurance Commissioners; repealing ss. 624.441-624.446, F.S., relating to multiple-employer welfare arrangements; repealing ss. 628.520-628.530, F.S., relating to change of domicile by a foreign insurer to this state and by a domestic insurer to another state and to the effect of redomestication; repealing s. 628.535, F.S., relating to authority of Department of Insurance to adopt rules under chapter 628; repealing ss. 628.801-628.803, F.S., relating to registration and regulation of insurance holding companies; repealing s. 631.153, F.S., relating to intervention in insurer delinquency proceedings; repealing s. 641.225, F.S., relating to surplus requirements of health maintenance organizations; repealing s. 641.226, F.S., relating to use of services of unlicensed providers by health maintenance organizations; repealing s. 641.3005, F.S., relating to application of chapter 85-177, Laws of Florida, to health maintenance organizations; repealing part V of chapter 626, F.S., relating to regulation and licensing of title insurance agents; repealing s. 627.0652, F.S., relating to insurance discounts for certain persons completing safety courses; repealing s. 627.3515, F.S., relating to the market assistance plan for the placement of property and casualty risks; repealing s. 627.6401, F.S., relating to refund of premiums with respect to certain persons who have reached age 64; repealing ss. 627.7773, 627.7776, 627.7842, 627.791, and 627.792, F.S., relating to title insurance provisions respecting accounting and auditing of forms, furnishing of supplies, policy exceptions, penalties for violations by persons or entities not licensed, and liability of title insurers for defalcation by title insurance agents; repealing s. 627.8281, F.S., relating to levy by claimants upon certain deposits of premium finance companies; repealing s. 399.125, F.S., relating to filing of elevator accident reports; repealing s. 381.294, F.S., relating to regulation and permitting of bottled water plants; repealing part II of chapter 210, F.S., relating to the tax on tobacco products other than cigarettes or cigars and distributors of such products; providing for legislative review of the foregoing repealed sections pursuant to the Regulatory Sunset Act; repealing ss. 943.085(3), 943.131-943.1395, 943.171-943.175, 943.22, and 943.25, F.S., relating to the Criminal Justice Standards and Training Commission and to standards and training for, and employment of, law enforcement officers and correctional officers; repealing part II of chapter 427, F.S., relating to telephone communication services for the deaf and the Florida Council for the Hearing Impaired; repealing s. 159.445, F.S., relating to the Florida High Technology Innovation Research and Development Fund and board; repealing s. 229.552, F.S., relating to the Florida Center for Educational Statistics Advisory Committee; repealing s. 20.16(4), F.S., relating to the Florida Pari-mutuel Commission; providing for legislative review of the foregoing repealed sections pursuant to the Sundown Act; amending s. 5 of chapter 85-200, Laws of Florida, which prospectively repeals certain laws relating to the Florida Inland Navigation District and the West Coast Inland Navigation District, to change the date of repeal; amending ss. 49 and 51 of chapter 85-175 and s. 3 of chapter 85-127, Laws of Florida, which prospectively repeal laws relating to alternative methods of payment of malpractice damage awards against health care providers, court-ordered arbitration in negligence actions against health care providers, and the obligation of district school boards to eliminate major emergency conditions, to delete the provisions for review of such laws under s. 11.61, F.S., and to change the repeal date for the law relating to alternative methods of payment of malpractice damage awards; repealing s. 240.421(4), F.S.; saving the Florida Council of Student Financial Aid Advisors from Sundown repeal and providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 484 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1366 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Frank	Kiser	Plummer
Beard	Girardeau	Malchon	Stuart
Childers, D.	Gordon	Mann	Thurman
Crawford	Grant	Margolis	Vogt
Crenshaw	Hill	Meek	Weinstein
Deratany	Jennings	Myers	
Dunn	Johnson	Neal	
Fox	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Hair, Jenne

SB 484 was laid on the table.

CS for CS for SB 1118—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; providing that each district of the Department of Transportation be headed by a deputy assistant secretary; providing that the department advise the Legislative Auditing Committee of its determination that a recommendation of the Auditor General should be altered or not implemented; amending s. 163.803, F.S.; providing that for purposes of the Metropolitan Transportation Authority Act a metropolitan planning organization is an entity composed entirely of counties that have adopted the 4 cents of the 6-cent local option gas tax; amending s. 163.806, F.S.; deleting the prohibition against a metropolitan transportation authority expending tax revenues available to it to finance a bus system; amending s. 163.807, F.S.; deleting the requirement that a local government continue to fund a publicly owned transportation system after its acquisition by a metropolitan transportation authority; amending s. 163.816, F.S.; providing that if an entity created by general or special law is acquired by an authority all funding sources of such entity shall remain in effect and shall be administered as originally authorized; amending s. 163.818, F.S.; providing that a metropolitan transportation authority may also succeed to the rights, obligations, responsibilities, commitments and bonded indebtedness of certain transit authorities; providing that a referendum on the question of a transfer to a metropolitan transportation authority may also include transit systems; amending s. 207.002, F.S.; redefining the term "commercial motor vehicle" for purposes of tax on operation of commercial motor vehicles under ch. 207, F.S.; amending s. 316.076, F.S.; providing that the conduct of drivers approaching railroad-highway crossings be governed by s. 316.1575; amending s. 316.1575, F.S.; providing requirements for persons walking or driving a vehicle and approaching a railroad-highway crossing; amending s. 316.171, F.S.; requiring railroad companies to erect signs and other traffic control devices at crossings which conform to the provisions of s. 316.0745, F.S.; amending s. 316.515, F.S.; revising an exemption from vehicle length limitations; amending s. 316.545, F.S.; providing that a person who has been assessed a penalty for failure to have a valid vehicle registration certificate is not subject to a delinquent fee if a registration certificate is obtained within a certain time; amending s. 316.605, F.S.; providing that a truck of net weight greater than 10,000 pounds must display its license plate on the front of the vehicle; amending s. 320.01, F.S.; providing definitions; amending s. 320.02, F.S.; providing that odometer readings are not required to be reported on apportionable vehicles; amending s. 320.055, F.S.; prescribing vehicle registration renewal periods; amending s. 320.0605, F.S.; providing that the cab card for certain vehicles must be in the possession of the operator; amending s. 320.065, F.S.; providing for registration of semitrailers; amending s. 320.07, F.S.; providing that a person assessed a penalty pursuant to s. 316.545, F.S., for failure to have a valid vehicle registration certificate is not subject to a delinquent fee for failure to renew a registration; amending s. 320.0706, F.S.; providing that the owner of a truck of net weight more than 10,000 pounds must display the registration license plate on the front of the vehicle; amending s. 320.071, F.S.; providing that the owner of a currently registered apportioned vehicle may file for renewal 5 months preceding the date of expiration; amending s. 320.0715, F.S.; providing that designated authorized agents of the department may issue permits to motor carriers; requiring the department or its agents to charge a service charge for temporary operational permits; amending s. 320.0805, F.S.; providing that an owner of a vehicle registered under the International Registration Plan may not obtain a personalized prestige license plate; amending s. 320.26, F.S.; prohibiting the counterfeiting, alteration, or manufacture of certain permits; amending s. 320.37, F.S.; requiring foreign corporations, certain for-hire vehicles, and commercial vehicles to comply with motor vehicle registration requirements; amending s. 330.30, F.S.; providing for

the adjustment of the expiration date of an airport license; providing for prorated fees; amending s. 332.007, F.S.; providing for the advance funding of land acquisition costs at certain existing airports; amending s. 334.044, F.S.; authorizing the department to cooperate with the commission or authority of any other state; amending s. 335.141, F.S.; providing a definition of a public railroad-highway grade crossing; providing that the department and railroad companies are not liable for any action or omission in the development of the railroad-highway grade crossing hazard reduction program; requiring railroad companies maintaining public railroad-highway grade crossings to install traffic control devices upon notice from the department; requiring the railroad company or governmental entity performing construction or maintenance to notify the other party; requiring a local governmental entity or other public or private agency planning a public event that will cross a railroad track to give advance notice to the railroad company; amending s. 335.20, F.S.; providing for the announcement of the availability of funds; deleting the requirement that the department provide funding under the Local Government Transportation Assistance Act to those counties who have adopted each of the 6-cent local option taxes on motor fuel and special fuel; providing that a county may use any of the local option gas tax for matching purposes; amending s. 336.025, F.S.; providing that a county may pledge the revenues from the entire local option taxes; repealing the requirement for an extraordinary vote of the governing body in order to impose the third, fourth, fifth, and sixth cent local option tax; amending s. 336.026, F.S.; clarifying that the amount of the local option gas tax is 6 cents; amending s. 336.045, F.S.; providing that required curb ramps at intersections be in substantial conformance with the Uniform Federal Accessibility Standards; providing that the requirement is applicable to curb ramps let to contract after a certain date; amending s. 337.11, F.S.; providing that district deputy assistant secretaries may approve certain supplemental agreements; amending s. 337.14, F.S.; providing that an interim financial statement of a construction contract bidder is required under certain circumstances; providing that each required annual or interim financial statement be audited and accompanied by the opinion of a certified public accountant or a public accountant approved by the department; amending s. 338.221, F.S.; clarifying the definition of "turnpike improvement" for purposes of the Florida Turnpike Law; amending s. 338.223, F.S.; requiring a proposed turnpike project or turnpike improvement to be developed in accordance with the Florida Transportation Plan and the 5-year transportation plan and included in the transportation improvement plan of the affected metropolitan planning organizations; amending s. 339.08, F.S.; deleting the prohibition against the use of moneys in the State Transportation Trust Fund for economic development road projects; amending s. 341.061, F.S., relating to transit safety standards; amending s. 341.301, F.S.; providing definitions; amending s. 351.03, F.S.; requiring railroad companies to erect and maintain crossbuck grade crossing warning signs at all public or private railroad-highway grade crossings; requiring advance railroad warning signs and pavement markings to be installed and maintained at public railroad-highway grade crossings by the governmental entity having jurisdiction over or maintenance responsibility for the highway or street; repealing s. 316.158, F.S., relating to dangerous highway grade crossings; requiring the department to submit a decentralization plan by October 1, 1986; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for CS for SB 1118 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

The Senate resumed consideration of—

SB 762—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.05, F.S.; providing for the establishment, implementation and maintenance of a statewide automated fingerprint identification system; providing an appropriation; providing an effective date.

—with pending Amendment 2 which was withdrawn.

The Committee on Appropriations recommended the following amendment which was moved by Senator Weinstein and adopted:

Amendment 3—In title, on page 1, strike all of lines 2-7 and insert: An act relating to the Department of Law Enforcement; amending s. 943.04, F.S.; providing that investigators employed by the department shall be law enforcement officers and shall be certified; amending s. 943.05, F.S.; establishing a statewide automated fingerprint identification system; establishing an implementation date for uniform reports; amending s. 943.052, F.S.; requiring rules for disposition reporting; amending s. 943.0525, F.S.; establishing criminal justice information user agreements; requiring compliance with the rules; amending s. 943.10, F.S.; revising definitions; amending s. 943.12, F.S.; directing the Criminal Justice Standards and Training Commission to certify and revoke the certification of instructors or criminal justice training schools; amending s. 943.13, F.S.; revising the minimum qualifications for employment of law enforcement officers; amending s. 943.137, F.S.; providing for additional employment standards; amending s. 943.139, F.S.; establishing an affidavit-of-termination; requiring the affidavit be executed under oath; amending s. 943.1395, F.S.; providing an additional cause for revoking certification; amending s. 943.14, F.S.; deleting obsolete language; amending s. 943.17, F.S.; authorizing funding for training courses; establishing a sponsorship program; amending s. 921.161, F.S.; requiring an offender based transaction system number on the certification; amending s. 943.175, F.S.; providing for specialized training courses; excluding specialized training courses from commission program courses; excluding inservices and specialized courses from qualifying for salary incentive payment; amending s. 943.22, F.S.; redefining the term "community college degree or equivalent" with respect to the requirement for salary incentive payments; amending s. 943.25, F.S.; deleting obsolete language; providing additional assessments by courts; creating several operating criminal justice trust funds; providing for the use of the funds; modifying the use of local funds collected for training; providing for specific legislative appropriation of the funds; providing an effective date.

On motion by Senator Weinstein, by two-thirds vote SB 762 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Frank	Langley	Scott
Barron	Girardeau	Malchon	Stuart
Beard	Gordon	Margolis	Thomas
Childers, D.	Grant	Meek	Thurman
Crenshaw	Hill	Myers	Vogt
Deratany	Jennings	Neal	Weinstein
Dunn	Johnson	Peterson	
Fox	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Hair, Jenne, Kirkpatrick

SB 462—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.021, F.S.; providing penalties for certain violations relating to finfish; providing for the suspension or revocation of certain licenses and permits; deleting requirements for admissibility of certain rules as evidence; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

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

Section 1. Paragraph (c) of subsection (2) and subsection (3) of section 370.021, Florida Statutes, are

Amendment 2—On page 3, strike all of lines 4 and 5 and insert: *or possession of more than 1,000 pounds of any illegal finfish, an additional penalty of the wholesale market value of the illegal catch.*

Amendment 3—On page 3, lines 11-30, and on page 4, lines 1-8, strike all of said lines.

Amendment 4—In title, on page 1, lines 5 and 6, strike "providing for the suspension or revocation of certain licenses and permits;"

Amendment 5—In title, on page 1, line 8, after "evidence;" insert: amending s. 370.027, F.S.; providing rulemaking authority relating to marine life

On motion by Senator Stuart, by two-thirds vote SB 462 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Johnson	Peterson
Beard	Frank	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Crawford	Grant	Margolis	Thurman
Crenshaw	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jennings	Myers	

Nays—3

Barron	Childers, W. D.	Thomas

Consideration of SB 747 was deferred.

CS for SB 996—A bill to be entitled An act relating to veterans affairs; creating s. 20.37, F.S., to create a Department of Veterans Affairs; amending s. 20.31, F.S., to transfer the Division of Veterans' Affairs to the department; amending s. 292.04, F.S., relating to the Florida Commission on Veterans Affairs; transferring the commission to the department; amending s. 292.05, F.S., relating to the duties of the department; repealing s. 292.07, F.S., relating to the appointment of veterans' affairs officers; repealing s. 295.124, F.S., relating to the state approving agency for purposes of certain veterans' education and training; directing that changes in terminology in the Florida Statutes be made; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for SB 996 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Neal

CS for SB 1231—A bill to be entitled An act relating to respiratory care; amending s. 468.354, F.S.; modifying procedure for filling vacancies on the Advisory Council on Respiratory Care; amending s. 468.357, F.S.; providing that examinations for certification as a respiratory therapy technician shall be offered in a language other than English upon request for a certain period; providing that such examinations shall be offered at least four times a year for a certain period; grandfathering certain persons; providing a continuing education requirement; extending the examination deadline for certain persons; providing an effective date.

—was read the second time by title.

Three amendments were adopted to CS for SB 1231 to conform the bill to CS for HB 1166.

On motions by Senator Fox, by two-thirds vote CS for HB 1166 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Appropriations.

On motion by Senator Fox—

CS for HB 1166—A bill to be entitled An act relating to respiratory care; amending s. 468.354, F.S.; modifying procedure for filling vacancies on the Advisory Council on Respiratory Care; amending s. 468.357, F.S.; providing that examinations for certification as a respiratory therapy technician shall be offered in a language other than English upon request for a certain period; providing that such examinations shall be offered at least four times a year for a certain period; grandfathering certain persons; providing a continuing education requirement; extending the examination deadline for certain persons; amending s. 468.368, F.S.; providing an exemption for certain persons; providing an effective date.

—a companion measure, was substituted for CS for SB 1231 and read the second time by title. On motion by Senator Fox, by two-thirds vote CS for HB 1166 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Barron	Fox	Johnson	Meek
Beard	Frank	Kirkpatrick	Myers
Castor	Gersten	Kiser	Stuart
Childers, D.	Girardeau	Langley	Thomas
Childers, W. D.	Gordon	Malchon	Thurman
Crenshaw	Grant	Mann	
Deratany	Grizzle	Margolis	
Dunn	Jennings	McPherson	

Nays—None

Vote after roll call:

Yea—Hair, Hill, Jenne, Neal, Vogt

CS for SB 1231 was laid on the table.

Senator Dunn presiding

CS for SB 962—A bill to be entitled An act relating to education; creating a task force to study the equity and adequacy of public school funding; providing areas to be studied; providing a reporting date; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Crenshaw and adopted:

Amendment 1—On page 3, between lines 30 and 31, insert:

Section 3. Vocational Inservice and Business Exchange Program; review and selection committee; trust fund.—

(1) The Legislature recognizes that the workplace is undergoing rapid and continual change. The Legislature further recognizes that the quality of the vocational education programs in this state is directly dependent upon the extent to which vocational educators possess technical knowledge and skills commensurate with the innovations and rapid technological changes occurring in the labor market. The Legislature finds that an effective means for assuring the competency and currency of vocational educators is by affording them opportunities to enhance their knowledge and skills through periodic work experiences and training in business and industry.

(2) There is established the Vocational Inservice and Business Exchange Program for the purpose of providing staff development grants to vocational educators while they are working in private-sector or public-sector occupations related to the vocational fields in which they are assigned or certified. The State Board of Education shall adopt rules to implement the program and the program will be administered by the Office of Student Financial Aid of the Department of Education.

(3) There is established a Vocational Inservice and Business Exchange Review and Selection Committee.

(a) The committee is comprised of one representative from each of the following entities:

1. The Division of Vocational, Adult, and Community Education of the Department of Education.

2. The Division of Community Colleges of the Department of Education.

3. The Florida High Technology and Industry Council.

4. The Office of the Commissioner of Education.

5. The Postsecondary Education Planning Commission.

6. The Florida Education and Industry Coalition of the Florida Chamber of Commerce.

7. The Department of Commerce.

8. The Department of Agriculture and Consumer Services.

9. The Florida Vocational Association.

(b) The Commissioner of Education shall select members for appointment to the committee from among persons nominated by each of the entities listed in paragraph (a). The term of appointment of any member of the committee may not exceed 4 years.

(c) The committee is responsible for reviewing and approving grant application procedures developed by the Department of Education pursuant to this section and for selecting persons to receive staff development inservice grants from among persons who have submitted applications to the Office of Student Financial Aid pursuant to this section.

(4) An applicant for a staff development inservice grant under the Vocational Inservice and Business Exchange Program may be awarded a grant in an amount equal to the applicant's regular rate of pay, plus benefits, for a period of time not to exceed one-half of a contract year of school or college employment. The training may be taken at any time during the calendar year. A participant will not have a break in creditable or continuous service or employment for the period of time in which he participates in the program.

(5)(a) Any vocational educator who is employed full time by a public school or community college in this state is eligible to apply for participation in the Vocational Inservice and Business Exchange Program.

(b) An applicant is solely responsible for soliciting the cooperation of an employer in the business or industry in which the applicant desires to work during a training leave.

(c) An applicant must agree to return to employment in a teaching position in a public school or community college within this state and be employed in such position for at least 2 years after completion of the training. Any grant recipient who fails to return to employment in a teaching position in a public school or community college in this state upon completion of the training must repay all salary and the cost of benefits which accrued to him during the training.

(6) An applicant for a staff development inservice grant must apply for the grant on a form provided for this purpose by the Office of Student Financial Aid. The application form will require the applicant to provide at least the following information and signatures:

(a) The applicant's name;

(b) The name of the school district or community college district which employs the applicant;

(c) The name and address of the business or industrial employer for whom the applicant will be working during the training;

(d) The signature and title of a representative of the employer for whom the applicant will be working during the training;

(e) A brief description of the duties and responsibilities in which the applicant will be engaged during the training;

(f) The percentage of the applicant's salary, if any, that will be paid by the business or industrial employer;

(g) A statement of whether an employee of the business or industrial employer will be provided in exchange to replace the applicant in the applicant's teaching capacity during the training;

(h) A statement of the nature of the relationship between the business or industry in which the applicant will be working and the economic development goals of the geographic region where the applicant will be working;

(i) The signature and approval of the superintendent or the community college president, as appropriate, or his designee, stating that the superintendent or president:

1. Agrees to release the applicant from the applicant's instructional responsibilities during the training;

2. Considers the business or industry in which the applicant will be working during the training to be directly related to the applicant's field or fields of assignment or certification; and

3. Agrees to employ an employee of the business or industrial employer on the basis of an exchange, if appropriate; and

(j) Any other information that the Department of Education considers necessary.

(7)(a) In order to be awarded a staff development inservice grant, an applicant must meet one or more of the following criteria:

1. The business or industrial employer for whom the applicant will be working during the training has agreed to provide an employee in exchange to replace the applicant in the applicant's teaching capacity during the training.

2. The applicant teaches in a vocational field that is related to a business or industry that is subject to frequent technological change or innovation.

3. The business or industrial employer for whom the applicant will be working during the training has agreed to pay at least 25 percent of the applicant's salary during the training.

4. The applicant will be working in a business or industry that is related to the economic development goals of the geographic region where the applicant will be working.

(b) When awarding staff development inservice grants, the Vocational Inservice and Business Exchange Review and Selection Committee shall take into consideration the geographical distribution of the grant recipients.

(8) A business or industry employee provided in an exchange under the provisions of this section may be employed in an instructional capacity irrespective of any applicable certification requirements.

(9) Successful completion of a staff development inservice training grant pursuant to this section may be used to satisfy applicable college course credit or inservice training requirements for extension of a certificate pursuant to rules of the State Board of Education.

(10) There is created the Vocational Inservice and Business Exchange Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education for the Vocational Inservice and Business Exchange Program established by this section. The unencumbered balance of the fund at the end of any fiscal year shall remain in the fund and be available for the program in future years.

Section 4. Paragraph (h) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

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

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

(h) Calculation of full-time equivalent membership with respect to instruction from community colleges or universities, instruction outside required number of school days, or instruction in home economics or exploratory vocational education.—

1. In those academic programs, which are not remedial in nature, through which a student may earn credit towards both a high school diploma and an associate or baccalaureate degree, the student instruction time may be included in the count of full-time equivalent student memberships for basic programs for grades 9 through 12. Students enrolled in such courses may be counted as full-time equivalent students by community colleges and universities offering such instruction. Such instruction may be provided by either a community college or university, but it must take place at the high school site unless the Commissioner of Education approves providing the instruction at the community college or university site because technical facilities are not available at the high school site or because there are fewer than 15 students from the high school who wish

to be enrolled in a course. Such instruction may not include physical education. A student receiving instruction under the provisions of this subparagraph may not be charged registration, matriculation, or tuition fees, and community colleges and universities shall waive all such fees.

2. Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required number of school days if such instruction counts as credit toward a high school diploma.

3. Students in grades K through 12 who are enrolled for more than six semesters in practical arts home economics courses as defined in s. 228.041(22)(d) may not be counted as full-time equivalent students for this instruction.

4. Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory vocational education may not be counted as full-time equivalent students for this instruction.

5. ~~Effective for the 1985-1986 school year and thereafter,~~ District pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes *at least two-thirds of* a job preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational job preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. *The Department of Education shall develop curriculum frameworks for pretechnical vocational courses that are comparable in content and intended student outcomes to English, mathematics, and science courses required for high school graduation. Beginning with the 1989-1990 school year, the State Course Code Directory shall include pretechnical vocational courses that may be used by any student in grades 9 through 12 to satisfy the English, mathematics, and science credit requirements for high school graduation.* The one-half credit in practical arts or exploratory vocational education required for high school graduation pursuant to s. 232.246(1)(b)8. shall be funded as a vocational education course.

(i) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.3 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

Section 5. By March 1, 1987, the Department of Education shall submit a report to the Legislature which provides an alternative to the vocational program funding structure provided for in section 236.081(1)(c)4. and 5. Florida Statutes. The alternative funding structure must consolidate existing vocational program areas into no fewer than three funding levels but no more than six funding levels. Each funding level must encompass a specified range of costs. Each vocational course must be assigned to one of these funding levels according to the cost of delivering the course. The department shall clearly specify in the report the range of costs encompassed by each funding level to be established, the method to be used to establish program costs, the courses to be assigned to each funding level, and the criteria to be used to change the assignment of a course from one funding level to another.

Senator McPherson moved the following amendment which was adopted:

Amendment 2—On page 3, between lines 30 and 31, insert:

Section 3. The State Board of Education may not establish a mathematics requirement for graduation from a state university or community college in any program for which a knowledge of mathematics is not essential.

(Renumber subsequent sections.)

The vote was:

Yeas—13

Castor	Dunn	Kiser	Stuart
Childers, D.	Fox	Malchon	
Crenshaw	Gersten	McPherson	
Deratany	Hill	Meek	

Nays—10

Frank	Grizzle	Mann	Thomas
Gordon	Jennings	Margolis	
Grant	Johnson	Myers	

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

Amendment 3—On page 3, between lines 30 and 31, insert:

Section 3. Section 240.4095, Florida Statutes, is created to read:

240.4095 Vocational Student Assistance Grant Fund.—

(1) There is created a Vocational Student Assistance Grant Fund to be administered by the Department of Education in accordance with rules of the state board.

(2) A grant from the fund may be awarded only to a full-time student who:

(a) Is enrolled for at least 900 clock hours in a public or private postsecondary vocational, technical, trade, or business school accredited by an agency holding membership in the Council on Postsecondary Accreditation, which is located in and chartered by the state, and in a course or program of at least 900 clock hours or the equivalent which awards diplomas as defined in s. 246.203(6);

(b) Has continuously been a resident of the state for other than educational purposes for no less than one year immediately preceding the first day of the term for which the grant is awarded.

(c) Is not enrolled in a program which leads to an associate in arts degree, associate in science degree, or a baccalaureate degree; and

(d) Is making satisfactory progress in accordance with the policies of the training schools.

(3) A student applying for a vocational student assistance grant must apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student. The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, and such system shall include a certification of acceptability by the public postsecondary vocational, technical, trade, or business schools and accredited private postsecondary vocational, technical, trade, or business schools of the applicant's choice and the use of a nationally recognized system of need analysis. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs.

(4) A student may not participate in both the Vocational Student Assistance Grant Fund and the State Student Assistance Grant Fund.

(5)(a) The vocational student assistance grant awarded to a student may not exceed the amount of demonstrated unmet need for tuition and fees or $1,000 per academic year, whichever is less, or as specified in the General Appropriations Act. A demonstrated unmet need, using a recognized national needs analysis methodology, of less than $200 shall render the applicant ineligible for a vocational student assistance grant.

(b) A student may not receive a vocational student assistance grant for more than 2 years.

(c) As a condition for renewal of a grant, a student must maintain satisfactory progress for only the previous term and be eligible for continuous enrollment in the institution.

(d) Payment of vocational student assistance grants shall be transmitted to the president of the institution or his representative or to the district school board. If any recipient terminates his enrollment for any reason during the academic year, the unused portion of the grant, as determined by rules of the state board, shall be refunded within 60 days to the Department of Education by the president or his representative or by the district school board.

(e) The criteria and procedure for establishing standards of eligibility shall be determined by the Department of Education in consultation with the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools and the State Board of Independent Colleges and Universities.

(6) This program shall be funded through the General Appropriations Act.

(Renumber subsequent section.)

Senator Meek moved the following amendment which was adopted:

Amendment 4—On page 3, between lines 30 and 31, insert:

Section 3. Subsection (8) of section 230.66, Florida Statutes, is amended, subsections (9) and (10) are renumbered as subsections (10) and (11), respectively, and a new subsection (9) is added to said section, to read:

230.66 Industry services training program.—

(8) Under the provisions of this act, the Department of Education is authorized to procure equipment as necessary to carry out adequate training programs. *Title to and* control of such equipment shall be vested in the Department of Education. *Whenever the training program has been concluded, the Department of Education shall have the option to transfer title in its discretion to the district school board, community college board of trustees, or Board of Regents on behalf of a specific state university in which the equipment is physically located. The department may also lease such equipment to the district school board, community college board of trustees, or Board of Regents for a period not to exceed 1 year. Such lease may provide for automatic renewal. Either party to a lease renewed pursuant to this subsection shall have the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists shall be returned to a warehouse reserve and shall become available for use in any area of the state in which a training program exists that creates a need for such equipment.* ~~Such equipment shall be maintained in a warehouse reserve and shall become available for use in any area of the state where a training program creates a need. Such equipment shall be returned to the warehouse reserve when no longer needed in a training program. Title to all equipment purchased under provisions of this act shall be vested in the Department of Education.~~

(9) When creating a program of industry services training under contract with the Department of Education, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered by the employees of the department, district school boards, community college boards of trustees, or other entities with whom the department is authorized to contract pursuant to this section, in the development or implementation of the training program shall be exempt from the provisions of chapter 119, except that the department shall make available, upon request, the title and description of the training project, the name of the client corporation for which the training program is developed, and the amount and source of the funding provided for the training project. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(Renumber subsequent section.)

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

Amendment 5—In title, on page 1, line 6, after the semicolon (;) insert: creating s. 240.4095; providing for a vocational assistance grant fund; providing for institutions and student eligibility; providing for grant awards and renewals;

The Committee on Appropriations recommended the following amendment which was moved by Senator Crenshaw and adopted:

Amendment 6—In title, on page 1, line 6, following the semicolon (;) insert: 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;

Senator Meek moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 6, after the semicolon (;) insert: amending s. 230.66, F.S., relating to the industry services training program; authorizing the Department of Education to lease or transfer title to equipment under its jurisdiction; exempting training programs contracted through the department from the provisions of chapter 119, F.S.; providing for review;

On motion by Senator Crenshaw, by two-thirds vote CS for SB 962 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

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne

On motion by Senator Castor, by two-thirds vote CS for HB 35 was withdrawn from the Committee on Appropriations.

On motion by Senator Castor—

CS for HB 35—A bill to be entitled An act relating to child care; amending s. 228.061, F.S., authorizing public schools to conduct school-age child care programs; providing for funding; creating s. 229.65, F.S., creating the school-age child care incentives program; providing for administration by the Commissioner of Education; authorizing district schools to submit program proposals; specifying contents; providing certain funding priority; providing procedures for approval and funding by the Department of Education; providing for establishment of a private, nonprofit statewide clearinghouse for school-age child care programs; providing duties; providing for an advisory council; providing for reports on programs by the district schools, clearinghouse and Department of Education; directing the State Board of Education to adopt rules; providing an effective date.

—a companion measure, was substituted for SB 476 and read the second time by title. On motion by Senator Castor, by two-thirds vote CS for HB 35 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Fox	Johnson	Myers
Beard	Frank	Kirkpatrick	Neal
Castor	Girardeau	Kiser	Plummer
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crenshaw	Grizzle	Mann	Thomas
Deratany	Hill	Margolis	Thurman
Dunn	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Vogt

SB 476 was laid on the table.

Consideration of CS for SB 75 was deferred.

On motions by Senator Margolis, by two-thirds vote CS for HB 26 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Margolis—

CS for HB 26—A bill to be entitled An act relating to talent agencies; providing for regulation of such agencies by the Department of Professional Regulation; providing definitions; specifying powers and duties of the department; providing for issuance of a license to such agency upon application and for denial, suspension, or revocation of license; providing for fees; providing for civil penalties for specified violations; specifying qualifications of applicants for license; providing for filing and posting of fee schedules; providing requirements for the content and the display of licenses; requiring talent agents to pay money to artists as specified; providing for license cancellation; requiring an applicant for license to provide bond; requiring maintenance of specified records; limiting registration requirements and fees; requiring a talent agency to provide an applicant with a contract that includes certain information; requiring the agency to give notice of labor disputes; requiring talent agencies to maintain a record sheet as specified; requiring talent agencies to maintain certain records; requiring specified records to be open for inspection; providing for posting of specified regulations; prohibiting the division of fees with certain specified individuals; providing for repayment of fees or expenses as specified; providing that certain acts are second degree misdemeanors and providing penalties; providing for injunctions; providing for deposit of moneys in the Professional Regulation Trust Fund; providing for future repeal and legislative review; providing an effective date.

—a companion measure, was substituted for CS for SB 211 and read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for HB 26 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

CS for SB 211 was laid on the table.

Consideration of CS for SB's 126, 36 and 662 was deferred.

On motions by Senator Fox, by two-thirds vote HB 562 was withdrawn from the Committees on Commerce, Judiciary-Civil and Appropriations.

On motion by Senator Fox—

HB 562—A bill to be entitled An act relating to arbitration; creating chapter 684, F.S., consisting of ss. 684.01-684.35, F.S., the "Florida International Arbitration Act"; providing legislative policy; providing for the scope of the chapter; providing definitions; providing for the conduct of arbitration; providing for freedom of parties to fix the rules of arbitration; providing for notice; providing for the appointment of the arbitral tribunal; providing for mediation, conciliation and settlement; providing for majority action by the tribunal; providing for consolidation of arbitrations; providing for hearings and place of arbitration; providing for representation by counsel; providing for evidence, witnesses, subpoenas and depositions; providing for interim relief; providing for applicable law; providing for awards for interest; providing for awards; providing for change of award; providing for court proceedings to compel arbitration and to stay certain court proceedings; providing for court proceedings during arbitration; providing for court proceedings upon final awards; providing grounds for vacating an award or declaring an award not entitled to conformation; providing for an award in a foreign currency; providing for judgment or decree on a final award; providing for a judgment roll and docketing; providing for application to circuit court; providing for consent to jurisdiction; providing for venue; providing for appeals; providing for transitional rule; providing for severability and characterization; providing certain immunity for arbitrators; creating s. 48.196, F.S., providing for service of process in connection with actions under the Florida International Arbitration Act; amending s. 95.051, F.S., providing for the tolling of the statute of limitations with respect to arbitral proceedings; providing an effective date.

—a companion measure, was substituted for SB 820 and read the second time by title. On motion by Senator Fox, by two-thirds vote HB 562 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick

SB 820 was laid on the table.

Consideration of SB 1137 was deferred.

On motions by Senator Stuart, by two-thirds vote CS for HB 1057 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator Stuart—

CS for HB 1057—A bill to be entitled An act relating to restoration of Lake Hancock, Polk County, directing the Department of Natural Resources to coordinate the program; prescribing department's responsibilities; requiring reports to the Legislature; creating the Lake Hancock Advisory Council and prescribing the duties of the council; directing the Florida Institute of Phosphate Research to secure data, prepare a mining and reclamation program and secure data for permits or statements; creating the Lake Hancock Restoration Trust Fund; providing for funding, expenditures, and uses of the trust fund; providing appropriations; providing an effective date.

—a companion measure, was substituted for CS for SB 901 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 1057 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Crawford	Frank	Grizzle
Beard	Crenshaw	Gersten	Hill
Castor	Deratany	Girardeau	Jennings
Childers, D.	Dunn	Gordon	Johnson
Childers, W. D.	Fox	Grant	Kiser

Langley	Myers	Scott	Thurman
Malchon	Neal	Stuart	Vogt
Mann	Plummer	Thomas	Weinstein

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick

CS for SB 901 was laid on the table.

CS for SB 75—A bill to be entitled An act relating to alcoholic beverages; creating ss. 562.001, 562.115, 562.51, F.S.; providing for deposit of a portion of each fine for driving under the influence or driving while intoxicated in the Alcoholic Beverage and Tobacco Trust Fund; providing for disposition of moneys in the trust fund; prohibiting dispensing of beverages to obviously intoxicated persons; providing penalties; creating a responsible vendors program; providing for mitigation; providing for consideration in insurance rates; providing prerequisites to licensure and renewal; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 75 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Fox	Jennings	Myers
Beard	Frank	Johnson	Plummer
Childers, D.	Gersten	Kirkpatrick	Scott
Childers, W. D.	Girardeau	Kiser	Stuart
Crawford	Gordon	Malchon	Thomas
Crenshaw	Grant	Mann	Thurman
Deratany	Grizzle	McPherson	Vogt
Dunn	Hill	Meek	Weinstein

Nays—1

Langley

Vote after roll call:

Yea—Hair, Jenne, Neal

Nay to Yea—Langley

The President presiding

SB 769—A bill to be entitled An act relating to the Florida Atlantic University West Palm Beach Center; amending section 2 of chapter 82-247, Laws of Florida, as amended, which authorizes sale of a portion of center property; revising bid requirements; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 29-31, on page 2, strike all of lines 1-2, and insert: United Way to serve the citizens of Palm Beach County.

Amendment 2—On page 1, stike all of lines 11-14, and insert:

Section 1. Subsection (1) of section 2 of chapter 82-247, Laws of Florida, as amended by chapters 82-412 and 85-480, Laws of Florida, is amended to read:

Section 2. (1) Notwithstanding any provision of law to

Senator D. Childers moved the following amendments which were adopted:

Amendment 3—On page 1, line 10, insert:

Section 1. Subsection (b) of section 3 of chapter 19133, Laws of Florida, 1939, as amended by chapter 85-365, Laws of Florida, is amended to read:

Section 3.

(b) Contradictory provisions of this section notwithstanding, the following described land may be used, in addition to park and forest purposes, for construction, repair, maintenance, and operation of a performing educational arts center:

Being a parcel of land lying in part of Government Lot 2, as shown on plat of subdivision of Government Lots 2 and 3, and part of Lot 1, Section 29, Township 44 South, Range 43 East as recorded in Plat Book 6, Page 58 of the Public Records of Palm Beach County, Florida, and being more particularly described as follows:

Bounded on the North, Northeasterly and East by Lake Osborne, bounded on the South by the North Right-of-Way line of 6th Avenue South as now laid out and in use; Bounded on the West by the East Right-of-Way line of Lake Worth Drainage District Lateral Canal No. C-13.

Subject to existing Easements, Rights-of-Way, Restrictions, and Reservations of Record.

~~Commencing at the Southwest Corner of the Northwest Quarter (N.W 1/4) of said Section 29; thence South 87° 27' 28" East (Assumed bearing) along the South Line of said Northwest Quarter (N.W. 1/4), a distance of 2529.00 feet; thence North 01° 47' 40" East, a distance of 610.59 feet to the POINT OF BEGINNING of this description, said point being on the East Right-of-Way Line, of Lake Worth Drainage District Lateral Canal No. 13; thence continue North 01° 47' 40" East along said East Right-of-Way line, a distance of 546.67 feet; thence south 88° 12' 20" East, a distance of 111.98 feet; thence South 58° 19' 56" East, a distance of 94.95 feet; hence South 58° 07' 41" East, a distance of 57.12 feet to the beginning of a curve concave to the Southwest, having a radius of 1029.02 feet and a central angle of 15° 35' 34"; thence Southeasterly along the arc of said curve, a distance 280.04 feet; thence South 42° 32' 07" East along the tangent of said curve, a distance of 335.86 feet; thence South 41° 39' 09" East, a distance of 161.60 feet; thence South 00° 37' 00" West, a distance of 33.63 feet; thence South 42° 53' 09" West, a distance of 411.34 feet to the beginning of a curve concave to the North having a radius of 50.00 feet and a central angle of 89° 47' 37"; thence Southwesterly and Northwesterly along the arc of said curve, a distance of 78.36 feet; thence North 47° 19' 14" West along the tangent of said curve, a distance of 621.50 feet to the POINT OF BEGINNING.~~

~~Containing 10.29 Acres more or less.~~

~~Subject to all other restrictions, reservations, easements and rights-of-way of record.~~

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, strike lines 1-5, and insert: An act relating to public lands; amending section 3 of chapter 19133, Laws of Florida, 1939, as amended; providing for the use of certain parcels of land by the Palm Beach Junior College for performing arts; amending section 2 of chapter 82-247, Laws of Florida, as amended, which relates to the Florida Atlantic University West Palm Beach Center and which authorizes sale of a portion

On motion by Senator D. Childers, by two-thirds vote SB 769 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

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

Nays—None

Vote after roll call:

Yea—Fox, Gersten, Hair

Consideration of CS for SB 676 was deferred.

CS for SB 1175—A bill to be entitled An act relating to bail and bail bondsmen; amending s. 648.42, F.S., clarifying the date of registration of bail bondsmen with the sheriff and the clerk of the circuit court; amending s. 648.422, F.S., increasing the amount of noncash collateral security that may be accepted by a bail bondsman; amending s. 648.49, F.S., authorizing the Department of Insurance to require a bondsman whose license has been suspended to complete certain courses; amending s. 903.046, F.S., relating to criteria for bail determination; amending s. 903.09, F.S., authorizing two or more sureties to jointly write a bond;

amending s. 903.132, F.S., prohibiting continuation of the original bond if an appeal is taken; amending s. 903.21, F.S., relating to method of surrender and exoneration of obligors prior to breach of a bond; amending s. 903.26, F.S., increasing the time period and conditions under which a surety may obtain discharge of a forfeiture; amending s. 903.27, F.S., relating to vacating or staying a forfeiture judgment; amending s. 903.28, F.S., specifying additional conditions for remission of forfeiture; amending s. 903.29, F.S., relating to arrest of principal by surety after forfeiture; amending s. 903.31, F.S., specifying that an original appearance bond does not guarantee the appearance of the defendant at specified hearings; repealing s. 903.285, F.S., relating to eligibility for bail bond following failure to appear and breach of bond; providing an effective date.

—was read the second time by title. On motion by Senator Fox, by two-thirds vote CS for SB 1175 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair

HB 11—A bill to be entitled An act relating to public lands; amending s. 270.11, F.S.; requiring reservation of certain mineral rights when land is sold by any state or local governmental agency or water management district; providing procedures and for deposit of royalties; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 11 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gordon	Malchon	Stuart
Barron	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Jennings	McPherson	Vogt
Dunn	Johnson	Meek	Weinstein
Fox	Kirkpatrick	Myers	
Frank	Kiser	Peterson	
Girardeau	Langley	Plummer	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Neal

Consideration of SM 501 was deferred.

On motions by Senator Weinstein, by two-thirds vote HB 1303 was withdrawn from the Committees on Judiciary-Criminal and Judiciary-Civil.

On motion by Senator Weinstein—

HB 1303—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; prohibiting the destroying or substantial damaging of a public telephone and providing a penalty therefor; requiring the posting of conspicuous notice; providing an effective date.

—a companion measure, was substituted for SB 1137 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 1303 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne

SB 1137 was laid on the table.

The President declared the Senate in informal recess at 4:15 p.m.

The Senate was called to order by the President at 4:57 p.m. A quorum present—37:

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

LOCAL CALENDAR

SB 805—A bill to be entitled An act relating to Palm Beach Junior College, Palm Beach County; amending sections 1, 2, and 3 of chapter 79-538, Laws of Florida; providing for an annual ad valorem tax levy, not to exceed one-half mill, for 5 years in the county for the purpose of funding fixed capital outlay expenditures of the junior college; providing that the proceeds of said tax levy shall not reduce state funding for the junior college; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 805 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1344—A bill to be entitled An act relating to Hernando County; establishing and organizing a municipality to be known and designated as the City of Spring Hill in said county; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges and means for exercising the same; prescribing the general powers to be exercised by said city; abolishing the Spring Hill Fire and Rescue District and providing for assumption of its assets and liabilities by the city; providing a referendum.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1344 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Deratany	Grizzle	Langley	Peterson
Dunn	Hair	Malchon	Plummer
Fox	Hill	Mann	Scott
Frank	Jenne	Margolis	Stuart
Gersten	Jennings	McPherson	Thomas
Girardeau	Johnson	Meek	Thurman
Gordon	Kirkpatrick	Myers	Vogt
Grant	Kiser	Neal	Weinstein

Nays—None

HB 361—A bill to be entitled An act relating to Manatee County creating the Myakka City Fire Control District; providing for the inclusion of certain unincorporated land in Manatee County into the Myakka City Fire Control District; providing for a board of fire commissioners; providing for the appointment of commissioners; providing for the authority to levy special assessments and charges; providing for the deposit of collected funds; providing for the use of funds; providing for the borrowing power of the district; providing for the authority and power to acquire certain property; providing for the duties of the board of commissioners; providing for the authority to employ qualified personnel; providing for financial reporting; providing for the existence of the district; providing definitions; providing a schedule of special assessments; providing for impact fees; providing severability; providing for liberal interpretation; providing for repeal of conflicting laws; providing for an effective date.

—was read the second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—On page 1, line 20, strike after "providing for impact fees" and before the second semicolon (;) and insert: on certain building permits and construction plan approvals

Amendment 2—On page 9, between lines 13 and 14, insert:

Section 17. Budget.—The annual budget of the district shall be submitted to the Board of County Commissioners of Manatee County for its approval. Any amendment to the budget during the fiscal year must also be submitted to the board of county commissioners for approval. If the budget or a budget amendment in any year is not approved, approved with modifications, or rejected by the board of county commissioners within 30 days after its submission, the budget or budget amendment shall be deemed to have been approved by the board of county commissioners.

(Renumber subsequent sections.)

On motion by Senator Neal, by two-thirds vote HB 361 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 547—A bill to be entitled An act relating to Monroe County; repealing chapter 65-1942, Laws of Florida, which relates to zoning authority of the county and the municipalities therein, and the granting of variances or amendments to an existing zoning plan; providing an effective date.

—was read the second time by title.

Senator Plummer moved the following amendments which were adopted:

Amendment 1—On page 1, strike line 13 and insert:

Section 2. This act shall take effect only upon approval by a majority vote of the electors of Monroe County voting in a referendum election which shall be called and held by the Board of County Commissioners in Monroe County at the next general election. There shall be at least 30 days' notice of the election as provided by s. 100.343, Florida Statutes.

Amendment 2—In title, on page 1, line 7, after "date" insert:.; requiring a referendum

On motion by Senator Plummer, by two-thirds vote HB 547 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1003—A bill to be entitled An act relating to County Line Drainage District in Lee County; adding section 14 to chapter 67-723, Laws of Florida, relating to qualifications for members of the Board of Supervisors; providing an effective date; repealing chapters 67-723 and 81-408, Laws of Florida; abolishing the district and providing for assumption by the Board of County Commissioners of Lee County of the responsibility for the debts and obligations of the district and the operation and maintenance of the drainage control structures and systems of the district; providing that a municipal service taxing unit may be established by the board to assume such responsibility; providing an effective date.

—was read the second time by title.

Senator Neal moved the following amendment which was adopted:

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

Section 2. A program to monitor the flow of water around the northwest corner of the northerly County Line Drainage District dike shall be instituted to ascertain the magnitude of the water flow to the south and west of the northwest corner of the dike. If monitoring the flow of water around the northwest corner of the northerly County Line Drainage District dike indicates water flow in excess of predevelopment conditions as ascertained by good engineering practice, then appropriate steps shall be taken to modify the drainage system to mitigate the flow around the northwest corner of the northerly County Line Drainage District dike.

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

On motion by Senator Neal, by two-thirds vote HB 1003 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1062—A bill to be entitled An act relating to the City of Delray Beach, Palm Beach County; amending section 10 of chapter 25784, Laws of Florida, 1949, as amended, relating to the civil service act of said city; providing clarifications to the functions, procedures, role, and orders of the civil service board and the board counsel; providing separation of the provisions regarding appeals into subsections entitled "appeals and appeal procedures," "terminations," "demotions and suspensions without pay in excess of 7 days," "selection of board counsel," and "hearing procedures," and providing a restructuring to have separate provisions under each such subsection to clarify the appellate process; providing clarification that matters which are not disciplinary actions, although such matters may involve certain personnel actions, including terminations for failure to have or maintain job qualifications and requirements, are not appealable to the civil service board; providing clarification that all decisions of the civil service board shall be by simple majority vote and that such decisions to be advisory only regarding the severity of discipline, if any, where the board counsel format is utilized; providing for prehearing stipulation and for providing portions to the civil service board where the

board counsel format is utilized; providing for deletion of provisions declaring the board chairman to act as presiding officer; providing severability; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 11, strike all of lines 9-15 and insert:

Section 3. Chapter 25784, Laws of Florida, 1949, as amended, does not apply to any employees of the City of Delray Beach who are members of the bargaining unit represented by the International Brotherhood of Firemen and Oilers, Local 1227, as certified by the Delray Beach Public Employees Relations Commission by order dated July 15, 1985.

Section 4. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 2, between lines 3 and 4, insert: exempting certain city employees from chapter 25784, Laws of Florida, 1949, as amended, relating to civil service;

On motion by Senator D. Childers, by two-thirds vote HB 1062 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Myers, by two-thirds vote HB 1064 was withdrawn from the Committee on Natural Resources and Conservation.

HB 1064—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District; amending section 8 of chapter 71-822, Laws of Florida, as amended, providing for a change in the method of collection and enforcement of unpaid fees and charges for the services and facilities of the Loxahatchee River Environmental Control District; providing that unpaid fees and charges for the services and facilities of the Loxahatchee River Environmental Control District shall constitute liens on any parcel or property affected thereby; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1064 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1068—A bill to be entitled An act relating to Palm Beach County; relating to the Palm Beach County Solid Waste Authority; amending section 2, chapter 75-473, Laws of Florida, as amended, removing the prohibition of solid waste collection by the authority; amending section 7, chapter 75-473, Laws of Florida, as amended, providing that the authority may provide billing service for solid waste collection fees for the unincorporated portions of Palm Beach County pursuant to written contract between county and authority and for municipalities in Palm Beach County pursuant to interlocal agreement; providing that collection fees shall be established by the Board of County Commissioners of Palm Beach County; adding new sections 8, 9, and 10 to chapter 75-473, Laws of Florida, as amended, pertaining to the imposition, levying, and collection of annual disposal special assessments; providing definitions; providing a purpose; providing determination of annual disposal special assessments; providing public hearing; setting forth method of collection; providing scope; providing discounts for early payment; providing delinquency; providing that the annual disposal special assessments shall constitute a lien on improved real property; providing payment of annual disposal special assessments and discharge of recorded liens; providing enforcement of delinquent assessments; providing that all governmental agencies owning improved real property within the incorporated and unincorporated areas of the county shall pay the annual disposal special assessments; providing that discount for early payment is not applicable to governmental agencies; providing delinquencies of assessments imposed against property owned by governmental agencies; providing that provisions set forth herein imposing a lien against property and method of enforcement shall not apply to property owned by governmental agencies; providing applicability of annual disposal special assessments to tax exempt improved real property; providing collection of annual disposal special assessments by the tax collector; providing purpose; providing determination of annual disposal special assessments; providing public hearing; providing method of collection of annual disposal special assessments; providing scope; providing enforcement and collection of annual disposal special assessments; providing payment of annual disposal special assessments; providing enforcement of delinquent annual special assessments; providing certification of a rate resolution to the property appraiser and tax collector; providing for annual disposal special assessments to governmental agencies; providing applicability of annual disposal special assessments to tax exempt improved real property; providing additional proceedings to enable the collection of annual disposal special assessments in same manner as ad valorem taxes; providing that solid waste collection assessments may be imposed in the same manner as solid waste disposal assessments; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1068 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for HB 1078—A bill to be entitled An act relating to Martin County; providing definitions; granting authority to the Board of County Commissioners of Martin County to enact ordinances relating to animal control or cruelty; providing for certain minimum provisions in animal control or cruelty ordinances; creating "animal control officers" to issue citations; requiring the issuance of citations for violation of animal control or cruelty ordinances; providing authority for the Board of County Commissioners of Martin County to enact animal control or cruelty ordinances not in conflict with state law; providing a penalty for the willful refusal to sign and accept a citation; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB 1078 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1086—A bill to be entitled An act relating to Hardee County; enabling the City of Wauchula to exercise its police power on city property located outside the corporate limits of the city and to otherwise enforce ordinances of the city and laws of the state therein; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 1086 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1088—A bill to be entitled An act relating to St. Lucie County; relating to the enforcement of the St. Lucie County Animal Control Ordinance and the City of Port St. Lucie Animal Control Ordinance; providing for the issuance of citations; requiring compliance with the respective animal control ordinance; allowing specific penalities for the violation thereof; authorizing enactment of an ordinance establishing procedures to implement this act; providing severability; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 3, strike all of lines 24-28 and insert: physical arrests or take any person into custody. This act does not amend, alter, or contravene the provisions of any state-administered retirement system or any state-supported retirement system established by general law. Enforcement officers are not required to be certified by the Criminal Justice Standards and Training Commission.

On motion by Senator Myers, by two-thirds vote HB 1088 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1151—A bill to be entitled An act relating to Sarasota County, the City of Sarasota; providing mooring requirments for boats anchored within the City of Sarasota; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 1151 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1262—A bill to be entitled An act relating to the City of Jacksonville; establishing a solid waste disposal and resource recovery system within the territorial boundaries of the general services district; providing for the collection and disposal of all solid waste generated or brought within the area affected by this act; authorizing the city to finance, acquire, construct, and operate or provide for the construction and operation or enter into a franchise agreement for the financing, acquisition, improvement, construction, operation, maintenance, or ownership of solid waste disposal and resource recovery facilities; providing definitions; providing a declaration of state policy; vesting exclusive powers in the city to control the collection and disposal of solid waste within the area affected by this act; providing for the sale of resources recovered and energy generated by the facilities; authorizing the use of rights-of-way, easements, and other similar property rights of the state and its local agencies; providing an exemption from the provisions of the Florida Antitrust Act of 1980; providing that the application of the Florida Electrical Power Plant Siting Act to the facilities of any solid waste disposal and resource recovery system authorized by this act shall be at the election of the city; prescribing standards with which any solid waste disposal and resource recovery system covered by this act must conform; providing that all other prior inconsistent laws are superseded; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1262 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1347—A bill to be entitled An act relating to Hernando County; establishing and organizing a municipality to be known and designated as the City of Spring Hill in said county; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges and means for exercising the same; prescribing the general powers to be exercised by said city; abolishing the Spring Hill Fire and Rescue District and providing for assumption of its assets and liabilities by the city; providing a referendum.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1347 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1349—A bill to be entitled An act relating to Franklin County; creating the Carrabelle Port and Airport Authority Act; providing definitions; establishing boundaries and providing for purpose; providing for officers and duties; providing for a budget; providing for expenditures; providing for powers of authority; providing for bonding power and

rights; providing that obligations constitute legal investment; granting power to fix rates, tolls, etc., for use of facilities owned or controlled by authority; granting same powers as Boards of Pilot Commissioners and power to appoint pilots and a harbor master and prescribe their duties; granting power to grant and revoke Stevedore licenses; declaring port and airport facilities and income therefrom nontaxable public property; providing for severability; providing an effective date.

—was read the second time by title.

Senator Barron moved the following amendments which were adopted:

Amendment 1—On page 24, strike all of lines 10-25

Amendment 2—In title, on page 1, strike all of lines 16-18 and insert: and revoke Stevedore licenses; providing for

On motion by Senator Barron, by two-thirds vote HB 1349 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1373—A bill to be entitled An act relating to Okaloosa County; creating the Mid-Bay Bridge Authority; providing definitions; providing for membership, terms of office, officers, quorum, meetings, and removal of authority members; providing powers of authority; providing for an annual budget; providing for notice of meetings; providing bonding power and rights; providing for cooperation with Department of Transportation; providing an annual audit; providing an effective date.

—was read the second time by title.

Senator Barron moved the following amendment which was adopted:

Amendment 1—On page 12, line 7, strike "June 1, 1986" and insert: upon becoming a law.

On motion by Senator Barron, by two-thirds vote HB 1373 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1375—A bill to be entitled An act relating to Sumter County; providing for the creation of the Sumter County Airport Authority; providing definitions; providing that the membership shall consist of appointees of the Board of County Commissioners of Sumter County; providing powers and duties; providing for preparation of a budget for approval by the board of County Commissionersof Sumter County; providing for contracts; providing for action by resolution; providing for contributions of certain political subdivisions ; providing for contributions of certain political subdivisions; providing for a tax exemption; providing that this act shall be a supplemental method of doing things authorized; providing severability; providing for liberal construction; providing that inconsistent laws shall be declared inapplicable; providing for a referendum.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 16-31 and renumber subsequent sections.

Amendment 2—In title, on page 1, lines 18-19, strike "providing for contributions of certain political subdivisions;"

On motion by Senator Langley, by two-thirds vote HB 1375 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of HB 1419 was deferred.

On motion by Senator Barron, by two-thirds vote HB 1418 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

HB 1418—A bill to be entitled An act relating to the Okaloosa County Gas District; amending chapter 29334, Laws of Florida, 1953, as amended; adding section 32 to redefine the area of service with respect to the territory served by the gas distribution system in Walton County; amending section 8 to allow the Board of County Commissioners of Okaloosa County to appoint a member to the board of directors of the district to represent the interest of the unincorporated areas; amending section 11, to eliminate the limitation of a maximum of 6 percent per annum interest on bonds, revenue certificates, or other financial obligations issued by the district; amending section 18, providing for distribution of the net profits of the district and providing a termination date for distribution of net profits to member municipalities; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 1418 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Neal, by two-thirds vote HB 1186 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

Consideration of HB 1186 was deferred.

On motion by Senator Barron, by two-thirds vote HB 1128 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

HB 1128—A bill to be entitled An act relating to Bay County; amending sections 1, 2, 3, 5, 8, 14, and 23, adding a new section 12, and repealing sections 10 and 12 of chapter 83-370, Laws of Florida; defining the term "charge"; authorizing the county to enter into exclusive or non-exclusive agreements for the financing, acquisition, improvement, construction, operation, maintenance and/or ownership of solid waste disposal and

resource recovery facilities; establishing methodology by which the county is to prescribe rates, fees and other charges for the utilization of the services and facilities of the solid waste disposal and resource recovery system; authorizing the sale of facilities; repealing the allowance for a Technical Management Committee; repealing the requirement that charges made for any facilities or services rendered by the solid waste disposal and resource recovery system to the county shall be at least equal to those applicable to other customers under similar circumstances; providing for an exemption from Public Service Commission regulation; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 1128 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Myers, by two-thirds vote HB 1063 was withdrawn from the Committee on Natural Resources and Conservation.

HB 1063—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District; amending section 4(10) of chapter 71-822, Laws of Florida, as amended, providing for compensation to the governing board of the Loxahatchee River Environmental Control District; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1063 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Jennings, by two-thirds vote HB 1035 was withdrawn from the Committee on Education.

HB 1035—A bill to be entitled An act relating to Orange County, authorizing the Orange County School Board to construct two modular classroom elementary schools; providing for monitoring by the Office of Educational Facilities; providing for reporting to the Legislature; exempting the Orange County School Board from the provisions of s. 235.31(1)(a), F.S., which places limitations on the use of day-labor; providing for the repeal of Section 3; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 1035 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 666—A bill to be entitled An act relating to the South Brevard Water Authority; amending sections 1, 4, 6, 10, and 13, chapter 83-375, Laws of Florida; providing legislative intent; providing for appointments to fill vacancies on the governing board; authorizing the district to furnish water outside the district; granting new powers and duties to the authority; establishing limitations on its powers; establishing a procedure to amend the authority budget and boundaries; providing an effective date.

—was read the second time by title.

Senators Deratany and Vogt offered the following amendments which were moved by Senator Deratany and adopted:

Amendment 1—On page 3, line 30, strike *"or without"*

Amendment 2—On page 4, lines 18 and 19, strike *"for or on behalf of the Authority"*

Amendment 3—On page 5, line 11, strike *"and without"*

Amendment 4—On page 5, line 13, strike *"or without"*

Amendment 5—On page 13, lines 3-30, and on page 14, lines 1-7, strike all of said lines and insert:

(15) To conduct hydrogeological and hydrological testing within and without the district. It is the intent of the Legislature that the hydrogeological and hydrological testing proceed expeditiously to determine the quantity and quality of the water resources of the area.

(16) To engage in programs of water conservation and reuse and establishment of saltwater encroachment barriers and other measures which protect or preserve potable water resources.

(17) There is a paramount public need to plan for and develop a safe and reliable water supply for the existing and future residents of the East Central Florida area. It is determined that a regional water authority may be a viable alternative to secure and operate a safe and reliable water supply for the area. Therefore, the South Brevard Water Authority is directed to work with the Osceola County and Brevard County Commissions and other interested parties and those entities are urged to participate in a determination of the feasibility of an expanded regional water supply authority to meet the needs of Eastern Osceola County in addition to South Brevard County. Each participant shall individually bear any cost incurred by that participant in this work. The findings of such a study shall be reported to the respective legislative delegations by January 30, 1987.

Amendment 6—On page 14, line 30, after "county." insert: *Within the fifteen (15) days of the meeting adopting the tentative budget, the authority shall advertise in a newspaper of general circulation in the county of Brevard County its intention to finally adopt a budget. A public hearing to finalize the budget shall be held not less than two (2) days and more than five (5) days after the date that the advertisement is first published. During the hearing, the authority shall amend the adopted tentative budget as it sees fit and adopt a final budget. Notice of the budget hearing will be in the following form:*

The Brevard County Water Authority has tentatively adopted a budget for . . . (fiscal year) . . .. A public hearing to make a final decision on the budget and taxes will be held on . . . (date) . . ..

The advertisement shall be no less than one-quarter page in size of a standard-size or a tabloid-size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

Amendment 7—On page 16, strike all of lines 1-24 and renumber subsequent section.

On motion by Senator Deratany, by two-thirds vote SB 666 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Plummer, by two-thirds vote HB 1020 was withdrawn from the Committee on Governmental Operations.

HB 1020—A bill to be entitled An act relating to Monroe County; amending section 10 of chapter 76-441, Laws of Florida; providing that the Florida Keys Aqueduct Authority shall be considered a unit of government with jurisdiction in only one county for the purposes of compliance with ch. 120, F.S., the Administrative Procedure Act; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 1020 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1186—A bill to be entitled An act relating to the East County Water Control District in Lee and Hendry counties; increasing the membership of the board of supervisors and providing for the election of the board by the electors of the district; establishing a subdistrict for that part of the district in Hendry County; providing for elections of subdistrict supervisors by acreage voting; providing a subdistrict budget, tax levy and payment of debts; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 1186 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Fox	Kiser	Myers
Barron	Frank	Langley	Neal
Beard	Girardeau	Malchon	Peterson
Castor	Gordon	Mann	Scott
Childers, W. D.	Grizzle	Margolis	Stuart
Crawford	Jennings	McPherson	Thurman
Crenshaw	Johnson	Meek	Weinstein

Nays—1

Childers, D.

Vote after roll call:

Yea—Hair

On motion by Senator Gordon, the House was requested to return CS for CS for SB 1118.

Senator Dunn presiding

On motion by Senator Jenne, 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 415 and 418—A bill to be entitled An act relating to motor vehicle insurance; creating s. 316.646, F.S.; requiring certain operators of motor vehicles to possess proof of maintenance of required security when operating a motor vehicle; providing for display of proof of maintenance of such security; providing noncriminal and criminal penalties; amending s. 318.14, F.S.; authorizing proof of compliance in lieu of fines for violations in certain circumstances; amending s. 320.02, F.S.; requiring that insurance proof of purchase cards provide notice of the criminal penalty; amending s. 627.733, F.S.; requiring the Department of Highway Safety and Motor Vehicles to suspend the registration and operator's license of any owner or registrant upon receipt of a cancellation notice from an insurer; amending ss. 627.732, 627.733, F.S.; removing the exclusion of taxicabs and limousines from the definition of "motor vehicle" for purposes of such law; excluding taxicabs and limousines from the security requirements of such law; amending s. 627.727, F.S.; clarifying the applicability of provisions authorizing certain motor vehicle lessees to accept or reject uninsured motor vehicle coverage; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Paragraph (a) of subsection (3) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of accidents.—

(3)(a) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident *occurring on public streets and highways of this state in which he estimates that damage to property exceeds the amount of $250, or a motor vehicle accident in which bodily injury or death occurs, either at the time of and at the scene of the accident, or thereafter by interviewing participants or witnesses, shall:*

~~1. Which accident resulted in death or personal injury shall, within 24 hours after completing the investigation, forward a written report of the accident to the department.~~

~~2. Which accident involved a violation of s. 316.027(2), s. 316.061(1), s. 316.193, or s. 316.1931 shall, within 24 hours after completing the investigation, forward a written report of the accident to the department.~~

~~3. In which accident a vehicle was rendered inoperative to a degree which required a wrecker to remove it from traffic may~~, within 24 hours after completing the investigation, forward a written report of the accident to the department ~~when such action is appropriate, in the officer's discretion~~.

However, in every case in which a written report is not required, the law enforcement officer shall provide each party involved in the accident a short-form report as prescribed by the department, which report must include, but is not limited to: the date, time, and location of the accident; a description of the vehicles involved; the names and addresses of the parties involved; the names and addresses of witnesses; the name, badge number, and law enforcement agency of the officer investigating the accident; and the names of the insurance companies for the respective parties involved in the accident.

Section 2. Subsection (3) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(3) APPLICATION AND FEE.—The application for the license shall be in such form as may be prescribed by the department and subject to such rules with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name and birth date of the person or persons applying therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and prior business in which the applicant has been engaged and the location thereof. Such application shall describe the exact location of the place of business and shall state whether the place of business is owned in fee simple by the applicant and when acquired, or, if leased, a true copy of the lease shall

be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence, that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale, and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which will be available at all reasonable hours to inspection by the department, any of its inspectors, *or* other employees~~, or by any law enforcement officer~~. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location. Such application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. Such application shall contain such other relevant information as may be required by the department, including a statement that the applicant is insured under a garage liability insurance policy, which shall include, at a minimum, $25,000 combined single limit liability coverage including bodily injury and property damage protection, $10,000 personal injury protection, and $20,000 uninsured motorist coverage. The application shall be accompanied by an official credit report and a sworn statement of two reputable persons of the community in which the principal place of business is to be located certifying to the good moral character of the applicant and that the facts set forth in the application are true. Upon making such initial application, the person applying therefor shall pay to the department a fee of $300 in addition to any other fees now required by law; upon making a subsequent renewal application, the person applying therefor shall pay to the department a fee of $75 in addition to any other fees now required by law. Upon making an application for a change of location, the person shall pay a fee of $50 in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. The department shall verify those items in the application relating to the applicant's past criminal record by way of, but not limited to, the complete records available through the Florida and national crime information centers and his financial references. The department shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

Section 3. Subsection (2) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of accidents; suspensions of licenses and registrations.—

(2)(a) Thirty days after receipt of notice of any accident described in paragraph (1)(a) involving a motor vehicle within this state, the department shall suspend, after due notice and opportunity to be heard, the license of each operator and all registrations of the owner of the vehicles operated by such operator whether or not involved in such accident and, in the case of a nonresident owner or operator, shall suspend such nonresident's operating privilege in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence satisfactory to the department that:

1. No injury was caused to the person or property of anyone other than such operator or owner.

2. The motor vehicle was legally parked at the time of such accident.

3. The motor vehicle was owned by the United States Government, this state, or any political subdivision of this state or any municipality therein.

4. Such operator or owner has been finally adjudicated not to be liable for damages by a civil court of competent jurisdiction.

5. Such operator or owner has secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said accident and has complied with one of the provisions of s. 324.031.

6. Such operator or owner has deposited with the department security to conform with s. 324.061 when applicable and has complied with one of the provisions of s. 324.031.

7. One year has elapsed since such owner or operator was suspended pursuant to subsection (3), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

(b) This subsection shall not apply:

1. To such operator or owner if such operator or owner had in effect at the time of such accident or traffic conviction an automobile liability policy with respect to all of the registered motor vehicles owned by such operator or owner.

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident or traffic conviction an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him.

3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance or bond.

4. To any person who has obtained from the department a certificate of self-insurance, in accordance with s. 324.171, or to any person operating a motor vehicle for such self-insurer.

~~5. Such owner or operator was not charged with a moving traffic violation which caused or contributed to the cause of a motor vehicle accident, or such owner or operator was subsequently not found guilty of said moving traffic violation.~~

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

Section 4. Paragraph (a) of subsection (1) of section 324.151, Florida Statutes, is amended to read:

324.151 Motor vehicle liability policies; required provisions.—

(1) A motor vehicle liability policy to be proof of financial responsibility under s. 324.031(1), shall be issued to owners or operators under the following provisions:

(a) An owner's liability insurance policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby granted and shall insure the owner named therein and any other person as operator using such motor vehicle or motor vehicles with the express or implied permission of such owner, against loss from the liability imposed by law for damage arising out of the ownership, maintenance, or use of such motor vehicle or motor vehicles, within the United States or the Dominion of Canada, subject to limits, exclusive of interest and costs with respect to each such motor vehicle as is provided for under s. 324.021(7). ~~Each policy shall contain an optional provision for a deductible relating to property damage coverage in an amount not to exceed $500; provided, however, that such deductible provision in a policy shall not be required when the owner named in the policy specifically rejects the provision.~~

Section 5. Section 627.4132, Florida Statutes, is amended to read:

627.4132 Stacking of coverages prohibited.—

(1) If an insured or named insured is protected by any type of motor vehicle insurance policy for liability, personal injury protection, or other coverage, the policy shall provide that the insured or named insured is protected only to the extent of the coverage he has on the vehicle involved in the accident. However, if none of the insured's or named insured's vehicles is involved in the accident, coverage is available only to the extent of coverage on any one of the vehicles with applicable coverage. Coverage on any other vehicles shall not be added to or stacked upon that coverage. This *subsection* ~~section~~ does not apply:

(a)~~(1)~~ To uninsured motorist coverage.

(b)~~(2)~~ To reduce the coverage available by reason of insurance policies insuring different named insureds.

(2) With regard to a commercial garage or commercial automobile fleet policy issued to a commercial risk covering two or more vehicles, the policy shall provide that the insured or named insured is protected only to the extent of the uninsured motorist coverage that is on the vehicle involved in that accident. Coverage on any other vehicle insured under the policy shall not be added to or stacked upon that coverage. The provisions of this subsection shall not be deemed to affect the current law regarding the stacking of any type of motor vehicle insurance coverage, except to the extent specifically addressed by this subsection.

Section 6. Subsections (1) and (2) of section 627.727, Florida Statutes, are amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(1) No *primary* motor vehicle liability insurance policy shall be delivered or issued for delivery in this state with respect to any ~~specifically insured or identified~~ motor vehicle registered or principally garaged in this state unless uninsured motor vehicle coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However, the coverage required under this section is not applicable when, or to the extent that, any insured named in the policy rejects the coverage in writing. When a motor vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist coverage or to select lower limits than the bodily injury liability limits, *regardless of whether the lessor is qualified as a self-insurer pursuant to s. 324.171.* Unless the named insured, or lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage or requests higher uninsured motorist limits in writing, the coverage or such higher uninsured motorist limits need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits when the named insured or lessee had rejected the coverage. When the named insured or lessee has initially selected limits of uninsured motorist coverage lower than his bodily injury liability limits, higher limits of uninsured motorist coverage need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits unless the named insured requests higher uninsured motorist coverage in writing. The rejection or selection of lower limits shall be made on a form approved by the Insurance Commissioner. The form shall fully advise the applicant of the nature of the coverage and shall state that the coverage is equal to bodily injury liability limits unless lower limits are requested or the coverage is rejected. The heading of the form shall be in 12-point bold type and shall state: "You are electing not to purchase certain valuable coverage which protects you and your family or you are purchasing uninsured motorist limits less than your bodily injury liability limits when you sign this form. Please read carefully." If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits. The insurer shall notify the named insured at least annually of his options as to the coverage required by this section. Such notice shall be part of the notice of premium, shall provide for a means to allow the insured to request such coverage, and shall be given in a manner approved by the department. The coverage described under this section shall be over and above, but shall not duplicate, the benefits available to an insured under any workers' compensation law, personal injury protection benefits, disability benefits law, or similar law; under any automobile medical expense coverage; under any motor vehicle liability insurance coverage; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident; and such coverage shall cover the difference, if any, between the sum of such benefits and the damages sustained, up to the maximum amount of such coverage provided under this section. The amount of coverage available under this section shall not be reduced by a setoff against any coverage, including liability insurance. Such coverage shall not inure directly or indirectly to the benefit of any workers' compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law or similar law.

(2) The limits of uninsured motorist coverage shall be not less than the limits of bodily injury liability insurance purchased by the named insured, or such lower limit complying with the rating plan of the company as may be selected by the named insured. The limits set forth in this subsection, and the provisions of subsection (1) which require uninsured motorist coverage to be provided in every *primary* motor vehicle policy delivered or issued for delivery in this state, do not apply to any policy which does not provide primary liability insurance ~~that includes coverage for liabilities arising from the maintenance, operation, or use of a specifically insured motor vehicle~~. However, an insurer issuing such a policy *may* ~~shall~~ make available as a part of the application for such policy, and at the written request of an insured, limits up to the bodily injury liability limits contained in such policy.

(Renumber subsequent sections.)

Amendment 2—On page 6, line 25, strike "shall" and insert: *may* ~~shall~~

Amendment 3—On page 1 in the title, line 2, after the semicolon (;) insert: amending s. 316.066, F.S.; changing the circumstances in which an investigating law enforcement officer must file an accident report with the Department of Highway Safety and Motor Vehicles; amending s. 320.27, F.S.; deleting a restriction upon the issuance of motor vehicle dealers licenses; amending s. 627.733, F.S.; requiring the Department of Highway Safety and Motor Vehicles to suspend the registration and operator's license of any owner or registrant upon receipt of a cancellation notice from an insurer; amending s. 324.051, F.S.; deleting an exemption from provisions relating to license and vehicle registration suspensions for certain accidents; amending s. 324.151, F.S.; deleting a deductible requirement on property damage coverage in motor vehicle liability insurance policies; amending s. 627.4132, F.S.; prohibiting certain stacking of coverage in certain commercial vehicle insurance policies; amending s. 627.727, F.S.; clarifying authority of certain vehicle lessees to determine the need for certain coverage; applying certain uninsured motorist insurance requirements to primary motor vehicle policies and eliminating the requirement that other insurers make available uninsured motorist coverage up to certain limits;

Amendment 4—On page 10, between lines 22 and 23, insert:

Section 8. Subsection (1) of section 627.732, Florida Statutes, is amended to read:

627.732 Definitions.—As used in ss. 627.730-627.7405:

(1) "Motor vehicle" means any self-propelled vehicle with *two* ~~four~~ or more wheels which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semitrailer designed for use with such vehicle and includes:

(a) A "private passenger motor vehicle," which is any motor vehicle which is a sedan, station wagon, or jeep-type vehicle and, if not used primarily for occupational, professional, or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type.

(b) A "commercial motor vehicle," which is any motor vehicle which is not a private passenger motor vehicle.

The term "motor vehicle" does not include a mobile home or any motor vehicle which is used in mass transit or public school transportation and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit or public school transportation authority, or a political subdivision of the state. Further, the term "motor vehicle" does not, except for the purposes of s. 627.7372, include any motor vehicle of any type used as a taxicab or limousine.

(Renumber subsequent sections.)

Amendment 5—On page 1 in the title, line 2, after the semicolon (;) insert: amending s. 627.732, F.S., redefining the term "motor vehicle";

Amendment 6—On page 10, between lines 22 and 23, insert a new Section 8 to read:

Section 8. Subsection (1) of section 627.829, Florida Statutes, is amended to read:

627.829 Approval, disapproval of application; license renewal.—

(1)~~(a)~~ The department shall issue the license ~~to engage in the business of an insurance premium finance company upon being satisfied that the requirements of s. 627.828 have been met and that, for an initial license, the issuance of the initial license will contribute to and promote the convenience and advantage of the residents of this state by providing a necessary additional market for the financing of insurance premiums~~, unless it finds~~, for an initial license or any renewal thereof~~, that the management of the premium finance company filing the application is so lacking in managerial experience as to make the proposed operation hazardous to the insurance-buying public or unless it has good reason to believe the management of the premium finance company is affiliated directly or indirectly through ownership, control, or in other business relations with any person whose business operations are or have been marked as detrimental to the public, policyholders, stockholders, investors, or creditors by manipulation of assets or of accounts or by bad faith.

~~(b) In determining whether an applicant meets the convenience and advantage requirements, the department shall consider all materially relevant factors, including:~~

~~1. The location and services offered by existing insurance premium finance companies, credit unions, savings and loan associations, banks, and other lending institutions, as defined under chapter 516, chapter 657, chapter 658, chapter 664, or chapter 665, or their federally chartered counterparts.~~

~~2. The general economic and demographic characteristics of the area to be served.~~

~~3. Whether local conditions indicate reasonable promise of successful operation for the proposed insurance premium finance company and its impact on those insurance premium finance companies and other lending institutions already established in the primary service area. In determining whether an applicant meets the requirements of this subparagraph, the department shall consider all materially relevant factors, including:~~

~~a. Economic and demographic conditions and the growth potential of the community and county in which the proposed insurance premium finance company intends to locate.~~

~~b. The growth rate, size, financial strength, and operating characteristics of insurance premium finance companies and other lending institutions already located in the service area of the proposed insurance premium finance company.~~

Amendment 7—On page 1 in the title, line 27, after the semicolon (;) insert: amending s. 627.829, F.S., deleting factors for department approval of issuance of a license to premium finance companies;

On motions by Senator Gordon, the Senate refused to concur in House Amendments 1, 2, 3, 4 and 5 and the House was requested to recede. On motions by Senator Gordon, the Senate concurred in House Amendments 6 and 7. The action of the Senate was certified to the House.

CS for SB's 415 and 418 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Kirkpatrick

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 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; limiting the liability of county sheriffs under certain circumstances; 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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 13, lines 11 and 12, strike all of said lines and insert:

Section 11. Subsection (5) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(1) "Bonds" or "revenue bonds" means the bonds authorized to be issued by any local agency under this part, which may consist of a single bond. The term "bonds" or "revenue bonds" also includes a single bond, a promissory note or notes, or other debt obligations evidencing an obligation to repay borrowed money together with any security instruments or agreements securing repayment of such borrowed money and payable solely from the revenue derived from the sale, operation, or leasing of any project or other payments received under financing agreements with respect thereto.

(2) "Cost," as applied to any project, shall embrace:

(a) The cost of construction;

(b) The cost of acquisition of property, including rights in land and other property, both real and personal and improved and unimproved;

(c) The cost of demolishing, removing, or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated;

(d) The cost of all machinery and equipment, financing charges, interest prior to and during construction, and, if deemed advisable by the local agency, for a period not exceeding 1 year after completion of construction, the cost of engineering and architectural surveys, plans, and specifications; and

(e) The cost of consultant and legal services, other expenses necessary or incident to determining the feasibility or practicability of constructing such project, administrative and other expenses necessary or incident to the construction of such project, and the financing of the construction thereof, including reimbursement to any state or other governmental agency or any lessee of such project for such expenditures made with the approval of the local agency that would be costs of the project hereunder had they been made directly by the local agency.

(3) "Governing body" means the board, commission, or other governing body of any local agency in which the general legislative powers of such local agency are vested.

(4) "Local agency" means any county or municipality existing or hereafter created pursuant to the laws of the state or any special district or other local governmental body existing or hereafter created pursuant to the laws of the state, the purpose for the creation of which could reasonably be interpreted to be consistent with the issuance of revenue bonds to finance the cost of projects within the meaning of this part.

(5) "Project" means any capital project comprising an industrial or manufacturing plant, a research and development park, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, *a correctional or detention facility*, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, *a correctional or detention facility*, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, a hazardous or solid waste facility, or a mass commuting facility, and other facilities, including research and development facilities, for manufacturing, processing, assembling, repair-

ing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, *a correctional or detention facility,* a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, agricultural processing or storage facility, warehousing or distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, *a correctional or detention facility,* motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, pollution-control facility, hazardous or solid waste facility, or a mass commuting facility and any one or more combinations of the foregoing.

(6) "State" means the State of Florida.

(7) "Research and development park" means a center of research and development activity, including scientifically oriented production or educational programs of postsecondary educational institutions, consisting of research and development facilities, scientifically oriented production or assembly facilities, research institutes, testing laboratories, related business, government installations, and similar facilities, together with land, including all necessary appurtenances, rights, and franchises relating thereto with related buildings, facilities, and personal properties, but only to the extent that such facilities are incidental or complimentary to the purposes of a research and development park and to the uses reasonably incidental to or in support of any facilities or improvements located or constructed at such a center or of activities or operations conducted at such a center for purposes authorized by this subsection.

(8) "Agricultural processing or storage facility" means property used or useful in the separation, cleaning, processing, converting, packaging, handling, storing, and other activities necessary for the preparation of crops, livestock, related products, and other products of agriculture, including nonfarm facilities for production of agricultural products in whole or in part through natural processes, animal husbandry, and apiary.

(9) "Warehousing or distribution facility" means property used or useful in the storage or centralized distribution of products of, resulting from, or used in manufacturing, agriculture, fishing, or mining, including, without limitation thereto, warehouses, distribution centers, freight terminals, and elevators, but excluding storage facilities serving a single retail outlet.

(10) "Headquarters facility" means property used for or useful in connection with an international, national, or regional headquarters office of a multinational or multistate business enterprise or national trade association, whether separate from or connected with other facilities used by such business enterprise.

(11) "Tourism facility" means property used for or useful in connection with theme parks; zoological gardens; amusement parks; major art, historical, educational, or trade museums; cultural or performing arts centers; or spectator or participatory sports facilities generally available to the public, including, without limitation thereto, marinas, arenas, beaches, bathing facilities, golf courses, theaters, auditoriums, racetracks, and frontons.

(12) "Public lodging or restaurant facility" means property used for any public lodging establishment as defined in s. 509.242 or public food service establishment as defined in s. 509.013(5) if it is part of the complex of, or necessary to, another facility qualifying under this part.

(13) "Convention or trade show facility" means property used for or useful in connection with conventions and trade shows, including special purpose buildings and structures, such as meeting halls and display areas, which are generally used and generally available to house conventions or trade shows.

(14) "Urban parking facilities" means property used or useful in connection with eliminating traffic congestion and urban blight, improving access and egress, and providing for development or redevelopment of central cities.

(15) "Trade center" means property used for or useful in connection with the providing of a centralized location for the promotion and conduct on a continuing basis of national or international trade or trade pertaining to particular segments of the national or international economy, including, without limitation thereto, meeting and display areas, communication centers, and offices.

(16) "Health care facility" means property operated in the private sector, whether operated for profit or not, used for or useful in connection with the diagnosis, treatment, therapy, rehabilitation, housing, or care of or for aged, sick, ill, injured, infirm, impaired, disabled, or handicapped persons, without discrimination among such persons due to race, religion, or national origin; or for the prevention, detection, and control of disease, including, without limitation thereto, hospital, clinic, emergency, outpatient, and intermediate care, including, but not limited to, facilities for the elderly such as adult congregate living facilities, facilities defined in s. 154.205(8), day care and share-a-home facilities, nursing homes, and the following related property when used for or in connection with the foregoing: laboratory; research; pharmacy; laundry; health personnel training and lodging; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services; provided, if required by ss. 381.493-381.499 and ss. 400.601-400.614, a certificate of need therefor is obtained prior to the issuance of the bonds.

(17) "Airport or port facility" means any one or more facilities within the definition of "airport" in s. 330.27, or within the definitions of "harbor and port facilities" in s. 159.02 or "port facilities" in s. 315.02, including any property used by or useful for services to, or the convenience of, freight or passenger carriers, aircraft, vessels, passengers, or otherwise functionally related or subordinate to airport or port facilities as so defined.

(18) "Financing agreement" means a lease, lease-purchase agreement, lease with an option to purchase, sale or installment sale agreement, whether title passes in whole or in part at any time prior to, at, or after completion of the project, loan agreement, or other agreement forming the basis for the financing under this part, including any agreements, guarantees, or security instruments forming part of or related to providing assurance of payment of the obligations under such financing agreement.

(19) "Commercial project in an enterprise zone" means buildings, building additions or renovations, or other structures to be newly constructed and suitable for use by a commercial enterprise, and includes the site on which such building or structures are located, located either in an area designated as an enterprise zone pursuant to s. 290.005 and approved by the secretary of the Department of Community Affairs pursuant to s. 290.006 or in an area authorized to be an enterprise zone pursuant to s. 290.0055 and approved by the secretary of the Department of Community Affairs pursuant to s. 290.0065. For the purposes of this section, the term "enterprise zone" has the same meaning as in s. 290.004(1).

(20) "Motion picture production facility" means property used for or useful in connection with the preparation of motion picture or television productions produced for showing on screens or television for theatrical, commercial, advertising, or educational purposes utilizing live, animated, or a combination of live and animated actions, including, without limitation thereto, sound stages, editing facilities, facilities for production of background scenes, wardrobe facilities, recording and sound effects studios, and other facilities necessary or incidental thereto. This term does not include facilities or equipment purchased, leased, or used by television broadcasting or cable companies licensed by the Federal Communications Commission.

(21) "Preservation or rehabilitation of a certified historic structure" means any "certified rehabilitation," as defined in s. 48(g)(2)(C) of the Internal Revenue Code of 1954, as amended, of a "certified historic structure," as defined in s. 48(g)(3) of the Internal Revenue Code of 1954, as amended.

(22) "Educational facility" means property, limited to a structure suitable for use as a dormitory or other housing facility or a dining facility, that is operated in the public sector and used for or useful in connection with the operation of an institution for higher education, as defined in s. 243.20(8), which offers the baccalaureate or a higher degree and that is constructed in compliance with applicable codes as determined by appropriate state agencies.

(23) "Mass commuting facility" has the same meaning as in s. 103(b)(4) of the Internal Revenue Code of 1954, as amended, and the regulations issued thereunder.

Section 12. Section 950.001, Florida Statutes, is created to read:

950.001 Regional jails.—

(1) Any combination of two or more counties may establish a regional jail, which shall be maintained and operated in accordance with the provisions of chapter 951.

(2) Any regional jail shall be supervised and managed by a board consisting of one county commissioner from each participating county and the sheriff from each participating county. The county commissioner shall be selected by the board of county commissioners of each county, respectively.

(3) Each board shall:

(a) Promulgate rules and regulations relating to the management, maintenance, and operation of the regional jail, provided that such rules and regulations are consistent with Department of Corrections standards.

(b) Acquire land for construction of a regional jail upon approval of participating boards of county commissioners.

(c) Employ required personnel pursuant to chapter 943, giving first priority, wherever possible, to persons employed by the county jails of the participating counties.

(d) Appoint a superintendent for the regional jail.

(e) Purchase casualty and other insurance for protection of the participating counties.

(f) Elect a chairperson and secretary.

(g) Submit an annual report to each of the participating boards of county commissioners and to the secretary of the Department of Corrections which shall be due on July 1 of each year. Such report shall include a summary of activities and budgetary data.

(4) Each participating county shall be responsible for its proportionate share of maintenance, operational, and fixed capital outlay expenses.

(5) Each participating county shall be responsible for the cost of transportation for offenders under the county's jurisdiction for the duration of an inmate's confinement.

(6) A county may elect to withdraw from participation in a regional jail, provided that such withdrawal is approved by a unanimous vote of the regional jail board and the boards of county commissioners of all participating counties.

(7) The withdrawing county shall remain obligated for the payment of its proportionate share of any lease agreement entered into by participating counties, unless otherwise provided by the regional jail board.

Section 13. Section 242.68, Florida Statutes, is created to read:

242.68 Education for State Prisoners.—

(1) There is hereby created a Correctional Education School Authority attached to the Department of Corrections which shall be composed of the educational and library facilities of all institutions operated by the Department of Corrections and shall be supervised by a Board of Correctional Education. All education-related property assigned to the Department of Corrections, unexpended balances of appropriations or allocations of other funds, programs, activities and functions of the correctional education program shall be assigned to the school authority by July 1, 1987. Facilities and maintenance of facilities that house the education programs shall continue to be assigned to the Department of Corrections. All education-related positions, including central office administrative positions, shall be assigned to the school authority.

(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 and two nonvoting members. Membership shall be as follows:

1. Two voting ex-officio members, which shall be the Commissioner of Education and the Secretary of Corrections.

2. Five voting members appointed by the Governor and confirmed by the Senate in regular session. Appointed members shall represent the community at large and shall have knowledge of educational or correctional issues. The Commissioner of Education and the Secretary of Corrections may submit recommendations for appointment to the Governor for his consideration. The Governor may remove any member for cause and shall fill vacancies, as appropriate.

3. Two nonvoting ex-officio members, which shall be the secretary of the Department of Labor and Employment Security and the President of Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE).

(b) Members of the board shall serve without compensation but shall be reimbursed for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061.

(c) Members at large shall be appointed for terms of 4 years each, except for initial appointments and whenever a vacancy occurs other than by expiration of a term. Initial terms shall be as follows: Two members at large shall be appointed for 2-year terms and three members at large shall be appointed for 4-year terms. Whenever a vacancy occurs of a member at large other than by expiration, the Governor shall appoint a member for the remainder of that term.

(d) No appointed member shall serve more than two consecutive 4-year terms.

(e) Members of the board shall elect a chairman annually.

(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 by 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.

(h) The responsibilities of the board shall be to:

1. Adopt and enforce all necessary rules for the management and operation of education programs within the Department of Corrections. In adopting rules the board shall consider the Department of Corrections operating procedures and goals of correctional education. Rules adopted by the board shall not conflict with Department of Corrections rules relating to security or any applicable rules adopted by the Department of Education as specified in the Florida School Code.

2. Develop written cooperative agreements with the Department of Corrections outlining the duties and responsibilities of the school authority and its staff and Department of Corrections institutional personnel.

3. Establish a task force to plan, organize, and implement the transition to ensure a smooth transfer of responsibilities.

4. Develop guidelines for the school authority staff concerning the behavioral control of inmates while in education programs and the reporting of behavioral problems.

5. Survey the facilities of existing education programs within the institutions and determine the need, extent and cost of renovation and remodeling.

6. In cooperation with the Department of Education, pursuant to s. 229.565, monitor and assess all inmate education program services and report the results of such evaluation in the board's annual report of its activities.

7. Set the compensation and salary of the Director of Correctional Education.

8. Adopt rules governing the compensation and salary of teachers and other education personnel under annual or term contracts.

9. Visit and inspect schools at reasonably frequent intervals.

10. Approve education programs of the appropriate levels and types in the correctional institutions and adopt rules for the admission of inmate students thereto.

11. Enter into agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out its duties and responsibilities. Agreements and contracts for instructional services shall expressly prescribe the qualifications of and the board's expectations for instructors and the educational objectives to be met.

12. Review and approve the budget request for the correctional education program.

13. Review and approve the 5-year comprehensive plan for correctional education.

14. Review and approve goals and objectives relating to all phases of the correctional education program.

15. Report the board's annual activities to the Secretary of Corrections, the Commissioner of Education, the Governor, and the Legislature.

16. Ensure that correctional education programs comply with the policies set by the Board of Correctional Education and with public policies and goals and objectives of the state, which include, in the following order of priority:

(a) Providing every inmate who has an expectation of release from custody within 5 years with the opportunity to achieve functional literacy, specifically the ability to read and write the English language and the ability to perform routine mathematical functions prior to his release or expiration of his sentence.

(b) Providing every inmate who has an expectation of release from custody within 5 years, and who has demonstrated the intellectual capacity to benefit therefrom, with the opportunity to obtain the equivalent of a public high school education. Inmates who wish to receive a standard high school diploma shall be required to meet the graduation requirements provided for in ss. 232.246 and 232.247. The highest priority in achieving this goal shall be focused on those institutions housing youthful offenders as defined in Chapter 958

(c) Ensuring that every inmate who has an expectation of release from custody within 5 years be released possessing at least entry-level marketable vocational skills in one or more occupational fields for which there is a demonstrable demand in the economy of this state.

(d) Ensuring that every inmate be released possessing life management skills which will allow him to function successfully in a free society.

(e) Providing that inmates who demonstrate college-level aptitudes be provided the opportunity to participate in college-level academic programs which may be offered within correctional facilities. Associated costs shall be borne by the inmate.

(f) Providing that training in the fundamentals of physical education and personal health be an integral part of all academic and vocational education programs. Such training shall include instruction in personal hygiene, general health, and the importance of rules and discipline in athletic contests. Regular vigorous physical exercise shall be emphasized in those correctional facilities housing youthful offenders as defined in chapter 958.

(3) The Board of Correctional Education is created as a body corporate with all powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(a) Have a corporate seal.

(b) Employ personnel or contract with education providers or other authorized entities or agents as may be necessary in its judgment and may fix their compensation.

(c) Have power to contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity.

(d) Receive donations.

(e) Have final rulemaking authority.

(4) There is hereby established the position of Director of Correctional Education who shall be appointed by the Board of Correctional Education and shall serve at the discretion of the board. The director shall:

(a) Supervise the administration of the school authority.

(b) Develop standardized correctional education curricula which shall be in accordance with Department of Education standards.

(c) Ensure that correctional education programs provide minimum performance standards, basic functional literacy skills, and marketable vocational skills which are in accordance with established Department of Education standards.

(d) In cooperation with the Department of Education, pursuant to s. 229.565, F.S., develop a procedure by January 1, 1988, to evaluate the effectiveness of correctional education programs, to include criteria similar to those utilized by the Department of Education.

(e) In concurrence with the institutional superintendent, recommend the institution educational program manager to the board for appointment. After consultation with the institution educational program manager and the institutional superintendent, approve all staff responsible for providing educational programs.

(f) Ensure that all education staff shall be certified in accordance with the Department of Education standards within 2 years. Provision shall be made for the development of individual plans, approved by the Director of Correctional Education, in the event any current education staff member does not qualify for certification and the school authority chooses to hire him. In lieu of certification, correctional librarians must hold a master's degree in library science from a library program accredited by the American Library Association.

(g) Give priority consideration for employment to adversely affected contract employees providing inmate education services who are displaced upon establishment of the Correctional Education School Authority.

(h) Develop a compensation and pay plan for correctional educators which is competitive with school district salaries and includes a step pay plan.

(i) Develop a procedure for maintaining a list of substitute teachers so that students will not be temporarily displaced in the event a regular instructor is absent for any reason. Institution educational program managers shall maintain an active substitute list at all times.

(j) Develop a mechanism to test all offenders committed to the custody of the Department of Corrections, unless said offenders are specifically excluded from the testing requirement by board policy. The test shall be in accordance with acceptable Department of Education testing standards.

(k) Develop a 5-year comprehensive plan for correctional education by June 1, 1988. The plan shall have a 3-year phase-in schedule and shall require the director to:

1. Work with PRIDE to develop training programs for offenders.

2. Develop measurable objectives.

3. Develop quality control mechanisms.

4. Interface academic education and vocational training with participation in prison industries programs.

(l) Develop goals and objectives relating to all phases of the correctional education program.

(m) Develop a staffing and funding formula for correctional education. The formula shall include differential funding levels for various types of programs, shall be based on the number of full-time equivalent students, shall be based on information obtained as a result of unscheduled attendance counts taken by an independent source once per quarter, and shall provide the basis for the legislative budget request. For

purposes of this section, a full-time equivalent student shall be equal to a minimum of 1050 hours of instruction per calendar year, and each course of instruction shall be equal to a minimum of 150 hours of instruction per calendar year. To be eligible to receive credit for the completion of a course required for the receipt of a standard high school diploma or its equivalent, an inmate must be in attendance for 135 hours of instruction which comprise a course. The funding formula shall include the procedure to document daily attendance and shall require that attendance records be retained for audit purposes. Funds generated by the formula per full-time equivalent student shall not exceed the level of state funding per full-time equivalent student generated through the Florida Education Finance Program or Florida Community College Program Fund for students enrolled in comparable education programs provided by public school districts and community colleges. Funds appropriated for education shall be used solely for that purpose and shall not be transferred to any other budget entity for a purpose other than education.

(n) Prepare the legislative budget request for the entire correctional education program and submit it to the Board of Correctional Education. The director shall be responsible for all expenditures pursuant to appropriations.

(o) Immediately implement procedures to secure appropriate entitlement funds from federal and state grant sources to supplement the annual legislative appropriation. These funds shall be utilized expressly for correctional education.

(p) Be responsible, along with the Board of Correctional Education, for all academic education and vocational training programs.

(q) Work with the Department of Corrections in identifying by March 1, 1988, at least one existing correctional facility to convert to a vocational-technical center. Once the site is selected, the Director of Correctional Education, with assistance from the Department of Education, shall develop a comprehensive operational training plan which shall contain the following provisions:

1. The vocational-technical center shall house inmates who have reached a minimum level of proficiency in institutional vocational training programs and provide them with intensified training in their field.

2. Inmates shall become eligible for transfer to the vocational-technical center approximately 1 year prior to their anticipated work release eligibility date, provided they are otherwise qualified.

3. Course offerings at the vocational-technical center shall be in accordance with established Department of Education vocational training standards.

4. Vocational training offered at the vocational-technical center shall be offered either by contract or by Correctional Education School Authority teachers and administrators.

(r) Specify which educational facilities other than the vocational-technical center shall offer vocational training and which programs shall be available. Criteria for making such determinations shall be in accordance with accepted Department of Education standards. Programs not meeting minimum Department of Education standards shall not be offered.

(s) Ensure that vocational training programs complement existing PRIDE programs whenever possible.

(t) In conjunction with the Department of Corrections, determine conditions under which an inmate may be removed from an education program or the classroom. Department of Corrections managers are prohibited from taking inmates out of education programs or clasrooms unless such conditions exist.

(u) Be responsible for renovation and new construction of correctional education facilities.

(v) Conduct a survey of all correctional institutions to identify inmates with special education needs and develop a plan whereby those special needs will be addressed.

Section 14. Subsection (3) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(3) EDUCATION EVALUATION.—The Commissioner of Education shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board *and in each correctional institution operated by the Department of Corrections to determine compliance with law and rules established by the Board of Correctional Education pursuant to s. 242.68.* Such evaluations shall include, but not be limited to:

(a) Reported full-time equivalent membership in each program category.

(b) The organization of all special programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and ss. 230.23(4)(m) and 233.0682.

(c) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and the procedures for placement established by that district school board.

(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.

(e) An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

(f) Determination of the ratio of administrators to teachers in each school district, which information shall be reported to the Legislature as a part of the commissioner's report required by s. 229.575(1).

(g) Compliance with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

(h) Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation shall be presented to the school districts and explained well in advance of the actual audit date.

(i) Determination of school district achievement in meeting the performance standards specified in s. 232.2454(1).

Section 15. The Correctional Education School Authority model shall be implemented within the existing 1986-87 legislative appropriation and shall become fully operational by July 1, 1987.

Section 16. Section 20.315(8)(b) and Section 944.19, Florida Statutes, as amended by chapter 84-336, Laws of Florida, are hereby repealed.

Section 17. *As used in this act:*

(1) "Authority" means the State of Florida Correctional Medical Authority created in this act.

(2) "Health care provider" means:

(a) A regional research hospital or research center which is authorized by law to provide hospital services in accordance with chapter 395, Florida Statutes, which has a contractual or operating arrangement with a regional school of medicine, and which is located at that regional school of medicine;

(b) Any entity which has agreed to provide hospital services to inmates in the Department of Corrections; or

(c) Any entity licensed to provide hospital services in accordance with chapter 395, Florida Statutes.

(3) "Project" means any structure, facility, machinery, equipment, or other property suitable for use by a health facility in connection with its operations or proposed operations, including, without limitation, real property therefor; a clinic, computer facility, dining hall, firefighting facility, fire prevention facility, long-term care facility, hospital, interns' residence, laboratory, laundry, maintenance facility, nurses' residence, office, parking area, pharmacy, recreational facility, research facility, storage facility, utility, or X-ray facility, or any combination of

the foregoing; and other structures or facilities related thereto or required or useful for health care purposes, the conducting of research, or the operation of a health facility, including facilities or structures essential or convenient for the orderly conduct of the health facility and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project" does not include such items as fuel, supplies, or other items which are customarily deemed to result in a current operating charge.

(4) "Real property" includes all lands, including buildings, structures, improvements, and fixtures thereon; any property of any nature appurtenant thereto or used in connection therewith; and every estate, interest, and right, legal or equitable, therein, including any such interest for a term of years.

Section 18. *Creation of the State of Florida Correctional Medical Authority.—*

(1) There is created in the Department of Corrections the State of Florida Correctional Medical Authority. The governing board of the authority shall be composed of five persons appointed by the Governor subject to confirmation by the Senate. The Department of Corrections shall provide administrative support and service to the authority. The authority shall not be subject to control, supervision, or direction by the department. One member shall be elected by the authority to serve as chairman for the first 2 years. Thereafter, the authority shall annually elect one member to serve as chairman. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, and one for 4 years. Thereafter, members shall be appointed for terms of 4 years each. Each member shall be authorized to continue to serve upon the expiration of his term until his successor is duly appointed as provided in this section. Before entering upon his duties, each member of the authority shall take and subscribe to the oath or affirmation required by the State Constitution.

(2) No more than two members of the authority shall be past or present employees of the department or have otherwise been involved in the administration of prison facilities for 2 years prior to appointment, and at least two members shall have had at least 5 years' experience in hospital administration in the public or private sector.

(3) Three members of the authority shall constitute a quorum and the affirmative vote of a majority of the members present at a meeting of the authority shall be necessary for any action taken by the authority. However, any action may be taken by the authority with the unanimous consent of all of its members. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under this act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. All meetings of the authority, as well as all records, books, documents, and papers, shall be open and available to the public in accordance with s. 286.011, Florida Statutes. However, neither the provisions of this section nor those of chapter 119, Florida Statutes, or of s. 154.207(7), Florida Statutes, shall apply to any health care provider under contract with the department except to the extent such provisions would apply to any similar entity not under contract with the department.

(4) Members of the authority shall receive no compensation for the performance of their duties under this act, but each member shall be paid expenses incurred while engaged in the performance of such duties pursuant to s. 112.061, Florida Statutes.

(5) Notwithstanding any general or special law, rule, regulation, or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

Section 19. *Powers of authority.—The purpose of the authority is to assist in the delivery of health care services for inmates in the Department of Corrections and to advise the department on the professional conduct of primary, convalescent, dental, and mental health care and the management of costs consistent with quality care. For this purpose, the authority may:*

(1) Review and make recommendations regarding health care for the delivery of health care services including, but not limited to, acute hospital-based services and facilities, primary and tertiary care services, quality assurance and peer review services, ancillary and clinical services, dental services, mental health services, intake and screening services, medical transportation services, and the use of nurse practitioner and physician assistant personnel to act as physician extenders.

(2) Resolve medical treatment disputes between the Department of Corrections and any health care provider under contract to the department.

(3) Develop and recommend to the Governor and the Legislature an annual budget for all or part of the operation of the prison health care system.

(4) Approve contracts for quality assurance programs, peer review which continuously assesses standards for the quality of care, and the appropriate utilization of health care services and accounts for the expenditure of public funds.

(5) Review the projected medical needs of the inmate population to permit adaptation to changing circumstances in the internal and external environment.

(6) Establish and approve preservice, inservice, and continuing medical education program for all health care personnel.

(7) Identify the professional incentives that will be required to attract and retain qualified professional health care staff.

(8) Assist in the developing and implementing of a health services plan.

(9) Adopt an official seal and alter the same at pleasure.

(10) Sue and be sued in its own name and plead and be impleaded.

(11) Make and execute agreements of lease, contracts, deeds, mortgages, notes, and other instruments necessary or convenient in the exercise of its powers and functions under this act.

(12) Employ or contract with health care providers, medical personnel, management consultants, consulting engineers, architects, surveyors, attorneys, accountants, financial experts, and such other employees, entities, or agents as may be necessary in its judgment and may fix their compensation.

(13) Do all things necessary to carry out the purposes of this act.

(14) Not later than 18 months after creation, render a report to the Governor indicating the opinion of the authority as to whether the department or an outside health care provider under contract to the department should provide basic medical services at each individual institution.

Section 20. *Certificate-of-need exemption.—Any inmate health care facility built by the Department of Corrections pursuant to this act with state funds and owned by the state shall be exempt from the certificate of need requirements of Chapter 381, Florida Statutes.*

Section 21. Subsections (10), (11), (12), (13), (14), and (15) of section 768.28, Florida Statutes, are renumbered as subsections (11), (12), (13), (14), (15), and (16), respectively, and a new subsection (10) is added to said section to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(10) Health care providers or vendors, or any of their employees or agents, that have contractually agreed to act as agents of the Department of Corrections to provide health care services to inmates of the state correctional system shall be considered agents of the State of Florida, Department of Corrections, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in said contract or by rule. The contracts shall provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

This subsection shall not be construed as designating persons providing health care services to inmates as employees or agents of the state for the purposes of Chapter 440.

Section 22. *Dispute resolution.—*

(1) If a dispute regarding medical treatment arises between the Department of Corrections and a health care provider under contract with the department that is not otherwise resolvable between the parties, either the health care provider or the department may submit the dispute in written form to the authority for resolution. The authority shall have 30 days to issue a written decision on the dispute.

(2) The decision of the authority in any such dispute is final agency action under chapter 120, Florida Statutes, and either party may pursue such other recourse as provided by law.

(3) This section does not apply if the dispute involves the provision of emergency medical care to a particular inmate.

Section 23. Section 944.30, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 944.30, F.S., for present text.)

944.30 Clemency; state prisoners.—

(1) Any person sentenced to the custody of the department for a term in excess of 40 years, up to and including life imprisonment, for a non-capital felony and who has served 10 calendar years of such sentence with the cumulative loss of no more than 30 days of gain-time may be recommended by the Secretary of Corrections for an investigation pursuant to s. 947.25.

(2) This section applies to any inmate in custody on or after July 1, 1987, but does not apply to any inmate who requested but did not receive a waiver of executive clemency rules until the commencement of the next ordinary review period.

Section 24. Section 947.005, Florida Statutes, is amended to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

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

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

(3) "Secretary" means the Secretary of Corrections.

(4) "Presumptive parole release date" means the tentative parole release date as determined by objective parole guidelines.

(5) "Effective parole release date" means the actual parole release date as determined by the presumptive parole release date, satisfactory institutional conduct, and an acceptable parole plan.

(6) "Board" means the Board of Clemency Review.

Section 25. Section 947.01, Florida Statutes, is amended to read:

947.01 Parole and Probation Commission; creation; number of members.—

(1)(a) A Parole and Probation Commission is created to consist of nine members who are residents of the state.

(b) Effective July 1, 1987, the membership of the 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.*

(2) The Secretary of Corrections shall act in a liaison capacity between the commission and the Department of Corrections.

Section 26. Subsection (1) of section 947.03, Florida Statutes, is amended to read:

947.03 Commissioners; tenure and removal.—

(1) Each commissioner serving on July 1, 1983, shall be permitted to remain in office until completion of his current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed pursuant to the provisions of this section, *unless otherwise provided by law* . Members appointed by the Governor and Cabinet shall be appointed for terms of 4 years. However, of the initial appointments under this section, *two* ~~three~~ members shall be appointed for terms of 4 years, *two* ~~three~~ members for terms of 3 years, and *one member* ~~three members~~ for *a term* ~~terms~~ of 2 years, and the terms of such members shall be designated by the Governor and Cabinet at the time of appointment. No person is eligible to be appointed for more than two consecutive 4-year terms.

Section 27. Section 947.04, Florida Statutes, is amended to read:

947.04 Organization of commission; officers; offices.—

(1) On July 1 of each even-numbered year, the members of the commission shall meet and select from their number a chairman who shall serve for a period of 2 years and until a successor is elected and qualified. The commission shall, at the same meeting at which it selects its chairman, select a vice chairman to serve in the absence of the chairman. The chairman may not succeed himself. The chairman, as chief administrative officer of the commission, has the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the commission, except those of granting and revoking parole as provided for in this chapter. Subject to approval by the Governor and the Cabinet, the chairman may assign consenting retired commissioners *or former commissioners* to temporary duty when there is a workload need. Any such commissioner shall be paid $100 for each day or portion of a day spent on the work of the commission and shall be reimbursed for travel expenses as provided in s. 112.061. The chairman is authorized to provide or disseminate information relative to parole by means of documents, seminars, programs, or otherwise as he determines necessary. The chairman shall establish, execute, and be held accountable for all administrative policy decisions. However, decisions to grant or revoke parole shall be made in accordance with the provisions of ss. 947.172, 947.174, and 947.23. The commissioners shall be directly accountable to the chairman in the execution of their duties as commissioners, and the chairman has authority to recommend to the Governor suspension of a commissioner who fails to perform the duties provided for by statute.

(2) Notwithstanding the provisions of s. 20.05(7), the chairman shall appoint administrators with responsibility for the management of commission activities in the following functional areas:

(a) Parole grant.

(b) Parole revocation.

~~(c) Clemency.~~

(c)~~(d)~~ Administrative services.

(3) The commissioners shall select from their number a secretary who shall serve for a period of 1 year or until a successor is elected and qualified.

(4) The commission may establish and maintain offices in centrally and conveniently located places in Florida. Headquarters shall be located in Tallahassee for the transaction of business. The commission shall keep its official records and papers at the headquarters, which it shall furnish and equip.

(5) Acts and decisions of the chairman may be modified as provided in s. 947.06.

Section 28. Section 947.06, Florida Statutes, is amended to read:

947.06 Meeting; when commission may act.—The commission shall meet at regularly scheduled intervals and from time to time as may otherwise be determined by the chairman. The making of recommendations to the Governor and Cabinet in matters *relating to* ~~of executive clemency and~~ modifications of acts and decisions of the chairman as provided in s. 947.04(1) shall be by a majority vote of the commission. No prisoner shall be placed on parole except as provided in ss. 947.172 and 947.174 by a panel of no fewer than two commissioners appointed by the chairman. All matters relating to the granting, denying, or revoking of parole shall be decided in a meeting at which the public shall have the right to be present. Persons not members or employees of the commission may participate in deliberations concerning the granting and revoking of paroles only upon the prior written approval of the chairman of the commission.

Section 29. Section 947.081, Florida Statutes, is created to read:

947.081 Board of Clemency Review.—

(1) There is hereby created a Board of Clemency Review effective July 1, 1987.

(2) Membership on the board shall consist of three of the five commission members, to be designated by the Governor and Cabinet.

(3) The board shall utilize such commission staff as it determines necessary to carry out its functions.

(4) The board shall:

(a) Report to the Executive Clemency Board the facts, circumstances, criminal records, and social, physical, mental, and psychiatric conditions and histories of persons under consideration by the Board of Pardons for pardon, commutation of sentence, or remission of fine, penalty, or forfeiture.

(b) Establish rules as it deems best for its governance.

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

Section 30. Section 947.10, Florida Statutes, is amended to read:

947.10 Business and political activity upon part of members and full-time employees of commission.—No member of the commission and no full-time employee thereof shall, during their service upon or under the commission, engage in any other business or profession nor hold any other public office; nor shall they serve as the representative of any political party, or any executive committee or other governing body thereof, or as an executive officer or employee of any political committee, organization, or association, or be engaged on the behalf of any candidate for public office in the solicitation of votes, or otherwise. However, this shall not be deemed to exclude the appointment of the Secretary of Corrections to the commission under the terms and conditions set forth in this chapter, *nor shall this be deemed to exclude the appointment of commissioners to the Board of Clemency Review.*

Section 31. Subsection (1) of section 947.13, Florida Statutes, is amended to read:

947.13 Powers and duties of commission.—

(1) The commission shall have the powers and perform the duties of:

(a) Determining what persons shall be placed on parole, subject to the provisions of ss. 947.172 and 947.174.

(b) Fixing the time and conditions of parole, as provided in this chapter.

(c) Determining violations of parole and what action shall be taken with reference thereto.

(d) Making such investigations as may be necessary.

~~(e) Reporting to the Board of Pardons the facts, circumstances, criminal records, and social, physical, mental, and psychiatric conditions and histories of persons under consideration by the Board of Pardons for pardon, commutation of sentence, or remission of fine, penalty, or forfeiture.~~

Section 32. Subsection (1) of section 947.165, Florida Statutes, is amended to read:

947.165 Objective parole guidelines.—

(1) The commission shall develop and implement objective parole guidelines which shall be the criteria upon which parole decisions are made. The objective parole guidelines shall be developed according to an acceptable research method and shall be based on the seriousness of offense and the likelihood of favorable parole outcome. The guidelines shall require the commission to aggravate or aggregate each consecutive sentence in establishing the presumptive parole release date. Factors used in arriving at the salient factor score and the severity of offense behavior category shall not be applied as aggravating circumstances. *In the event the sentencing court files a written objection to the parole release of an inmate as provided for in s. 947.1745(4), such objection may be used by the commission as a basis to extend the presumptive parole release date.*

Section 33. Subsection (4) is added to section 947.1745, Florida Statutes, to read:

947.1745 Establishment of effective parole release date.—If the inmate's institutional conduct has been satisfactory, the presumptive parole release date shall become the effective parole release date as follows:

(4) Within 90 days before the effective interview, the commission shall send written notice to the sentencing court of any inmate who has been scheduled for an effective parole release interview. Within 30 days after receipt of the commission's notice, the sentencing court shall send to the commission notice of objection to parole release, provided the court objects to such release. If there is objection by the court, such objection may constitute good cause in exceptional circumstances as described in s. 947.173, and the commission may schedule a subsequent review within 2 years, extending the presumptive parole release date beyond that time. With any subsequent review the same procedure outlined above will be followed. If the court remains silent with respect to parole release, the commission may authorize an effective parole release date. The provisions of this subsection shall be applicable in the event the commission desires to consider the establishment of an effective release date without delivery of the effective interview. Notice to the sentencing court shall be sent and either the court's response to the notice must be received or the time period allowed for such response must elapse before the commission can authorize an effective release date.

Section 34. Section 947.25, Florida Statutes, is amended to read:

947.25 Recommendations for clemency.—When a parolee has, in the opinion of the *board of clemency review* ~~commission~~, so conducted himself as to deserve clemency, a commutation of sentence, or the remission in whole or in part of any fine, forfeiture, or penalty, the *board of clemency review* ~~commission~~ may recommend that such clemency be extended to such parolee by order of the Governor approved by three members of the Cabinet. In such case, the *board of clemency review* ~~commission~~ shall fully advise the office of the Governor of the facts upon which such recommendation is based.

Section 35. Section 947.26, Florida Statutes, is amended to read:

947.26 Cooperation of custodian of prisoner; right of access.—The superintendent, warden, or jailer of any jail or prison in which persons convicted of crime may be confined, and all officers or employees thereof, shall at all times cooperate with the commission *or board of clemency review*, and upon its request shall furnish it with such information as they may have respecting any person inquired about as will enable the commission *or board of clemency review* properly to perform its duties. Such officials shall at all reasonable times, when the public safety permits, give the members of the commission, *the board of clemency review*, and its authorized agents and employees access to all prisoners in their charge.

Section 36. Section 33 of chapter 83-131, Laws of Florida, is amended to read:

Section 33. Section 20.32, Florida Statutes, is repealed on *July 1, 1989* ~~July 1, 1987~~, and shall be reviewed by the Legislature pursuant to section 35 of this act.

Section 37. 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.

Section 38. 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.

Section 39. Section 943.085, Florida Statutes, is amended to read:

943.085 Legislative intent with respect to upgrading the quality of law enforcement officers and correctional officers.—

(1) It is the intent of the Legislature to strengthen and upgrade law enforcement agencies and correctional institutions in this state by attracting competent, highly qualified people for professional careers in the criminal justice disciplines and to retain well-qualified and experienced officers for the purpose of providing maximum protection and safety to the citizens of, the visitors to, and the inmates in this state.

(2) It is the further intent of the Legislature to establish a minimum foundation program for law enforcement *officers,* ~~and~~ correctional officers, *and correctional probation officers* which will provide a statewide minimum salary for all such officers, to provide state monetary supplement in order to effectuate an upgrading of compensation for all law enforcement *officers,* ~~and~~ correctional officers, *and correctional probation officers,* and to upgrade the educational and training standards of such officers.

(3) It is the further intent of the Legislature that the Criminal Justice Standards and Training Commission, in the execution of its powers, duties, and functions, actively provide statewide leadership in the establishment, implementation, and evaluation of criminal justice standards and training for all law enforcement officers, ~~and~~ correctional officers, *and correctional probation officers.*

Section 40. Section 943.10, Florida Statutes, is amended to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(1) "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

(2) "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, and control of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

(3) "Correctional probation officer" means any person who is employed full-time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned probationers, parolees, and community controllees within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

(4)~~(3)~~ "Employing agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof which has constitutional or statutory authority to employ or appoint persons as officers.

(5)~~(4)~~ "Commission" means the Criminal Justice Standards and Training Commission.

(6)~~(5)~~ "Part-time law enforcement officer" means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

(7)~~(6)~~ "Part-time correctional officer" means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.

(8)~~(7)~~ "Auxiliary law enforcement officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.

(9)~~(8)~~ "Auxiliary correctional officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.

(10)~~(9)~~ "Private criminal justice training school" means any private school, corporation, or institution, for profit or not for profit, devoted wholly or in part to instruction, by correspondence or otherwise, in criminal justice services, administration, training, and education, which awards any type of certificate, diploma, degree, or recognition for attendance, graduation, study, or participation to students, enrollees, or participants. This definition applies to all such schools operating wholly or in part within the state, including those chartered, incorporated, or formed outside the state.

(11)~~(10)~~ "Support personnel" means any person employed or appointed by an employing agency who is not an officer.

(12)~~(11)~~ "Division" means the Division of Criminal Justice Standards and Training of the Department of Law Enforcement.

(13)~~(12)~~ "Head of the department" means the Governor and Cabinet, as provided for in ss. 20.201 and 20.03(4).

(14)~~(13)~~ "Officer" means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, ~~or~~ correctional officer, *or correctional probation officer.*

(15)~~(14)~~ "Public criminal justice training school" means any school defined in s. 228.041, or any academy operated by an employing agency, that is certified by the commission to conduct criminal justice training courses.

(16)~~(15)~~ "Criminal justice training school" means any private or public criminal justice training school certified by the commission.

(17)~~(16)~~ "Training center director" means a full-time salaried employee of a criminal justice training school who is responsible for the scheduling and general management of criminal justice courses and supervision and evaluation of criminal justice instructors.

Section 41. Section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as *a full-time, part-time, or auxiliary law enforcement officer or correctional officer, and on or after October 1, 1986, any person employed as a correctional probation* ~~an~~ officer shall:

(1) Be at least 19 years of age.

(2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.

(3) Be a high school graduate or its "equivalent" as the term may be determined by the commission.

(4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable or undesirable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of a felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication.

(5) Have his processed fingerprints on file with the employing agency. If administrative delays are caused by the department or the Federal Bureau of Investigation and the person has complied with subsections (1)-(4) and (6)-(9), he may be employed or appointed for a period not to exceed 1 calendar year from the date he was employed or appointed as an officer or until return of the processed fingerprints documenting noncompliance with subsections (1)-(4) or subsection (7), whichever occurs first.

(6) Have passed a physical examination by a licensed physician, based on specifications established by the commission.

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

(8) Execute and submit to the employing agency an affidavit-of-applicant form, adopted by the commission, attesting to his compliance with subsections (1)-(7). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that the intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

(9) Complete a course of basic recruit training established by the commission in accordance with s. 943.17(1)(a) or be exempt under s. 943.131(2) or subsection (10) of this section.

(10) Be authorized to satisfy the requirements of subsection (9) by taking and passing an examination established pursuant to s. 943.17(1)(e) upon the recommendation of the employing agency and when he is in compliance with subsections (1)-(8) and has had prior training or experience as an officer.

(11) Comply with the continuing training or education requirements of s. 943.135.

Section 42. Section 943.131, Florida Statutes, is amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), pending completion of the training provisions of s. 943.13(9), upon documentation (which must be retained by the employing agency) that a critical need exists to employ or appoint the person and that such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. Prior to the employment or appointment of any person under this subsection *other than a correctional probation officer*, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must enroll in the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his employment or appointment.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and who has enrolled in the first training program offered in the geographic area, or has been assigned to a state training program, subsequent to his employment or appointment may continue in his temporary employment or appointment until he graduates from, fails, or withdraws from the course or the employing agency terminates him.

(c) No person temporarily employed or appointed under the provisions of this subsection may perform the duties of an officer unless he is adequately supervised by *another* ~~a law enforcement officer or correctional~~ officer of the same discipline. The supervising officer must be in full compliance with the provisions of s. 943.13 and must be employed or appointed by the employing agency.

(2)(a) The commission may, upon written request from an employing agency, evaluate the criminal justice training, education, and work experience of a person to determine if such training, education, and experience are equivalent to the specific course of basic recruit training currently required for employment or appointment. If an equivalency is found, the commission shall notify the employing agency, in writing, that the person may be employed or appointed as an officer in the specified discipline, provided the person complies with the firearms provision established pursuant to s. 943.17(1)(a), *if required*, and all other requirements of this chapter are satisfied. If an equivalency is not found, the commission shall notify the employing agency, in writing, of the training deficiency and shall prescribe additional or supplemental training. Upon the person's successful completion of the required training, including compliance with the firearms provisions established pursuant to s. 943.17(1)(a), *if required*, and his compliance with the other provisions of this chapter, the employing agency may employ or appoint the person as an officer in the specified discipline.

(b) By rule, the commission may establish specific criteria and procedures to determine if a person possesses the required minimum knowledge and skills to be an officer when the employing agency is requesting an exemption of training as provided in paragraph (a). The division may, with the consent of the chairman of the commission, grant or deny the initial approval of the request and so notify the employing agency and the person. If the request is granted, the person may be so employed or appointed, pending final approval by the commission. If the request is denied, the employing agency may appeal that decision to the commission and the commission shall affirm or reverse the decision. When the employing agency is adversely affected, it may seek recourse pursuant to chapter 120.

Section 43. Subsection (2) of section 943.133, Florida Statutes, is amended to read:

943.133 Responsibilities of employing agency, commission, and division with respect to compliance with employment qualifications; injunctive relief.—

(2) Prior to the employment or appointment of any officer, the chief law enforcement or correctional officer administrator *or probation and parole regional administrator* of the employing agency, or his designee, is required to execute and submit to the commission an affidavit-of-compliance form adopted by the commission, attesting to compliance by the employing agency with subsection (1). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.

Section 44. Section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency shall, on a form approved by the commission, demonstrate that the continuing training or education is job-related and consistent with the needs of the employing agency. The rule shall also provide:

(a) Assistance to an employing agency in identifying each affected officer, the date of his employment or appointment, and his most recent date for successful completion of continuing training or education;

(b) A procedure for reactivation of the certification of an officer who is not in compliance with this section; and

(c) A remediation program supervised by the training center director within the geographic area for any officer who is attempting to comply with the provisions of this subsection and in whom learning disabilities are identified. The officer shall be assigned nonofficer duties, without loss of employee benefits, and the program shall not exceed 90 days.

(2) Continuing training or education required under this section may not be used to qualify an officer for salary incentive payments provided under s. 943.22.

(3) For the purposes of this section, the employing agency is responsible for notifying the commission of any omission of any approved training not included in the records of the commission.

(4) The commission is authorized to develop this program for implementation on July 1, 1985 *for full-time, part-time, or auxiliary law enforcement officers and correctional officers, and a program for correctional probation officers for implementation on July 1, 1987.*

Section 45. Subsection (1) of section 943.19, Florida Statutes, is amended and subsection (4) is created to read:

943.19 Saving clause.—

(1) ~~An~~ *Any full-time, part-time, or auxiliary law enforcement or correctional* officer duly certified by the commission and employed or appointed as of September 30, 1984, *and any correctional probation officer employed or appointed as of September 30, 1986* is not required to comply with s. 943.13(5) and (8) as a condition of continued employment or appointment with his current employing agency.

(4) The commission is authorized to issue an appropriate employment or appointment certificate to all correctional probation officers who are employed as correctional probation officers on September 30, 1986.

Section 46. Sections 1-22 shall take effect upon becoming law. All other sections shall take effect October 1, 1986.

Amendment 1 to House amendment 1—On page 50, line 31, insert:

Section 1. Subsection (6) of section 946.15, Florida Statutes, is amended to read:

946.15 Use of goods and services produced in correctional work programs.—

(6) Any contract between any legislative, executive, or judicial agency of the state and any private contract vendor shall, *if an article identified by Department of General Services commodity number is certified by the corporation identified in this chapter,* contain the following language:

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES WHICH ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN THE SAME MANNER AND UNDER THE *SAME* PROCEDURES SET FORTH IN SECTION 946.15(2), (4), F.S.; AND FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THIS AGENCY INSOFAR AS DEALINGS WITH SUCH CORPORATION *ARE CONCERNED.*

(Renumber subsequent section.)

Amendment 4 to House Amendment 1—On page 50, line 31, insert the following:

Section 46. Subsection (3) of section 287.058, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to said section to read:

287.058 Contract document.—

(3) Notwithstanding the provisions of subsections (1) and (2), in those cases in which state agencies are unable to procure a written agreement for the providing of health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured persons in the care or custody of a state agency, those services and drugs may be obtained by purchase order. The purchase order shall contain sufficient detail for a proper audit and shall be signed by purchasing or contracting personnel acting on behalf of the agency.

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, lines 2-31, strike all of said lines and insert: An act relating to corrections, probation and parole; 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; amending s. 159.27(5), F.S.,; providing for bond financing of correctional or detention facilities; creating s. 950.001, F.S.; authorizing the establishment of regional jails; providing for regional jail boards and the powers, organization, and duties thereof; allocating responsibility for certain jail and transportation expenses; providing for the withdrawal of a county from a regional jail agreement under certain conditions; creating s. 242.68, F.S.; providing for 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 the selection of a site for a vocational-technical center; providing for a comprehensive operational training plan; 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 transfer of educational programs, functions, positions, 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 the Department of Education to evaluate correctional education programs; repealing s. 20.315(8)(b) and s. 944.19, F.S., relating to education of prisoners under the jurisdiction of the Department of Corrections; creating the State of Florida Correctional Medical Authority; providing powers, duties, and membership; providing exemption from certificate-of-need requirements for certain lessees of and contractors with the Department of Corrections; 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; amending s. 944.30, F.S.; 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 attrition of members; 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 ss. 33 and 34 of ch. 83-131, Laws of Florida; delaying the repeal of s. 20.32, F.S.; 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; amending ss. 943.085, 943.10, 943.13, 943.131, 943.133, 943.135, 943.19, 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 a savings clause; providing effective dates.

Amendment 3 to House Amendment 2—On page 4 in the title, line 7, after clause; insert: amending s. 946.15, F.S.; providing exceptions to mandatory contract language;

Amendment 5 to House Amendment 2—On page 4 in the title, line 7, after the semicolon (;) insert: amending s. 287.058, F.S., providing an exemption from provisions which require a written agreement for procurement of certain contractual services;

On motions by Senator Hill, the Senate concurred in House Amendment 1 as amended by House Amendments 1 and 4, and House Amendment 2 as amended by House Amendments 3 and 5.

CS for SB 485 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Kirkpatrick

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 99—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.021, F.S., authorizing law enforcement officers to inspect saltwater products kept in certain areas aboard vessels; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1 to unengrossed Senate Amendment 1B—On page 3, line 11, strike "and upon a finding of probable cause,"

Amendment 2 to Senate Amendment 1—On page 3, strike all of lines 11-16, and insert: *paragraph (a), a law enforcement officer of the department who has probable cause to believe that the vessel has been used for fishing prior to the inspection, shall have full authority to open and inspect all containers or areas where saltwater products are normally kept aboard vessels, while such vessels are on the water, such as refrigerated or iced locations, coolers, fish boxes, and bail wells, but specifically excluding such containers that are located in sleeping or living areas of the vessel.*

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

CS for SB 99 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Kirkpatrick, Peterson

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 601—A bill to be entitled An act relating to the Beverage Law; creating s. 561.67, F.S.; providing for a written statement of reclamation of goods issued to a licensed distributor of spirituous, vinous and malt beverages; providing for notice to secured creditors; providing for reclamation and satisfaction of reclamation; limiting liability for certain persons; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to adopt rules; amending s. 561.20, F.S.; providing for issuance of special licenses under the Beverage Law to civic center authorities; providing for transfer and reversion; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Section 561.67, Florida Statutes, is created to read:

561.67 Reclamation by distributor.—

(1) The division shall issue to the distributor a written statement of reclamation, upon written request by such licensed distributor of spirituous, vinous or malt beverages, to authorize reclamation by the distributor of such beverages delivered to and in possession of a licensed vendor pursuant to unpaid invoices. At the time the Division issues a written statement of reclamation to the distributor, the Division shall mail a copy of the statement to any financial institution or third party which has, according to the records of the Secretary of State, a perfected security interest in the spirituous, vinous or malt beverages inventory of the licensed vendor. Reclamation by the distributor is authorized when such transaction is the cause of an unpaid account, for which the vendor has been notified pursuant to the Beverage Law, and the excise tax has been paid or is due and payable by the distributor.

(2) If reclamation wholly satisfies the unpaid invoices, the distributor shall notify the division in writing, and such vendor shall be considered to have fully paid for all beverages previously purchased from that distributor.

(3) Neither the division, nor any employee of the division, shall be liable to any person for any cause whatsoever arising out of, or from, any acts by the division, the division director, or any employee of the division under the provisions of this section.

(4) The division shall promulgate rules to assist in the enforcement of this section.

Section 2. Paragraph (g) of subsection (2) of section 561.20, Florida Statutes, is amended and paragraphs (h) and (i) are added to said subsection to read:

561.20 Limitation upon number of licenses issued.—

(g) In addition to any special licenses issued under the Beverage Law, the division may issue a special license for consumption on the premises only to any public fair or exposition which is organized in accordance with chapter 616 ~~or to any civic center authority which is authorized by state law or by a local government ordinance~~. No licensee under this special license shall enter into any exclusive contract for its use. The special license may not be used in connection with any youth agricultural activity or during any regularly scheduled public fair or exposition, and such license may be used only in connection with special events held on the premises of the fairgrounds ~~or civic center~~, which premises are considered to be licensed premises under the dominion and control of the public fair or exposition or ~~civic center~~ authority at all times. This special license is not transferable~~, and the license tax shall be in accordance with those established in s. 565.02(1)(b)-(f)~~.

(h) In addition to any special licenses issued under the Beverage Law, the division may issue a special license for consumption on the premises only to any civic center authority which is authorized by State law or by a local government ordinance or which civic center is otherwise owned by a political subdivision of this state, hereinafter "civic center". The license may be transferred to a qualified applicant authorized by contract with the civic center to provide food service for the civic center. The license shall at all times remain the exclusive property of the civic center and upon termination by any manner of the contract between the civic center and the applicant concerning the furnishing of food service the license shall revert to the civic center by operation of law.

(i) The division shall not charge a fee in excess of $250.00 for that license authorized by section 561.20 (g) or (h), Florida Statutes.

Section 3. This act shall take effect October 1, 1986.

Amendment 2—On page 1 in the title, lines 1-16, strike all of said lines and insert: A bill to be entitled An act relating to the Beverage Law; creating s. 561.67, F.S.; providing for a written statement of reclamation for goods issued to a licensed distributor of spirituous, vinous or malt beverages; providing for reclamation; providing for notice to secured creditors; limiting the issuance of a statement of reclamation under certain circumstances; limiting civil liability; providing for rules; amending s. 561.20, F.S.; providing for issuance of special licenses under the Beverage Law to civic center authorities; providing for transfer and reversion; providing for a fee; providing an effective date.

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

CS for SB 601 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Kirkpatrick

On motion by Senator Langley, by two-thirds vote SR 1346 was withdrawn from the Committee on Rules and Calendar.

Consideration of Resolution

On motion by Senator Langley—

SR 1346—A resolution honoring the City of Belleview on the 100th birthday of the City of Belleview Library.

WHEREAS, the library of the City of Belleview was established in 1886 on land generously donated by the Marion Land and Improvement Company and is the sixth oldest library in Florida, and

WHEREAS, Professor G.G. Bush, who was retired from Harvard University, was the the first president of the Library Association of Belleview, and

WHEREAS, Mr. W. Woodward was the first librarian of the City of Belleview Library, and

WHEREAS, in 1904 the building was leveled by fire, and

WHEREAS, in 1908 a new library building was constructed by W.W. Cowles and was dedicated on March 19, 1908, and in 1969 two additional wings were added to the building and were dedicated by United States Congressman Bill Chappell, and

WHEREAS, the City of Belleview Library became a member of the Central Florida Regional Library System in the 1960's and today provides service for more than 3,900 patrons, and

WHEREAS, it is appropriate that the Senate joins the City of Belleview in celebrating the 100th birthday of the library, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate hereby joins the City of Belleview in celebrating the 100th birthday of the City of Belleview Library and extends the best wishes of the Senate upon the event.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Library Association of Belleview as a tangible token of the sentiments expressed herein.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

The President presiding

Reconsideration

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

CS for CS for SB 1118—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; providing that each district of the Department of Transportation be headed by a deputy assistant secretary; providing that the department advise the Legislative Auditing Committee of its determination that a recommendation of the Auditor General should be altered or not implemented; amending s. 163.803, F.S.; providing that for purposes of the Metropolitan Transportation Authority Act a metropolitan planning organization is an entity composed entirely of counties that have adopted the 4 cents of the 6-cent local option gas tax; amending s. 163.806, F.S.; deleting the prohibition against a metropolitan transportation authority expending tax revenues available to it to finance a bus system; amending s. 163.807, F.S.; deleting the requirement that a local government continue to fund a publicly owned transportation system after its acquisition by a metropolitan transportation authority; amending s. 163.816, F.S.; providing that if an entity created by general or special law is acquired by an authority all funding sources of such entity shall remain in effect and shall be administered as originally authorized; amending s. 163.818, F.S.; providing that a metropolitan transportation authority may also succeed to the rights, obligations, responsibilities, commitments and bonded indebtedness of certain transit authorities; providing that a referendum on the question of a transfer to a metropolitan transportation authority may also include transit systems; amending s. 207.002, F.S.; redefining the term "commercial motor vehicle" for purposes of tax on operation of commercial motor vehicles under ch. 207, F.S.; amending s. 316.076, F.S.; providing that the conduct of drivers approaching railroad-highway crossings be governed by s. 316.1575; amending s. 316.1575, F.S.; providing requirements for persons walking or driving a vehicle and approaching a railroad-highway crossing; amending s. 316.171, F.S.; requiring railroad companies to erect signs and other traffic control devices at crossings which conform to the provisions of s. 316.0745, F.S.; amending s. 316.515, F.S.; revising an exemption from vehicle length limitations; amending s. 316.545, F.S.; providing that a person who has been assessed a penalty for failure to have a valid vehicle registration certificate is not subject to a delinquent fee if a registration certificate is obtained within a certain time; amending s. 316.605, F.S.; providing that a truck of net weight greater than 10,000 pounds must display its license plate on the front of the vehicle; amending s. 320.01, F.S.; providing definitions; amending s. 320.02, F.S.; providing that odometer readings are not required to be reported on apportionable vehicles; amending s. 320.055, F.S.; prescribing vehicle registration renewal periods; amending s. 320.0605, F.S.; providing that the cab card for certain vehicles must be in the possession of the operator; amending s. 320.065, F.S.; providing for registration of semitrailers; amending s. 320.07, F.S.; providing that a person assessed a penalty pursuant to s. 316.545, F.S., for failure to have a valid vehicle registration certificate is not subject to a delinquent fee for failure to renew a registration; amending s. 320.0706, F.S.; providing that the owner of a truck of net weight more than 10,000 pounds must display the registration license plate on the front of the vehicle; amending s. 320.071, F.S.; providing that the owner of a currently registered apportioned vehicle may file for renewal 5 months preceding the date of expiration; amending s. 320.0715, F.S.; providing that designated authorized agents of the department may issue permits to motor carriers; requiring the department or its agents to charge a service charge for temporary operational permits; amending s. 320.0805, F.S.; providing that an owner of a vehicle registered under the International Registration Plan may not obtain a personalized prestige license plate; amending s. 320.26, F.S.; prohibiting the counterfeiting, alteration, or manufacture of certain permits; amending s. 320.37, F.S.; requiring foreign corporations, certain for-hire vehicles, and commercial vehicles to comply with motor vehicle registration requirements; amending s. 330.30, F.S.; providing for the adjustment of the expiration date of an airport license; providing for prorated fees; amending s. 332.007, F.S.; providing for the advance funding of land acquisition costs at certain existing airports; amending s. 334.044, F.S.; authorizing the department to cooperate with the commission or authority of any other state; amending s. 335.141, F.S.; providing a definition of a public railroad-highway grade crossing; providing that the department and railroad companies are not liable for any action or omission in the development of the railroad-highway grade crossing hazard reduction program; requiring railroad companies maintaining public railroad-highway grade crossings to install traffic control devices upon notice from the department; requiring the railroad company or governmental entity performing construction or maintenance to notify the other party; requiring a local governmental entity or other public or private agency planning a public event that will cross a railroad track to give advance notice to the railroad company; amending s. 335.20, F.S.; providing for the announcement of the availability of funds; deleting the requirement that the department provide funding under the Local Government Transportation Assistance Act to those counties who have adopted each of the 6-cent local option taxes on motor fuel and special fuel; providing that a county may use any of the local option gas tax for matching purposes; amending s. 336.025, F.S.; providing that a county may pledge the revenues from the entire local option taxes; repealing the requirement for an extraordinary vote of the governing body in order to impose the third, fourth, fifth, and sixth cent local option tax; amending s. 336.026, F.S.; clarifying that the amount of the local option gas tax is 6 cents; amending s. 336.045, F.S.; providing that required curb ramps at intersections be in substantial conformance with the Uniform Federal Accessibility Standards; providing that the requirement is applicable to curb ramps let to contract after a certain date; amending s. 337.11, F.S.;

providing that district deputy assistant secretaries may approve certain supplemental agreements; amending s. 337.14, F.S.; providing that an interim financial statement of a construction contract bidder is required under certain circumstances; providing that each required annual or interim financial statement be audited and accompanied by the opinion of a certified public accountant or a public accountant approved by the department; amending s. 338.221, F.S.; clarifying the definition of "turnpike improvement" for purposes of the Florida Turnpike Law; amending s. 338.223, F.S.; requiring a proposed turnpike project or turnpike improvement to be developed in accordance with the Florida Transportation Plan and the 5-year transportation plan and included in the transportation improvement plan of the affected metropolitan planning organizations; amending s. 339.08, F.S.; deleting the prohibition against the use of moneys in the State Transportation Trust Fund for economic development road projects; amending s. 341.061, F.S., relating to transit safety standards; amending s. 341.301, F.S.; providing definitions; amending s. 351.03, F.S.; requiring railroad companies to erect and maintain crossbuck grade crossing warning signs at all public or private railroad-highway grade crossings; requiring advance railroad warning signs and pavement markings to be installed and maintained at public railroad-highway grade crossings by the governmental entity having jurisdiction over or maintenance responsibility for the highway or street; repealing s. 316.158, F.S., relating to dangerous highway grade crossings; requiring the department to submit a decentralization plan by October 1, 1986; providing an effective date.

—passed this day.

Senator Gordon moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 9, strike line 10 and insert: adopted a *6* 4 -cent gas tax pursuant to s.

Amendment 2—On page 9, lines 13-30, and on page 10, lines 1-31, strike all of said lines and renumber subsequent sections.

Amendment 3—On page 27, between lines 17 and 18, insert:

Section 25. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail. Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Such dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles for sale to the highest bidder where both sellers and buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; *persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period;* public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section.

(Renumber subsequent sections.)

Amendment 4—On page 40, lines 18-31, and on page 41, lines 1-14, strike all of said lines and renumber subsequent sections.

Amendment 5—On page 41, between lines 14 and 15, insert:

Section 39. Paragraphs (a), (c), and (d) of subsection (5) and paragraph (a) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

339.135 Budgets; preparation, adoption, execution, and amendment.—

(5) FUNDING AND DEVELOPING A TRANSPORTATION PLAN.—

(a)1. A plan of work to be undertaken during the ensuing budget year shall be prepared for the State Transportation Trust Fund and each restricted fund, unless otherwise provided by law, setting forth all projects to be undertaken during such budget year. For each budget year, the transportation plan of the annual program budget shall be for the ensuing 5 years and shall be referred to as the "5-year transportation plan." The total amount of the 5-year transportation plan in each fiscal year shall not exceed an amount that would prevent the department from meeting the expenditure requirements for the projects set forth therein. *The tentative 5-year transportation plan shall be developed in accordance with and include a statement of the policies contained in the current adopted 5-year transportation plan. The adopted policies shall not be modified without the prior approval of the Legislature. In addition, the department shall not in any year include any project or allocate funds to a program in the 5-year transportation plan that is contrary to existing law for that particular year.*

2. The department is authorized to propose and include for Legislative approval, changes to the policies contained in the current adopted 5-year transportation plan. Any such proposals shall be clearly identified and reflect the effect of such proposal on the adopted policies. Provided however, no projects shall be included or deleted, nor funds allocated for a program in the tentative 5-year transportation plan. Such changes, if approved by the Legislature, shall be made in the final program budget and 5-year transportation plan proposed and adopted pursuant to the provisions of paragraph (7)(a).

3.~~2.~~ The 5-year transportation plan shall include:

a. A summary of construction, rights-of-way land acquisition, and public transportation appropriation categories to show the amounts programmed in each appropriation category by district;~~.~~

b. A 5-year plan of average construction contract time for each construction program category by district; and

c. A manpower report that indicates the department's current production capacity and that projects the production capacity needed for each year of the 5-year transportation plan and for compliance with paragraph (f). The report shall indicate the portion of production that is to be performed by department personnel and the portion that is to be performed by consultants.

4.~~3.~~ The 5-year transportation plan shall be developed in conformance with the provisions of s. 339.155(6)(e). Projects shall not be undertaken unless they are listed in the 5-year transportation plan. Such plan shall be developed cooperatively from the outset with the various metropolitan planning organizations of the state. The 5-year transportation plan shall include, to the maximum extent feasible, transportation plans, project priorities, and transportation improvement programs of metropolitan planning organizations. The department shall provide a

metropolitan planning organization with written justification for the rescheduling or deletion of a project which is part of the metropolitan planning organization's transportation improvement program from the 5-year plan.

(c) The 5-year transportation plan prepared under the provisions of this subsection shall be submitted to the legislative appropriations committees *no later than March 1 of each year* ~~prior to the start of each regular legislative session~~. *Such plan shall include a comparison, by project phase, of the tentative 5-year transportation plan, to the current adopted 5-year transportation plan.*

(d) The department shall submit with its proposed 5-year transportation plan a report that includes:

1. How its budget request and 5-year transportation plan comply with the program objectives set forth in section 334.046.

2. How commitments from the prior fiscal year and the projection of the current fiscal year comply with those same program objectives.

3. An analysis of the variance between the dollars and numbers of projects committed in the most recently completed fiscal year and the adopted 5-year transportation plan for that year and of the variance in projections for the current fiscal year and the current adopted 5-year transportation plan. The analysis shall include the number and dollar amount of projects committed or projected to be committed in each year that were not in the adopted 5-year transportation plan.

4. An analysis of the variance in the actual and planned construction contract time and the planned construction contract time for the most recently completed 6 quarters.

5. A comparison of the department's manpower utilization and the accomplishments of the department for the current fiscal year and the last completed fiscal year.

(e) During each regular session of the Legislature the department shall orally present the report required in paragraph (d), and a summary of the 5-year transportation plan as submitted to the Legislature, to the transportation committees of the Senate and House of Representatives.

(f)~~(d)~~ Beginning with the 1983-1985 biennium, the department shall develop and maintain a list of projects that could be made production-ready within the biennium to use additional sources of revenue. The list shall consist of projects defining programs for the interstate system; non-interstate road and bridge rehabilitation and replacement; traffic operations; public transportation; and major new road and bridge construction. Program amounts shall equal approximately 50 percent of the corresponding funded program in the biennium plan, except that higher limits may be established by the department to accommodate anticipated federal funding actions. Program amounts shall include all project phases. If any of these stated programs is not funded in the biennium plan, the department may determine an appropriate program amount not to exceed $50 million. Projects within each program shall be prioritized based on need. The project list shall be independent of the 5-year transportation plan, except that funded projects in later years of such plan may be included in the project list and advanced to an earlier year if justified by priority. The list shall be submitted to the legislative appropriations committees prior to the start of the regular legislative session.

(7) ADOPTION OF THE FINAL PROGRAM BUDGET AND 5-YEAR TRANSPORTATION PLAN OF THE DEPARTMENT.—

(a) In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, prepare and adopt a final program budget and 5-year transportation plan in accordance with the foregoing requirements, which may include only those projects submitted as part of the 5-year transportation plan prepared under the provisions of paragraph (5)(a). In the event that additional revenues are appropriated in excess of those required to fund the projects contained in the 5-year transportation plan developed pursuant to paragraph (5)(a), such revenues shall be utilized only on projects developed in accordance with the provisions of paragraph (5)(d).

1. Beginning with the 1986-87 adopted 5-year transportation plan the department shall include in its adopted plan a statement of the major transportation policies from which the plan is developed. Each year thereafter the 5-year transportation plan shall be developed in accordance with the policies of the department as specifically approved by the Legislature and a statement of said policies shall be included in the adopted plan. No policy shall be included in the adopted plan without specific Legislative approval or that is contrary to existing law. In addition, the department shall not in any year, include any project, or allocate funds to a program in the 5-year transportation plan, that is contrary to existing law for that particular year. The department shall not modify the adopted policies without receiving prior approval of the Legislature.

2. Such plan shall include a comparison, by project phase, of work committed during the previous fiscal year to the work scheduled for commitment in the prior 5-year transportation plan.

(Renumber subsequent sections.)

Amendment 6—On page 50, between lines 3 and 4, insert:

Section 44. Paragraph (a) of subsection (5) of section 320.8225, Florida Statutes, is amended to read:

320.8225 Mobile home and recreational vehicle manufacturer's license.—

(5) REQUIREMENT OF ASSURANCE.—

(a) Annually, prior to the receipt of a license to manufacture mobile homes, the applicant or licensee shall submit a surety bond, *cash bond, or a letter of credit from a financial institution,* or a proper continuation certificate, sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, failure to provide warranty service, or violation of any provisions of this section. The amount of the surety bond, *cash bond, or letter of credit* shall be $50,000. The surety bond, *cash bond, or letter of credit* shall be to the department, in favor of any retail customer who shall suffer loss arising out of noncompliance with code standards or failure to honor or provide warranty service. The department shall have the right to disapprove any bond *or letter of credit* which does not provide assurance as provided in this section.

(Renumber subsequent section.)

Amendment 7—On page 50, between lines 3 and 4, insert:

Section 44. The Department of Transportation is authorized to pledge as collateral, funds appropriated from the State Transportation Trust Fund to guarantee to the Federal Railroad Administration repayment of loans to the Tri-County Commuter Rail Organization or other legally constituted entity for the purpose of funding the capital costs of rehabilitation and improvement of rail facilities in order to develop a Tri-County Commuter Rail System in Dade, Broward, and Palm Beach Counties, as provided for in Specific Appropriation 1758 of the 1986 General Appropriations Act.

(Renumber subsequent sections.)

Amendment 8—On page 50, line 5, strike section 33, and section 43 and insert: section 31, and section 41

Amendment 9—In title, on page 1, strike all of lines 15-28 and insert: amending

Amendment 10—In title, on page 4, line 1, after the semicolon (;) insert: amending s. 320.27, F.S.; relating to definitions; providing exceptions;

Amendment 11—In title, on page 6, strike all of lines 10-13 and insert: organizations;

Amendment 12—In title, on page 6, line 13, after the semicolon (;) insert: amending s. 339.135, F.S.; providing for legislative approval of department policies; requiring the 5-year transportation plan to include plans for construction contract time and manpower needs; requiring the submission of the 5-year transportation plan prior to the start of each regular session of the Legislature; requiring the submission of certain reports; requiring an oral report;

Amendment 13—In title, on page 1, strike line 14 and insert: The 6-cent local option gas tax;

Amendment 14—In title, on page 6, line 29, after the semicolon (;) insert: amending s. 320.8225, F.S.; providing for cash bonds and letters of credit;

Amendment 15—In title, on page 6, line 29, after the semicolon (;) insert: authorizing the Department of Transportation to pledge funds from the State Transportation Trust Fund to guarantee repayment of federal loans used to develop a Tri-County Commuter Rail System in Dade, Broward, and Palm Beach Counties;

CS for CS for SB 1118 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne, Vogt

MESSAGES FROM THE HOUSE OF REPRESENTATIVES, continued

The Honorable Harry A. Johnston, II, President

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

SB 129—A bill to be entitled An act relating to campaign financing; amending s. 106.08, F.S.; authorizing candidates, political committees, and party executive committees to make, to certain types of organizations, gifts of money in lieu of flowers in memory of deceased persons; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 11, insert:

Section 1. Subparagraph 8. of paragraph (a) of subsection (4) of s. 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. However, if the contribution is $100 or less or is from a relative, as defined in s. 116.111(1)(c), provided the relationship is reported, the occupation of the contributor need not be listed, and only the name and address are necessary.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. The total amount of proceeds from each campaign fund raiser regulated by s. 106.025.

5. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 4.

6. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

7. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

8. The full name and address of each person to whom an expenditure for personal services, salary, or *reimbursement* ~~reimbursed~~ *for authorized* expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

9. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

10. The total sum of expenditures made by such committee or candidate during the reporting period.

11. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

12. A list of all credit card purchases, and the amount thereof, made by the candidate or political committee during the reporting period. A copy of each statement shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

13. The amount and nature of any campaign savings accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

Section 2. Section 106.125, Florida Statutes, is amended to read:

106.125 Credit cards; conditions on use.—Any candidate for statewide office or any political committee created to support or oppose any candidate for statewide office or to support or oppose any statewide issue may obtain, and use in making travel-related campaign expenditures, credit cards. The obtention and use of credit cards by any such candidate or political committee shall be subject to the following conditions:

(1) Credit cards may be obtained only from the same bank which has been designated as the candidate's or political committee's primary campaign depository.

(2) Credit cards shall be in the name of the candidate or political committee and shall reflect that the account is a campaign account.

(3) Before a credit card may be used, a copy of the agreement or contract between the candidate and the bank, or the political committee and the bank, and a list of all persons who have been authorized to use the card shall be filed with the Secretary of State.

(4) All credit cards issued to candidates or political committees shall expire no later than midnight of the last day of the month of the general election.

(5) Each statement rendered by the issuer of a credit card shall be paid upon receipt.

(6) Campaign travel-related expenditures shall include transportation, lodging, meals, and other expenses incurred in connection with traveling for campaign purposes.

This section shall not be deemed to preclude the use of advance payments by a check drawn on the primary depository account for travel-related expenses. The treasurer shall require an accounting of actual expenses and reconcile any overpayment or underpayment to the original payee.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 106.07, F.S.; relating to reporting of certain expenditures; amending s. 106.125, F.S.; relating to travel-related expenditures;

Amendment 3—On page 1, line 11, insert:

Section 1. Paragraph (a) of subsection (1) of section 99.021, Florida Statutes, is amended to read:

99.021 Form of candidate oath.—

(1)(a) Each candidate, whether a party candidate, an independent candidate, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida
County of. . . .

Before me, an officer authorized to administer oaths, personally appeared . . . . (please print name as you wish it to appear on the ballot). . . . , to me well known, who being sworn, says that he is a candidate for the office of . . . .; that he is a qualified elector of . . . . County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; ~~that he has not violated any of the laws of the state relating to elections or the registration of electors;~~ that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to s. 99.012, Florida Statutes.

. . . . (Signature of candidate). . . .
. . . . (Address). . . .

Sworn to and subscribed before me this . . . . day of . . . ., 19. . . ., at . . . . County, Florida.
. . . . (Signature and title of officer administering oath). . . .

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 99.021, F.S.; modifying form of candidate oath for other than a judicial candidate;

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

SB 129 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Deratany	Hill	Myers
Barron	Dunn	Johnson	Neal
Beard	Fox	Kiser	Peterson
Castor	Frank	Malchon	Plummer
Childers, D.	Girardeau	Mann	Stuart
Childers, W. D.	Gordon	Margolis	Thomas
Crawford	Grant	McPherson	Thurman
Crenshaw	Grizzle	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Kirkpatrick, Vogt

SPECIAL ORDER, continued

SB 824—A bill to be entitled An act relating to durable family power of attorney; amending s. 709.08, F.S.; adding to the list of those who may be designated as an attorney-in-fact any person who is related to the principal by lineal consanguinity; providing an effective date.

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

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Vogt

On motion by Senator Jenne, by two-thirds vote SM 1307, HB 1288, Senate Bills 26, 1096, 727, 728, 141, CS for SB 761, HB 1193, Senate Bills 434 and 1082 were added to the special order calendar.

On motions by Senator Jenne, by two-thirds vote HB 1210 was withdrawn from the Committees on Commerce, and Rules and Calendar and by two-thirds vote placed on the special order calendar following SB 727.

On motion by Senator Crawford, 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 311—A bill to be entitled An act relating to the corporate income tax; amending s. 214.14, F.S.; providing procedures and interest rate relating to refunds of overpayment of taxes; amending s. 214.40, F.S.; providing penalties for failing to provide certain notice or file certain returns; amending s. 214.72, F.S.; providing for computing revenue miles for certain transportation services; amending s. 220.131, F.S.; revising the deadline for filing certain consolidated returns; providing for apportioning certain income of certain affiliated group members; amending s. 220.03, F.S.; adopting the current Internal Revenue Code; amending s. 214.71, F.S.; including certain charges in an apportionment formula sales factor; amending s. 220.15, F.S.; including intangible personal property in an apportionment formula property factor; amending s. 221.01, F.S.; applying the emergency excise tax to certain income; repealing s. 220.13(1)(c), F.S., relating to installment sales occurring on or before October 19, 1980; repealing s. 220.69, F.S., relating to certain exemptions for out-of-state banks; amending ss. 220.03, 221.01, 221.02, 221.04, F.S.; applying emergency excise tax provisions for an additional year; providing an appropriation; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 3, strike everything after the enacting clause and insert:

Section 1. Section 214.14, Florida Statutes, is amended to read:

214.14 Overpayments; interest.—

(1) Interest shall be allowed and paid *in accordance with the provisions of s. 214.425* ~~at the rate of 6 percent per year~~ upon any overpayment in respect of a tax made subject to this chapter. *However, if any overpayment is refunded or credited within 3 months after the date upon which the taxpayer files written notice advising the department of such overpayment, no interest shall be allowed on such overpayment.* ~~, except that if any overpayment is refunded within 9 months after the last date prescribed for filing the return of such tax, including any extension thereof, or within 9 months after the return was filed, whichever is later, no interest shall be allowed on such overpayment.~~

(2) Interest shall accrue from the date upon which the taxpayer files a written notice advising the department of the overpayment. Interest shall be paid until such date as determined by the department, which shall be no more than 7 days prior to the date of the issuance by the Comptroller of the refund warrant.

(3) For purposes of this section, no amount of tax for any taxable year shall be treated as having been paid before the date on which the tax return for such year was due under applicable law *or the date the payment was actually made, whichever is later* ~~, without regard to any extension of the time for filing such return~~.

Section 2. Section 214.425, Florida Statutes, is created to read:

214.425 Determination of rate of interest.—

(1) The annual rate of interest for revenue laws made applicable to this chapter shall be the adjusted rate established by the Executive Director of the Department of Revenue under subsection (2).

(2) If the adjusted prime rate charged by banks, rounded to the nearest full percent, during either:

(a) The 6-month period ending on September 30 of any calendar year; or

(b) The 6-month period ending on March 31 of any calendar year,

differs from the interest rate in effect on either such date, the Executive Director of the Department of Revenue shall, within 20 days, establish an adjusted rate of interest equal to such adjusted prime rate.

(3) An adjusted rate of interest established under this section shall become effective:

(a) On January 1 of the succeeding year, if based upon the adjusted prime rate for the 6-month period ending on September 30; or

(b) On July 1 of the same calendar year, if based upon the adjusted prime rate for the 6-month period ending on March 31.

(4) For the purposes of this section, "adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large business, as determined by the Board of Governors of the Federal Reserve System.

(5) Once established, an adjusted rate of interest shall remain in effect until an adjustment is made under subsection (2).

Section 3. Subsections (1) and (6) of section 214.43, Florida Statutes, are amended to read:

214.43 Interest on deficiencies.—

(1) If any amount of tax imposed by laws made applicable to this chapter is not paid on or before the date, determined without regard to any extensions, prescribed for payment of such tax, interest *shall be paid in accordance with the provisions of s. 214.425* on the unpaid amount ~~at the rate of 12 percent per year shall be paid~~ from such date to the date of payment.

(6) Any tax, interest, or penalty imposed by applicable laws or this chapter which has been erroneously refunded and which is recoverable by the department shall bear interest *computed as provided in s. 214.425* ~~at the rate of 12 percent per year~~ from the date of payment of such refund.

Section 4. Section 213.31, Florida Statutes, is created to read:

213.31 Corporation Tax Administration Trust Fund.—There is hereby created in the State Treasury the Corporation Tax Administration Trust Fund. Moneys in the fund are hereby appropriated to the Department of Revenue for the administration of taxes levied upon corporations, including, but not limited to, those imposed under chapters 199, 220 and 221.

Section 5. Subsection (2) of section 607.361, Florida Statutes, is amended to read:

607.361 Fees for filing documents and issuing certificates.—The Department of State shall charge and collect for:

(2) Filing an annual report, *$25* ~~$20~~.

Section 6. Subsection (2) of section 607.372, Florida Statutes, is amended to read:

607.372 Corporations Trust Fund.—

(2)*(a)* The Legislature shall appropriate from the fund such amounts as it deems necessary for the operation of the division.

(b) Five percent of all moneys deposited each month in the fund are transferred to the Corporation Tax Administration Trust Fund created pursuant to s. 213.31.

Section 7. *There is hereby appropriated to the Department of Revenue for fiscal year 1986-1987 those amounts deposited in the Corporation Tax Administration Trust Fund pursuant to s. 607.372(2)(b), Florida Statutes, to be utilized for the following purposes:*

(1) Development and implementation of an automated processing and accounting system for corporation income tax and emergency excise tax returns.

(2) Establishment of an integrated computerized data base for taxes levied upon corporations.

(3) Development and implementation of a system allowing for the issuance of corporate refunds within 90 days of application.

(4) Implementation of current month processing of tax returns during peak as well as off-peak periods, including refund requests and zero-remit returns.

(5) Integration of the corporate income tax and emergency excise tax return forms and processing procedures.

(6) Such other corporation tax administration activities as the department deems necessary.

Not later than July 15, 1986, the department shall submit to the Administration Commission for approval a budget and plan specifying the moneys, positions, and activities necessary under this section. Notwithstanding the provisions of s. 216.262, Florida Statutes, the Administration Commission may authorize the establishment of additional positions pursuant to the plan as approved.

Section 8. Section 214.40, Florida Statutes, is amended to read:

214.40 Penalties; failure to file timely returns.—

(1) In case of failure to file any tax return required under laws made applicable to this chapter on the date prescribed therefor, including any extensions thereof, there shall be added as a penalty to the amount of tax due with such return 5 percent of the amount of such tax, if the failure is not for more than 1 month, plus an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The department may settle or compromise such penalties pursuant to s. 213.21. For purposes of this section, the amount of tax due with any return shall be reduced by any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which was properly allowable on the date the return was required to be filed.

(2) In case of failure to file any tax return required by s. 220.22, notwithstanding that no tax is shown to be due thereon, a penalty in the amount of $25 for each month or portion thereof, not to exceed $150 in the aggregate, shall be assessed and paid for each such failure to file. This subsection shall only apply to corporations when they also are required to file a federal income tax return.

(3) If any penalty is assessed under subsection (1) for failure to file a return by the prescribed date, no penalty under subsection (2) for failure to file a return with no tax shown to be due shall be assessed with respect to the same return.

(4) The provisions of this section shall specifically apply to the notice of federal change required under s. 220.23, and to any tax returns required under chapter 221, relating to the emergency excise tax.

Section 9. Paragraph (b) of subsection (3) of section 214.71, Florida Statutes, is amended to read:

214.71 Apportionment; general method.—Except as otherwise provided in ss. 214.72 and 214.73, the base upon which any tax made applicable to this chapter shall be apportioned shall be determined by multiplying same by a fraction the numerator of which is the sum of the property factor, the payroll factor, and the sales factor and the denominator of which is 3. In the event any of the factors described in subsection (1), subsection (2), or subsection (3) has a denominator which is zero or is determined by the department to be insignificant, the denominator of the apportionment fraction shall be reduced by the number of such factors.

(3) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(b) Sales of a financial organization, including, but not limited to, banking and savings institutions, investment companies, real estate investment trusts, and brokerage companies, shall be in this state if derived from:

1. Fees, commissions, or other compensation for financial services rendered within this state;

2. Gross profits from trading in stocks, bonds, or other securities managed within this state;

3. Interest, *other than interest from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located without this state,* and dividends received within this state;

4. Interest charged to customers at places of business maintained within this state for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts;

5. Interest, fees, commissions, and other charges or gains from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located in this state or from installment sale agreements originally executed by a taxpayer or his agent to sell real or tangible personal property located in this state;

6. Rents from real or tangible personal property located in this state; and

7.~~5.~~ Any other gross income, *including other interest,* resulting from the operation as a financial organization within this state.

In computing the amounts referred to in this paragraph, any amount received by a member of an affiliated group (determined under s. 1504(a) of the Internal Revenue Code, but without reference to whether any such corporation is an "includable corporation" under s. 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

Section 10. Paragraph (c) of subsection (2) of section 214.72, Florida Statutes, is amended to read:

214.72 Apportionment; methods for special industries.—

(2) The tax base for a taxpayer furnishing transportation services, for the purpose of computing a tax on those activities, shall be apportioned to this state by multiplying such base by a fraction the numerator of which is the revenue miles of the taxpayer in this state and the denominator of which is the revenue miles of the taxpayer everywhere.

(c) For purposes of paragraph (a), in computing the revenue miles of any taxpayer engaged in furnishing air or sea transportation services ~~to or from points in the state from or to points outside the state but in the continental United States~~, the "revenue miles in this state" shall include all miles traversed *within the area bounded on the west by* ~~from points of origin in the state to the point at which the carrier crosses the northern land border of the state,~~ the meridian of longitude 87°30′ west from Greenwich, *bounded on the north by the northern land border of this state* or the parallel of latitude 31° north from the equator, *bounded on the east by the meridian of longitude 80° west from Greenwich, and bounded on the south by the parallel of latitude 23°30′ north from the equator* as the case may be~~, and with respect to transportation emanating outside the state but in the continental United States, all miles traversed from such crossing places to points of destination in this state~~. The "revenue miles in this state" shall also include all miles traversed between points in this state, even though the route of travel is not wholly over the land mass of the state. The department may prescribe standard mileage tables for the purpose of determining revenue miles in the state under this paragraph, rather than requiring taxpayers to compute from their records the actual number of miles traversed within such boundaries or points from time to time.

Section 11. Subsection (5) of section 220.131, Florida Statutes, is amended to read:

220.131 Adjusted federal income; affiliated groups.—

(5) *Each* ~~No~~ taxpayer *shall* ~~may~~ apportion adjusted federal income under *s. 214.71* ~~s. 214.72~~ as a member of an affiliated group which files a consolidated return under this section on the basis of apportionment factors described in s. 214.71 *and s. 220.15. For the purposes of this subsection, each special industry member included in an affiliated group filing a consolidated return hereunder which member would otherwise be permitted to use a special method of apportionment under s. 214.72 shall construct the numerator of its sales, property and payroll factors, respectively, by multiplying the denominator of each such factor by the premiums or revenue miles factor ratio otherwise applicable pursuant to s. 214.72 in the manner prescribed by the department by rule.*~~, and no taxpayer may apportion under s. 214.71 as a member of an affiliated group which files a consolidated return on the basis of an apportionment factor described in s. 214.72, but no taxpayer shall be barred from filing as a member of an affiliated group if it apportions adjusted federal income in the same manner as the parent company and all other filing members of the group.~~

Section 12. Paragraph (n) of subsection (1), paragraph (c) of subsection (2), and subsection (6) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1954, as amended and in effect on *January 1, 1986* ~~December 7, 1984~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on *January 1, 1986* ~~December 7, 1984~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

(6) The amendments contained in s. 1 of chapter 82-232, Laws of Florida, and any subsequent amendments to the provisions contained in that section shall expire and be void for taxable years beginning after June 30, *1987* ~~1986~~. Unused credits for emergency excise taxes paid pursuant to chapter 221 for taxable years beginning before July 1, *1987* ~~1986~~, shall continue to be available as provided in s. 221.02.

Section 13. Subsection (5) is added to section 220.15, Florida Statutes, to read:

220.15 Apportionment of adjusted federal income.—Adjusted federal income as defined in s. 220.13 shall be apportioned to this state in accordance with part IV of chapter 214; and, for the purpose of applying that part to this code:

(5) The property factor used by a financial organization shall also include intangible personal property, except goodwill, which is owned and used in the business valued at its tax basis for federal income tax purposes. Intangible personal property shall be in this state if it consists of any of the following:

(a) Coin or currency located in this state;

(b) Assets in the nature of loans, including balances due from depository institutions, repurchase agreements, federal funds sold, and bankers acceptances which assets are located in this state and installment obligations on loans for which the customer initially applied at an office located in this state or loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located in this state;

(c) A portion of a participation loan where the office which enters into the participation is located in this state;

(d) Credit card receivables from customers who reside or who are commercially domiciled in this state;

(e) Investments in securities which generate business income where the taxpayer's commercial domicile is in the state, unless such securities have acquired a discrete business situs elsewhere;

(f) Securities used to maintain reserves against deposits to meet federal or state deposit requirements, based on the ratio which total deposits in this state bear to total deposits everywhere;

(g) Securities held by a state treasurer or other public official or pledged to secure public or trust funds deposited with the taxpayer where the office at which secured deposit is maintained is in this state;

(h) Leases of tangible personal property to another where the taxpayer's commercial domicile is in the state, unless the taxpayer establishes that the location of the leased tangible personal property is in another state or states for the entire taxable year and the taxpayer is taxable in such other state or states;

(i) Installment sale agreements originally executed by a taxpayer or its agent to sell real or tangible personal property located in this state; or

(j) Any other intangible personal property located in this state which is used to generate business income.

Section 14. Section 221.01, Florida Statutes, is amended to read:

221.01 Emergency excise tax; generally.—

(1) The department shall charge and collect an emergency excise tax for each taxable year from every taxpayer liable for the tax imposed by, and required to file a return under, chapter 220, except for those taxpayers subject to s. 220.03(5)(c). The provisions of this chapter shall apply retroactively to all such taxpayers, effective to the effective date of s. 168 of the Internal Revenue Code of 1954, as amended.

(a) The amount of the tax shall be 2.2 percent of an amount equal to 2.5 times the remainder of 40 percent of the deduction allowed, in computing adjusted federal income as defined in s. 220.13, under s. 168 of the Internal Revenue Code of 1954, as amended, exclusive of any deduction allowed under s. 168(b)(3) of the Internal Revenue Code of 1954, as amended, apportioned to this state under s. 220.15 *or allocated to this state under s. 220.16*, minus any unused portion of the exemption provided for in s. 220.14 for the taxable year for which the return is required to be filed by chapter 220.

(b) If the taxpayer's net income, as defined in s. 220.12, for the taxable year for which the return required by chapter 220 is filed is a net operating loss under chapter 220, excluding any net operating loss carryovers and carrybacks, the amount of the tax shall be 2.2 percent of an amount equal to 2.5 times the remainder of:

1. Forty percent of the deduction allowed, in computing adjusted federal income as defined in s. 220.13, under s. 168 of the Internal Revenue Code of 1954, as amended, exclusive of any deduction allowed under s. 168(b)(3) of the Internal Revenue Code of 1954, as amended, apportioned to this state under s. 220.15 *or allocated to this state under s. 220.16*, minus any unused portion of the exemption provided for in s. 220.14 for the taxable year for which the return is required to be filed by chapter 220; minus

2. The net operating loss, as apportioned to this state under s. 220.15, excluding any net operating loss carryovers and carrybacks.

(c) If the taxpayer directly or indirectly owns an interest in a partnership, trust, or other entity which is not treated as an association taxable as a corporation under the Internal Revenue Code which owns property for which a deduction is allowed under s. 168 of the Internal Revenue Code of 1954, as amended, the taxpayer shall, for the purpose of computing the tax due under this section, include the taxpayer's distributive share of any deduction allowed under s. 168 of the Internal Revenue Code of 1954, as amended, exclusive of any deduction allowed under s. 168(b)(3) of the Internal Revenue Code, which is attributable to such direct or indirect interest and which is apportioned to this state under s. 220.15 for the taxable year for which the return is required to be filed by chapter 220.

(2) Subsection (1) and any subsequent amendments to the provisions contained in that subsection shall expire and be void for taxable years beginning after June 30, *1987* ~~1986~~.

Section 15. Subsection (2) of section 221.02, Florida Statutes, is amended to read:

221.02 Credit for emergency excise tax paid.—

(2) Subsection (1) and any subsequent amendments to the provisions contained in that subsection shall expire and be void for taxable years beginning after June 30, *1987* ~~1986~~.

Section 16. Subsection (2) of section 221.04, Florida Statutes, is renumbered and amended, and a new subsection (2) is added to said section, to read:

221.04 Administration of tax.—

(2) For tax years beginning on or after September 1, 1986, the provisions of ss. 220.32, 220.33 and 220.34 shall apply to the combined payments and tax liabilities under this chapter and chapter 220, if the taxpayer files his estimated, tentative and final tax returns for the taxes imposed pursuant to said chapters on combined corporate tax/emergency excise tax return and declaration forms prescribed by the department.

(3)~~(2)~~ *Subsections (1) and (2)* ~~Subsection (1)~~ and any subsequent amendments to the provisions contained in *those subsections* ~~that subsection~~ shall expire and be void for taxable years beginning after June 30, *1987* ~~1986~~.

Section 17. *Paragraph (c) of subsection (1) of section 220.13, Florida Statutes, and section 220.69, Florida Statutes, are hereby repealed.*

Section 18. This act shall take effect July 1, 1986, or in the event that this act fails to become a law until after said date, this act shall take effect upon becoming a law; however:

(1) The creation of s. 214.425 and the amendments to ss. 214.14 and 214.43, Florida Statutes, shall apply to taxable years ending on or after December 31, 1986.

(2) The amendments to ss. 214.71 and 220.15, Florida Statutes, shall apply to taxable years beginning after December 31, 1986.

(3) If this act takes effect after July 1, 1986, the amendments to ss. 220.03(6), 221.01(2), 221.02, and 221.04, Florida Statutes, shall operate retroactively to July 1, 1986.

Amendment 2—On page 1, strike all of lines 1-30 and insert: A bill to be entitled An act relating to taxation of corporations; amending s. 214.14, F.S.; providing for interest on certain tax overpayments; reducing the time period during which no interest shall be paid with respect to such overpayments; creating s. 214.425, F.S.; providing for adjustment of the annual rate of interest under chapter 214; amending s. 214.43, F.S.; providing for assessment of interest on deficiencies; creating s. 213.31, F.S.; creating a Corporation Tax Administration Trust Fund and providing uses thereof; amending s. 607.361, F.S.; increasing the fee for filing a corporation's annual report; amending s. 607.372, F.S.; transferring certain proceeds from the Corporations Trust Fund to the Corporation Tax Administration Trust Fund and appropriating such funds to the Department of Revenue for specified purposes; requiring the department to submit a budget; amending s. 214.40, F.S.; providing for application of penalties to failure to provide certain notice of federal change or to file emergency excise tax returns; amending s. 214.71, F.S.; including certain charges in the apportionment formula sales factor; amending s. 214.72, F.S.; providing for computing revenue miles for certain taxpayers furnishing transportation services; amending s. 220.131, F.S.; providing for apportioning certain income of certain affiliated group members; amending s. 220.03, F.S.; adopting the current Internal Revenue Code; amending s. 220.15, F.S.; including intangible personal property in the apportionment formula property factor used by financial organizations; amending ss. 221.01, 221.02, and 221.04, F.S.; applying the emergency excise tax to certain income; extending emergency excise tax provisions for an additional year; providing for application of certain provisions when the taxpayer files on combined returns for chapters 220 and 221; repealing s. 220.13(1)(c), F.S., relating to installment sales occurring on or before October 19, 1980; repealing s. 220.69, F.S., relating to certain exemptions for out-of-state banks; providing applicability; providing a retroactive effective date.

Amendment 3—On page 16, line 26, strike "beginning" and insert: ending

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

CS for SB 311 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

Senator Stuart presiding

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 313—A bill to be entitled An act relating to taxation; amending s. 199.042, F.S.; providing due dates for early payment discounts on certain taxes; amending s. 199.062, F.S.; requiring certain annual tax information reports; amending s. 199.232, F.S.; providing criteria for an audit or assessment of the annual intangible tax; amending s. 199.282, F.S.; providing criminal and civil penalties; providing for personal liability of corporate officers and directors under certain circumstances with respect to intangible taxes; providing for an amnesty program for annual intangible taxes; providing appropriations to the Department of Revenue to implement source reporting requirements and an amnesty program for intangible taxes; providing an appropriation; amending s. 199.103, F.S.; providing a method for valuing shares of regulated investment companies; amending s. 201.02, F.S.; providing for taxing certain partnership conveyances; amending s. 206.44, F.S.; providing a date certain from which to calculate interest on delinquent tax; amending s. 206.45, F.S.; requiring the Department of Revenue maintain a certain balance in the Gas Tax Collection Trust Fund; amending s. 213.06, F.S.; authorizing certain emergency rules on behalf of the Department of Revenue under certain circumstances; amending ss. 211.33, 213.21, 220.34, F.S.; authorizing the Department of Revenue to settle or compromise certain tax penalties; amending s. 213.22, F.S.; authorizing the Department of Revenue to collect certain fees; amending s. 215.26, F.S.; authorizing the denial of certain tax refunds; amending ss. 159.15, 159.31, 159.50, 150.621, 159.708, F.S.; exempting certain security instruments from all taxation; declaring certain governmental obligations to be legal investments for certain public funds; amending s. 214.23, F.S.; providing procedures for issuing notice to certain taxpayers; amending s. 324.26, F.S.; limiting the liability of the Department of Revenue under certain circumstances; amending s. 197.502, F.S.; providing for certain lands to escheat to a county under certain circumstances; amending s. 206.27, F.S.; providing for confidentiality of certain audits or records of the Department of Revenue; amending s. 213.53, F.S.; providing for confidentiality of letters of technical advice; amending s. 213.24, F.S.; providing for thresholds for billings of deficiencies of tax, penalties, and interest; requiring the Inspector General of the department to conduct certain annual studies; amending ss. 206.404, 206.877, 212.67, 336.021, 336.026, 72.041, 206.47, 206.41, 206.60, 206.605, 206.59, 212.66, 336.025, F.S.; requiring monthly reports and remittances; providing penalties; removing an exemption for certain vehicles powered by alternative fuels; providing for partial payment of certain fees; correcting and clarifying cross references; revising provisions relating to levy and collection of various local option fuel taxes; providing for enforcement of out-of-state tax liabilities; revising distribution formula for constitutional gas tax; specifying applicability of constitutional gas tax, county tax on motor fuels, and municipal tax on motor fuels; providing for investigations and audits; providing for taxation of fuel that is unaccounted for; specifying liability for differences between taxes collected and taxes paid; providing transitional provisions; specifying applicability; amending s. 212.67, F.S.; removes certain minimum gallonage criteria for purposes of refunds; amending s. 213.27, F.S.; authorizing the Department of Revenue to contract with certain agencies for activities related to mail-order businesses; providing a limitation; amending s. 199.143, F.S.; excluding from the intangible tax future borrowing on certain lines of credit; amending s. 206.9825, F.S.; exempting aviation fuel from certain local option motor fuel or special fuel taxes; providing for application of certain sections; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Subsection (2) of section 199.042, Florida Statutes, is amended to read:

199.042 Due date of annual tax.—

(2) A discount for early payment of the annual tax shall be allowed as follows: *for payment on or before the last day of February, 4 percent; for payment on or before March 31, 3 percent;* for payment on or before April 30, *2* 4 percent; and for payment after April 30 but on or before May 31, *1* 2 percent.

Section 2. Subsections (2) and (3) of section 199.062, Florida Statutes, are amended to read:

199.062 Annual tax information reports.—

(2) On or before June 30 of each year, each corporation doing business in this state shall file the following with the department:

~~(a) A written notice containing a listing of the corporation's Florida stockholders of record as of the preceding December 31, including such additional information as the department may prescribe. However, no list is required:~~

~~1. As to stockholders holding only classes of stock as to which an election has been made under s. 199.057;~~

~~2. As to stockholders holding only shares not subject to the annual tax; or~~

~~3. As to stockholders holding only shares with respect to which a dividend was paid during the preceding calendar year.~~

(a)~~(b)~~ A copy of any written notice to stockholders required by subsection (1) or, if no written notice is required by subsection (1), written notice stating the reason that no written notice is required by subsection (1).

(b)~~(c)~~ If the corporation's Florida stockholders hold only shares not subject to the annual tax, a written notice to that effect.

(c)~~(d)~~ If the corporation's Florida stockholders hold shares with respect to which a dividend was paid during the preceding calendar year, a written notice to that effect.

(d)~~(e)~~ If the corporation has no Florida stockholders, a written notice to that effect.

(3) On or before June 30 of each year, all security brokers registered under the laws of this state shall file with the department a position statement as of December 31 of the preceding year for each customer whose mailing address is within the state. Such statement shall include the customer's name, address, social security number or federal identification number; the number *of units, value,* and description, *including the Committee on Uniform Security Identification Procedures (CUSIP) number, if any,* of all securities held for the customer; and such other information as the department may reasonably require. *The information required by this subsection shall be reported by a broker on magnetic media using specifications and instructions of the department, unless the broker demonstrates that an undue hardship exists.*

Section 3. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 199.232, Florida Statutes, are amended to read:

199.232 Powers of department.—

(1)

(b) With regard to annual tax, an audit for any year may be commenced:

1. Within 3 years from the due date for filing the return for the year or from actual filing of the return, whichever is later; ~~or~~

2. At any time while a right to refund for any tax due during the year is available;~~.~~

3. At any time within 6 years of the date a return is filed if a taxpayer has omitted an amount properly includable therein which is in excess of 25 percent of the amount of the total taxable value stated in the return; or

4. At any time, if a required return is not filed, or if a grossly false or fraudulent return is filed.

No amount shall be deemed omitted from a return if the amount, or item giving rise to it, is adequately disclosed in the return or statements attached thereto, so that the department was apprised of the nature and amount of the item.

(3) With or without an audit, the department may assess any tax deficiency resulting from nonpayment or underpayment of the tax, as well as any applicable interest and penalties. The department shall assess on the basis of the best information available to it, including estimates based on the best information available to it if the taxpayer fails to permit inspec-

tion of the taxpayer's records, fails to file an annual return, files a grossly incorrect return, or files a false and fraudulent return. To be valid, an assessment must be made within the following time periods:

(a) As to annual tax for any year:

1. Within 3 years from the due date for filing the return or from actual filing of the return, whichever is later; ~~or~~

2. At any time while a right to refund for any tax due during the year is available;~~.~~

3. Within 6 years of the date a return is filed if the taxpayer has omitted an amount properly includable therein which is in excess of 25 percent of the total taxable value stated in the return; or

4. At any time, if no return is filed, or if a grossly false or fraudulent return is filed.

However, the time for making an assessment shall be stayed during the period of an audit.

Section 4. Subsections (1), (3), and (7) of section 199.282, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

199.282 Penalties for violation of this chapter.—

(1) Any person willfully violating or failing to comply with any of the provisions of this chapter shall be guilty of a *felony of the third degree* ~~misdemeanor of the second degree~~, punishable as provided in s. 775.082 or s. 775.083.

(3)*(a)* If any annual or nonrecurring tax is not paid ~~or if an annual tax return is not filed~~ by the due date, a delinquency penalty shall be charged. The delinquency penalty shall be 5 percent of the delinquent tax for each calendar month or portion thereof from the due date until paid, up to a limit of 25 percent of the total tax not timely paid.

(b) If any annual tax return required by this chapter is not filed by the due date, a penalty of 15 percent of the tax due with the return shall be charged for each year, or portion of the year, during which the return remains unfiled.

(7) Interest and penalties attributable to any tax shall be deemed assessed when the tax is assessed. Interest and penalties shall be collected in the same manner as tax. The department may waive or compromise tax, interest, or penalties under the provisions of paragraph (3)(b), *except that the penalty imposed under paragraph (3)(b) shall not be waived or compromised.*

(8) Any person who fails or refuses to file an annual return, or who fails or refuses to make records available for inspection, when requested to do so by the department, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083

(9) Any officer or director of a corporation who has administrative control over the filing of a return or payment of any tax due under this chapter and who willfully directs any employee of the corporation to fail to file the return or pay the tax due or to evade, defeat, or improperly account for the tax due, in addition to any other penalties provided by law, shall be liable for a penalty equal to the amount of tax not paid as required by this chapter. The filing of a protest based upon doubt as to liability for the tax shall not be deemed an attempt to evade or defeat the tax under this subsection. The penalty imposed hereunder shall be abated to the extent the tax is paid and may be compromised by the executive director of the department as provided in s. 213.21. An assessment of penalty made pursuant to this section shall be deemed prima facie correct in any judicial or quasi-judicial proceeding brought to collect this penalty.

Section 5. *No later than July 1, 1987, the Department of Revenue shall develop and implement a one-time amnesty program for taxpayers subject to the annual intangible tax. The department may prescribe such terms and conditions for participation in the program as it deems necessary for fair and effective administration, and may establish procedures and promulgate forms and guidelines which are necessary for the purposes of the program. The amnesty program shall provide a grace period of no more than 6 months during which a taxpayer may avoid criminal prosecution and penalties for failure to file returns due by filing all delinquent returns. Full payment of the tax and interest determined by the taxpayer to be due shall accompany the return. Participation in the program shall be conditioned upon the taxpayer's agreement that the right to protest or initiate an administrative or judicial proceeding with respect to amounts payable with the return is barred. The amnesty program shall not apply to taxpayers under audit or investigation, amounts included in a proposed assessment, assessment, bill, notice, or demand for payment issued by the department, and amounts subject to a pending administrative or judicial proceeding. No refund shall be made of any tax, interest, or penalty paid prior to the date the amnesty program is implemented and any refund or credit of amounts paid as a result of participation in the program shall be limited to amounts determined by the department to have been paid in error. The department may issue a notice of demand for payment, with or without an audit, with respect to any tax or interest not paid with a return filed under the amnesty program.*

Section 6. *There is hereby appropriated to the Department of Revenue for fiscal year 1986-1987 from the Intangibles Tax Trust Fund $230,000 and nine positions for the purpose of implementing section 2 and $200,000 for the purpose of implementing sections 3, 4, and 5.*

Section 7. Section 199.103, Florida Statutes, is amended to read:

199.103 Basis of assessment; valuation.—All intangible personal property shall be subject to the annual tax at its just valuation as of January 1 of each year. Such property shall be valued in the following manner:

(1) Shares of stock of corporations regularly listed on any public stock exchange or regularly traded over-the-counter shall be valued at their closing prices on the last business day of the previous calendar year.

(2) Shares of regulated investment companies, including mutual funds and money market funds organized as business trusts or incorporated companies, shall be valued at the offering price of such shares on the last business day of the previous calendar year.

(3)~~(2)~~ Bonds regularly listed on any public stock exchange or regularly traded over-the-counter shall be valued at their closing bid prices on the last business day of the previous calendar year.

(4)~~(3)~~ Shares of stocks, bonds, or similar instruments of corporations not listed on any public stock exchange or not regularly traded over-the-counter shall be valued as of January 1 of each year on the basis of those factors customarily considered in determining fair market value.

(5)~~(4)~~ Accounts receivable shall be valued at their face value as of January 1 of each year, less a reasonable allowance for uncollectible accounts.

(6)~~(5)~~ All notes and other obligations shall have a value equal to their unpaid balance as of January 1 of each year, unless the taxpayer can establish a lesser value upon proof satisfactory to the department.

(7)~~(6)~~ All other forms of intangible personal property shall be valued on the basis of those factors customarily considered in determining fair market value.

Section 8. Section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to *real property* ~~realty~~ or interests in *real property* ~~realty~~.—

(1) On deeds, instruments, or writings whereby any lands, tenements, or other *real property* ~~realty~~, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, on each $100 of the consideration therefor the tax shall be 50 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 50 cents for each $100 or fractional part thereof of the consideration therefor.

(2) The tax imposed by subsection (1) shall also be payable upon documents by which the right is granted to a tenant-stockholder to occupy an apartment in a building owned by a cooperative apartment corporation.

(3) The tax imposed by subsection (2) shall be paid by the purchaser, and the document recorded in the office of the clerk of the circuit court as evidence of ownership.

(4) The tax imposed by subsection (1) shall also be payable upon documents which convey or transfer, pursuant to s. 689.071, any beneficial

interest in lands, tenements, or other *real property* ~~realty~~, or any interest therein, even though such interest may be designated as personal property, notwithstanding the provisions of s. 689.071(4). The tax shall be paid upon execution of any such document.

(5) All conveyances of real property to a partner from a partnership meeting the following conditions are taxable, unless the taxpayer establishes that the conveyance is for purposes other than the avoidance of tax under this chapter:

(a) The real property was conveyed to the partnership less than 6 months prior to the conveyance to the partner by the partnership;

(b) The partner receiving the real property from the partnership is a partner other than the partner who conveyed the real property to the partnership; and

(c) The real property was conveyed to the partnership after July 1, 1986.

For purposes of this subsection, the value of the consideration paid for the conveyance of the real property to the partner from the partnership is the amount of any outstanding mortgage debt or other debt which the partner pays or agrees to pay in exchange for the real property, regardless of whether the partner was personally liable for the debts of the partnership prior to the conveyance to the partner from the partnership.

Section 9. Subsection (2) of section 206.44, Florida Statutes, is amended to read:

206.44 Penalty and interest for failure to report on time; penalty and interest on tax deficiencies.—

(2) Any payment that is not received by the department on or before the due date as provided in s. 206.43 shall bear interest at the rate of 1 percent per month, from the date due until paid. *Interest on any delinquent tax shall be calculated beginning on the 21st day of the month for which the tax is due, except as otherwise provided in this part.*

Section 10. Section 206.45, Florida Statutes, is amended to read:

206.45 Payment of tax into State Treasury.—All moneys derived from the gas taxes imposed by this part shall be paid into the State Treasury by the department~~,~~ for deposit in the Gas Tax Collection Trust Fund.~~;~~ *The department shall maintain a balance of at least $50,000 within the fund after making* ~~which fund is created and from which~~ the following transfers ~~shall be made~~:

(1) The constitutional gas tax shall be remitted to the State Board of Administration for distribution as provided in the State Constitution.

(2) The county gas tax collected pursuant to s. 206.60, as such may be amended by the 1971 Legislature, shall be distributed as therein provided.

(3) The municipal gas tax collected pursuant to s. 206.605 shall be distributed as therein provided.

Nothing in this section shall be construed to authorize a deduction from the constitutional gas tax in order to maintain any balance in the Gas Tax Collection Trust Fund.

Section 11. Section 213.06, Florida Statutes, is amended to read:

213.06 Rules and regulations.—

(1) The Department of Revenue may adopt such rules as are necessary to carry out the intent and purposes of this act and may amend such rules to conform to legislation or departmental policy changes made in the absence of any legislation.

(2) The executive director of the department may adopt emergency rules pursuant to s. 120.54 on behalf of the department when the effective date of a legislative change occurs sooner than 60 days after the close of a legislative session in which enacted and the change affects a tax rate or a collection or reporting procedure which affects a substantial number of dealers or persons subject to the tax change or procedure. The Legislature finds that such circumstances qualify as an exception to the prerequisite of a finding of immediate danger to the public health, safety, or welfare as set forth in s. 120.54(9)(a), and qualify as circumstances requiring an emergency rule.

Section 12. Paragraph (a) of subsection (2) and subsection (3) of section 213.21, Florida Statutes, are amended to read:

213.21 Informal conferences; compromises.—

(2)(a) The executive director of the department or his designee is authorized to enter into a written closing agreement with any taxpayer settling or compromising the taxpayer's liability for any tax, interest, or penalty assessed under any of the chapters specified in s. 72.011(1), except taxes imposed under chapter 206 ~~and estimated tax penalties provided for in ss. 211.33(1)(f), 220.34(2), and 624.509(3)(b)~~. When such a closing agreement has been approved by the department and signed by the executive director or his designee and the taxpayer, it shall be final and conclusive; and, except upon a showing of fraud or misrepresentation of material fact or except as to adjustments pursuant to ss. 220.23 and 198.16, no additional assessment may be made by the department against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the taxpayer shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The department is authorized to delegate to the executive director the authority to approve any such closing agreement resulting in a tax reduction of $100,000 or less.

(3) A taxpayer's liability for any tax or interest specified in s. 72.011(1), except taxes imposed under chapter 206, may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1)~~, except those provided for in ss. 211.33(1)(f), 220.34(2), and 624.509(3)(b),~~ may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. The records of compromise shall not be subject to disclosure pursuant to chapter 119 and shall be considered confidential information governed by the provisions of s. 213.053.

Section 13. Paragraph (g) is added to subsection (1) of section 211.33, Florida Statutes, to read:

211.33 Administration of the tax; returns; delinquency penalties and interest; departmental inspections of records.—

(1)

(g) Pursuant to s. 213.21, the department may settle or compromise any penalty or interest assessed under this subsection.

Section 14. Subsection (3) of section 220.34, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to said section to read:

220.34 Special rules relating to estimated tax.—

(3) Pursuant to s. 213.21, the department may settle or compromise any penalty or interest assessed under this section.

Section 15. Subsection (4) is added to section 213.22, Florida Statutes, to read:

213.22 Technical assistance advisements.—

(4) The department shall collect a fee from any person who requests disclosure of a technical assistance advisement issued under this section. A schedule of fees shall be provided by the department by rule. The fee schedule shall provide for a minimum fee of $5 for each technical assistance advisement disclosed or a maximum of 50 cents per page, whichever is greater.

Section 16. Subsection (5) is added to section 215.26, Florida Statutes, to read:

215.26 Repayment of funds paid into State Treasury through error.—

(5) When a taxpayer has pursued administrative remedies before the Department of Revenue pursuant to s. 213.21 and has failed to comply with the time limitations and conditions provided in s. 72.011 and s. 120.575, a claim of refund under subsection (1) shall be denied by the Comptroller. However, the Comptroller may entertain a claim for refund under this subsection when the taxpayer demonstrates that his failure to pursue remedies under chapter 72 was not due to neglect or for the purpose of delaying payment of lawfully imposed taxes and can demonstrate reasonable cause for such failure.

Section 17. Subsection (1) of section 159.15, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

159.15 Tax exemption and eligibility as investments.—

(1) It is hereby found and determined that all of the purposes for which revenue bonds are authorized to be issued by this part constitute essential governmental purposes, and all of the properties, revenues, moneys and other assets owned and used in the operation of such projects, and all revenue bonds issued hereunder and the interest thereon shall be exempt from all taxation by the state or by any county, municipality, political subdivision, agency, or instrumentality thereof. *All notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with a project financed under this part are also exempt from taxation.* The exemption granted by this subsection shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(3) Notwithstanding the provisions of s. 215.47, bonds, notes, or obligations of any municipality or political subdivision or any agency or authority of this state, collateralized as to principal and interest by any investment otherwise authorized by s. 215.47, in cases where such collateral is to be utilized to guarantee payment and performance bond obligations for maritime and other construction projects undertaken by employers in this state, where the employer could not receive a payment or performance bond absent such guarantee, and where the municipality or political subdivision is experiencing economic distress by reason of a high unemployment rate or other factors, shall constitute legal investments for state, county, municipal, and all other public funds. For puposes of s. 159.02(4), the word "project" shall also include any escrow fund pledged as collateral to be utilized for the purposes and under the circumstances described in this subsection.

Section 18. Section 159.31, Florida Statutes, is amended to read:

159.31 Tax exemption.—The exercise of the powers granted by this part in all respects will be for the benefit of the people of the state, for the increase of their industry and prosperity, for the improvement of their health and living conditions, and for the provision of gainful employment and will constitute the performance of essential public functions. The local agency shall not be required to pay any taxes on any project or any other property owned by the local agency under the provisions of this part or upon the income therefrom.~~, and~~ The bonds issued under the provisions of this part, their transfer, and the income therefrom (including any profit made on the sale thereof), *and all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with a project financed under this part* shall at all times be free from taxation by the state or any local unit, political subdivision, or other instrumentality of the state. Nothing in this section, however, shall be construed as exempting from taxation or assessments the leasehold interest of a lessee in any project or any other property or interest owned by the lessee. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 19. Section 159.50, Florida Statutes, is amended to read:

159.50 Tax exemption.—The exercise of the powers granted by ss. 159.44-159.53 in all respects will be for the benefit of the people of the state, for the increase of their industry and prosperity and the improvement of their health and living conditions, and for the provision of gainful employment and will constitute the performance of essential public functions, and the authority shall not be required to pay any taxes on any project or any other property owned by the authority under the provisions of ss. 159.44-159.53 or upon the income therefrom.~~, and~~ The bonds issued under the provisions of ss. 159.44-159.53, their transfer, and the income therefrom (including any profit made on the sale thereof), *and all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with any project financed under this part* shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state. Nothing in this section, however, shall be construed as exempting from taxation or assessments the leasehold interest of any lessee in any project or any other property or interest owned by any lessee. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 20. Section 159.621, Florida Statutes, is amended to read:

159.621 Housing bonds exempted from taxation.—The bonds of a housing finance authority issued under this act, together with *all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with the financing of any housing development under this part, as well as the* interest thereon and income therefrom, shall be exempt from all taxes. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 21. Section 159.708, Florida Statutes, is amended to read:

159.708 Tax exemption.—The exercise of all powers granted by ss. 159.701-159.7095 in all respects will be for the benefit of the people of the state, for the increase of their industry and prosperity and the improvement of their health and living conditions, and for the provision of gainful employment and will constitute the performance of essential public functions. The authority shall not be required to pay any taxes on any project or any other property owned by the authority under the provisions of ss. 159.701-159.7095 or upon the income therefrom.~~, and~~ The bonds issued under the provisions of ss. 159.701-159.7095, their transfer, and the income therefrom (including any profit made on the sale thereof), *and all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with a project financed under this part* shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state. Nothing in this section, however, shall be construed as exempting from taxation or assessments the leasehold interest of any lessee in any project or any other property or interest owned by any lessee. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 22. Section 214.23, Florida Statutes, is amended to read:

214.23 Procedure for notices.—Whenever notice is required by this chapter, such notice shall, if not otherwise provided, be given *to the taxpayer by personal delivery by an agent of the department* or issued by mailing it by registered or certified mail to the taxpayer concerned at his last known address as shown on the most recently filed return under applicable law or, if no return has previously been filed, at the address shown on the corporation report last filed under s. 607.357. *Alternatively, notice may be issued by registered or certified mail to the taxpayer at any other address which the taxpayer has designated in writing as his current mailing address.*

Section 23. Subsection (6) is added to section 324.26, Florida Statutes, to read:

324.26 Liability insurance required; amount governed by federal regulations.—

(6) The verifying of proof of liability insurance and the issuance of or failure to issue an identifying device for a reporting period or any portion thereof by the Department of Revenue under the provisions of this chapter or s. 207.004(1) may not be construed in any court as a warranty of the reliability or accuracy of the evidence of such proof. The Department of Revenue shall not be liable for damages for any inadequacy, insufficiency, falsification, or unauthorized modification of any item of the proof of liability insurance either prior to, during, or subsequent to the verification of the proof. The issuance of an identifying device by the Department of Revenue upon registration of any commercial motor vehicle does not constitute prima facie evidence or a presumption of insurance coverage.

Section 24. Subsection (8) is added to section 197.502, Florida Statutes, to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(8) Taxes shall not be extended against parcels listed as lands available for taxes, but in each year the taxes that would have been due shall be treated as omitted years and added to the required minimum bid. Seven years from the day the land was offered for public sale, the land shall escheat to the county in which it is located and all tax certificates and liens against the property shall be canceled and the clerk shall execute a tax deed vesting title in the board of county commissioners of the county in which it is located.

Section 25. Section 206.27, Florida Statutes, is amended to read:

206.27 Records and files as public records.—

(1) The records and files in the office of the department appertaining to part I and part II of this chapter and part II of chapter 212 shall be available in Tallahassee to the public at any time during business hours. The department shall prepare a list each month of all current licensed refiners, importers, and wholesalers which also shall include all new licenses issued and all licenses canceled during the past 12 months, and mail a copy thereof to each licensee. Such list shall be used to verify license numbers of purchasers issuing exemption certificates or affidavits.

(2) Nothing herein shall be construed as requiring the department to provide as a public record any information concerning audits in progress or those records and files of the department described in this section which are currently the subject of pending investigation by the Department of Revenue or the Florida Department of Law Enforcement. It is specifically provided that the foregoing information shall be exempt from the provisions of chapter 119 and shall be considered confidential notwithstanding the provisions of s. 213.053. Any officer, employee, or former officer or employee of the department who divulges any such information in any manner except for such official purposes is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 26. Subsections (1) and (2) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; ~~chapter 206, motor and other fuel taxes;~~ chapter 207, the Florida Special Fuel and Motor Fuel Use Tax Act of 1981; ~~chapter 208, tax on generation of hazardous wastes;~~ chapter 211, tax on severance and production of minerals; part I of chapter 212, tax on sales, use, and other transactions; chapter 214, administration of designated nonproperty taxes; chapter 220, income tax code; chapter 376, pollutant spill prevention and control; and ss. 624.509-624.514: insurance code, administration and general provisions.

(2) Except as provided in subsections (3), (4), (5), (6), (7), and (8), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information, *including letters of technical advice,* is confidential except for official purposes. Any officer or employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), or subsection (8), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 27. Section 213.24, Florida Statutes, is amended to read:

213.24 Interest on deficiencies.—

(1) If notice and demand is made for the payment of any amount due under laws made applicable to this chapter and if such amount is paid within 30 days after the date of such billing or notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.

(2)(a) Billings for deficiencies of tax, penalty, or interest shall not be issued for any amount less than the actual costs incurred by the department to produce a billing.

(b) The cost of issuing billings for any tax enumerated in s. 213.05 shall be computed in an annual study performed by the Inspector General of the department. A minimum billing amount shall be established and adjusted in accordance with the results of such study.

(c) The effective date of each annual change shall be July 1 of this and each succeeding year.

Section 28. Section 206.404, Florida Statutes, is amended to read:

206.404 License tax upon retail dealers; dealer transfer fee*; monthly reports; penalty.*—

(1) Every retail dealer shall pay a license tax of $5 per annum to the state. No license shall be transferred without an application having been filed with the department and payment of a fee of $5.

(2)(a) On or before the 20th day of each calendar month, each retail dealer shall, on forms prescribed by the department, report to the department all purchases or other acquisition and sales or other disposition of motor fuel during the preceding calendar month, and remit the taxes pursuant to ss. 336.021, 336.025, and 336.026.

(b) If any person required to file under this subsection fails to make a complete report, the department may impose, in addition to any other penalty or interest due, a penalty in the amount of $30.

Section 29. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 206.877, Florida Statutes, are amended to read:

206.877 Motor vehicles fueled by liquefied petroleum gas or compressed natural gas; payment of annual decal fees in lieu of tax.—

(1) The tax imposed by s. 206.87 does not apply to motor vehicles licensed in this state pursuant to chapter 320 which are powered by alternative fuels and for which valid decals have been acquired as provided in this section.

(a) The owners or operators of such vehicles shall, in lieu of the excise tax imposed by this part, pay an annual decal fee on each such motor vehicle in accordance with the following rate schedule:

Class	Vehicle License Category	State Fee	Fee for each cent of tax imposed by chapter 336
A	Vehicles licensed pursuant to s. 320.08(1), (2), (3)(a)-(c), (f), (6)(a), and (9)(c)1.	$44	$11
B	Vehicles licensed pursuant to s. 320.08(3)(d), ~~(e),~~ (5)(b)-(e), (6)(b), (9)(c)2., and (14)~~(13)~~.	$60	$15
C	Vehicles licensed pursuant to s. 320.08(4).	$84	$21
~~D~~	~~Vehicles used exclusively on a farm, no part of which is used in any vehicle driven or operated upon public highways.~~	~~50 percent of the appropriate state fee~~	~~0~~

(2)(a) The department shall issue annual decals, which shall be valid for the current 12-month period for which they are issued and which shall be attached to the upper right corners of the front windshields on the motor vehicles for which they are issued. *However, if a motor vehicle owner applies for the decal after March 31, June 30, or September 30 of any year he shall pay three-fourths, one-half, or one-fourth of the fee, respectively.*

Section 30. Subsection (1) of section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of voted gas tax on motor fuel and special fuel.—

(1) Any county in the state, in the discretion of its governing body and subject to a referendum, may impose, in addition to all other taxes required or allowed by law, a 1-cent voted gas tax upon every gallon of motor fuel and special fuel sold in such county and taxed under the provisions of chapter 206, for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system and related facilities and the cost of acquisition, construction, reconstruction, and maintenance of roads and streets. The governing body of the county may provide that the referendum be worded to limit the number of years such tax will remain in effect. The governing body of the county may, by joint agreement with one or more of the municipalities located therein, provide for these transportation purposes and the distribution of the proceeds of this tax within both the unincorporated and incorporated areas of the county. The tax shall be collected and remitted by any person engaged in ~~using or~~ selling at retail motor fuel or *using or selling at retail*

special fuel within a county in which the tax is authorized and shall be distributed monthly by the department to the county where collected. The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. *Any* ~~The~~ retail dealer *licensed under s. 206.404 or jobber licensed under s 206 021* shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the department for the reporting period exceeds $1,000, the 3 percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.

Section 31. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 336.026, Florida Statutes, are amended to read:

336.026 Metropolitan transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)(a) In addition to other taxes allowed by law, including the *6-cent* ~~4-cent~~ local option gas tax on motor fuel and special fuel as provided in s. 336.025, there may be imposed as provided herein a 1-cent, 2-cent, 3-cent, or 4-cent local option gas tax upon every gallon of motor fuel and special fuel sold in a regional ground transportation area as defined in s. 163.803(4) and taxed under the provisions of *part I or part II of* chapter 206.

(2)(a) The tax shall be collected *and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a regional ground transportation area in which the tax is authorized* ~~in the same manner as all other gas taxes pursuant to chapter 206~~ and shall be distributed monthly *by the department to the authority in the regional ground transportation area where collected.* The tax *remitted to* ~~collected by~~ the Department of Revenue pursuant to this section shall be transferred to the Local Option Gas Tax Trust Fund, which fund is created for distribution to the Metropolitan Transportation Authority in the regional ground transportation area in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax and shall promulgate such rules as may be necessary for the enforcement of this section. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.

Section 32. Section 72.041, Florida Statutes, is amended to read:

72.041 Tax liabilities arising under the laws of other states.—Actions to enforce lawfully imposed sales, use, and corporate income taxes *and motor and other fuel taxes* of another state may be brought in a court of this state under the following conditions:

(1) The state seeking to institute an action for the collection, assessment, or enforcement of a lawfully imposed tax must have extended a like courtesy to this state;

(2) Venue for any action under this section shall be the circuit court of the county in which the defendant resides;

(3) This section does not apply to the enforcement of tax warrants of another state unless the warrant has been obtained as a result of a judgment entered by a court of competent jurisdiction in the taxing state or unless the courts of the state seeking to enforce its warrant allow the enforcement of the warrants issued by the Department of Revenue pursuant to chapters *206,* 212, 213, 214, 220, and 221; and

(4) All tax liabilities owing to this state or any of its subdivisions shall be paid first and shall be prior in right to any tax liability arising under the laws of other states.

Section 33. Subsection (5) of section 206.47, Florida Statutes, is amended to read:

206.47 Distribution of constitutional gas tax pursuant to State Constitution.—

(5)*(a)* The distribution factor, "the tax collected on retail sales or use in each county," shall be based upon a certificate of the Department of Revenue of the *taxable gallons attributable to* ~~sales and use tax collected in~~ each county as of June 30 for each fiscal year. The Department of Revenue shall furnish a certificate to the State Board of Administration on or before July 31 following the end of each fiscal year, and such certificate shall be conclusive as to the ~~sales and use~~ tax collected *on retail sales or use* in each county for the prior fiscal year. The factor based on such certificate shall be applied to the gas tax collections for the following fiscal year beginning July 1 and ending June 30.

(b) For the purpose of this section, "taxable gallons attributable to each county" shall be calculated as a consumption factor for each county divided by the sum of such consumption factors for all counties, and multiplied by the total gallons statewide upon which a tax was paid pursuant to s. 206.41. For each county imposing a tax pursuant to s. 336.021 or s. 336.025, the consumption factor shall be the gallons upon which the county's tax was paid under either or both of said sections. For each other county, the consumption factor shall be calculated as the taxable gallons yielding the tax amount certified pursuant to this section for fiscal year 1984-1985 for the county, multiplied by the quotient of the statewide total taxes collected pursuant to s. 206.41 for the current year divided by the statewide total taxes certified pursuant to this section for fiscal year 1984-1985.

Section 34. *The amendment to s. 206.47(5), Florida Statutes, by this act shall apply with respect to the certification of taxes for fiscal year 1985-1986 and each year thereafter.*

Section 35. Subsection (1) and paragraph (a) of subsection (2) of section 206.41, Florida Statutes, are amended to read:

206.41 Constitutional gas tax imposed.—

(1) An excise ~~or license~~ tax of 2 cents per gallon is imposed upon every gallon of motor fuel *upon the first sale or transfer of title, or use, within this state whether by a refiner, importer, or wholesaler, except as expressly provided in subsection (2)* ~~sold in this state, or brought into this state for use~~, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. This tax, which is the tax as levied by s. 16, Art. IX of the Constitution of 1885, as amended, and continued by s. 9(c), Art. XII of the 1968 Constitution, as amended, and which is therein referred to as the "second gas tax," is hereby designated the "constitutional gas tax." This levy of tax, *revenues from which become state funds at the time of collection by the refiner, importer, or wholesaler,* shall be *collected and remitted* ~~paid~~ upon the first sale or transfer of title, or use, within this state whether by a refiner, importer, or wholesaler, except as expressly provided in subsection (2), who shall act as agent for the state in the collection of such tax whether he is the ultimate seller or not.

(2)(a) Persons who hold a valid refiner, importer, or wholesaler license may purchase motor fuel *from licensed refiners and importers* without the tax imposed by this section being paid upon the first sale or transfer of title in this state ~~as aforesaid for sale in wholesale quantities to dealers in the state~~ and be liable for and pay the tax on all motor fuel *sold or used by him for sale or use on which the tax herein provided has not been paid* ~~so purchased and sold~~, and they shall act as agents for the state in the collection and payment thereof. Provided, however, sales by a refiner to another refiner *or sales by an importer or wholesaler to a refiner* within the state shall not be considered as a first sale. *Sales by a wholesaler or importer to another importer or another wholesaler are not exempt from the tax imposed by this part.*

Section 36. Subsection (3) is added to section 206.59, Florida Statutes, to read:

206.59 Department to make rules; powers.—

(3) The department may investigate and audit inventories, receipts, and disposals of motor fuel to ascertain the validity of all taxes collected and remitted to the department. Any motor fuel which cannot be accounted for by a refiner, importer, or wholesaler is subject to all taxes levied under this part. Any person who collects on any one sale of motor fuel more tax than was paid when purchased by that person is liable for the difference in tax plus all applicable interest and penalties. If any person fails to properly remit this difference, the penalty shall be equal to 100 percent of the tax.

Section 37. Subsection (1) of section 206.60, Florida Statutes, is amended to read:

206.60 County tax on motor fuel.—

(1) Every refiner, importer, or wholesaler of motor fuel, in addition to all other taxes required by law, shall *collect and remit* ~~pay~~ an additional tax of 1 cent per gallon for every gallon of motor fuel sold or used by him *which is hereby levied upon the first sale or transfer of title or use within this state pursuant to ss. 206.41 and 206.43* ~~on which the tax herein provided has not been paid or the payment thereof has not been assumed by a person preceding him in the handling of said lot of products~~. Delivery shall be deemed to be made at the point of destination. ~~This additional license tax of 1 cent per gallon on motor fuel shall be paid to the department monthly as provided in s. 206.43. However, alcohol-blended fuels which contain a minimum of 10 percent blend by volume of ethyl alcohol with a purity of 99 percent, commonly known as "gasohol," shall be exempt from the imposition of such additional tax of 1 cent per gallon from July 1, 1980, to July 1, 1983. Thereafter, the additional tax of 1 cent per gallon shall again become applicable pursuant to this section.~~

Section 38. Subsection (1) of section 206.605, Florida Statutes, is amended to read:

206.605 Municipal tax on motor fuel.—

(1) Every refiner, importer, or wholesaler of motor fuel, in addition to all other taxes required by law, shall *collect and remit* ~~pay~~ an additional tax of 1 cent per gallon for every gallon of motor fuel sold or used by him *which is hereby levied upon the first sale or transfer of title or use within this state pursuant to s. 206.41 and s. 206.43* ~~or brought into this state by him for sale or use on which the tax herein provided has not been paid or the payment thereof has not been assumed by a person preceding him in the handling of said lot of products~~. Delivery shall be deemed to be made at the point of destination. ~~This additional license tax of 1 cent per gallon on motor fuel shall be paid to the department monthly, as provided in s. 206.43.~~

Section 39. Section 212.66, Florida Statutes, is amended to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. 206.026, 206.027, 206.028, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, *206.626,* 206.87(2)(a) and (3)(f), (g), 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

Section 40. Section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)(a) In addition to other taxes allowed by law, there may be imposed as provided *in this section* ~~herein~~ a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option gas tax upon every gallon of motor fuel and special fuel sold in a county and taxed under the provisions of chapter 206.

(b) The tax shall be imposed *before July 1 to be* effective September 1 of any year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to subsection (3) or subsection (4). Upon expiration, the tax may be reimposed provided that a redetermination of the method of distribution is made as provided *in this section* ~~herein~~.

(c) County and municipal governments shall utilize moneys received pursuant to this section only for transportation expenditures.

(d) ~~Any county which has adopted as of June 18, 1985, a tax levied pursuant to this section for a period of 10 years or less may, upon a majority vote of the governing body of the county, extend such tax to a period not to exceed 30 years.~~ Any tax imposed pursuant to this section after June 18, 1985, may be extended from year to year on a majority vote of the governing body of the county. *A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after the effective date of this act, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.*

(e) After June 18, 1985, local governments may pledge the revenues from only the third, fourth, fifth and six cents of local-option taxes issued pursuant to this section. Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this section. In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

(2)(a) The tax shall be collected and remitted by any person engaged in ~~using or~~ selling at retail motor fuel or *using or selling at retail* special fuel within a county in which the tax is authorized and shall be distributed monthly by the Department *of Revenue* to the county where collected. The tax *remitted to* ~~collected by~~ the Department of Revenue pursuant to this section shall be transferred to the Local Option Gas Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The Department *of Revenue* has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax and shall promulgate such rules as may be necessary for the enforcement of this section. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.

(b) The provisions for refund provided in ss. 206.625 and 206.64 are not applicable to such tax levied by any county. *Any* ~~The~~ retail dealer *licensed under s. 206.404 or jobber licensed under s. 206.021* shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the Department *of Revenue* for the reporting period exceeds $1,000, the 3 percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the Department *of Revenue.* The provisions for refund in s. 212.67(1)(a) and (e) apply to such tax, and the refund shall be administered in accordance with the provisions of s. 212.67. However, the amount refunded shall be deducted from moneys in the Local Option Gas Tax Trust Fund otherwise distributed to the county area in which the tax is levied.

(3) The tax shall be imposed using either of the following procedures:

(a) The *tax* ~~first 2 cents~~ shall be levied by an ordinance adopted by a majority vote of the governing body *or by referendum.* ~~The next 4 cents shall be levied by an ordinance adopted by a majority plus one vote of the governing body or, subject to approval by referendum, by a majority vote of the governing body.~~ Such ordinance shall be adopted in accordance with the requirements imposed under one of the following circumstances, whichever is applicable:

1. The county may, prior to *June 1* ~~July 1~~, establish by interlocal agreement with one or more of the municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the *entire* proceeds of the *local option gas* tax among the county government and all eligible municipalities within the county. *If no interlocal agreement exists, a new interlocal agreement may be established prior to August 1, 1986, or June 1 of any year thereafter pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.*

2. If an interlocal agreement has not been executed pursuant to subparagraph 1., the county may, prior to *June 10* ~~July 15~~, adopt a resolution of intent to levy the tax allowed *in this section* ~~herein~~.

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to *June 20* ~~July 30~~, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in paragraph (1)(a), and setting the date for a countywide referendum on whether to impose the tax. A referendum shall be held in accordance with the provisions of such resolution and applicable state law, provided that the county shall bear the costs thereof. The tax shall be imposed and collected countywide on September 1 following 30 days after voter approval.

(4)*(a)* If the tax is imposed under the circumstances of subparagraph (3)(a)2. or paragraph (3)(b), the proceeds of the tax shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the *immediately preceding* 5 fiscal years ~~preceding the year in which the tax is authorized~~, as a proportion of the total of such expenditures for the county and all municipalities within the county. *After the initial imposition of a tax being distributed pursuant to the provisions of this paragraph, the proportions shall be recalculated every 10 years based on the transportation expenditures of the immediately preceding 5 years; however, such recalculation shall under no circumstances materially or adversely affect the rights of holders of bonds outstanding on the effective date of this act which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the recalculation.*

(b) Any newly incorporated municipality which is eligible for participation in the distribution of moneys under parts II and VI of chapter 218 and which is located in a county levying the tax imposed pursuant to this section is entitled to receive a share of the tax revenues. Distribution of such revenues to a newly incorporated municipality shall begin in the first full fiscal year following incorporation. The distribution to a newly incorporated municipality shall be:

1. Equal to the county's per lane mile expenditure in the previous year times the lane miles within the jurisdiction or responsibility of the municipality, in which case the county's share shall be reduced proportionately; or

2. Determined by the local act incorporating the municipality.

Such distribution shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the redistribution.

(5)(a) By *July 1* ~~August 15~~ of each year, the county shall *notify the Department of Revenue of the rate of tax levied, of its decision to rescind the tax, if applicable, and* provide the department ~~of Revenue~~ with a certified copy of the interlocal agreement established under subparagraph (3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (4), if applicable.

(b) Any dispute as to the determination by the county of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission. Pending final disposition of such proceeding, the tax shall be collected pursuant to this section, and such funds shall be held in escrow by the clerk of the circuit court of the county until final disposition.

(6) Only those municipalities and counties eligible for participation in the distribution of moneys under parts II and VI of chapter 218 are eligible to receive moneys under this section. Any funds otherwise undistributed because of ineligibility shall be distributed to eligible governments within the county in proportion to other moneys distributed pursuant to this section.

(7) For the purposes of this section, the term "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

(a) Public transportation operations and maintenance.

(b) Roadway and right-of-way maintenance and equipment.

(c) Roadway and right-of-way drainage.

(d) Streetlighting.

(e) Traffic signs, traffic engineering, signalization, and pavement markings.

(f) Bridge maintenance and operation.

(g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads.

Section 41. *For the year 1986 only, the tax levied under s. 336.025, Florida Statutes, shall be imposed before August 15 to be effective September 1, 1986, and by August 15 the county shall notify the Department of Revenue of the rate of tax levied, of its decision to rescind the tax, if applicable, and provide the department with a certified copy of the interlocal agreement established under s. 336.025(3)(a)1., Florida Statutes, or the distribution formula pursuant to s. 336.025(4), if applicable.*

Section 42. Subsection (1) of section 165.071, Florida Statutes, is amended to read:

165.071 Financial allocations.—

(1) The *law incorporating* ~~incorporation of~~ a new municipality in previously unincorporated lands *may* ~~shall~~ provide *a procedure for establishing the distributive share of local option gas tax moneys in counties where such tax is levied when appropriate under the provisions of s. 336.025(4)(b). The law shall also provide* for assumption of the existing governmental indebtedness or property specially benefiting that area, if any, the fair value of such and the manner of transfer and financing.

Section 43. Subsection (5) of section 206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.—

(5) The provisions ~~of ss. 206.63-206.77~~ relating to refunds and refund procedures apply to purchases ~~of 26 gallons or more~~ of special fuel upon which the tax has been paid when such fuel is for nonhighway agricultural or marine purposes.

Section 44. Paragraphs (a) and (b) of subsection (1), paragraphs (a) and (d) of subsection (3), and paragraph (a) of subsection (4) of section 212.67, Florida Statutes, are amended to read:

212.67 Refunds.—

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(a) Refunds on fuel used for local transit operations.—Any person who uses motor fuel or special fuel on which the taxes imposed by this part have been paid for any system of mass public transportation authorized to operate within any city, town, municipality, county, or transit authority region in this state, as distinguished from any over-the-road or charter system of public transportation, is entitled to a refund of such taxes. A public transportation system or transit system as defined above may operate outside its limits when such operation is found necessary to adequately and efficiently provide mass public transportation services for the city, town, or municipality involved. A transit system as defined above includes demand service that is an integral part of a city, town, municipality, county, or transit or transportation authority system but does not include independent taxicab or limousine operations. The terms "city," "county," and "authority" as used in this paragraph include any city, town, municipality, county, or transit or transportation authority organized in this state by virtue of any general or special law enacted by the Legislature. ~~Notwithstanding the provisions of paragraphs (3)(a) and (4)(a), a mass transit public transportation system shall be refunded the tax imposed by this part on motor fuel or special fuel purchases of less than 26 gallons.~~

(b) Refunds to retail dealers for shrinkage of motor fuel.—Every retail dealer *licensed under s. 206.404* is entitled to a refund of 1.4 percent of the tax imposed by this part on motor fuel purchased by such retail dealer to cover losses due to evaporation and shrinkage of motor fuel.

(3)(a) When motor fuel or special fuel is sold to a person who claims to be entitled to a refund under this section ~~and the amount sold is not less than 26 gallons~~, the seller of such motor fuel or special fuel shall make out a sales invoice, which shall contain the following information:

1. The name, post-office address, and residence address of the purchaser.

2. The number of gallons purchased.

3. The date on which the purchase was made.

4. The price paid for the motor fuel or special fuel.

5. The name and place of business of the seller of the motor fuel or special fuel.

6. The license number, or other identification number, of the motor vehicle or boat of the purchaser.

(d) Notwithstanding provisions of this subsection to the contrary, the department has authority to designate certain retail service stations as agents of refiners, importers, wholesalers, *jobbers,* or dealers when no refiners, importers, wholesalers, *jobbers,* or dealers are available ~~to serve commercial fishermen~~.

(4)(a) No refund may be authorized unless a sworn application therefor containing such information as the department may determine is filed with the department not later than the last day of the month following the quarter for which the refund is claimed. However, when a justified excuse for late filing is presented to the department, and the last preceding claim was filed on time, the deadline for filing may be extended an additional month. No ~~refund will be authorized for any purchase of less than 26 gallons at any one time, and no~~ refund will be authorized unless the amount due is for $5 or more for any refund period and unless application is made upon forms prescribed by the department.

Section 45. Section 213.27, Florida Statutes, is amended to read:

213.27 Contracts with debt collection agencies.—

(1) The Department of Revenue may, for the purpose of collecting any delinquent taxes due from a taxpayer, contract with any debt collection agency or attorney doing business within or without this state for the collection of such delinquent taxes including penalties and interest thereon. Contracts will be made pursuant to chapter 287. The taxpayer must be notified by certified mail by the department, its employees, or its authorized representative 30 days prior to commencing any litigation to recover any delinquent taxes. The taxpayer must be notified by certified mail by the department 30 days prior to the department assigning the collection of any delinquent taxes to the debt collection agency.

(2) Any contract may provide, in the discretion of the executive director of the Department of Revenue, the manner in which the compensation for such services will be paid. Under standards established by the department, such compensation shall be added to the amount of the tax and collected as a part thereof by the agency or deducted from the amount of tax, penalty, and interest actually collected.

(3) All funds collected under the terms of the contract, less the fees provided in the contract, shall be remitted to the Department of Revenue within 30 days from the date of collection from a taxpayer. Forms to be used for such purpose shall be prescribed by the department.

(4) The department shall require a bond from the debt collection agency not in excess of $100,000 guaranteeing compliance with the terms of the contract.

(5) *The Department of Revenue may, for the purpose of ascertaining the amount of or collecting any delinquent taxes due from a person doing mail order business in this state, contract with any auditing agency doing business within or without this state for the purpose of conducting an audit of such mail order business; provided, that such audit agency may not conduct an audit on behalf of the department of any person domiciled in this state, person registered for sales and use tax purposes in this state, or corporation filing a Florida corporate tax return, if any such person or corporation objects to such audit in writing to the department and the auditing agency. The department shall notify the taxpayer by certified mail at least 30 days before the department assigns the collection of such delinquent taxes to the debt collection or auditing agency.*

(6) Debt collection *or auditing* agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by ss. 775.082 and 775.083.

Section 46. Section 206.9825, Florida Statutes, is amended to read:

206.9825 Aviation fuel tax.—An excise tax of 5.7 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part shall not be subject to the tax imposed by ss. 336.021, ~~and~~ 336.025, *and 336.026.*

Section 47. Subsection (1) of section 199.143, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

199.143 Future advances.—

(1) *Except as provided in subsection (3),* if the mortgage, deed of trust, or other lien *is recorded or executed after December 31, 1985 and* secures a line of credit or otherwise secures future advances, as provided in s. 697.04, the nonrecurring tax shall initially be paid on the initial obligation secured, excluding future advances. Each time an additional amount is borrowed or a future advance is made, additional nonrecurring tax shall be paid on the amount of the advance. However, any increase in the amount of original indebtedness caused by interest accruing under an adjustable interest rate obligation having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future advance only to the extent such increase is a computable sum certain when the original indebtedness is incurred.

(3) If the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is a residence of the borrower, then the nonrecurring tax shall be paid as provided in s. 199.135 on the maximum amount of the line of credit and no further nonrecurring tax shall be due on any borrowing under the line of credit.

Section 48. *Notwithstanding any other law to the contrary, any transportation authority created by chapter 349, Florida Statutes, shall have all the powers conferred by part VI of chapter 163, Florida Statutes.*

Section 49. Subsection (6) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of trust funds.—

(6) The Auditor General shall audit annually the entire operation of the board. In addition to his regular financial and compliance audit, the Auditor General shall also perform or cause to be performed a performance audit of the management by the board of investments, including among other things his independent verification of the data included by the board in its reports to the Legislature required by subsection (5). The Auditor General may elect to contract with a private professional firm qualified in investment portfolio management to conduct the performance audit of investment management required by this subsection. *In addition to the duties prescribed in this subsection, the Auditor General shall conduct performance postaudits of each investment under s. 215.47(6), which is not otherwise authorized under ss. 215.44-215.53. These reviews will be initiated within 60 days following the final approval of investments by the board. The Auditor General shall submit such audit report to the board, the President of the Senate, the Speaker of the House of Representatives, and their designees.*

Section 50. Subsection (2) of section 215.444, Florida Statutes, is amended to read:

215.444 Investment Advisory Council.—

(2) The members of the council shall be appointed by the board and shall be subject to confirmation by the Senate. *These individuals shall possess special knowledge, experience, and familiarity with financial investments and portfolio management.* Initially, the board shall appoint two members for terms of 3 years each, two members for terms of 2 years each, and two members for terms of 1 year each. Thereafter, members shall be appointed for 3-year terms. A vacancy shall be filled for the remainder of the unexpired term. ~~No member shall serve for more than one 3-year term.~~

Section 51. Paragraph (n) is added to subsection (1) of section 215.47, Florida Statutes, present subsections (5), (6), (7), and (8) are renumbered as subsections (7), (8), (9), and (10), respectively, and new subsections (5) and (6) are added to said section, to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(1) Without limitation in:

(n) Short-term obligations not authorized elsewhere in this section to be purchased individually or in pooled accounts or other collective investment funds, for the purpose of providing liquidity to any fund or portfolio.

(5) With no more than 5 percent of any fund in corporate obligations and securities of any kind of a foreign corporation or a foreign commercial entity having its principal office located in any country other than the United States of America or its possessions or territories, not including U.S. dollar-denominated securities listed and traded on a United States exchange which are a part of the ordinary investment strategy of the board.

(6) With no more than 5 percent of any fund to be invested as deemed appropriate by the board, notwithstanding investment limitations otherwise expressed in this section. Prior to the board engaging in any investment activity not otherwise authorized under ss. 215.44-215.53, excluding investments in publicly traded securities, options, financial futures or similar instruments, the board shall present to the Investment Advisory Council a proposed plan for such investment. Said plan shall include, but not be limited to, the expected benefits and potential risks of such activity, methods for monitoring and measuring the performance of the investment, a complete description of the type, nature, extent and purpose of the investment, including, description of issuer, security in which investment is proposed to be made, voting rights, or lack thereof, and control to be acquired, restrictions upon voting, transfer, and other material rights of ownership, and the existence of any contracts, arrangements, understandings or relationships with any person or entity (naming the same) with respect to the proposed investment, and assurances that sufficient investment expertise is available to the board to properly evaluate and manage such activity. The Investment Advisory Council may obtain independent investment counsel to provide expert advice with regard to such proposed investment activity by the board and the board shall defray such costs.

Section 52. Subsection (2) of section 280.03, Florida Statutes, is amended to read:

280.03 Public deposits to be secured; exceptions.—

(2) Every public deposit held in trust or in escrow pursuant to the provisions of any trust indenture or escrow agreement authorized by law ~~is~~, unless provided otherwise in the documents or proceedings authorizing the terms of and the execution of the trust indenture or escrow agreement, *and moneys of the System Trust Fund, as defined in s. 121.021(36), and securities acquired with such moneys pursuant to s. 215.47, are* exempt from the requirements of this chapter.

Section 53. This act shall take effect upon becoming a law.

House Amendment 1 to Substitute Amendment 1—On page 19, line 10, after the period (.) insert new section 24, to read:

Section 24. Subsection (3) of section 196.295, Florida Statutes, as created by chapter 85-322, Laws of Florida, is amended, and subsection (4) is added to said section, to read:

196.295 Property transferred to exempt governmental unit; tax payment into escrow; abatement of taxes upon destruction or damage to buildings and structures due to fire or other disaster.—

(3) *Subsection (2) of* this section shall stand repealed July 1, 1986.

(4) In the event fee title to property is acquired by a governmental unit exempt under this chapter by any means except condemnation or is acquired by any means except condemnation for use exclusively for federal, state, county, or municipal purposes, the taxpayer is required to pay all taxes due from prior years.

(Renumber subsequent sections.)

House Amendment 2 to Substitute Amendment 1—On page 25, line 9, and on page 34, line 12, after "motor" insert: *or special*

House Amendment 3 to Substitute Amendment 1—On page 48, strike all of lines 14 and 15 and insert:

Section 53. Subsection (10) of section 220.181, Florida Statutes, is renumbered as subsection (11), and a new subsection (10) is added to said section to read:

220.181 Enterprise zone jobs credit.—

(10) Any new employee or replacement new employee otherwise qualified and eligible for the credit authorized in this section prior to December 1, 1986, who is a resident of an enterprise zone designated pursuant to s. 290.005 and approved by the secretary pursuant to s. 290.006 and who is not a resident of an enterprise zone approved under s. 290.0065 shall continue to be eligible for the credit authorized in this section for the full time periods prescribed in paragraphs (1)(a) and (b), notwithstanding the expiration date contained in s. 290.006(5). The provisions of paragraph (1)(c) shall not be applicable to such employees.

Section 54. Subsections (4) and (5) of section 290.0055, Florida Statutes, are amended to read:

290.0055 Local authorization of enterprise zones after January 1, 1986; requirements; application for state approval.—

(4) Each area authorized to be an enterprise zone must have:

(a) A continuous boundary;

(b) A population that does not exceed the greater of 2,500 persons, ~~or~~ 10 percent of the population of the county or municipality, or both, which authorized the creation of the enterprise zone, *or the percentage of the population of such county or municipality, or both, which is equal to the percentage of families with incomes below the poverty level in the county in which the enterprise zone is to be located*; and

(c) Not less than 40 percent of the land area available for commercial or industrial uses and not less than 40 percent of the land area available for residential uses, as determined by the zoning of the area, excluding the land area used for public facilities, prior to the passage of the resolution authorizing the creation of the enterprise zone. *The provisions of this paragraph shall not apply when the population of the jurisdiction that authorized the creation of the enterprise zone is less than 2,500.*

(5) The total population of all areas authorized to be enterprise zones in a county defined in s. 125.011(1) may not exceed *the greater of* 10 percent of the total population of such county *or the percentage of the total population of such county which is equal to the percentage of families with incomes below the poverty level in such county.* The population of a county, other than a county defined in s. 125.011(1), shall be the unincorporated area population of such county.

Section 55. Subsection (1) and paragraph (a) of subsection (3) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State approval of areas authorized to be enterprise zones.—

(1) Upon application of the governing body of a county or municipality, or of a county and municipality jointly, pursuant to s. 290.0055, the department shall determine which areas authorized by such governing bodies are the most appropriate for the purposes of the incentives enumerated in s. 290.007. The department is authorized to approve up to *six* ~~five~~ areas within each of the categories established in subsection (3)(a); however, such approval shall not be effective prior to January 1, 1987.

(3)(a) Each area authorized to be an enterprise zone pursuant to s. 290.0055 shall be placed in one of the following *five* ~~four~~ categories:

1. Communities consisting of census tracts in urbanized areas having a total population of *125,000* ~~150,000~~ persons or more.

2. Communities consisting of census tracts in urbanized areas having a total population of 50,000 persons or more but less than *125,000* ~~150,000~~ persons.

3. Communities having a population of 20,000 persons or more but less than 50,000 persons.-

4. ~~3.~~ Communities ~~consisting of cities~~ having a population of 7,500 persons or more but less than *20,000* ~~50,000~~ persons ~~and unincorporated census places~~.

5. ~~4.~~ Communities ~~consisting of cities~~ having a population of less than 7,500 persons.

Section 56. Subsection (3) of section 290.015, Florida Statutes, is amended to read:

290.015 Evaluation and review.—

(3) Prior to the 1990 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of ss. 290.001-290.015, together with the incentives and programs listed in s. 290.007, using the research design promulgated pursuant to subsection (1). *The report shall critique the enterprise zone program and shall include an analysis of the impact of limiting the application of the jobs credits in ss. 220.181 and 212.096 only to businesses located in an enterprise zone and an analysis of the impact of the program on small business.* A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1990 Regular Session. *The appropriate committees of the Senate and House of Representatives shall consider legislation to implement the recommendations of the Auditor General.*

Section 57. There is created an advisory council in each county which has implemented the provisions of chapter 83-220, Laws of Florida, as amended. The council shall advise the county an all documentary surtax issues, including the administration of all home ownership and housing rehabilitation programs funded through the documentary surtax.

(1) The advisory council shall have nine members including:

(a) One person actively engaged in the residential home building industry;

(b) One person actively engaged in the real estate industry;

(c) One person actively engaged in the banking or mortgage banking industry;

(d) One person actively engaged in the savings and loan industry;

(e) One person from the local nonprofit community development corporation; and

(f) Four other persons, one of whom is principally employed by or represents any of the groups specified in paragraphs (a)-(d).

(2) The members of the advisory council shall be appointed by the board of county commissioners. Initially, the board of county commissioners shall appoint three members for terms of 3 years, three members for terms of 2 years, and three members for terms of 1 year. Thereafter, members shall be appointed for 3-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(3) Any member may be removed from the advisory council for cause by a majority vote of the board of county commissioners.

(4) The advisory council shall elect a chairman and vice chairman from among its members. The board of county commissioners shall provide staff assistance to the advisory council.

(5) The advisory council shall meet regularly at the call of the chairman, but not less frequently than monthly.

(6) This section shall take effect October 1, 1986, and shall expire October 1, 1993.

Section 58. Except as otherwise provided herein, this act shall take effect upon becoming a law.

House Substitute Amendment 2—On page 1, line 1 through page 3, line 28, strike all of said lines and insert: A bill to be entitled An act relating to taxation and financial matters; amending s. 199.042, F.S.; providing due dates for early payment discounts for annual intangible personal property tax; amending s. 199.062, F.S.; revising information required to be filed annually by corporations and security brokers; amending s. 199.232, F.S.; providing time periods for audits or assessments of said tax; amending s. 199.282, F.S.; providing criminal and civil penalties with respect to intangible taxes; providing for personal liability of corporate officers and directors under certain circumstances with respect to said taxes; providing for an amnesty program for annual intangible taxes; providing appropriations to the Department of Revenue; amending s. 199.103, F.S.; providing a method for valuing shares of regulated investment companies; amending s. 201.02, F.S., relating to excise tax on instruments relating to real property; providing for taxing certain partnership conveyances; amending s. 206.44, F.S.; providing a date certain from which to calculate interest on delinquent fuel tax; amending s. 206.45, F.S.; requiring maintenance of a specified balance in the Gas Tax Collection Trust Fund; amending s. 213.06, F.S.; authorizing adoption of emergency rules by the department under certain circumstances; amending ss. 211.33, 213.21, and 220.34, F.S.; authorizing the department to settle or compromise certain tax penalties; amending s. 213.22, F.S.; authorizing the department to collect fees with respect to technical assistance advisements; amending s. 215.26, F.S.; authorizing the denial of certain tax refunds; amending ss. 159.15, 159.31, 159.50, 159.621, and 159.708, F.S.; exempting certain security instruments related to bonds issued in connection with specified projects from taxation; declaring certain governmental obligations to be legal investments for certain public funds; amending s. 214.23, F.S.; providing procedures for issuing notice to taxpayers with respect to designated nonproperty taxes; amending s. 324.26, F.S.; limiting the liability of the department with respect to proof of liability insurance and certain identifying devices; amending s. 197.502, F.S., relating to tax deeds; providing for taxes on lands listed as available for taxes; providing for escheat to the county and cancellation of outstanding tax certificates and liens; amending s. 206.27, F.S.; providing for confidentiality of certain audits or records relating to fuel taxes; providing a penalty; providing for review and repeal; amending s. 213.053, F.S., relating to confidentiality of information received under specified tax laws; removing reference to application to chapter 206, F.S., and removing an obsolete reference; providing for confidentiality of letters of technical advice; providing a penalty; amending s. 213.24, F.S.; providing for thresholds for billings of deficiencies of tax, penalties, and interest; requiring the Inspector General of the department to conduct an annual study; amending s. 206.404, F.S.; providing that retail fuel dealers shall make monthly reports and remit local option taxes; providing a penalty; amending s. 206.877, F.S., which provides decal fees in lieu of taxes for vehicles powered by alternative fuels; removing certain farm vehicles and vehicles used in harvesting crops from application of said section; providing for partial fees; correcting a reference; amending s. 336.021, F.S., relating to the county voted gas tax; revising provisions relating to collection of such tax; specifying that the deduction is allowed to licensed retail dealers and jobbers; amending s. 336.026, F.S., relating to the local option tax for metropolitan transportation systems; correcting references; revising provisions for collection and distribution of the tax; amending s. 72.041, F.S., which specifies conditions under which actions to enforce tax liabilities of other states may be brought in this state, to include fuel taxes; amending s. 206.47, F.S.; revising the calculation of "the tax collected on retail sales or use in each county" for purposes of distribution of the constitutional gas tax; amending s. 206.41, F.S.; revising provisions relating to imposition of the constitutional gas tax; specifying that sales by importers or wholesalers to refiners are not first sales; specifying that sales by wholesalers or importers to other importers or wholesalers are not exempt; amending s. 206.59, F.S.; providing investigatory and audit powers of the Department of Revenue; specifying that fuel that cannot be accounted for is subject to tax; providing liability and penalties for collection of more tax than was paid when fuel was purchased; amending ss. 206.60 and 206.605, F.S.; revising provisions relating to the levy of the county and municipal taxes on fuel; amending s. 212.66, F.S.; specifying that provisions relating to refunds to ethanol dealers shall apply to the sales tax on fuel; amending s. 336.025, F.S.; revising time periods with respect to levy of the county local option tax on fuels; revising provisions relating to collection; specifying that the deduction is allowed to licensed retail dealers and jobbers; revising procedure for imposing the tax; revising requirements relating to annual notice to the department; requiring redetermination of the method of distribution under certain circumstances; authorizing establishment of a new interlocal agreement in any year under certain circumstances; providing for recalculation of distribution proportions periodically; providing for participation by newly incorporated municipalities in distribution of tax revenues; specifying effect on rights of certain bondholders; providing for application to the year 1986; amending s. 165.017, F.S.; authorizing establishment of a procedure for distributing local option gas tax moneys when incorporating a new municipality; amending s. 206.87, F.S., relating to refunds applicable to purchases of special fuel used for agricultural or marine purposes; deleting the requirement that such purchases be 26 gallons or more; amending s. 212.67, F.S.; removing provisions which limit refunds for the sales tax on fuel to purchases of 26 gallons or more; specifying that the refund for shrinkage applies to licensed retail dealers; requiring additional information on the sales invoice; revising provisions relating to authority of the department to designate retail service stations as agents of refiners, importers, wholesalers, jobbers, or dealers; amending s. 213.27, F.S.;

authorizing the department to contract with certain auditing agencies for activities related to mail-order businesses; providing limitations; providing for confidentiality and providing a penalty; amending s. 206.9825, F.S.; exempting aviation fuel from certain local option fuel taxes; amending s. 199.143, F.S.; specifying applicability of provisions relating to intangible tax on mortgages or other liens that secure future advances; providing for payment of nonrecurring tax with respect to certain lines of credit; providing that the Jacksonville Transportation Authority shall have the powers conferred by the Metropolitan Transportation Authority Act; amending s. 215.44, F.S., requiring the Auditor General to conduct postaudits on investment activity of the Board of Administration; amending s. 215.444, F.S., revising the criteria for membership on the Investment Advisory Council; amending s. 215.47, F.S.; authorizing the Board of Administration to invest Florida Retirement System Trust Fund and other available moneys in certain obligations and securities; authorizing investments as deemed appropriate by the board; amending s. 280.03, F.S.; exempting Florida Retirement System Trust Fund deposits and securities from public deposit security requirements under ch. 280, F.S.; providing an effective date.

House Amendment 1 to Substitute Amendment 2—On page 2, line 19, after the semicolon (;) insert: amending s. 196.295, F.S.; revising a provision for repeal of said section and providing for repeal of provisions which allow partial tax abatement when residential buildings are destroyed by fire; specifying taxpayer's liability for prior years' taxes when property is acquired by an exempt governmental unit or for exempt use;

House Amendment 2 to Substitute Amendment 2—On page 3, line 21, and page 5, line 5, after the semicolon (;) insert: granting the dealer collection allowance for certain dealers;

House Amendment 3 to Substitute Amendment 2—On page 6, line 22, after the semicolon (;) insert: amending s. 220.181, F.S.; providing that certain tax credits for certain new employees continue to apply notwithstanding an expiration date relating to enterprise zone approval; amending s. 290.0055, F.S.; modifying the population limitation and zoning requirements for enterprise zones; amending s. 290.0065, F.S.; modifying the population categories in which enterprise zone applications are considered and the number of enterprise zones that may be selected; amending s. 290.015, F.S.; revising contents of a report to the Legislature and requiring consideration of the recommendations of the Auditor General; creating an advisory council in those counties which have implemented the provisions of ch. 83-220, Laws of Florida, as amended; specifying membership and terms of office; providing for removal of members; providing staff assistance; providing for meetings; providing an expiration date;

Senator Crawford moved the following amendment to House Amendment 1 to Substitute Amendment 1 which was adopted:

Amendment 1—On page 5, line 27, insert:

Section 58. Subsection (1) of section 220.131, Florida Statutes, is amended to read:

220.131 Adjusted federal income; affiliated groups.—

(1) Notwithstanding any prior election made with respect to consolidated returns, and subject to subsection (5), for taxable years beginning on or after September 1, 1984, any corporation subject to tax under this code which corporation is the parent company of an affiliated group of corporations may elect, not later than the due date for filing its return for the taxable year, including any extensions thereof, to consolidate its taxable income with that of all other members of the group, regardless of whether such member is subject to tax under this code, and to return such consolidated taxable income hereunder, in which case all such other members must consent thereto in such manner as the department may by rule prescribe, provided:

(a) Each member of the group consents to such filing by specific written authorization at the time the consolidated return is filed;

(b) The affiliated group so filing under this code has filed a consolidated return for federal income tax purposes for the same taxable year; and

(c) The affiliated group so filing under this code is composed of the identical component members as those which have consolidated their taxable incomes in such federal return.

However, the parent corporation of an affiliated group which filed a consolidated return under this code for the taxable year immediately preceding the taxable year of such group beginning on or after September 1, 1982, may, subject to these provisions, elect to consolidate its income with that of all other members of the group which would have been included as members under this section as amended and in effect prior to July 19, 1983, and to return such consolidated taxable income hereunder. Such election shall be made *on or before the due date, including extensions thereof, of the taxpayer's income tax return for the first taxable year beginning after August 31, 1984* ~~within 90 days of December 20, 1984, or upon filing the taxpayer's first return after December 20, 1984, whichever is later~~.

(Renumber subsequent sections.)

Senator Crawford moved the following amendments to House Amendment 3 to Substitute Amendment 1 which were adopted:

Amendment 1—On page 5, line 27, insert:

Section 58. Subsection (9) is added to section 196.199, Florida Statutes, to read:

196.199 Exemptions for property owned by governmental units.—

(9) Improvements to real property which are located on state owned land and which are leased to a public educational institution shall be deemed owned by the public educational institution for purposes of this section where, by the terms of the lease, the improvement will become the property of the public educational institution or the State of Florida at the expiration of the lease.

Section 59. Paragraph (c) of subsection (2) of section 145.10, Florida Statutes, is amended to read:

145.10 Property appraiser.—

(2)(a) There shall be an additional $2,000 per year special qualification salary for each property appraiser who has met the requirements of the Department of Revenue and has been designated a certified Florida property appraiser. Any property appraiser who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year. The department shall establish and maintain a certified Florida property appraiser program.

(b) In order to qualify for the special qualification salary described in paragraph (a), the property appraiser must complete the requirements established by the Department of Revenue within 6 years after first taking office, except that those property appraisers holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.

(c) After a property appraiser meets the requirements of paragraph (a), in order to remain certified the property appraiser shall thereafter be required to complete each year a course of continuing education as prescribed by the department. *The Executive Director of the Department of Revenue may, at his discretion, waive the requirements of this paragraph for any property appraiser who has reached 60 years of age and who has been a property appraiser for 20 years.*

(Renumber subsequent section.)

Amendment 2—On page 4, strike all of lines 17-19, and insert: Session.

Senator Crawford moved the following amendments to House Amendment 3 to Substitute Amendment 2 which were adopted:

Amendment 1—In title, on page 1, line 27, after the second semicolon (;) insert: amending s. 196.199, F.S.; providing that certain improvements to real property on state owned land and leased to public institutions shall be deemed owned by such institution; amending s. 145.10, F.S.; allowing the executive director of the Department of Revenue to waive certain requirements relating to property appraiser certification;

Amendment 2—In title, on page 1, line 28, after the semicolon (;) insert: amending s. 220.131, F.S.; revising the deadline for filing certain consolidated returns;

On motions by Senator Crawford, the Senate concurred in House amendments to House Substitute Amendment 1 as amended and in House Substitute Amendment 1 as amended; concurred in House amendments to House Substitute Amendment 2 as amended and in House Substitute Amendment 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 313 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Jenne

On motions by Senator Crawford, by two-thirds vote HB 1314 was withdrawn from the Committees on Finance, Taxation and Claims and Appropriations.

On motions by Senator Crawford, by unanimous consent—

HB 1314—A bill to be entitled An act relating to tax administration; amending s. 196.131, F.S.; authorizing counties to waive the requirement for annual application for homestead exemption; amending s. 191.161, F.S.; providing a penalty; amending s. 192.037, F.S., relating to collection of taxes and special assessments on fee time-share real property; revising provisions relating to escrow accounts and reports thereon; creating s. 201.022 and amending s. 193.074, F.S.; requiring the filing of a return with the clerk of the circuit court stating the actual consideration paid for real property prior to recordation of a deed; providing for confidentiality; amending s. 193.461, F.S.; revising the date for notice of denial of agricultural classification; amending s. 194.013, F.S.; providing for return of filing fee when a petitioner prevails with respect to assessment or exemption in a conference with the property appraiser; amending ss. 195.002 and 195.087, F.S.; authorizing the Department of Revenue to establish committees and enter into certain agreements regarding fees with respect to schools conducted for property appraisers and tax collectors; providing for travel expenses; amending ss. 196.151 and 196.193, F.S.; revising dates for consideration of homestead exemption applications by the property appraiser and for notice regarding denial or modification of applications for ad valorem tax exemptions; amending s. 196.1995, F.S., relating to the economic development ad valorem tax exemption; specifying when property improvements or additions must be made to qualify for exemption; amending s. 200.065, F.S., relating to method of fixing millage; revising computation of the "rolled-back rate" to remove the exclusion of any increase in taxable value by which a tax increment is measured for a community development agency; providing for notice when a final budget hearing is recessed; revising form for notices of tax increase; providing assessment methodology; amending s. 196.295, F.S.; revising a provision for repeal of said section and providing for repeal of provisions which allow partial tax abatement when residential buildings are destroyed by fire; specifying taxpayers's liability for prior years' taxes when property is acquired by an exempt governmental unit or for for exempt use; providing an effective date.

—was taken up out of order. On motions by Senator Crawford, by two-thirds vote HB 1314 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Fox

Vote after roll call:

Yea—Hair, Jenne

Nay to Yea—Fox

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 314—A bill to be entitled An act relating to the tax on sales and other transactions; amending s. 212.02, F.S.; providing definitions; specifying conditions for taxing certain materials and property used to manufacture tangible personal property; amending s. 212.07, F.S.; providing criteria for "resale"; authorizing the Department of Revenue to establish effective tax rates for certain industries under certain circumstances; providing tax liability for certain taxable transactions; amending s. 212.031, F.S.; applying the sales tax to certain licenses in real property; providing exemptions; creating s. 212.0505, F.S.; providing for taxing of unlawful transactions involving certain drugs, cannabis, or controlled substances; providing exemptions; providing for administration; amending s. 212.054, F.S.; providing criteria for collecting, and indicating the amount of, certain surtaxes; amending s. 212.055, F.S.; authorizing charter counties to impose a discretionary sales surtax to be used by certain authorities for roads or bridges, including payment of principal and interest of bonds; amending s. 212.0305, F.S.; relating to levy of a convention development tax by certain counties operating under a consolidated government; designating said section the "Convention Development Tax Act" and incorporating the provisions of said repealed sections therein; requiring that the levy of any convention development tax on transient rentals be authorized under said section; providing uniform application, administrative, collection, penalty, and lien provisions; redesignating said taxes as the charter county convention development tax, the special district convention development tax, and the consolidated county convention development tax, respectively; providing procedures and requirements for levy of such taxes and providing for use of the proceeds; providing legislative intent with respect to said repeals and recodification; amending s. 213.05, F.S.; deleting references to conform; amending s. 212.06, F.S.; providing a definition; applying certain title certificate restrictions to mobile homes and motor vehicles; amending s. 212.08, F.S.; requiring certain prescriptions to be written by certain persons; correcting a reference to a certain educational institution for tax-exemption purposes; limiting the exemption for boiler fuels; defining educational institutions and religious institutions; reviving and readopting s. 212.11, F.S., relating to tax returns and regulations; amending s. 212.12, F.S.; providing a tax collection credit for certain dealers; authorizing the Department of Revenue, under certain circumstances, to use certain sampling procedures in estimating sales taxes due; amending s. 212.18, F.S.; providing registration requirements for certain businesses; providing legislative intent; preserving certain ordinances; repealing s. 212.057, F.S., relating to levy of a convention development tax by certain home rule charter counties, and s. 5 of chapter 84-67, Laws of Florida, s. 8 of chapter 84-324, Laws of Florida, and s. 2 of chapter 84-373, Laws of Florida, relating to levy of a convention development tax by certain counties levying a tourist advertising ad valorem tax; amending s. 212.05, F.S., providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 44, lines 19-22, strike all of said lines and insert:

Section 17. Except as otherwise provided herein, this act shall take effect July 1, 1986, or upon becoming a law, whichever is later,

Amendment 2—On page 18, line 24, before "section 212.0305" and on page 28, line 24, before "section 212.057" insert: Effective January 1, 1987,

Amendment 3—On page 38, line 1, thru page 40, line 12, strike all of said lines and insert:

Section 13. Subsection (1), paragraphs (a), (b) and (c) of subsection (6), and subsections (8), (9), and (13) of section 212.12, Florida Statutes, are amended to read:

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

(1) For the purpose of compensating *persons granting licenses for and* the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property *for the purpose of compensating dealers providing communication services*, and for the purpose of compensating owners of places where admissions are collected, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, *person*, lessor, dealer, and owner shall be allowed 3 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; and the department shall allow such deduction of 3 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds $1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify.

(6)(a) The department is given the power to prescribe the records to be kept by all persons subject to taxes imposed by this chapter; and it shall be the duty of every person required to make a report and pay any tax under this chapter, every person receiving rentals *or license fees*, and owners of places of admission, to keep and preserve suitable records of the sales, leases, rentals, *license fees*, admissions, or purchases, as the case may be, taxable under this chapter; such other books of account as may be necessary to determine the amount of the tax due hereunder; and other information as may be required by the department. It shall be the duty of every such person so charged with such duty, moreover, to keep and preserve for a period of 3 years all invoices and other records of goods, wares and merchandise, records of admissions, leases, *license fees* and rentals and all other subjects of taxation under this chapter; and all such books, invoices, and other records shall be open to examination at all reasonable hours to the department or any of its duly authorized agents. estate agent is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for the first offense; and for subsequent offenses, they are each guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For the purpose of this subsection, if a dealer does not have adequate records of his retail sales *or purchases*, the department may, upon the basis of a test or sampling of the dealer's available records or other information relating to the sales *or purchases* made by such dealer, for a representative period, determine the proportion that taxable retail sales bear to total retail sales *or the proportion that taxable purchases bear to total purchases*. This subsection does not affect the duty of the dealer to collect, or the liability of any consumer to pay, any tax imposed by or pursuant to this *part* ~~chapter~~.

(c) If the records of a dealer are adequate but voluminous in nature and substance, the department may statistically sample such records, *except for fixed assets*, and project the audit findings derived therefrom over the entire audit period to determine the proportion that taxable retail sales bear to total retail sales *or the proportion that taxable purchases bear to total purchases*. In order to conduct such a sample, the department must first make a good faith effort to reach an agreement with the dealer, which agreement provides for the means and methods to be used in the sampling process. In the event that no agreement is reached, the dealer is entitled to a review by the executive director.

(8) In the case of the lease or rental of tangible personal property, or other rentals *or license fees* as herein defined and taxed, if the consideration given or reported by the lessor, person receiving rental *or license fee* , or dealer does not, in the judgment of the department, represent the true or actual consideration, then the department is authorized to ascertain the same and assess and collect the tax thereon in the same manner as above provided, with respect to imported tangible property, together with interest, plus penalties, if such have accrued.

(9) Taxes imposed by this chapter upon the privilege of the use, consumption, storage for consumption, or sale of tangible personal property, admissions, *license fees*, ~~and~~ rentals, and communication services as herein taxed shall be collected upon the basis of an addition of the tax imposed by this chapter to the total price of such admissions, *license fees*, rentals, communication services, or sale price of such article or articles that are purchased, sold, or leased at any one time by or to a customer or buyer; and the dealer, or person charged herein, is required to pay a privilege tax in the amount of the tax imposed by this chapter on the total of his gross sales of tangible personal property, admissions, *license fees*, ~~and~~ rentals, *and* communication services, and such person or dealer shall add the tax imposed by this chapter to the price, *license fee*, rental, or admissions, and communication services and collect the total sum from the purchaser, admittee, *licensee*, lessee, or consumer. Notwithstanding the rate of taxes imposed upon the privilege of sales, admissions, *license fees*, rentals, and communication services, the following brackets shall be applicable to all transactions taxable at the rate of 5 percent:

(a) On single sales of less than 10 cents, no tax shall be added.

(b) On single sales in amounts from 10 cents to 20 cents, both inclusive, 1 cent shall be added for taxes.

(c) On sales in amounts from 21 cents to 40 cents, both inclusive, 2 cents shall be added for taxes.

(d) On sales in amounts from 41 cents to 60 cents, both inclusive, 3 cents shall be added for taxes.

(e) On sales in amounts from 61 cents to 80 cents, both inclusive, 4 cents shall be added for taxes.

(f) On sales in amounts from 81 cents to $1, both inclusive, 5 cents shall be added for taxes.

(g) On sales in amounts of more than $1, 5 percent shall be charged upon each dollar of price, plus the appropriate bracket charge upon any fractional part of a dollar.

(13) In order to aid the administration and enforcement of the provisions of this chapter with respect to the rentals *and license fees*, each lessor *or person granting the use* of any hotel, apartment house, roominghouse, tourist or trailer camp, *real property*, or any interest therein, or any portion thereof, inclusive of owners, property managers, lessors, landlords, hotel, apartment house, and roominghouse operators and all licensed real estate agents within the state leasing, *granting the use of* or renting such property, shall be required to keep a record of each and every such lease, *license* or rental transaction which is taxable under this chapter, in such a manner and upon such forms as the department may prescribe, and to report such transaction to the department or its designated agents, and to maintain such records for a period of not less than 3 years, subject to the inspection of the department and its agents; and, upon the failure by such owner, property manager, lessor, landlord, hotel, apartment house, roominghouse, tourist or trailer camp operator, or real estate agent to keep and maintain such records and to make such reports upon the forms and in the manner prescribed, such owner, property manager, lessor, landlord, hotel, apartment house, roominghouse, tourist or trailer camp operator, receiver of rent *or license fees*, or real

Section 14. Subsection (1) of section 212.14, Florida Statutes, is amended to read:

212.14 Departmental powers; hearings, subpoena; distress warrants; time for assessments.—

(1) Any person required to pay a tax imposed under this chapter, or to make a return, either or both, and who renders a return or makes a payment of a tax with intent to deceive or defraud the state, and to prevent the state from collecting the amount of taxes imposed by this chapter, or otherwise fails to comply with the provisions of this chapter for the taxable period for which any return is made, or any tax is paid, or any report is made to the department, may be required by the department to show cause at a time and place to be set by the department, after 10 days' notice in writing requiring such books, records or papers as the department may require relating to the business of such person for such tax period, and the department may require such person, or persons, or their employee or employees to give testimony under oath and answer interrogatories by the department, or an assistant, respecting the sale, use, consumption, distribution or storage rental *or license for use* of real or personal property within the state, or admissions collected therein, or the failure to make a true report thereof, as provided by this chapter, or failure to pay the true amount of the tax required to be paid under this chapter. At said hearing, in the event such person fails to produce such books, records or papers, or to appear and answer questions within the scope and investigation relating to matters concerning taxes to be imposed under this chapter, or prevents or impedes his or her agents or employees from giving testimony, then the department is authorized under this chapter to estimate any unpaid deficiencies in taxes to be assessed against such person upon such information as may be available to it and to issue a distress warrant for the collection of such taxes, interest or penalties estimated by him to be due and payable, and such assessment shall be deemed prima facie correct. In such cases said warrant shall be issued to any sheriff in the state where such person owns or possesses any property and such property as may be required to satisfy any such taxes, interest or penalties shall be by such sheriff seized and sold under said distress warrant in the same manner as property is permitted to be seized and sold under distress warrants issued to secure the payments of delinquent taxes as hereinafter provided, and the department shall also have the right to writ of garnishment to subject any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels or effects of the delinquent dealer in the hands, possession or control of the third person in the manner provided by law. Respecting the place for the holding of a hearing, by the department or its agents, as provided in this section, the person whose tax return or report being investigated may by written request to the department require the hearing be set at a place within the judicial circuit of Florida wherein the person's business is located, or within the judicial circuit of Florida wherein such person's books and records are kept.

Section 15. Subsection (7) of section 212.17, Florida Statutes, is amended to read:

212.17 Credits for returned goods, rentals or admissions; additional powers of department.—

(7) The department, where admissions, *license fees*, or rental payments are made and thereafter returned to the payers, after the taxes thereon have been paid, shall return or credit the taxpayer for taxes so paid on the moneys returned in the same manner as is provided for returns or credits of taxes where purchases or tangible personal property are returnable to a dealer.

(Renumber subsequent sections.)

Amendment 4—On page 37, line 26, strike 13 and insert: 37

Amendment 5—On page 17, line 27, strike lines 27-31, and on page 17, lines 1-23 on page 18 and insert:

Section 6. Notwithstanding any other provision of law, any transportation authority created by Chapter 349, Florida Statutes, shall have all the powers conferred by part VI of Chapter 163, Florida Statutes, and s. 212.055 (1). The revenues provided by this section shall be used to pay principal and interest on bonds for which tolls have been pledged. The powers provided by this section shall expire when all such bonds in existence on the effective date of this act have been retired.

Amendment 6—On page 1, in the title, lines 21-26, strike all of said lines and insert: Certain surtaxes; granting the Jacksonville transportation authority additional powers; amending s. 212.0305, F.S.; relating to

Amendment 7—On page 43, line 16, strike all of said line and insert: *of the additional tax owed* ~~of not less that $500~~

Amendment 8—On page 31, line 18, after "amended" insert: and paragraph (v) is added to subsequent (7) of said section and on page 37, between lines 24 and 25, insert: *(v) Also exempt are sales to nonprofit corporations which hold current exemptions from federal corporate income tax pursuant to s. 501(c)(3), U.S. Internal Revenue Code, 1954, as amended, and whose primary purpose is to raise money for military museums.*

Amendment 9—On page 3, in the title, line 1, after the semicolon (;) insert: amending ss. 212.14 and 212.17, F.S.; including persons engaged in certain licensing activities in provisions relating to department powers regarding hearings and warrants and credits for returned goods;

Amendment 10—On page 2, in the title, line 25, after the semicolon (;) insert: providing an exemption for nonprofit corporations which raise money for military museums;

Amendment 11—On page 22, between lines 21 and 22, insert: *(4) AUTHORIZATION TO LEVY: USE OF PROCEEDS: OTHER REQUIREMENTS.*

Senator Johnson moved the following amendment to House Amendment 5 which was adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Section 212.059, Florida Statutes, is created to read:

212.059 Additional 1 percent sales tax; certain charter counties.—

(1) Subject to the limitations and procedures specified in this section, a charter county in which there is located a branch campus, but not the main campus, of a state university, and a branch campus, but not the main campus, of a community college may levy an additional 1 percent tax on all transactions within the county taxable under s. 212.03, s. 212.031, s. 212.04, or s. 212.05 and not exempt under s. 212.08.

(2) The levy of such tax shall be by ordinance of the governing body of the county, which ordinance is approved by a majority of the electors of the county voting in a referendum called by the governing body for that purpose and held at the same time as the first primary election in 1986. The levy shall be for a period of 4 years.

(3) All provisions of this chapter relating to administration, collection, and enforcement of the tax and to interest and penalties on delinquent taxes apply to the tax imposed under this section.

(4) All proceeds of the tax imposed under this section shall be transferred to a trust fund established by the county in the ordinance providing for the tax. The county may charge an administrative fee of not more than 0.5 percent of the amounts transferred to the fund. Moneys in the trust fund shall be allocated by the county as follows:

(a) Fifteen percent shall be used for maintenance and capital improvements at the branch campus of the community college; however, the first $5 million of moneys allocated under this paragraph shall be used to construct a performing arts center at the branch campus of the community college.

(b) Eighteen percent shall be used for construction of a vocational-technical education center, and, after moneys for such construction have been allocated, the remainder of such 20 percent shall be used for capital improvements and maintenance for vocational-technical education and alternative education.

(c) Fifty-eight percent shall be used for capital improvements and maintenance projects within the county for community centers, library facilities, recreational facilities, bicycle paths, and beach restoration and acquisition, and

(d) During the first 2 years of the tax, 9 percent shall be used for land acquisition and capital improvements for the branch campus of the state university; during the last 2 years of the tax, 9 percent shall be used for land acquisition and capital improvements for cultural facilities.

Maintenance authorized by this subsection shall not exceed 15 percent of the total funds allocated and shall be used only for those capital improvement projects undertaken under this section.

(5)(a) In counties which have adopted the additional tax provided for in this section, the following brackets apply to all taxable transactions that would otherwise have been 5 percent taxable transactions:

1. On single sales of less than 10 cents, no tax shall be added.

2. On single sales in amounts from 10 cents to 16 cents, both inclusive, 1 cent shall be added for taxes.

3. On sales in amounts from 17 cents to 33 cents, both inclusive, 2 cents shall be added for taxes.

4. On sales in amounts from 34 cents to 50 cents, both inclusive, 3 cents shall be added for taxes.

5. On sales in amounts from 51 cents to 66 cents, both inclusive, 4 cents shall be added for taxes.

6. On sales in amounts from 67 cents to 83 cents, both inclusive, 5 cents shall be added for taxes.

7. On sales in amounts from 84 cents to $1, both inclusive, 6 cents shall be added for taxes.

8. On sales in amounts more than $1, 6 percent shall be charged upon each dollar of price, plus the bracket charges specified in this paragraph for any fractional part of a dollar.

(b) The department shall, by rule, specify the tax amounts and brackets applicable in counties in which the tax levied under this section is additional to other than a 5 percent rate of taxation.

(6) Within 10 days after approval of the ordinance in the referendum provided for in subsection (2), the county governing body shall furnish the department with notice of such approval and a copy of the ordinance.

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

Senator Gordon moved that the Senate reconsider the vote by which Amendment 1 to House Amendment 5 was adopted. The motion failed. The vote was:

Yeas—11

Fox	Gordon	Peterson	Thurman
Frank	Kirkpatrick	Plummer	Weinstein
Gersten	Margolis	Thomas	

Nays—20

Barron	Deratany	Johnson	Myers
Beard	Girardeau	Kiser	Neal
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Jennings	Meek	Vogt

Senator Johnson moved the following amendment to House Amendment 9 which was adopted:

Amendment 1—In title, on page 1, line 14, after the semicolon (;) insert: creating s. 212.059, F.S.; providing for levy in certain charter counties of an additional tax for a limited period on transactions taxable under ch. 212, F.S.; requiring approval at a referendum; specifying applicability of provisions relating to administration, collection, enforcement, interest, and penalties; specifying uses of the proceeds of the tax; providing brackets; requiring notice to the Department of Revenue;

On motions by Senator Crawford, the Senate concurred in House Amendments 1, 2, 3 and 4; concurred in House Amendments 5 and 9 as amended, and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 314 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Barron	Fox	Jennings	Neal
Beard	Frank	Johnson	Plummer
Castor	Gersten	Kirkpatrick	Scott
Childers, D.	Girardeau	Kiser	Stuart
Childers, W. D.	Grant	Malchon	Thomas
Crawford	Grizzle	Margolis	Thurman
Deratany	Hill	Meek	Vogt
Dunn	Jenne	Myers	

Nays—1

Peterson

Vote after roll call:

Yea—Weinstein

Nay—Gordon

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

LOCAL CALENDAR

HB 1419—A bill to be entitled An act relating to the City of Gainesville and Alachua County; establishing the "Gainesville-Alachua County Regional Airport Authority Act"; providing definitions; establishing the Gainesville-Alachua County Regional Airport Authority; providing for membership, terms, powers, duties and expenses; providing for notice of meetings; providing for preparation of an annual budget to be submitted for approval by the City of Gainesville; providing for the employment of an airport manager and other employees; providing for the relationship between the authority and certain governmental entities; providing for bonding power and rights; providing for building restrictions; providing application with respect to certain legal actions; repealing chapter 85-378, Laws of Florida; providing for a transition period prior to assuming operations of the airport; providing severability and an alternate method of selecting members of the authority; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1419 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Fox	Johnson	Neal
Beard	Frank	Kirkpatrick	Peterson
Castor	Gersten	Kiser	Stuart
Childers, D.	Girardeau	Langley	Thomas
Childers, W. D.	Grant	Malchon	Thurman
Crawford	Hill	Margolis	Vogt
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Hair, Plummer, Weinstein

SPECIAL ORDER, continued

CS for SB 841—A bill to be entitled An act relating to wage payment; providing that the Division of Labor, Employment, and Training of the Department of Labor and Employment Security shall be the clearinghouse for complaints regarding wage payment, wage collection, and hours of employment; providing for a toll-free telephone line; providing that employers shall furnish employees with itemized statements of deductions from wages; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 841 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Beard	Gersten	Kiser	Plummer
Childers, D.	Girardeau	Malchon	Stuart
Childers, W. D.	Gordon	Margolis	Thurman
Crawford	Grant	McPherson	Vogt
Deratany	Grizzle	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	
Frank	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Hair, Jenne

CS for SB 1149—A bill to be entitled An act relating to private investigative and patrol services and detection of deception; amending s. 493.30, F.S.; providing definitions; amending s. 493.301, F.S.; revising exceptions; amending s. 493.303, F.S.; providing for membership on the advisory council; amending s. 493.304, F.S.; clarifying classes of licenses; amending s. 493.305, F.S.; specifying additional application requirements and increasing eligibility to reapply for license as appropriate; amending s. 493.306, F.S.; clarifying and adding certain requirements of applicants for licensure; providing for license requirements and training criteria for unarmed private security guards; amending s. 493.308, F.S.; redefining the classes of branch office licenses and establishing license fees for private investigator interns, repossessor interns, firearms instructors and for examinations for firearms instructors; providing for payment of certain license fees within a specified period of time; amending s. 493.309, F.S.; clarifying medical certification for a Class "G" Statewide Gun Permit applicant; providing for the tolling of time when fingerprint cards are being processed through the Florida Department of Law Enforcement or the Federal Bureau of Investigation; amending s. 493.31, F.S.; including certain classes of licenses under insurance requirements; requiring notification to the Department of State upon cancellation of the policy; providing for a combined single limit insurance policy; amending s. 493.311, F.S.; requiring biennial renewal of specified licenses: requiring posting of certain notices; amending s. 493.312, F.S.; abbreviating the procedures for change of location notification; amending s. 493.313, F.S.; clarifying requirements for notification of renewal and adding certain requirements for renewal of certain licenses; amending s. 493.314, F.S.; changing the procedures for cancellation of license and providing for an inactive license; amending s. 493.315, F.S.; clarifying eligibility for a statewide gun permit; amending s. 493.317, F.S.; changing the period of time within which a repossession must be reported; amending s. 493.318, F.S.; specifying property required to be maintained by the repossessor and providing for disposal of property under certain conditions; amending s. 493.319, F.S.; prescribing grounds for disciplinary action; amending s. 493.32, F.S.; clarifying that confidentiality of investigator-client communications does not affect any other privilege as deemed by law; amending s. 493.321, F.S.; limiting eligibility to reapply for license for persons who violate provisions of part I of ch. 493, F.S.; amending s. 493.322, F.S.; requiring licensees to retain certain records; authorizing the Department of State to enjoin unlicensed persons from operating; providing a record retention period; amending s. 493.323, F.S.; providing for access to criminal justice information by the Division of Licensing of the Department of State; creating s. 493.327, F.S.; providing confidentiality of certain information relating to licensees; creating s. 493.328, F.S.; providing for a periodic newsletter to the private investigative and patrol services industry; amending s. 493.561, F.S.; providing definitions; amending s. 493.562, F.S.; providing departmental authority to issue a special certification to certain examiners excluded from license requirements; amending s. 493.564, F.S.; providing for an advisory council; amending s. 493.565, F.S.; prescribing application requirements; amending s. 493.566, F.S.; providing additional qualifications for licensure; amending s. 493.567, F.S.; amending the requirements for reciprocity; amending s. 493.568, F.S.; clarifying requirements for detection examiner or detection of deception intern licensee's insurance; amending s. 493.569, F.S.; clarifying the requirements for a detection of deception intern license; providing authority to establish criteria for examiners to sponsor interns; amending s. 493.57, F.S.; establishing a fee for an examination; amending s. 493.571, F.S.; providing requirements for licensure of detection of deception schools and notification of change of associated licensees to the school; amending s. 493.573, F.S.; providing additional requirements for posting of license, change of location of licensee, and retention of records; amending s. 493.574, F.S.; providing criteria for renewal of detection of deception school licenses; amending s. 493.576, F.S.; granting enforcement authority to the Department of State; limiting eligibility to reapply for persons who violate provisions of part I of ch. 493, F.S.; creating s. 493.578, F.S.; providing for a periodic newsletter to the detection of deception industry; amending s. 493.579, F.S.; removing prior saving clauses; providing for cancellation or inactivation of license; providing for license period repealing s. 493.326, F.S., relating to service of process by certain licensees; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 7, line 27, strike "(e)"

Amendment 2—On page 8, strike all of lines 13-15 and insert:

(d) Any person *solely, exclusively, and regularly* employed as an unarmed special agent~~, detective, repossessor,~~ or private investigator exclusively in connection with the business of his employer.

Amendment 3—On page 8, strike all of lines 16-20.

Amendment 4—On page 14, strike all of lines 15-18 and insert: (2), and subsections (3), (6), and (7) of said section are amended to read:

Amendment 5—On pages 15-17, beginning at line 17 on page 15 through line 6, on page 17, strike all of said lines and insert:

(6) In addition to any other requirements, an applicant for a Class "G" license must:

(a) Satisfy minimum training criteria for firearms

Amendment 6—On page 17, line 15, strike "2.~~(b)~~" and insert: (b)

Amendment 7—On page 17, strike all of lines 19-25 and insert:

(7) A firearms instructor shall be issued a license

Amendment 8—On page 23, strike line 7 and insert: the holder of the card. The card

Amendment 9—On page 24, line 10, strike "(5),"

Amendment 10—On page 24, strike all of lines 28 and 29 and insert: application and the respective fees.

Amendment 11—On page 30, strike all of lines 20-24 and insert: falling within the terms of this section~~; further, the provisions of this section will not apply to the taking of testimony or the receiving of evidence in any judicial proceeding~~. Any person

Amendment 12—On page 31, line 19, after the period (.) insert: *Upon request by the department the records must be made available to the department within 24 hours of notice unless the department determines that an extension may be granted.*

Amendment 13—In title, on page 1, strike all of lines 15 and 16.

Amendment 14—In title, on page 2, strike all of lines 25-27 and insert: establishing an investigator-client privilege;

Amendment 15—In title, on page 3, between lines 3 and 4, insert: providing that certain records of licensees must be made available on 24 hours notice by the department;

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 1149 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

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

Yea to Nay—Gersten

On motions by Senator W. D. Childers, by two-thirds vote CS for HB 83 was withdrawn from the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

On motion by Senator W. D. Childers—

CS for HB 83—A bill to be entitled An act relating to fishing; amending s. 372.57, F.S., providing for nonresident fishing licenses; providing for the periods of the licenses; providing fees; amending s. 372.571, F.S., providing for an expiration date for such licenses; amending s. 372.561, F.S., increasing the fee charged by the issuing tax collector for the cost of issuing a license or stamp tax to take wild animal life or freshwater

aquatic life; repealing ss. 9, 10, 11 and 12, chapter 85-324, Laws of Florida, relating to the deduction of administration costs for issuing waterfowl stamps, the fee charged for permits to use Florida Game and Fresh Water Fish Commission lands for outdoor recreational purposes, the fee for issuance of duplicate licenses, and the deduction of administrative costs by county tax collectors for the issuance of licenses for freshwater fish dealers, frog dealers, and other licenses for fish or frog dealers, farmers, or takers, to avoid the conflicts that would arise as a result of the passage to two laws in the 1985 session amending the same sections of the Florida Statutes; amending s. 372.65, F.S., providing for an aquaculture game fish license; providing effective dates.

—a companion measure, was substituted for CS for SB 77 and by two-thirds vote read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote CS for HB 83 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Frank	Kirkpatrick	Neal
Castor	Girardeau	Kiser	Peterson
Childers, D.	Gordon	Langley	Stuart
Childers, W. D.	Grant	Malchon	Thomas
Crenshaw	Grizzle	Mann	Thurman
Deratany	Hill	McPherson	Weinstein
Dunn	Jennings	Meek	
Fox	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Vogt

CS for SB 77 was laid on the table.

The President presiding

The President declared the Senate in informal recess at 6:22 p.m.

The Senate was called to order by the President at 7:40 p.m. A quorum present—40:

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

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 amendment—

SB 545—A bill to be entitled An act relating to Hillsborough County; creating the Hillsborough River Interlocal Planning Board; prescribing membership and terms; providing for quorum and meetings; providing objectives and duties of the board; requiring development of a coordinated master plan for the Hillsborough River Corridor; providing for incorporation of elements of the coordinated master plan into local comprehensive plans; authorizing local governments to impose user fees and remit them to the board; authorizing the board to accept and expend grants and donations; providing for budgets; creating the Hillsborough River Technical Advisory Council; prescribing membership and terms; providing for quorum and meetings; prescribing its duties; providing for traveling expenses; granting the council standing to appeal certain local government actions; providing for meetings and notice of meetings of the board and council; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 28, after "local planning agency." insert: *The affected local government may modify the coordinated master plan submitted by the Hillsborough River Interlocal Planning Board. Any amendment approved by local government shall be considered an amendment pursuant to s. 163.3184 and applicable to all challenges.*

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

SB 545 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Frank	Kirkpatrick	Neal
Beard	Girardeau	Kiser	Peterson
Castor	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Jenne	McPherson	Vogt
Crenshaw	Jennings	Meek	
Deratany	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Weinstein

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 60—A bill to be entitled An act relating to transmission, distribution and substations of electric utilities; providing for the safety, health and welfare of the public; amending s. 366.04, F.S.; providing that the Public Service Commission shall have exclusive authority to prescribe and enforce safety standards for transmission and distribution facilities of certain utilities and cooperatives; providing that certain standards shall be adopted by the commission as initial standards; providing for modification and revision; amending s. 403.061; providing that the Department of Environmental Regulation have exclusive jurisdiction to adopt rules to protect the public health and welfare for electric and magnetic fields associated with electrical transmission and distribution lines and substations; providing for funds to be appropriated from the Regulatory Trust Fund of the Florida Public Service Commission to the Department of Environmental Regulation for funding establishment of electric and magnetic field standards; amending s. 501.122; deleting the authority of the Department of Health and Rehabilitative Services to regulate electric and magnetic fields from transmission and distribution lines and substations; amending s. 403.523(14), deleting the authority to regulate safety of transmission lines from the Department of Environmental Regulation; amending s. 403.803, providing that standards include rules pertaining to electric and magnetic fields associated with electrical transmission and distribution lines and substations; providing for legislative intent; amending s. 234.051, F.S.; requiring school buses to meet applicable Federal Motor Vehicle Safety Standards; amending s. 234.101, F.S.; authorizing district school boards to provide school bus driver training programs and to make them available to nonpublic school bus drivers by contract; amending s. 316.615, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to conduct a pilot program for the inspection of nonpublic school buses, utilizing qualified private contractors; allowing nonpublic school buses to deliver and pick up students in either the same areas as public school buses or in other areas adjacent to public school bus delivery and pick-up zones; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, after line 11, insert new Sections 2 and 3:

Section 2. Subsection (7) of section 403.503, Florida Statutes, is amended to read:

403.503 Definitions.—

(7) "Electrical power plant" means, for the purposes of certification, any steam or solar electrical generating facility using any process or fuel, including nuclear materials, and includes associated facilities and those directly associated transmission lines required to connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect, except that this term does not include any steam or solar electrical generating facility of less that 75 ~~50~~ megawatts in capacity unless the applicant for such a facility elects to apply for certification under this act.

Section 3. Subsection (1) of section 403.506, Florida Statutes, is amended to read:

403.506 Applicability and certification.—

(1) The provisions of this chapter shall apply to any electrical power plant as defined herein, except that the provisions of the Power Plant Siting Act shall not apply to any electrical power plant or steam generating plant of less than *75* ~~50~~ megawatts in capacity unless the applicant has elected to apply for certification under this act. No construction of any new electrical power plant or expansion in steam generating capacity of any existing electrical power plant may be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such electrical power plant which is presently operating or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

(Renumber subsequent section.)

Amendment 2—On page 1, in the title, line 10, after "intent;" insert: amending ss. 403.503 and 403.506; revising the capacity of facilities exempt from certification requirements under the Florida Electrical Power Plant Siting Act;

Amendment 3—On page 1, line 14, insert:

Section 1. Subsection (1) of section 812.14, Florida Statutes, is amended to read:

812.14 Trespass and larceny with relation to utility or cable television fixtures.—

(1) As used in this section, "utility" includes any person, firm, corporation, ~~or~~ association, *or political subdivision,* whether private, municipal, *county,* or cooperative, which is engaged in the sale, generation, provision, or delivery of gas, electricity, heat, water, oil, sewer service, telephone service, telegraph service, radio service, or communication service.

(Renumber subsequent sections.)

Amendment 4—On page 1, in the title, line 2, after the semicolon insert: amending s. 812.14, F.S.; including political subdivisions within the term "utility" for purposes of provisions prohibiting trespass and larceny with relation to utility or cable television fixtures;

Amendment 5—On page 1, strike all of lines 27-30. On line 26, following the semicolon, insert the word *and.*

(Renumber subsequent paragraphs.)

Amendment 6—On page 1, line 14, insert:

Section 1. Section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)(a) Neither the Department of Health and Rehabilitative Services nor any other state agency, county, special district, or municipality shall approve construction of any facilities for sanitary sewage disposal which do not provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Regulation.

(b) No facilities for sanitary sewage disposal constructed after June 14, 1978, shall dispose of any wastes by deep well injection without providing for secondary waste treatment and, in addition thereto, advanced waste treatment deemed necessary by the Department of Environmental Regulation to protect adequately the beneficial use of the receiving waters.

(c) Facilities for sanitary sewage disposal may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, or Charlotte Harbor Bay, or into any bay, bayou, or sound tributary thereto, without providing advanced waste treatment approved by the Department of Environmental Regulation.

(2) Any facilities for sanitary sewage disposal existing on July 1, 1971, shall provide for secondary waste treatment by January 1, 1973, and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the former Department of Pollution Control or its successor, the Department of Environmental Regulation. Failure to conform by said date shall be punishable by a civil penalty of $500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(3) This section shall not be construed to prohibit or regulate septic tanks or other means of individual waste disposal which are otherwise subject to state regulation.

(4) For purposes of this section, the term "advanced waste treatment" means that treatment which will provide on an average monthly basis an effluent containing not more than the following concentrations:

(a)	*Biochemical Oxygen Demand (BOD5)*	*8mg/l*
(b)	*Suspended Solids*	*10mg/l*
(c)	*Total Phosphorous, expressed as P*	*2mg/l*
(d)	*Total Nitrogen, expressed as N*	*5mg/l*

In those waters where the concentrations of phosphorous is shown not to be a limiting nutrient or contaminant, the department may waive or alter the compliance levels for phosphorous. High level disinfection shall be provided in accordance with s. 17-6.060(1)(c), Florida Administrative Code.

(5) The Department of Environmental Regulation shall establish appropriate waste load allocation effluent limitations for affected permittees. The requirements of subsection (4) of s. 403.086 shall apply to existing permittees beginning October 1, 1989, and shall apply until the department establishes such allocations.

Section 2. *The Department of Environmental Regulation shall conduct at least two stormwater demonstration projects. One of which shall determine the extent of impacts from existing nonpoint urban and rural runoff, and one of which shall evaluate methodologies for collections, retention, treatment, or reuse of urban or rural stormwater. The purpose of both projects shall be to evaluate the impact of uncontrolled nonpoint source discharge and to improve the technology of proposed solutions. In evaluating proposals submitted, the department shall give special consideration to projects involving discharge into Tampa Bay or its tributaries. The implementation of this section is conditional on funds being appropriated or made available under federal grants for these purposes.*

(Renumber subsequent section.)

Amendment 7—On page 1, in the title, line 2, after the semicolon insert: requiring the Department of Environmental Regulation to establish waste load allocation effluent limitations; providing for two stormwater demonstration projects;

Amendment 8—On page 2, between lines 11-12, insert a new section 2:

Section 2. There is hereby appropriated from the Florida Public Service Trust Fund the sum of $419,271 and 12 positions for the purpose of carrying out the responsibilities assigned by Section 1.

(Renumber subsequent sections.)

Amendment 9—On page 1, in the title, line 10 after the semicolon (;) insert: *Providing for appropriations from the Florida Public Service Regulatory Trust Fund; providing for legislative intent;*

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

CS for SB 60 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Crenshaw	Hill	McPherson
Barron	Dunn	Jenne	Myers
Beard	Frank	Jennings	Neal
Castor	Girardeau	Johnson	Peterson
Childers, D.	Gordon	Kirkpatrick	Thomas
Childers, W. D.	Grant	Langley	Thurman
Crawford	Grizzle	Margolis	Vogt

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Weinstein

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 520—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.363, F.S., relating to optional method of collecting special assessments and service charges; correcting a reference; amending s. 197.413, F.S., relating to delinquent personal property taxes; revising tax collector's fee; amending s. 197.472, F.S.; revising provisions relating to redemption of tax certificates; amending s. 197.473, F.S., relating to disposition of unclaimed redemption moneys; revising tax collector's service charge; amending s. 197.502, F.S., relating to tax deeds; revising provisions relating to consolidated applications; providing for taxes on lands listed as available for taxes; providing for escheat to the county; amending s. 197.592, F.S.; providing that certain lands acquired by a county for delinquent taxes which are located within the boundaries of an incorporated municipality shall be conveyed to the governing board of the municipality; providing that liens of record held by the county on tax delinquent lands do not survive specified conveyance; providing for a refund of certain fees; providing effective dates.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 30, insert:

Section 1. Subsection (9) of section 196.199, Florida Statutes, is created to read:

196.199 Exemptions for property owned by governmental units —

(9) Improvements to real property which are located on state owned land and which are leased to a public educational institution shall be deemed owned by the public educational institution for purposes of this section where, by the terms of the lease, the improvement will become the property of the public educational institution or the state of Florida at the expiration of the lease.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 3, after the semicolon (;) insert: amending s. 196.199, F.S., relating to certain improvements to real property

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

CS for SB 520 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Girardeau	Johnson	Neal
Barron	Gordon	Kirkpatrick	Scott
Beard	Grant	Kiser	Thomas
Childers, D.	Grizzle	Langley	Thurman
Childers, W. D.	Hair	Malchon	Vogt
Crawford	Hill	Margolis	
Dunn	Jenne	Meek	
Frank	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Gersten

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 369—A bill to be entitled An act relating to retirement; amending s. 112.362, F.S.; providing minimum monthly benefits for certain members of state-supported retirement systems and their beneficiaries; providing for retroactive application; providing for increased contributions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1), and paragraphs (a) and (b) of subsections (2) and (4) are amended and paragraph (d) is added to subsections (1) and (4), respectively, of section 112.362, Florida Statutes, to read:

112.362 Recomputation of retirement benefits.—

(1)(a) A member of any state-supported retirement system who retired prior to July 1, *1987* ~~1985~~, who has not less than 10 years of creditable service, and who is not entitled to the minimum benefit provided for in paragraph (b), upon reaching 65 years of age and upon application to the administrator of his retirement system, may have his present monthly retirement benefits recomputed and receive a monthly retirement allowance equal to $8 multiplied by the total number of years of creditable service. Effective July 1, 1980, this minimum monthly benefit shall be equal to $10.50 multiplied by the total number of years of creditable service, and thereafter said minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). No present retirement benefits shall be reduced under this computation.

(d) A member of any state-supported retirement system who retires on or after July 1, 1987, with at least 10 years of creditable service, having attained normal retirement date shall, upon reaching age 65 and making proper application to the administrator, be eligible to receive the applicable minimum monthly benefit provided by this subsection with the exception that only those years of creditable service accumulated by the member through June 30, 1987, shall be used in the calculation of the minimum monthly benefit amount and that no benefit shall exceed the average monthly compensation of the retiree due to the application of the minimum monthly benefit. All creditable service claimed for periods which occurred prior to July 1, 1987, shall be presumed to have been accumulated as of June 30, 1987, irrespective of the date on which such creditable service is claimed and credited. The minimum monthly benefit provided by this paragraph shall be reduced by the actuarial factor applied to the optional form of benefit under which the benefit is paid. The surviving spouse or beneficiary who is receiving a monthly benefit from a deceased retiree's account shall be eligible to receive the minimum monthly benefit provided herein at the time the retiree would have been eligible for it had he lived, subject to the limitations herein and the appropriate actuarial reductions.

(2)(a) A retired member of any state-supported retirement system who retires prior to July 1, *1987* ~~1985~~, and who possesses the creditable service requirements contained in paragraph (1)(a) or paragraph (1)(b), or the surviving spouse or beneficiary of said member if such spouse or beneficiary is receiving a retirement benefit, shall, at the time the retiree reaches 65 years of age or would have reached 65 years of age if deceased, and upon proper application to the administrator, have his monthly retirement benefit recomputed and may receive a retirement benefit as provided in either paragraph (1)(a) or paragraph (1)(b) and, if a retirement option has been elected by the member, multiplied by the actuarial reduction factor relating to such retirement option and, if the member is deceased, multiplied by the percentage of the benefit payable to the surviving spouse or beneficiary. No present retirement benefits shall be reduced under this computation.

(b) A member of any state-supported retirement system who retires after July 1, 1975, and before July 1, *1987* ~~1985~~, who is over 65 years of age at the time of his retirement may be entitled to the benefit recalculation options provided by either paragraph (1)(a) or paragraph (1)(b).

(4)(a) Effective July 1, 1980, any person who retired prior to July 1, *1987* ~~1985~~, under a state-supported retirement system with not less than 10 years of creditable service, and who is not receiving or entitled to receive federal social security benefits shall, upon reaching 65 years of age and upon application to the Division of Retirement, be entitled to receive a minimum monthly benefit equal to $16.50 multiplied by the member's total number of years of creditable service and adjusted by the actuarial factor applied to the original benefit for optional forms of retirement. Thereafter, the minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). Application for this minimum monthly benefit shall include certification by the retired member that he or she is not receiving and is not entitled to receive social security benefits and shall include written authorization for the Division of Retirement to have access to information from the Federal Social Security Administration concerning the member's entitlement to or eligibility for social security

benefits. The minimum benefit provided by this paragraph shall not be paid unless and until the application requirements of this paragraph are satisfied.

(b) Effective July 1, 1978, the surviving spouse or beneficiary who is receiving or entitled to receive a monthly benefit commencing prior to July 1, *1987* ~~1985~~, from the account of any deceased retired member who had completed at least 10 years of creditable service shall, at the time such deceased retiree would have reached age 65, if living, and, upon application to the Division of Retirement, be entitled to receive the minimum monthly benefit described in paragraph (a), adjusted by the actuarial factor applied to the optional form of benefit payable to said surviving spouse or beneficiary, provided said person is not receiving or entitled to receive federal social security benefits. Application for this minimum monthly benefit shall include certification by the surviving spouse or beneficiary that he or she is not receiving and is not entitled to receive social security benefits and shall include written authorization for the Division of Retirement to have access to information from the Federal Social Security Administration concerning such person's entitlement to or eligibility for social security benefits. The minimum benefit provided by this paragraph shall not be paid unless and until the application requirements of this paragraph are satisfied.

(d) A member of any state-supported retirement system who retires on or after July 1, 1987, with at least 10 years of creditable service, having attained normal retirement date shall, upon reaching age 65 and making proper application to the administrator, be eligible to receive the applicable minimum monthly benefit provided by this subsection with the exception that only those years of creditable service accumulated by the member through June 30, 1987, shall be used in the calculation of the minimum monthly benefit amount and that no benefit shall exceed the average monthly compensation of the retiree due to the application of the minimum monthly benefit. All creditable service claimed for periods which occurred prior to July 1, 1987, shall be presumed to have been accumulated as of June 30, 1987, irrespective of the date on which such creditable service is claimed and credited. The minimum monthly benefit provided by this paragraph shall be reduced by the actuarial factor applied to the optional form of benefit under which the benefit is paid. The surviving spouse or beneficiary who is receiving a monthly benefit from a deceased retiree's account shall be eligible to receive the minimum monthly benefit provided herein at the time the retiree would have been eligible for it had he lived, subject to the limitations herein and the appropriate actuarial reductions.

Section 2. Paragraphs (a), (b), (d), (e), (g), and (h) of subsection (4), of section 121.052, Florida Statutes, are amended to read:

121.052 Membership class of certain elected state officers.—

(4)(a)1. From and after October 1, 1978, and except as provided in this subsection, the employer paying the salary of a member of the Elected State Officers' Class shall withhold 8 percent of his gross salary, which shall constitute the contribution of that member with respect to retirement and other benefits payable to members of this class, and one-half of the entire contribution of the member required for social security coverage. The employer withholding such contributions shall set aside the funds necessary to pay the matching contributions required pursuant to s. 121.061 and shall contribute an amount equal to 10.57 percent of such member's gross compensation and one-half of the entire contribution with respect to the member's social security coverage.

2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 19.3 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 10.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. *From and after October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 11.50 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(b)1. From and after October 1, 1978, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, Cabinet officer, Supreme Court justice, district court of appeal judge, circuit judge, county court judge, state attorney, public service commissioner, or public defender shall contribute an amount equal to 16.78 percent of such member's gross compensation and shall withhold 4 percent of such member's gross compensation, the sum of which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage. Effective July 1, 1979, any member of the Elected State Officers' Class who is a public service commissioner shall be removed from this class, shall become a regular member on that date, and shall be subject to the contribution provisions of s. 121.071 which pertain to regular members.

2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 21.03 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 10.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. *From and after October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 11.50 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(d) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 22.55 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 21.79 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. *Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 20.94 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(e) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 20.95 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 10.98 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. *Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 11.50 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(g) Effective July 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 20.25 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 16.97 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. *Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal*

to 17.19 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

~~(h) Notwithstanding the provisions of ss. 6 and 7 of ch. 84-266, Laws of Florida, it is the intent of the Legislature that, should any other law be enacted which provides for a membership group within the Florida Retirement System a contribution rate change to take effect October 1, 1984, the respective October 1, 1984, contribution rate shall be equal to the contribution rate specified in ch. 84-266, Laws of Florida, plus the contribution rate change specified in each such other law; and, should any law be enacted which provides for a membership group within the Florida Retirement System a contribution rate change to take effect subsequent to October 1, 1984, the respective contribution rate to be implemented on such effective date shall equal the respective contribution rate in effect on the day before the new contribution rate is to take effect plus the contribution rate change specified in such law. If a contribution rate rather than a contribution rate change is specified in any such other law, the contribution rate change for that law shall equal the difference between the September 30, 1984, contribution rate for the affected membership group and the contribution rate specified in such law.~~

Section 3. Subsections (2) and (6) of section 121.071, Florida Statutes, are amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(2) Until January 1, 1975, each employer shall contribute an amount equal to the total of its member contributions, made under subsection (1), each pay period. Effective January 1, 1975, and until October 1, 1978, each employer shall contribute 9 percent of gross compensation each pay period for each of its regular members and 13 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1978, each employer shall contribute 9.1 percent of gross compensation each pay period for each of its regular members and 13.95 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1981, each employer shall contribute 10.93 percent of gross compensation each pay period for each of its regular members and 13.91 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1984, each employer shall contribute 12.24 percent of gross compensation each pay period for each of its regular members and 14.67 percent of gross compensation each pay period for each of its special risk members. *Effective October 1, 1986, each employer shall contribute 13.14 percent of gross compensation each pay period for each of its regular members and 15.11 percent of gross compensation each pay period for each of its special risk members.* Effective July 1, 1982, each employer shall contribute 11.14 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency *as provided in* ~~whose service meets the qualifications for retention of the special risk normal retirement date pursuant to the provisions of~~ s. 121.0515(7)~~, notwithstanding the requirement of an aggregate of 10 or more years of special risk service~~. Effective October 1, 1984, each employer shall contribute 13.09 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency *as provided in* ~~whose service meets the qualifications for retention of the special risk normal retirement date pursuant to the provisions of~~ s. 121.0515(7)~~, notwithstanding the requirement of an aggregate of 10 or more years of special risk service~~. *Effective October 1, 1986, each employer shall contribute 15.44 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency as provided in s. 121.0515(7).*

~~(6) Notwithstanding the provisions of ss.6 and 7 of ch. 84-266, Laws of Florida, it is the intent of the Legislature that, should any other law be enacted which provides for a membership group within the Florida Retirement System a contribution rate change to take effect October 1, 1984, the respective October 1, 1984, contribution rate shall be equal to the contribution rate specified in ch. 84-266, Laws of Florida, plus the contribution rate change specified in each such other law; and should any law be enacted which provides for a membership group within the Florida Retirement System a contribution rate change to take effect subsequent to October 1, 1984, the respective contribution rate to be implemented on such effective date shall equal the respective contribution rate in effect on the day before the new contribution rate is to take effect plus the contribution rate change specified in such law. If a contribution rate rather than a contribution rate change is specified in any such other law, the contribution rate change for that law shall equal the difference between the September 30, 1984, contribution rate for the affected membership group and the contribution rate specified in such law.~~

Section 4. Notwithstanding the provisions of ss. 2 and 3 of this act, it is the intent of the Legislature that, should any other law be enacted which provides for a membership group within the Florida Retirement System a contribution rate change to take effect October 1, 1986, the respective October 1, 1986, contribution rate shall be equal to the contribution rate specified in this act, plus the contribution rate change specified in each such other law; and, should any law be enacted which provides for a membership group within the Florida Retirement System a contribution rate change to take effect subsequent to October 1, 1986, the respective contribution rate to be implemented on such effective date shall equal the respective contribution rate in effect on the day before the new contribution rate is to take effect plus the contribution rate change specified in such law. If a contribution rate rather than a contribution rate change is specified in any such other law, the contribution rate change for that law shall equal the difference between the September 30, 1986, contribution rate for the affected membership group and the contribution rate specified in such law. The language in this section of the act shall be construed as directory intent language only, which shall be placed in the statutes as a footnote.

Section 5. Any retirees or beneficiaries who would have been eligible for the minimum monthly benefit as provided by section 112.362, Florida Statutes, prior to the passage of Chapter 85-246, Laws of Florida, were it not for the passage of section 3, shall receive the appropriate minimum monthly benefit as authorized by section 1 of this Act retroactive to the date they would have been eligible. The Division of Retirement shall notify all active members of the system through the Summary Plan Description of the provisions of this Act.

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

Amendment 2—On page 1, in the title, lines 6 and 7, strike all of said lines and insert: amending s. 121.052, F.S., revising contribution rates applicable to members of the Elected State Officers' Class; amending s. 121.071, F.S., revising contribution rates applicable to regular, special risk, and special risk administrative support members; specifying intent with respect to the contribution rates specified in the act; providing for retroactive application of the minimum benefits;

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

CS for SB 369 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne

The Honorable Harry A. Johnston, II, President

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

CS for HB's 1240 and 984—A bill to be entitled An act relating to education; creating s. 231.5335, F.S., the Raymond B. Stewart Career Achievement Program Act of 1986; providing intent and definitions; providing Department of Education duties; providing for the adoption and submission of school district proposals, and subsequent amendments, for career achievement programs; providing proposal requirements; providing for determination of compliance; providing career achievement levels and requirements; creating a trust fund for financing approved proposals;

providing for rules, transferability of career ladder level designations, and appeals processes; creating s. 231.5336, F.S.; creating the Professional Teacher Career Development Council and providing duties; amending s. 231.533, F.S., relating to the state master teacher program, to provide monetary awards to certain associate master teachers; providing for nonrenewable terms; providing for the use of certain evaluation results for new career ladder designations; providing for repeal of caps contingent upon an appropriation; providing for future repeal; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

—was referred to the Committees on Education and Appropriations.

On motions by Senator W. D. Childers, by two-thirds vote CS for HB's 1240 and 984 was withdrawn from the Committees on Education and Appropriations.

On motions by Senator W. D. Childers, by unanimous consent CS for HB's 1240 and 984 was taken up out of order and by two-thirds vote read the second time by title.

Senator Castor moved the following amendments which were adopted:

Amendment 1—On page 16, between lines 22 and 23, insert:

Section 6. Section 230.2316, Florida Statutes, is created to read:

230.2316 Dropout prevention.—

(1) SHORT TITLE.—This act may be cited as the "Dropout Prevention Act."

(2) INTENT.—The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. The Legislature further recognizes that traditional education programs which do not meet certain students' educational needs and interests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school. The Legislature finds that the school dropout rates within the state have reached epidemic proportions and that a child who does not complete his or her education is greatly limited in obtaining gainful employment, achieving his or her full potential, and becoming a productive member of society. Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to establish comprehensive dropout prevention programs. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system. It is further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

(3) DEFINITIONS.—As used in this section:

(a) "Dropout retrieval activities" means educational programs and activities which identify and motivate students who have dropped out of school to reenter school in order to obtain a high school diploma or its equivalent.

(b) "Educational alternatives programs" means educational programs which are designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that students who are unmotivated or unsuccessful in traditional programs remain in school and obtain a high school diploma or its equivalent.

(c) "Teenage parent programs" means educational programs which are designed to provide a specialized curriculum and other services to meet the needs of students who are pregnant or students who are parents.

(d) "Substance abuse programs" means agency-based or school-based educational programs which are designed to meet the needs of students with drug or alcohol-related problems.

(e) "Disciplinary programs" means programs designed to provide intervention for students who are disruptive in the traditional school environment.

(f) "Youth services programs" means educational programs provided to students participating in Department of Health and Rehabilitative Services or other youth residential or day services programs.

(g) "Community-based dropout prevention programs" means programs and services provided by public or private nonprofit agencies which are designed to support and supplement the dropout prevention program of the school district.

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive, and reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(a) Educational alternatives programs.—

1. The program differs from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employs alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs shall be voluntary. The minimum period of time during which the student participates in the program shall be equivalent to three instructional periods per day unless the program utilizes a resource or tutorial model rather than regularly scheduled courses.

2. The student has been identified as being a potential dropout based upon one of the criteria:

a. The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels, high absenteeism, or other documentation provided by student services personnel;

b. The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through federal or state compensatory education programs or exceptional education programs;

c. The student has been identified as a potential school dropout by student services personnel using district or state criteria.

(b) Teenage parent programs.—

1. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 232.01. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to absence.

2. The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, and child growth and development.

3. Ancillary services such as child care, health care, social services, and transportation may be provided through the coordination of existing programs and services.

(c) Substance abuse programs.—

1. The program shall provide basic educational instruction for students participating in nonschool-based residential or day substance abuse treatment programs. Such educational programs shall provide curricula and related services which support the program goals and which are appropriate for completion of a high school diploma or its equivalent; or

2. The program shall provide school-based programs which serve students who have documented drug or alcohol-related problems and shall include instruction designed to prevent substance abuse.

(d) Disciplinary programs.—

1. The student has a history of disruptive behavior in school or has committed an offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, disruptive behavior is behavior which:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

2. The program includes, but is not necessarily limited to in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

3. Students who have been placed in detention or a court-adjudicated commitment program shall be evaluated by school district personnel upon completion of such programs prior to placement of the student in an educational program. Such students shall not be automatically assigned to a disciplinary program upon reentering the school system.

4. Prior to assigning a student to a disciplinary program of more than 10 days duration, the district shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the district code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

5. Inschool suspension programs shall be funded at the basic program weight for the grade level at which the program is provided pursuant to s. 236.081(1)(c)1.a.-c.

(e) Youth services programs.—

1. The student is participating in a detention, commitment, or rehabilitation program which is sponsored by a community-based agency or is operated or contracted for by the Department of Health and Rehabilitative Services.

2. A program is provided which shall consist of appropriate basic academic, vocational, or exceptional curricula and related services which support the rehabilitation program goals and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent; provided that the educational component of youth services programs of less than 40 days duration which take place in a park or wilderness setting may be limited to tutorial activities and vocational employability skills.

3. Participation in the program by students of compulsory school attendance age as provided for in s. 232.01 shall be mandatory.

4. The school district shall make every effort to provide students in youth services programs with a wide range of educational programs.

5. The Department of Education or a school district may contract with a private nonprofit entity for the provision of educational programs to clients of the Department of Health and Rehabilitative Services and may generate state funding through the Florida Education Finance Program for such students.

(5) PROGRAM PLANNING AND IMPLEMENTATION.—

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, middle, junior high school, or high school level.

(b) Any school district desiring to receive state funding for a dropout prevention program pursuant to the provisions of s. 236.081(1)(c) shall develop a comprehensive dropout prevention program plan, which describes all of the programs and services which the district will make available to students pursuant to subsection (4). Districts choosing not to implement all of the programs described in subsection (4) shall provide evidence that such programs are either not needed within the district or that the needs of students are already being provided through existing public or private agencies or entities or that the district is unable to provide the program.

1. In order to be approved, each plan shall include the following components:

a. Emphasis on parental, community, and business involvement.

b. Interagency coordination in order to maximize existing human and fiscal resources.

c. A method for early identification of potential dropouts.

d. Dropout retrieval activities.

e. Employability skills and other career awareness activities related to preparation for the work force.

f. Commitment of the district to achieve the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.

g. Development by the district of a dropout profile which shall be used to identify students who are potential dropouts. The profile shall be used for all students prior to completion of the fourth grade or by age 11, whichever occurs first. The profile shall be based upon the criteria in the manual developed by the department pursuant to subsection (10). Each student who meets the profile shall be identified as a potential dropout in the students' permanent record and shall receive appropriate counseling and support services for each year that the student is enrolled in public school. Transfer students who meet the profile shall be identified within 1 year after enrollment.

2. For each program to be provided by the district pursuant to subsection (4), the following information shall be provided in the program plan:

a. Student eligibility criteria.

b. Student admission procedures.

c. Operating procedures.

d. Program goals and outcome objectives.

e. Qualifications of program personnel.

f. The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.

g. A schedule for staff development activities.

h. Evaluation procedures which describe how outcome objectives will be achieved and measured.

(c) District comprehensive dropout prevention program plans shall be submitted to the Commissioner of Education for approval by December 1, 1986, prior to implementation of the program. In subsequent years, districts shall submit amendments to the initial dropout prevention plan. Pursuant to rules adopted by the State Board of Education, school districts shall be required to receive approval from the commissioner prior to implementing any new dropout prevention program to be funded pursuant to s. 236.081(1)(c) and not included in the district's initial comprehensive program plan.

(d) For the 1987-1988 and 1988-1989 school years, districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction. By March 1, 1989, the Department of Education shall submit a report to the Legislature which describes in detail all such modifications approved by the commissioner. The provisions of this paragraph shall expire July 1, 1989, unless specifically reenacted by the Legislature prior to that date.

(6) EVALUATION.—Beginning with the 1987-1988 school year, each school district receiving state funding for dropout prevention programs through the Florida Education Finance Program as provided for in subsection (5) shall submit a biennial report to the Department of Education documenting the extent to which each of the district's dropout prevention programs has been successful in meeting the outcome objectives established by the district for the program. The department shall compile this information into a biennial report which shall be submitted to the presiding officers of the Legislature by February 15 of the second year of each biennium.

(7) STAFF DEVELOPMENT.—Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities as provided for in the district's approved dropout prevention program plan and master inservice plan.

(8) RECORDS.—Each district providing a program for dropout prevention pursuant to the provisions of this section, shall maintain for each participating student for whom funding is generated through the Florida Education Finance program, records documenting the student's eligibil-

ity, the length of participation, the type of program to which the student was assigned, and an evaluation of the student's academic and behavioral performance while in the program. The parents or guardians of a student assigned to such a dropout prevention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

(9) COORDINATION WITH OTHER AGENCIES.—School district dropout prevention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies in the school district. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records, and juvenile justice records. School district and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention program, and such agencies shall maintain the confidentiality of such information unless otherwise provided by law or rule.

(10) DROPOUT PREVENTION MANUAL.—The Department of Education, in conjunction with the Center for Dropout Prevention shall develop a manual for school districts which shall include a presentation of the intent and goals of this section, requirements for comprehensive dropout prevention program plans, examples of successful practices, identification of resources available to supplement educational programs, and other information that will assist in the successful implementation of this section. This manual shall be made available to school districts no later than September 15, 1986.

(11) COMMUNITY-BASED DROPOUT PREVENTION PROGRAM GRANTS.—

(a) Beginning with the 1986-1987 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education is authorized and directed to award grants on a competitive basis to public or private nonprofit entities wishing to implement dropout retrieval activities or community-based dropout prevention programs. Such grants shall be awarded annually by no later than January 30 of each year.

(b) Entities wishing to apply for a grant shall submit a grant proposal to the Department of Education by December 1, 1986, on forms prescribed by the department. In order to be considered for funding, the grant proposal shall include at least the following information and assurances:

1. A detailed description of the program to be implemented, including a statement of program objectives, activities, target population, number of students to be served, and identification of all education, community agency, private sector or other personnel and resources involved in program development and implementation.

2. Assurance that parents and guardians will be involved in the development and implementation of the program.

3. A detailed program budget.

4. Measures for evaluation of the effectiveness of the program, including cost-effectiveness.

(c) The Department of Education shall consider the following factors in awarding grants as specified in this subsection:

1. The dropout rate within the geographic area to be served by the program. Those geographic areas with high dropout rates shall have priority for selection.

2. The qualifications of the personnel who will be responsible for program implementation and administration.

3. The extent to which the program will be coordinated with existing public educational programs and social and medical services.

4. The cost-effectiveness of the program.

5. The degree to which the programs' objectives and activities are consistent with the goals of this subsection.

(d) The department shall make available to any entity wishing to apply for a community-based dropout prevention program grant, information on all of the criteria to be used by the department in the selection of proposals for funding pursuant to the provisions of this subsection.

(12) RULES.—The Department of Education shall have the authority to adopt any rules necessary to implement the provisions of this section; provided that such rules shall require the minimum amount of paperwork and reporting necessary to comply with this act.

Section 7. Section 232.302, Florida Statutes, is created to read:

232.302 Florida Center for Dropout Prevention.—

(1) There is established a Florida Center for Dropout Prevention at the University of Miami. The duties and responsibilities for the center shall be as follows:

(a) To evaluate dropout prevention efforts and recommend exemplary programs and practices for statewide implementation;

(b) To make recommendations regarding the definition of the term "dropout" and a system for accurately reporting dropouts statewide;

(c) To make recommendations regarding strategies to identify and track dropouts and potential dropouts;

(d) To make recommendations regarding the incorporation of dropout prevention strategies into the school curriculum;

(e) To cooperate with and assist school districts and community based programs in developing model dropout prevention programs and in evaluating the effectiveness of such programs; and

(f) To make recommendations relating to preservice and inservice training for educational personnel relating to dropout prevention and to sponsor staff development activities in cooperation with teacher education centers to assist school personnel with the development and implementation of successful dropout prevention programs and activities.

(2) The center shall be funded through funds appropriated annually by the Legislature and shall continue to be located at the University of Miami contingent upon fulfillment by the center of the terms and conditions of the contract between the center and the Department of Education.

(3) The center shall submit an annual report to the Department of Education, the Legislature, and the school districts relating to the duties identified in this section.

Section 8. Section 236.0841, Florida Statutes, is amended to read:

236.0841 Student enrichment, ~~and~~ remedial, *and dropout prevention* programs.—Each school district may provide any amount from current operation funds of the Florida Education Finance Program for salaries of personnel who are employed, pursuant to regulations of the state board, to provide supplementary enrichment, ~~and~~ remedial, *and dropout prevention* activities *pursuant to s. 230.2316*. The enrichment, ~~and~~ remedial *, and dropout prevention* activities, when offered, shall be provided students during periods of time supplemental to or beyond the required 180 days of instruction.

Section 9. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c) A "full-time equivalent student" is:

1. A full-time student in any one of the programs listed under the cost factors in s. 236.081(1)(c); or

2. A combination of full-time or part-time students in any one of the programs listed under the cost factors in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

a. A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member, divided by 25; the difference between that fraction or sum of fractions and twenty-five twenty-fifths of the week for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

b. A student in the basic half-day kindergarten program of not less than 12½ net hours shall earn one-half of a full-time equivalent membership.

c. A half-day kindergarten student in a combination of programs listed under the cost factors in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per week for which he is a member divided by 25; the difference between that fraction and twelve and one-half twenty-fifths of the week for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

d. A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member, divided by 25.

e. A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by 900.

f. A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed under the cost factors in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per week times the number of weeks for which he is a member, divided by 900.

3. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraphs 1. and 2.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. Alternative education *or dropout prevention* programs provided for students in Department of Health and Rehabilitative Services residential care facilities;

e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

f. The Florida Progress in Middle Childhood Education Program, as provided in s. 230.2319, for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

g. Basic programs of educational alternatives *or dropout prevention* for those students who were in membership in an educational alternative *or dropout prevention* program for all of the last 30 days of the 180-day term and are in need of such additional instruction;

h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 10. Beginning with the 1987-1988 school year, school districts shall be ineligible to generate state funding pursuant to s. 236.081 for any dropout prevention program which has not been approved by the commissioner pursuant to the provision of s. 230.2316.

Section 11. With respect to the 1986-1987 school year only, school districts may generate funding pursuant to s. 230.2315 for any alternative education program authorized to receive funding through the Florida Education Finance Program during the 1985-1986 school year.

Section 12. Section 230.2315, Florida Statutes, is repealed on August 15, 1987.

Section 13. The department of Education in conjunction with the Florida Council on Bilingual Education shall conduct a study of educational services for limited English proficiency students and make recommendations to the Commissioner of Education and the Legislature by March 1, 1987, regarding:

(1) Dropout prevention strategies;

(2) Ways that foreign language, bilingual, English for speakers of other languages, and Intensive English programs can work together to provide a comprehensive educational program for limited proficiency students; and

(3) An appropriate cost factor for use in the Florida Education Finance Program for teaching English to limited English proficiency students.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 31, after the semicolon (;) insert: creating s. 230.2316, F.S., the Dropout Prevention Act; providing for school district dropout prevention programs; providing legislative intent; providing definitions; providing student eligibility and program criteria; providing procedures for program planning and implementation; providing for evaluation of programs which are approved for state funding; providing for related staff development activities; requiring that certain records be maintained for students participating in dropout prevention programs; providing for coordination of school district dropout prevention programs with other agencies; providing for a manual; providing for rules; providing for community-based dropout prevention program grants; providing a grant application process; describing criteria to be used by the Department of Education in awarding grants; amending s. 236.013, F.S.; conforming terminology; creating s. 232.302; creating the Florida Center for Dropout Prevention at the University of Miami; describing the duties and responsibilities of the center; requiring a report; amending s. 236.0841, F.S.; authorizing school districts to provide dropout prevention activities beyond the required 180 days of instruction; prohibiting school districts from generating state funding for any dropout prevention program which has not been approved pursuant to s. 230.2316, F.S., beginning with the 1987-1988 school year; authorizing school districts to generate state funding during the 1986-1987 school year for any alternative education program which received state funding during the 1985-1986 school year; providing for future repeal of s. 230.2315, F.S., relating to educational alternative programs; requiring the Department of Education to conduct a study and report to the Legislature and Commissioner of Education relating to educational programs for students with limited English proficiency;

On motion by Senator W. D. Childers, by two-thirds vote CS for HB's 1240 and 984 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair

The Honorable Harry A. Johnston, II, President

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

SB 1301—A bill to be entitled An act relating to Broward County; establishing a speed limit of 30 miles per hour on certain waterways in Broward County; providing for noncriminal violations and civil penalties; providing exceptions; providing for the erection and maintenance of such waterway speed limit signs; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 3, strike all of said language and insert:

The speed limit provisions of this section shall not apply to regulatory zones, idle speed/no wake zones or manatee areas.

Section 4. This act shall become effective on October 1, 1986. During the six month period beginning on October 1, 1986 through March 31, 1987, enforcement shall be limited to the issuance of warnings. During this six month period, law enforcement agencies are encouraged to conduct educational programs for the boating public.

Regular enforcement, including the issuance of citations, shall begin on April 1, 1987.

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

SB 1301 passed as amended and was ordered engrossed and then enrolled The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Johnson	Meek
Beard	Fox	Kirkpatrick	Myers
Castor	Frank	Kiser	Neal
Childers, D.	Girardeau	Langley	Plummer
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Jenne	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Vogt

Reconsideration

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

SB 805—A bill to be entitled An act relating to Palm Beach Junior College, Palm Beach County; amending sections 1, 2, and 3 of chapter 79-538, Laws of Florida; providing for an annual ad valorem tax levy, not to exceed one-half mill, for 5 years in the county for the purpose of funding fixed capital outlay expenditures of the junior college; providing that the proceeds of said tax levy shall not reduce state funding for the junior college; providing for a referendum; providing an effective date.

—passed this day.

The Committee on Appropriations recommended the following amendments which were moved by Senator Myers and adopted by two-thirds vote:

Amendment 1—On page 1, line 30, "5" and insert: 2

Amendment 2—In title, on page 1, line 6, strike "5" and insert: 2

SB 805 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Jennings	Myers
Barron	Frank	Johnson	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Castor	Grant	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Mann	Thomas
Crenshaw	Hill	Margolis	
Dunn	Jenne	McPherson	

Nays—None

Vote after roll call:

Yea—Gersten, Peterson, Vogt

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives requests the return of HB 851.

Allen Morris, Clerk

HB 851—A bill to be entitled An act relating to youth; creating the Florida Youth Conservation Corps Act of 1986; providing intent; providing definitions; providing for a solid waste and litter generation fee; providing for application to certain products; providing for calculation of fee; providing penalties; providing exemptions; providing for collection and deposit of fees; providing duties of the Department of Revenue; creating the Clean Communities Trust Fund; establishing the Office of Civilian Conservation within the Department of Natural Resources to administer conservation and public service components of the program; providing for litter pickup and removal procedures; providing for appointment of a director of the Office of Civilian Conservation; providing duties and authority of the department; providing an educational component of the program; providing for emergency response activities; providing program eligibility, length of service, and duties; providing for department rules; providing responsibilities with respect to recycling; requiring reports to the Legislature; providing restrictions upon beverage containers; providing a fine for violation of such restrictions; deleting the requirement of a solid waste and litter generation fee under certain circumstances; providing severability;

On motion by Senator Dunn, HB 851 was returned to the House as requested.

SPECIAL ORDER, continued

On motions by Senator W. D. Childers, by two-thirds vote HB 519 was withdrawn from the Committees on Natural Resources and Conservation; Judiciary-Civil; and Appropriations.

On motion by Senator W. D. Childers—

HB 519—A bill to be entitled An act relating to mineral reservations in former state lands; amending s. 270.11, F.S.; providing for the sale or release of interests in phosphate, minerals, and metals or petroleum that were reserved upon the sale of state lands; prohibiting the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education from exercising a right of entry with respect to certain parcels of property except under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 292 and read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 519 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Gersten

SB 292 was laid on the table.

CS for SB 81—A bill to be entitled An act relating to state agencies; providing definitions; requiring each state agency to employ a chief internal auditor; providing qualifications, powers, and duties; providing for internal audit reports; providing for review of internal audit reports by the Auditor General; providing for Legislative Auditing Committee inquiry; providing for future repeal; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 3, line 1, before the period(.) insert: or generally accepted governmental auditing standards where appropriate. All audit reports issued by internal audit staff shall include a statement that the audit was conducted pursuant to the appropriate standards

Amendment 2—On page 4, strike line 11 and insert:

Section 3. The provisions of this act shall apply, effective October 1, 1986, for state agencies with internal audit staff capable of meeting the requirements of the act at that date, and shall apply effective October 1, 1987, for all other state agencies.

Section 4. This act shall take effect October 1, 1986, except as otherwise provided.

On motion by Senator Myers, by two-thirds vote CS for SB 81 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	Fox	Johnson	Myers
Barron	Frank	Kirkpatrick	Neal
Beard	Gersten	Kiser	Peterson
Castor	Girardeau	Langley	Plummer
Childers, D.	Gordon	Malchon	Thomas
Crawford	Grant	Mann	Thurman
Crenshaw	Grizzle	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein
Dunn	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hair, Jenne

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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for SB 922 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Jenne, Vogt

On motions by Senator Kirkpatrick, by two-thirds vote HB 1213 was withdrawn from the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Kirkpatrick—

HB 1213—A bill to be entitled An act relating to the Military Code; amending s. 250.10, F.S., to provide that the Adjutant General shall establish a physical fitness program for state active duty personnel; providing program and cost limitations; providing administrative leave for participating personnel; providing an effective date.

—a companion measure, was substituted for SB 489 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1213 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jenne

SB 489 was laid on the table.

Senator Dunn presiding

Reconsideration

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

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.

—passed.

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

Amendment 1—On page 12, line 15, strike "*Expenditures calculated shall include transfers and balances.*" and insert:

For purposes of this paragraph "proposed operating budget expenditures" or "operating expenditures" means all monies of the local government, including dependent special districts, that:

(a) were or could be expended during the applicable fiscal year, or

(b) were or could be retained as a balance for future spending in the fiscal year.

Provided, however, those monies held in or used in trust, agency or internal service funds, and expenditures of bond proceeds for capital outlay or for advanced refunded debt principal shall be excluded.

CS for SB 922 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Barron	Gordon	Malchon	Plummer
Beard	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Jennings	McPherson	Vogt
Crenshaw	Johnson	Meek	Weinstein
Deratany	Kirkpatrick	Neal	
Dunn	Kiser	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne

On motions by Senator McPherson, by two-thirds vote HB 1293 was withdrawn from the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

On motions by Senator McPherson—

HB 1293—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.13, F.S., defining the term "stone crab"; amending s. 370.027, F.S; limiting rulemaking authority of the Marine Fisheries Commission; amending s. 370.06, F.S.; providing licensing requirements for certain activities relating to saltwater products; providing license fees; providing for license fee distribution; authorizing the Department of Natural Resources to adopt certain rules for processing and issuing licenses; amending s. 370.07, F.S.; providing for the confidentiality of certain seafood dealer reports; amending s. 370.071, F.S.; authorizing the Department of Natural Resources to adopt rules for the regulation of seafood processors; providing a license requirement; authorizing the department to revoke such license under certain circumstances; amending ss. 370.08, 370.101, 370.13, 370.135, F.S.; providing regulations and license requirements with respect to use of gear and other equipment, use of poisons, drugs, and chemicals, catching or possessing saltwater fish, taking of stone crabs, and taking of blue crabs; providing penalties; repealing s. 370.082(2), F.S., relating to the confiscation of unattended nets and devices in specified counties; amending s. 370.14, F.S.; providing license requirements for harvesting crawfish; amending ss. 370.15, 370.151, 370.155, 370.156, F.S.; providing regulations for shrimping; providing license requirements; providing penalties; amending s. 370.16, F.S.; providing regulations for oyster, clam, and mussel harvesting; providing license requirements; prohibiting all dredging of shell deposits; providing penalties; amending s. 370.17, F.S.; providing a nonresident license requirement for sponge fishing; providing that this act does not affect the scheduled repeal of certain provisions of the Florida Statutes; amending s. 6, ch. 83-134, Laws of Florida, as amended; revising the list of statutory provisions relating to marine fisheries that will stand repealed upon adoption of appropriate rules by the Governor and Cabinet; providing that certain rules shall remain in force as rules of the Department of Natural Resources; providing that oysters sold in this state must be labeled as to point of harvest; providing for rules; providing effective dates.

—a companion measure, was substituted for CS for SB 655 and by two-thirds vote read the second time by title.

Senator McPherson moved the following amendment which was adopted:

Amendment 1—On page 29, strike all of lines 2 and 3 and insert: except that this section and section 1, amending s. 370.13; section 2, amending s. 370.027; section 4, amending s. 370.07; section 5, amending s. 370.071; section 19, amending Ch. 83-134, Laws of Florida; section 20, relating to rules of the Governor and Cabinet; and section 21, relating to s. 370.07(1) shall take effect upon becoming a law.

On motion by Senator McPherson, by two-thirds vote HB 1293 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Frank	Kirkpatrick	Plummer
Beard	Gersten	Kiser	Stuart
Castor	Girardeau	Malchon	Thomas
Childers, D.	Gordon	Mann	Thurman
Childers, W. D.	Grant	McPherson	Vogt
Crawford	Grizzle	Meek	Weinstein
Crenshaw	Hill	Myers	
Deratany	Jenne	Neal	
Dunn	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Hair

CS for SB 655 was laid on the table.

On motions by Senator Vogt, by two-thirds vote HB 929 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Vogt—

HB 929—A bill to be entitled An act relating to public fairs and exhibitions; amending s. 616.091, F.S., providing safety standards for the operation of amusement devices at festivals, celebrations, bazaars and parking lot still dates; providing for registration and inspection fees; providing an appropriation; providing an effective date.

—a companion measure, was substituted for SB 1216 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 929 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Fox

SB 1216 was laid on the table.

Consideration of CS for CS for SB 218 was deferred.

On motions by Senator Gordon, by two-thirds vote HB 453 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

On motion by Senator Gordon—

HB 453—A bill to be entitled An act relating to local occupational license taxes; amending s. 205.033, F.S., which authorizes certain counties to impose an additional license tax, to revise the rate and distribution thereof; providing an effective date.

—a companion measure, was substituted for SB 612 and read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 453 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Childers, D.	Gersten	Kirkpatrick	Neal
Childers, W. D.	Girardeau	Malchon	Stuart
Crawford	Gordon	Mann	Thomas
Crenshaw	Grant	Margolis	Thurman
Deratany	Jenne	McPherson	
Dunn	Johnson	Meek	

Nays—7

Frank	Kiser	Myers	Scott
Jennings	Langley	Plummer	

SB 612 was laid on the table.

On motion by Senator Jenne, the Senate recessed at 8:24 p.m.

The Senate was called to order by the President at 8:50 p.m. A quorum present—35:

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

On motion by Senator Jenne, by two-thirds vote the following bills were established as the special order calendar for the remainder of this day: HB 1194, SB 747, SB 552, CS for HB 10, SB 26, SM 1307, HB 1288, CS for SB 1096, SB 727, HB 1210, SB 728, SB 141, CS for SB 761, CS for SB 180, HB 1193, SB 434, SB 1082, HB 1430, HB 1426, CS for CS for HB 1023, CS for SB 821, SM 743, HB 1349, CS for HJR 71, SB 1123, CS for SB 444, HB 1255, SJR 710, CS for SB 351 and CS for SB 148.

SPECIAL ORDER, continued

HB 1194—A bill to be entitled An act relating to elections; creating ss. 106.30-106.36, F.S., the Florida Election Campaign Financing Act; creating an Election Campaign Financing Trust Fund and providing for appropriations thereto; authorizing contributions to certain statewide candidates; providing eligibility requirements; providing for expenditure limitations; providing distribution procedures; providing penalties; amending s. 106.141, F.S.; providing for disposition of surplus campaign funds by persons who receive contributions from the fund; amending s. 106.22, F.S.; providing for audits of campaign accounts of such persons; amending s. 106.265, F.S., providing for the deposit of certain fines into the Election Campaign Financing Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1194 was read the third time by title and failed to pass. The vote was:

Yeas—15

Mr. President	Gersten	Malchon	Peterson
Castor	Gordon	Mann	Stuart
Childers, D.	Grizzle	McPherson	Thurman
Dunn	Jenne	Meek	

Nays—16

Barron	Girardeau	Kiser	Plummer
Childers, W. D.	Hill	Langley	Scott
Crenshaw	Jennings	Myers	Vogt
Deratany	Johnson	Neal	Weinstein

Vote after roll call:

Yea—Crawford

On motions by Senator Jenne, by two-thirds vote CS for HB 1296 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motion by Senator Jenne, by unanimous consent—

CS for HB 1296—A bill to be entitled An act relating to the judiciary; amending ss. 26.031, 34.022, and 35.06, F.S., to provide additional judges in specified circuit and county courts; providing an effective date.

—was substituted for SB 747 and read the second time by title.

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

Amendment 1—On page 1, line 8, strike everything after the enacting clause and insert:

Section 1. Subsections (7), (12), (13), (18), (19), and (20) of section 26.031, Florida Statutes, are amended to read:

26.031 Judicial circuits; number of judges, salaries.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(7) Seventh	*15* ~~14~~
(12) Twelfth	*12* ~~11~~
(13) Thirteenth	*26* ~~25~~
(18) Eighteenth	*15* ~~14~~
(19) Nineteenth	*10* ~~9~~
(20) Twentieth	*13* ~~12~~

Section 2. Subsections (13), (42), (50), and (52) of section 34.022, Florida Statutes, are amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(13) Dade	*35* ~~34~~
(42) Marion	*3* ~~2~~
(50) Palm Beach	*13* ~~12~~
(52) Pinellas	*12* ~~11~~

Section 3. The additional circuit court judgeships authorized for the Seventh, Twelfth, Thirteenth, and Twentieth Circuits by this act and the additional county court judgeship authorized for Palm Beach County by this act shall be created October 1, 1986, notwithstanding any other provision of this act; and such additional judges shall be appointed pursuant to section 11, Article V of the State Constitution. All other additional circuit court judgeships and county court judgeships authorized by this act shall be created January 6, 1987, and shall be filled by election at the general election to be held in November 1986.

Section 4. This act shall take effect upon becoming a law, but the additional judicial offices created by this act shall be created and filled as provided in section 3.

Senator Langley moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 6 and 7, insert:

Section 4. Section 1 of chapter 71-462, Laws of Florida, is amended to read:

Section 1.

~~(a)~~ On and after the effective date of this Act, the bailiffs of the third and fifth judicial circuits of the State of Florida may be chosen for employment and appointment and assigned to duty by the presiding circuit judge of such circuits; the said presiding judge is herewith given full power and authority to determine the number and fix the monthly rate of compensation of said bailiffs; the said presiding judge is herewith given the authority to:

1. Fix the tenure, term and conditions of employment of all bailiffs of said judicial circuits; and

2. Appoint all bailiffs upon the consent and advice of the judges of such circuits affected; and

3. Fix a minimum standard of qualifications to be met by each of the bailiffs to be chosen for employment and appointment hereunder.~~;~~

~~(b) The compensation of bailiffs chosen for employment under the terms of this Act shall not exceed that of deputy sheriffs of such circuits.~~

Section 5. Section 2 of chapter 71-462, Laws of Florida, is hereby repealed.

(Renumber subsequent subsections.)

Senator Jenne moved the following amendment which was adopted:

Amendment 3—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of circuit judges for specified circuits; amending s. 34.022, F.S.; increasing the number of county court judges for specified counties; providing for appointment or election of judges to new judgeships; providing an effective date.

Senator Langley moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 5, after the semicolon (;), insert: amending s. 1, ch. 71-462, Laws of Florida; deleting a provision limiting the compensation of bailiffs of the third and fifth judicial circuits; repealing s. 2, ch. 71-462, Laws of Florida, relating to the compensation of female bailiffs of the third and fifth judicial circuits;

On motion by Senator Jenne, by two-thirds vote CS for HB 1296 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 747 was laid on the table.

SB 552—A bill to be entitled An act relating to sentencing; providing legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Weinstein and failed:

Amendment 1—On page 1, strike all of lines 29 and 30 and insert:

Section 2. Paragraph (b) of subsection (4) of section 921.001, Florida Statutes, is amended to read:

921.001 Sentencing Commission.—

(4)

(b) The commission shall, no later than October 1 of each year, make a recommendation to the members of the Supreme Court, the President of the Senate, and the Speaker of the House of Representatives on the need for changes in the guidelines. Upon receipt of such recommendation, the Supreme Court may within 60 days revise the statewide sentencing guidelines to conform them with all or part of the commission recommendation. However, such revision shall become effective only upon the subsequent adoption by the Legislature of legislation implementing the guidelines as then revised. *Such revision shall become effective October 1 of each year subsequent to adoption by the Legislature, unless implementing legislation provides otherwise.*

Section 3. This act shall take effect October 1, 1986.

Further consideration of SB 552 was deferred.

CS for HB 10—A bill to be entitled An act relating to education; providing for substitution for requirements for admission to certain institutions for certain impaired and learning disabled persons; providing for substitution for requirements for graduation, program admission, or upper division entry under certain circumstances; providing for rules; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 10 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick

SB 26—A bill to be entitled An act relating to education; establishing the Learning Development and Evaluation Center for learning disabled students at Florida Agricultural and Mechanical University; providing criteria for program services and for program participants' qualifications; providing services for postsecondary and secondary students; requiring reports on program effectiveness; providing for funding; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 4, between lines 16 and 17, insert:

Section 2. (1) There is hereby created the Florida Postsecondary Vocational Center for the Hearing Impaired. The center shall offer postsecondary vocational programs for the deaf and the hearing impaired.

(2) The Florida Postsecondary Vocational Center for the Hearing Impaired is assigned to the District Board of Trustees of the North Florida Junior College for purposes of administration and governance but shall serve as a professional school on a statewide basis for all qualified students within appropriations and limitations established annually by the Legislature.

(3) The junior college district board of trustees is authorized to establish an advisory council to assist it on matters pertaining to the operation of the center.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 10, after "funding;" insert: creating the Florida Postsecondary Vocational Center for the Hearing Impaired; providing for the administration of the center; authorizing the establishment of an advisory council;

On motion by Senator Meek, by two-thirds vote SB 26 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	Frank	Kirkpatrick	Neal
Barron	Gersten	Kiser	Peterson
Beard	Girardeau	Langley	Plummer
Childers, D.	Gordon	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hill	Margolis	Thomas
Crenshaw	Jenne	McPherson	Thurman
Deratany	Jennings	Meek	Weinstein
Dunn	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Hair, Vogt

On motion by Senator Frank, 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 concurred in Senate Amendment 1 to House Amendment 2 and Senate Amendment 1 to House Amendment 3, has amended Senate Amendment 1 to House Amendment 2 and Senate Amendment 1 to House Amendment 3, concurred in same as amended and passed CS for SB 576, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

CS for SB 576—A bill to be entitled An act relating to prostitution; amending s. 796.07, F.S.; defining "sexual activity" for purposes of the prohibition against prostitution; deleting obsolete language; providing penalties; providing an effective date.

Amendment 4 to Senate Amendment 1 to House Amendment 2—On page 1, line 22, insert:

(4) The department or its authorized representatives may examine or cause to be examined any person or inmate who injures a law enforcement or correctional officer, or a firefighter or paramedic acting within the scope of employment. Evidence of injury and a statement by a licensed physician that the nature of the injury is such as to result in the transmission of a disease covered by this act shall constitute probable cause for issuance of a warrant duly authorized by a court of competent jurisdiction.

Amendment 3 to Senate Amendment 1 to House Amendment 3—On page 1, line 19, after "prostitution;" insert: providing for screening of persons or inmates who injure a law enforcement or correctional officer or firefighter or paramedic acting within scope of employment

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

CS for SB 576 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Frank	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	Plummer
Castor	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Margolis	Thomas
Crawford	Hill	Meek	Weinstein
Crenshaw	Jennings	Myers	
Dunn	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Vogt

The Honorable Harry A. Johnston, II, President

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

SB 1140—A bill to be entitled An act relating to special taxing districts in Sarasota County; abolishing the Animal Pound District, the Gulf Gate Lighting District, the Hudson Bayou Bridge District, the Metropolitan Sarasota Fire and Rescue District, the Mosquito Control District, the North Casey Key Conservation District, the Northeast Area Fire Control District, the Old Myakka Area Fire Control District, the Pinecraft Fire Control District, the Sarasota Inlet District, the Siesta Bridge District, the Siesta Key Recreational Facilities District, the Siesta Key Special Fire Control District, the South Gate Lighting District, the South Trail Area Fire Control District, the Tamiami Trail Assessment District, the Venice Gardens Lighting District, and the Warm Mineral Springs Lighting District, each contingent upon the Board of County Commissioners of Sarasota County adopting an ordinance assuming the obligations and liabilities of the respective district; requiring a referendum on the ordinance in certain cases; providing for the transfer of assets and obligations of an abolished district to the county; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, lines 14 through 27, strike all of said lines and insert:

(i) Sarasota Inlet District.

(j) Siesta Bridge District.

(k) Siesta Key Recreational Facilities District.

(l) Siesta Key Special Fire Control District.

(m) South Gate Lighting District.

(n) South Trail Area Fire Control District.

(o) Tamiami Trail Assessment District.

(p) Venice Gardens Lighting District.

(q) Warm Mineral Springs Lighting District.

(2) Upon

Amendment 2—On page 1, in the title , lines 10 through 24, strike all of said lines and insert: Control District, the Sarasota Inlet District, the Siesta Bridge District, The Siesta Key Recreational Facilities District, the Siesta Key Special Fire Control District, the South Gate Lighting District, the South Trail Area Fire Control District, the Tamiami Trail Assessment District, the Venice Gardens Lighting District, and the Warm Mineral Springs Lighting District, each contingent upon the Board of County Commissioners of Sarasota County adopting an ordinance assuming the obligations and liabilities of the respective district; providing for the

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

SB 1140 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

Senator Peterson presiding

The Honorable Harry A. Johnston, II, President

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

By the Committee on Appropriations and Representative Bell and others—

HB 1388—A bill to be entitled An act relating to fine arts; creating the Florida Artists Hall of Fame and providing for its location; providing procedures for selecting members to the Hall of Fame; providing an appropriation; amending s. 265.604, F.S., redistricting the fine arts regions of the state; amending s. 265.606, F.S., modifying eligibility requirements for state matching funds under the Fine Arts Endowment Program; providing for redistribution of certain funds; reenacting s. 265.605(2)(a) and (3), F.S., relating to allocation of moneys in the trust fund, to incorporate the amendments to ss. 265.604 and 265.605, F.S., in references thereto; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motion by Senator Johnson, by unanimous consent HB 1388 was taken up out of order. On motions by Senator Johnson, by two-thirds vote HB 1388 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—34

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

The Honorable Harry A. Johnston, II, President

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

CS for SB 665—A bill to be entitled An act relating to consumer protection; amending s. 501.021, F.S.; including lease and rental transactions in the definition of "home solicitation sale"; creating s. 501.022, F.S.; providing for permits for home solicitation sales, to be issued by the sheriff in each county; providing exemptions; providing for fees; providing for denial, suspension, or revocation of the permit; amending s. 501.046, F.S.; requiring affected businesses to ensure compliance on the part of their employees; amending s. 501.047, F.S.; proscribing certain practices with respect to home solicitation sales; amending s. 501.055, F.S.; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1 in the title, line 7, strike the word "sheriff" and insert: clerk of the court

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

CS for SB 665 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

The Honorable Harry A. Johnston, II, President

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

SB 784—A bill to be entitled An act relating to transportation of school children; amending s. 234.01, F.S., modifying transportation duties of the district school boards; amending ss. 234.061 and 234.112, F.S., authorizing school boards to provide by rule for designation of nontransportation zones, school bus routes, and school bus stops; amending s. 236.083, F.S., authorizing additional types of transportation of students; modifying the formula for calculating each school district's allocation for student transportation; authorizing transport by passenger cars or boats under certain circumstances; deleting obsolete language relating to pilot projects for transport of the elderly or handicapped; amending s. 236.0835, F.S., modifying procedures with respect to purchase of replacement school buses; amending s. 235.055, F.S.; authorizing school boards to enter into leases with private land owners for the purpose of building a temporary or relocatable facility; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 10, line 17, insert:

Section 7. Subsection (2) of section 234.051, Florida Statutes, is amended to read:

234.051 School buses.—School buses shall be defined and meet specifications as follows:

(2) SPECIFICATIONS.—Each school bus with a total seating space of more than 10 lineal feet which is rented, leased, purchased, or contracted for purchase, and each school bus with a total seating space of more than 10 lineal feet shall meet the *applicable Federal Motor Vehicle Safety Standards and other* specifications as prescribed by regulations of the state board.

Section 8. Section 234.101, Florida Statutes, is amended to read:

234.101 Specific requirements; *driver training program; contract.*—

(1) The State Board of Education shall adopt requirements which school bus drivers must meet prior to employment by district school boards.

(2) Each district school board is authorized to provide a school bus driver training program and may make this program available to nonpublic school bus drivers by contract.

Section 9. Subsection (4) of section 316.615, Florida Statutes, is amended, subsection (5) is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

316.615 Inspection of school buses; physical requirements of drivers.—

(4) All school buses and all motor vehicles covered by subsection (1) shall be inspected annually by the department and, when found satisfactory for safe operation, shall display on the vehicle a current certificate of inspection. *The department is authorized to conduct a pilot program utilizing qualified private contractors selected in accordance with chapter 287 for inspections required for nonpublic school buses by this subsection.*

(5) Nonpublic school buses shall be allowed to deliver and pick up students in either the same areas as public school buses, or in other areas adjacent to the public school bus delivery and pick-up zones, as determined by the appropriate government entities.

(Renumber subsequent section.)

Amendment 2—On page 1, in the title, line 23, after the semicolon insert: amending s. 234.051, F.S.; requiring school buses to meet applicable Federal Motor Vehicle Safety Standards; amending s. 234.101, F.S.; authorizing district school boards to provide school bus driver training programs and to make them available to nonpublic school bus drivers by contract; amending s. 316.615, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to conduct a pilot program for the inspection of nonpublic school buses, utilizing qualified private contractors; allowing nonpublic school buses to deliver and pick up students in either the same areas as public school buses or in other areas adjacent to public school bus delivery and pick-up zones;

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

SB 784 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

The Honorable Harry A. Johnston, II, President

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

SB 449—A bill to be entitled An act relating to scholarships; amending s. 240.414, F.S.; providing exemption from out-of-state tuition fees for Latin American and Caribbean Basin Scholarship Program recipients; expanding eligibility requirements; authorizing appropriate administrative agencies to seek matching funds; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. *There is created an Office of International Education which shall be assigned to the Department of Education for administrative purposes. The Office of International Education shall coordinate activities on international education in cooperation with academic institutions and other agencies with funds provided by the Legislature for this purpose. Duties of the office shall include, but not be limited to:*

(1) Serving as an information clearinghouse on international education resources.

(2) Compiling, maintaining, and disseminating a directory of international education resources.

(3) Providing liaison with federal, state, and governmental entities, as requested, on issues related to international education.

(4) Administering the Latin American and Caribbean Basin Scholarship Program pursuant to s. 240.414, Florida Statutes, and rules of the State Board of Education.

Section 2. *Florida Commission on International Education.—*

(1) The Florida Commission on International Education, a not-for-profit corporation, is created for the purpose of planning, coordinating, and assisting educational entities in the role and scope of international education. The commission shall be composed of 11 members, consisting of:

(a) The Commissioner of Education, the Secretary of State, the Secretary of Commerce, and the executive director of the Florida International Alliance, or their respective designees.

(b) Four members appointed by the Commissioner of Education to represent all levels of education in the state. At least one member so appointed shall represent a nonpublic postsecondary institution. The term of each member so appointed shall be 2 years.

(c) Three members to represent international business of whom one each shall be appointed by the Governor, President of the Senate, and Speaker of the House of Representatives, respectively. The term of each member so appointed shall be 1 year.

(2) The commissioner shall call the organizational meeting of the commission no later than October 1, 1986. The commission shall annually elect a chairman and vice chairman. There shall be no limitation on successive appointments to the commission or successive terms that may be served by a chairman or vice chairman. Any vacancy shall be filled by the appointment of a person of the same classification or status as his predecessor for the balance of the unexpired term. The commission shall adopt internal organizational procedures or bylaws necessary for efficient operations. Commission members shall be entitled to per diem and travel expenses pursuant to s. 112.061, Florida Statutes, for the performance of duties for the commission.

(3) The commission shall:

(a) Advise the Governor, Legislature, State Board of Education, Board of Regents, and State Board of Community Colleges regarding recommendations related to international education and international affairs activities such as the Hispanic Quincentennial Event of 1992.

(b) Recommend to the Governor, Legislature, State Board of Education, Board of Regents, and State Board of Community Colleges existing needs and resources related to international education, including the prioritization of necessary programs and services.

(c) Provide direction and guidance to the Office of International Education except with respect to the Latin American and Caribbean Basin Scholarship Program.

(4)(a) The commission may accept gifts, grants, donations, expenses, or other valued goods or services for carrying out its purposes and may expend such funds or assets in any legal manner according to the terms of acceptance. No such funds shall be commingled with funds appropriated by the state.

(b) The commission shall keep open for public review and inspection full, detailed, and accurate records and accounts of all proposals, acts, proceedings, orders, determinations, receipts, and disbursements made under its authority. The commission shall produce an annual report that sets forth in appropriate detail the business transacted during the year and the financial condition of the commission at the close of the year.

(5) The commission shall be staffed by staff of the Department of Education.

Section 3. *Public schools, community colleges, and universities may and are encouraged to incorporate international education into their programs and strengthen the international character of course offerings, faculty resources, and research opportunities. Such activities may include, but not be limited to, the provision of:*

(1) Instruction in foreign languages and culture, political education, and economic development, as part of the regular K-12 curriculum and in postsecondary education.

(2) Foreign languages and international studies as components of in-field courses for the certification and recertification of elementary and secondary teachers.

(3) Faculty and nonfaculty human resources as well as other available resources, including preservice and inservice education funds, to assist instructional personnel with the development of international education activities which will foster the delivery of instruction as provided in subsection (1).

(4) Networking activities through which representatives of the international business and education communities may interact.

(5) Means through which the delivery of foreign language instruction may be strengthened.

(6) Foreign language and international education components within summer in-service institutes and staff and program development activities.

(7) Short-term instruction and seminars for emerging Latin American and Caribbean leaders on the importance and benefits of democracy, including the contributions of private enterprise.

(8) Participation in overseas academic, research, international trade, and cross-cultural exchange programs for Florida and Latin American/Caribbean students and faculty members.

(9) International magnet high schools and international programs which draw on the resources of the local international business community, other postsecondary institutions, and other agencies.

Section 4. Section 14.22, Florida Statutes, is amended to read:

14.22 Governor's Council on Physical Fitness and Sports; Sunshine State Games; *national and international amateur athletic competitions and Olympic training centers;* direct-support organizations.—

(1)(a) The Florida Governor's Council on Physical Fitness and Sports is created within the office of the Governor, to be composed of 25 members with appropriate interests and representing the various geographical areas of the state. The members shall be appointed by the Governor for staggered terms of 3 years expiring on July 1 in the appropriate year~~, except that the initial terms of the five additional members shall be 1 year for two members, 2 years for two members, and 3 years for one member. Members presently serving on the council shall continue to serve until the expiration of their present terms~~. The Governor may reappoint any person who has served or is serving as a member of the council.

(b) The Governor shall appoint a member of the council to serve as chairperson, and the council shall elect one of its members to serve as vice chairperson. Each shall serve terms of 2 years.

(c) The council shall meet semiannually and at the call of the chairperson.

(d) Members of the council shall receive no compensation, but shall receive per diem and travel expenses as provided in s. 112.061.

(e) The Governor may appoint, upon the recommendation of the council, an executive director, and the executive director may employ such staff as may be authorized by the Governor. The compensation of the executive director and staff shall be set by the Governor.

(f) By a two-thirds vote of the council, a member may be dismissed from membership for such reasons as the council may establish, which reasons shall include lack of interest in council duties or repeated absences from council meetings. Vacancies created by dismissal shall be filled by the Governor.

(2) In order to promote physical fitness and sports, the Florida Governor's Council on Physical Fitness and Sports shall have the power and duty to:

(a) Develop, foster, and coordinate services and programs of physical fitness and sports for the people of Florida.

(b) Sponsor physical fitness and sports workshops, clinics, conferences, and other similar activities.

(c) Give recognition to outstanding developments and achievements in, and contributions to, physical fitness and sports.

(d) Stimulate physical fitness research.

(e) Collect and disseminate physical fitness and sports information and initiate advertising campaigns promoting physical fitness and sports.

(f) Assist schools in developing health and physical fitness programs for students.

(g) Encourage local governments and communities to develop local physical fitness programs and amateur athletic competitions.

(h) Develop programs to promote personal health and physical fitness in cooperation with medical, dental, and other similar professional societies.

(i) Enlist the support of individuals, civic groups, amateur and professional sports associations, and other organizations to promote and improve physical fitness and sports programs.

(j) Develop means of attracting and locating professional sports franchises and sports-related industries in the state as well as assisting those located in the state.

(k) Promote the development of recreational athletic opportunities and professional athletic activities in the state including means of facilitating the acquisition, proper financing, construction, and rehabilitation of sports facilities for the holding of professional and amateur athletic events.

(l) Promote the development of a program of statewide amateur athletic competition to be known as the "Sunshine State Games."

(m) Promote the development of Olympic training centers within the state. The centers shall be managed by a Sunshine State Games and Olympic training centers direct-support organization under contract with the Department of Education. The council shall assure that state and local governmental entities and other entities cooperate to the extent feasible in providing existing facilities for use in Olympic training.

(n) Promote national and international amateur athletic competitions.

(3)(a) The Sunshine State Games shall be patterned after the Summer Olympics with variations as necessitated by availability of facilities, equipment, and expertise. The games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and Florida communities. Participants shall be residents of this state. Regional competitions shall be held throughout the state, and the top qualifiers in each sport shall proceed to the final competitions to be held at a site geographically centered in the state with the necessary facilities and equipment for conducting the competitions. The frequency of the games shall be determined by the council.

(b)1. Authority is hereby granted to create Sunshine State Games, *national and international amateur athletic competitions, and Olympic training centers* direct-support organizations. *Such* a ~~Sunshine State Games~~ direct-support organization is an organization which is:

a. Incorporated under the provisions of chapter 617 and approved by the Department of State as a Florida corporation not for profit;

b. Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the Sunshine State Games, *Olympic training centers, and the promotion of national and international sports competition*; and

c. Certified by the Executive Office of the Governor, after review, to be operating in a manner consistent with the goals of the Sunshine State Games *and Olympic training centers* and in the best interest of the state.

2. The Executive Office of the Governor is authorized to permit the use of property, facilities, and personal service of or at any state facility or institution by any Sunshine State Games *and Olympic training centers* direct-support organization, subject to the provisions of this section. For the purposes of this subparagraph, personal services includes full-time or part-time personnel as well as payroll processing.

3. Each Sunshine State Games direct-support organization shall make provisions for an annual postaudit of its financial accounts by an independent certified public accountant. The annual audit report shall be submitted to the Executive Office of the Governor for review. *Notwithstanding the provisions of s. 119.14,* the identity of donors who desire to remain anonymous *and all information identifying such donors and such prospective donors are exempt from the provisions of chapter 119* ~~shall be protected~~, and that anonymity shall be maintained in the auditor's report*; and this exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Notwithstanding s. 119.14,*~~.~~ all records of the organization *made prior to October 1, 1986,* other than the auditor's report shall not be considered public records for the purposes of chapter 119.

(4) The council may accept grants, gifts, and bequests and enter into contracts to carry out the purposes of this act.

Section 5. Paragraph (c) is added to subsection (10) of section 240.1201, Florida Statutes, to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(c) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Students classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

Section 6. Section 240.414, Florida Statutes, is amended to read:

240.414 Latin American and Caribbean Basin Scholarship Program.—

(1)(a) There is created the Latin American and Caribbean Basin Scholarship Program to be administered by the Department of Education. The purpose of the program is to provide support for students from Latin American and Caribbean countries to pursue postsecondary training in this state that will enable them to address the social and economic development needs of the region.

(b) There is created the Latin American and Caribbean Basin Scholarship Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education. Any balance in the trust fund at the end of a fiscal year shall remain in the trust fund and be available for carrying out the purposes of this program.

(2) The institutions that are eligible to participate in the scholarship program include the state universities and community colleges authorized by Florida law and any independent institutions eligible to participate in the state tuition voucher program pursuant to s. 240.401. No college or university may receive more than 25 percent of the funds appropriated in any year. Institutions *and the appropriate administrative agency* shall seek matching funds from private businesses, public foundations, and other ~~appropriate~~ agencies.

(3) Scholarships per individual in any one semester shall be determined annually by the General Appropriations Act. An eligible student may receive awards under this program for up to 11 semesters or the equivalent, three of which may be used for intensive English language training.

(4) In order to be eligible to participate in the Latin American and Caribbean Basin Scholarship Program, a student:

(a) Must meet the eligibility criteria of the appropriate state agency responsible for the administration of the program.

(b)~~(a)~~ Must be accepted for enrollment or be enrolled as a full-time undergraduate student at an eligible college or university or be accepted in an intensive English language institute prior to enrollment in an eligible college or university;

(c)~~(b)~~ Must be a citizen of a Caribbean, Central American, or South American country;

(d)~~(c)~~ Must have declared an intention to return to his country of origin upon completion of his studies and remain there for at least the number of years equal to the number of annual awards received under this program; and

(e)~~(d)~~ Must be in need of financial assistance *in accordance with the rules of the department.*

(5) As a condition for renewal of a scholarship, a student must maintain a cumulative grade point average of 2.0 on a 4.0 scale or the equivalent for the period covered by scholarships previously received by him under this program.

(6) *Students from Latin America and the Caribbean who receive scholarships from the Federal Government and scholarships pursuant to this section are exempt from s. 240.1201(3) for tuition purposes* ~~Eligible colleges and universities are authorized to waive out-of-state fees for scholarship recipients~~.

(7) The State Board of Education is authorized to adopt any rules necessary for the implementation of this program and to identify areas of study which should be given priority in the use of the awards.

Section 7. *There shall be established a consortium of public and private institutions of higher education to coordinate efforts related to the acquisition and allocation of state funds appropriated to the consortium and federal funds for the purposes of this act.*

Section 8. *The Postsecondary Education Planning Commission shall study the feasibility of establishing a major hemispheric studies center affiliated with a consortium of public and private institutions of higher education for the purposes of studying hemispheric policies related to social science, commerce, and economics, and addressing the intellectual, commercial, and cultural issues confronting the Western Hemisphere. The study shall be conveyed to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 1987. Such study shall include, but not be limited to:*

(1) An assessment of the need for the center.

(2) A determination of the viability of the center.

(3) A description of the most efficient means for operating the center.

(4) An identification of other postsecondary resources that might contribute to the goals of the center.

(5) An enumeration of the costs of establishing and maintaining the center.

Section 9. *The Department of Education shall contract for the development of a volunteer corps to provide short-term educational outreach activities in Latin America and the Caribbean Basin. The entity contracted pursuant to this section shall require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency shall have a statewide focus and experience in coordinating volunteer programs that are international in nature. The Office of International Education shall evaluate the results of the activities.*

Section 10. *The sum of $250,000 is appropriated from the General Revenue Fund to the Sunshine State Games and Olympic training centers direct-support organization for the purpose of promoting international amateur athletic competition.*

Section 11. *Section 2 of this act is repealed on October 1, 1996, and the Florida Commission on International Education shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 12. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in the title, strike the title and insert: A bill to be entitled An act relating to education and the promotion of national and international amateur athletic competition and Olympic training centers; creating an Office of International Education within the Department of Education; providing for duties; creating the Florida Commission on International Education; providing for composition, duties, and powers thereof; providing for the incorporation of international education within instructional programs; amending s. 14.22, F.S.; providing duties of the Governor's Council on Physical Fitness and Sports; providing for establishment of Olympic training centers; providing for a Sunshine State Games and Olympic training centers direct-support organization; specifying information which is exempt from the provisions of law relating to public records; providing for repeal and review of the exemptions pursuant to the Open Government Sunset Review Act; amending s. 240.1201, F.S.; authorizing the classification of certain students from Latin America and the Caribbean to be eligible as residents for tuition purposes; amending s. 240.414, F.S.; providing exemption from out-of-state tuition fees for Latin American and Caribbean Basin Scholarship Program recipients; expanding eligibility requirements; authorizing appropriate administrative agencies to seek matching funds; requiring the establishment of a postsecondary consortium; directing the Postsecondary Education Planning Commission to study the feasibility of establishing a hemispheric studies center; requiring the Department of Education to contract for the provision of educational outreach activities; providing for review and repeal; providing an appropriation; providing an effective date.

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

SB 449 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Barron	Gordon	Malchon	Scott
Beard	Grant	Mann	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hill	McPherson	Vogt
Crenshaw	Jennings	Meek	Weinstein
Dunn	Johnson	Neal	
Gersten	Kirkpatrick	Peterson	
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Hair, Jenne

On motion by Senator Barron, the House was requested to return HB 1349.

The Honorable Harry A. Johnston, II, President

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

SB 248—A bill to be entitled An act relating to veterans; creating s. 295.017, F.S., providing educational opportunity at state expense for dependent children of the servicemen who died or suffered 100-percent disability in the Lebanon and Grenada military arenas; creating s. 295.018, F.S., providing free educational opportunity at state expense for the dependent children of certain servicemen killed in a described airplane crash; amending ss. 295.02, 295.03, 295.04 and 295.05, F.S., providing clarifying language with respect to benefits received by the dependent children of certain veterans; amending ss. 230.645, 240.235, and 240.345, F.S., providing reference to additional federal programs for veterans to receive fee benefits for postsecondary student fees, university fees and community college fees; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 6, line 10, strike all of said line, and insert:

Section 10. Effective January 1, 1987, and applicable to the 1987 assessment rolls and to each assessment roll thereafter, subsection (1) of section 196.081, Florida Statutes, is amended to read:

196.081 Exemption for certain permanently and totally disabled veterans.—

(1) Any real estate used and owned as a homestead by a veteran who was honorably discharged with a service-connected total and permanent disability and who has a letter from the United States Government or Veterans Administration certifying that he is totally and permanently disabled is exempt from taxation, provided the veteran *is* ~~was~~ a permanent resident of the state on ~~January 1, 1976, or a permanent resident of the state for a period of not less than 5 years as of~~ January 1 of the tax year for which exemption is being claimed.

Section 11. Effective January 1, 1987, and applicable to the 1987 assessment rolls and to each assessment roll thereafter, paragraph (a) of subsection (4) of section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(2) Any real estate used and owned as a homestead by a paraplegic, hemiplegic, or other totally and permanently disabled person, as defined in s. 196.012(10), who must use a wheelchair for mobility or who is legally blind, is exempt from taxation.

(4)(a) A person entitled to the exemption in subsection (2) must be a permanent resident of this state ~~for 5 consecutive years prior to claiming the exemption under this section~~. Submission of an affidavit that the applicant claiming the exemption under subsection (2) *is* ~~has been~~ a permanent resident of this state ~~for the 5 years preceding the date of application~~ is prima facie proof of such residence. However, the gross income of all persons residing in or upon the homestead for the prior year shall not exceed $12,000. For the purposes of this section, the term "gross income" includes Veterans Administration benefits and any social security benefits paid to the persons.

Section 12. Effective January 1, 1987, and applicable to the 1987 assessment rolls and and to each assessment roll thereafter, paragraph (b) of subsection (1) of section 196.091, Florida Statutes, it hereby repealed.

Section 13. Section 295.1105, Florida Statutes, is created to read:

295.1105 Rules.—The Department of Administration shall promugate uniform rules to effectuate the provisions of ss. 295.07-295.11, in accordance with chapter 120, and each employing agency shall operate within the uniform rules promulgated by the department.

Section 14. (1) The Division of Veterans' Affairs of the Department of Administration, in consultation with the Commission on Veterans' Affairs, shall estabish a demographic needs assessment for state veterans' nursing home facilities.

(2) In establishing the needs assessment for nursing home facilities, the division shall require that regardless of population density, no more than two such facilities shall be located in one county.

(3) No nursing home facility shall have a capacity exceeding 150 beds.

(4) The needs assessment established by the division shall be accomplished within existing amounts appropriated to the department.

(5) The division shall report its findings to the President of the Senate and the Speaker of the House of Representatives on or before January 1, 1987.

Section 15. Except as otherwise provided herein, this act shall take effect October 1, 1986.

Amendment 2 to House Amendment 1—On page 2, lines 12-18, strike all of Section 13 and renumber subsequent sections.

Amendment 3—On page 1 in title, line 19, strike everything after the semicolon, and insert: amending ss. 196.081 and 196.101, F.S.; removing the 5-year residency requirement with respect to the exemptions for the homesteads of disabled veterans and other disabled persons; repealing s. 196.091 (1)(b), F.S., which imposes such requirement with respect to such exemption for disabled veterans confined to wheelchairs; 295.1105, F.S., providing for rules by the Department of Administration to effectuate provisions of ss. 295.07-295.11, F.S.; providing for the establishment of a demographic needs assessment for veterans' nursing home facilities; providing guidelines; providing a limitation on the size of such facilities; requiring the Division of Veterans' Affairs of the Department of Administration to report its findings to the Legislature; providing effective dates.

Amendment 4 to House Amendment 3—On page 1, lines 8-10, strike: "295.1105, F.S., providing for rules by the Department of Administration to effectuate provisions of ss.295.07-295.11, F.S.;"

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

SB 248 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

On motion by Senator Langley, the House was requested to return HB 1375.

SPECIAL ORDER, continued

The Senate resumed consideration of SB 552.

On motion by Senator Weinstein, by two-thirds vote HB 868 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Weinstein—

HB 868—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; limiting appellate review of sentences imposed outside sentencing guidelines; providing legislative adoption and implementation of certain revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; providing an effective date.

—a companion measure, was substituted for SB 552 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 868 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne

SB 552 was laid on the table.

The President presiding

SM 1307—A memorial urging the Farmers Home Administration to suspend foreclosures in Florida for a period of one year.

WHEREAS, agricultural financing has become a critical issue in this state as well as the entire nation, and

WHEREAS, foreclosures have become commonplace as farmers struggle to resolve their financial difficulties, and

WHEREAS, this task is often complicated by adverse weather conditions and market prices, and

WHEREAS, often farmers may be able to restructure their financial obligations and work themselves out of their financial predicaments if additional time is permitted, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Farmers Home Administration is requested to cease foreclosures on farm lands and residences in Florida for a period of one year.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the Director of the Farmers Home Administration for Florida, to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator D. Childers SM 1307 was unanimously adopted and certified to the House.

Consideration of HB 1288 was deferred.

On motions by Senator Jenne, by two-thirds vote House Bills 748 and 749 and CS for SB 919 were added to the special order calendar.

CS for SB 1096—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.262, F.S., providing for the payment of a sum equal to the breaks plus a certain percent of all pari-mutuel pools conducted for the general promotion of owning and breeding racing quarter horses; authorizing the Florida Quarter Horse Breeders and Owners Association to receive payments and make awards; providing for use of funds; providing for awards; providing for required records; providing procedures with respect to the failure of the association to comply with the provisions of the act; providing for the establishment of an annual plan for supplementing purses and prizes and general promotion approved by the Florida Pari-Mutuel Commission; amending s. 550.263, F.S., providing for the payment of certain funds to the association; amending s. 550.265, F.S., deleting certain powers and duties of the Department of Agriculture and Consumer Services with respect to quarter horse racing; deleting certain provisions with respect to fraudulent acts and misrepresentations; eliminating registration fees; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendment:

Amendment 1—On page 9, between lines 13 and 14, insert:

Section 4. Subsection (4) of section 550.37, Florida Statutes, is amended to read:

550.37 Operation of certain harness tracks.—

(4) No permit shall be issued by the Division of Pari-mutuel Wagering for the operation of a harness track within 75 air miles of a location of a harness track licensed and operating under the provisions of this chapter. All harness tracks licensed under the provisions of this chapter shall be granted by the Florida Pari-mutuel Commission racing dates during the winter horseracing season as provided by s. 550.291, which racing dates may commence on or after October 1 of each year and shall conclude on or before *April 30* ~~June 1~~ of each year, and such permittee and licensee shall be permitted and authorized to race every day except Sunday. However, no more than 120 days, plus scholarship and charity days, may be allocated in the period between October 1 of any year and *April 30* ~~June 1~~ of the succeeding year. *Any harness track that operates the full 120 days as set forth herein, may apply for and shall obtain from the division up to 50 additional racing days per season and such permittee shall be permitted to operate such additional days of harness racing from 7 p.m. until 12 midnight.*

Section 5. Section 551.115, Florida Statutes, is created to read:

551.115 Additional jai alai days; restrictions.—

(1) Any jai alai permittee located in any area of the state where there are three or more permits, one of which is a thoroughbred racing permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other shall, in addition to the 105 regular days of operation permitted, be entitled to operate up to 105 days, including not more than 54 matinee performances, between the period of May 8 and September 3 of each year.

(2) The additional days of operation permitted in subsection (1) shall not conflict with any days of operation currently authorized for any of the permittees located within a 35-mile radius of such jai alai fronton.

(3) Upon application of a permittee meeting the requirements of subsection (1), the Division of Pari-mutuel Wagering shall issue to the permittee a license to operate the jai alai fronton for the period which ends on September 3, 1986. The license for the period from May 8 through September 3 for subsequent years shall be renewed as provided by law.

Section 6. Subsection (8) of section 550.09, Florida Statutes, is created to read:

(8) SURTAX ON ADDITIONAL DAYS.—In addition to the tax on handle imposed by subsection (3), any permitholder authorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsection (3). After the surtax has been paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

Section 7. Subsection (9) is created to section 551.06, Florida Statutes, to read:

(9) SURTAX ON ADDITIONAL DAYS.—In addition to the tax on handle imposed by subsection (3), any permitholder authorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsection (3). After the surtax has been paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

Section 8. Subsection (3) is added to section 550.082, Florida Statutes, to read:

550.082 Special allocation of periods of operation of certain dogracing tracks.—

(3) In any county of the state where there is only one dogracing permitholder, with no other active pari-mutuel permitholder of any other type within the county or within a radius of 25 miles, that dogracing permitholder may apply for and shall be granted up to 50 operating days, including not more than 25 matinee performances, in addition to those days authorized in this chapter.

Section 9. Subsection (3) is added to section 551.031, Florida Statutes, to read:

551.031 Fixing dates for operation of frontons.—

(3) In any county of the state where there is only one jai alai permitholder and no greyhound or thoroughbred horse racing permittee within a radius of 25 miles, that permitholder may apply for and shall be granted up to 50 operating days, including not more than 25 matinee performances, in addition to those authorized in chapter 550.

Section 10. Subsections (4) and (5) are added to section 550.082, F.S., to read:

(4) In any county where there are only three pari-mutuel permittees operating under valid outstanding permits issued by the Division of Pari-mutuel Wagering, two of whom are greyhound permittees and one is a jai-alai permittee, each permittee may apply for and shall be granted up to 50 days of operation, in addition to those days now authorized by the chapter.

(5) Any permittee operating by virtue of s. 550.075, F.S., shall not be entitled to additional days authorized in subsection (4). Subsection (5) shall be repealed June 30, 1987.

(Renumber subsequent sections.)

On motion by Senator Thurman, by two-thirds vote further consideration of CS for SB 1096 was deferred until 10:00 p.m.

SB 727—A bill to be entitled An act relating to public schools; amending s. 236.013, F.S.; redefining the term "full-time equivalent student" for purposes of providing state financial assistance to school districts; amending s. 236.081, F.S.; providing for the determination of the annual allocation from the Florida Education Finance Program to each school district for the operation of district schools; providing for discretionary tax equalization; creating s. 236.0851, F.S; establishing a sparsity supplement as a categorical program; providing effective dates.

—was read the second time by title.

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

Amendment 1—On page 12, line 4, strike *"either Group 2 or"*

Amendment 2—On page 13, between lines 15 and 16, insert:

f. If the Program Group 2 actual reported weighted enrollment for any school district exceeds that district's Program Group 2 weighted enrollment ceiling and if the sum of that district's actual reported weighted enrollments for Program Groups 1, 2, and 3 is less than the sum of the weighted enrollment ceilings for Program Groups 1, 2, and 3, that district's Program Group 2 weighted enrollment ceiling shall be adjusted by increasing the ceiling by an amount that is equal to the difference between the actual reported weighted enrollment for that program group and the weighted enrollment ceiling for that program group. In no case, however, may the sum of the weighted enrollment ceilings for Program Groups 1 and 3 and the adjusted weighted enrollment ceiling for Program Group 2 exceed a number that is equal to the sum of the enrollment conference's estimated weighted enrollments for Groups 1, 2, and 3.

Amendment 3—On page 30, between lines 15 and 16, insert:

(10) APPROPRIATED FUNDS.—

(a) If, in subsequent calculations after the February full-time equivalent student membership survey, the funds appropriated in the General Appropriations Act for the Florida Education Finance Program exceeds the calculated state allocation for all districts as provided for in subsection (6), the department shall allocate the remaining funds available up to the state appropriated amount for the Florida Education Finance Program in the following manner:

1. Determine the percentage of proration by dividing the total funded weighted full-time equivalent student membership for all districts collectively into each district's funded weighted full-time equivalent student membership.

2. Multiply the percentage so determined by the funds remaining after subtracting the state funds allocated to the district for current operation, as determined under subsection (6) from the state appropriation for the Florida Education Finance Program.

The product of such calculation shall be the amount of funds added to the current year state allocation to each district as calculated under subsection (6).

(b) Funds allocated to each district pursuant to this subsection shall be spent for instructional materials.

Amendment 4—On page 31, between lines 6 and 7, insert:

Section 4. Section 237.02, Florida Statutes, is amended to read:

237.02 Expenditures.—Expenditures shall be limited to the amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget after the same have been amended as prescribed by law and *rules* ~~regulations~~ of the state board. The school board shall endeavor to obtain maximum value for all expenditures.

(1) PURCHASES.—

(a) Each district school board shall develop and adopt *rules* ~~policies~~ establishing the plan to be followed in making purchases as may be prescribed by the state board.

(b) In districts in which the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies within the county, the school board shall have the option to purchase from the current county contracts at the unit price stated therein if such purchase is to the economic advantage of the school board, subject to confirmation of the items of purchase to the standards and specifications prescribed by the district.

(c) *The school board is authorized to establish petty cash funds not to exceed $5,000. After considering recommendations of the superintendent, the board shall adopt rules establishing and regulating the petty cash funds necessary for the efficient operation of the purchasing and accounting functions of the district.* ~~The State Board of Education shall adopt regulations authorizing school districts to establish petty cash funds within the public school system.~~

(2) ALTERNATIVE PROCEDURES FOR PURCHASING.—The State Board of Education may, by *rule* ~~regulation~~, provide for alternative procedures for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

(3) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—Expenditures from district and all other funds available for the public school program of any district shall be authorized by law and must be in accordance with procedures prescribed by the school board.

(4) INTERNAL FUNDS.—

(a) The school board shall be responsible for the administration and control of all local school funds derived by any public school from all activities or sources, and shall prescribe the principles and procedures to be followed in administering these funds consistent with *rules* ~~regulations~~ adopted by the State Board of Education.

(b) The State Board of Education shall adopt *rules* ~~regulations~~ governing the procedures for the recording of the receipts, expenditures, deposits, and disbursements of internal funds.

(Renumber subsequent sections.)

Amendment 5—In title, on page 1, line 11, after "equalization;" insert: providing for the distribution of excess funds;

Amendment 6—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 235.435, F.S.; specifying maintenance of effort levels for the expenditure of operating funds for facility needs;

Amendment 7—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 237.02, F.S.; authorizing school boards to establish petty cash funds; providing for school board rules;

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

Amendment 8—On page 14, strike all of lines 7-12.

Amendment 9—On page 29, line 28, and on page 30, lines 8 and 9, strike *"one-half mill"* and insert: *millage*

Amendment 10—On page 31, between lines 6 and 7, insert:

Section 3. Paragraph (d) of subsection (1) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(1)

(d) ~~Each board, including~~ The Board of Regents *and each community college board of trustees*~~,~~ shall maintain its effort for expenditures for remodeling, renovation, maintenance, repair, and site improvement in the operating budget for the budget fiscal year at not less than the percent level included in the approved operating budget for the current fiscal year. *Each school board shall maintain its effort for expenditures for remodeling, renovation, maintenance, repair, and site improvement in the operating budget for the budget fiscal year at not less than the average of the amounts expended for the prior 3 fiscal years.*

(Renumber subsequent sections.)

Senator Peterson moved the following amendments which were adopted:

Amendment 11—On page 31, between lines 6 and 7, insert:

Section 4. Paragraph (g) of subsection (3) of section 229.551, Florida Statutes, is amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(g) Conduct program evaluations for vocational education. These evaluations shall cover attainment of goals and objectives, manpower needs and placement, cost-efficiency, and resource requirements. Funding for vocational education shall reflect the results of these evaluations. Any job preparatory vocational program in which the average placement

rate is less than 60 percent for any given year shall be automatically reviewed by the Department of Education. The program review shall be submitted to the appropriate regional coordinating councils and shall be accompanied by a plan for improving the placement rate for the program. Effective with the 1985-1986 school year, any job preparatory vocational program in which the placement rate for persons completing the program is less than 70 percent for 3 consecutive years shall be ineligible for future state funding. The first 3-consecutive-year period shall be the 1984-1985, 1985-1986, and 1986-1987 school years. In order that no program is unfairly penalized for adverse economic or demographic conditions which might exist within the 28 vocational planning regions which the program may serve, the Department of Education may adjust program placement rates at the planning regional level using a statistically valid and reliable methodology approved by the State Board of Education. Factors for which program placement rates may be adjusted by this methodology may include, but are not limited to, the percent of program completers who are minorities and the percent of program completers who are economically disadvantaged. The methodology used by the Department of Education to adjust program placement rates shall be submitted to the Legislature for review at least 30 days prior to submission to the State Board of Education for approval. Any job preparatory vocational program failing to achieve a 70 percent rate for 3 consecutive years shall be reported by the department to the appropriate regional coordinating council, the State Board of Education, and the Legislature and shall be included in the state accountability report pursuant to s. 229.558. The Office of the Auditor General shall conduct annual audits of school districts and community colleges to determine the accuracy of the vocational program placement rates reported by the districts and community colleges to the Department of Education. The Office of the Auditor General shall report to the Legislature any discrepancies identified between the placement rates reported by the districts and community colleges to the Department of Education and the placement rates reported by the Department of Education to the Legislature. A student in a job preparatory vocational program shall be considered a "placement" if he has become employed in an occupation requiring the use of the competencies acquired in his vocational program ~~as indicated on the follow-up survey form~~, has entered military service, or has continued on to postsecondary education. It is the intent of the Legislature that every effort shall be made to ensure that exceptional students enrolled in job preparatory vocational programs are placed in employment. However, in order to assure that such programs are not penalized for exceptional student participation, exceptional students as defined in s. 228.041, *except for gifted students,* shall be included in the computation of job preparatory program placement rates only when such students may be considered as placements in accordance with the provisions defined in this subsection. Exceptional student program completers that do not meet the criteria to be considered to be a placement, *except for gifted students,* shall not be included in the computation of job preparatory program placement rates. Students enrolled in job preparatory vocational education programs who are *inmates within Department of Corrections facilities, who are* nonresident aliens, or who are in the United States on nonimmigration visas shall not be included in the computation of job preparatory program placement rates. *The State Board of Education shall adopt rules providing follow-up procedures which may be used by school districts and community colleges to determine a student's placement status. Such procedures may include the use of exit interviews, telephone interviews, written questionnaires, state-level computerized employment data and any other procedure approved by the state board. Pursuant to rule, school districts and community colleges shall document what follow-up procedure has been used to determine each vocational student's placement status and shall retain this documentation for audit purposes.*

Section 5. Subsection (7) is added to section 230.645, Florida Statutes, to read:

230.645 Postsecondary student fees; waiver; deferral.—

(7) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States stationed in this state, their spouses, and their dependent children.

(b) Full-time instructional and administrative personnel employed by public schools, community colleges, and institutions of higher education, as defined in s. 228.041, and their spouses and dependent children.

(Renumber subsequent section.)

Amendment 12—On page 31, between lines 6 and 7, insert:

Section 4. Section 231.548, Florida Statutes, is created to read:

231.548 Subject area councils.—

(1) The State Board of Education shall create subject area councils for the purpose of enhancing the subject area competence of kindergarten through grade 12 personnel and the quality of programs in specific subject areas. Such enhancements shall include recommendations for improvements in teacher certification. Effective October 1, 1986, the State Board of Education shall establish two subject area councils to serve as pilot projects. The initial councils shall be in the areas where the growth of new knowledge and information is the greatest. For this purpose, the Department of Education shall determine the two growth areas by August 1, 1986.

(2) Effective October 1, 1988, the State Board of Education shall establish the remainder of the subject area councils sufficient to cover all certification areas. However, no more than 30 such subject area councils shall be established.

(3) The subject area councils shall report directly to the Education Standards Commission. The Education Standards Commission shall provide ongoing direction and assistance to the subject area councils and shall monitor the individual councils for compliance with assigned duties and responsibilities. All recommendations from the subject area councils shall be evaluated by the Education Standards Commission prior to transmittal by the Education Standards Commission to the State Board of Education for approval. Such evaluations shall include an assurance of reasonable accessibility of teachers to such course and inservice education requirements recommended by the subject area councils.

(4) Prior to October 1, 1986, the Education Standards Commission shall develop operating guidelines to assist the State Board of Education in adopting rules to establish and appoint subject area councils. The Commissioner of Education shall appoint the members. Prior to making such appointments, the commissioner shall consult with subject area associations and professional education organizations for recommendations. The subject area councils shall be composed of a majority of active, professional educators certified to teach pursuant to applicable law in Florida in the relevant subject areas. Except as provided herein, the membership of such councils shall be limited to no more than seven members for each subject area council. The State Board of Education may authorize an increase in membership of up to 10 members for designated subject area councils if the state board determines that the responsibilities of the affected council require additional membership. Each subject area council shall have the following duties and responsibilities:

(a) To recommend course requirements for renewal of certification in each related specific specialty or certification area.

(b) To recommend the number of course hours and inservice points required for certification renewal in each related certification or specialty area.

(c) To recommend curriculum and evaluation guidelines for college courses and inservice courses acceptable for certification renewal.

(d) To identify biennially those specialization areas within the assigned certification field which reflect rapid change and to recommend additional measures or procedures to assure that updating is timely and appropriate in those specialty areas.

(e) To recommend any other improvements for the enhancement of subject area competence.

(f) To recommend other necessary administrative procedures to implement these duties and responsibilities.

(g) Recommend specific competencies in the subject field components of the annual evaluation pursuant to s. 231.39.

(5) No later than September 1, 1986, the State Board of Education shall approve a plan for reducing the number of areas of teacher certification. The Education Standards Commission shall organize and guide this effort. The Education Standards Commission shall consult the professional education organizations and subject area associations and hold public hearings prior to making recommendations to the State Board of Education. The plan for organization and reduction of the areas of teacher certification shall include provisions for maximum visibility of each specialty for use by district employers and for evaluation purposes. The emphasis on visibility recognizes the districts' right to enhance

requirements for employment purposes. Nothing herein shall preclude the State Board of Education from approving a plan which authorizes more than 30 areas of certification.

(6) The Education Standards Commission shall submit a progress report annually to the Legislature concerning the efficacy of subject area councils as provided in this section.

(Renumber subsequent sections.)

Amendment 13—On page 31, between lines 6 and 7, insert:

Section 4. Subsection (5) of section 236.02, Florida Statutes, is amended to read:

(5) SALARY SCHEDULES.—Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and regulations of the state board. *Notwithstanding any other provisions of law to the contrary, salary schedules for a school year which are negotiated under authority of chapter 447 shall not be finalized or ratified until after the effective date of the General Appropriations Act for that school year.*

(Renumber subsequent section.)

Senator Margolis moved that the Senate reconsider the vote by which Amendment 13 was adopted. The motion failed. The vote was:

Yeas—10

Mr. President	Gersten	Meek	Weinstein
Crawford	Malchon	Plummer	
Frank	Margolis	Stuart	

Nays—17

Beard	Grant	Langley	Thomas
Childers, D.	Grizzle	Mann	Vogt
Childers, W. D.	Hill	McPherson	
Crenshaw	Jennings	Myers	
Deratany	Kiser	Peterson	

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

Amendment 14—On page 31, between lines 6 and 7, insert:

Section 4. Annually on or before July 1 every school district shall submit a report to the Department of Education disclosing the number of teachers in the district who were assigned teaching duties outside the field in which they are certified during the preceding school year. For the purposes of this act a teacher shall be considered assigned out-of-field if he is teaching at least one class on a regular basis in a subject field for which he does not hold certification. The report shall identify the fields in which such teachers were assigned teaching duties and the fields in which they are certified, and include any other relevant information that may be required by the department. The report shall contain an estimate of the number of teachers who will be assigned teaching duties outside the field in which they are certified for the ensuing school year. The report shall also include classes that were not offered due to teacher shortages in a specific area.

Section 5. Whenever a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, the parents or guardians of all students in the class shall be notified in writing of such assignment. Such notification shall be provided in the annual report of school progress pursuant to s. 229.575.

Section 6. Each school district shall have a plan to assist any teacher teaching out-of-field, and priority consideration shall be given in summer inservice institutes to teachers who are teaching out-of-field.

Section 7. Annually on or before November 1 the Department of Education shall submit a report to the Legislature containing the information submitted to the department under section 4 and describing the actions that have been taken and that the department recommends be taken to eliminate the practice of assigning teachers to teaching duties outside their field of certification.

(Renumber subsequent sections.)

Senator Peterson moved the following amendments which were adopted:

Amendment 15—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 236.02, F.S.; providing for agreement on salary schedules;

Amendment 16—In title, on page 1, line 13, after the semicolon (;) insert: creating s. 231.548, F.S.; requiring subject area councils covering teacher certification areas to serve as pilot projects; providing duties of the Education Standards Commission; providing duties of subject area councils; requiring the State Board of Education to approve a plan for reducing the number of areas of teacher certification; requiring an annual progress report;

Amendment 17—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 229.551, F.S., revising criteria under which a student in a job preparatory program is to be considered a "placement" for purposes of computing placement rates of vocational education programs; providing for follow-up procedures to determine placement status; amending s. 230.645, F.S., classifying certain postsecondary students as residents for tuition purposes;

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

Amendment 18—In title, on page 1, line 13, after the semicolon (;) insert: requiring school districts to report annually to the Department of Education regarding the number of teachers in the district teaching outside their field of certification; requiring notice to parents or guardians of students in classes taught by such teachers; requiring each school district to have a plan to assist teachers teaching out-of-field; requiring that certain teachers be given priority; requiring an annual report to the Legislature;

On motion by Senator Peterson, by two-thirds vote SB 727 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gersten	Langley	Peterson
Childers, D.	Grant	Malchon	Plummer
Childers, W. D.	Grizzle	Mann	Scott
Crenshaw	Hill	McPherson	Thomas
Deratany	Jennings	Meek	Vogt
Dunn	Johnson	Myers	Weinstein
Frank	Kiser	Neal	

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick

On motion by Senator Weinstein, by unanimous consent—

SB 148—A bill to be entitled An act relating to Business Regulation; creating s. 559.927, F.S., providing definitions; requiring sellers of travel to annually register with the Division of Hotels and Restaurants of the Department of Business Regulation; providing registration fees; requiring performance bonds; providing for suspension or revocation; providing penalties; providing exceptions; preempting local government control over sellers of travel; providing for review and repeal; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Crawford presiding

Senator Weinstein moved the following amendment which failed:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Section 559.927, Florida Statutes, is created to read:

559.927 Sellers of travel; registration; enforcement; violation; penalties; exceptions; preemption.—

(1) For the purposes of this section, the term:

(a) "Sellers of travel" means any resident or nonresident person, firm or corporation maintaining a business location or branch office in the

State of Florida, who offers for sale, directly or indirectly, at wholesale or retail, prearranged travel or tourist-related services for individuals or groups in exchange for a fee, commission or other valuable consideration.

(b) "Prearranged travel or tourist-related services" includes, but is not limited to, car rentals, lodging, transfers, sightseeing tours and all other such services which are reasonably related to air, sea, rail, motor coach, or other medium of transportation or accommodations for which a traveler contracts or pays prior to departure.

(c) "Offer for sale" means directly or indirectly holding out an ability or making an offer or undertaking, by any means or method, to arrange for, provide or acquire travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, or other medium of transportation, or hotel and motel accommodations or sightseeing tours.

(d) "Division" means the Division of Hotels and Restaurants of the Department of Business Regulation.

(e) "Registrant" means any person registered as a seller of travel pursuant to this act.

(f) "Traveler" means the purchaser of, or person otherwise entitled to receive, prearranged travel or tourist-related services.

(2)(a) Each seller of travel shall annually register with the Division of Hotels and Restaurants, the seller of travel providing its legal business name, mailing address, and business location; the names, addresses, and social security numbers of all owners; and proof of purchase of adequate bond as required in this section. A certificate evidencing proof of registration shall be issued by the division and must be prominently displayed in the seller of travel's primary place of business.

(b) Each advertisement or contract of a seller of travel shall include the phrase "(NAME OF FIRM) is registered with the State of Florida as a Seller of Travel. Registration No.. . . . ."

(3) Registration fees shall be in an amount equal to the costs of the division to implement and enforce the provisions of this section. However, such fee shall not be greater than $300 per year per registrant. All amounts collected shall be deposited by the Treasurer to the credit of the Hotel and Restaurant Trust Fund pursuant to s. 509.072. No funds collected under this section shall be expended by the department in connection with any expenses incurred with the regulation and enforcement of any other regulation or licensing under any other section.

(4)(a) The division may suspend or revoke the certificate of any seller of travel that has operated or is operating in violation of any of the provisions of this section or the rules of the division. Such seller of travel shall not engage in business while the certificate is revoked or suspended. The division is authorized to proceed by injunction to prevent any seller of travel from doing business subject to the provisions of this section until a performance bond, letter of credit, or certificate of deposit is posted with the division.

(b) The division may employ investigators and conduct investigations of violations of this section.

(c) The Department of Business Regulation may adopt any reasonable rule necessary to carry out the provisions of this section.

(5)(a) It is a violation of this section for any person to:

1. Conduct business as a seller of travel without registering with the division.

2. Conduct business as a seller of travel without purchase of a performance bond in the amount set by the division, which amount shall be no less than $10,000 nor more than $25,000. The surety on such bond shall be a surety company authorized to do business in the state, and the bond shall be conditioned on the performance of the contracted services.

a. In lieu of the performance bond required in this section, a registrant or applicant for registration may establish a letter of credit or certificate of deposit in a Florida banking institution in the amount of the performance bond, which letter of credit or certificate of deposit shall be available for satisfying claims. The Division of Hotels and Restaurants shall be made a coparty to this letter of credit or certificate of deposit, and such funds represented thereby shall not be encumbered or pledged in any fashion, nor withdrawn, without prior written approval of the division. Any encumbrance or pledging of such funds without prior division approval is void.

b. Any claim against the bond, letter of credit, or certificate of deposit shall be made in writing to the division within 30 days after an alleged violation of a contract and shall be disposed of pursuant to s. 120.57. In the alternative, claims against a bond, letter of credit, or certificate of deposit may be made in the circuit court or county court where the registrant maintains an office or where prearranged tourist-related services were rendered or were to be made.

c. The bond or certificate of deposit shall be payable to the state for the use and benefit of any traveler who is injured by the fraud, misrepresentation, or financial failure of the seller of travel, and conditioned that the registrant will pay any judgment recovered by any traveler in any suit for actual damages, including reasonable attorney's fees, resulting from a cause of action involving the registrant's activities as a seller of travel. This bond shall be open to successive claims, but the aggregate amount may not exceed the penalty of the bond.

3. Knowingly make any false statement, representation, or certification in any application or registration form required by division rule.

4. Violate or fail to comply with any rule or order adopted or issued by the division pursuant to its lawful authority in carrying out the intent of this section.

(b)1. The division may impose a civil penalty of up to $5,000 for a violation described in paragraph (a) by appropriate administrative action as provided by rule. All amounts collected shall be deposited by the Treasurer to the credit of the Hotel and Restaurant Trust Fund pursuant to s. 509.072.

2. The division may institute a civil action in a court of competent jurisdiction to recover any penalties or damages allowed in this section and for injunctive relief to enforce compliance with this section or any rule or order of the division.

3. Whoever commits a violation described in paragraph (a) is liable to the state for any damage caused and for civil penalties imposed by the division or by a court of competent jurisdiction.

(6) Any person or business which violates this section or any rule adopted under this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) The provisions of this act shall not apply to:

(a) A bona fide employee of a seller of travel who is engaged solely in the business of his employer;

(b) Any direct common carrier of passengers or property regulated by an agency of the Federal Government or employees of such carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate;

(c) An intrastate common carrier of passengers or property selling only transportation as defined in the applicable state or local registration or certification, or employees of such carrier when engaged solely in the transportation business of the carrier;

(d) Hotels, motels, or other places of public accommodation selling public accommodations, or employees of such hotels, motels, or other places of public accommodation, when engaged solely in making arrangements for lodging accomodations or sightseeing tours within the state;

(e) Persons involved solely in the rental, leasing, or sale of residential property;

(f) Persons involved solely in the rental, leasing, or sale of transportation vehicles; or

(g) Persons who make travel arrangements for themselves; for their employees or agents; for distributors, franchisees, or dealers of the persons' products or services; for entities which are financially related to the persons; or for the employees or agents of the distributor, franchisee, dealer, or a financially related entity.

(h) Persons directly issuing airline tickets who have contracted with the Airlines Reporting Corporation or the Passenger Network Service Corporation.

(i) Persons who have contracted with flag or domestic carriers certified pursuant to 14 C.F.R. part 121 and who directly issue airline tickets on behalf of those carriers.

However, a person covered under paragraph (h) or paragraph (i) must annually register with the Division of Hotels and Restaurants by providing to the division the legal business name, mailing address, and business location of such person; and the names and addresses of all proprietors of the business or, if a corporation, the name and mailing address of the corporate headquarters office and the names and mailing addresses of the corporate officers and pay a registration fee not to exceed $100. Every person registered pursuant to the provisions of this section shall include their registration number in all advertisements, contracts or other printed material offered to the public.

(8) No municipality, county or other political subdivision of this state shall have authority, after the effective date of this act, to levy or collect any registration fee or tax, as a regulatory measure, or to require the registration in any manner of any seller of travel who is registered and complies with all applicable provisions of this act, unless same is provided for by special or general act of the Legislature. Any ordinance, resolution, or regulation as enacted by any municipality, county or other political subdivision of this state which is in conflict with any provision of this act shall be deemed preempted by this act. The provisions of this subsection shall not apply to any local occupational tax levied pursuant to chapter 205.

Section 2. Section 559.927, Florida Statutes, as created by this act, is repealed on January 1, 1996, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 3. This act shall take effect October 1, 1986.

Further consideration of SB 148 was deferred.

Consideration of Resolution

On motion by Senator Gersten—

SM 1064—A memorial urging the Congress of the United States to disclose the details of the Kennedy-Khrushchev Accord and take certain actions with respect thereto.

WHEREAS, in 1962, the President of the United States of America negotiated an agreement with the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics, commonly referred to as the Kennedy-Khrushchev Accord, and

WHEREAS, some of the pertinent and surrounding details of the Kennedy-Khrushchev Accord have never been disclosed to the people of the United States of America, and

WHEREAS, the Kennedy-Khrushchev Accord has never been ratified by the United States Senate, nor submitted to the Senate for ratification by any United States President, and

WHEREAS, the Kennedy-Khrushchev Accord assured the continuation of a totalitarian regime in Cuba and established a beach head for communist expansionism in Latin America, and

WHEREAS, communist expansionism in Latin America undermines the security, economy, and social welfare of the United States of America and has a disproportionate impact on the people, economy, and public resources of the State of Florida, and

WHEREAS, the maintenance of a safe haven for communism in Cuba and the resulting impact on the United States of America are matters of great public concern in the State of Florida, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

1. That all details surrounding the Kennedy-Khrushchev Accord, except any that may compromise the national interest, be disclosed to the people of the United States of America.

2. That Congress conduct public hearings to determine whether the Kennedy-Khrushchev Accord and its implementation violates Article II, Section 2, of the Constitution of the United States of America, which requires treaties negotiated by the President to be ratified by the United States Senate.

3. That Congress conduct public hearings to determine whether the Kennedy-Khrushchev Accord violates the Charter of the Organization of American States, which requires the United States of America to support popular sovereignty and representative democracy in Cuba and elsewhere in Latin America.

4. That Congress conduct public hearings to determine whether any provision of the Kennedy-Khrushchev Accord is still being honored by the President and Executive Branch of the United States of America.

5. That the United States of America formally repudiate any provision of the Kennedy-Khrushchev Accord and of any other instrument entered into by its government that allows for the recognition, protection or continuation of a communist regime in Cuba.

6. That the United States of America reaffirm its right under international law to encourage, aid and assist through all appropriate means the establishment of a representative democracy in Cuba.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was taken up out of order by unanimous consent, read the second time in full, unanimously adopted and certified to the House.

Senator Grant moved that the Senate reconsider the vote by which CS for HB 1296 passed. The motion failed.

On motions by Senator Fox, by two-thirds vote HB 1282 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator Fox, by unanimous consent—

HB 1282—A bill to be entitled An act relating to the Biscayne Bay Aquatic Preserve; amending s. 258.397, F.S.; providing for further protection and improvement of water quality in Biscayne Bay and its major tributaries; providing for further protection and management of resources of the bay; modifying the dredge and fill permitting process in the bay area; amending s. 403.814, F.S., to conform; providing appropriations; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Fox, by two-thirds vote HB 1282 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	Jennings	Meek
Barron	Gersten	Johnson	Myers
Castor	Girardeau	Kirkpatrick	Neal
Childers, D.	Gordon	Kiser	Peterson
Crawford	Grant	Langley	Stuart
Crenshaw	Hair	Malchon	Vogt
Fox	Hill	Margolis	

Nays—2

Grizzle	Plummer

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Neal, by two-thirds vote SB 813 was withdrawn from the Committee on Appropriations.

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 accepted the Conference Committee Report as an entirety and passed CS for HB 1307 as amended by the Conference Committee Report.

Allen Morris, Clerk

CONFERENCE COMMITTEE REPORT ON CS FOR HB 1307

The Honorable James Harold Thompson
Speaker, House of Representatives

The Honorable Harry A. Johnston, II
President of the Senate

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on Committee Substitute for House Bill 1307, same being:

An act relating to tax on sales, use and other transactions; amending ss. 212.02, 212.05 and 212.06, F.S.; providing for application of the tax to provision of barber shop, beauty parlor, laundry, dry cleaning, certain pet grooming and other services; amending s. 212.08, F.S., and repealing paragraphs (7)(d) and (e) thereof; removing the exemption for candy; providing that chlorine used for treatment of swimming pools is subject to tax; removing the exemptions for newpapers, magazines, and professional services; amending s. 212.12, F.S.; providing for application of the dealer's credit to dealers providing certain services; providing for a joint select committee to consider sales tax exemptions; providing for reports; providing effective dates.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report, and pass CS for HB 1307 as amended by this report.

s/Carl Ogden, Chairman	*s/Robert B. Crawford,* Chairman
s/Jon Mills	*s/Kenneth C. Jenne*
s/James C. Burke	*s/Gwen Margolis*
s/Bruce McEwan	*s/Bob Johnson*
Managers on the part of the House of Representatives	Managers on the part of the Senate

MINORITY REPORT TO SALES TAX EXEMPTION REVIEW

It is my belief that the Senate should review each sales tax exemption to determine whether a present public interest exists in continuing *any* sales tax exemption.

The Senate President should appoint an interim study committee to study these issues. History has shown that the reports of independent study commissions are greatly ignored. The ultimate decision will be made by the elected Legislators, and we should face that fact at this time.

Bob Johnson
Senator, 25th District

Conference Committee Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (3), and subsection (9), of section 212.02, Florida Statutes, are amended and, effective July 1, 1987, subsection (4), paragraph (g) of subsection (6), subsection (16), and paragraph (h) of subsection (6) of said section, as amended by chapter 85-310, Laws of Florida, of said section are amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(3)

(c) The terms "retail sales," "sale at retail," "use," "storage," and "consumption" do not include materials, containers, labels, sacks, or bags intended to be used one time only for packaging tangible personal property for sale *or in the process of providing a service taxable under this part,* and do not include the sale, use, storage, or consumption of industrial materials for future processing, manufacture, or conversion into articles of tangible personal property for resale when such industrial materials become a component or ingredient of the finished product. However, said terms include the sale, use, storage, or consumption of tangible personal property, including fuels, used and dissipated in fabricating, converting, or processing tangible personal property for sale.

(4) "Sales price" means the total amount paid for tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, interest charged, losses, or any other expense whatsoever. "Sales price" also includes the consideration for a transaction which requires ~~both~~ labor *or* ~~and~~ material to alter, remodel, maintain, adjust, or repair tangible personal property. Trade-ins or discounts allowed and taken at the time of sale shall not be included within the purview of this subsection.

(6) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(g) "Lease," "let," or "rental" also means the leasing or rental of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property, except as expressly provided to the contrary herein. ~~Provided that, where two taxpayers, in connection with the interchange of facilities, rent or lease property, each to the other, for use in providing or furnishing any of the services mentioned in s. 167.431, the term "lease" or "rental" means only the net amount of rental involved. The term "lease," "let," or "rental" does not mean hourly, daily, or mileage charges, to the extent that such charges are subject to the jurisdiction of the United States Interstate Commerce Commission, when such charges are paid by reason of the presence of railroad cars owned by another on the tracks of the taxpayer.~~

(h) "Real property" means any interest in the surface of real property unless the property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

~~4. Recreational property or the common elements of a condominium to the extent provided in s. 212.031(1).~~

(9) "Business" means any activity engaged in by any person, or caused to be engaged in by him, with the object of private or public gain, benefit, or advantage, either direct or indirect. Except for the sales of any aircraft, boat, mobile home, or motor vehicle, the term "business" shall not be construed in this chapter to include occasional or isolated sales or transactions involving tangible personal property by a person who does not hold himself out as engaged in business, but includes other charges for the sale or rental of tangible personal property, *sales of services taxable under this part,* sales of or charges of admission, communication services, all rentals and leases of living quarters, other than low-rent housing operated under chapter 421, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, and all rentals of real property, other than low-rent housing operated under chapter 421, all leases or rentals of parking lots or garages for motor vehicles, docking or storage spaces for boats in boat docks or marinas as defined in this chapter and made subject to a tax imposed by this chapter. Any tax on such sales, charges, rentals, admissions, or other transactions made subject to the tax imposed by this chapter shall be collected by the state, county, municipality, any political subdivision, agency, bureau, or department, or other state or local governmental instrumentality in the same manner as other dealers, unless specifically exempted by this chapter.

(16) The term "admissions" means and includes the net sum of money after deduction of any federal taxes for admitting a person or vehicle or persons to any place of amusement, sport, or recreation or for the privilege of entering or staying in any place of amusement, sport, or recreation, including, but not limited to, theaters, outdoor theaters, shows, exhibitions, games, races, or any place where charge is made by way of sale of tickets, gate charges, seat charges, box charges, season pass charges, cover charges, greens fees, participation fees, entrance fees, or other fees or receipts of anything of value measured on an admission or entrance or length of stay or seat box accommodations in any place where there is any exhibition, amusement, sport, or recreation, and all dues paid to private clubs providing recreational facilities, including but not limited to golf, tennis, swimming, yachting, and boating facilities. ~~The term "admissions" does not mean or include any charge made for entering or stay-~~

~~ing upon any boat or vessel for the privilege of fishing. The term "admissions" does not mean or include charges for admission by any organization described in s. 170(c) of the Internal Revenue Code of 1954, as amended, to live performances of ballet, dance, or choral performances, concerts (instrumental and vocal), plays (with and without music), operas, and readings, ocean science centers, museums of science, historical museums, botanical and zoological gardens, and exhibitions of paintings, sculpture, photography, and graphic and craft arts.~~

Section 2. Effective July 1, 1987, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by chapter 85-310, Laws of Florida, is amended to read:

212.031 Lease or rental of real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, or letting any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

~~4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter and any other use made by the owner or the condominium association shall be fully taxable under this chapter.~~

Section 3. Paragraph (i) is added to subsection (1) of section 212.05, Florida Statutes, and effective July 1, 1987, paragraphs (a) and (c) of said subsection are amended and paragraph (j) is added to said subsection to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.~~a.~~ At the rate of 5 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

2.~~b.~~ Each occasional or isolated sale of an aircraft, boat, or mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall, by rule, adopt the NADA Official Used Car Guide as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (f), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit, signed by each party, or other substantial proof stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed, plus a mandatory penalty of not less than $500, or an amount equal to 100 percent of the tax, whichever is greater. For purposes of this *subparagraph* ~~sub-subparagraph~~, an occasional or isolated sale is one in which the seller is not a motor vehicle dealer as defined in s. 320.27(1)(c).

~~2. This paragraph does not apply to the sale of a boat by or through a registered dealer under this chapter to a purchaser who removes such boat from this state within 10 days after the date of purchase or, when the boat is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat remain in this state more than 90 days after the date of purchase. This exemption shall not be allowed unless the seller:~~

~~a. Obtains from the purchaser within 90 days from the date of sale written proof that the purchaser licensed, registered, or documented the boat outside the state;~~

~~b. Requires the purchaser to sign an affidavit that he has read the provisions of this section; and~~

~~c. Makes the affidavit a part of his permanent record.~~

~~In the event the purchaser fails to remove the boat from this state within 10 days after purchase or, when the boat is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat to return to this state within 6 months from the date of departure, the purchaser shall be liable for use tax on the cost price of the boat and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department.~~

(c) At the rate of 5 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein, except the rental of motion-picture film when an admission is charged for viewing such film ~~and except the lease or rental of a motor vehicle to one lessee or rentee for a period of not less than 12 months when tax was paid on the acquisition of such vehicle by the lessor,~~ when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

(i) At the rate of 5 percent on charges for cleaning, laundry, and garment services as defined in group 721 of the 1972 Standard Industrial Classification Manual as published by the Executive Office of the President, Office of Management and Budget.

(j) At the rate of 5 percent of the consideration for performing or providing any service.

Section 4. Paragraph (a) of subsection (1) of section 212.06, Florida Statutes, is amended, paragraph (k) is added to subsection (2) of said section and, effective July 1, 1987, paragraph (b) of subsection (1) and paragraph (a) of subsection (5) of said section are amended, to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)(a) The aforesaid tax at the rate of 5 percent of the retail sales price as of the moment of sale, 5 percent of the cost price as of the moment of purchase, or 5 percent of the cost price as of the moment of commingling with the general mass of property in this state, as the case may be, shall be collectible from all dealers as herein defined on the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of tangible personal property *or services taxable under this part*. The full amount of the tax on a credit sale, installment sale, or sale made on any kind of deferred payment plan shall be due at the moment of the transaction in the same manner as on a cash sale.

(b) Except as otherwise provided, any person who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for his own use shall pay a tax upon the cost of the product manufactured, produced, compounded, processed, or fabricated without any deduction therefrom on account of the cost of material used, labor or service costs, or transportation charges, notwithstanding the provisions of s. 212.02(5) defining "cost price." However, the tax levied under this paragraph shall not be imposed upon any person who manufactures or produces electrical power or energy, steam energy, or other energy, when such power or energy is used directly and exclusively in the operation of machinery or equipment that is used to manufacture, process, compound, produce, fabricate, or prepare for shipment tangible personal property for sale or to operate pollution control equipment, maintenance equipment, or monitoring or control equipment used in such operations. The manufacturing or production of electrical power or energy that is used for space heating, lighting, office equipment, or air conditioning or

any other nonmanufacturing, nonprocessing, noncompounding, nonproducing, nonfabricating, or nonshipping activity is taxable. Electrical power or energy consumed or dissipated in the transmission or distribution of electrical power or energy for resale is also not taxable. ~~Fabrication labor shall not be taxable when a person is using his own equipment and his own personnel, for his own account, as a producer, subproducer, or coproducer of video tapes or motion pictures prepared for showing on screens or through television, for either theatrical, commercial, advertising, or educational purposes. Persons who manufacture factory built buildings for their own use in the performance of contracts for the construction or improvement of real property shall pay a tax only upon the persons' cost price of items used in the manufacture of such buildings.~~

(2)

(k) "Dealer" also means any person who provides or performs a taxable service for consideration.

(5)(a) It is not the intention of this chapter to levy a tax upon tangible personal property imported, produced, or manufactured in this state for export, provided that tangible personal property may not be considered as being imported, produced, or manufactured for export unless the importer, producer, or manufacturer delivers the same to a licensed exporter for exporting or to a common carrier for shipment outside the state or mails the same by United States mail to a destination outside the state; or, in the case of aircraft being exported under their own power to a destination outside the continental limits of the United States, by submission to the department of a duly signed and validated United States customs declaration, showing the departure of the aircraft from the continental United States; and further with respect to aircraft, the canceled United States registry of said aircraft; or in the case of parts and equipment installed on aircraft of foreign registry, by submission to the department of documentation, the extent of which shall be provided by rule, showing the departure of the aircraft from the continental United States; nor is it the intention of this chapter to levy a tax on ~~radio and television broadcasting, or~~ any sale which the state is prohibited from taxing under the Constitution or laws of the United States. Every retail sale made to a person physically present at the time of sale shall be presumed to have been delivered in this state.

Section 5. Subsection (1) and paragraph (d) of subsection (7) of section 212.08, Florida Statutes, are amended, paragraph (c) of subsection (2) of said section is renumbered as paragraph (d) and new paragraph (c) is added to said subsection, and, effective July 1, 1987, paragraph (a) of subsection (2), and subsections (6) and (13) of said section are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(1) EXEMPTIONS; GENERAL GROCERIES.—There are exempt from the tax imposed by this chapter food and drinks for human consumption *except* ~~and~~ candy~~, but only when the price at which such candy is sold is 25 cents or less~~. Unless the exemption provided by paragraph (7)(b) for school lunches, paragraph (7)(c) for meals to certain patients or inmates, or paragraph (7)*(h)*~~(k)~~ for meals provided by certain nonprofit organizations pertains, none of such items of food or drinks means:

(a) Food or drinks served, prepared, or sold in or by restaurants; drugstores; lunch counters; cafeterias; hotels; amusement parks; racetracks; taverns; concession stands at arenas, auditoriums, carnivals, fairs, stadiums, theaters, or other like places of business; or by any business or place required by law to be licensed by the Division of Hotels and Restaurants of the Department of Business Regulation, except bakery products sold in or by pastry shops, doughnut shops, or like establishments for consumption off the premises;

(b) Foods and drinks sold ready for immediate consumption from vending machines, pushcarts, motor vehicles, or any other form of vehicle;

(c) Soft drinks, which include, but are not limited to, any nonalcoholic beverage; any preparation or beverage commonly referred to as a "soft drink"; or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers. The term "soft drink" does not include: natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee or coffee substitutes; tea except when sold in containers as provided herein; cocoa; products intended to be mixed with milk, or natural fluid milk;

(d) Foods or drinks cooked or prepared on the seller's premises and sold ready for immediate consumption either on or off the premises, excluding bakery products for off-premise consumption unless such foods are taxed under paragraph (a) or paragraph (b); or

(e) Sandwiches sold ready for immediate consumption.

For the purposes of this subsection, "seller's premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater, the seating, aisle, or parking area of an arena, rink, or stadium, or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.

(2) EXEMPTIONS, MEDICAL.—

(a) There shall be exempt from the tax imposed by this chapter any product, supply, or medicine dispensed in a retail establishment by a pharmacist licensed by the state, according to an individual prescription or prescriptions written by a practitioner of the healing arts licensed by the state; hypodermic needles; hypodermic syringes; chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury; and common household remedies recommended and generally sold for internal or external use, in the cure, mitigation, treatment, or prevention of illness or disease in human beings, but not including cosmetics or toilet articles, notwithstanding the presence of medicinal ingredients therein, according to a list prescribed and approved by the Department of Health and Rehabilitative Services, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue. There shall also be exempt from the tax imposed by this chapter artificial eyes and limbs; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing aids; crutches; prosthetic and orthopedic appliances~~; feminine hygiene products, including, but not limited to, sanitary panties, sanitary belts, sanitary napkins, and tampons~~; and funerals. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(c) Chlorine shall not be exempt from the tax imposed by this part when used for the treatment of water in swimming pools.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS, COMMUNICATIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, the state, or any county, municipality, or political subdivision of this state; provided this exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision thereof, except public works in progress or for which bonds or revenue certificates have been validated on or before August 1, 1959; and further provided this exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state except sales, rental, use, consumption, or storage for which bonds or revenue certificates are validated on or before January 1, 1973, for transmission or distribution expansion. Likewise exempt are ~~newspapers;~~ film rentals, when an admission is charged for viewing such film~~; and charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, video tapes, and transcriptions used in producing radio or television broadcasts~~.

(7) MISCELLANEOUS EXEMPTIONS.—

(d) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions which involve sales as inconsequential elements for which no separate charges are made. *However, services taxable under s. 212.05(1)(i) shall not be included in this exemption.*

2. The above-exempted personal service transactions do not exempt the sale of information services involving the furnishing of printed, mimeographed, or multigraphed matter, or matter duplicating written or

printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. The term "information services" means and includes the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. ~~Except for s. 423.02,~~ All ~~special or general~~ laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. *125.019,* 153.76, *154.2331, 159.50, 159.15, 159.31, 159.708, 163.385, 163.395, 215.76, 243.33,* 258.14, 315.11, ~~323.15(6),~~ 348.65, 348.762, 349.13, 374.132, *403.1834,* 616.07, 623.09, 637.131, and 637.291 and the following Laws of Florida, acts of the year indicated: s. 31, ch. 30843, 1955; s. 19, ch. 30845, 1955; s. 12, ch. 30927, 1955; s. 8, ch. 31179, 1955; s. 15, ch. 31263, 1955; s. 13, ch. 31343, 1955; s. 16, ch. 59-1653; s. 13, ch. 59-1356; s. 12, ch. 61-2261; s. 19, ch. 61-2754; s. 10, ch. 61-2686; s. 11, ch. 63-1643; s. 11, ch. 65-1274; s. 16, ch. 67-1446; and s. 10, ch. 67-1681.

Section 6. Effective July 1, 1987, subsection (13) of section 288.385, Florida Statutes, is amended to read:

288.385 International currency and barter exchanges.—

(13) The exchange formed under the provisions of this section shall not be subject to any state or local taxes or fees which are measured by income~~, transaction amounts,~~ or gross receipts, nor shall such exchange be required to report in respect to such income or transactions under state law and local law. Nothing in this subsection shall be construed to give any member of the exchange any tax exemption. The exemption granted by this subsection does not apply to any tax imposed under ~~part II of~~ chapter 212 or under chapter 220.

Section 7. Subsection (1) of section 212.12, Florida Statutes, is amended to read:

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

(1) For the purpose of compensating the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, *for the purpose of compensating dealers providing taxable services,* and for the purpose of compensating owners of places where admissions are collected, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, lessor, dealer, and owner shall be allowed 3 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; and the department shall allow such deduction of 3 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds $1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify.

Section 8. Subsections (5), (6), (7), and (8) of section 212.031, Florida Statutes, paragragh (a) of subsection (2) of section 212.04, Florida Statutes, paragraphs (d), (e), (f), (n), (o), (p), and (q) of subsection (7), and subsections (10) and (11) of section 212.08, Florida Statutes, and section 212.096, Florida Statutes, and paragraphs (g) and (h) of subsection (5) and subsection (15) of section 212.08, Florida Statutes, as amended by chapters 84-356 and 85-342, Laws of Florida, are repealed July 1, 1987.

Section 9. (1) For the purposes of this section, the term "exemption" means transactions specifically exempted from the tax imposed in part I of chapter 212, Florida Statutes, and transactions not specifically taxed in that part.

(2) Before October 1, 1986, a commission shall be established consisting of eight members appointed by the President of the Senate including at least three members of the Senate; eight members appointed by the Speaker of the House of Representatives including at least three members of the House of Representatives; five members appointed by the Governor. Commission members shall elect a chairman. The commission shall meet at the call of the chairman. Members of the commission shall not receive any compensation for serving on the commission but shall be reimbursed for travel and per diem expenses pursuant to s. 112.061, Florida Statutes. The commission shall be staffed by an executive director and other personnel who shall be appointed by the commission and who shall be exempt from the provisions of part II of chapter 110, Florida Statutes, relating to the Career Service System. The commission shall be assigned, for administrative purposes, to the Executive Office of the Governor. The Executive Office of the Governor and each state agency shall provide assistance when requested by the commission. Additionally, the commission shall be authorized to employ staff and consultants as necessary to fulfill its responsibilities.

(3)(a) The commission shall review the public policy and fiscal impact of exemptions from the sales tax and shall report to the Legislature prior to the 1987 regular session on the exemptions repealed by this act. The report shall contain recommendations on retaining or modifying any of these exemptions, or allowing the repeal to remain effective. These exemptions shall be evaluated using the following criteria:

1. What is the economic impact of the exemption? Is there any evidence that:

a. Additional jobs were created?

b. Businesses moved to or expanded in Florida?

c. The removal of the exemption would cause a loss in jobs or make the business uncompetitive?

2. Does the exemption support other statutory policy (e.g., environmental or growth management laws)?

3. Is the exemption consistent with state tax policy:

a. Does it avoid double taxation?

b. Does it make the sales tax more regressive?

4. Would the Legislature appropriate money to fund the exemption?

5. Is granting a sales tax exemption the most efficient way to provide a more favored status for an industry or group?

6. Are the reasons for granting an exemption still valid?

7. Should an exemption be subject to periodic review or repeal?

(b) Furthermore, the commission shall examine the applicability of the use tax and the definition of the tax base of certain service industries, shall review exemptions from the cigarette tax under s. 210.05, Florida Statutes, and shall include its recommendations in the report submitted pursuant to paragraph (a).

(4) Prior to the 1988 regular session of the Legislature, the commission shall, using the criteria listed under paragraph (3)(a), evaluate all remaining exemptions from the tax imposed under part I of chapter 212, Florida Statutes, and submit a report to the Legislature.

Section 10. Except as otherwise provided herein, this act shall take effect July 1, 1986, or upon becoming a law, whichever occurs later.

Conference Committee Amendment 2—In title, on page 1, lines 2-18, strike all of said lines and insert: A bill to be entitled An act relating

to sales tax exemptions; amending ss. 212.02, 212.031, 212.05, 212.06, 212.08, 212.12, 288.385, F.S.; repealing certain sales tax exemptions; providing for taxing certain transactions; providing for future repeal of ss. 212.031(5)-(8), 212.04(2)(a), 212.08(5)(g),(h), (7)(d), (e), (f), (n), (o), (p), (q), (10), (11), (15), s. 212.096, F.S., relating to sales tax exemptions; creating a commission to review certain tax exemptions; providing for membership, staffing, and location of the commission; providing for travel and per diem expenses; providing for legislative review; providing an effective date.

The Conference Committee Report was read and on motion by Senator Crawford was adopted. CS for HB 1307 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—30

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

Nays—7

Barron	Deratany	Langley	Peterson
Crenshaw	Jennings	Myers	

Reconsideration

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

CS for SB 314—A bill to be entitled An act relating to the tax on sales and other transactions; amending s. 212.02, F.S.; providing definitions; specifying conditions for taxing certain materials and property used to manufacture tangible personal property; amending s. 212.07, F.S.; providing criteria for "resale"; authorizing the Department of Revenue to establish effective tax rates for certain industries under certain circumstances; providing tax liability for certain taxable transactions; amending s. 212.031, F.S.; applying the sales tax to certain licenses in real property; providing exemptions; creating s. 212.0505, F.S.; providing for taxing of unlawful transactions involving certain drugs, cannabis, or controlled substances; providing exemptions; providing for administration; amending s. 212.054, F.S.; providing criteria for collecting, and indicating the amount of, certain surtaxes; amending s. 212.055, F.S.; authorizing charter counties to impose a discretionary sales surtax to be used by certain authorities for roads or bridges, including payment of principal and interest of bonds; amending s. 212.0305, F.S.; relating to levy of a convention development tax by certain counties operating under a consolidated government; designating said section the "Convention Development Tax Act" and incorporating the provisions of said repealed sections therein; requiring that the levy of any convention development tax on transient rentals be authorized under said section; providing uniform application, administrative, collection, penalty, and lien provisions; redesignating said taxes as the charter county convention development tax, the special district convention development tax, and the consolidated county convention development tax, respectively; providing procedures and requirements for levy of such taxes and providing for use of the proceeds; providing legislative intent with respect to said repeals and recodification; amending s. 213.05, F.S.; deleting references to conform; amending s. 212.06, F.S.; providing a definition; applying certain title certificate restrictions to mobile homes and motor vehicles; amending s. 212.08, F.S.; requiring certain prescriptions to be written by certain persons; correcting a reference to a certain educational institution for tax-exemption purposes; limiting the exemption for boiler fuels; defining educational institutions and religious institutions; reviving and readopting s. 212.11, F.S., relating to tax returns and regulations; amending s. 212.12, F.S.; providing a tax collection credit for certain dealers; authorizing the Department of Revenue, under certain circumstances, to use certain sampling procedures in estimating sales taxes due; amending s. 212.18, F.S.; providing registration requirements for certain businesses; providing legislative intent; preserving certain ordinances; repealing s. 212.057, F.S., relating to levy of a convention development tax by certain home rule charter counties, and s. 5 of chapter 84-67, Laws of Florida, s. 8 of chapter 84-324, Laws of Florida, and s. 2 of chapter 84-373, Laws of Florida, relating to levy of a convention development tax by certain counties levying a tourist advertising ad valorem tax; amending s. 212.05, F.S., providing a penalty; providing an effective date.

—as amended passed this day.

On motion by Senator Crawford, the Senate reconsidered the vote by which the Senate concurred in House Amendment 5 as amended.

Senator Crawford moved the following amendment to House Amendment 5 which was adopted:

Amendment 2—On page 1, line 14, insert:

Section 1. Subsection (3) is added to section 212.055, Florida Statutes, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(3) CHARTER COUNTY BRANCH CAMPUS SURTAX—

(a) Subject to the limitations and procedures specified in this subsection, a charter county in which there is located a branch campus, but not the main campus, of a state university, and a branch campus, but not the main campus, of a community college may levy a discretionary sales surtax at a rate of one-fifth of any amount of tax imposed by and paid to the state pursuant to this part on all taxable transactions within the county.

(b) The levy of such tax shall be by ordinance of the governing body of the county, which ordinance is approved by a majority of the electors of the county voting in a referendum called by the governing body for that purpose and held at the same time as the first primary election in 1986. The levy shall take effect only on January 1 of any year and shall remain effective for a period of 4 years.

(c) All provisions of this chapter relating to administration, collection, and enforcement of the tax and to interest and penalties on delinquent taxes apply to the tax imposed under this section.

(d) After the Department of Revenue deducts the costs of administering and collecting the surtax, all proceeds of the surtax imposed under this subsection shall be transferred to a trust fund established by the county in the ordinance providing for the surtax. The county may charge an administrative fee of not more than 0.5 percent of the amounts transferred to the fund. Moneys in the trust fund shall be allocated by the county as follows:

1. Fifteen percent shall be used for maintenance and capital improvements at the branch campus of the community college; however, the first $5 million of moneys allocated under this subparagraph shall be used to construct a performing arts center at the branch campus of the community college.

2. Eighteen percent shall be used for construction of a vocational-technical education center, and, after moneys for such construction have been allocated, the remainder of such 20 percent shall be used for capital improvements and maintenance for vocational-technical education and alternative education.

3. Fifty-eight percent shall be used for capital improvements and maintenance projects within the county for community centers, library facilities, recreational facilities, bicycle paths, and beach restoration and acquisition, and for capital improvements and maintenance related to the social service needs of the county, including residential centers for severely emotionally disturbed persons, persons in need of alcohol and drug treatment and rehabilitation, and educable or trainable physically or emotionally handicapped persons. Such allocations shall be administered by the governing body of the county; however, the governing body may establish an advisory council to make recommendations regarding such expenditures.

4. During the first 2 years of the surtax, 9 percent shall be used for land acquisition and capital improvements for the branch campus of the state university; during the last 2 years of the surtax, 9 percent shall be used for land acquisition and capital improvements for cultural facilities.

Maintenance authorized by this paragraph shall not exceed 15 percent of the total funds allocated and shall be used only for those capital improvement projects undertaken under this subsection.

(f) Within 10 days after approval of the ordinance in the referendum provided for in paragraph (b), the county governing body shall furnish the department with notice of such approval and a copy of the ordinance.

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

On motions by Senator Crawford, the Senate concurred in House Amendment 5 as further amended, and the House was requested to concur in the Senate amendments to the House amendment; and concurred in House Amendments 6, 7, 8, 10 and 11.

CS for SB 314 as amended passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

MESSAGES FROM THE HOUSE OF REPRESENTATIVES, continued

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 3 and 4 and passed as amended—

SB 514—A bill to be entitled An act relating to insurance; amending s. 624.404, F.S.; redefining the term "fronting company"; authorizing the Department of Insurance to authorize insurers to transfer risks in excess of specified standards; amending s. 627.915, F.S.; removing products liability insurers from certain insurer experience reporting requirements; amending s. 628.261, F.S.; requiring the inclusion of certain information in the notice of change of director or officer provided to the department by a stock or mutual insurer; providing an effective date.

Allen Morris, Clerk

SB 514 passed as amended and was ordered engrossed and then enrolled. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Weinstein

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 CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089—A bill to be entitled An act relating to highway safety; amending ss. 316.193, 316.1932, 322.02, 322.261, 322.271, 322.34, F.S.; creating s. 322.055, F.S.; providing for revocation of drivers' licenses or driving privileges of persons under specified ages who have been found guilty of or delinquent for certain alcohol-related or drug-related offenses; authorizing restricted driving privileges for such persons; requiring clerks of court to report revocations of drivers' licenses or driving privileges; providing felony penalties for fourth or subsequent conviction for driving under the influence or driving while intoxicated; providing mandatory minimum incarceration for persons convicted of driving under the influence or driving while intoxicated who had a specified blood alcohol level; increasing the period of driver's license suspension for persons who refuse breath, blood, or urine tests; requiring substance abuse course for issuance of driver's license to a person who has certain previous convictions; specifying effect of restricted driving privileges; providing minimum mandatory penalties for driving while person's driving privilege has been suspended, canceled, or revoked if such suspension, cancellation, or revocation was for driving under the influence or driving while intoxicated; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 6, strike everything after the enacting clause and insert:

Section 1. Section 316.193, Florida Statutes, is amended to read:

316.193 Driving~~, or being in physical control of, vehicle while~~ under the influence ~~of alcoholic beverages or a chemical or controlled substance, or with a specified blood alcohol level~~; penalties.—

(1) A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if such person is driving or in actual physical control of a vehicle within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired; or

(b) The person has a blood alcohol level of 0.10 percent or higher.

(2)*(a) Except as provided in paragraph (b) and subsection (3),* any person who is convicted of a violation of subsection (1) shall be punished:

1.~~(a)~~ By a fine of:

a.~~1.~~ Not less than $250 or more than $500 for a first conviction.

b.~~2.~~ Not less than $500 or more than $1,000 for a second conviction.

c.~~3.~~ Not less than $1,000 or more than $2,500 for a third ~~or subsequent~~ conviction; and

2.~~(b)~~ By imprisonment for:

a.~~1.~~ Not more than 6 months for a first conviction.

b.~~2.~~ Not more than 9 months for a second conviction.

c.~~3.~~ Not more than 12 months for a third ~~or subsequent~~ conviction.

(b) Any person who is convicted of a fourth or subsequent violation of subsection (1) is quilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~For the purposes of this subsection, a previous conviction for the violation of s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for any substantially similar alcohol-related or drug-related traffic offense, shall also be considered a previous conviction for violation of this section. Notwithstanding any other provision of this section, $25 shall be added to any fine imposed pursuant to this section, which $25 shall be deposited in the Emergency Medical Services Trust Fund created in s. 401.34(4). However, in satisfaction of the fine imposed pursuant to this subsection, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall~~

~~consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court shall not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.~~

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another is quilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, is quilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being is guilty of DUI manslaughter, a felony of the second degree, punishable as provided in s. 775 082, s. 775.083, or s. 775.084.

(4) Any person convicted of a violation of subsection (1), and who has a blood alcohol level of .20 or above shall be punished:

(a) By a fine of:

1. Not less than $500 or more than $1,000 for a first conviction.

2. Not less than $1,000 or more than $2,000 for a second conviction.

3. Not less than $2,000 or more for a third conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

3. Not more than 12 months for a third conviction.

(5)~~(3)~~ The court shall require any person convicted of violating this section ~~or s. 316.1931~~ to attend a substance abuse course specified by the court; and the agency conducting the course may refer the person to an authorized agency for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. Such person shall assume reasonable costs for such education, evaluation, and treatment. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. Whenever the authorized agency for substance abuse treatment is the same agency which conducts the substance abuse evaluation and education, that agency shall submit a quarterly statistical report, which shall be reviewed by the Traffic Court Review Committee to assure that excessive referrals to treatment have not been made. A programmatic and statistical report shall be submitted annually to the Traffic Court Review Committee by each agency authorized to provide services under this act.

(6)~~(4)~~ With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2):

(a) For the first conviction thereof, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. *In lieu of such participation, the court may order that any defendant pay an additional fine of $10 for each hour of public service or community work otherwise required, if, after consideration of the residence or location of the defendant at the time such public service or community work is required, payment of the fine is in the best interests of the state.* However, in no event may the total period of probation and incarceration exceed 1 year.

(b) For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days.

(c) For the third conviction within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days.

For the purposes of this section, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for any substantially similar alcohol-related or drug-related traffic offense, shall also be considered a previous conviction for violation of this section. Notwithstanding any other provision of this section, $25 shall be added to any fine imposed pursuant to this section, which $25 shall be deposited in the Emergency Medical Services Trust Fund created in s. 401.34(4). However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court shall not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

~~For the purposes of this subsection, a previous conviction for violation of s. 316.1931 or former s. 860.01, or a previous conviction outside this state for any substantially similar alcohol-related or drug-related traffic offense, shall also be considered a previous conviction for violation of this section.~~

(7) A conviction under the provisions of this section shall not be a bar to any civil suit for damages against the person so convicted.

Section 2. Paragraphs (a) and (c) of subsection (1) and subsection (3) of section 316.1932, Florida Statutes, are amended to read:

316.1932 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; right to refuse.—

(1)(a) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state shall, by so operating such vehicle, be deemed to have given his consent to submit to an approved chemical test of his breath for the purpose of determining the alcoholic content of his blood, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if he is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances. The breath test shall be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The urine test shall be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of either test shall not preclude the administration of the other test. Such person shall be told that his failure to submit to such a breath test or urine test, or both such tests, will result in the suspension of his privilege to operate a motor vehicle for a period of *1 year* ~~6 months~~ for a first refusal, or for a period of *18 months* ~~1 year~~ if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. The refusal to submit to a chemical breath or urine test upon the request of a law enforcement officer as provided in this section shall be admissible into evidence in any criminal proceeding.

(c) Any person whose consent is implied as provided in this section shall be deemed to have consented to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided herein if such person appears for treatment at a hospital, clinic, or other medical facility as a result of his involvement as a driver in a motor vehicle accident and the administration of a breath or urine test is impractical or impossible. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition shall be deemed not to have withdrawn his consent to such test. A

blood test may be administered whether or not such person is told that his failure to submit to such a blood test will result in the suspension of his privilege to operate a motor vehicle upon the public highways of this state. Any person who is capable of refusal shall be told that his failure to submit to such a blood test will result in the suspension of his privilege to operate a motor vehicle for a period of *1 year* ~~6 months~~ for a first refusal, or for a period of *18 months* ~~1 year~~ if the driving privilege of such person has been suspended previously as a result of a refusal to submit to such a test or tests. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 316.193 ~~or s. 316.1931~~ upon request for such information.

Section 3. Subsection (1) of section 322.03, Florida Statutes, is amended to read:

322.03 Operators and chauffeurs must be licensed.—

(1)*(a)* No person, except a person hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license under the provisions of this chapter. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction or an affidavit that he does not possess a driver's license, except that a surrender is not required upon a showing to the department that such license or licenses from other jurisdictions are necessary because of employment or part-time residence. Any person who retains a driver's license or licenses from other jurisdictions because of employment or part-time residence shall, upon qualifying therefor, be issued a driver's license which shall be valid within this state only. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid Florida driver's license at any time.

(b) Prior to issuing a driver's license, the department shall require any person who has been convicted two or more times of a violation of s. 316.193 or of a substantially similar alcohol related or drug related offense outside this state, within the preceding 5 years, or who has been convicted of three or more such offenses within the preceding 10 years, to present proof of successful completion of or enrollment in a department approved substance abuse education course. If the person fails to complete such education course within 90 days after issuance, the department shall cancel the license. Further, prior to issuing the driver's license the department shall require such person to present proof of financial responsibility as provided in s. 324.031. For the purposes of this paragraph a previous conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 shall be considered a previous conviction for violation of s. 316.193.

Section 4. Section 322.055, Florida Statutes, is created to read:

322.055 Revocation of drivers' licenses or driving privileges of persons who committed certain offenses prior to age 21.—

(1) Notwithstanding the provisions of s. 322.28, the court may revoke the driver's license or driving privilege of any person under the age of 21 years who:

(a) Prior to attaining the age of 16 years, has been found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, until the person attains the age of 17 years;

(b) Has been found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, for a period of 1 year following such finding of guilt or delinquency; or

(c) Has twice been found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, until the expiration of 1 year following the date of the later finding of guilt or delinquency or until the person attains the age of 21 years, whichever occurs later.

(2) The department may issue a driving privilege restricted to business or employment purposes only to any person whose driving privilege was revoked pursuant to this section or who was disqualified from licensure pursuant to this section, if the person is otherwise qualified to receive such restricted driving privilege.

(3) Subsection (1) applies only if one of the violations occurred after October 1, 1986.

(4) Each clerk of court shall promptly report to the department each revocation of the driver's license or driving privilege of a person under the age of 21 years for a violation of s. 562.11(2), s. 562.111, or chapter 893. The department may not retain the information contained in such reports with respect to any person who has attained the age of 22 years.

Section 5. Effective July 1, 1986, subsection (2) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(2) The department shall examine every applicant for a driver's license, including an applicant who is licensed in another state or country, except as otherwise provided in this chapter. A person holding a restricted operator's license as provided for in s. 322.16(2) shall not be required to pay a fee for successfully completing the examination showing his ability to operate a motor vehicle as provided for herein and shall not be required to pay the fee for a replacement license as provided in s. 322.17(2). Any person who applies for reinstatement following the suspension or revocation of his driver's license shall be required to pay a service fee of *$25* ~~$15~~ following a suspension, and *$50* ~~$35~~ following a revocation, which shall be in addition to the fee for a license. All fees shall be collected by the department at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it *as follows:* ~~to the Treasurer for deposit in the General Revenue Fund.~~

a. Of the $25 fee received from a licensee for reinstatement following a suspension, the department shall deposit $15 in the General Revenue Fund and the remaining $10 in the Accident Reports Trust Fund.

b. Of the $50 fee received from a licensee for reinstatement following a revocation, the department shall deposit $35 in the General Revenue Fund and the remaining $15 in the Accident Reports Trust Fund.

Section 6. Subsection (7) of section 322.25, Florida Statutes, is amended to read:

322.25 When court to forward license to department and report convictions, temporary reinstatement of driving privileges.—

(7) Any licensed driver convicted ~~within the past 10-year period of only one violation~~ of driving, or being in the actual physical control of, a vehicle within this state while under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, and whose license and driving privilege have been revoked as provided in subsection (1) may be issued a court order for reinstatement of a driving privilege on a temporary basis; provided that, as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers *and the driver is otherwise eligible for reinstatement of the driving privilege as provided by s. 322.282.* The court order for reinstatement shall be on a form provided by the department and must be taken by the person convicted to a Florida driver's license examining office, where a temporary driving permit may be issued. The period of time for which a temporary permit issued in accordance with this subsection is valid shall be deemed to be part of the period of revocation imposed by the court.

Section 7. Subsections (1), (3), and (5) of section 322.261, Florida Statutes, are amended to read:

322.261 Suspension of license for refusal to submit to breath, urine, or blood test for impairment.—

(1) If any person refuses an officer's request to submit to any breath, urine, or blood test provided in s. 316.1932, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe *the* ~~such~~ person had been driving or had been in actual physical control of a motor vehicle within this state while under the influence of alcoholic beverages or controlled substances and that the person had refused to submit to *the* ~~such~~ test or tests after being requested *to do so* by the officer, shall suspend *the person's* ~~his~~ privilege to operate a motor vehicle for a period of *1 year* ~~6 months~~. If the driving privilege of *the* ~~such~~ person has

been previously suspended for *refusal by the person* ~~refusing~~ to submit to *the breath, urine, or blood* ~~such~~ test or tests, the department shall suspend *the person's* ~~his~~ privilege to operate a motor vehicle for a period of *18 months* ~~1 year~~. No suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subsection (2).

(3) Upon his petition in writing (a copy of which he shall forward to the department) being filed within 10 days from the date of receipt of the notice, directed to the court having trial jurisdiction of the offense for which he stands charged, such person shall be afforded an opportunity for a hearing at a time to be set by the court, which hearing date shall be within 20 days of the filing of the petition with the court. It is the responsibility of the clerk of the court to schedule the hearing and to give proper notice to the petitioner and to the state attorney. If the person fails to appear for the hearing, the clerk of the court shall immediately notify the department, which shall suspend the person's license for a period of *1 year* ~~6 months~~, or a period of *18 months* ~~1 year~~ if the driving privilege of such person has been previously suspended for a refusal to submit to such test or tests. For the purposes of this section, the question of whether such person lawfully refused to take a chemical test or tests, as provided for by this law, and the issues determinative shall be:

(a) Whether the arresting law enforcement officer had reasonable cause to believe that the person had been driving or had been in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances as set forth in s. 877.111, or controlled substances;

(b) In the case of a breath or urine test, whether the person was placed under lawful arrest;

(c) Whether the person refused to submit to any such test after being requested to do so by a law enforcement officer; and

(d) Whether the person had been told that, if he refused to submit to such test, his privilege to operate a motor vehicle would be suspended for a period of *1 year* ~~6 months~~, or for a period of *18 months* ~~1 year~~ if his driving privilege had been previously suspended for a refusal to submit to such test.

(5) If the court determines upon the hearing that the suspension herein provided is according to law and should be sustained, the person's driving privilege shall forthwith be suspended by order of the court, and his license shall forthwith be delivered to the court and forwarded to the department. However, the court may, in its sound discretion, *issue an order of reinstatement on a form furnished by the department, which the person may take to any driver's license examining office for reinstatement by the department pursuant to s. 322.282* ~~direct the department to issue a temporary driver's permit which shall be restricted to business or employment purposes and which shall not be used for pleasure, recreational, or nonessential driving~~.

Section 8. Paragraph (a) of subsection (1) of section 322.271, Florida Statutes, is amended, paragraph (c) is added to said subsection, and subsection (2) of said section is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(1)(a) Upon the suspension, cancellation, or revocation of the driver's license of any person as authorized or required in this chapter, except a person whose license is revoked as a habitual traffic offender under s. 322.27(5) or a person who is ineligible to be granted the privilege of driving on a limited or restricted basis under subsection (2), the department shall immediately notify the licensee and, upon his request, shall afford him an opportunity for a hearing pursuant to chapter 120, as early as practicable within not more than 30 days after receipt of such request, in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. *However, the department may hold such hearing within not more than 90 days after receipt of the request for hearing, if the request was received prior to July 1, 1987.* In making its determination, the department *shall* ~~may~~ require a reexamination of the licensee.

(c) For the purposes of this section, a driving privilege restricted to business purposes only shall mean any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes. A driving privilege restricted to employment purposes only shall mean driving to and from work and any necessary on-the-job driving required by an employer or occupation. No driving for any purpose other than as provided by this paragraph is permitted pursuant to a driving privilege restricted to employment or business purposes.

(2)*(a)* Upon such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension, cancellation, or revocation of his license causes a serious hardship and precludes his carrying out his normal business occupation, trade, or employment and that the use of his license in the normal course of his business is necessary to the proper support of himself or his family. Except as otherwise provided in this subsection, the department shall require proof of the successful completion of an approved driver training or substance abuse education course and may require letters of recommendation from respected businessmen in the community, law enforcement officers, or judicial officers in determining whether such person should be permitted to operate a motor vehicle on a restricted basis for business *or employment* use only and in determining whether such person can be trusted to so operate a motor vehicle. If a driver's license has been suspended under the point system, the department shall require proof of enrollment in an approved driver training course and may require the letters of recommendation described in this subsection to determine if the driver should be reinstated on a restricted basis; if such person fails to complete the approved course within 90 days after reinstatement, the department shall cancel his driver's license until the course is successfully completed. The privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person who has been convicted of a violation of s. 316.193 or s. 316.1931 until completion of such education or training course. *Except as provided in paragraph (b),* the privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person *whose license is revoked pursuant to s. 322.28 or suspended pursuant to s. 322.261 and* who has been convicted of a violation of s. 316.193, s. 316.1931, former s. 316.028, or former s. 860.01, or any combination of such sections, two or more times or whose license has been suspended two or more times for refusal to submit to a test under s. 316.1932.

(b) A person whose license has been revoked for at least 5 years but less than 10 years pursuant to s. 322.28(2)(a) may, upon expiration of 12 months after the date said revocation was imposed, petition the department for reinstatement of his driving privilege on a restricted basis. A person whose license has been revoked for a period of 10 years or more under s 322 28(2)(a) may, upon expiration of 24 months after the date the revocation was imposed, petition the department for reinstatement of his driving privilege on a restricted basis. Reinstatement of the driving privilege pursuant to this subsection shall be restricted to business or employment purposes only. In addition, the department shall require such persons upon reinstatement to be supervised under a department approved DWI school conducting a substance abuse education program and to report to the school at least three times a year as required by the school for the duration of the revocation period for counseling, evaluation, and education. Such persons shall assume reasonable costs of evaluation, supervision, counseling, and education. If any such person fails to comply with the required supervision, evaluation, counseling, or education, the school shall report the failure to the department and the department shall cancel such person's driving privilege. This paragraph does not apply to any person whose driving privilege has been permanently revoked.

Section 9. Section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(1) Unless otherwise provided by this section, the department shall not suspend a license for a period of more than 1 year and, upon revoking a license, in any case except in a prosecution for the offense of driving a motor vehicle while under the influence of alcoholic beverages, chemical substances as set forth in s. 877.111, or controlled substances, shall not in any event grant a new license until the expiration of 1 year after such revocation.

(2) In a prosecution for a violation of s. 316.193 or *former* s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193 ~~or s. 316.1931~~, except a violation ~~of s. 316.1931(2)~~ resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or *former* s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 5 years.

3. Upon a third conviction within a period of 10 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or *former* s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 10 years.

For the purposes of this paragraph, a previous conviction outside this state for a violation of any alcohol-related or drug-related traffic offense substantially similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, *former s. 316.1931,* or former s. 860.01 is considered a conviction for violation of s. 316.193 ~~or s. 316.1931, respectively~~.

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, the department shall forthwith revoke the driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for any subsequent convictions. The driver may, within 30 days of such revocation by the department, petition the court for further hearing on the period of revocation, and the court shall be authorized in such case, at its discretion, to reopen the case and to determine the period of revocation within the limits specified in paragraph (a).

(c) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent of depriving the defendant of his normal faculties shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's driver's license or driving privilege for the maximum period applicable under paragraph (a) for a first conviction and for the minimum period applicable under paragraph (a) for a second or subsequent conviction; however, if the defendant is later convicted of the charge, the period of revocation imposed by the department for such conviction shall not exceed the difference between the applicable maximum for a first conviction or minimum for a second or subsequent conviction and the revocation period under this subsection that has actually elapsed; upon conviction of such charge, the court may impose revocation for a period of time as specified in paragraph (a). This paragraph does not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

(d) When any driver's license or driving privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license, except upon reexamination of the licensee after the expiration of the period of revocation so prescribed. However, the *court may, in its sound discretion, issue an order of reinstatement on a form furnished by the department which the person may take to any driver's license examining office for reinstatement by the department pursuant to s. 322.282.* ~~department shall issue a temporary driver's permit to a licensee who presents proof of completion of a department-approved driver training or substance abuse education course, a court order for reinstatement, and a written request for a hearing established in s. 322.271, provided a record check by the department shows no other convictions for violation of s. 316.193, s. 316.1931, former s. 316.028, former s. 860.01, or any substantially similar alcohol-related or drug-related traffic offense outside this state, and that the person is otherwise entitled to the issuance of a driver's license. Such a temporary driver's permit shall be restricted to business or employment purposes and shall not be used for pleasure, recreational, or nonessential driving. Should the department determine at a later date from its records that the applicant has previously been convicted for such offense, the permit issued under this section shall be canceled. Upon administrative hearing, if the department determines the applicant is not eligible for modification of revocation, the permit shall be canceled, and the original revocation imposed by the court shall be reimposed. A temporary permit issued under this section shall be valid for 45 days unless canceled as herein provided.~~

~~(e) The period of time for which a temporary permit issued in accordance with paragraph (d) is valid shall be deemed to be part of the period of revocation imposed by the court.~~

(e)~~(f)~~ The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or *former* s. 316.1931 or a combination of such sections or a person who has been convicted of manslaughter resulting from the operation of a motor vehicle or vehicular homicide and who has been convicted of a violation of s. 316.193 or *former* s. 316.1931. If the court has not permanently revoked such license or privilege within 30 days after imposing sentence, the department shall permanently revoke the license or privilege pursuant to this paragraph. No driver's license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or *former* s. 316.1931 was for a violation that occurred after July 1, 1982 For the purposes of this paragraph, a conviction for violation of former s. 316.026, *former s. 316.1931,* or former s. 860.01 is also considered a conviction for violation of s. 316.193 ~~or s. 316.1931, respectively~~. Also, a conviction of any substantially similar traffic offense outside this state is considered a conviction for the purposes of this paragraph.

(3) Upon the conviction of a person for a violation of s. 322.34, the license or driving privilege, if suspended, shall be suspended for 3 months in addition to the period of suspension previously imposed and, if revoked, the time after which a new license may be issued shall be delayed 3 months.

(4) If, in any case arising under this section, a licensee, after having been given notice of suspension or revocation of his license in the manner provided in s. 322.251, fails to surrender to the department a license theretofore suspended or revoked, as required by s. 322.29, or fails otherwise to account for the license to the satisfaction of the department, the period of suspension of the license, or the period required to elapse after revocation before a new license may be issued, shall be extended until, and shall not expire until, a period has elapsed after the date of surrender of the license, or after the date of expiration of the license, whichever occurs first, which is identical in length with the original period of suspension or revocation.

(5)(a) Upon a conviction for a violation of s. *316.193* ~~316.1931(2)~~, a conviction of manslaughter resulting from the operation of a motor vehicle, or a conviction of vehicular homicide, the court shall revoke the driver's license of the person convicted for a minimum period of 3 years if death to any other person resulted from the operation of a motor vehicle by such driver.

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, the department shall revoke the driver's license for the minimum period applicable under paragraph (a) or, for a subsequent conviction, for the minimum period applicable under paragraph (2)(a) or paragraph (2)*(e)*~~(f)~~.

(6) Except as provided in s. 322.261, no suspension or revocation of a driving privilege shall be stayed upon an appeal of the conviction, court order, or departmental order that resulted in such suspension or revocation.

Section 10. Section 322.282, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 322.282, F.S., for present text.)

322.282 Procedure when court revokes or suspends license or driving privilege and orders reinstatement.—When a court suspends or revokes a person's license or driving privilege and, in its discretion, orders reinstatement as provided by s. 322.261(5) or s. 322.28(2)(d):

(1) The court shall pick up all revoked or suspended driver's licenses from the person and immediately forward them to the department, together with a record of such conviction. The clerk of such court shall also maintain a list of all revocations or suspensions by the court.

(2)(a) The court shall issue an order of reinstatement, on a form to be furnished by the department, which the person may take to any driver's license examining office. The department shall issue a temporary driver's permit to a licensee who presents the court's order of reinstatement, proof of completion of a department-approved driver training or substance abuse education course, and a written request for a hearing under s. 322.271. The permit shall not be issued if a record check by the department shows that the person has previously been con-

victed for a violation of s. 316.193, former s. 316.1931, former s. 316.028, former s. 860.01, or any substantially similar alcohol-related or drug-related traffic offense outside the state, that the person's driving privilege has been previously suspended for refusal to submit to a lawful test of breath, blood, or urine, or that the person is otherwise not entitled to issuance of a driver's license. This paragraph shall not be construed to prevent the reinstatement of a license or driving privilege that is presently suspended for refusal to submit to a breath, urine, or blood test and is also revoked for a conviction for a violation of s. 316.193 or former s. 316.1931, if the suspension and revocation arise out of the same incident.

(b) The temporary driver's permit shall be restricted to either business or employment purposes as described in s. 322.271, as determined by the department, and shall not be used for pleasure, recreational, or nonessential driving.

(c) If the department determines at a later date from its records that the applicant has previously been convicted of an offense referred to in paragraph (a) which would render him ineligible for reinstatement, the department shall cancel the temporary driver's permit and shall issue a revocation or suspension order for the minimum period applicable. A temporary permit issued pursuant to this section shall be valid for 45 days or until canceled as provided in this paragraph.

(d) The period of time for which a temporary permit issued in accordance with paragraph (a) is valid shall be deemed to be part of the period of revocation imposed by the court.

Section 11. Effective July 1, 1986, subsection (2) of section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.—

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination is required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or s. 322.245 shall present to the department certification from the court that he has complied with all obligations and penalties imposed on him pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of $25. However, the service fee is not required if the person is required to pay a *$25* ~~$15~~ fee or *$50* ~~$35~~ fee under the provisions of s. 322.12(2).

Section 12. Section 322.291, Florida Statutes, is amended to read:

322.291 Driver improvement schools; required in certain suspension and revocation cases.—*Except as provided in s. 322 03(1)(b),* any person:

(1) Whose driving privilege has been revoked:

(a) Upon conviction for:

1. Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, in violation of s. 316.193 ~~or s. 316.1931~~; or

2. Driving with an unlawful blood alcohol level; or

(b) As a habitual offender; or

(2) Whose license was suspended under the point system

shall, before the driving privilege may be reinstated, in addition to passing the complete driver's license examination, present to the department proof of enrollment in a department-approved driver training or substance abuse education course. If the person fails to complete such course within 90 days after reinstatement, the driver's license shall be canceled by the department until such course is successfully completed.

Section 13. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—

(1) "Vehicular homicide" is the killing of a human being by the operation of a motor vehicle *or vessel* by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is a felony of the third degree, punishable as provided in s. 775.082,~~,~~ s. 775.083, or s. 775.084.

(2) Any person who commits vehicular homicide and willfully fails to stop or comply with the requirements of s. 316.027(1) is quilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. *Section 316.1931, Florida Statutes, as amended by chapter 84-359, Laws of Florida, is hereby repealed.*

Section 15. Subsection (3) of section 25.387, Florida Statutes, is amended to read:

25.387 DWI Schools Coordination Trust Fund; assessment; disposition.—

(3) A $3 assessment on each conviction under s. 316.193(1) ~~or s. 316.1931~~ which results in attendance at a DWI school shall be collected by the DWI school and deposited in the fund.

Section 16. Paragraph (a) of subsection (3) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of accidents.—

(3)(a) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident:

1. Which accident resulted in death or personal injury shall, within 24 hours after completing the investigation, forward a written report of the accident to the department.

2. Which accident involved a violation of s. 316.027(2), s. 316.061(1), *or* s. 316.193~~, or s. 316.1931~~ shall, within 24 hours after completing the investigation, forward a written report of the accident to the department.

3. In which accident a vehicle was rendered inoperative to a degree which required a wrecker to remove it from traffic may, within 24 hours after completing the investigation, forward a written report of the accident to the department when such action is appropriate, in the officer's discretion.

However, in every case in which a written report is not required, the law enforcement officer shall provide each party involved in the accident a short-form report as prescribed by the department, which report must include, but is not limited to: the date, time, and location of the accident; a description of the vehicles involved; the names and addresses of the parties involved; the names and addresses of witnesses; the name, badge number, and law enforcement agency of the officer investigating the accident; and the names of the insurance companies for the respective parties involved in the accident.

Section 17. Subsection (4) of section 316.1933, Florida Statutes, is amended to read:

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(4) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 316.193 ~~or s. 316.1931~~ upon request for such information.

Section 18. Subsection (4) of section 316.1934, Florida Statutes, is amended to read:

316.1934 Presumption of impairment; testing methods.—

(4) Any person charged with a violation of s. 316.193 ~~or s. 316.1931~~, whether in a municipality or not, is entitled to trial by jury according to the Florida Rules of Criminal Procedure.

Section 19. Subsection (4) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, ~~s. 316.1931,~~ s. 316.1935, or s. 316.545(1) shall be punished as specifically provided in that section. If the court finds that a minor committed the offense, the court may impose one or more of the following sanctions in lieu of the sanctions provided under such section:

(a) The court may reprimand or counsel the minor and his parents or guardian.

(b) The court may suspend or revoke the minor's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for a like suspension or revocation of an adult's license for a like offense.

(c) The court may require the minor to attend, for a reasonable period, a traffic school conducted by a public authority.

(d) The court may order the minor to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

(e) The court may order the minor to participate in public service or a community work project for a minimum number of hours. A minor who participates in such a work program shall be considered an employee of the state for the purposes of chapter 440.

(f) The court may impose a curfew or other restriction on the liberty of the minor for a period not to exceed 6 months.

However, *except for a conviction of a violation of s. 316.027, a minor shall not be imprisoned in an adult detention facility. If a minor is imprisoned for a violation of s. 316.027,* under no circumstances shall a minor be placed in the same cell as an adult. The receiving facility shall have adequate staff to supervise and monitor the minor's activities at all times. Nothing in this paragraph prohibits the placing of two or more minors in the same cell.

Section 20. Section 316.656, Florida Statutes, is amended to read:

316.656 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(1) Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of s. 316.193 ~~or s. 316.1931~~, for manslaughter resulting from the operation of a motor vehicle, or for vehicular homicide.

(2)(a) No trial judge may accept a plea of guilty to a lesser offense from a person charged under the provisions of this act who has been given a breath or blood test to determine blood alcohol content, the results of which show a blood alcohol content by weight of 0.20 percent or more.

(b) No trial judge may accept a plea of guilty to a lesser offense from a person charged with a violation of s. *316.193(3)* ~~316.1931(2)~~, manslaughter resulting from the operation of a motor vehicle, or vehicular homicide.

Section 21. Subsection (3) of section 318.17, Florida Statutes, is amended to read:

318.17 Offenses excepted.—No provision of this chapter shall be available to persons charged with the following offenses:

(3) Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, in violation of s. 316.193 ~~or s. 316.1931~~, or driving with an unlawful blood alcohol level;

Section 22. Section 322.264, Florida Statutes, is amended to read:

322.264 "Habitual traffic offender" defined.—A "habitual traffic offender" is any person whose record, as maintained by the Department of Highway Safety and Motor Vehicles, shows that such person has accumulated the specified number of convictions for offenses described in subsection (1) or subsection (2) within a 5-year period:

(1) Three or more convictions of any one or more of the following offenses arising out of separate acts:

(a) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;

(b) Any violation of s. 316.193, *former* s. 316.1931, or former s. 860.01;

(c) Any felony in the commission of which a motor vehicle is used;

(d) Driving a motor vehicle while operator's license is suspended or revoked; or

(e) Failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.

(2) Fifteen convictions for moving traffic offenses for which points may be assessed as set forth in s. 322.27, including those offenses in subsection (1).

Any violation of any federal law, any law of another state or country, or any valid ordinance of a municipality or county of another state substantially conforming to a statutory prohibition specified in subsection (1) or subsection (2) shall be counted as a violation of such prohibition. In computing the number of convictions, all convictions during the 5 years previous to July 1, 1972, will be used, provided at least one conviction occurs after that date. The fact that previous convictions may have resulted in suspension or revocation under another section does not exempt them from being used for suspension or revocation under this section as a habitual offender.

Section 23. Paragraphs (a) and (b) of subsection (1) of Article IV of section 322.44, Florida Statutes, are amended to read:

322.44 Driver License Compact.—The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE IV

EFFECT OF CONVICTION.—

(1) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III, as it would if such conduct had occurred in the home state, in the case of convictions for:

(a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle, as provided by ss. *316.193* ~~316.1931~~ and 322.26;

(b) Driving a motor vehicle while under the influence of alcoholic beverages or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, as provided by *s.* ~~ss.~~ 316.193 ~~and 316.1931~~;

Section 24. Subsection (4) of section 627.758, Florida Statutes, is amended to read:

627.758 Surety on auto club traffic arrest bond; conditions, limit; bail bond.—

(4) Notwithstanding the provisions of s. 626.311 and chapter 648, any surety insurer identified in a guaranteed traffic arrest bond certificate or licensed general lines agent of the surety insurer may execute a bail bond for the automobile club or association member identified in the guaranteed traffic arrest bond certificate in an amount not in excess of $5,000 for any violation of chapter 316 or any similar traffic law or ordinance except for driving under the influence of alcoholic beverages, chemical substances, or controlled substances, as prohibited by *s.* ~~ss.~~ 316.193 ~~and 316.1931~~.

Section 25. Subsection (2) of section 903.36, Florida Statutes, is amended to read:

903.36 Guaranteed arrest bond certificates as cash bail.—

(2) The execution of a bail bond by a licensed general lines agent of a surety insurer for the automobile club or association member identified in the guaranteed traffic arrest bond certificate, as provided in s. 627.758(4), shall be accepted as bail in an amount not to exceed $5,000 for the appearance of the person named in the certificate in any court to answer for the violation of a provision of chapter 316 or a similar traffic law or ordinance, except driving under the influence of alcoholic beverages, chemical substances, or controlled substances, as prohibited by *s.* ~~ss.~~ 316.193 ~~and 316.1931~~. Presentation of the guaranteed traffic arrest bond certificate and a power of attorney from the surety insurer for its licensed general lines agents is authorization for such agent to execute the bail bond.

Section 26. Subsection (3) of section 960.03, Florida Statutes, is amended to read:

960.03 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(3) "Crime" means the commission by any person of a felony or misdemeanor under the laws of this state, which is punishable under the criminal laws of this state and which results in physical injury or death. The term also includes any criminal act which is committed within this state but which falls exclusively within federal jurisdiction. "Crime" also includes any violation of s. 316.193 ~~or s. 316.1931~~ which violation results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft, or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

Section 27. *Effective October 1, 1986, there is hereby appropriated from the Accident Reports Trust Fund to the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles the sum of $1,189,547 and 58 positions to carry out the provisions of this act as follows:*

1. Salaries and Benefit Positions 58

From Accident Reports Trust Fund $704,876

2. Expenses

From Accident Reports Trust Fund $126,578

3. Operating Capital Outlay

From Accident Reports Trust Fund $319,346

4. Special Categories

Purchase of Driver Licenses

From Accident Reports Trust Fund $5,000

5. Data Processing Services

From Accident Reports Trust Fund $33,747

Section 28. This act shall take effect October 1, 1986, except as otherwise provided herein.

House Amendment 1 to House Amendment 1—On page 36, between lines 8 and 9 insert:

Section 28. Subsection (4), (5) of 561.01, Florida Statutes, are amended to read:

561.01 Definitions.—As used in the Beverage Law:

(4)(a) "Alcoholic beverages" means *distilled spirits and* all beverages containing *one half of one percent or more alcohol by volume* ~~more than 1 percent of alcohol by weight~~.

(b) The percentage of alcohol by *volume* ~~weight~~ shall be determined by measuring the *volume* ~~weight~~ of the standard ethyl alcohol in the beverage and comparing it with the *volume* ~~weight~~ of the remainder of the ingredients as though said remainder ingredients were distilled water. ~~It is the intent of this subsection that the volume and weight tables for standard ethyl alcohol and distilled water as established by the National Bureau of Standards shall be conclusive regardless of the actual weight, which variance from the weight of distilled water is due to the adding of sugar, flavoring, or other ingredients used in making the final product.~~

(5) "Intoxicating beverage" and "intoxicating liquor" mean only those alcoholic beverages containing more than *4.007* ~~3.2~~ percent of alcohol by *volume* ~~weight~~.

Section 29. Section 561.37, Florida Statutes, is amended to read:

561.37 Bond for payment of taxes.—Each manufacturer, distributor, or exporter shall file with the division a surety bond acceptable to the division in the sum of $25,000 as surety for the payment of all taxes, provided, however, that when in the discretion of the division the amount of business done by the manufacturer or distributor is of such volume that a bond of less than $25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than $25,000, but in no event shall it accept bond of less than $10,000, and it may at any time in its discretion require any bond in an amount less than $25,000 to be increased so as not to exceed $25,000; provided, however, that the amount of bond required for a brewer shall be $20,000, except that where, in the discretion of the division, the amount of business done by the brewer is of such volume that a bond of less than $20,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than $20,000, but in no event shall it accept bond of less than $10,000, and it may at any time in its discretion require any bond in an amount less than $20,000 to be increased so as not to exceed $20,000; provided further that the amount of the bond required for a wine or wine and cordial manufacturer shall be $5,000, except that, in the case of a manufacturer engaged solely in the experimental manufacture of wines and cordials from Florida products, where in the discretion of the division the amount of business done by such manufacturer is of such volume that a bond of less than $5,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than $5,000, but in no event shall it accept a bond of less than $1,000 and it may at any time in its discretion require a bond in an amount less than $5,000 to be increased so as not to exceed $5,000; provided, further, that the amount of bond required for a distributor who sells only beverages containing not more than *4.007* ~~3.2~~ percent of alcohol by *volume* ~~weight~~, in counties where the sale of intoxicating liquors, wines, and beers is prohibited, and to distributors who sell only beverages containing not more than *17.259* ~~14~~ percent of alcohol by *volume* ~~weight~~ and wines regardless of alcoholic content, in counties where the sale of intoxicating liquors, wines, and beers is permitted, shall file with the division a surety bond acceptable to the division in the sum of $25,000, as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by such distributor is of such volume that bond of less than $25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law the division may accept a bond in a less sum than $25,000 but in no event shall it accept a bond less than $1,000 and it may at any time in its discretion require any bond in an amount less than $25,000 to be increased so as not to exceed $25,000; provided, further, that the amount of bond required for a distributor in a county having a population of 15,000 or less who procures a license by which his sales are restricted to distributors and vendors who have obtained licenses in the same county, shall be $5,000. Each exporter shall file with the division a surety bond acceptable to the division in the sum of $5,000 as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by the exporter is of such volume that a bond of less than $5,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than $5,000 but in no event shall it accept bond of less than $1,000.

Section 30. Section 561.54, Florida Statutes, is amended to read:

561.54 Certain deliveries of beverages prohibited.—It is unlawful for common or permit carriers, operators of privately owned cars, trucks, buses, or other conveyances or out-of-state manufacturers or suppliers to make delivery from without the state of any *alcoholic* beverage ~~containing more than 1 percent alcohol by weight~~ to any person, association of persons, or corporation within the state, except to qualified manufacturers, distributors, and exporters of such beverages so delivered and to qualified bonded warehouses in this state.

Section 31. Section 562.15, Florida Statutes, is amended to read:

562.15 Unlawful possession; unpaid taxes.—It is unlawful for any person to own or possess within this state any alcoholic beverage ~~containing more than 1 percent of alcohol by weight~~, unless full compliance has been had with the pertinent provisions of the Beverage Law as to payment of excise taxes on beverages of like alcohol content. Provided, that this section shall not apply to manufacturers or distributors licensed under the Beverage Law, to state bonded warehouses or to common carriers; provided, further, this section shall not apply to persons possessing not in excess of 1 gallon of such beverages; provided, the beverage shall have been purchased by said possessor outside of the state in accordance with the laws of the place where purchased and shall have been brought into this state by said possessor. The burden of proof that such beverages were purchased outside the state and in accordance with the laws of the place where purchased shall in all cases be upon the possessor of such beverages.

Section 32. Subsections (1), (2) and (3) of Section 562.34, Florida Statutes, are amended to read:

562.34 Containers; seizure and forfeiture.—

(1) It shall be unlawful for any person to have in his possession, custody or control any cans, jugs, jars, bottles, vessels, or any other type containers which are being used, are intended to be used or are known by the possessor to have been used to bottle or package alcoholic beverages ~~containing more than 1 percent of alcohol by weight~~; provided, that this provision shall not apply to any person properly licensed to bottle or package such alcoholic beverages or to any person intending to dispose of such containers to a person, firm or corporation properly licensed to bottle or package such alcoholic beverages.

(2) It shall be unlawful for any person to sell or otherwise dispose of any cans, jugs, jars, bottles, vessels, or any other type containers knowing that such are to be used in the bottling or packaging of alcoholic beverages ~~containing more than 1 percent of alcohol by weight~~, unless the person receiving same, by purchase or otherwise, shall hold a license to manufacture or distribute such alcoholic beverages.

(3) It shall be unlawful for any person to transport any cans, jugs, jars, bottles, vessels, or any other type containers intended to be used to bottle or package alcoholic beverages ~~containing more than 1 percent of alcohol by weight~~; however, this section shall not apply to any firm or corporation holding a license to manufacture or distribute such alcoholic beverages; and provided, further, that this section shall not apply to any person transporting such containers to any person, firm, or corporation holding a license to manufacture or distribute such alcoholic beverages.

Section 33. Subsection (2) of Section 562.41, Florida Statutes, is amended to read:

562.41 Searches; penalty.—

(2) Any authorized employee of the division, any sheriff, any deputy sheriff, or any police officer may enter, in the daytime, any building or place where any beverages subject to tax under the Beverage Law or which would be subject to tax thereunder if such beverages were manufactured in or brought into this state in accordance with the regulatory provisions thereof, or any *alcoholic* ~~intoxicating~~ beverages ~~containing more than 1 percent of alcohol by weight~~, are manufactured, produced, or kept, so far as may be necessary, for the purpose of examining said beverages. When such premises are open at night, such officers may enter them while so open, in the performance of their official duties.

Section 34. Subsection (1) of 562.47, Florida Statutes, is amended to read:

562.47 Rules of evidence; Beverage Law.—In all prosecutions for violations of "The Beverage Law":

(1) Proof that the liquor in question was and is known as whiskey, moonshine whiskey, shine, rum, gin, or brandy or by another similar name or names shall be prima facie evidence that such liquor is intoxicating and contains more than *4.007* ~~3.2~~ percent of alcohol by *volume* ~~weight~~ and that same is intoxicating.

Section 35. Subsections (1) and (3) of Section 563.02, Florida Statutes, are amended to read:

563.02 License fees; vendors; manufacturers and distributors.—

(1) Each vendor of malt beverages containing alcohol of *one half of one* ~~more than 1~~ percent *or more* by *volume* ~~weight~~ shall pay an annual state license tax as follows:

(a) Vendors operating places of business where beverages are sold only for consumption off the premises, an amount equal to 50 percent of the amount of the license tax herein provided for vendors in the same county operating places of business where consumption on the premises is permitted. Vendors holding such off-premises sales licenses shall not be subject to zoning by municipal and county authorities.

(b) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 100,000, according to the latest state or federal census, $200.

(c) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 75,000 and not over 100,000, according to the latest state or federal census, $160.

(d) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 50,000 and less than 75,000, according to the latest state or federal census, $120.

(e) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 25,000 and less than 50,000, according to the latest state or federal census, $80.

(f) Vendors operating places of business where consumption on the premises is permitted in counties having a population of less than 25,000, according to the latest state or federal census, $40.

(3) Each distributor who shall distribute or sell alcoholic beverages containing less than *17.259* ~~14~~ percent alcohol by *volume* ~~weight~~ shall pay an annual state license tax of $1,250 for each establishment or branch he may operate.

Section 36. Section 563.05, Florida Statutes, is amended to read:

563.05 Excise taxes on malt beverages.—As to malt beverages containing *one half of one* ~~more than 1~~ percent *or more* of alcohol by *volume* ~~weight~~, there shall be paid by all manufacturers, distributors, and vendors, as herein defined, a tax of 48 cents per gallon upon all such beverages in bulk or in kegs or barrels; and, when such beverages are sold in containers of less than 1 gallon, the tax will be 6 cents on each pint or fraction thereof in the container. However, the excise taxes required to be paid by this section upon malt beverages are not required to be paid upon such beverages when they are sold to post exchanges, ship service stores, and base exchanges located in military, naval, or air force reservations within this state.

Section 37. Subsection (2) of Section 564.01, Florida Statutes, is amended to read:

564.01 Definitions.—

(2) "Fortified wine" means all wines containing more than *17.259* ~~14~~ percent of alcohol by *volume* ~~weight~~.

Section 38. Subsection (1) and subsection (3) of section 564.02, Florida Statutes, are amended to read:

564.02 License fees; vendors; manufacturers and distributors.—

(1) Each vendor *authorized to sell brewed beverages containing malt, wines and fortified wines* ~~of beverages containing alcohol of more than 1 percent by weight and not more than 14 percent by weight, and wines regardless of alcoholic content,~~ shall pay an annual state license tax, as follows:

(a) Vendors operating places of business where beverages are sold only for consumption off the premises shall pay an amount equal to 50 percent of the amount of the license tax herein provided for vendors in the same county operating places of business where consumption on the premises is permitted.

(b) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 100,000, according to the latest state or federal census, shall pay $280.

(c) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 75,000 and not over 100,000, according to the latest state or federal census, shall pay $240.

(d) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 50,000 and less than 75,000, according to the latest state or federal census, shall pay $200.

(e) Vendors operating places of business where consumption on the premises is permitted in counties having a population of over 25,000 and less than 50,000, according to the latest state or federal census, shall pay $160.

(f) Vendors operating places of business where consumption on the premises is permitted in counties having a population of less than 25,000, according to the latest state or federal census, shall pay $120.

(3)(a) Each distributor *authorized to sell brewed beverages containing malt, wines and fortified wines* ~~who sells beverages containing alcohol of more than 1 percent by weight and not more than 14 percent by weight, and wines regardless of alcoholic content,~~ in counties where the sale of intoxicating liquors, wines, and beers is permitted shall pay for each and every such establishment or branch he may operate or conduct a state license tax of $1,250.

(b) A bona fide religious order, monastery, church, or religious body that has a tax-exempt status as a religious organization as provided by s. 212.08(7)(a) may be licensed as a distributor under this subsection if its sales and distribution are limited to wines sold solely for religious or sacramental purposes to holders of valid permits obtained under s. 564.03; and such religious order, monastery, church, or religious body shall pay a state license tax of $50 for each and every such distribution establishment to be operated by the licensee.

Section 39. Section 564.04, Florida Statutes, is amended to read:

564.04 Labeling regulations; wine.—The division is fully authorized to make and promulgate reasonable rules and regulations governing the labeling of all wines containing *one half of one* ~~more than 1~~ percent *or more* of alcohol by *volume* ~~weight~~, which rules and regulations shall not conflict with the federal regulations pertaining to such labeling.

Section 40. Subsections (1), (2) and (3) of Section 564.06, Florida Statutes, are amended to read:

564.06 Excise taxes on wines and beverages; exemptions.—

(1) As to beverages including wines, except natural sparkling wines and malt beverages, containing *one half of one* ~~more than 1~~ percent *or more* alcohol by *volume* ~~weight~~ and less than *17.259* ~~14~~ percent alcohol by *volume* ~~weight~~, there shall be paid by all manufacturers and distributors a tax at the rate of $2.25 per gallon.

(2) As to all wines, except natural sparkling wines, containing *one half of one* ~~more than 1~~ percent *or more* alcohol by *volume* ~~weight~~ and less than *17.259* ~~14~~ percent alcohol by *volume* ~~weight~~, of which the alcoholic content is manufactured exclusively from citrus fruits or varieties of the species Vitis rotundifolia, Vitis aestivalis ssp. simpsoni, Vitis aestivalis ssp. smalliana, Vitis shuttleworthii, Vitis munsoniana, or Vitis berlandieri, or from concentrates thereof, except for flavoring extracts, and upon all other such beverages, except malt beverages, containing *one half of one* ~~more than 1~~ percent *or more* alcohol by *volume* ~~weight~~ and less than *17.259* ~~14~~ percent alcohol by *volume* ~~weight~~, of which the alcoholic content is manufactured exclusively from citrus fruits, varieties of the species Vitis rotundifolia, Vitis aestivalis ssp. simpsoni, Vitis aestivalis ssp. smalliana, Vitis shuttleworthii, Vitis munsoniana, or Vitis berlandieri, citrus products, citrus byproducts, sugarcane, sugarcane byproducts, or from concentrates thereof, except for flavoring extracts, the tax imposed by subsection (1) shall not apply.

(3) As to all wines, except natural sparkling wines containing *17.259* ~~14~~ percent or more alcohol by *volume* ~~weight~~, there shall be paid by manufacturers and distributors a tax at the rate of $3 per gallon, except that this tax shall not be required to be paid upon all wines of which the alcoholic content is manufactured exclusively from citrus fruits or varieties of the species Vitis rotundifolia, Vitis aestivalis ssp. simpsoni, Vitis aestivalis ssp. smalliana, Vitis shuttleworthii, Vitis munsoniana, or Vitis berlandieri, or from concentrates thereof, except for flavoring extracts, and containing *17.259* ~~14~~ percent or more of alcohol by *volume* ~~weight~~.

Section 41. Section 565.01, Florida Statutes is amended to read:

565.01 Definition; liquor.—The words "liquor", ~~or~~ "distilled spirits", *"spirituous liquors," "spirituous beverages," or "distilled spirituous liquors" mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.* ~~mean all spirituous beverages created by distillation and by mixture of distilled beverages by what is commonly termed "blending."~~

Section 42. Section 565.08, Florida Statutes, is amended to read:

565.08 Labeling regulations; liquor.—The division is fully authorized to make and promulgate reasonable rules and regulations governing the labeling of all liquors containing *one half of one* ~~more than 1~~ percent *or more* of alcohol by *volume* ~~weight~~, which rules and regulations shall not conflict with the federal regulations pertaining to such labeling.

Section 43. Subsections (1) and (2) of section 565.12, Florida Statutes, are amended to read:

565.12 Excise tax on liquors and beverages.—

(1)(a) As to beverages containing *17.259* ~~14~~ percent or more of alcohol by *volume* ~~weight~~ and not more than *55.780* ~~48~~ percent of alcohol by *volume* ~~weight~~, except wines, there shall be paid by every manufacturer, distributor, and vendor a tax at the rate of $6.50 per gallon. *As to beverages containing less than 17.259 percent of alcohol by volume, there shall be paid by every manufacturer, distributor, and vendor a tax at the rate provided in chapter 564.*

(b) As to all such beverages of which the distilled spirits are manufactured exclusively from citrus products, citrus byproducts, sugarcane, and sugarcane byproducts, except for flavoring extracts, the tax imposed by paragraph (a) does not apply. However, in lieu thereof there shall be paid by every manufacturer and distributor a tax at the rate of $4.35 per gallon.

(c) The tax rate provided in paragraph (b) shall not apply:

1. To alcoholic beverages manufactured in states, territories, or countries which impose discriminatory taxes or requirements on alcoholic beverages manufactured or bottled outside of their boundaries;

2. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide agricultural price supports or other economic incentives or advantages exclusively for alcoholic beverages produced within their boundaries; or

3. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide export subsidies for agricultural products used in making said alcoholic beverages.

Those beverages shall be taxed at the rate set forth in paragraph (a).

(2)(a) As to beverages containing more than *55.780* ~~48~~ percent of alcohol by *volume* ~~weight~~, there shall be paid by every manufacturer, distributor, and vendor a tax at the rate of $9.53 per gallon.

(b) As to all such beverages of which the distilled spirits are manufactured exclusively from citrus products, citrus byproducts, sugarcane, and sugarcane byproducts, except for flavoring extracts, the tax imposed by paragraph (a) does not apply. However, in lieu thereof there shall be paid by every manufacturer and distributor a tax at the rate of $4.95 per gallon.

(c) The tax rate provided in paragraph (b) shall not apply:

1. To alcoholic beverages manufactured in states, territories, or countries which impose discriminatory taxes or requirements on alcoholic beverages manufactured or bottled outside of their boundaries;

2. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide agricultural price supports or other economic incentives or advantages exclusively for alcoholic beverages produced within their boundaries; or

3. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide export subsidies for agricultural products used in making said alcoholic beverages.

Those beverages shall be taxed at the rate set forth in paragraph (a).

Section 44. Section 567.001, Florida Statutes, is amended to read:

567.001 Alcoholic content of intoxicating liquors.—For the purposes of this chapter, any liquor, wine, or beer containing more than *6.243* ~~5~~ percent of alcohol by *volume* ~~weight~~ is deemed and held to be an intoxicating liquor, wine, or beer and is subject to the provisions of this chapter.

Section 45. Section 568.01, Florida Statutes, is amended to read:

568.01 Alcoholic content of intoxicating liquors.—For the purposes of this chapter, all liquors, wines, or beer containing more than *6.243* ~~5~~ percent of alcohol by *volume* ~~weight~~ shall be deemed and held to be intoxicating liquors, wines, or beer and subject to the provisions of this chapter.

Section 46. Subsection (1) of section 568.07, Florida Statutes, is amended to read:

568.07 Name sufficient proof; competency of witness.—

(1) In every prosecution for a violation of this chapter, proof that the liquor in question was and is known as whiskey, moonshine whiskey, shine, rum, gin, or brandy or by any other similar name or names shall be prima facie evidence that such liquor is intoxicating and contains more than *6.243* ~~5~~ percent of alcohol by *volume* ~~weight~~ and that same is intoxicating. Any person who by experience in the past in the handling or use of intoxicating liquors, or who by taste, smell, or the drinking of such liquors, has knowledge as to the intoxicating nature of such liquors may testify as to this opinion, whether such beverage or liquor is or is not intoxicating; and a verdict based upon such testimony shall be valid.

Section 47. Section 210.70, Florida Statutes, is amended to read:

210.70 Disposition of funds.—As collections from the taxes ~~and license fees~~ imposed under this part are received by the division, it shall pay the same into the General Revenue Fund.

Section 48. *Section 562.113, Florida Statutes, is hereby repealed.*

House Amendment 2 to House Amendment 1—On page 10, lines 20-31, on page 11, lines 1-24, strike all of said lines and renumber the subsequent sections.

Amendment 2—In title, on page 1, lines 2-30, on page 2, lines 1-2, strike all of said lines and insert: An act relating to highway and boating safety; amending s. 316.193, F.S.; increasing the penalty for a fourth or subsequent violation of provisions relating to driving under the influence; providing penalties for operating a vehicle and causing damage to property or person, serious bodily injury, or death; authorizing payment of an additional fine in lieu of public service work; providing penalties for operating a vehicle at a blood alcohol level of .20 or above; amending s. 316.1932, F.S.; increasing the period of suspension of the driving privilege for refusing to submit to a breath, urine, or blood test; amending s. 316.655; prohibiting the incarceration of certain minors in adult detention facilities; amending s. 322.03, F.S.; requiring any person applying for a Florida driver's license who has been convicted two or more times of the offense of driving under the influence to present proof of enrollment in or completion of an approved substance abuse education course and proof of financial responsibility; creating s. 322.055, F.S., providing for revocation of drivers' licenses or driving privileges or persons under specified ages who have been found guilty of or delinquent for certain alcohol-related or drug-related offenses; authorizing restricted driving privileges for such persons; requiring clerks of court to report revocations of drivers' licenses or driving privileges; amending s. 322.12, F.S.; increasing certain license reinstatement fees; amending s. 322.25, F.S.; changing circumstances in which certain persons' driving privileges may be reinstated on a temporary basis; amending s. 322.261, F.S.; increasing the suspension period for refusal to submit to breath, urine, or blood test; specifying procedures for reinstatement of the driving privilege of a person whose license has been suspended under certain circumstances; amending s. 322.271, F.S.; changing procedures relating to modifications of revocation, cancellation, or suspension orders; defining business purposes only and employment purposes as restrictions to driving privileges; providing for reinstatement of driving privileges for persons convicted of not more than three offenses for driving under the influence and limiting reinstatement to employment or business purposes only; requiring such persons to remain under the supervision of approved education programs; providing that such persons shall assume reasonable costs for the continuing supervision; providing for cancellation of such person's driving privilege for failure to comply with such continuing supervision; amending s. 322.28, F.S.; specifying procedures for reinstatement of the driving privilege; specifying previous convictions which will be considered convictions for driving under the influence or while intoxicated; amending s. 322.282, F.S.; providing procedures when a court revokes or suspends a license; amending s. 322.29, F.S.; increasing service fees for reinstatement of certain suspended licenses; amending s. 322.291, F.S.; relating to enrollment in substance abuse education course for reinstatement of a driving privilege; authorizing cancellation of such privilege if the education course is not completed within 90 days after reinstatement; amending s. 782.071, F.S.; providing an enhanced penalty for persons who commit vehicular homicide and leave the scene of the offense; including the term vessel within definition of vehicular homicide; repealing s. 316.1931, F.S.; abolishing the offense of driving while intoxicated and changing offenses involving death or injury caused by a person driving a vehicle while under the influence of alcohol or certain substances or with an unlawful blood alcohol level; amending s. 25.387, 316.066, 316.1933, 316.1934, 316.655, 316.656, 318.17, 322.264, 322.44, 627.758, 903.36, and 960.03, F.S., to conform; providing an appropriation; providing effective dates.

House Amendment 1 to House Amendment 2—In title, on page 3, line 16, after the word "conform" insert: section 561.01(4), F.S., defining alcoholic beverages; amending sections 561.01(5), 561.37, 561.54, 562.15, 562.34, 562.41, 562.47, 563.02, 563.05, 564.01, 564.02(3)(a), 564.04, 564.06, 565.01, 565.08, 565.12, 567.001, 568.01, 568.07, F.S., converting alcohol by weight to alcohol by volume; amending section 564.02, F.S., defining authorized sales under beer and wine licenses; repealing s. 562.113, F.S., relating to the sale of alcoholic beverages to persons on active duty in the Armed Services of the United States; amending s. 563.06, F.S., relating to malt beverages with respect to required stamps; providing an effective date.

House Amendment 2 to House Amendment 2—In title, on page 1, lines 30-31, on page 2, lines 1-5 strike all of said lines and insert: financial responsibility; amending s. 322.12,

Senator Langley moved the following amendments to House Amendment 1 as amended which were adopted:

Amendment 1—On page 36, after line 8, strike all material and insert:

Section 28. This act shall take effect October 1, 1986, except as otherwise provided herein.

Amendment 2—On page 1, strike all of lines 29 and 30 and insert:

(2)*(a) Except as provided in paragraph (b), subsection (3), or subsection (4),* any person who is convicted of a violation of

Amendment 3—On page 4, line 27, after "(2)" insert: *, subsection (3), or subsection (4)*

Amendment 4—On page 5, line 7, after the comma (,) insert: *if the defendant's breath or blood test under s. 316.1932 or s. 316.1933 showed a blood alcohol level of 0.20 percent or higher, he shall be incarcerated for a mandatory minimum period of 48 hours, notwithstanding the imposition of any community service under this paragraph. If two or more analyses are performed on a single sample of blood or two or more samples of breath are analyzed to determine the percent of alcohol in the blood, and such analyses or samples do not report an identical blood alcohol level, only the lowest blood alcohol level of the analyses or samples shall be considered for the purposes of imposing the mandatory minimum term of incarceration specified in this paragraph.*

Amendment 5—On page 27, between lines 13 and 14, insert:

Section 12. Section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended or revoked.—

(1) Any person whose operator's or chauffeur's license or driving privilege has been canceled, suspended, or revoked as provided by law, except persons defined in s. 322.264, and who drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, upon conviction of a first offense, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and any person convicted of a second or subsequent charge of driving while his license is canceled, suspended, or revoked shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person whose operator's or chauffeur's license has been revoked pursuant to s. 322.264 (habitual offender) and who drives any motor vehicle upon the highways of this state while such license is revoked is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person whose driving privilege has been canceled, suspended, or revoked for a violation of s. 316.193, and who drives any motor vehicle upon the highways of this state while such license or privilege is so canceled, suspended, or revoked, shall be sentenced to a minimum mandatory term of imprisonment of:

(a) Forty-eight hours for the first such violation.

(b) Three days for the second such violation.

(c) Five days for the third or subsequent such violation.

(Renumber subsequent sections.)

Amendment 6—On page 27, line 18, strike *"or vessel"*

Amendment 7—On page 36, between lines 8 and 9, insert:

Section 28. The repeal of section 316.1931, Florida Statutes, by this act shall not be construed to preclude or otherwise affect the imposition of any penalty, including any administrative penalty, for a violation of said section committed before the effective date of this act, nor shall such repeal affect any other provision of law relating to a person who violated said section prior to such date.

(Renumber subsequent sections.)

Amendment 8—On page 36, between lines 8 and 9, insert:

Section 28. Section 316.1936, Florida Statutes, is created to read:

316.1936 Possession of open containers of alcoholic beverages in motor vehicles prohibited; penalties.—

(1) As used in this section, "open container" means any container which is immediately capable of being consumed from, or the seal of which has been broken.

(2) It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage while operating a motor vehicle in the state. However, it shall not be unlawful for a passenger in a commercial passenger vehicle for hire or a passenger in a recreational vehicle as defined in s. 320.01(1)(b) to consume an alcoholic beverage, provided that the driver of such a vehicle shall not consume an alcoholic beverage or have an open container of alcoholic beverage in or about the driver's area.

(3) An open container shall not be considered to be in the possession of an operator of a motor vehicle when the container is located in a locked glove compartment, trunk, or other nonpassenger area of the motor vehicle.

(4) Any person who violates this section is guilty of a noncriminal traffic infraction, punishable as provided in chapter 318.

(Renumber subsequent section.)

Senator Langley moved the following amendments to House Amendment 2 as amended which were adopted:

Amendment 1—In title, on page 1, line 19, after "penalties" insert: , including mandatory incarceration,

Amendment 2—In title, on page 3, line 14, after "conform;" insert: providing minimum mandatory penalties for driving while person's driving privilege has been suspended, canceled, or revoked if such suspension, cancellation, or revocation was for driving under the influence

Amendment 3—In title, on page 1, line 13, strike "and boating"

Amendment 4—In title, on page 3, strike all of lines 16 and 17 and insert: conform; providing an appropriation; providing effective dates.

Amendment 5—On page 3, line 16, after "appropriation." insert: creating s. 316.1936, F.S.; prohibiting the possession of open containers of alcoholic beverages in motor vehicles being operated in the state; providing exceptions; providing penalties;

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

CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Neal, Vogt

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 2, Senate Amendment 3 to House Amendment 1, Senate Amendment 4 to House Amendment 1; has refused to concur in Senate Amendment 1 to House Amendment 1 and Senate Amendment 2 to House Amendment 1 and requests the Senate to recede; and passed CS for CS for SB 1012, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

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.

On motions by Senator Castor, the Senate receded from Senate Amendments 1 and 2 to House Amendment 1.

CS for CS for SB 1012 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Hill	Margolis
Barron	Frank	Jenne	McPherson
Beard	Gersten	Jennings	Meek
Castor	Girardeau	Johnson	Plummer
Childers, D.	Gordon	Kirkpatrick	Scott
Childers, W. D.	Grant	Kiser	Stuart
Crawford	Grizzle	Malchon	Thurman
Crenshaw	Hair	Mann	Vogt

Nays—None

Vote after roll call:

Yea—Neal, Peterson

The Honorable Harry A. Johnston, II, President

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

SB 396—A bill to be entitled An act relating to mediation and arbitration; providing intent; providing for a plan for mediation and arbitration of civil actions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all of lines 12-28 and insert:

Section 1. Section 44.301, Florida Statutes, is created to read:

44.301 Definitions.—As used in this act, unless the context requires otherwise:

(1) "Mediation" means a process whereby a neutral third party acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable agreement.

(2) "Arbitration" means a process whereby a neutral third party or panel listens to the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding in accordance with the provisions of this act.

Section 2. Section 44.302, Florida Statutes, is created to read:

44.302 Court-ordered mediation.—

(1) Except as provided by rules promulgated by the Supreme Court, a court may refer all or any portion of a contested civil action filed in a circuit court or of any contested civil action filed in county court in which there is a dispute as to any issue, to the court's dispute resolution service for assignment to a mediator, if an appropriate mediation program has been established in the circuit or county over which the court has jurisdiction. The purpose of such mediation conference is to facilitate discussions between the parties in an effort to reach an agreement as to disputed issues acceptable to the parties and to resolve the dispute without the necessity of a trial. The mediator shall use his best efforts to help effect a settlement of the disputed issues, but shall give no legal advice to the parties.

(2) In any proceeding in which there is an issue relating to parental responsibility referred to the court's dispute resolution service for mediation, the mediator shall assist the persons in assessing the needs and interests of the child or children involved in the controversy. The mediator shall use his best efforts to help the parents affect a settlement of the parental responsibility disputes and, where appropriate, develop ongoing effective coparenting. When both parties consent, the mediator may privately interview the child or children involved in the controversy. Issues of parental responsibility shall be given priority in calendaring.

(3) In cases where the parties have not reached agreement as a result of the mediation, the mediator shall report such failure to the court and the parties or their counsel without comment or recommendation.

(4) Each party involved in the mediation proceeding has a privilege to refuse to disclose, and to prevent any person present at the proceeding from disclosing, communications made during such proceeding whether or not the dispute was successfully resolved. This subsection shall not be construed to prevent or inhibit the discovery or admissibility of any information which is otherwise subject to discovery or admission under applicable law or rules of court. There is no privilege as to communications made in furtherance of the commission of a crime or fraud or as part of a plan to commit a crime or a fraud. Nothing in this subsection shall be construed so as to permit an individual to obtain immunity from prosecution for criminal conduct.

(5) An agreement reached by the parties as a result of mediation shall be reported by the mediator in writing to the court, to the parties, and to counsel for the parties. The agreement shall include all relevant statements of fact and statements of future course of conduct agreed upon by the parties. Upon receiving the report, the court shall determine whether the terms are lawful, within the jurisdiction of the court, and in the best interests of all parties concerned. Thereupon, the court may:

(a) Approve or reject all or part of the mediator's report;

(b) Hold an evidentiary hearing before deciding whether to accept or reject all or part of the mediator's report;

(c) Require the parties to return to the mediator to continue settlement discussions with regard to issues that are not resolved;

(d) Require the parties to submit disputed issues to nonbinding arbitration; or

(e) Set the case for trial.

If the judge rejects any part of the report, either party may, within the time provided by rules promulgated by the supreme court, declare the agreement void.

(6) The chief judge of each judicial circuit shall maintain a list of mediators who may be appointed to carry out the provisions of this section. The chief judge shall, by administrative order, certify those persons who are eligible and qualified to serve as mediators in accordance with standards established by the Supreme Court. Whenever possible, qualified individuals who have volunteered their time to serve as mediators shall be appointed.

(7) Mediation shall be conducted according to rules of practice and procedure as adopted by the Supreme Court.

Section 3. Section 44.303, Florida Statutes, is created to read:

44.303 Court-ordered, nonbinding arbitration.—

(1) Except as provided by rules promulgated by the Supreme Court, a court may refer any contested civil action filed in a circuit or county court to court-annexed, nonbinding arbitration. Arbitration shall be conducted according to rules of practice and procedure as adopted by the Supreme Court.

(2) Arbitrators shall be selected in accordance with rules adopted by the Supreme Court. Arbitrators shall be compensated by a fee of not more than $75 per day plus 20 cents per mile for each mile of travel necessitated by service as a mediator.

(3) An arbitrator or, in the case of a panel, the chief arbitrator, shall have such power to administer oaths or affirmation and to conduct the proceedings as the rules of court shall provide. At the request of any party to the arbitration, such arbitrator shall issue subpoenas for the attendance of witnesses and the production of books, records, documents and other evidence and may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by law.

(4) The arbitration decision shall be presented to the parties in writing, and shall set forth the issues in controversy, and the arbitrators' findings and conclusions of law and fact. An arbitration decision shall be final if a request for a trial de novo is not filed within the time provided by rules promulated by the Supreme Court. The decision shall not be made known to the judge who may preside over the case unless no request for trial de novo is made as herein provided or unless otherwise provided by law. If no request for trial de novo is made within the time provided, the decision shall be referred to the presiding judge in the case who shall enter such orders and judgments as are required to carry out the terms of the decision, which orders shall be enforceable by the contempt powers of the court, and for which judgments execution shall issue on request of a party.

(5) The party having filed for a trial de novo shall be assessed the arbitration costs, court costs, and other reasonable costs of the party including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. The court may waive an assessment of costs required upon a finding that the imposition of costs would create a substantial economic handicap or to be not in the interest of justice.

Section 4. Section 44.304, Florida Statutes, is created to read:

44.304 Voluntary binding arbitration.—

(1) Two or more parties who are involved in a civil dispute may agree in writing to submit the controversy to voluntary binding arbitration, in lieu of litigation of the issues involved, prior to or after a lawsuit has been filed, provided no constitutional issue is involved.

(2) If the parties have entered into an agreement which provides for a method for the appointment of one or more arbitrators, the court dispute resolution center shall proceed with the appointment as prescribed, except that at least one of the arbitrators, who shall serve as the chief arbitrator, shall meet the qualifications and training requirements adopted pursuant to s. 44.306. In the absence of an agreement, or if the agreement method fails or for any reason cannot be followed, the court dispute resolution center, on application of a party, shall appoint one or more qualified arbitrators.

(3) The arbitrators shall be compensated by the parties according to their agreement, but not at an amount less than $75 per day.

(4) Within 10 days of the submission of the request for binding arbitration, the court dispute resolution center shall provide for the appointment of the arbitrator or arbitrators. Once appointed, the arbitrators shall notify the parties of the time and place for the hearing.

(5) Application for voluntary binding arbitration shall be filed, and fees paid to the clerk of court as if for complaints initiating civil actions. The clerk of the court shall handle and account for these matters in all respects as if they were civil actions, except that the clerk of court shall keep separate the records of the applications for voluntary binding arbitration from all other civil actions.

(6) Filing of the application for binding arbitration will toll the running of the applicable statutes of limitation.

(7) The chief arbitrator shall have such power to administer oaths or affirmation and to conduct the proceedings as the rules of court shall provide. At the request of any party, the chief arbitrator shall issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence and may apply to the court for orders compelling attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by law.

(8) The hearing shall be conducted by all of the arbitrators, but a majority may determine any question and render a final decision.

(9) The Florida Evidence Code shall apply to all proceedings under this section.

(10) The appeal shall be taken to the circuit court and shall be limited to review on the record and not de novo, of:

(a) Any alleged failure of the arbitrators to comply with the applicable rules of procedure or evidence.

(b) Any alleged partiality or misconduct by an arbitrator prejudicing the rights of any party.

(c) Whether the decision reaches a result contrary to the Constitution of the United States or of the State of Florida.

The harmless error doctrine shall apply in all appeals. No further review shall be permitted unless a constitutional issue is raised.

(11) If no appeal is taken within the time provided by rules promulgated by the Supreme Court, then the decision shall be referred to the presiding judge in the case, or if one has not been assigned, then to the chief judge of the circuit for assignment to a circuit judge, who shall enter such orders and judgments as are required to carry out the terms of the decision, which orders shall be enforceable by the contempt powers of the court and for which judgments execution shall issue on request of a party.

Section 5. Section 44.305, Florida Statutes, is created to read:

44.305 Limitation on referral.—The court shall not refer an issue to mediation or nonbinding arbitration if such issue has been referred to arbitration or mediation under mandate of Florida law.

Section 6. Section 44.306, Florida Statutes, is created to read:

44.306 Standards for mediators' arbitrators' qualifications, rules of professional conduct and training.—The Supreme Court shall establish minimum standards for qualifications, rules of professional conduct, and training standards for mediators and arbitrators who are appointed pursuant to this act. No person may be appointed to serve as a mediator or arbitrator unless he has been certified by the chief judge of a circuit in accordance with the standards established by the Supreme Court.

Section 7. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, strike the title and insert: A bill to be entitled An act relating to mediation and arbitration; creating s. 44.301, F.S., providing definitions; creating s. 44.302, F.S., providing for court-ordered mediation; creating s. 44.303, F.S., providing for court-ordered, nonbinding arbitration; creating s. 44.304, F.S., providing for voluntary binding arbitration; creating s. 44.305, F.S., providing for limitation in referral; creating s. 44.306, F.S., providing minimum standards for qualifications, rules of professional conduct and training of mediators and arbitrators; providing effective dates.

On motions by Senator Hair, 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.

The Honorable Harry A. Johnston, II, President

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

SB 233—A bill to be entitled An act relating to state minimum building codes; amending s. 553.77, F.S.; authorizing the Board of Building Codes and Standards to prescribe certain fees for special inspector certification; amending s. 553.79, F.S.; providing that the fee owner of a threshold building shall select the special inspector for the building; providing that special inspectors shall only be required to meet the standards of qualification set by the Board of Building Codes and Standards; prohibiting certain restrictions on the selection of special inspectors of threshold buildings; amending s. 553.795, F.S.; providing that certain provisions do not limit the power of certain local governments and state agencies to regulate work performed by their inspection personnel; providing definitions; creating the Florida Asbestos Committee; providing for membership and responsibilities of the committee; providing for the development of an Asbestos Identification and Remediation Plan; providing required components of the plan; providing a certification program; providing duties of the Department of Labor and Employment Security; providing for reports; providing for the inspection of certain buildings; providing procedures for buildings containing friable and nonfriable asbestos; providing duties of the Department of Envrionmental Regulation; providing responsibilitiies of the Department of Health and Rehabilitative Services; providing a completion date for asbestos abatement procedures; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, lines 25-29, on page 4, lines 1-31, on page 5, lines 1-31, on page 8, lines 3-31, on page 9, lines 1-31 and on page 10, lines 1-31, strike all of said language and renumber subsequent sections accordingly

Amendment 2—On page 11, lines 1-3, strike all said lines and insert:

Section 5. This act shall take effect July 1, 1986.

Amendment 3—In title, on page 1, lines 19-31 and on page 2, lines 1-5, strike all said lines and insert: personnel; creating the Florida Asbestos Committee; providing for membership and responsibilities of the committee; providing for the development of an Asbestos Identification and Remediation Plan; providing required components of the plan; providing a certification program;

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

SB 233 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Barron	Gersten	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	Plummer
Castor	Gordon	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Jenne	McPherson	Vogt
Dunn	Jennings	Meek	Weinstein
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Hair

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 971—A bill to be entitled An act relating to public officers and employees; amending s. 112.3143, F.S.; requiring disclosure of conflicts of interest by appointed public officers; requiring appointing bodies to consider certain records prior to appointment; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 11, insert:

Section 1. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms; travel expenses; staff.—

(1) The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official, *and may be a former member of a local planning or zoning board which has only advisory duties.* Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. No member may hold any public employment. All members shall serve 2-year terms, except that four of the initial members appointed by the Governor shall serve 1-year terms. All succeeding appointments shall be for 2 years. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 3, after the semicolon (;) insert: amending s. 112.321, F.S.; prescribing the qualifications of members of the Commission on Ethics;

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

CS for SB 971 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair

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 450—A bill to be entitled An act relating to education; establishing the Learning Development and Evaluation Center for learning disabled students at Florida Agricultural and Mechanical University; providing criteria for program services and for program participants' qualifications; providing services for postsecondary and secondary students; requiring reports on program effectiveness; providing for funding; creating s. 230.2316, F.S., the Dropout Prevention Act; providing for school district dropout prevention programs; providing legislative intent; providing definitions; providing student eligibility and program criteria; providing procedures for program planning and implementation; providing for evaluation of programs which are approved for state funding; providing for related staff development activities; requiring that certain records be maintained for students participating in dropout prevention programs; providing for coordination of school district dropout prevention programs with other agencies; providing for a manual; providing for rules; providing for community-based dropout prevention program grants; providing a grant application process; describing criteria to be used by the Department of Education in awarding grants; amending s. 236.013, F.S.; conforming terminology; creating s. 232.302; creating the Florida Center for Dropout Prevention at the University of Miami; describing the duties and responsibilities of the center; requiring a report; amending s. 236.0841, F.S.; authorizing school districts to provide dropout prevention activities beyond the required 180 days of instruction; prohibiting school districts from generating state funding for any dropout prevention program which has not been approved pursuant to s. 230.2316, F.S., beginning with the 1987-1988 school year; authorizing school districts to generate state funding during the 1986-1987 school year for any alternative education program which received state funding during the 1985-1986 school year; providing for future repeal of s. 230.2315, F.S., relating to educational alternative programs; requiring the Department of Education to conduct a study and report to the Legislature and Commissioner of Education relating to educational programs for students with limited English proficiency; 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; amending s. 232.2454, F.S.; requiring the State Board of Education to identify vocational education as an area for which assessment procedures to measure student performance are to be developed; amending s. 230.645, F.S.; providing exemptions from the payment of student fees for specified students; requiring the payment of fees for all students not granted exemptions; providing for the establishment of student fees in the General Appropriations Act; authorizing school districts to waive fees; providing for limitation of fee waivers in the General Appropriations Act; amending s. 236.081, F.S.; changing the method by which fees are calculated as a part of the district required local effort; creating s. 229.13, F.S.; amending s. 229.565, F.S.; requiring school districts and community colleges to collect specified information when registering students; providing for approval of registration forms and related documents; providing for the evaluation of public school and community college programs; providing for the adjustment of funding allocations and penalties in the event of audit discrepancies; providing for rules; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 22, through page 55, line 23, strike everything after the enacting clause and insert:

Section 1. *Learning Development and Evaluation Center.*—

(1) For the purpose of providing academic support for learning disabled students, the verbal communications laboratory at Florida Agricultural and Mechanical University is established as the Learning Development and Evaluation Center. The university shall provide housing, equipment, and utilities for the center.

(2) The primary objective of the center shall be to provide learning disabled students with accessibility to learning by providing a program for building student self-acceptance, self-esteem, and faculty acceptance. The program shall also provide for diagnosing and clarifying the nature of the disability and identifying strategies that can be used to enhance learning. Services shall include:

(a) Problem identification;

(b) Diagnostic evaluation, including neurological, psychological, speech, and hearing diagnoses;

(c) Training, including tutoring and study;

(d) Academic, psychological, social, and vocational counseling;

(e) Follow-up;

(f) Maintenance of academic course requirements with provision for support services to identified students; and

(g) Modifications of methods of reaching course requirements which do not detract from the course purpose.

(3) Participants in the program shall be students with specific learning disabilities who meet eligibility criteria as defined by Rule 6A-6.3018.

(4) An outreach component shall be established which shall include:

(a) Notifying secondary schools, community colleges, vocational education centers, and community agencies of the program;

(b) Working with community colleges, vocational education centers, and community agencies to identify students who may benefit from the program;

(c) Providing secondary schools, community colleges, vocational education centers, and community agencies with a description of methods used by the program for identification of students who have learning disabilities;

(d) Providing secondary schools, community colleges, vocational education centers, and community agencies with a description of program services and the support services available;

(e) Providing on-campus and off-campus activities for students, administrators, faculty, and staff to enhance learning of the disabled secondary students;

(f) Providing training for school district personnel to enable them to develop a better understanding of the needs of learning disabled students;

(g) Designing, developing, and implementing, in cooperation with Florida Agricultural and Mechanical University, public school districts, community colleges, and vocational education centers within the Department of Education, model programs for the learning disabled student;

(h) Providing assistance to community colleges and state universities in designing, developing, and evaluating model programs for learning disabled students;

(i) Establishing a procedure for the annual review and update of model programs developed for the learning disabled; and

(j) Providing pre-collegiate residential experiences.

(5) On or before November 1, 1987, and annually thereafter, the president of the university shall submit to the Board of Regents and the Legislature a report on program effectiveness which shall include:

(a) The number of students participating in the program;

(b) An ongoing analysis of overall student performance as a result of participation in the program;

(c) A description of the methods used in identifying students with learning disabilities;

(d) A description of methods and materials prescribed to meet the specific learning needs of each participant;

(e) The number and types of disabilities of students in the program;

(f) How the program accomplished its objectives;

(g) Procedures used to counsel and advise students that would build self-acceptance and enhance learning;

(h) Procedures for promoting faculty acceptance of the program and its participants;

(i) A detailed description of each program objective and the results;

(j) Projections of future participation by learning disabled students based on enrollment, queries, and program results, and

(k) The number of postsecondary and secondary students participating in the program and the type of service provided.

(7) Funding of this program shall be provided for in the General Appropriations Act.

Section 2. *Section 230.2316, Florida Statutes, is created to read:*

230.2316 Dropout prevention.—

(1) SHORT TITLE.—This act may be cited as the "Dropout Prevention Act."

(2) INTENT.—The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. The Legislature further recognizes that traditional education programs which do not meet certain students' educational needs and interests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school. The Legislature finds that the school dropout rates within the state have reached epidemic proportions and that a child who does not complete his or her education is greatly limited in obtaining gainful employment, achieving his or her full potential, and becoming a productive member of society. Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to establish comprehensive dropout prevention programs. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system. It is further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

(3) DEFINITIONS.—As used in this section:

(a) "Dropout retrieval activities" means educational programs and activities which identify and motivate students who have dropped out of school to reenter school in order to obtain a high school diploma or its equivalent.

(b) "Educational alternatives programs" means educational programs which are designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that students who are unmotivated or unsuccessful in traditional programs remain in school and obtain a high school diploma or its equivalent.

(c) "Teenage parent programs" means educational programs which are designed to provide a specialized curriculum and other services to meet the needs of students who are pregnant or students who are parents.

(d) "Substance abuse programs" means agency-based or school-based educational programs which are designed to meet the needs of students with drug or alcohol-related problems.

(e) "Disciplinary programs" means programs designed to provide intervention for students who are disruptive in the traditional school environment.

(f) "Youth services programs" means educational programs provided to students participating in Department of Health and Rehabilitative Services or other youth residential or day services programs.

(g) "Community-based dropout prevention programs" means programs and services provided by public or private nonprofit agencies which are designed to support and supplement the dropout prevention program of the school district.

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive, and reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(a) Educational alternatives programs.—

1. The program differs from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employs alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs shall be voluntary. The minimum period of time during which the student participates in the program shall be equivalent to three instructional periods per day unless the program utilizes a resource or tutorial model rather than regularly scheduled courses.

2. The student has been identified as being a potential dropout based upon one of the criteria:

a. The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels, high absenteeism, or other documentation provided by student services personnel;

b. The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through federal or state compensatory education programs or exceptional education programs;

c. The student has been identified as a potential school dropout by student services personnel using district or state criteria.

(b) Teenage parent programs.—

1. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 232.01. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to absence.

2. The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, and child growth and development.

3. Ancillary services such as child care, health care, social services, and transportation may be provided through the coordination of existing programs and services.

(c) Substance abuse programs.—

1. The program shall provide basic educational instruction for students participating in nonschool-based residential or day substance abuse treatment programs. Such educational programs shall provide curricula and related services which support the program goals and which are appropriate for completion of a high school diploma or its equivalent; or

2. The program shall provide school-based programs which serve students who have documented drug or alcohol-related problems and shall include instruction designed to prevent substance abuse.

(d) Disciplinary programs.—

1. The student has a history of disruptive behavior in school or has committed an offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, disruptive behavior is behavior which:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

2. The program includes, but is not necessarily limited to in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

3. Students who have been placed in detention or a court-adjudicated commitment program shall be evaluated by school district personnel upon completion of such programs prior to placement of the student in an educational program. Such students shall not be automatically assigned to a disciplinary program upon reentering the school system.

4. Prior to assigning a student to a disciplinary program of more than 10 days duration, the district shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the district code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

5. Inschool suspension programs shall be funded at the basic program weight for the grade level at which the program is provided pursuant to s. 236.081(1)(c)1.a.-c.

(e) Youth services programs.—

1. The student is participating in a detention, commitment, or rehabilitation program which is sponsored by a community-based agency or is operated or contracted for by the Department of Health and Rehabilitative Services.

2. A program is provided which shall consist of appropriate basic academic, vocational, or exceptional curricula and related services which support the rehabilitation program goals and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent; provided that the educational component of youth services programs of less than 40 days duration which take place in a park or wilderness setting may be limited to tutorial activities and vocational employability skills.

3. Participation in the program by students of compulsory school attendance age as provided for in s. 232.01 shall be mandatory.

4. The school district shall make every effort to provide students in youth services programs with a wide range of educational programs.

5. The Department of Education or a school district may contract with a private nonprofit entity for the provision of educational programs to clients of the Department of Health and Rehabilitative Services and may generate state funding through the Florida Education Finance Program for such students.

(5) PROGRAM PLANNING AND IMPLEMENTATION.—

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, middle, junior high school, or high school level.

(b) Any school district desiring to receive state funding for a dropout prevention program pursuant to the provisions of s. 236.081(1)(c) shall develop a comprehensive dropout prevention program plan, which describes all of the programs and services which the district will make available to students pursuant to subsection (4). Districts choosing not to implement all of the programs described in subsection (4) shall provide evidence that such programs are either not needed within the district or that the needs of students are already being provided through existing public or private agencies or entities or that the district is unable to provide the program.

1. In order to be approved, each plan shall include the following components:

a. Emphasis on parental, community, and business involvement.

b. Interagency coordination in order to maximize existing human and fiscal resources.

c. A method for early identification of potential dropouts.

d. Dropout retrieval activities.

e. Employability skills and other career awareness activities related to preparation for the work force.

f. Commitment of the district to achieve the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.

2. For each program to be provided by the district pursuant to subsection (4), the following information shall be provided in the program plan:

a. Student eligibility criteria.

b. Student admission procedures.

c. Operating procedures.

d. Program goals and outcome objectives.

e. Qualifications of program personnel.

f. The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.

g. A schedule for staff development activities.

h. Evaluation procedures which describe how outcome objectives will be achieved and measured.

(c) District comprehensive dropout prevention program plans shall be submitted to the Commissioner of Education for approval by December 1, 1986, prior to implementation of the program. In subsequent years, districts shall submit amendments to the initial dropout prevention plan. Pursuant to rules adopted by the State Board of Education,

school districts shall be required to receive approval from the commissioner prior to implementing any new dropout prevention program to be funded pursuant to s. 236.081(1)(c) and not included in the district's initial comprehensive program plan.

(d) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

(6) EVALUATION.—Beginning with the 1987-1988 school year, each school district receiving state funding for dropout prevention programs through the Florida Education Finance Program as provided for in subsection (5) shall submit a biennial report to the Department of Education documenting the extent to which each of the district's dropout prevention programs has been successful in meeting the outcome objectives established by the district for the program. The department shall compile this information into a biennial report which shall be submitted to the presiding officers of the Legislature by February 15 of the second year of each biennium.

(7) STAFF DEVELOPMENT.—Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities as provided for in the district's approved dropout prevention program plan and master inservice plan.

(8) RECORDS.—Each district providing a program for dropout prevention pursuant to the provisions of this section, shall maintain for each participating student for whom funding is generated through the Florida Education Finance program, records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned, and an evaluation of the student's academic and behavioral performance while in the program. The parents or guardians of a student assigned to such a dropout prevention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120

(9) COORDINATION WITH OTHER AGENCIES.—School district dropout prevention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies in the school district. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records, and juvenile justice records. School district and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention program, and such agencies shall maintain the confidentiality of such information unless otherwise provided by law or rule.

(10) DROPOUT PREVENTION MANUAL.—The Department of Education, in conjunction with the Center for Dropout Prevention shall develop a manual for school districts which shall include a presentation of the intent and goals of this section, requirements for comprehensive dropout prevention program plans, examples of successful practices, identification of resources available to supplement educational programs, and other information that will assist in the successful implementation of this section. This manual shall be made available to school districts no later than September 15, 1986.

(11) COMMUNITY-BASED DROPOUT PREVENTION PROGRAM GRANTS.—

(a) Beginning with the 1986-1987 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education is authorized and directed to award grants on a competitive basis to public or private nonprofit entities wishing to implement dropout retrieval activities or community-based dropout prevention programs. Such grants shall be awarded annually by no later than January 30 of each year.

(b) Entities wishing to apply for a grant shall submit a grant proposal to the Department of Education by December 1, 1986, on forms prescribed by the department. In order to be considered for funding, the grant proposal shall include at least the following information and assurances:

1. A detailed description of the program to be implemented, including a statement of program objectives, activities, target population, number of students to be served, and identification of all education, community agency, private sector or other personnel and resources involved in program development and implementation.

2. Assurance that parents and guardians will be involved in the development and implementation of the program.

3. A detailed program budget.

4. Measures for evaluation of the effectiveness of the program, including cost-effectiveness.

(c) The Department of Education shall consider the following factors in awarding grants as specified in this subsection:

1. The dropout rate within the geographic area to be served by the program. Those geographic areas with high dropout rates shall have priority for selection.

2. The qualifications of the personnel who will be responsible for program implementation and administration.

3. The extent to which the program will be coordinated with existing public educational programs and social and medical services.

4. The cost-effectiveness of the program.

5. The degree to which the programs' objectives and activities are consistent with the goals of this subsection.

(d) The department shall make available to any entity wishing to apply for a community-based dropout prevention program grant, information on all of the criteria to be used by the department in the selection of proposals for funding pursuant to the provisions of this subsection.

(e) Entities which are awarded grants pursuant to the provisions of this section shall submit an annual report to the Department of Education documenting the extent to which the program objectives are being met.

(12) RULES.—The Department of Education shall have the authority to adopt any rules necessary to implement the provisions of this section; provided that such rules shall require the minimum amount of paperwork and reporting necessary to comply with this act.

Section 3. Section 232.302, Florida Statutes, is created to read:

232.302 Florida Center for Dropout Prevention.—

(1) There is established a Florida Center for Dropout Prevention. The duties and responsibilities for the center shall be as follows:

(a) To evaluate dropout prevention efforts and recommend exemplary programs and practices for statewide implementation;

(b) To make recommendations regarding the definition of the term "dropout" and a system for accurately reporting dropouts statewide;

(c) To make recommendations regarding strategies to identify and track dropouts and potential dropouts;

(d) To make recommendations regarding the incorporation of dropout prevention strategies into the school curriculum;

(e) To cooperate with and assist school districts and community based programs in developing model dropout prevention programs and in evaluating the effectiveness of such programs; and

(f) To make recommendations relating to preservice and inservice training for educational personnel relating to dropout prevention and to sponsor staff development activities in cooperation with teacher education centers to assist school personnel with the development and implementation of successful dropout prevention programs and activities.

(2) The center shall be funded on a competitive grant basis through funds appropriated annually by the Legislature.

(3) The center shall submit an annual report to the Department of Education, the Legislature, and the school districts relating to the duties identified in this section.

Section 4. Section 236.0841, Florida Statutes, is amended to read:

236.0841 Student enrichment, ~~and~~ remedial, *and dropout prevention* programs.—Each school district may provide any amount from current operation funds of the Florida Education Finance Program for salaries of personnel who are employed, pursuant to regulations of the state board, to provide supplementary enrichment, ~~and~~ remedial, *and dropout prevention* activities *pursuant to s. 230.2316*. The enrichment, ~~and~~ remedial *, and dropout prevention* activities, when offered, shall be provided students during periods of time supplemental to or beyond the required 180 days of instruction.

Section 5. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act·

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c) A "full-time equivalent student" is:

1. A full-time student in any one of the programs listed under the cost factors in s. 236.081(1)(c); or

2. A combination of full-time or part-time students in any one of the programs listed under the cost factors in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

a. A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed under the cost factors in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member, divided by 25; the difference between that fraction or sum of fractions and twenty-five twenty-fifths of the week for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

b. A student in the basic half-day kindergarten program of not less than 12½ net hours shall earn one-half of a full-time equivalent membership.

c. A half-day kindergarten student in a combination of programs listed under the cost factors in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per week for which he is a member divided by 25; the difference between that fraction and twelve and one-half twenty-fifths of the week for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

d. A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member, divided by 25.

e. A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by 900.

f. A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed under the cost factors in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per week times the number of weeks for which he is a member, divided by 900.

3. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraphs 1. and 2.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. *Dropout prevention* ~~Alternative education~~ programs provided for *those* students *who were in membership* in *teenage parent, substance abuse, or youth service programs as defined in s. 230.2316 and are in need of such additional instruction* ~~Department of Health and Rehabilitative Services residential care facilities~~;

e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

f. The Florida Progress in Middle Childhood Education Program, as provided in s. 230 2319, for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for all of the last 45 days of the 180-day term and are in need of such additional instruction;

g. *Dropout prevention* ~~Basic~~ programs *provided* ~~of educational alternatives~~ for those students who were in membership in an educational alternative *or disciplinary* program *as defined in s. 230.2316* for all of the last *15* ~~30~~ days of the 180-day term *or a total of 30 days within the 180 day term* and are in need of such additional instruction;

h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 6. *Beginning with the 1987-1988 school year, school districts shall be ineligible to generate state funding pursuant to s. 236.081 for any dropout prevention program which has not been approved by the commissioner pursuant to the provision of s. 230.2316.*

Section 7. *With respect to the 1986-1987 school year only, school districts may generate funding pursuant to s. 230.2315 for any alternative education program authorized to receive funding through the Florida Education Finance Program during the 1985-1986 school year.*

Section 8. *Section 230.2315, Florida Statutes, is repealed on August 15, 1987.*

Section 9. *The Department of Education in conjunction with the Florida Council on Bilingual Education shall conduct a study of educational services for limited English proficiency students and make recommendations to the Commissioner of Education and the Legislature by March 1, 1987, regarding:*

(1) Dropout prevention strategies;

(2) Ways that foreign language, bilingual, English for speakers of other languages, and Intensive English programs can work together to provide a comprehensive educational program for limited proficiency students; and

(3) An appropriate cost factor for use in the Florida Education Finance Program for teaching English to limited English proficiency students.

Section 10. Section 228.061, Florida Statutes, is amended to read:

228.061 Other public schools; nursery schools, *school-age child care programs,* special schools and courses.—The public schools of Florida may, in addition to the schools prescribed in s. 228.051, include nursery schools, *school-age child care programs,* 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.

(2) SCHOOL-AGE CHILD CARE PROGRAMS.—School-age child care programs shall consist of educational and recreational programs provided before and after the regular school day and during school holidays to children eligible to attend public schools as provided by ss. 232.01 and 232.04. Such programs shall be supported and maintained from state or district funds, tuition charges, and 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 11. Section 229.65, Florida Statutes, is created to read:

229.65 School-age child care incentives program.—

(1) The Legislature recognizes the need for supervision and care of young school children before and after school and on school holidays, when school is not in session but when parents must work. Such care will act as an early intervention strategy to help prevent child abuse, accidents, emotional trauma, and delinquency to which unsupervised children are vulnerable. The purpose of the school-age child care incentives program is to encourage the design and implementation of model programs to provide such care in an environment beneficial to child development and to provide incentives to public schools and other public and private agencies for the establishment of these programs.

(2) There is hereby created the school-age child care incentives program, which shall be funded pursuant to subsection (6) and administered by the Commissioner of Education in cooperation with the school districts and other appropriate organizations and agencies. School-age child care services may be implemented and conducted in any public school pursuant to a proposal developed and approved pursuant to subsection (3).

(3) Each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing, contracting, or enhancing an ongoing program to conduct school-age child care. Each proposal shall be developed with the assistance of the district and school advisory committees. Proposals for the 1986-1987 school year shall be submitted by September 1, 1986, and proposals for the 1987-1988 school year shall be submitted by May 1, 1987.

(a) To be considered for approval each proposal shall include:

1. The projected number of students to be served;

2. A description of the administrative or organizational structure of the program, including a statement of who shall be responsible for program planning and various aspects of program operation;

3. A description of program content;

4. Personnel qualifications and standards, including plans to provide for background checks and fingerprinting;

5. The planned staff-child ratio;

6. A description of all school facilities which will be available to program participants;

7. The days and hours of operation;

8. The extent to which federal or other funds will be used to support the program;

9. The estimated program budget and fees;

10. Provisions for food preparation and service;

11. Written operating procedures for distribution to parents, including policies regarding hours, fees, illness, holidays, and refunds; and

12. Such other information and provisions as shall be required by the commissioner.

(b) Each proposal may include:

1. Provisions for transportation;

2. Staff training plans and materials;

3. Provisions for participation of teachers, administrators, parents, and children in program planning and evaluation;

4. Coordination with other community-based and social services including hot-lines, volunteers, self-care skills courses and publications, and block home programs;

5. Plans for studies to evaluate the effects of program participation on a child's behavior, growth and development, and scholastic performance; and

6. Employment of students in the college career work experience program pursuant to s. 240.60 and students in secondary and postsecondary job preparatory vocational programs designed to train persons for employment as day care providers.

(4) Funding priority shall be given to proposals which:

(a) Provide services to areas of the state underserved by before and after school child care programs;

(b) Provide care to children in elementary schools;

(c) Provide accessibility to children from low-income families through use of a sliding fee scale;

(d) Have the greatest potential for statewide implementation;

(e) Provide care to children with special needs;

(f) Provide varied, developmentally appropriate program content; and

(g) Provide for maximum utilization of all available funding sources and community resources.

(5) A school district or school principal through the district school board may contract with private child care services for the provision of school-age child care programs.

(6) The Department of Education shall review for approval all program proposals submitted by school districts. School districts shall be notified of approval by October 1, 1986, for the 1986-1987 school year, and by July 1, 1987, for the 1987-1988 school year. For each proposal approved, the commissioner shall authorize distribution of funds up to 75 percent of the estimated cost of program operation as contained in the proposal, less funds from other nonfee sources, from funds available to the Department of Education for the school-age child care incentives program for the first year of operation, and up to 50 percent for the second year of operation.

(7) In order to promote diversity and maximum replicability, the Department of Education shall approve at least three proposals, one from a district with up to 5,000 students, one from a district with 5,001 to 25,000 students, and one from a district with over 25,000 students.

(8) The Department of Education shall develop a "request for proposal" to include procedures and criteria for the competitive acceptance of proposals to establish and operate a statewide clearinghouse for school-age child care programs. To be considered for approval, the proposal shall be submitted by a private, nonprofit organization. The clearinghouse shall:

(a) Provide information and referral on school-age child care programs.

(b) Provide technical assistance and training to local school districts.

(c) Conduct studies and analyze data.

(d) Develop plans with cooperation from the Department of Health and Rehabilitative Services and the Department of Education to address the needs of children left unsupervised before and after school.

(e) Facilitate the establishment of local programs and policies, and procedures for such programs.

(f) Establish a seven-member advisory council, consisting of two local representatives of school districts, two representatives of the Department of Health and Rehabilitative Services, two providers of school-age child care, and one parent. The clearinghouse shall establish procedures for the appointment of members and the term of appointments. The advisory council shall review and make recommendations regarding the activities of the clearinghouse in achieving the intent of this section. Members shall be entitled to per diem and travel expenses as provided in s. 112.061.

(9) The Department of Health and Rehabilitative Services is authorized to establish other rules and policy provisions which are necessary to achieve the objectives of this section.

(10) An annual report shall be required from each program describing overall program operations, program expenditures, the number of children served, program components which proved most successful, and other information as required by the commissioner.

(11) The clearinghouse shall review each program's annual report and make available to school districts, the Department of Education, and the Department of Health and Rehabilitative Services information on successful program strategies and components.

(12) By March 1, 1988, the Department of Education shall make recommendations to the Legislature concerning the desirability and cost of licensing school-age child care programs operated by school districts and of implementing a school-age child care program on a statewide basis.

(13) The State Board of Education shall adopt rules to implement this section.

Section 12. Paragraph (a) of subsection (2) of section 231.621, Florida Statutes, is amended to read:

231.621 Student Loan Forgiveness Program.—

(2) From the funds available, the Department of Education is authorized to make loan principal repayments as follows:

(a) Up to $2,500 a year for up to 4 years on behalf of selected graduates fo state-approved undergraduate postsecondary teacher preparation programs, *persons certified to teach pursuant to any applicable teacher certification requirements,* or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

Section 13. *Annually on or before July 1, every school district shall submit a report to the Department of Education disclosing the number of teachers in the district who were assigned teaching duties outside the field in which they are certified during the preceding school year. For the purposes of this act a teacher shall be considered assigned out-of-field if he is teaching at least one class on a regular basis in a subject field for which he does not hold certification. The report shall identify the fields in which such teachers were assigned teaching duties and the fields in which they are certified, and include any other relevant information that may be required by the department. The report shall contain an estimate of the number of teachers who will be assigned teaching duties outside the field in which they are certified for the ensuing school year. The report shall also include classes that were not offered due to teacher shortages in a specific area.*

Section 14. *Whenever a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, the parents or guardians of all students in the class shall be notified in writing of such assignment. Such notification shall be provided in the annual report of school progress pursuant to s. 229.575.*

Section 15. *Each school district shall have a plan to assist any teacher teaching out-of-field and priority consideration shall be given to teachers who are teaching out-of-field in summer inservice institutes.*

Section 16. *Annually on or before November 1, the Department of Education shall submit a report to the Legislature containing the information submitted to the department under section 1. and describing the actions that have been taken and that the department recommends be taken to eliminate the practice of assigning teachers to teaching duties outside their field of certification.*

Section 17. Paragraph (d) of subsection (1) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(1)(d) ~~Each board, including the~~ *The* Board of Regents *and each local Board of Community College* shall maintain its effort for expenditures for remodeling, renovation, maintenance, repair, and site improvement in the operating budget for the budget fiscal year at not less than the percent level included in the approved operating budget for the current fiscal year.

Each school board shall maintain its effort for expenditures for remodeling, renovation, maintenance, repair, and site improvement in the operating budget for the budget fiscal year at not less than the average of the amounts expended for the prior 3 fiscal years.

Section 18. Subsection (2) of section 229.8052, Florida Statutes, is amended to read:

229.8052 State satellite network.—

(2) The network shall consist of compatible satellite receiving equipment at public *educational* ~~postsecondary~~ institutions in each of the 28 community college regions.

Section 19. Section 229.86, Florida Statutes, is created to read:

229.86 Board of Public Schools; establishment.—

(1) There is established a Board of Public Schools of the Department of Education with the necessary powers to exercise responsibility for statewide leadership in long-range planning, fiscal policy, and reviewing rules as developed by the Department of Education to ensure legislative intent. There shall continue to be local home rule in the governance and operation of the district school systems. The operation and management of district school systems is the responsibility of the district school boards and the district superintendents within the framework of existing Florida law and the policies of the State Board of Education. The Board of Public Schools shall be subject at all times to the overall supervision of the State Board of Education.

(2) The board shall be administratively housed within the office of the Commissioner of Education, but it shall independently exercise the responsibilities assigned herein, authorized by the Legislature, or delegated by the State Board of Education. The board shall serve as an advisory body to the Commissioner and the State Board of Education on matters relating to elementary and secondary education, and its reports and recommendations shall be made available to the Legislature, the State Board of Education, other appropriate government officials, and the 67 district school systems.

Section 20. Section 229.87, Florida Statutes, is created to read:

229.87 Board of Public Schools; appointment of members; qualifications.—

(1) The Board of Public Schools shall be comprised of the Commissioner of Education and 12 lay citizens appointed by the Governor, approved by 4 members of the State Board of Education, and confirmed by the Senate in regular or special session. The Commissioner of Education may nominate two or more persons for each position, prior to appointment by the Governor. The State Board of Education shall adopt rules and procedures for its review and approval of nominees. Members shall have been residents and citizens of this state for at least 5 years prior to appointment, and no person who is an elected official or an employee of federal, state, or local government shall be eligible for appointment or service on said board. No person who is connected with or employed by a school book publishing concern or instructional materials concern shall be eligible for membership on the board, and if any person assumes such an interest after becoming a member of the board, his place shall immediately become vacant.

(2) All members shall be deemed to be members-at-large charged with the responsibility of serving the entire state. Terms of initial membership of the lay citizens shall be as follows: four members shall be appointed for terms of 2 years; four members shall be appointed for terms of 3 years; and four members shall be appointed for terms of 4 years. Upon expiration of the initial terms of membership, terms of office shall be for 4 years.

(3) Each member shall serve until expiration of his term and until his successor is appointed and qualified, except in the case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as otherwise provided by this section. The Governor shall fill all vacancies that may at any time occur, subject to approval and confirmation.

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

(5) The members of the Board of Public Schools shall receive no compensation but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their duties and in traveling to, from, or upon the same.

Section 21. Section 229.88, Florida Statutes, is created to read:

229.88 Board of Public Schools; organization; meetings; fiscal year.—

(1) The Board of Public Schools shall, within 60 days after its appointment, organize and adopt rules for administration and procedures not inconsistent with this section and may from time to time amend such rules. At its organizational meeting, the board shall elect from among its members a chairman and vice chairman, each to serve for 2 years, and thereafter shall elect such officers who shall serve for 2-year terms until their successors are elected. At its organizational meeting, the board shall fix a date and place for its regular meetings. Seven members shall constitute a quorum, and no meeting may be held with less than a quorum present.

(2) The board shall meet not less than six times in every fiscal year. Special meetings of the board may be called as provided by the board in its rules. Regular meetings of the board shall normally be held at the offices of the board, which shall be in Leon County, but whenever the convenience of the public may be promoted, the board may hold meetings, hearings, and proceedings at any other place in the state designated by the board.

(3) The fiscal year of the board shall conform to the fiscal year of the state.

Section 22. Section 229.89, Florida Statutes, is created to read:

229.89 Board of Public Schools; powers and duties.—

(1) The Board of Public Schools shall review the responsibilities and duties of the Division of Public Schools and any other divisions and governmental entities which affect the public schools. The board shall identify duplication of services and recommend to the Legislature a plan for restructuring the Division of Public Schools and any other divisions and governmental entities which affect the public schools.

(2) The Board of Public Schools may review rules authorized by law which will improve the operation and maintenance of a uniform public school system. Rules developed by the Department of Education shall be submitted to the Board of Public Schools for review for conformance with legislative intent.

(3) The Board of Public Schools shall:

(a) Analyze and report annually to the Legislature its findings and recommendations regarding teacher salaries and/or benefits.

(b) Advise district school boards and superintendents of the fiscal policies adopted by the Legislature and of their responsibilities to follow such policies.

(c) Adopt and submit to the Legislature and the State Board of Education a long-range plan for the public school system of the State of Florida.

(d) Evaluate the work of all statewide advisory councils which affect the public schools and recommend to the Legislature maintaining, modifying, or abolishing each such council.

(e) Recommend means of enhancing partnerships between public education and business and industry.

(4) The Board of Public Schools shall appoint an executive director, to serve at its pleasure, who shall perform the duties assigned to him by the board. The executive director shall be the chief administrative officer of the board and shall be responsible for appointing all employees and staff members of the board who shall serve under his direction and control.

Section 23. Subsections (5) and (6) of section 20.15, Florida Statutes, are amended to read:

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

(5) Notwithstanding anything contained in law to the contrary, all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, *the Board of Public Schools*, the state instructional materials councils, and the community college district boards of trustees, shall hereafter be appointed by the State Board of Education from a list of two or more names nominated for each position by the Commissioner of Education.

(6) Notwithstanding anything contained in law to the contrary, all members of the Board of Regents, the State Board of Community Colleges, and the community college district boards of trustees shall be appointed according to chapter 240, *and all members of the Board of Public Schools shall be appointed according to s. 229.87.*

Section 24. This act shall take effect upon becoming a law, except that sections 19, 20, 21, 22, and 23 shall become effective October 1, 1986.

House Amendment 1 to House Amendment 1—On page 35, lines 23 and 24, insert:

Section 25. Subsections (1), (2), and (3) of section 231.613, Florida Statutes, are amended to read:

231.613 Inservice training institutes.—

(1) It is the intent of the Legislature to establish inservice training institutes for the purpose of providing rigorous, *intensive* inservice training for the state's public school instructional personnel as defined in s. 228.041(9). The Legislature shall determine annually in the General Appropriations Act the subject area or areas of instruction for the institutes and the grade levels and specialities of participating instructional personnel. ~~A school district may substitute or add a subject area with accompanying justification, as prescribed by State Board of Education rule.~~

(2) Each public school district shall separately, or in cooperation with an adjoining district or districts, establish an inservice training institute which meets the following criteria:

(a) Operate for the number of hours or days specified in the General Appropriations Act. *The training will be on consecutive days, except weekends and district holidays.*

(b) Operate at a time other than the regular school year for students.

(c) Annually provide rigorous, *intensive* inservice training for district instructional personnel as designated in subsection (1).

(d) Utilize school district, community college, university, or other approved facilities as the site for inservice institutes.

(e) Utilize teacher education centers to provide for inservice institute training.

Districts are encouraged to utilize university and community college personnel to conduct the training.

(3) By *February* ~~December~~ 1 of each year, each district or group of districts establishing an inservice institute shall submit to the department for approval a plan describing how inservice institute training shall be provided for that year. Such plans shall be submitted in a manner and form as prescribed by state board rule, and shall contain:

(a) An estimate of costs for providing inservice activities.

(b) Procedures to evaluate institute activities consistent with s. 231.608(1).

(c) Such other items as may be required by the state board.

(Renumber subsequent sections.)

House Amendment 2 to House Amendment 1—On page 35, between lines 23 and 24 insert:

Section 24. Paragraph (e) is added to subsection (22) of section 228.041, Florida Statutes, to read:

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

(22) VOCATIONAL EDUCATION.—"Vocational education" is defined as meaning that instruction not leading to a baccalaureate degree, either graded or ungraded, listed below:

(e) The purpose of vocational education is the preparation of the individual to function effectively in an occupational environment containing a work role of the individual's choice. Vocational education seeks to enable individuals to effectively select, prepare for, and perform work roles and to improve the occupational environment; to assist individuals to manage the work aspects of their lives in a way that is to their benefit and the benefit of the larger community; to develop an understanding of the nature and importance of work; and to begin to focus their occupational interests by developing a more concrete idea of the activities, responsibilities, and requirements of those interests. Nothing herein shall be construed to exempt vocational education programs from the provisions of s 229 551(3)(q).

(Renumber subsequent section.)

House Amendment 3 to House Amendment 1—On page 1, line 14, insert:

Section 1. Paragraph (g) of subsection (3) of section 229.551, Florida Statutes, is amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(g) Conduct program evaluations for vocational education. These evaluations shall cover attainment of goals and objectives, manpower needs and placement, cost-efficiency, and resource requirements. Funding for vocational education shall reflect the results of these evaluations. Any job preparatory vocational program in which the average placement rate is less than 60 percent for any given year shall be automatically reviewed by the Department of Education. The program review shall be submitted to the appropriate regional coordinating councils and shall be accompanied by a plan for improving the placement rate for the program. Effective with the 1985-1986 school year, any job preparatory vocational program in which the placement rate for persons completing the program is less than 70 percent for 3 consecutive years shall be ineligible for future state funding. The first 3-consecutive-year period shall be the 1984-1985, 1985-1986, and 1986-1987 school years. In order that no program is unfairly penalized for adverse economic or demographic conditions which might exist within the 28 vocational planning regions which the program may serve, the Department of Education may adjust program placement rates at the planning regional level using a statistically valid and reliable methodology approved by the State Board of Education. Factors for which program placement rates may be adjusted by this methodology may include, but are not limited to, the percent of program completers who are minorities and the percent of program completers who are economically disadvantaged. The methodology used by the Department of Education to adjust program placement rates shall be submitted to the Legislature for review at least 30 days prior to submission to the State Board of Education for approval. Any job preparatory vocational program failing to achieve a 70 percent rate for 3 consecutive years shall be reported by the department to the appropriate regional coordinating council, the State Board of Education, and the Legislature and shall be included in the state accountability report pursuant to s. 229.558. The Office of the Auditor General shall conduct annual audits of school districts and community colleges to determine the accuracy of the vocational program placement rates reported by the districts and community colleges to the Department of Education. The Office of the Auditor General shall report to the Legislature any discrepancies identified between the placement rates reported by the districts and community colleges to the Department of Education and the placement rates reported by the Department of Education to the Legislature. A student in a job preparatory vocational program shall be considered a "placement" if he has become employed in an occupation requiring the use of the competencies acquired in his vocational program as ~~indicated on the follow-up survey form~~, has entered military service, or has continued on to postsecondary education. It is the intent of the Legislature that every effort shall be made to ensure that exceptional students enrolled in job preparatory vocational programs are placed in employment. However, in order to assure that such programs are not penalized for exceptional student participation, exceptional students as defined in s. 228.041, *execpt for gifted students*, shall be included in the computation of job preparatory program placement rates only when such students may be considered as placements in accordance with the provisions defined in this subsection. Exceptional student program completers that do not meet the criteria to be considered to be a placement, *except for gifted students*, shall not be included in the computation of job preparatory program placement rates. Students enrolled in job preparatory vocational education programs who are *inmates within Department of Corrections facilities, who are* nonresident aliens, or who are in the United States on nonimmigration visas shall not be included in the computation of job preparatory program placement rates. *The State Board of Education shall adopt rules providing follow-up procedures which may be used by school districts and community colleges to determine a student's placement status. Such procedures may include the use of exit interviews, telephone interviews, written questionnaires, state-level computerized employment data and any other procedure approved by the state board. Pursuant to rule, school districts and community colleges shall document what follow-up procedure has been used to determine each vocational student's placement status and shall retain this documentation for audit purposes.*

Section 2. Subsection (7) is added to section 230.645, Florida Statutes, to read:

230.645 Postsecondary students fees; waiver; deferral.—

(7) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States stationed in this state, their spouses, and their dependent children.

(b) Full-time instructional and administrative personnel employed by public schools, community colleges, and institutions of higher education, as defined in s. 228.041, and their spouses and dependent children.

(Renumber subsequent sections.)

House Amendment 4 to House Amendment 1—On page 1, line 14, insert:

Section 1. Paragraph (b) of subsection (1) of section 232.246, Florida Statutes, 1984 Supplement, is amended to read:

232.246 General requirements for high school graduation.—

(1)

(b) Beginning with the 1986-1987 school year and each year thereafter, successful completion of a minimum of 24 academic credits in grades 9 through 12 shall be required for graduation. The 24 credits shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature.

2. Three credits in mathematics.

3. Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

4. One credit in American history.

5. One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems in fulfillment of the requirements of s. 233.064.

6. One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

7. One-half credit in American government.

8. One-half credit in practical arts vocational education or exploratory vocational education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one-half credit in practical arts or exploratory vocational education provided in this subparagraph.

9. One-half credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, *or a course in speech and debate,* may be taken to satisfy the high school graduation requirement for one-half credit in performing arts pursuant to this subparagraph.

10. One-half credit in life management skills to include consumer education, positive emotional development, nutrition, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

11. One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

12. Nine elective credits.

(Renumber subsequent sections.)

House Amendment 5 to House Amendment 1—On page 32, lines 2-5, strike ", and no person who is an elected official or an employee of federal, state, or local government shall be eligible for appointment or service on said board." and insert: . *The Board of Public Schools membership shall contain one teacher, one school board member, and one school administrator, all of which are in their respective position at the time of appointment.*

House Amendment 6 to House Amendment 1—On page 31, line 25, strike "*lay*"

House Amendment 7 to House Amendment 1—On page 35, between lines 23 and 24, insert:

Section 11. Section 240.412, Florida Statutes, is created to read:

240.412 Jose Marti Scholarship Challenge Grant Fund.—

(1) There is hereby established a Jose Marti Scholarship Challenge Grant Fund to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. The fund shall provide matching grants for private sources that raise money for scholarships to be awarded to Hispanic American students.

(2) There is created the Jose Marti Scholarship Challenge Grant Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education. All moneys collected from private sources for the purposes of this section shall be deposited into the trust fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of the fund.

(3) The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. Such funds shall be divided into challenge grants to be administered by the Department of Education. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 215.535. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for challenge grants.

(4) The amount appropriated to the trust fund shall be allocated by the department on the basis of one $5,000 challenge grant for each $5,000 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1986, and pledged for the purposes of this section. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds.

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Be a Hispanic American, or a person of Spanish culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

2. Be a citizen of the United States and have been a resident of the state for other than educational purposes for the preceding 2 years.

3. Be accepted at a state university or community college, or any Florida college or university accredited by a member of the Council on Postsecondary Accreditation whose credits are acceptable without qualification for transfer to state universities.

4. Enroll as a full-time undergraduate or graduate student.

5. Earn a 3.0 grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. If an applicant applies as a graduate student, he shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.

(b) In order to renew a scholarship awarded pursuant to this section, a student shall:

1. Earn a grade point average of at least 3.0 on a 4.0 scale for the previous term, maintain at least a 3.0 average for college work, or have an average below 3.0 only for the previous term and be eligible for continued enrollment at the institution.

2. Maintain full-time enrollment.

3. Participate in the college-level communication and computation skills testing program. Graduate recipients shall be exempt from this requirement.

(6) The annual scholarship to each recipient shall be $2,000. Priority in the distribution of scholarships shall be given to students with the lowest total family resources. Renewal scholarships shall take precedence over new awards in any year in which funds are not sufficient to meet the total need. No undergraduate student shall receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of no more than 6 consecutive years, except that students participating in college preparatory instruction or requiring additional time to complete the college-level communication and computation skills testing program shall continue to receive a scholarship during enrollment in such instruction. No graduate student shall receive an award for more than the equivalent of 4 semesters or 6 quarters.

(7) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants. Such system shall include a certification of acceptability by the postsecondary institution of the applicant's choice.

(8) Payment of scholarships shall be transmitted to the president of the postsecondary institution that the recipient is attending or to the president's designee. Should a recipient terminate his enrollment during the academic year, the president or his designee shall refund the unused portion of the scholarship to the department within 60 days. In the event that a recipient transfers from one eligible institution to another, his scholarship shall be transferable upon approval of the department.

(9) This section shall be implemented during the 1986-1987 academic year and thereafter to the extent funded and authorized by law.

Section 12. Paragraph (a) of subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area vocational-technical center; or any private vocational-technical institution accredited by a member of the Council on Postsecondary Accreditation.

2. Participation in the college-level communication and computation skills testing program. This requirement is limited to students seeking associate's or bachelor's degrees.

3. Residency in this state for no less than 2 years preceding the award of aid *for a program established pursuant to s. 240.401, s. 240.402, s. 240.409, s. 240.60, s. 240.604, or s. 240.412*~~; however, students receiving aid pursuant to ss. 240.403 and 240.405 are exempt from this requirement~~.

House Amendment 8 to House Amendment 1—On page 1, line 14, insert:

Section 1. *Council on Comprehensive Environmental Education.*—

(1) There is hereby created the Council on Environmental Education. The council shall serve as an advisory body to the Commissioner of Education, the State Board of Education, and the Legislature on matters pertaining to environmental education.

(a) The council shall be composed of 15 members to be appointed as follows:

1. One representative each from the Game and Fresh Water Fish Commission, the Department of Natural Resources, the Department of Environmental Regulation, the Division of Forestry of the Department of Agriculture and Consumer Services, and the Department of Health and Rehabilitative Services, appointed by the head of the agency.

2. A representative from each of five statewide environmental organizations or statewide organizations whose major concern is the protection or preservation of Florida's outdoor environment, appointed by the Governor.

3. Three professional educators who teach environmental education, one representing kindergarten through grade 12 educators, one representing community colleges, and one representing universities, appointed by the Commissioner of Education.

4. Two representatives of the business community interested in environmental education, appointed by the Commissioner of Education.

(b) The council shall be appointed within 2 months after the effective date of this section and shall elect a chairperson from among its members.

(c) For administrative purposes, the council is assigned to the Division of Community Colleges of 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 are entitled to receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out official business of the council. The council shall meet as often as it deems necessary to carry out its duties and responsibilities.

(2) The council shall:

(a) Conduct a review of existing environmental education programs sponsored by nonprofit organizations, private industry, and state agencies of this state and other states and present a report to the State Board of Education and to the Legislature by January 1, 1987.

(b) Based upon an analysis of current environmental education programs, develop a comprehensive plan for enhancing environmental education in this state and submit this plan to the State Board of Education and to the Legislature by March 1, 1987.

(c) Advise the Commissioner of Education regarding appropriate means for incorporating environmental education concepts into curriculum frameworks and the kindergarten through grade 12 public school system.

(d) Propose to the Commissioner of Education and the Legislature a budget for staff and operating costs related to carrying out the recommendations of the council.

(e) Develop and recommend actions related to strengthening environmental education for all citizens of the state.

(3) The Council on Environmental Education is repealed on October 1, 1989, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 2. Section 229.8055, Florida Statutes, is amended to read:

229.8055 Environmental education.—

(1) This section shall be known and may be cited as the "Florida Environmental Education Act."

(2) The Legislature recognizes that Florida is projected to be the fourth largest state in the nation by 1990, and will continue to be a growth state into the 21st century, and that the quality of life for future Floridians cannot continue to grow unless the state is able to ecologically sustain such growth. The Legislature further recognizes that the education of Florida's children and youth is critical to maintaining the delicate relationships among all forms of life and their environments. It is the intent of the Legislature that the public schools of Florida serve as the primary delivery system to create a continuing awareness of the essential mission of mankind to preserve the earth's capability to sustain life in the most healthful, enjoyable and productive environment possible. It is the further intent that the public schools of Florida integrate environmental education throughout the curriculum so that the desired awareness is thorough, continuous and meaningful.

(3)~~(2) It is the purpose of this act to stimulate among students, teachers, and administrators a new awareness of man's relationship to his environments, an increased comprehension of his environments, and an increased ability to utilize the tools of society to solve environmental problems.~~ To achieve this *intent* ~~purpose~~, the Commissioner of Education shall foster the development and dissemination of educational activities and materials which will assist Florida *public school* students, teachers, and administrators in the perception, appreciation, and understanding of environmental *and ecological* principles and problems; ~~and~~ in the identification and evaluation of possible alternative solutions to these problems; and *in the* assessment of their benefits and risks.

(4)~~(3)~~ There is hereby created an environmental education program ~~for the state educational system~~. Responsibility for the administration of the environmental education program shall rest with the Commissioner of Education~~,~~ and the *school districts* ~~administration of the program shall be pursuant to rules adopted by the State Board of Education~~. In developing the environmental education program, the commissioner shall have the power ~~and duties~~ of:

(a) Coordinating the efforts of the various disciplines within the educational system and coordinating the activities of the various divisions of the Department of Education that are concerned with environmental education.

(b) Assembling, developing, and distributing *model* instructional materials for use in environmental education, with special concern being given to the *ecology of mankind and the ecological system of Florida* ~~urban environment~~.

(c) Developing *model* programs for inservice and preservice teacher training in environmental education.

(d) Coordinating and *soliciting* ~~assisting~~ the efforts of private organizations and *other* governmental agencies that are concerned with *preserving Florida's ecology* ~~environmental education~~.

(e) Integrating environmental education into the general curriculum of ~~all~~ public school grades.

~~(f) Developing an estimate of manpower needs in government, science, and industry relative to environmental protection. The estimate shall be revised annually and distributed to the senior high schools, community colleges, and colleges and universities within the state. The commissioner shall review the adequacy of existing educational and training programs to respond to the estimated manpower needs and annually report to the Legislature regarding the adequacy of such programs. The State Employment and Training Council is authorized and directed to provide such technical assistance as is necessary for the development and revision of the manpower needs estimate and for the review of educational and training programs as described herein.~~

~~(4) Pursuant to rules adopted by the State Board of Education, each district school board, and each school principal through the district school board, may submit to the commissioner a proposed program designed to effectuate an exemplary environmental education project in the district or school. The proposal shall include a statement of the nature of the environmental education project proposed, the number of teachers and students to be involved, an estimate of the cost, a plan for evaluation of the project, the number of years for which the project is to be funded, a plan for integration of the project into the general curricular and financial program of the district at the end of the funded term of years, and such other information as the State Board of Education may require.~~

~~(a) Upon request of a district school board or any school principal, the commissioner shall provide such technical assistance as is necessary to develop and submit a proposed program for environmental education. The commissioner may use the staff of the department or such other consultants as may be necessary to accomplish this purpose.~~

~~(b) The commissioner shall review and approve, disapprove, or resubmit for modification all proposed environmental education programs submitted. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for environmental education purposes.~~

(5) Beginning July 1, 1987, the Department of Education shall:

(a) Assign appropriate staff to work directly with general curriculum development activities through district and school administrators responsible for general curriculum, in order to explicitly integrate appropriate ecological topics into the regular curriculum, where appropriate, through curriculum frameworks and performance standards as required by s. 233.011(3)(a) and (b).

(b) Provide consultation to districts concerning the inclusion of instructional components addressing environmental education in district master inservice plans and teacher education programs.

(c) Include academic environmental education and academic ecological topics in the summer camp programs for students authorized by s. 228.087 and the General Appropriations Act, as a part of the science component.

(d) Include components which address the teaching of environmental education in summer inservice institutes for teachers in programs offered in 1988 through 1990.

(e) Collect, analyze, evaluate and disseminate to school districts information about environmental curriculum materials, validated projects and other successful programs.

(f) Include adequate assessment items in the assessment instruments required by s 232 2454(1) under the Florida Accountability in Curriculum, Educational Instructional Materials, and Testing Act (FACET) of 1984 related to ecological topics addressed by required curriculum frameworks and student performance standards so as to be able to assess the extent to which students exiting middle grades have developed an awareness of the importance of ecological balance to the future of Florida and its citizens. The results of this assessment shall be reported annually to the State Board of Education.

(Renumber subsequent sections.)

House Amendment 2—In title, on page 1, line 2, through page 4, line 18, strike all of said language and insert:

An act relating to education; establishing the Learning Development and Evaluation Center for learning disabled students at Florida Agricultural and Mechanical University; providing criteria for program services and for program participants' qualifications; providing services for postsecondary and secondary students; requiring reports on program effectiveness; providing for funding; creating s. 230.2316, F.S., the Dropout Prevention Act; providing for school district dropout prevention programs; providing legislative intent; providing definitions; providing student eligibility and program criteria; providing procedures for program planning and implementation; permitting certain modification of courses listed in the State Course Code Directory; providing for evaluation of programs which are approved for state funding; providing for related staff development activities; requiring that certain records be maintained for students participating in dropout prevention programs; providing for coordination of school district dropout prevention programs with other agencies; providing for a manual; providing for rules; providing for community-based dropout prevention program grants; providing a grant application process; describing criteria to be used by the Department of Education in awarding grants; requiring a report; providing for rules; amending s. 236.013, F.S.; conforming terminology; creating s. 232.302; creating the Florida Center for Dropout Prevention; describing the duties and responsibilities of the center; requiring a report; amending s. 236.0841, F.S.; authorizing school districts to provide dropout prevention activities beyond the required 180 days of instruction; prohibiting school districts from generating state funding for any dropout prevention program which has not been approved pursuant to s. 230.2316, F.S., beginning with the 1987-1988 school year; authorizing school districts to generate state funding during the 1986-1987 school year for any alternative education program which received state funding during the 1985-1986 school year; providing for future repeal of s. 230.2315, F.S., relating to educational alternative programs; requiring the Department of Education to conduct a study and report to the Legislature and Commissioner of Education relating to educational programs for students with limited English proficiency; amending s. 231.621, F.S.; expanding eligibility to participate in the Student Loan Forgiveness Program to persons certified to teach pursuant to any applicable certification requirements; requiring school districts to report annually to the Department of Education regarding the number of teachers in the district teaching outside their field of certification; requiring notice to parents or guardians of students in classes taught by such teachers; requiring each school district to have a plan to assist teachers teaching out of field; requiring that certain teachers be given priority; requiring an annual report to the Legislature; amending s. 235.435, F.S.; providing for maintenance of effort for remodeling, renovations, maintenance, repair and site improvement in the operating budget; amending s. 229.8052, F.S.; expanding participation in the state satellite network; creating ss. 229.86, 229.87, 229.88, and 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.

House Amendment 1 to Amendment 2—In title, on page 1, line 20, after the semicolon (;) insert: amending s. 229.551, F.S., revising criteria under which a student in a job preparatory program is to be considered a "placement" for purposes of computing placement rates of vocational education programs; providing for followup procedures to determine placement status; amending s. 230.645, F.S., classifying certain postsecondary students as residents for tuition purposes;

House Amendment 2 to Amendment 2—In title, on page 1, line 20, after the semicolon (;) insert: amending s. 232.246, F.S., providing that a course in speech and debate may be taken to satisfy a credit requirement in performing arts;

House Amendment 3 to Amendment 2—In title, on page 3, line 14, after the semicolon (;) insert: amending s. 231.613, F.S.; deleting provision which gives school districts authority to modify subject areas of instruction for inservice training institutes; requiring training to be on consecutive days; encouraging districts to use university and community college personnel to provide training; changing the date by which district plans must be submitted to the Department of Education;

House Amendment 4 to Amendment 2—In title, on page 3, line 14, after the semicolon (;) insert: amending s. 228.041, F.S.; redefining "vocational education";

House Amendment 5 to Amendment 2—In title, on page 1, line 27, after the semicolon (;) insert: creating s. 240.412, F.S; establishing the Jose Marti Scholarship Challenge Grant Fund; creating a trust fund; providing administrative responsibilities; providing eligibility criteria; providing award limitations; amending s. 240.404, F.S.; providing a residency requirement for student eligibility for specified state financial aid programs;

House Amendment 6 to Amendment 2—In title, on page 1, line 20, after the semicolon (;) insert: amending s. 231.613, F.S.; deleting provision which gives school districts authority to modify subject areas of instruction for inservice training institutes; requiring training to be on consecutive days; encouraging districts to use university and community college personnel to provide training; changing the date by which district plans must be submitted to the Department of Education;

House Amendment 7 to Amendment 2—In title, on page 1, line 20, after the semicolon (;) insert: amending s. 228.041, F.S.; modifying the definition of "vocational education" under The Florida School Code; amending ss. 232.246 and 236.081, F.S., correcting cross references;

House Amendment 8 to Amendment 2—In title, on page 1, line 20, after the semicolon(;) insert: , creating the Council on Environmental Education; providing appointment and duties; requiring reports; providing for review and repeal; amending s. 229.8055, F.S., expanding intent with respect to environmental education in the public schools; providing responsibility to the school districts; modifying powers of the Commissioner of Education; providing duties of the Department of Education with respect to environmental education curriculum development and assessment of student performance;

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

Amendment 1—On page 24, line 9, strike "Each proposal" and insert: If a proposal is submitted, it shall

Amendment 2—On page 35, line 26, strike "1986" and insert: 1987, and section 14 shall take effect August 1, 1988.

Amendment 3—On page 34, strike lines 29-31, and on page 35, strike lines 1-4 and insert:

(4) The Commissioner shall nominate candidates for the position of executive director, who shall be selected by the Board of Public Schools.

Amendment 4—On page 34, lines 2-12, following "the public schools." on line 2 strike all of said language and insert: to conform bill to Senate version reported out of Senate Education Committee

On motions by Senator Johnson, the Senate concurred in House Amendment 1 as amended by the Senate amendments and requested the House to concur.

On motions by Senator Castor, the Senate concurred in House Amendments 1, 3, 5, 6 and 7 to House Amendment 1; refused to concur in House Amendments 2, 4 and 8 to House Amendment 1 and the House was requested to recede; and concurred in House Amendment 1 as further amended.

On motions by Senator Castor, the Senate concurred in House Amendments 1, 2, 4, 6, 7 and 8 to House Amendment 2 and refused to concur in House Amendments 3 and 5 to House Amendment 2 and the House was requested to recede; and concurred in House Amendment 2 as amended.

CS for SB 450 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The President declared the Senate in informal recess at 11:00 p.m.

The Senate was called to order by the President at 11:22 p.m. A quorum present.

LOCAL CALENDAR, continued

On motion by Senator Thomas, by two-thirds vote House Bills 748, 749 and 1430 were withdrawn from the Committee on Rules and Calendar.

HB 748—A bill to be entitled An act relating to Hendry County; creating the Collins Slough Water Control District; providing district boundaries; prescribing powers, privileges, duties, liability, and officials; providing applicability of the provisions of chapter 298, F.S., to said district; providing for the appointment of the first board of supervisors and the election of future supervisors, defining their terms of office, prescribing their duties, powers, and qualifications, and fixing their compensation; providing for the levies of assessments and taxes upon the lands in said district and for the collection and enforcement thereof; providing that taxes shall be a lien on lands in the district and providing for the collection and enforcement of district taxes at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county property appraiser on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes and providing for the compensation of the county taxing officials; providing for the levy of a uniform acreage tax on lands in said district to be used for paying expenses in organizing said district; authorizing said district to borrow money and issue negotiable or nonnegotiable notes, bonds, and other evidences of indebtedness in order to better carry out the provisions of this act; providing water control and management, reclamation, and irrigation of the lands in said district by units; providing severability; providing for precedence over conflicting laws; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 748 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Grant	Kiser	Neal
Beard	Hair	Langley	Peterson
Childers, D.	Hill	Malchon	Scott
Crawford	Jenne	Margolis	Thomas
Crenshaw	Jennings	Meek	Thurman
Girardeau	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Kirkpatrick, Vogt

HB 749—A bill to be entitled An act relating to Hendry County; creating the Hendry/Hilliard Water Control District; providing district boundaries; prescribing powers, privileges, duties, liability, and officials; providing applicability of the provisions of chapter 298, F.S., to said district; providing for the appointment of the first board of supervisors and the election of future supervisors, defining their terms of office, prescribing their duties, powers, and qualifications, and fixing their compensation; providing for the levies of assessments and taxes upon the lands in said district and for the collection and enforcement thereof; providing that taxes shall be a lien on lands in the district and providing for the collection and enforcement of district taxes at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county property appraiser on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes and providing for the compensation of the county taxing officials; providing for the levy of a uniform acreage tax on lands in said district to be used for paying expenses in organizing said district; authorizing said district to borrow money and issue negotiable or nonnegotiable notes, bonds, and other evidences of indebtedness in order to better carry out the provisions of this act; providing water control and management, reclamation, and irrigation of the lands in said district by units; providing severability; providing for precedence over conflicting laws; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 749 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Grant	Kiser	Neal
Beard	Hair	Langley	Peterson
Childers, D.	Hill	Malchon	Scott
Crawford	Jenne	Margolis	Thomas
Crenshaw	Jennings	Meek	Thurman
Girardeau	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Kirkpatrick, Vogt

On motions by Senator Thomas, by two-thirds vote—

HB 1430—A bill to be entitled An act relating to Gadsden County; establishing and organizing a municipality to be known and designated as the City of Midway in said county; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges and means for exercising the same; prescribing the general powers to be exercised by said city and its officers; providing a referendum; providing an effective date.

—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—23

Mr. President	Grant	Kiser	Neal
Beard	Hair	Langley	Peterson
Childers, D.	Hill	Malchon	Scott
Crawford	Jenne	Margolis	Thomas
Crenshaw	Jennings	Meek	Thurman
Girardeau	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Kirkpatrick, Vogt

SPECIAL ORDER, continued

On motions by Senator Margolis, by two-thirds vote HB 628 was withdrawn from the Committees on Health and Rehabilitative Services and Appropriations.

On motion by Senator Margolis—

HB 628—A bill to be entitled An act relating to organ transplants; creating a statewide technical Organ Transplant Advisory Council; providing for the membership, terms, filling of vacancies, chairperson, responsibilities, and meetings thereof; authorizing reimbursement for travel expenses and per diem; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 919 and read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 628 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Plummer

Vote after roll call:

Yea—Weinstein

CS for SB 919 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jenne, by two-thirds vote HB 706 was withdrawn from the Committees on Commerce and Finance, Taxation and Claims and HB 952 was withdrawn from the Committees on Finance, Taxation and Claims and Appropriations and by two-thirds vote placed on the special order calendar following SB 728.

On motions by Senator Jenne, by two-thirds vote SR 117 and SR 1265 were withdrawn from the Committee on Rules and Calendar and added to the end of the special order calendar.

On motion by Senator Jenne, by two-thirds vote SB 813 was added to the special order calendar following HB 1255.

SPECIAL ORDER, continued

SB 728—A bill to be entitled An act relating to housing authorities; amending s. 421.08, F.S.; providing that a housing authority may appear in court through any of its officers, agents, or employees; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 728 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Jenne, Kirkpatrick, Vogt

HB 706—A bill to be entitled An act relating to "the Beverage Law", amending section 561.01(4), F.S., defining alcoholic beverages; amending sections 561.01(5), 561.37, 561.54, 562.15, 562.34, 562.41, 562.47, 563.02, 563.05, 564.01, 564.02(3)(a), 564.04, 564.06, 565.01, 565.08, 565.12, 567.001, 568.01, 568.07, F.S., converting alcohol by weight to alcohol by volume; amending section 564.02, F.S., defining authorized sales under beer and wine licenses; amending s. 561.20, F.S., authorizing issuance of special licenses under the Beverage Law to civic centers; providing for transferability; providing for reversion; amending ss. 210.70 and 561.12, F.S., and creating s. 561.025, F.S.; creating an Alcoholic Beverage and Tobacco Trust Fund and providing for deposit of specified funds therein; creating ss. 563.025 and 564.025, F.S.; imposing a surtax on license fees for vendors of beer and wine; creating ss. 563.045 and 564.041, F.S.; requiring brand registration for beer and wine; providing fees; providing a penalty; amending s. 565.09, F.S.; increasing the brand registration fee for spirituous liquors; amending s. 215.22, F.S.; authorizing a service charge deduction from the trust fund; amending s. 561.20, F.S.; including certain restaurants in certain counties within provisions relating to special liquor licenses; repealing s. 562.113, F.S., relating to the sale of alcoholic beverages to persons on active duty in the Armed Services of the United States; amending s. 563.06, F.S., relating to malt beverages with respect to required stamps; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 706 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Vogt

HB 952—A bill to be entitled An act relating to tax on aviation fuel; amending s. 206.9845, F.S.; revising distribution of the tax proceeds; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 952 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Dunn	Jennings	Peterson
Barron	Frank	Johnson	Plummer
Beard	Girardeau	Malchon	Scott
Childers, D.	Gordon	Mann	Stuart
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Weinstein
Crenshaw	Hill	Meek	
Deratany	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Gersten, Kirkpatrick, Neal, Vogt

On motion by Senator Neal, 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 accepted the Conference Committee Report as an entirety and passed HB 1380 as amended by the Conference Committee Report.

Allen Morris, Clerk

CONFERENCE COMMITTEE REPORT ON HB 1380

The Honorable James Harold Thompson
Speaker, House of Representatives

The Honorable Harry A. Johnston, II
President of the Senate

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 1380 same being:

An act making appropriations; providing moneys for the annual period beginning July 1, 1986 and ending June 30, 1987, to pay salaries, other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State Government; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the Senate recede from its amendments 1 and 2.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Samuel P. Bell, III,
Chairman
s/Richard Crotty
s/Betty Easley
Tom Gallagher
s/Winston W. Gardner, Jr.
s/Elaine Gordon
s/Tom Gustafson
s/Gene Hodges
s/Ronald C. Johnson
s/Fred Lippman
Frank S. Messersmith
s/Jon Mills
s/Herbert F. Morgan
s/T. K. Wetherell
Managers on the part of the House of Representatives

s/Pat Neal,
Vice Chairman
s/Malcolm E. Beard
s/Betty Castor
s/Roberta Fox
Jack D. Gordon
s/Mary R. Grizzle
s/Mattox Hair
s/George Kirkpatrick
s/Richard Langley
s/Franklin B. Mann
s/Gwen Margolis
s/Curtis Peterson
s/Pat Thomas

Managers on the part of the Senate

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

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 1986, and ending June 30, 1987, to pay salaries, other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The moneys in the following specific appropriations are appropriated from the named funds for the 1986-87 Fiscal Year to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

ADMINISTERED FUNDS

1 LUMP SUM
FLORIDA SPORTS TRAINING AND EDUCATIONAL CENTERS
FROM GENERAL REVENUE FUND 1,250,000

Funds in Specific Appropriation 1 shall be provided to the Sunshine State Games Foundation, Inc. effective July 1, 1986 for the purpose of promoting and developing state, national, and international amateur sports to include training centers, recruitment of events, and regional festivals.

1A LUMP SUM
LEGISLATIVE SOUTHERN REGIONAL EDUCATION BOARD
FROM GENERAL REVENUE FUND 8,000

2 NOT USED

3 NOT USED

4 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 81,000,000
FROM TRUST FUNDS 23,902,177

5 NOT USED

6 NOT USED

6A LUMP SUM
STATEWIDE NETWORKING PLAN
FROM GENERAL REVENUE FUND 100,000

7 NOT USED

SECTION 01

SPECIFIC APPROPRIATION

8 LUMP SUM
UNEMPLOYMENT COMPENSATION BENEFITS - STATE EMPLOYEES
FROM GENERAL REVENUE FUND 500,000

9 LUMP SUM
OFFICE OF STATEWIDE PROSECUTION
POSITIONS 3
FROM GENERAL REVENUE FUND 132,000

Funds provided in Specific Appropriation 9 for the Office of Statewide Prosecution shall initially be placed in reserve and shall not be released until the adoption of the constitutional amendment proposed by House Joint Resolution No. 386, 1985 Legislative Session. This amendment is to be submitted to the electors of this State for approval or rejection at the general election to be held in November 1986.

If the amendment is adopted by the electorate, the funds in Specific Appropriation 9 are to be transferred to the Office of Statewide Prosecution in the Department of Legal Affairs.

10 SPECIAL CATEGORIES
AGRICULTURAL EMERGENCIES
FROM GENERAL REVENUE FUND 250,000

Funds provided in Specific Appropriation 10 may be made available upon certification by the Commissioner of Agriculture that an agricultural emergency exists and that all other available state or federal agricultural funds are insufficient to eliminate the agricultural emergency. Agricultural emergency funds may be released by a majority vote of the Administration Commission. An agricultural emergency is defined as an unanticipated disease, insect infestation, emergency wild fire situation, or natural disaster which threatens a significant amount of the commercial or publicly-owned plants, livestock or forest and wild lands in the state. The allocation approved shall be transferred to general revenue accounts in the Department of Agriculture and Consumer Services.

10A SPECIAL CATEGORIES
GRANTS AND AIDS COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 50,000

11 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 114,070

SECTION 01

SPECIFIC
APPROPRIATION

12 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

13 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

14 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 5,000

15 SPECIAL CATEGORIES
GOVERNOR ELECT - INAUGURATION EXPENSE FUND
FROM GENERAL REVENUE FUND 150,000

16 SPECIAL CATEGORIES
GOVERNOR ELECT - OPERATING FUND
FROM GENERAL REVENUE FUND 150,000

17 NOT USED

18 NOT USED

19 NOT USED

20 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND
FROM GENERAL REVENUE FUND 1,520,128

Funds provided in Specific Appropriation 20 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriation System.

21 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF/ROBERT LEROY DAVIS,SR., REBA KAY
DAVIS AND ROBERT LEROY DAVIS,JR.
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 21 are provided pursuant to Section 7, House Bill 395, 1984 Legislative Session.

ADMINISTRATION, DEPARTMENT OF

SECTION 01

SPECIFIC
APPROPRIATION

OFFICE OF THE SECRETARY

22 SALARIES AND BENEFITS POSITIONS 100
FROM GENERAL REVENUE FUND 590,372
FROM ADMINISTRATIVE TRUST FUND 1,452,389
FROM OTHER PERSONAL SERVICES ASSESSMENT
TRUST FUND 27,160
FROM STATE EMPLOYEES LIFE INSURANCE
TRUST FUND 14,027
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 584,614

23 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,750
FROM ADMINISTRATIVE TRUST FUND 45,024
FROM STATE EMPLOYEES LIFE INSURANCE
TRUST FUND 2,500
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 4,170,866
FROM STATE EMPLOYEES CHILD CARE
REVOLVING TRUST FUND 68,500

From funds provided in Specific Appropriation 23, $790,582 from the State Employees Health Insurance Trust Fund is for the State Employee Prescription Drug program which is a new program contract and shall be awarded under the provisions of Chapter 287, Florida Statutes.

From the funds provided in Specific Appropriation 23, $100,000 from the State Employees Health Insurance Trust Fund shall be used only to develop a Health Education Program in an effort to contain state health insurance costs.

24 EXPENSES
FROM GENERAL REVENUE FUND 68,685
FROM ADMINISTRATIVE TRUST FUND 403,335
FROM OTHER PERSONAL SERVICES ASSESSMENT
TRUST FUND 2,446
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 201,367
FROM STATE EMPLOYEES CHILD CARE
REVOLVING TRUST FUND 16,500

From funds provided in Specific Appropriations 22, 23 and 24, three positions and $90,071 in salaries and benefits, $28,101 in other personal services, and $55,264 in expenses are appropriated for the Career Service Commission from the General Revenue Fund. If HB 956 or similar legislation becomes law, the Executive Office of the Governor shall place these funds and positions in reserve.

SECTION 01

SPECIFIC
APPROPRIATION

25	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,553	
	FROM ADMINISTRATIVE TRUST FUND		4,805
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		3,094
	FROM STATE EMPLOYEES CHILD CARE REVOLVING TRUST FUND		15,000
26	NOT USED		
27	SPECIAL CATEGORIES		
	TRANSFER TO STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	3,924,600	
27A	SPECIAL CATEGORIES		
	TRANSFER TO STATE EMPLOYEE CHILD CARE REVOLVING TRUST FUND		
	FROM GENERAL REVENUE FUND	100,000	

Funds appropriated in Specific Appropriation 27A may be utilized to provide start-up operational costs, oversight and evaluation activities for the pilot child care center for children of state employees.

28	DATA PROCESSING SERVICES		
	FROM OTHER PERSONAL SERVICES ASSESSMENT TRUST FUND		24,450
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		5,600
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		114,285

VETERANS' AFFAIRS, DIVISION OF

29	SALARIES AND BENEFITS POSITIONS	59	
	FROM GENERAL REVENUE FUND	1,131,999	
30	EXPENSES		
	FROM GENERAL REVENUE FUND	124,698	
31	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,088	
32	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	32,262	

PERSONNEL MANAGEMENT SERVICES, DIVISION OF

33	SALARIES AND BENEFITS POSITIONS	79	
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		108,192
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		2,061,666

From funds provided in Specific Appropriation 33, the Department of Administration shall study the salary scales within the Educational Standards Commission and recommend adjustments that can be accomplished within existing salary rate.

34	OTHER PERSONAL SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		13,150
35	EXPENSES		
	FROM GENERAL REVENUE FUND	39,025	
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		8,472
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		436,113
36	OPERATING CAPITAL OUTLAY		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		7,064
37	DATA PROCESSING SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		1,715,106

Funds provided in Specific Appropriations 33 through 37 from the State Personnel System Trust Fund are based upon a personnel assessment of $53 per position in 1986-87.

RETIREMENT, DIVISION OF

38	SALARIES AND BENEFITS POSITIONS	226	
	FROM GENERAL REVENUE FUND	160,708	
	FROM OPERATING TRUST FUND		4,787,328
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		26,396
39	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,000	
	FROM OPERATING TRUST FUND		203,974

From funds provided in Specific Appropriation 39 from the Operating Trust Fund, $75,000 shall be used by the division to conduct a study of the Florida Retirement System with the objective of determining alternative ways of controlling the long term liabilities of the system. This study, to be conducted with the assistance of a private consulting actuary firm, shall include estimates of the impact of alternative systems such as defined contribution systems, alternative features to the current defined benefits system, and the current deferred compensation plan for state employees. Recommendations shall be made by the division of ways to control system liabilities, add flexibility and portability, and employee options such as voluntary personal contributions. The study shall be forwarded to the legislature not later than December 1, 1986.

SECTION 01

SPECIFIC
APPROPRIATION

40	EXPENSES		
	FROM GENERAL REVENUE FUND	21,728	
	FROM OPERATING TRUST FUND		1,705,832
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		48,963
41	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	403	
	FROM OPERATING TRUST FUND		20,309
41A	SPECIAL CATEGORIES		
	PAYMENT TO STATE BOARD OF ADMINISTRATION		
	FROM OPERATING TRUST FUND		2,175,953
42	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	10,330	
	FROM OPERATING TRUST FUND		1,096,172
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		9,053

Funds provided in Specific Appropriations 38 through 42, from the Optional Retirement Trust Fund, are based on an assessment of .1% of the participants salaries and shall be used only for administration of the Optional Retirement Program.

43	PENSIONS AND BENEFITS		
	DISABILITY BENEFITS TO JUSTICES AND JUDGES		
	FROM GENERAL REVENUE FUND	147,754	
44	PENSIONS AND BENEFITS		
	FLORIDA NATIONAL GUARD		
	FROM GENERAL REVENUE FUND	680,000	
45	PENSIONS AND BENEFITS		
	MEMBERS BENEFITS		
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		541,585,000
46	PENSIONS AND BENEFITS		
	SPECIAL PENSIONS AND RELIEF ACTS		
	FROM GENERAL REVENUE FUND	12,000	
47	PENSIONS AND BENEFITS		
	STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)		
	FROM GENERAL REVENUE FUND	2,484,898	
48	PENSIONS AND BENEFITS		
	TEACHER'S SPECIAL PENSIONS		
	FROM GENERAL REVENUE FUND	76,000	

SECTION 01

SPECIFIC
APPROPRIATION

COMMISSION ON HUMAN RELATIONS

49	SALARIES AND BENEFITS POSITIONS	31	
	FROM GENERAL REVENUE FUND	620,627	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		120,525
50	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,500
51	EXPENSES		
	FROM GENERAL REVENUE FUND	142,386	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,428
52	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,491	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		622
52A	LUMP SUM		
	EXTENSION OF FLORIDA HUMAN RIGHTS ACT		
	POSITIONS	4	
	FROM GENERAL REVENUE FUND	91,119	

Funds and positions provided in Specific Appropriation 52A are contingent upon HB 838 or similar legislation becoming law.

ADMINISTRATIVE HEARINGS, DIVISION OF

53	SALARIES AND BENEFITS POSITIONS	52	
	FROM GENERAL REVENUE FUND	1,265,770	
	FROM ADMINISTRATIVE TRUST FUND		771,432
54	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	14,560	
55	EXPENSES		
	FROM GENERAL REVENUE FUND	426,988	
	FROM ADMINISTRATIVE TRUST FUND		27,366
56	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	29,631	
57	NOT USED		

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

58	SALARIES AND BENEFITS POSITIONS	207	
	FROM GENERAL REVENUE FUND	2,967,407	
	FROM ADMINISTRATIVE TRUST FUND		1,676,288

SECTION 01

SPECIFIC
APPROPRIATION

59 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	49,146	
FROM ADMINISTRATIVE TRUST FUND		19,146
60 EXPENSES		
FROM GENERAL REVENUE FUND	758,819	
FROM ADMINISTRATIVE TRUST FUND		478,533
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		14,996
61 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	85,350	
FROM ADMINISTRATIVE TRUST FUND		21,960
61A LUMP SUM		
AGRICULTURAL MUSEUM		
POSITIONS	1	
FROM GENERAL INSPECTION TRUST FUND		37,800
61B LUMP SUM		
GRANTS AND AIDS - AGRICULTURAL AND RURAL ECONOMIC DEVELOPMENT GRANTS		
FROM GENERAL INSPECTION TRUST FUND		300,000

Funds provided in Specific Appropriation 61B are contingent upon SB 970 or similar legislation becoming law.

62 SPECIAL CATEGORIES		
ACCELERATED SOIL SURVEY PROGRAM		
FROM GENERAL REVENUE FUND	384,872	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		665,128
63 SPECIAL CATEGORIES		
CONSTRUCTION GRANTS FOR AGRICULTURAL AND LIVESTOCK EXHIBIT BUILDINGS		
FROM GENERAL REVENUE FUND	100,000	

Funds provided in Specific Appropriation 63 may be expended in lump sum or otherwise and shall be expended only for public purposes.

63A SPECIAL CATEGORIES		
GRANTS AND AIDS - LAKE SOIL & WATER CONSERVATION DISTRICT WATER QUALITY PROJECT		
FROM GENERAL REVENUE FUND	60,000	
63B SPECIAL CATEGORIES		
NON-POINT SOURCE POLLUTION COST SHARE PROGRAM		
FROM GENERAL REVENUE FUND	370,000	

SECTION 01

SPECIFIC
APPROPRIATION

64 SPECIAL CATEGORIES		
GRANTS AND AIDS - PROMOTIONAL AWARDS		
FROM GENERAL REVENUE FUND	220,000	
FROM QUARTER HORSE RACING PROMOTION TRUST FUND		177,000

Funds provided in Specific Appropriation 60 and 64, from the Quarter Horse Racing Promotion Trust Fund, may be expended in lump sum or otherwise and shall be expended only for public purposes.

65 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	278,066	
FROM ADMINISTRATIVE TRUST FUND		133,430

INSPECTION, DIVISION OF

66 SALARIES AND BENEFITS POSITIONS	472	
FROM GENERAL REVENUE FUND	6,565,750	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,162,323
FROM GENERAL INSPECTION TRUST FUND		1,865,566
67 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,697	
FROM GENERAL INSPECTION TRUST FUND		3,443
68 EXPENSES		
FROM GENERAL REVENUE FUND	984,019	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		224,398
FROM GENERAL INSPECTION TRUST FUND		328,465
69 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	49,435	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,548
FROM GENERAL INSPECTION TRUST FUND		78,858
70 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	47,089	
FROM GENERAL INSPECTION TRUST FUND		881
71 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	120,111	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,931
FROM GENERAL INSPECTION TRUST FUND		175,010

STANDARDS, DIVISION OF

72 SALARIES AND BENEFITS POSITIONS	147	
FROM GENERAL REVENUE FUND	942,846	
FROM GENERAL INSPECTION TRUST FUND		2,168,368

SECTION 01

SPECIFIC
APPROPRIATION

73 OTHER PERSONAL SERVICES		
FROM GENERAL INSPECTION TRUST FUND		23,617
74 EXPENSES		
FROM GENERAL REVENUE FUND	370,096	
FROM GENERAL INSPECTION TRUST FUND		791,998
75 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	86,263	
FROM GENERAL INSPECTION TRUST FUND		134,737
76 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	47,183	
FROM GENERAL INSPECTION TRUST FUND		136,114
CHEMISTRY, DIVISION OF		
77 SALARIES AND BENEFITS POSITIONS	127	
FROM GENERAL REVENUE FUND	1,617,375	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		269,649
FROM GENERAL INSPECTION TRUST FUND		1,020,558
78 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	3,475	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		40,184
FROM GENERAL INSPECTION TRUST FUND		7,919
79 EXPENSES		
FROM GENERAL REVENUE FUND	453,373	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		129,474
FROM GENERAL INSPECTION TRUST FUND		254,221
80 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	147,861	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		27,380
FROM GENERAL INSPECTION TRUST FUND		267,689
81 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	80,981	
FROM GENERAL INSPECTION TRUST FUND		35,539
DAIRY INDUSTRY, DIVISION OF		
82 SALARIES AND BENEFITS POSITIONS	48	
FROM GENERAL REVENUE FUND	1,176,488	
83 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	6,290	
84 EXPENSES		
FROM GENERAL REVENUE FUND	292,389	

SECTION 01

SPECIFIC
APPROPRIATION

85 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	14,520	
86 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	62,837	
MARKETING, DIVISION OF		
87 SALARIES AND BENEFITS POSITIONS	159	
FROM GENERAL REVENUE FUND	1,419,963	
FROM CITRUS INSPECTION TRUST FUND		550,585
FROM GENERAL INSPECTION TRUST FUND		239,705
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,036,414
88 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	9,869	
FROM CITRUS INSPECTION TRUST FUND		210,568
FROM GENERAL INSPECTION TRUST FUND		1,090
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		24,388
89 EXPENSES		
FROM GENERAL REVENUE FUND	562,866	
FROM CITRUS INSPECTION TRUST FUND		196,888
FROM GENERAL INSPECTION TRUST FUND		428,428
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		511,451

Funds provided in Specific Appropriation 87 through 89, from the General Inspection Trust Fund for Marketing Orders, may be expended in lump sum or otherwise and shall be expended only for public purposes.

90 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	6,947	
FROM CITRUS INSPECTION TRUST FUND		24,761
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		20,636
90A LUMP SUM		
OFFICE AUTOMATION		
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		23,099
90B SPECIAL CATEGORIES		
CONSULTANT CONTRACT		
FROM GENERAL REVENUE FUND	50,000	

From funds provided in Specific Appropriation 90B, the department shall contract with a qualified private contractor selected in accordance with Chapter 287, F.S., to provide for an alternative in marketing cattle feed.

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91	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	26,169	
	FROM GENERAL INSPECTION TRUST FUND		18,019
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		34,272
FRUIT AND VEGETABLE INSPECTION, DIVISION OF			
92	SALARIES AND BENEFITS POSITIONS	522	
	FROM CITRUS INSPECTION TRUST FUND		8,390,738
	FROM GENERAL INSPECTION TRUST FUND		2,053,323
93	OTHER PERSONAL SERVICES		
	FROM CITRUS INSPECTION TRUST FUND		46,000
	FROM GENERAL INSPECTION TRUST FUND		77,200
94	EXPENSES		
	FROM CITRUS INSPECTION TRUST FUND		1,088,562
	FROM GENERAL INSPECTION TRUST FUND		349,974
95	OPERATING CAPITAL OUTLAY		
	FROM CITRUS INSPECTION TRUST FUND		38,850
	FROM GENERAL INSPECTION TRUST FUND		18,475
96	SPECIAL CATEGORIES		
	AUTOMATED TESTING EQUIPMENT		
	FROM CITRUS INSPECTION TRUST FUND		306,405
97	DATA PROCESSING SERVICES		
	FROM CITRUS INSPECTION TRUST FUND		283,769
	FROM GENERAL INSPECTION TRUST FUND		64,595
PLANT INDUSTRY, DIVISION OF			
98	SALARIES AND BENEFITS POSITIONS	266	
	FROM GENERAL REVENUE FUND	5,197,025	
	FROM FIRE ANT CONTROL TRUST FUND		50,845
	FROM PLANT INDUSTRY TRUST FUND		619,949
99	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	151,033	
	FROM FIRE ANT CONTROL TRUST FUND		4,500
100	EXPENSES		
	FROM GENERAL REVENUE FUND	1,541,600	
	FROM FIRE ANT CONTROL TRUST FUND		1,014,349
	FROM PLANT INDUSTRY TRUST FUND		14,653
101	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	145,443	
101A	SPECIAL CATEGORIES		
	APIARIAN INDEMNITIES		
	FROM GENERAL REVENUE FUND	72,000	

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102	SPECIAL CATEGORIES		
	BLACKFLY CONTROL PROGRAM		
	FROM GENERAL REVENUE FUND	150,000	
102A	SPECIAL CATEGORIES		
	CITRUS CANKER ERADICATION		
	FROM GENERAL REVENUE FUND	4,264,627	
	FROM FLORIDA CITRUS CANKER TRUST FUND . .		2,132,313
102B	SPECIAL CATEGORIES		
	CITRUS CANKER FINANCIAL ASSISTANCE		
	FROM GENERAL REVENUE FUND	866,667	
	FROM FLORIDA CITRUS CANKER TRUST FUND . .		433,333

Funds provided in Specific Appropriations 102A and 102B are contingent upon HB 1226 or similar legislation becoming law.

103	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	82,351	
ANIMAL INDUSTRY, DIVISION OF			
104	SALARIES AND BENEFITS POSITIONS	465	
	FROM GENERAL REVENUE FUND	5,661,183	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		3,407,106
105	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	420,881	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,016
106	EXPENSES		
	FROM GENERAL REVENUE FUND	1,246,517	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		763,661
107	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	115,483	
	FROM GENERAL INSPECTION TRUST FUND		164,300
107A	SPECIAL CATEGORIES		
	PAYMENT OF INDEMNITIES		
	FROM GENERAL REVENUE FUND	952,828	
108	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	4,140	
109	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	107,182	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		263,475

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APPROPRIATION

CONSUMER SERVICES, DIVISION OF

110	SALARIES AND BENEFITS POSITIONS	31	
	FROM GENERAL REVENUE FUND	638,393	
111	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,296	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,694
	FROM GENERAL INSPECTION TRUST FUND		9,490
112	EXPENSES		
	FROM GENERAL REVENUE FUND	131,419	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		56,289
	FROM GENERAL INSPECTION TRUST FUND		4,610
113	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	45,760	
113A	LUMP SUM		
	UNSOLICITED CONSUMER TELEPHONE CALLS - HB 24		
	POSITIONS	2	
	FROM GENERAL REVENUE FUND	43,128	

Funds and positions provided in Specific Appropriation 113A are contingent upon HB 24 or similar legislation becoming law.

114	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	154,978	
	FROM GENERAL INSPECTION TRUST FUND		2,419

FORESTRY, DIVISION OF

115	SALARIES AND BENEFITS POSITIONS	1,174	
	FROM GENERAL REVENUE FUND	18,271,539	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		694,009
	FROM INCIDENTAL TRUST FUND		3,758,025
116	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	252,721	
	FROM INCIDENTAL TRUST FUND		205,910
117	EXPENSES		
	FROM GENERAL REVENUE FUND	4,722,734	
	FROM INCIDENTAL TRUST FUND		2,176,345
118	AID TO LOCAL GOVERNMENTS		
	STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND		515,535
119	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,250,036	
	FROM INCIDENTAL TRUST FUND		336,340

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120	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,304	
	FROM INCIDENTAL TRUST FUND		224
121	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	64,075	
	FROM INCIDENTAL TRUST FUND		8,760

AGRICULTURE MANAGEMENT INFORMATION CENTER

122	SALARIES AND BENEFITS POSITIONS	36	
	FROM WORKING CAPITAL TRUST FUND		927,622
123	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		912,749
123A	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		157,416

BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER

OFFICE OF THE COMPTROLLER AND DIVISION OF ADMINISTRATION

124	SALARIES AND BENEFITS POSITIONS	141	
	FROM GENERAL REVENUE FUND	1,970,963	
	FROM ADMINISTRATIVE TRUST FUND		2,052,142
125	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	6,100	
	FROM ADMINISTRATIVE TRUST FUND		6,100
126	EXPENSES		
	FROM GENERAL REVENUE FUND	498,980	
	FROM ADMINISTRATIVE TRUST FUND		389,143
127	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	19,143	
	FROM ADMINISTRATIVE TRUST FUND		19,548
127A	LUMP SUM		
	IMPLEMENTATION OF SECURITIES INDUSTRY STANDARDS ACT		
	POSITIONS	3	
	FROM GENERAL REVENUE FUND	50,300	
	FROM ADMINISTRATIVE TRUST FUND		56,700

Funds and positions provided in Specific Appropriation 127A are contingent upon CS/HB 644 or similar legislation becoming law.

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128	DATA PROCESSING SERVICES			
	FROM GENERAL REVENUE FUND		12,320	
	FROM ADMINISTRATIVE TRUST FUND			12,375
ACCOUNTING AND AUDITING, DIVISION OF				
129	SALARIES AND BENEFITS	POSITIONS	141	
	FROM GENERAL REVENUE FUND		3,256,252	
	FROM ADMINISTRATIVE TRUST FUND			13,586
130	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		33,391	
131	EXPENSES			
	FROM GENERAL REVENUE FUND		929,162	
	FROM ADMINISTRATIVE TRUST FUND			501
132	AID TO LOCAL GOVERNMENTS			
	NATIONAL FOREST MONIES TO COUNTIES			
	FROM FLORIDA NATIONAL FOREST TRUST FUND .			2,700,000
133	AID TO LOCAL GOVERNMENTS			
	PROCEEDS FROM SALE OF TIMBER PRODUCTS			
	FROM U.S. MILITARY INSTALLATIONS TIMBER PRODUCTS TRUST FUND			85,000
134	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		16,199	
134A	LUMP SUM			
	AREA OFFICES PILOT PROJECT IN TAMPA AND PENSACOLA			
		POSITIONS	4	
	FROM GENERAL REVENUE FUND		147,000	
135	DATA PROCESSING SERVICES			
	FROM GENERAL REVENUE FUND		51,851	
INFORMATION SYSTEMS, DIVISION OF				
136	SALARIES AND BENEFITS	POSITIONS	121	
	FROM GENERAL REVENUE FUND		3,264,511	
137	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		20,000	
138	EXPENSES			
	FROM GENERAL REVENUE FUND		5,196,100	
139	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		6,718,348	

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BANKING, DIVISION OF				
140	SALARIES AND BENEFITS	POSITIONS	167	
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			5,024,468
141	OTHER PERSONAL SERVICES			
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			51,946
142	EXPENSES			
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			1,169,743
143	OPERATING CAPITAL OUTLAY			
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			23,083
144	DATA PROCESSING SERVICES			
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND			166,072
FINANCE, DIVISION OF				
145	SALARIES AND BENEFITS	POSITIONS	77	
	FROM REGULATORY TRUST FUND			2,226,458
146	OTHER PERSONAL SERVICES			
	FROM REGULATORY TRUST FUND			48,000
147	EXPENSES			
	FROM REGULATORY TRUST FUND			535,492
148	OPERATING CAPITAL OUTLAY			
	FROM REGULATORY TRUST FUND			12,163
149	DATA PROCESSING SERVICES			
	FROM REGULATORY TRUST FUND			58,362
SECURITIES, DIVISION OF				
150	SALARIES AND BENEFITS	POSITIONS	74	
	FROM GENERAL REVENUE FUND		1,918,711	
151	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		78,250	
152	EXPENSES			
	FROM GENERAL REVENUE FUND		551,334	
153	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		3,392	

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154 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 94,731

BUSINESS REGULATION, DEPARTMENT OF

OFFICE OF THE SECRETARY

155 SALARIES AND BENEFITS POSITIONS 67
FROM ADMINISTRATIVE TRUST FUND 1,686,850
FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND 93,354

156 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 38,046
FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND 12,000

157 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 347,250
FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND 41,612

158 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 15,722

159 DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 94,365

PARI-MUTUEL WAGERING, DIVISION OF

160 SALARIES AND BENEFITS POSITIONS 105
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,437,831

161 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,357,584

162 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 605,559

163 AID TO LOCAL GOVERNMENTS
RACING TAX TO COUNTIES
FROM PARI-MUTUEL TAX COLLECTION TRUST FUND 29,915,500

164 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 53,600

164A LUMP SUM
RELOCATION OF PARI-MUTUEL DRUG TESTING LABORATORY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 200,000

The funds appropriated in Specific Appropriation 164A for the division's laboratory may be used by the department to contract with any state university or any private laboratory in order to ensure compliance with s. 550.241, F.S.

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165 DATA PROCESSING SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 269,607

HOTELS AND RESTAURANTS, DIVISION OF

166 SALARIES AND BENEFITS POSITIONS 125
FROM HOTEL AND RESTAURANT TRUST FUND . . . 2,762,509

167 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 5,327

168 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 551,406

169 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 46,364

170 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR FOOD SERVICE INSPECTION
FROM HOTEL AND RESTAURANT TRUST FUND . . . 693,000

171 SPECIAL CATEGORIES
HOSPITALITY EDUCATION PROGRAM
FROM HOTEL AND RESTAURANT TRUST FUND . . . 210,000

172 DATA PROCESSING SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 228,657

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

173 SALARIES AND BENEFITS POSITIONS 125
FROM FLORIDA CONDOMINIUM TRUST FUND . . . 1,116,235
FROM FLORIDA LAND SALES TRUST FUND 502,774
FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND 481,970
FROM MOBILE HOME TRUST FUND 547,107

174 OTHER PERSONAL SERVICES
FROM FLORIDA CONDOMINIUM TRUST FUND . . . 28,375
FROM FLORIDA LAND SALES TRUST FUND 1,005
FROM MOBILE HOME TRUST FUND 22,000

175 EXPENSES
FROM FLORIDA CONDOMINIUM TRUST FUND . . . 445,740
FROM FLORIDA LAND SALES TRUST FUND 112,920
FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND 91,254
FROM MOBILE HOME TRUST FUND 290,363

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176 OPERATING CAPITAL OUTLAY
FROM FLORIDA CONDOMINIUM TRUST FUND . . . 6,808
FROM FLORIDA LAND SALES TRUST FUND 1,116
FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND 3,551
FROM MOBILE HOME TRUST FUND 1,020

177 DATA PROCESSING SERVICES
FROM FLORIDA CONDOMINIUM TRUST FUND . . . 236,212
FROM FLORIDA LAND SALES TRUST FUND 86,097
FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND 34,938

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

178 SALARIES AND BENEFITS POSITIONS 293
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 7,382,816

179 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 115,757
FROM BEVERAGE LICENSE TRUST FUND 41,000

From funds provided in Specific Appropriation 179, $100,000 from the Alcoholic Beverage and Tobacco Trust Fund may be transferred as needed to the Attorney General's office to contract for services of accountants, auditors and economists to develop evidence and provide expert testimony to defend the constitutionality of the state alcoholic beverage tax laws.

180 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 1,511,280
FROM BEVERAGE LICENSE TRUST FUND 44,000

181 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM BEVERAGE LICENSE TRUST FUND 9,500,000

182 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 285,079

From funds provided in Specific Appropriations 178, 180, and 182, three positions and $55,492, $5,754 and $3,232, respectively, are contingent upon HB 1255 or similar legislation becoming law.

183 NOT USED

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184 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 259,058

185 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 136,680

185A SPECIAL CATEGORIES
TRANSFER TO ALCOHOLIC BEVERAGE & TOBACCO TRUST FUND
FROM GENERAL REVENUE FUND 2,750,000

186 DATA PROCESSING SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 352,804
FROM BEVERAGE LICENSE TRUST FUND 10,000

CITRUS, DEPARTMENT OF

187 SALARIES AND BENEFITS POSITIONS 185
FROM CITRUS ADVERTISING TRUST FUND 5,182,963

188 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 541,812

189 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 54,903,374

From funds provided in Specific Appropriation 189, the Department of Citrus shall contract to reimburse the Department of Commerce for 75%, but not to exceed $150,000 of the cost of citrus juice purchased from funds in Specific Appropriation 205 and dispensed at the Florida Welcome Stations.

190 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 202,100

191 SPECIAL CATEGORIES
ADVERTISING REBATES
FROM CITRUS ADVERTISING TRUST FUND 8,000,000

192 SPECIAL CATEGORIES
LEASING OF AUTOMOBILES
FROM CITRUS ADVERTISING TRUST FUND 182,400

193 DATA PROCESSING SERVICES
FROM CITRUS ADVERTISING TRUST FUND 117,200

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COMMERCE, DEPARTMENT OF

OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

194	SALARIES AND BENEFITS POSITIONS 59		
	FROM GENERAL REVENUE FUND	1,303,811	
	FROM ADMINISTRATIVE TRUST FUND		12,368
195	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	61,400	
196	EXPENSES		
	FROM GENERAL REVENUE FUND	370,198	
	FROM ADMINISTRATIVE TRUST FUND		65,000
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		10,000
197	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	58,386	

TOURISM, DIVISION OF

198	SALARIES AND BENEFITS POSITIONS 112		
	FROM GENERAL REVENUE FUND	2,214,944	
199	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	492,352	
200	EXPENSES		
	FROM GENERAL REVENUE FUND	1,487,860	
201	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	25,657	
201A	LUMP SUM		
	WELCOME STATION REFURBISHMENT		
	FROM GENERAL REVENUE FUND	356,400	
202	SPECIAL CATEGORIES		
	ADVERTISING PAMPHLETS AND MATERIALS		
	FROM GENERAL REVENUE FUND	452,000	
203	SPECIAL CATEGORIES		
	PAID ADVERTISING		
	FROM GENERAL REVENUE FUND	4,862,176	
204	SPECIAL CATEGORIES		
	PRODUCTION AND DISPLAY OF FILMS AND EXHIBITS		
	FROM GENERAL REVENUE FUND	43,000	

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205	SPECIAL CATEGORIES		
	PROMOTION		
	FROM GENERAL REVENUE FUND	880,000	

ECONOMIC DEVELOPMENT, DIVISION OF

206	SALARIES AND BENEFITS POSITIONS 143		
	FROM GENERAL REVENUE FUND	3,813,902	
207	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	404,700	
208	EXPENSES		
	FROM GENERAL REVENUE FUND	1,895,167	
208A	AID TO LOCAL GOVERNMENTS		
	FERN PROTECTION STUDY		
	FROM GENERAL REVENUE FUND	25,000	
208B	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - DADE COUNTY GRAND PRIX		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500,000

Funds provided in Specific Appropriation 208B shall be allocated to Dade County for Tamiami Park improvements to assist in facilitating motor sporting events and tourist development.

209	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	21,991	
209A	LUMP SUM		
	FLORIDA MARKET RESEARCH FOR PORTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		250,000

From funds provided in Specific Appropriation 209A, prior to April 1, 1987, the division shall, in conjunction with the Florida Ports Council, prepare a study on the volume and types of cargo destined for or being exported from Florida that has passed through ports in other southeastern states.

209B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AMERICAN INTERNATIONAL EXHIBITION		
	FROM GENERAL REVENUE FUND	200,000	
210	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ECONOMIC DEVELOPMENT - TRANSPORTATION PROJECTS		
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		10,000,000

Funds provided in Specific Appropriation 210 shall be expended pursuant to s. 288.063, F.S., only upon direction of the Department of Commerce, Division of

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APPROPRIATION

Economic Development, to defray the expenses of those economic development transportation projects approved and prioritized by said division. Said projects may include county or municipal economic development transportation projects if the local governing body agrees by appropriate resolution to accept future maintenance and all attendant costs of the project. For the purpose of this appropriation, transportation projects shall include right-of-way acquisition, engineering and consultant costs, construction costs, signalization, and any other expenses necessary for the improvement of existing, or initiation of new, transportation projects. Funds are to be used only as consideration to attract new employment opportunities to this state or expand employment opportunities from existing companies, and the funds used are not to be construed as a grant program to be distributed after the fact to industries or facilities to whom commitments have not been made as consideration for their site selection in this state.

210A SPECIAL CATEGORIES
TRANSFER OF ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND EARNINGS TO GRANTS AND DONATIONS TRUST FUND
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 1,000,000

211 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA MOTION PICTURE, TELEVISION, AND MUSIC ON-THE-JOB TRAINING PROGRAM
FROM GENERAL REVENUE FUND 218,850

211A SPECIAL CATEGORIES
GRANTS AND AIDS - MIAMI FILM FESTIVAL
FROM GENERAL REVENUE FUND 100,000

211B SPECIAL CATEGORIES
GRANTS AND AIDS - MISS U.S.A. PAGEANT - MIAMI
FROM GRANTS AND DONATIONS TRUST FUND . . . 300,000

211C SPECIAL CATEGORIES
INTER AMERICAN DEVELOPMENT BANK CONVENTION
FROM GENERAL REVENUE FUND 200,000

211D SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL OCEANOGRAPHIC FOUNDATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 200,000

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211E SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL AFFAIRS COUNCIL
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 211E shall be used to support trade missions of the Greater Orlando Area Chamber of Commerce.

211F SPECIAL CATEGORIES
GRANTS AND AIDS - ORANGE BLOSSOM CLASSIC
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 211F shall be advanced to the City of Miami to promote the Orange Blossom Classic.

212 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM GENERAL REVENUE FUND 1,251,843

212A SPECIAL CATEGORIES
GRANTS AND AIDS - PROFESSIONAL CONVENTION MANAGEMENT
FROM GENERAL REVENUE FUND 75,000

212B SPECIAL CATEGORIES
GRANTS AND AIDS - TAMPA TRADE FAIR
FROM GENERAL REVENUE FUND 125,000

FLORIDA BLACK BUSINESS INVESTMENT BOARD

213 SALARIES AND BENEFITS POSITIONS 4
FROM GENERAL REVENUE FUND 186,835

214 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,906

215 EXPENSES
FROM GENERAL REVENUE FUND 74,404

215A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,650

COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES

215B EXPENSES
FROM GENERAL REVENUE FUND 28,500

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APPROPRIATION

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

216	SALARIES AND BENEFITS POSITIONS	68	
	FROM GENERAL REVENUE FUND	910,583	
	FROM ADMINISTRATIVE TRUST FUND		911,067
217	EXPENSES		
	FROM GENERAL REVENUE FUND	244,977	
	FROM ADMINISTRATIVE TRUST FUND		110,723
218	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	18,706	
	FROM ADMINISTRATIVE TRUST FUND		20,352
219	NOT USED		
220	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	16,400	

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

221	SALARIES AND BENEFITS POSITIONS	96	
	FROM GENERAL REVENUE FUND	2,215,151	
	FROM STATE PLANNING TRUST FUND		277,288
222	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	246,070	
	FROM STATE PLANNING TRUST FUND		10,000
223	EXPENSES		
	FROM GENERAL REVENUE FUND	674,030	
	FROM STATE PLANNING TRUST FUND		87,046
224	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - AREAS OF CRITICAL STATE CONCERN REQUIREMENTS		
	FROM AREAS OF CRITICAL STATE CONCERN TRUST FUND		400,000
224A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - GRETNA WATER SYSTEM		
	FROM GENERAL REVENUE FUND	250,000	
225	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS		
	FROM GROWTH MANAGEMENT TRUST FUND		9,000,000

From funds provided in Specific Appropriation 225, $125,000 shall be utilized by the department to provide an education program for local building inspectors in coastal counties including development of a training manual and a deem-to-comply inspection manual; $800,000 shall be utilized as direct grant

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funding to the following interior rural counties: Madison, Hamilton, Suwannee, Columbia, Baker, Union, Bradford, Putnam, Lafayette, Gilchrist, Hardee, DeSoto, Highlands, Okeechobee, Glades, Hendry, Holmes, Jackson, Washington, Gadsden, Calhoun, Liberty; and $75,000 shall be utilized to evaluate the State Minimum Building Code Program.

From funds provided in Specific Appropriation 225, $8,000,000 is contingent upon the department submitting a plan by August 1, 1986, to the Administration Commission for review and approval, after consultation with the legislature as provided for in Chapter 216, F.S., prior to the release of funds to cities and counties for local government comprehensive planning assistance. This plan shall detail the specific local governments and the respective amounts of assistance to be provided.

226	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REGIONAL PLANNING COUNCILS - STANDARDS DEVELOPMENT		
	FROM GENERAL REVENUE FUND	822,500	
227	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,219	
	FROM STATE PLANNING TRUST FUND		744
227A	SPECIAL CATEGORIES		
	AGRICULTURAL MAPPING		
	FROM GENERAL REVENUE FUND	215,000	
228	SPECIAL CATEGORIES		
	COASTAL ENERGY IMPACT GRANTS		
	FROM STATE PLANNING TRUST FUND		418,145
229	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL POLICY PLANNING		
	FROM GENERAL REVENUE FUND	2,000,000	
229A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA RURAL WATER ASSOCIATION		
	FROM GENERAL REVENUE FUND	25,000	
230	SPECIAL CATEGORIES		
	SUPPORT COSTS FOR RESOURCE PLANNING AND MANAGEMENT COMMITTEES		
	FROM GENERAL REVENUE FUND	40,000	

Funds provided in Specific Appropriation 230 shall be used to reimburse the department for the actual cost of support to the Resource Planning and Management Committees. These funds shall not be used to reimburse local governments for their participation in such committees.

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231 SPECIAL CATEGORIES
TRANSFER TO AREAS OF CRITICAL STATE CONCERN TRUST FUND
FROM GENERAL REVENUE FUND 400,000

232 SPECIAL CATEGORIES
TRANSFER TO GROWTH MANAGEMENT TRUST FUND
FROM GENERAL REVENUE FUND 9,000,000

233 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 3,200
FROM STATE PLANNING TRUST FUND 320

EMERGENCY MANAGEMENT, DIVISION OF

234 SALARIES AND BENEFITS POSITIONS 70
FROM GENERAL REVENUE FUND 697,863
FROM GRANTS AND DONATIONS TRUST FUND . . . 203,431
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 389,674
FROM U.S. CONTRIBUTIONS TRUST FUND 362,931

235 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 173,080
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,048

236 EXPENSES
FROM GENERAL REVENUE FUND 343,482
FROM GRANTS AND DONATIONS TRUST FUND . . . 244,058
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 131,954
FROM U.S. CONTRIBUTIONS TRUST FUND 281,929

237 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 1,575,000

238 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM DISASTER RELIEF U.S. TRUST FUND . . . 1,000,000

239 AID TO LOCAL GOVERNMENTS
EMERGENCY COMMUNICATIONS SYSTEM MAINTENANCE AND SERVICE
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 131,200

240 AID TO LOCAL GOVERNMENTS
EVACUATION PLAN
FROM GENERAL REVENUE FUND 186,000

Funds provided in Specific Appropriation 240 shall be used to continue the development of a comprehensive, integrated evacuation plan for the State of Florida. This plan should incorporate at least the following elements: natural disasters, hazardous materials spills, nuclear power plant incidents, and development of identification and relocation plans for the disabled and handicapped citizens of Florida. The department shall submit to the Governor, Senate, and House of Representatives, quarterly progress reports on the development of the evacuation plan. Funds for each succeeding quarter shall not be released to the department or Regional Planning Councils until the prior quarter's report is submitted.

240A AID TO LOCAL GOVERNMENTS
LOCAL GOVERNMENT PROGRAM SUPPORT
FROM GENERAL REVENUE FUND 200,000

Funds in Specific Appropriation 240A shall be used for the purpose of providing grants to the counties of Dixie, Gilchrist, Levy, Lafayette, Taylor and Putnam, for the purchase of emergency management equipment and the improvement of facilities used during emergencies.

241 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS LOCAL GOVERNMENT EMERGENCY COMMUNICATIONS
FROM GENERAL REVENUE FUND 545,780

242 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 851,266

243 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NUCLEAR POWER EMERGENCY PLANNING
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

244 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 379,589
FROM GRANTS AND DONATIONS TRUST FUND . . . 12,012
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 4,101
FROM U.S. CONTRIBUTIONS TRUST FUND 7,963

245 SPECIAL CATEGORIES
AREA OFFICE PAYBACK
FROM GENERAL REVENUE FUND 36,000

246 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO FLORIDA WING OF CIVIL AIR PATROL
FROM GENERAL REVENUE FUND 47,755

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247 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM DISASTER RELIEF U.S. TRUST FUND . . . 2,000,000

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

248 SALARIES AND BENEFITS POSITIONS 100
FROM GENERAL REVENUE FUND 708,055
FROM BLOCK GRANT MATCHING TRUST FUND . . . 238,274
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 237,413
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 107,799
FROM COMMUNITY SERVICES TRUST FUND 25,811
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 266,224
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 213,077
FROM FACTORY-BUILT HOUSING TRUST FUND . . 103,739
FROM FARMWORKER'S HOUSING TRUST FUND . . . 114,977
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 56,054
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 197,916
FROM GRANTS AND DONATIONS TRUST FUND . . . 146,237
FROM HOUSING ASSISTANCE TRUST FUND 183,100

249 OTHER PERSONAL SERVICES
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 58,542
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 90,000

250 EXPENSES
FROM GENERAL REVENUE FUND 258,490
FROM BLOCK GRANT MATCHING TRUST FUND . . . 49,936
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 136,054
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 27,994
FROM COMMUNITY SERVICES TRUST FUND 3,734
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 75,154
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 108,089
FROM FACTORY-BUILT HOUSING TRUST FUND . . 42,716
FROM FARMWORKER'S HOUSING TRUST FUND . . . 27,655
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 36,081
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 210,386
FROM GRANTS AND DONATIONS TRUST FUND . . . 43,304
FROM HOUSING ASSISTANCE TRUST FUND 60,001

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251 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 1,600,000

Funds provided in Specific Appropriation 251 shall be used to fund no more than 16 Community Development Corporations.

From the funds provided in Specific Appropriation 251, $40,000 shall be through contract with the Department of Community Affairs to the Greater Miami United to provide community based organization executive directors and their senior development managers with training in real estate, business venture development, strategic planning, and organizational effectiveness.

252 AID TO LOCAL GOVERNMENTS
COMMUNITY DEVELOPMENT CORPORATION LOANS
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 1,150,000

253 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 7,628,678

254 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY SERVICES TRUST FUND GRANTS TO COMMUNITIES
FROM COMMUNITY SERVICES TRUST FUND 980,000

255 AID TO LOCAL GOVERNMENTS
CUBAN/HAITIAN ENTRANT IMPACT AID PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,121,250

256 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FARMWORKER HOUSING ASSISTANCE
FROM FARMWORKER'S HOUSING TRUST FUND . . . 900,000

256A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GADSDEN COUNTY LIBRARY PROJECT
FROM GENERAL REVENUE FUND 200,000

256B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HIALEAH SEWER AND DRAINAGE PROJECT
FROM GENERAL REVENUE FUND 200,000

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256C AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HIALEAH REDEVELOPMENT - PLAN DESIGN
FROM GENERAL REVENUE FUND 500,000

257 AID TO LOCAL GOVERNMENTS
HIGHWAY SAFETY GRANTS
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 3,605,863

258 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JUVENILE JUSTICE DELINQUENCY PROGRAM ADMINISTRATIVE MATCH FOR METROPOLITAN PLANNING UNITS (MPU)
FROM BLOCK GRANT MATCHING TRUST FUND . . . 35,000

259 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JUSTICE ASSISTANCE
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,317,024

260 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JUVENILE JUSTICE DELINQUENCY PREVENTION GRANTS
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,779,942

261 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 25,631,222

$2.7 million of the funds in Specific Appropriation 261 shall be used to fund additional competitive projects in the fiscal year 1985-86 housing category and the remaining funds shall be divided and distributed among the statutorily established program categories as follows: Housing - 40%; Economic Development - 10%; Neighborhood Revitalization - 40%; and Commercial Revitalization - 10%. Funds not distributable due to an insufficient number of fundable applications in any one or more program categories shall be transferred to the program category having the largest dollar volume of requests for grants.

262 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SPECIAL PROJECT GRANTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 6,515,977

263 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 4,294
FROM BLOCK GRANT MATCHING TRUST FUND . . . 521
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 819

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FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 486
FROM COMMUNITY SERVICES TRUST FUND 90
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,670
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 2,672
FROM FACTORY-BUILT HOUSING TRUST FUND . . 1,750
FROM FARMWORKER'S HOUSING TRUST FUND . . . 682
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 505
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 2,235
FROM GRANTS AND DONATIONS TRUST FUND . . . 878
FROM HOUSING ASSISTANCE TRUST FUND 716

264 NOT USED

265 NOT USED

266 SPECIAL CATEGORIES
CRIMINAL JUSTICE ASSISTANCE TO STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 834,976

266A SPECIAL CATEGORIES
GRANTS AND AIDS - JEWISH COMMUNITY CENTER
FROM GENERAL REVENUE FUND 60,000

267 SPECIAL CATEGORIES
GRANTS AND AIDS - RENTAL PAYMENTS
FROM HOUSING ASSISTANCE TRUST FUND 3,915,974

268 SPECIAL CATEGORIES
TRANSFER TO COMMUNITY DEVELOPMENT CORPORATION SUPPORT ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 1,700,000

269 SPECIAL CATEGORIES
TRANSFER TO COMMUNITY SERVICES TRUST FUND
FROM GENERAL REVENUE FUND 981,560

269A SPECIAL CATEGORIES
TROUBLED YOUTH PROGRAM
FROM GENERAL REVENUE FUND 50,000

270 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 3,355
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,684
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 3,162

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HOUSING FINANCE AGENCY

271	SALARIES AND BENEFITS POSITIONS 19		
	FROM HOUSING FINANCE AGENCY TRUST FUND . .		550,731
272	OTHER PERSONAL SERVICES		
	FROM HOUSING FINANCE AGENCY TRUST FUND . .		520,615
273	EXPENSES		
	FROM HOUSING FINANCE AGENCY TRUST FUND . .		354,582
274	OPERATING CAPITAL OUTLAY		
	FROM HOUSING FINANCE AGENCY TRUST FUND . .		22,709
275	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HOUSING ASSISTANCE PAYMENTS		
	FROM HOUSING FINANCE AGENCY TRUST FUND . .		8,804,540
276	SPECIAL CATEGORIES		
	SERVICING AND TRUSTEE FEES		
	FROM HOUSING FINANCE AGENCY TRUST FUND . .		111,050

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE SECRETARY AND OFFICE OF MANAGEMENT AND BUDGET

277	SALARIES AND BENEFITS POSITIONS 168		
	FROM GENERAL REVENUE FUND	4,429,976	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		226,586
278	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	70,709	
279	EXPENSES		
	FROM GENERAL REVENUE FUND	1,030,913	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,118
280	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	44,610	
281	SPECIAL CATEGORIES		
	RETURN OF PAROLE VIOLATORS		
	FROM GENERAL REVENUE FUND	104,786	
282	SPECIAL CATEGORIES		
	SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	289,900	
283	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	1,104,541	

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284	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	3,211,832	

From funds in Specific Approrpiation 284, $393,167 shall be used to implement, to the extent feasible, the approved information technology resources plan for office automation in the Central Office, the Reception and Medical Center, and the Probation and Parole Offices within one judicial circuit.

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

285	SALARIES AND BENEFITS POSITIONS 104		
	FROM GENERAL REVENUE FUND	2,412,564	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		45,576
286	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	27,688	
	FROM CORRECTIONAL OFFICER TRAINING TRUST FUND		13,000
287	EXPENSES		
	FROM GENERAL REVENUE FUND	578,551	
	FROM CORRECTIONAL OFFICER TRAINING TRUST FUND		30,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,819
288	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	51,583	
289	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS		
	FROM GENERAL REVENUE FUND	200,000	

Funds in Specific Appropriation 289 are to be used for alternatives to incarceration services in the Eleventh Judicial Circuit as approved by the chief judge.

290	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	50,000	

Of the funds in Specific Appropriation 290, $50,000 shall be used to contract with Transition, Inc. to provide on-the-job training services for offenders after release.

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ASSISTANT SECRETARY FOR HEALTH SERVICES

291	SALARIES AND BENEFITS POSITIONS	1,085	
	FROM GENERAL REVENUE FUND	27,459,239	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,012
292	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	998,522	
	FROM OPERATING TRUST FUND		36,540
293	EXPENSES		
	FROM GENERAL REVENUE FUND	9,592,846	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,947
	FROM OPERATING TRUST FUND		107,927
294	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	179,962	
295	LUMP SUM		
	PRISON HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	16,000,000	

The lump sum of $16,000,000 provided in Specific Appropriation 295 shall be used to fund an improved system of health care services for inmates. By September 1, 1986 the department, in conjunction with the Executive Office of the Governor, will submit to the chairmen of the House and Senate Appropriations Committees a final plan for a new inmate health care system that will satisfy the requirements of the Costello v. Wainwright settlement. This plan will include: the organizational structure; mechanism for administration and delivery; implementation schedule; and budget for allocation of these funds to operate the system. The department may use these funds to maintain the current level of expenditure in order to continue delivery of health care services presently being provided until the plan is approved and implemented.

296	SPECIAL CATEGORIES		
	CONTRACTED MANAGEMENT SERVICES FOR DEPARTMENT OF CORRECTIONS RECEPTION AND MEDICAL CENTER HOSPITAL		
	FROM GENERAL REVENUE FUND	450,000	
297	SPECIAL CATEGORIES		
	CONTRACT MENTAL HEALTH FACILITY SERVICES		
	FROM GENERAL REVENUE FUND	2,442,442	

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OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

298	SALARIES AND BENEFITS POSITIONS	105	
	FROM GENERAL REVENUE FUND	2,764,246	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		116,095
299	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,784	
300	EXPENSES		
	FROM GENERAL REVENUE FUND	944,678	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,783
301	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	89,022	
302	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	2,000	
303	SPECIAL CATEGORIES		
	TUITION PAYMENTS		
	FROM GENERAL REVENUE FUND	355,360	

MAJOR INSTITUTIONS

Funds provided in Specific Appropriations 304 through 311 for the operation of correctional facilities scheduled to open during the Fiscal Year 1986-87 shall be initially placed in reserve and released only in accordance with the actual commencement date of the facility for which funds are specifically designated. These funds shall not be used for any other purpose without prior legislative consultation. Any funds remaining at the end of the fiscal year shall revert to general revenue unallocated.

304	SALARIES AND BENEFITS POSITIONS	7,756	
	FROM GENERAL REVENUE FUND	156,237,007	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,630,467
	FROM INMATE WORK TRUST FUND		1,686,652
305	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	301,286	
	FROM INMATE WORK TRUST FUND		35,000

The amount of $41,000 from the General Revenue Fund in Specific Appropriation 305 shall be used to contract with the project Growth Orientation Training for Inmates.

From the general revenue funds provided in Specific

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Appropriation 305, the department is authorized to contract with Community Mental Health Centers for treatment services consistent with the department's plan for contract mental health treatment services where cost effectiveness can be demonstrated.

306 EXPENSES
FROM GENERAL REVENUE FUND 45,135,428
FROM GRANTS AND DONATIONS TRUST FUND . . . 805,061
FROM INMATE WORK TRUST FUND 350,383

307 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,837,853
FROM INMATE WORK TRUST FUND 1,040,000

308 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 18,119,072
FROM GRANTS AND DONATIONS TRUST FUND . . . 424,378

308A LUMP SUM
CONTRACT CORRECTIONAL INSTITUTION/YEE-HAW JUNCTION
POSITIONS 50
FROM GENERAL REVENUE FUND 2,000,000

From the funds and positions in Specific Appropriation 308A, the department may contract for the physical plant and/or operation of a 200 bed correctional institution. The department is required to obtain approval for the use of the funds and positions from the Executive Office of the Governor, after consultation pursuant to Chapter 216, F.S.

309 NOT USED

310 SPECIAL CATEGORIES
CONTRACT EDUCATION
FROM GENERAL REVENUE FUND 3,723,152

The funds in Specific Appropriation 310 are provided only for the purpose of contracting for educational services for inmates in adult basic, high school, and vocational education. The Department of Corrections shall obtain these educational services at the lowest practical price from a Florida educational institution accredited by a member of the Council on Postsecondary Accreditation. In no case shall the contract cost exceed $1,467 per FTE. However, in the event the department does not provide the contracted number of students, the total contract amount may be paid, notwithstanding the actual cost per FTE. Should no approved educational institution submit an acceptable bid for inmate educational services for an individual correctional facility, the regional coordinating council shall designate a school district or community college to

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offer the services at $1,467 per FTE.

When negotiating contracts for the provision of education services to inmates with the funds provided in Specific Appropriation 310, the department shall place priority on establishing vocational training programs which prepare inmates for participation in PRIDE work programs with significant postrelease employment opportunities.

311 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,568,826
FROM OPERATING TRUST FUND 44,046

PROBATION AND PAROLE SERVICES

312 SALARIES AND BENEFITS POSITIONS 2,296
FROM GENERAL REVENUE FUND 45,844,576

Funds are provided in Specific Appropriation 312 to fully staff the Community Control Program and staff youthful offender cases at a ratio of 1:56. By March 1 of each year, the department shall report to the chairmen of the legislative appropriations committees the amount of resources used, including staffing, in the program during the preceeding calendar year.

313 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 401,011

314 EXPENSES
FROM GENERAL REVENUE FUND 8,156,712
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,100

315 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 501,932

316 SPECIAL CATEGORIES
COST OF SUPERVISION PAYMENTS
FROM GENERAL REVENUE FUND 1,100,054

Funds in Specific Appropriation 316 shall be used to contract for misdemeanor probation supervision services. The Department of Corrections shall renegotiate all misdemeanor probation supervision contracts on a yearly basis to include all eligible recipients who apply prior to August 1 of each year. In considering all contract proposals, the department shall emphasize continuity of services.

Funds in Specific Appropriation 316 shall be limited to cases involving first degree misdemeanor offenses and those second degree misdemeanor offenses of petty theft and worthless checks. Funding for

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supervision of these cases is provided for no longer than 180 days.

COMMUNITY FACILITIES AND ROAD PRISONS

The funds provided in Specific Appropriations 317 through 321 for the probation and restitution centers shall only be used for supervision of felony probationers.

The $6,701,788 of operating trust funds provided in Specific Appropriations 317 through 321 for operation of the road prisons shall be generated by revenues from contracts between the Departments of Corrections and Transportation for the provision of inmate labor in highway maintenance.

317	SALARIES AND BENEFITS POSITIONS	1,083	
	FROM GENERAL REVENUE FUND	17,729,747	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		601,748
	FROM OPERATING TRUST FUND		5,309,315
318	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	70,836	
	FROM OPERATING TRUST FUND		37,480
319	EXPENSES		
	FROM GENERAL REVENUE FUND	8,697,091	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,674
	FROM OPERATING TRUST FUND		1,099,224

The funds provided in Specific Appropriation 319 include $766,500 from general revenue funds which shall be used solely to purchase contract pre-release services at a rate which shall not exceed $20 per bed per day, excluding subsistence and transportation fees collected from clients. At a minimum, these funds shall be used to secure prerelease beds in the following manner:

Contractor	No. of Beds
Salvation Army	85
Christian Prison Ministries	10
Tampa Crossroads	10

Funds are provided in Specific Appropriation 319 to fund a minimum of 160 contract beds for use by the Department of Corrections. The department shall emphasize contracting for drug and alcohol treatment beds to the maximum extent possible.

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320	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	408,158	
	FROM OPERATING TRUST FUND		51,755
321	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	3,284,689	
	FROM OPERATING TRUST FUND		583,530
322	NOT USED		

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds appropriated from the General Trust Fund, including additional appropriations approved by the Executive Office of the Governor, may be transferred by the Department of Education to the appropriate trust fund for disbursement purposes. Such transfers shall be made to categories of appropriations similar in purpose to the category of appropriations from which transferred.

The Department of Education shall make all necessary adjustments to change the General Trust Fund to the Special Trust Fund, effective July 1,1986.

Funds provided in Specific Appropriations 323 through 501 as Grants and Aids - Special Categories or as Grants and Aids - Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents.

OFFICE OF DEPUTY COMMISSIONER FOR EDUCATIONAL MANAGEMENT

323	SALARIES AND BENEFITS POSITIONS	138	
	FROM GENERAL REVENUE FUND	2,056,316	
	FROM GENERAL TRUST FUND		2,048,589
	FROM PHOSPHATE RESEARCH TRUST FUND		446,187
324	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	92,386	
	FROM GENERAL TRUST FUND		200,573
	FROM PHOSPHATE RESEARCH TRUST FUND		37,117
325	EXPENSES		
	FROM GENERAL REVENUE FUND	992,055	
	FROM GENERAL TRUST FUND		616,446
	FROM PHOSPHATE RESEARCH TRUST FUND		170,584
326	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REGIONAL COORDINATING COUNCILS		
	FROM GENERAL REVENUE FUND	633,233	

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FROM EDUCATIONAL AIDS TRUST FUND 400,000

By September 1, 1986, the Deputy Commissioner for Educational Management shall submit to the Legislature and the Executive Office of the Governor the proposed allocation of funds provided in Specific Appropriation 326 for each Regional Coordinating Council. The proposal shall include the method used to determine distribution of funds for both professional and support expenditures and the amount of the approved specific allocation for each council. At least once during each year the allocation, expenditures, and needs of all councils should be reviewed. If this review shows that any council is not spending its allocation at a rate which would exhaust the allocation by the end of the year, the Commissioner shall adjust allocations between and among councils.

327 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 62,714
FROM GENERAL TRUST FUND 11,031
FROM PHOSPHATE RESEARCH TRUST FUND 28,500

328 SPECIAL CATEGORIES
GRANTS AND AIDS - AUXILIARY LEARNING AIDS
FOR POSTSECONDARY HANDICAPPED STUDENTS
FROM GENERAL REVENUE FUND 978,978

Funds provided in Specific Appropriation 328 shall be used for auxiliary learning aid assistance for handicapped students who are attending a state university or public community college in Florida and shall be administered under rules adopted by the State Board of Education. Such rules shall include standards of eligibility providing that auxiliary aids will be restricted to students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973, as amended, and who are not able to obtain auxiliary aid assistance under state or federal vocational rehabilitation programs or other governmental programs. Such rules shall provide for reimbursement to the institutions by the Department of Education for auxiliary aid assistance provided under this program. Any funds herein appropriated and unencumbered at the end of the fiscal year shall revert to the General Revenue Fund unallocated. Participating institutions shall be required to provide matching funds of at least 20%. Eligible matching expenditures shall include equipment and personnel services which are dedicated to providing direct auxiliary instructional support to handicapped students.

Upon request by the institution, an amount equal to 20% of an institution's allocation may be distributed at the time of allocation. Any funds provided in advance shall be deducted from the total amount the institution is eligible to be reimbursed for actual expenditures under its plan. At least once during each year the allocation, expenditures, and needs of all institutions shall be reviewed. If this review shows that any institution is not spending this allocation at a rate that would exhaust the allocation by the end of the year, the Commissioner may adjust allocations between and among institutions. For 1986-87, the annual expenditure limit for individual students participating shall be $5,500.

None of the appropriation for auxiliary learning aids shall be expended for hourly, OPS, or salaried personnel except for persons who are necessary for providing direct auxiliary instructional support to handicapped students. With specific prior approval of the Deparment of Education, funds may be used to pay salaries of interpretors for the deaf employed in full-time salaried positions where the workload justifies a full-time employee.

329 SPECIAL CATEGORIES
BETHUNE-COOKMAN COLLEGE - MEDICAL
TECHNOLOGY CONTRACT
FROM GENERAL REVENUE FUND 40,000

Funds provided in Specific Appropriation 329 are for not more than 680 credit hours or 20 FTE students.

330 NOT USED

330A SPECIAL CATEGORIES
G/A BETHUNE COOKMAN COLLEGE CHALLENGER
PROGRAM
FROM GENERAL REVENUE FUND 250,000

330B SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
OF EDUCATION
FROM GENERAL REVENUE FUND 250,000

331 NOT USED

332 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT
PROGRAM
FROM GENERAL REVENUE FUND 370,000

Funds provided in Specific Appropriation 332 shall be used to support "College Reach-Out" programs in which the resources of postsecondary institutions are used to strengthen the educational motivation and preparation of low income or educationally disadvantaged high school students. The purpose of the programs shall be to increase the numbers of

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such students desiring and able to profit from a college education after high school.

These programs may include on-campus and off-campus teaching and advising activities for high school students during their summer vacation, or the regular academic year, including residential experiences.

Institutions wishing to participate in this program shall present a proposed institutional program to the Department of Education. A review panel designated by the Commissioner of Education shall review all proposals and recommend to the Commissioner the proposals which should receive funding.

From the funds provided in Specific Appropriation 332, $25,000 shall be allocated to the Governor's Council on Indian Affairs for the Florida Indian Youth Summer Program at Florida State University.

333 SPECIAL CATEGORIES
GRANTS AND AIDS - COMPUTERIZED ACCESS TO FINANCIAL AID INFORMATION
FROM GENERAL REVENUE FUND 208,981

334 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION PRODUCTIVITY PILOT PROJECT
FROM GENERAL REVENUE FUND 150,000

334A SPECIAL CATEGORIES
UNIVERSITY OF MIAMI MEDICAL SCHOOL MINORITY AFFAIRS OFFICE
FROM GENERAL REVENUE FUND 100,000

335 SPECIAL CATEGORIES
GRANTS AND AIDS - DEPARTMENT OF GENERAL SERVICES CONTRACT FLEET
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 85,500

335A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 1,519,255

336 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTINGUISHED PERFORMANCE AWARDS
FROM GENERAL REVENUE FUND 73,194

Funds provided in Specific Appropriation 336 shall be used to implement a program to recognize outstanding performance in education in Florida. The Commissioner of Education shall identify outstanding performance in education meriting recognition. When deemed appropriate by the Commissioner, the recognition award shall be presented by the State Board of Education. Each recognition award shall be appropriate for the performance being recognized as determined by the Commissioner (e.g., cash awards, certificates and plaques).

337 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATIONAL LEADERSHIP FUND
FROM GENERAL REVENUE FUND 14,326

Funds provided in Specific Appropriation 337 shall be used by the Commissioner of Education to stimulate unique activities which, in the opinion of the Commissioner, would demonstrate leadership consistent with the state's goals for education.

338 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION
FROM GENERAL REVENUE FUND 76,176

Funds provided in Specific Appropriation 338 are for not more than 1,044 credit hours or 21.75 FTE students.

339 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING
FROM GENERAL REVENUE FUND 99,697

Funds provided in Specific Appropriation 339 are for not more than 506 credit hours or 16.87 FTE students.

340 SPECIAL CATEGORIES
FLORIDA CENTER FOR EDUCATION STATISTICS
FROM GENERAL REVENUE FUND 250,000

341 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 325,759

Funds provided in Specific Appropriation 341 are for not more than 4,414 undergraduate credit hours or 91.96 FTE students and 54 graduate credit hours or 1.5 FTE graduate students.

342 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 250,000

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342A SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 250,000

343 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INSTITUTE OF
PHOSPHATE RESEARCH
FROM PHOSPHATE RESEARCH TRUST FUND 6,149,507

Researchers employed to conduct specific in-house research projects approved by the board and funded from Specific Appropriation 343 may be employed in Other Personal Services status for the duration of the specific research activity.

From the funds provided in Specific Appropriation 343, up to $1,000,000 shall be used by the Florida Institute of Phosphate Research to conduct, or cause to be conducted, a study to identify all significant geographical areas of the state in which the standards adopted pursuant to 2. 404.056, Florida Statutes, should be applied. The study shall be subject to peer review by a five member committee appointed by the Governor (or Secretary of the Department of Health and Rehabilitative Services) and composed of a representative of the Department of Health and Rehabilitative Services, the homebuilders, the realtors, the phosphate industry and a statewide environmental group. The results of the study and the comments of the peer review committee shall be submitted to the Department of Health and Rehabilitative Services by not later than March 1, 1987.

344 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COUNCIL ON
ECONOMIC EDUCATION
FROM GENERAL REVENUE FUND 348,700

345 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION
RESOURCE NETWORK
FROM GENERAL REVENUE FUND 7,778,230

The funds provided in Specific Appropriation 345 shall be used to complete the Florida Information Resources Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of Student Information Systems.

From the funds provided in Specific Appropriation 345, $2,000,000 shall be used to assist school districts identified by the Commissioner, based on recommendations of the FIRN Advisory Committee, that have the least capacity to access, contribute to, and benefit from the statewide public school automated student, staff and financial information system requirements. Assistance may include providing software, training and similar assistance.

346 NOT USED

347 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNMENT CLOSE UP
PROGRAM
FROM GENERAL REVENUE FUND 40,000

Funds provided in Specific Appropriation 347 are to be used to maintain a state Government Close-Up Program to be administered by the Commissioner of Education in cooperation with Florida Close-Up, Inc. Districts shall submit a proposal developed with the assistance of Florida Close-Up, Inc.; funds shall be awarded by the Commissioner and shall be matched by an equal amount of local funds. Proposals shall include provisions for instruction in the organization and operation of state government and citizenship education that includes a visit to an observation of the Legislature in session.

348 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SOLAR ENERGY
CENTER
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 30,000

349 SPECIAL CATEGORIES
GRANTS AND AIDS - IMPROVEMENT PROJECT
FROM GENERAL REVENUE FUND 405,267

Funds provided in Specific Appropriation 349 are to be used by the Commissioner of Education to contract with the Florida Institute of Education to support the Gadsden Demonstration Models Program. Such contract may provide for services which begin in one fiscal year and continue into the next one which are paid from the appropriations of either or both fiscal years.

350 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN
BASIN PROGRAM
FROM GENERAL REVENUE FUND 280,727
FROM LATIN AMERICAN AND CARIBBEAN BASIN
SCHOLARSHIP TRUST FUND 15,000

Funds provided in Specific Appropriation 350 are contingent on the deposit of all private or business donations, grants, bequests or other funds provided for support of International Education or the Latin

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American Caribbean Scholarship Program into the Latin American and Caribbean Basin Scholarship Trust Fund in the state treasury.

350A SPECIAL CATEGORIES
GRANTS AND AIDS - OCCUPATIONAL IDENTIFIERS - PILOT PROJECT
FROM GENERAL REVENUE FUND 41,280
FROM EDUCATIONAL AIDS TRUST FUND 41,280

351 SPECIAL CATEGORIES
GRANTS AND AIDS - MANAGEMENT TRAINING ACT
FROM GENERAL REVENUE FUND 1,851,011

352 SPECIAL CATEGORIES
MCKNIGHT FOUNDATION ENDOWMENT
FROM GENERAL REVENUE FUND 2,500,000

353 SPECIAL CATEGORIES
MT SINAI RADIOLOGIC TECH CONTRACT
FROM GENERAL REVENUE FUND 95,000

Funds provided in Specific Appropriation 353 are for not more than 1,200 credit hours or 40 FTE students.

354 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 323,604

Funds provided in Specific Appropriation 354 are for not more than 1,644 credit hours or 54.80 FTE students.

355 SPECIAL CATEGORIES
GRANTS AND AIDS - OFFICE OF TEACHER RECRUITMENT
FROM GENERAL REVENUE FUND 399,000

356 SPECIAL CATEGORIES
GRANTS AND AIDS - POSTSECONDARY COOPERATION
FROM GENERAL REVENUE FUND 420,986

Funds provided in Specific Appropriation 356 shall be used to fund postsecondary cooperation projects. Proposals shall be submitted to and reviewed by the Department of Education to determine the extent to which proposed activities demonstrate efficient use of existing resources of the cooperating institutions. The funding approved by the Commissioner for each proposal shall be used to facilitate and to increase cooperative efficient use of resources among postsecondary institutions.

Funds for 1986-87 shall be used to fund the State Technology Applications Centers, the Southeast Florida Educational Consortium, the Florida Education and Business Coalition, the Tampa Bay Consortium for Business and Higher Education, the East Central Florida Consortium for Business and Higher Education, Information Technology Education Consortium, and the Pasco-Hernando Business and Higher Education Consortium.

356A SPECIAL CATEGORIES
SPECIAL EDUCATION COUNCIL
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 356A are contingent upon HB 942 or similar legislation becoming law.

357 SPECIAL CATEGORIES
GRANTS AND AIDS - POSTSECONDARY PROGRAMS OF EXCELLENCE
FROM GENERAL REVENUE FUND 1,925,000

358 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL PRINCIPALS INSERVICE TRAINING
FROM GENERAL REVENUE FUND 400,000

Funds provided in Specific Appropriation 358 shall be used to conduct an intensive summer leadership seminar to be attended by all middle and high school principals. The purpose of the seminar is to provide school administrators the information and training necessary for successful implementation of education initiatives enacted by the Legislature. The department shall negotiate a contract price for lodging, meals, and conference facilities for the total number of conference participants. The contract price for facilities shall include the cost of conference equipment, conference meeting refreshments, and other related conference costs. Funds may also be used by the department to plan and conduct the Leadership Seminar.

359 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 212,393

Funds provided in Specific Appropriation 359 are for not more than 1,580 credit hours or 52.67 FTE students.

359A SPECIAL CATEGORIES
DEPARTMENT OF EDUCATION REORGANIZATION
FROM GENERAL REVENUE FUND 200,000

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360 SPECIAL CATEGORIES
STATE BOARD OF EDUCATION ADVISORY
COMMITTEE/EDUCATION OF BLACKS IN FLORIDA
FROM GENERAL REVENUE FUND 95,000

Funds provided in Specific Appropriation 360 shall not be expended for capital outlay.

360A SPECIAL CATEGORIES
GRANTS AND AIDS - STATE SATELLITE NETWORK
FROM GENERAL REVENUE FUND 569,509

360B SPECIAL CATEGORIES
INTERNATIONAL EDUCATION
FROM GENERAL REVENUE FUND 222,436

361 SPECIAL CATEGORIES
GRANTS AND AIDS - SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 261,000

Funds in Specific Appropriation 361 shall be provided to the Sunshine State Games Foundation, Inc. effective July 1, 1986, for the purpose of conducting the Sunshine State Games as provided in s. 14.22, Florida Statutes.

From the funds provided in Specific Appropriation 361, $100,000 is for the Pan American Junior Track and Field Championship.

362 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 40,680

Funds provided in Specific Appropriation 362 are for not more than 148 credit hours or 4.93 FTE students.

363 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE
DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 150,000

Funds provided in Specific Appropriation 363 are for not more than 138 credit hours or 5.75 FTE students.

364 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENTIAL PHD MARINE
AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 225,000

Funds provided in Specific Appropriation 364 are for not more than 95 credit hours or 3.96 FTE students.

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365 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ELECTRICAL
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 386,069

Funds provided in Specific Appropriation 365 are for not more than 1,961 credit hours or 65.30 FTE students.

365A SPECIAL CATEGORIES
UNIVERSITY OF MIAMI-FIREFIGHTERS HEALTH
RESOURCE CENTER
FROM GENERAL REVENUE FUND 75,000

366 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN
NURSING CONTRACT
FROM GENERAL REVENUE FUND 350,400

Funds provided in Specific Appropriation 366 are for not more than 1,209 credit hours or 40.3 FTE students.

366A SPECIAL CATEGORIES
GRANTS AND AIDS - VOCATIONAL PROJECT FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 7,874,538

Funds provided in Specific Appropriation 366A are for vocational education projects approved during 1986-87 and are contingent on the submission of a Vocational Project Plan, prepared by the Division of Vocational, Adult and Community Education and approved by the Commissioner of Education, that clearly and concisely defines: (1) state policies and priorities that should be served through the expenditure of project funds, (2) specific project activities that should be supported because they demonstratably further those state policies and priorities and (3) specific anticipated project outcomes that can be reviewed to evaluate the effectiveness of project activities. The Division of Vocational, Adult and Community Education shall recommend project proposals for funding that have been submitted in response to requests for proposals. These requests for proposals, based on and derived from an approved Vocational Project Plan, shall be prepared by the Division of Vocational, Adult and Community Education and approved by the Commissioner. The Commissioner shall deny funding approval for any project proposal that does not clearly define the content of project activities or that does not include a detailed budget that fully explains how project funds will be spent. The Commissioner shall forward to the Legislature and the Executive Office of the Governor copies of the proposed Vocational Project Plan and

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any request for proposals derived from that plan and shall allow sufficient time for the Legislature and the Executive Office of the Governor to comment on the Plan or the request for proposals before approving it. Unless in the judgment of the Commissioner it is not feasible to do so, all projects shall be competitively awarded.

From the funds provided in Specific Appropriation 459, as much as $500,000 may be allocated to institutions and district boards that wish to implement the Florida Choices portion of the Florida Career Information Delivery System (FCIDS).

From the funds provided in Specific Appropriation 366A, not more than $90,000 shall be used to produce and distribute the Florida Vocational Journal.

366B SPECIAL CATEGORIES
EDUCATION MANAGEMENT IMPROVEMENT
FROM GENERAL REVENUE FUND 500,000

Funds provided in Specific Appropriation 366B shall be used to fund the temporary assignment of professional staff among public education agencies to improve educational management and implementation of legislation as provided in SB 1037 or similar legislation. The Commissioner of Education shall approve all written agreements. Up to $50,000 may be used to implement the management training program in accordance with SB 1037 or similar legislation.

366C SPECIAL CATEGORIES
GRANTS AND AIDS - ENVIRONMENTAL EDUCATION COMPREHENSIVE PLAN
FROM GENERAL REVENUE FUND 75,000

Funds provided in Specific Appropriation 366C are to be used by the Commissioner of Education for a grant to Valencia Community College to develop and recommend to the Legislature a comprehensive plan for enhancing environmental education in Florida. For the purpose of providing staff, secretarial assistance and per diem and travel expenses for members of the advisory commission on environmental education in accordance with SB 927 or similar legislation.

OFFICE OF DEPUTY COMMISSIONER FOR ADMINISTRATION

367 SALARIES AND BENEFITS POSITIONS 177
FROM GENERAL REVENUE FUND 3,305,671
FROM STUDENT FINANCIAL AID TRUST FUND . . 163,242
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 503,198

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368 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 41,243
FROM EDUCATIONAL AIDS TRUST FUND 81,228
FROM STUDENT FINANCIAL AID TRUST FUND . . 1,474
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 4,138,860

369 EXPENSES
FROM GENERAL REVENUE FUND 994,406
FROM COLLEGE CAREER WORK EXPERIENCE TRUST FUND 28,152
FROM EDUCATIONAL AIDS TRUST FUND 8,122
FROM STUDENT FINANCIAL AID TRUST FUND . . 76,710
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 310,408

Two positions and $43,217 provided in Specific Appropriations 367, 368, and 369 are contingent on CS/HB 755 or similar legislation becoming law.

370 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 73,028
FROM EDUCATIONAL AIDS TRUST FUND 280,000
FROM STUDENT FINANCIAL AID TRUST FUND . . 886
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 4,196

370A LUMP SUM
AUTOMATION OF STATE STUDENT ASSISTANCE PROGRAMS AND INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 200,000

371 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 66,240,000

372 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 37,963
FROM EDUCATIONAL AIDS TRUST FUND 28,861

373 FINANCIAL ASSISTANCE PAYMENTS
CHILDREN OF DECEASED AND DISABLED VETERANS SCHOLARSHIPS
FROM GENERAL REVENUE FUND 47,755

374 FINANCIAL ASSISTANCE PAYMENTS
COLLEGE CAREER WORK EXPERIENCE PROGRAM
FROM GENERAL REVENUE FUND 841,503
FROM COLLEGE CAREER WORK EXPERIENCE TRUST FUND 841,503

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375 FINANCIAL ASSISTANCE PAYMENTS
CONFEDERATE MEMORIAL SCHOLARSHIPS
FROM EX-CONFEDERATE SOLDIERS AND SAILORS ENDOWMENT TRUST FUND 3,200

376 FINANCIAL ASSISTANCE PAYMENTS
CRITICAL TEACHER SHORTAGE
FROM GENERAL REVENUE FUND 2,000,000
FROM CRITICAL TEACHER SHORTAGE TRUST FUND 2,500,000

377 FINANCIAL ASSISTANCE PAYMENTS
EXCEPTIONAL CHILD SCHOLARSHIPS
FROM GENERAL REVENUE FUND 119,000

378 FINANCIAL ASSISTANCE PAYMENTS
STUDENT REGENT SCHOLARSHIP
FROM GENERAL REVENUE FUND 5,000

379 FINANCIAL ASSISTANCE PAYMENTS
FLORIDA ACADEMIC SCHOLARS FUND
FROM GENERAL REVENUE FUND 3,226,000

380 FINANCIAL ASSISTANCE PAYMENTS
FLORIDA GRADUATE SCHOLARS
FROM GENERAL REVENUE FUND 100,000

381 FINANCIAL ASSISTANCE PAYMENTS
FLORIDA STUDENT ASSISTANCE GRANTS
FROM GENERAL REVENUE FUND 11,476,452
FROM EDUCATIONAL AIDS TRUST FUND 2,377,108
FROM FLORIDA INSURED STUDENT LOAN TRUST FUND 1,000,000

The maximum amount provided to students enrolled in college level degree programs at non-SACS accredited independent postsecondary institutions in Florida shall be an amount equal to ten percent (10%) of the amount allocated from Specific Appropriation 381 for independent postsecondary institutions or an amount equal to that which was distributed to students attending non-SACS accredited independent postsecondary institutions in FY 1985-86, whichever is greater.

382 FINANCIAL ASSISTANCE PAYMENTS
MOST PROMISING TEACHER SCHOLARSHIP
FROM GENERAL REVENUE FUND 1,500,000
FROM CRITICAL TEACHER SHORTAGE TRUST FUND 2,072,400

From funds appropriated in Specific Appropriation 382, $7,000 shall be for the Challenger Scholarship Program in accordance with CS/HB 486 or similar legislation.

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382A FINANCIAL ASSISTANCE PAYMENTS
MASTER ASSOCIATE TEACHER SCHOLARSHIPS
FROM GENERAL REVENUE FUND 250,000

383 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 15,989,392

Funds provided in Specific Appropriation 383 shall be used to provide tuition assistance to students. The maximum amount of the tuition voucher for 1985-86 shall be $1,000. If the amount in Specific Appropriation 383 is not sufficient to provide $1,000 to each eligible student, the Department shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to the tuition in the State University System shall not be eligible to receive funds under the State Tuition Voucher Fund. The Commissioner shall establish a cutoff date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 383 for 1986-87 shall be used to pay any voucher submitted for 1985-86 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher.

383A FINANCIAL ASSISTANCE PAYMENTS
STATE VOCATIONAL STUDENT ASSISTANCE GRANTS
FROM GENERAL REVENUE FUND 250,000

Funds provided in Specific Appropriation 383A are contingent upon CS/HB 755 or similar legislation becoming law.

384 FINANCIAL ASSISTANCE PAYMENTS
PUBLIC SCHOOL WORK EXPERIENCE PROGRAM
FROM GENERAL REVENUE FUND 257,547
FROM PUBLIC SCHOOL WORK EXPERIENCE TRUST FUND 257,547

385 FINANCIAL ASSISTANCE PAYMENTS
SEMINOLE/MICCOSUKEE INDIAN SCHOLARSHIPS
FROM GENERAL REVENUE FUND 67,928
FROM SEMINOLE/MICCOSUKEE INDIAN TRUST FUND 70,000

386 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 265,000

Funds provided in Specific Appropriation 386 are to provide scholarships of $5,000 to ten minority

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students each at Florida State University and the University of Florida Law Schools, and to provide renewal of scholarships for students continuing from 1984-85 and 1985-86.

386A FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 200,000
FROM JOSE MARTI SCHOLARSHIP CHALLENGE GRANT FUND 200,000

Funds appropriated in Specific Appropriation 386A are continent upon CS/HB 734 or similar legislation becoming law.

387 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 2,104,369
FROM EDUCATIONAL AIDS TRUST FUND 380,128

OFFICE OF DEPUTY COMMISSIONER FOR SPECIAL PROGRAMS

388 SALARIES AND BENEFITS POSITIONS 130
FROM GENERAL REVENUE FUND 2,120,327
FROM GENERAL TRUST FUND 937,394

389 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 298,939
FROM GENERAL TRUST FUND 19,170

390 EXPENSES
FROM GENERAL REVENUE FUND 1,152,965
FROM GENERAL TRUST FUND 664,010

391 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 19,022

392 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 180,605

393 NOT USED

394 SPECIAL CATEGORIES
AUTOMATE CERTIFICATION PROCEDURE FOR TEACHERS
FROM GENERAL TRUST FUND 575,435

395 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 208,579

Funds provided in Specific Appropriation 395 may be used to purchase equipment for the Capital Technical Center's radio and television facilities.

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396 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA PERFORMANCE MEASUREMENT SYSTEM
FROM GENERAL REVENUE FUND 392,096

396A SPECIAL CATEGORIES
SUBJECT AREA COUNCILS
FROM GENERAL REVENUE FUND 27,500

396B SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 500,000

397 SPECIAL CATEGORIES
GRANTS & AIDS - TEACHER EDUCATION CENTERS
FROM GENERAL REVENUE FUND 2,470,971

Funds provided in Specific Appropriation 397 shall be released to a university after it has filed with the Commissioner of Education copies of agreements with district officials to provide Teacher Education Center activities.

398 SPECIAL CATEGORIES
INSTRUCTIONAL TELEVISION EQUIPMENT GRANTS
FROM GENERAL REVENUE FUND 564,656

399 SPECIAL CATEGORIES
INSTRUCTIONAL TELEVISION - PROGRAM ACQUISITION
FROM GENERAL REVENUE FUND 432,367

400 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 7,242,576

The allocation of funds appropriated in Specific Appropriation 400 shall be as follows: $500,546 for statewide governmental and cultural affairs programming; $6,742,030 for programming support grants for public television and radio stations.

Radio stations to share the grants are WKGC-FM, Panama City; WFSU-FM, Tallahassee; WJCT-FM, Jacksonville; WUSF-FM, Tampa, WXEL-FM, Boynton Beach; WLRN-FM, Miami; WMFE-FM, Orlando; WUWF-FM, Pensacola; WUFT-FM, Gainesville, and WQCS-FM, Ft. Pierce.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriations 400 and 401A for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

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401 NOT USED

401A SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 143,806

402 SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER INSERVICE INSTITUTES
FROM GENERAL REVENUE FUND 9,452,581

Funds provided in Specific Appropriation 402 shall be used only for district inservice programs which are eligible to be used for adding a subject or teaching field to a certificate or to extend a certificate. Funds shall be used to pay the cost of salaries and employee benefits to teacher-participants and to pay the cost of instruction for an intensive subject matter content summer in-service training program for classroom teachers and for summer camps; provided, however, that the salary paid to any participant shall not exceed the regular salary rate of the participant. Each school district shall include in its master plan for in-service staff development submitted to the Department of Education pursuant to s. 236.0811, Florida Statutes, provisions for an intensive subject matter content summer in-service training program, the emphasis of which for the summer of 1987 shall be math and science content instruction for elementary and secondary teachers, especially for those who are out-of-field math and science teachers, educational alternatives, computer education, teachers as advisors training, institutional materials council training, and foreign languages. School districts which use university faculty for the summer in-service institutes shall give first consideration to faculty in colleges of arts and sciences to provide instruction in intensive subject matter content. Districts may use a maximum of 5 percent (5%) of the total amount of their allocation for summer in-service planning activities.

From funds provided in Specific Appropriation 402, $270,000 shall be used for modified beginning teacher programs for candidates for alternative certification pursuant to s. 231.172, Florida Statutes. The Department of Education shall distribute $900 per candidate for up to 300 such candidates for this purpose based upon school district application.

From the funds provided in Specific Appropriation 402, $50,000 shall be allocated to the Florida

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Endowment for the Humanities to conduct summer inservice training for teachers of literature, art and other subjects related to the humanities.

403 NOT USED

BLIND SERVICES, DIVISION OF

404	SALARIES AND BENEFITS POSITIONS 329		
	FROM GENERAL REVENUE FUND	2,062,014	
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,590,403
	FROM GRANTS AND DONATIONS TRUST FUND . . .		80,200
	FROM U.S. TRUST FUND		543,142
405	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	24,583	
	FROM FEDERAL REHABILITATION TRUST FUND . .		38,015
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,651
	FROM U.S. TRUST FUND		4,427
406	EXPENSES		
	FROM GENERAL REVENUE FUND	605,930	
	FROM FEDERAL REHABILITATION TRUST FUND . .		986,780
	FROM GRANTS AND DONATIONS TRUST FUND . . .		73,035
	FROM U.S. TRUST FUND		221,654
407	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
	FROM GENERAL REVENUE FUND	90,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		238,807
	FROM WORKSHOP AND FACILITIES TRUST FUND .		525,000
407A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS-LIBRARY ENHANCEMENT-BLIND		
	FROM GENERAL REVENUE FUND	175,000	
408	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	66,922	
	FROM FEDERAL REHABILITATION TRUST FUND . .		91,367
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,000
	FROM U.S. TRUST FUND		3,820
409	FOOD PRODUCTS		
	FROM FEDERAL REHABILITATION TRUST FUND . .		57,175
410	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES - VOCATIONAL REHABILITATION		
	FROM GENERAL REVENUE FUND	2,560,893	
	FROM FEDERAL REHABILITATION TRUST FUND . .		2,105,593
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,451,270

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411 SPECIAL CATEGORIES
VENDING STANDS
FROM GENERAL REVENUE FUND 462,645

Funds provided in Specific Appropriation 411 shall be used to pay state retirement contributions for vending stand operators.

412 SPECIAL CATEGORIES
VENDING STANDS - EQUIPMENT AND SUPPLIES
FROM TRAINING AND OPERATING TRUST FUND . . 361,588
FROM U.S. TRUST FUND 913,311

413 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 17,211
FROM FEDERAL REHABILITATION TRUST FUND . . 237,197
FROM U.S. TRUST FUND 9,012

PROJECTS, CONTRACTS AND GRANTS

414 SALARIES AND BENEFITS POSITIONS 152
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 4,224,431

415 OTHER PERSONAL SERVICES
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 1,019,502

416 EXPENSES
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 3,165,147

417 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 8,788,725

418 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JOINT TRAINING PARTNERSHIP PROGRAM
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 6,000,000

419 OPERATING CAPITAL OUTLAY
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 40,154

420 SPECIAL CATEGORIES
GRANTS AND AIDS - BUILDING CONSTRUCTION INDUSTRY RESEARCH PROJECTS
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 327,963

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421 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE GIFTS FOR RECOGNITION AWARDS
FROM PROJECTS, CONTRACTS, AND GRANTS
TRUST FUND 33,000

PUBLIC SCHOOLS, DIVISION OF

422 SALARIES AND BENEFITS POSITIONS 263
FROM GENERAL REVENUE FUND 5,689,842
FROM GENERAL TRUST FUND 2,301,227

423 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 103,710
FROM GENERAL TRUST FUND 90,781

424 EXPENSES
FROM GENERAL REVENUE FUND 1,845,831
FROM GENERAL TRUST FUND 1,677,776

Funds provided in Specific Appropriation 424 for Childrens' Art may be used by the Department of Education to repair, refurbish or replace frames and mats for displaying children's art received from throughout the state. Local school districts shall be responsible for establishing procedures for selecting the art and making it available to the Department. The art is to remain as the property of the student.

425 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CHALLENGE GRANT PROGRAM FOR THE GIFTED
FROM GENERAL REVENUE FUND 509,538

426 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMPREHENSIVE HEALTH EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 1,502,974

427 NOT USED

428 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT SPARSITY SUPPLEMENT
FROM GENERAL REVENUE FUND 15,000,000

If the number of dollars generated by using the formula as provided in s. 236.081(f)(1) and (2), Florida Statutes, exceed the funds provided in Specific Appropriation 428, the department shall prorate each district's share of the appropriation. Only districts with 14,000 or less full time equivalent students shall be eligible to receive funds provided in Specific Appropriation 428.

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429 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT
GRANTS
FROM GENERAL REVENUE FUND 496,530

From the funds provided in Specific Appropriation 429, the Department of Education shall award grants to selected school districts for the purpose of planning, developing, and implementing programs of school-based management, as provided by s. 229.555(1)(b), Florida Statutes. Priority in the awarding of such grants shall be given to those proposals which provide for maximum involvement of the school board, district and school administration, school faculty, and district and school advisory committees in both the planning and implementation process. Funds shall also be distributed by the department in the form of grants ranging from $500 to $5,000 for the support of projects at the district or school level that emphasize district and school advisory committee improvement and any other educational activity that would be improved through a closer working relationship between school and community. The $5,000 limit shall not be applicable to district-wide projects for school based management. All projects shall be developed and implemented with the assistance of district and school advisory committees. The department shall provide the Legislature with a progress report annually on the use of the grants. Specific Appropriation 429 does not include funds for school volunteer programs.

430 NOT USED

431 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ELEMENTARY SCHOOL
FOREIGN LANGUAGE
FROM GENERAL REVENUE FUND 185,000
FROM EDUCATIONAL AIDS TRUST FUND 1,407,383

Districts shall match in an equal amount from local funds whatever amount of state funds they receive from funds appropriated in Specific Appropriation 431.

432 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 249,231,168

Funds provided in Specific Appropriation 432 that are received by the state pursuant to the provisions of Chapter II of the Education Consolidation and Improvement Act of 1981 shall be allocated in the following manner: 80% of the total amount of funds received shall be allocated to local education

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agencies according to a formula recommended by the Chapter II Advisory Council to the Commissioner and approved by the U. S. Commissioner of Education; 7 1/2% of the total shall be allocated to those districts that have, in their application of funds, demonstrated an intended use of those funds that is most consistent with state priorities for education; 12 1/2% of the total shall be retained by the department for administrative purposes.

433 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM GENERAL REVENUE FUND 2,835,590,685
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 8,000,000

From the amounts generated through the FEFP for vocational students in Specific Appropriation 433, districts shall spend no less than 2.78% of the total for the replacement, updating, and maintenance contracts or repair of vocational equipment.

The department's monthly distribution of FEFP funds provided in Specific Appropriation 433 shall be made in equal payments on the 10th and 23rd of each month, except for funds for the extended day and seventh period which shall be distributed quarterly.

Pursuant to s. 236.0811, Florida Statutes, districts shall develop inservice training plans which they shall submit to the department. The department shall review districts' master plans and annual updates of those plans to ensure they are consistent with the goals and objectives of the beginning teacher program, the Teacher Education Center Act, and the Management Training Act. To maintain ongoing inservice education activities, the department shall, from the funds provided in Specific Appropriation 433, including the funds provided in s. 236.081(3), Florida Statutes, allocate to each district that has submitted a satisfactory plan an amount equal to $4.30 times the district's established 1986-87 FTE student count. To implement the beginning teacher program, an additional $1.70 per FTE will be allocated to each district. During the fourth and fifth calculation of FEFP funds provided in Specific Appropriation 433, including the funds provided in s. 236.081(3), Florida Statutes, the department shall subtract from the district's allocation for each district which has not submitted a satisfactory plan, an amount equal to $6.00 times the district's 1986-87 FTE.

Funds provided in Specific Appropriation 433 may be used to pay the cost of school districts required program for preparing new principals.

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Funds provided in Specific Appropriation 433 are based upon a base student allocation of $2,013.10. The required local effort in ad valorem taxes shall be $1,604,937,874. The millage developed based on the above figure shall be adjusted as provided in s. 236.081(4)(b), Florida Statutes, and $200, minus an amount for fee waivers authorized by law, in 1986-87 for each postsecondary vocational FTE is to be added to and made a part of the local required effort for each district.

From the funds appropriated in Specific Appropriation 433, $3,005,331 is provided as a Profoundly Handicapped Program Adjustment. If any district's preceeding year's profoundly handicapped expenditure per FTE student, as reported in the Annual District Cost Report, is 105% or more of the revenue per FTE student generated through the FEFP program for the Profoundly Handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped FTE student count by the difference between the district's profoundly handicapped program expenditure per student and 105% of the district's profoundly handicapped program revenues per FTE student. In addition, patients in the Harry Anna Hospital in Lake County and All Childrens Hospital in Pinellas County who are in the educational program shall also be included in this calculation. If the total amount to fully fund the entitlement exceeds $3,005,331 each eligible district's allocation shall be prorated.

Funds provided in Specific Appropriation 433 are based upon program cost factors for 1986-87 as follows:

1. Basic Programs	
A. K-3	1.121
B. 4-8	1.000
C. 9-12	1.188
D. Educational Alternatives and Intensive English	1.657
E. K-3 Mainstream	2.242
F. 4-8 Mainstream	2.000
G. 9-12 Mainstream	2.376
H. Educational Alternatives and Intensive English Mainstream	3.314
2. Special Programs for Exceptional Students	
A. Educable Mentally Retarded	2.184
B. Trainable Mentally Retarded	2.937
C. Physically Handicapped	3.896
D. Physical & Occupational Therapy Part-Time	8.099
E. Speech, Language & Hearing Part-Time	6.024
F. Speech, Language & Hearing	3.827
G. Visually Handicapped Part-Time	13.654
H. Visually Handicapped	4.860
I. Emotionally Disturbed Part-Time	4.125
J. Emotionally Disturbed	2.976
K. Specific Learning Disability Part-Time	3.604
L. Specific Learning Disability	2.266
M. Gifted Part-Time	2.135
N. Hospital & Homebound Part-Time	10.004
O. Profoundly Handicapped	4.299
3. K-12 Vocational Programs	
A. Agriculture	1.796
B. Business & Office	1.262
C. Distributive	1.320
D. Diversified	1.383
E. Health	1.763
F. Public Service	1.870
G. Home Economics	1.457
H. Industrial	1.899
I. Exploratory	1.290
4. Adult Preparatory Vocational Programs	
A. Agriculture	1.556
B. Business & Office	1.336
C. Distributive	1.434
D. Diversified	1.120
E. Health	1.865
F. Public Service	1.253
G. Home Economics	1.422
H. Industrial	1.514
5. Adult Supplemental Vocational Programs	
A. Agriculture	1.253
B. Business & Office	1.107
C. Distributive	1.111
D. Health	1.212
E. Public Service	.873
F. Home Economics	.991
G. Industrial	1.314
6. Adult Basic & High School	.912

For 1986-87, the special districts are funded with a cost factor of 2.6, i.e., the calculation is FTE X BSA except for profoundly handicapped students who are funded at the above profoundly handicapped weight. From this point, the calculation continues as usual. The department shall review the funding requirements of special districts and shall make recommendations to the Legislature regarding these requirements.

Fees for all nonexempt students as defined in legislation implementing the General Appropriations Act shall be added to and made a part of the

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required local effort of each district.

Each district shall report the total fee exempt, nonfee exempt, waived and nonresident full time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students. The value of inkind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

Each district's total required local effort fee amount shall be calculated in the following manner:

(1) A total resident fee amount shall be calculated for each district by summing the nonfee exempt full time equivalent enrollment for each adult program and by subtracting from that sum the districts nonresident full time equivalent enrollment and by multiplying the difference by $200.

(2) A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full time equivalent enrollment by $400.

(3) A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in (1) to the nonresident fee amount calculated in (2).

(4) A fee waiver amount for each district shall be calculated by multiplying each district's total nonfee exempt full time equivalent enrollment in all adult programs by .08 and by $200. If the state total fee amount that results from that calculation exceeds $1,766,295, each district's fee waiver amount shall be prorated to equal $1,766,295. For this purpose, an inkind service, in lieu of a fee, is considered a fee waiver. All inkind contributions accepted in lieu of student fees must be directly related to the instructional program to be provided. Facilities, equipment, personnel, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an inkind contribution. General purpose classroom space at a site other than in a school district facility shall not be accepted as an inkind contribution if adequate classroom space is available at a school district facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program.

(5) A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the

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district's maximum fee waiver amount as defined in (4).

(6) Each district's total unadjusted required local fee amount calculated in (3) shall be subtracted from its total fee collection credit amount calculated in (5). If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee amount shall be calculated by dividing the absolute value of such difference by $200 and multiplying the result, rounded to two decimal places, and by the Base Student Allocation.

(7) A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in (3) to the fee adjustment amount calculated in (6).

Priorities as defined in s. 228.072(5)(a)(b) and (c), Florida Statutes, shall be served with the funds provided from the Adult Basic and High School Program; provided, however, that no individual in a lower priority shall be served by a district until all students in a higher priority have been served.

Priority (d) activities shall be supported with funds provided in Specific Appropriation 486 for Community Instructional Services, and with fees that may be charged to participants; participants in recreation and leisure activities shall be charged fees sufficient to make the activities self-supporting.

The department shall collect from districts both a total FTE count for the Adult Basic and High School Program and subtotal counts that correspond to priorities 5(a)-(c). Participants in priority 5(d) activities shall not be included in FTE counts reported for FEFP funding purposes.

The State Board of Education shall use a maximum of $10,000,000 from the Working Capital Fund to maintain the base student allocation in 1986-87 if funds provided in Specific Appropriation 433 are insufficient to maintain this level when the insufficiency is caused by unexpected fluctuations in either enrollments or tax rolls.

Any course provided by a district to satisfy the one-half credit life management skills training graduation requirements defined by s. 232.246(1)(b), Florida Statutes, shall be funded at the appropriate level for a basic education program course.

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A student in grades kindergarten through grade 12 and pre-kindergarten exceptional students, excluding provisions of s. 236.013(2)(c)2a, Florida Statutes, may earn up to a maximum value of one full-time equivalent as defined in s. 228.041(16), Florida Statutes.

From the funds provided in Specific Appropriation 424, $22,800,000 is provided to guarantee 7.1673% per weighted FTE increase in funding. The determination of the percent increase shall be that one used in the prior fiscal year except that the declining enrollment, prior year adjustments, and extended day allocations are excluded. If for any calculation of the FEFP the total amount of the 7.1673% guarantee exceeds $22,800,000, the department shall prorate each district's allocation.

Instruction of state inmates shall not be included in the full time equivalent student enrollment for FEFP funding. No funds in Specific Appropriation 433 are provided for instruction of state inmates.

Instruction provided for students whose native language is other than English, such as ESOL and related courses, shall be considered within the definition of alternative education programs. Students enrolled in ESOL and related courses shall be counted at one and one-fourth times the appropriate basic weight for the hours that these students are enrolled in basic courses. In conducting program membership surveys for the 1986-87 fiscal year, as required by s. 236.081(1)(a), Florida Statutes, the Department of Education shall maintain and report separate counts for regular alternative education and English for Speakers of Other Languages in order to provide the Legislature with information to consider separating the current educational alternatives program specified in s. 236.081(c)1.d, Florida Statutes, into two programs of alternative education and English for Speakers of Other Languages (ESOL) programs. Therefore, the provisions of s. 236.081(1)(c), Florida Statutes, shall be retitled Educational Alternatives/English for Speakers of Other Languages (ESOL) Programs. The state total amount allocated pursuant to this adjustment shall not exceed $2,000,000.

From the funds in Specific Appropriation 433, $81,789,536 is provided for continued implementation of an extended day in seventh period. From the funds appropriated for an extended day and seventh period, every district shall receive $133.79 for every FTE student enrolled in six periods of at least 60 minutes each. Every district shall receive $190.47 for every FTE student enrolled in seven periods of at least 50 minutes each. No additional amount shall be provided for any student enrolled in fewer than six periods or in six periods of less than 60 minutes each or in seven periods of less than 50 minutes each. In the event the total amount of district extended day and seventh period entitlements exceed $81,789,536, each district's entitlement shall be prorated to equal $81,789,536.

The total amount allocated for students enrolled in six periods of at least 60 minutes each shall not exceed $8,000,000.

434 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 49,627,575

From the funds provided in Specific Appropriation 434, the Department of Education is directed to reimburse community colleges or universities for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(h), Florida Statutes.

The growth allocation per FTE student is $116.05 in 1986-87. If the funds provided in Specific Appropriation 434 are insufficient to pay in full the allocation for growth and maintenance, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE.

From the funds provided in Specific Appropriation 434, $55,000 shall be to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds provided in Specific Appropriation 434, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools on an equitable formula based on the number of students in the respective districts.

Of the funds in Specific Appropriation 434, $4,626,943 is to be allocated by FTE for library media materials and equipment. The Commissioner shall ensure that every district receiving any of the above allocation shall expend an amount equal to the lesser of the average full amount spent in the

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prior three fiscal years or the prior year expenditures for library media materials plus the amount of increase in funding provided for library media materials for 1986-87 above the amount provided in 1985-86. Said funds are to be distributed based on district's percent of the prior year's FTE.

From the funds provided in Specific Appropriation 434, $3,239,618 is provided for increased costs associated with full implementation of the seventh period. The allocation to each district shall be based on the proportion of students in the district enrolled in seven periods of at least 50 minutes each to the total number of students in all districts enrolled in seven periods of at least 50 minutes each. This calculation shall be based on the October FTE survey.

From Specific Appropriation 434, $50,000 shall be used for the Interim Instructional Materials Council in accordance with CS/HB 302 or similar legislation.

435 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRADES K - 3 IMPROVEMENT PROGRAM
FROM GENERAL REVENUE FUND 99,901,513

Funds provided in Specific Appropriation 435 shall be distributed by the percent of each district and developmental resource school of the state total full-time equivalent students in grades K-3. A district may apply to the Commissioner of Education for approval to update or amend an approved Prep Plan.

The Commissioner of Education shall report to the Legislature prior to December 1, 1986, concerning the progress districts have made in reducing class size in grades K-3 during the period s. 230.2312, Florida Statutes, has been law.

436 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LAW EDUCATION PROGRAMS
FROM GENERAL REVENUE FUND 203,451

437 AID TO LOCAL GOVERNMENTS
RESIDENTIAL SCHOOL - EXCEPTIONAL EDUCATION REIMBURSEMENT
FROM GENERAL REVENUE FUND 168,071

438 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SAFE SCHOOLS
FROM GENERAL REVENUE FUND 11,011,842

Funds provided in Specific Appropriation 438 shall be distributed using a method of calculation based on Part I offense data compiled by the Florida Department of Law Enforcement for the preceeding calendar year. Districts eligible to receive safe schools funds are those with 15,000 or more Part I offenses or 7,000 or more Part I offenses per 100,000 population. The department shall (1) divide each eligible district's number of crimes by the total number of crimes for all eligible districts, and (2) divide each eligible district's total full-time equivalent student count by the total full-time equivalent student counts of all eligible districts. Those two quotients shall be added together and the sum shall be divided by two. This quotient, which is the average of the crime and student ratios, shall then be multiplied by the appropriation amount for safe schools.

The use of funds provided in Specific Appropriation 438 shall be restricted to security improvements on school facilities and to security services for school operations.

439 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 9,093,036
FROM FOOD AND NUTRITION SERVICES TRUST FUND 208,730,240

440 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL VOLUNTEER PROGRAM
FROM GENERAL REVENUE FUND 404,760

From the funds provided in Specific Appropriation 440, $2,000 shall be allocated to each district that submits a school volunteer plan. Districts with six or more school volunteer programs shall receive an additional $1,000. Except for $50,000 which shall be used to match $50,000 contributed by private industry for the Senior Mentor Program, the remainder of the appropriation shall be prorated among elementary and secondary schools offering basic programs that have a school volunteer program.

441 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATE COMPENSATORY EDUCATION SUPPLEMENT
FROM GENERAL REVENUE FUND 38,348,287

From funds provided in Specific Appropriation 441 $250,000 shall be used to fund a pilot project for disadvantaged and/or limited English language preschool students in Dade County. A Joint Legislative Task Force on Preschool Education shall be established to work with the development and evaluation of the Dade pilot project, and shall make recommendations for addressing future needs for preschool education for disadvantaged students

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throughout the State of Florida. The Task Force will examine the coordination and use of federal and local resources for child care and preschool programs in Florida.

Funds provided in Specific Appropriation 441 are for school districts and developmental research schools.

442 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT DEVELOPMENT SERVICES
FROM GENERAL REVENUE FUND 25,701,652

Funds provided in Specific Appropriation 442 shall be distributed to school district's and developmental resource schools.

443 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 109,000,000

Pursuant to s. 236.083, Florida Statutes, school centers are defined to include community colleges.

444 NOT USED

445 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHERS AS ADVISORS
FROM GENERAL REVENUE FUND 3,927,148

From the Funds provided in Specific Appropriation 445, $1,500,000 shall be allocated for additional high school guidance counselors employed since July 1, 1984.

446 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WRITING SKILLS ENHANCEMENT
FROM GENERAL REVENUE FUND 24,503,645

After satisfying the requirements of s. 236.1223, Florida Statutes, for grades 10-12, each school and each developmental research school is authorized to expend the funds provided in Specific Appropriation 446 for the purpose of providing writing skills instruction to grades lower than 10 in a descending order to the extent funds are available. If sufficient funds are not provided for grades 10-12, the department shall prorate the appropriation.

447 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 97,726
FROM GENERAL TRUST FUND 100,918

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448 SPECIAL CATEGORIES
GRANTS AND AIDS - ADDITIONAL FUNDS FOR SCIENCE LABORATORIES
FROM GENERAL REVENUE FUND 2,203,477

449 SPECIAL CATEGORIES
GRANTS AND AIDS - NETWORK OF CENTERS FOR SEVERELY EMOTIONALLY DISTURBED
FROM GENERAL REVENUE FUND 350,000
FROM EDUCATIONAL AIDS TRUST FUND 1,700,000

450 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 8,500,000
FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 89,270
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 1,002,769

Funds provided in Specific Appropriation 450 shall be used by the State Board of Education in 1986-87 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

450A SPECIAL CATEGORIES
GRANTS AND AIDS - ACADEMIC TOURNEY
FROM GENERAL REVENUE FUND 75,000

451 SPECIAL CATEGORIES
GRANTS AND AIDS - VISITING SCHOOL SCHOLARS
FROM GENERAL REVENUE FUND 100,000

452 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 983,946

453 SPECIAL CATEGORIES
GRANTS AND AIDS - DROPOUT PREVENTION
FROM GENERAL REVENUE FUND 4,125,000

From the funds provided in Specific Appropriation 453, $475,000 is provided to continue dropout reduction programs funded through a competitive bid process during 1984-85.

From the funds provided in Specific Appropriation 453, $1 million shall be used for community based dropout prevention projects as provided by SB 450 or similar legislation.

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From the funds provided in Specific Appropriation 453, $150,000 is provided for the Panhandle Area Education Cooperative to assist rural districts in developing cooperative dropout prevention programs and in tracking students among districts.

From funds provided in Specific Appropriation 453, $225,000 shall be used to continue the Center for Dropout Prevention at the University of Miami which shall evaluate dropout prevention efforts and recommend exemplary practices for statewide dissemination. The Center shall also make recommendations regarding defining and tracking dropouts and how dropout prevention strategies may be incorporated into curricula. The Center shall work with school districts to determine the strategies and effectiveness of the exemplary dropout prevention projects funded through this appropriation and to develop a manual to provide technical assistance in preparing comprehensive plans for reducing dropouts. The center shall develop a research based profile of a potential dropout and assist school districts in identifying and assisting potential dropouts in elementary and middle schools. An annual report of these findings shall be distributed to the Legislature and school districts.

From funds provided in Specific Appropriations 453, $200,000 shall be allocated to Pinellas County for the High School Alternative Dropout Prevention Program for students to assist in making the transition from alternative centers to regular high schools.

From funds provided in Specific Appropriation 453, $200,000 shall be allocated to Alachua County for the Agribusiness Dropout Prevention Program which focuses on preparing students to operate small businesses in rural areas and on the use of computers in agribusiness.

From funds provided in Specific Appropriation 453, $200,000 shall be allocated for the Inner City Dropout Prevention Program in Dade County.

From funds provided in Specific Appropriation 453, $75,000 shall be allocated to ASPIRA of Florida for the operation of a community based dropout prevention program focused on Hispanic, Haitian and other minority teenagers.

From funds provided in Specific Appropriation 453, $200,000 shall be allocated for the Intensive Learning Alternative Program in Hillsborough County to expand the dropout prevention program targeted

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for junior high school students.

From funds provided in Specific Appropriation 453, an amount of $750,000 shall be used for educational programs for teenage mothers and day care programs for their children. The Department of Education shall fund sixteen projects which shall be matched by the districts with local and federal funds.

From the funds provided in Specific Appropriation 453, $50,000 is provided for the continuation of the Orange County Minority Youth Dropout Grant Program; $100,000 is provided for the Carver and Union Park Healthy Children Projects and $50,000 is provided for the Urban League Project.

From the funds provided in Specific Appropriation 453, $250,000 is provided for a drug abuse prevention model program in Polk County.

From the funds provided in Specific Appropriation 453, $215,000 shall be allocated to the Volusia school district for a feasibility study of a magnet school.

From funds provided in Specific Appropriation 453, $50,000 is provided to conduct a study of eduational services for limited English proficiency students in accordance with CS/CS/HB 943 or similar legislation.

From the funds provided in Specific Appropriation 453, $50,000 shall be provided to Brevard County.

From the funds provided in Specific Appropriation 453, $75,000 shall be to the Dade County James E. Scott Summer Youth Employment and Training Program.

453A SPECIAL CATEGORIES
PUBLIC SCHOOL FUNDING STUDY
FROM GENERAL REVENUE FUND 200,000

453B SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM GENERAL REVENUE FUND 500,000

From funds appropriated in Specific Appropriation 453B, $50,000 shall be used for the operation of a State Advisory Council on Early Childhood Education and the following projects will be funded for preschool education for disadvantaged three and four year olds in accordance with CS/SB 814 and CS/HB 668 or similar legislation. Such projects shall be under the supervision of the district interagency coordinating council on prekindergarten education to be appointed by the school board and the State Advisory Council on Early Childhood Education.

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For the Alachua County School Board, $50,000 for expansion of services in the Alachua County Community Coordinated Child Care Program or other similar quality programs.

For the Volusia County School Board, $50,000 for expansion of services in the United Child Care, Inc. Program or other similar quality programs.

For the Hillsborough County School Board, $100,000 for expansion of services in the Early Childhood Learning Centers, Community Coordinated Child Care of the Hillsborough County School Board or other similar quality programs.

For the Liberty County School Board, $50,000 for expansion of services in the Liberty County School Board Project or other similar quality programs.

For the Manatee County School Board, $50,000 for expansion of services in the Manatee County Head Start Program or other similar quality programs.

For the Broward County School Board, $100,000 for expansion of services in the Seminole Tribe Head Start Program on the Hollywood, Brighton and Big Cypress reservations.

For the Pasco County School Board, $50,000 for expansion of services in the Pasco County Head Start Program or other similar quality programs.

453C SPECIAL CATEGORIES
GRANTS AND AIDS - IN SCHOOL CHILD CARE
FROM GENERAL REVENUE FUND 300,000

454 NOT USED

455 NOT USED

456 NOT USED

456A SPECIAL CATEGORIES
HANDICAPPED REGISTRY STUDY
FROM GENERAL REVENUE FUND 50,000

457 SPECIAL CATEGORIES
INSTRUCTIONAL MATERIALS MANAGEMENT
FROM GENERAL REVENUE FUND 210,110

457A SPECIAL CATEGORIES
GRANTS AND AIDS - MASTER TEACHER PROGRAM
FROM GENERAL REVENUE FUND 16,450,000

From the funds provided in Specific Appropriation 457A, $1,850,000 is provided as a good faith commitment for teachers designated associate master teachers during 1985-86.

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458 SPECIAL CATEGORIES
GRANTS AND AIDS - MIDDLE CHILDHOOD
FROM GENERAL REVENUE FUND 7,133,233

Funds provided in Specific Appropriation 458 shall be used for the following: (1) $1,000,000 enhancement programs, grades 4-5; (2) $1,000,000 enhancement programs, grades 6-8; (3) $2,000,000 model prevention programs; (4) $60,000 interagency student services; (5) $200,000 district multi-agency coordinating councils; (6) $150,000 Center for Middle Grade Education; (7) $123,233 program evaluation which the department may enter into contracts with or issue grants to unversities, school disricts, or commercial vendors as appropriate to conduct the evaluations; (8) $2,000,000 to continue the best enhancement projects funded in prior years; (9) $500,000 district staff development projects; and (9) $100,000 for the Florida Model School Consortia Act.

459 SPECIAL CATEGORIES
GRANTS AND AIDS - MIGRANT EDUCATION
PROGRAM (THREE AND FOUR YEAR OLDS)
FROM GENERAL REVENUE FUND 2,299,810

459A SPECIAL CATEGORIES
MICROCOMPUTERS IN INSTRUCTION
FROM GENERAL REVENUE FUND 50,000

460 SPECIAL CATEGORIES
MISSING CHILDREN PROGRAM
FROM GENERAL REVENUE FUND 21,384

461 SPECIAL CATEGORIES
MANAGEMENT INFORMATION SYSTEMS COUNCIL
FROM GENERAL REVENUE FUND 49,633

461A SPECIAL CATEGORIES
NETWORKING STUDY
FROM GENERAL REVENUE FUND 50,000

462 SPECIAL CATEGORIES
GRANTS AND AIDS - MICCOSUKEE INDIAN
EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 64,522

Funds provided in Specific Appropriation 462 shall be allocated to the Miccosukee Tribe of Florida to incorporate RAISE bill standards into their educational program.

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462A SPECIAL CATEGORIES
NURSING IN PUBLIC SCHOOLS STUDY
FROM GENERAL REVENUE FUND 30,000

463 SPECIAL CATEGORIES
INSTRUCTIONAL MATERIALS INSERVICE TRAINING
FROM GENERAL REVENUE FUND 137,697

464 NOT USED

464A SPECIAL CATEGORIES
MERIT SCHOOLS
FROM GENERAL REVENUE FUND 10,000,000

464B SPECIAL CATEGORIES
OUT-OF-SCHOOL LEARNING ACTIVITIES
FROM GENERAL REVENUE FUND 25,000

465 NOT USED

465A SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT TRANSITION
FROM GENERAL REVENUE FUND 236,469

Funds appropriated in Specific Appropriation 465A shall be used to continue the joint project with the Department of Education for Developmental Services clients.

466 SPECIAL CATEGORIES
GRANTS AND AIDS - READING RESOURCE SPECIALISTS
FROM GENERAL REVENUE FUND 5,071,500

From the funds provided in Specific Appropriation 466, the Commissioner of Education shall authorize payment to school districts for each public high school which employs at least one reading resource specialist who meets the requirements set forth in s. 233.057, Florida Statutes, or a teacher assigned full time to special reading classes or a reading laboratory.

A reading resource teacher may be used in a 9th grade school that is not a high school provided the total reading resource teachers allocated to a district does not exceed the number of high schools in the district.

466A SPECIAL CATEGORIES
RAMES EXHIBIT
FROM GENERAL REVENUE FUND 35,000

Funds provided in Specific Appropriation 466A are to be used to help Florida's pupils visit the Rames Exhibit.

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467 NOT USED

468 SPECIAL CATEGORIES
GRANTS AND AIDS - RESOURCE MATERIALS FOR THE HEARING IMPAIRED
FROM GENERAL REVENUE FUND 77,109

469 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL BUS REPLACEMENT FOR PUBLIC SCHOOLS
FROM GENERAL REVENUE FUND 9,000,000

Each district shall commit sufficient numbers and types of buses to the state pool purchase bid as provided for in s. 229.79, F.S. to equal the district's annual bus replacement allocation and any prior years carryover funds, unless otherwise provided for in s. 236.0835, Florida Statutes or the Commissioner of Education approves the funds to be carried over to the next year because funds are insufficient to purchase the type of buses needed or for other justifiable reasons.

From the funds provided in Specific Appropriation 469, an amount sufficient to purchase one 65 passenger school bus (type C chassis for handicapped students with wheelchair lift) shall be allocated to the Florida School for the Deaf and the Blind.

470 SPECIAL CATEGORIES
SCHOOL VOLUNTEERS ADVISORY COUNCIL
FROM EDUCATIONAL AIDS TRUST FUND 46,053

471 SPECIAL CATEGORIES
GRANTS AND AIDS - SEMINOLE INDIAN EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 65,910

Funds provided in Specific Appropriation 471 shall be allocated to the Seminole Tribe of Florida for the improvement of their educational programs.

471A SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER CAMPS
FROM GENERAL REVENUE FUND 1,213,465

472 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE SCIENCE FAIR
FROM GENERAL REVENUE FUND 15,000
FROM EDUCATIONAL AIDS TRUST FUND 5,000

473 NOT USED

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473A SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL CENTERS OF EXCELLENCE
FROM GENERAL REVENUE FUND 500,000

474 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 42,500

The funds in Specific Appropriation 474 may be used for the Teacher of the Year Banquet, as well as other expenses of the Program, including monetary awards to the honored teachers as established by the Commissioner of Education.

475 SPECIAL CATEGORIES
STUDENT PERFORMANCE STANDARDS AND STANDARDS OF EXCELLENCE
FROM GENERAL REVENUE FUND 200,000

476 SPECIAL CATEGORIES
TRANSFER FROM PSC TELECOMMUNICATIONS DEVICES FOR DEAF
FROM GENERAL TRUST FUND 550,000

477 SPECIAL CATEGORIES
GRANTS AND AIDS - VISUALLY HANDICAPPED RESOURCES
FROM GENERAL REVENUE FUND 263,266

Funds provided in Specific Appropriation 477 may be used by the Florida Instructional Materials Center for the Visually Handicapped and Hearing Impaired to include services to visually handicapped public school teachers for braille and large print textbooks of the same editions as those used by the students in their classes.

478 SPECIAL CATEGORIES
YOUTH ART SYMPOSIUM
FROM GENERAL REVENUE FUND 24,992

479 NOT USED

480 NOT USED

481 NOT USED

VOCATIONAL, ADULT, AND COMMUNITY EDUCATION, DIVISION OF

482 SALARIES AND BENEFITS POSITIONS 150
FROM GENERAL REVENUE FUND 2,215,594
FROM EDUCATIONAL AIDS TRUST FUND 2,380,385

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483 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,065
FROM EDUCATIONAL AIDS TRUST FUND 348,703

484 EXPENSES
FROM GENERAL REVENUE FUND 729,038
FROM EDUCATIONAL AIDS TRUST FUND 1,124,481
FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND 211,948

485 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 5,700,436

486 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY INSTRUCTIONAL SERVICES
FROM GENERAL REVENUE FUND 6,670,406

Funds provided in Specific Appropriation 486 shall be allocated among regions according to each region's proportion of the state total population 18 or over and shall be distributed to school districts and community colleges as determined by the Regional Coordinating Councils.

In allocating Community Instructional Services funds, the regional coordinating councils shall place increased emphasis on programs in the area of parenting.

No school district or community college shall receive funds provided in Specific Appropriation 486 for any community instructional services education program or activities as prescribed in s. 228.076, Florida Statutes, without the approval of the Regional Coordinating Council. No school district or community college shall charge any fee for courses provided under the Community Instructional Services Program.

Each school district and each community college receiving funds provided in Specific Appropriation 486 shall report to the Department of Education as a part of each FEFP student enrollment survey or community college student enrollment report the full-time equivalent students participating in courses, classes or activities provided under the Community Instructional Services Program of the district or community college. The department shall prescribe the form and instructions to be used for reporting this information. However, this FTE shall not be reported for funding.

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487 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY SCHOOLS
FROM GENERAL REVENUE FUND 2,337,221

From the funds provided in Specific Appropriation 487, up to $25,000 shall be used by the Community Education Foundation whose function is to raise private funds for community education grants.

From the funds in Specific Appropriation 487, $100,000 shall be allocated for four Centers for Community Education.

488 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL FLOW-THROUGH
FUNDS/UNIFORM VOCATIONAL EDUCATION PLAN
FROM EDUCATIONAL AIDS TRUST FUND 160,000

488A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS-TRUCK DRIVERS TRAINING
PROGRAM
FROM GENERAL REVENUE FUND 1,662,500

Of the funds provided in Specific Appropriation 488A, at least half shall be expended on truck drivers training program in Orange and Pinellas Counties.

489 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 983,986

Training women and minorities for non-traditional careers shall be a principal emphasis of vocational education. The Division of Vocational, Adult and Community Education shall submit to the Senate and House Appropriations Committees a report delineating the division's effort in this area; the report shall include a list of pertinent grant awards and their dollar amounts.

The vocational state plan shall include provisions for funding coordinating council activities.

From the funds provided in Specific Appropriation 489, the Division of Vocational, Adult and Community Eduation and the Florida School for the Deaf and the Blind shall work cooperatively to maximize the allocation of federal vocational eduation funds available to provide vocational eduation for students enrolled in grades 9-12 at the school.

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489A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 16,372,874

Funds provided in Specific Appropriation 489A shall be used for vocational education programs as described in the state plan for Vocational Education under Public Law 98-524. The state plan shall provide for the expenditure of at least $5,000,000 for the replacement and updating of vocational education program equipment and for purchase of supplies and materials for ongoing programs; and for $150,000 to be allocated to community colleges for placement follow-up and evaluation in accordance with s. 240.355, Florida Statutes, and State Board of Education Rules. The Division of Community Colleges shall submit a report to the Senate and House Appropriations Committees indicating how these funds are utilized.

In developing the state plan, the department shall make provision to give priority to funding and excess cost of providing services to IMTS and handicapped students enrolled in vocational education programs. Initial instructions to school districts and community colleges for the development of local applications for funds provided in Specific Appropriation 489A shall emphasize this priority. From the funds provided in Specific Appropriation 489A, the department may allocate as much as $349,661 for new job development in commercial vehicle driving training programs.

The Commissioner of Education shall assure that funds provided in Specific Appropriations 366A, 485, and 489A that may be allocated to institutions and district boards for computer hardware and software acquisitions including computer software development and maintenance, are consistent with the objectives of the Florida Information Resource Network (FIRN) and data base reporting activities utilizing FIRN throughout the Department of Education. This assurance shall occur prior to the awarding of projects to institutions and district boards for such purposes.

490 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,050
FROM EDUCATIONAL AIDS TRUST FUND 6,800

491 SPECIAL CATEGORIES
GRANTS AND AIDS - CAREER INFORMATION
DELIVERY SYSTEM
FROM GENERAL REVENUE FUND 900,965

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492 SPECIAL CATEGORIES
GRANTS AND AIDS- CLEARINGHOUSE FOR
ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 90,638

493 SPECIAL CATEGORIES
GRANTS AND AIDS - ENHANCEMENT OF
POSTSECONDARY ELECTRONICS VOCATIONAL
EDUCATION PROGRAMS
FROM GENERAL REVENUE FUND 650,000
FROM EDUCATIONAL AIDS TRUST FUND 650,000

Funds provided in Specific Appropriation 493 shall be used to establish at least five regional centers of electronic specialization in postsecondary electronics vocational education in selected community colleges and area vocational centers. The Florida High Technology Council in consultation with the Division of Community Colleges and the Division of Vocational, Adult and Community Education shall designate each regional center of electronic specialization and the department shall provide funds to each center in amounts specified by the Florida High Technology Council. The council shall consider the quality of existing program support to regional concentrations of high technology industry, provision for articulation with other electronics programs in the region, committment from business and industry for matching funds, and other criteria established by the council. The Florida High Technology and Industry Council may contract up to $70,000 for technical assistance. From the funds provided in Specific Appropriation 493, $40,000 may be used by the Florida High Technology and Industry Council to conduct an electronics technicians origin and destination study.

494 SPECIAL CATEGORIES
GRANTS AND AIDS - INDUSTRY SERVICES
FROM GENERAL REVENUE FUND 753,336
FROM EDUCATIONAL AIDS TRUST FUND 369,000

Funds provided in Specific Appropriation 494 are designated for use with specific programs identified by the Department of Commerce, Division of Economic Development. The Division of Vocational Education shall administer these programs in accordance with the guidelines set forth in s. 230.66, Florida Statutes. The funds provided shall be used for short-term training programs when no other similar training program exists. At least 80 percent of the funds provided shall be for purposes that are directly related to specific training projects in which jobs are created or anticipated. Funds provided are not to be used to augment any program, activity or function other than those specified in

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s. 230.66, Florida Statutes.

494A SPECIAL CATEGORIES
GRANTS AND AIDS - VOCATIONAL BUSINESS
EXCHANGE PROGRAM
FROM GENERAL REVENUE FUND 300,000

Funds provided in Specific Appropriation 494A shall be used to provide training for vocational teachers in public schools and community colleges to upgrade skills in an instruction area subject to frequent technological change or innovation in accordance with SB 27 or similar legislation.

COMMUNITY COLLEGES, DIVISION OF

The funds in Specific Appropriation 498 shall be used to serve the following assigned FTE enrollments:

	1986-87
Advanced and Professional	68,734
Postsecondary Vocational	36,631
Postsecondary Adult Vocational	8,418
Supplemental Vocational	3,898
College and Vocational Preparatory	5,005
Adult Basic & High School	11,356
Total	134,042

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO&DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dual enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, supplemental vocational, college and vocational preparatory, and adult basic and high school. There shall be a direct correlation with the six programs in reporting actual, assigned, estimated, and projected FTE. For purposes of computing close-out of the Community College Program Fund for the 1986-87 year pursuant to s. 240.359(3)(d), Florida Statutes, the actual enrollment in each category shall be used except for the Adult Elementary and Secondary

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category for which the actual enrollment or the assigned enrollment, whichever is less, shall be used. All state inmate education provided by community colleges in 1986-87 shall be reported by program; FTE expenditure; and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 498 are provided for instruction of state inmates. Funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

The funds provided in Specific Appropriations 498, 498A, and 501B shall be allocated as indicated in the Letter of Intent.

Funds provided in Specific Appropriation 498 contemplate that each board of trustees shall have authority to designate that funds due it be placed for investment in its account with the State Board of Administration, rather than be deposited, and the board of trustees may direct those persons having money due to the board of trustees to pay such funds to the State Board of Administration to make authorized investments for its accounts.

The Division of Community Colleges shall have the authority to distribute the funds provided in Specific Appropriation 498 in 12 unequal installments as may be necessary to provide for the resolution of any cash flow problems in the community college system.

No funds shall be expended from Specific Appropriation 498 for the operation of the Community Instructional Services Program. No community college shall charge any fee for courses provided under the Community Instructional Services Program.

Funds provided in Specific Appropriation 498 contemplate that, except for CO&DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for CO&DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, and postsecondary adult and

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supplemental disciplines in the vocational program shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

The funds in Specific Appropriation 498 for vocational education shall be expended consistent with the common definitions, uniform program structure, equitable procedures for charging fees, and comparable placement and follow-up information contained in the plan for a uniform coordinated system of vocational education.

Funds provided in Specific Appropriation 498 contemplate that colleges shall continue to the extent possible to reduce the class size of college level English and mathematics courses to an average of 22 students.

Each community college shall submit a report to the State Board of Community Colleges by February 2, 1987, detailing the relative salary increases for full time teaching faculty, administrators, and other employees provided from funds in Specific Appropriation 498.

Courses in the college and vocational preparatory education program shall be approved by the State Board of Community Colleges and be recorded in the statewide common course numbering system. Individuals scoring at or above the cut-off level established in rules of the State Board of Education may be referred to college preparatory instruction if additional assistance is needed.

Funds provided in Specific Appropriation 498 include full funding of faculty salaries for 1986-87 and will not require annualization.

The funds provided in Specific Appropriation 500A shall be allocated by the State Board of Community Colleges.

Sufficient funds are provided within Specific Appropriation 498A for each community college to purchase the necessary equipment to implement the "solar" project on its campus.

From the funds provided in Specific Appropriation 498, community colleges may waive fees for any non-fee exempt student provided that the total number of students for whom fees are waived shall

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not exceed five percent of the systemwide full-time equivalent enrollment in postsecondary adult vocational, vocational supplemental, and vocational preparatory programs. This five percent shall include any student for whom an in-kind contribution is accepted in lieu of the collection of a fee. All in-kind contributions accepted in lieu of student fees must be directly related to the instructional program to be provided. Facilities, equipment, personnel, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a community college facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a community college facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program.

495 SALARIES AND BENEFITS POSITIONS 44
FROM GENERAL REVENUE FUND 1,525,459

496 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 215,768
FROM COMMUNITY COLLEGE CONFERENCE TRUST FUND 3,140

497 EXPENSES
FROM GENERAL REVENUE FUND 615,075

498 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND
FROM GENERAL REVENUE FUND 384,880,663

From the funds provided in Specific Appropriation 498, the State Board of Community Colleges shall establish the range of matriculation and tuition fees to be charged by the community colleges to generate at least $101,000,000 in student fee revenues, provided that such increase shall not exceed the average percentage increase in the State University System matriculation and tuition fees required for Fiscal Year 1986-87.

498A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL EQUIPMENT
FROM GENERAL REVENUE FUND 1,800,000

499 AID TO LOCAL GOVERNMENTS
MIAMI - DADE PERFORMING ARTS
FROM GENERAL REVENUE FUND 500,000

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499A AID TO LOCAL GOVERNMENTS
MIAMI-DADE/SOUTH EAST FLORIDA INSTITUTE OF CRIMINAL JUSTICE
FROM GENERAL REVENUE FUND 170,000

500 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 55,035

500A LUMP SUM
ECONOMIC DEVELOPMENT/INDUSTRY PROGRAM
FROM GENERAL REVENUE FUND 700,000

501 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND
FROM GENERAL REVENUE FUND 1,000,000

501A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 200,000

501B SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY BOOKS
FROM GENERAL REVENUE FUND 1,000,000

FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

502 SALARIES AND BENEFITS POSITIONS 611
FROM GENERAL REVENUE FUND 11,091,124
FROM GRANTS AND DONATIONS TRUST FUND . . . 554,646

503 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 229,676
FROM GRANTS AND DONATIONS TRUST FUND . . . 84,950

504 EXPENSES
FROM GENERAL REVENUE FUND 2,193,187
FROM GRANTS AND DONATIONS TRUST FUND . . . 125,025

Funds provided in Specific Appropriation 504 for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.834, Florida Statutes.

505 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 494,076
FROM GRANTS AND DONATIONS TRUST FUND . . . 186,200

The President of the Florida School for the Deaf and the Blind shall develop and submit to the Division of Vocational Education, Department of Education, proposed vocational education programs for students

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in grades 9-12 which will meet the needs of the students and maximize the use of federal vocational education available for allocation to the School.

506 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 348,708
FROM GRANTS AND DONATIONS TRUST FUND . . . 188,398

507 NOT USED

508 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 61,148

509 SPECIAL CATEGORIES
SUMMER PROGRAMS
FROM GENERAL REVENUE FUND 120,708

The funds provided in Specific Appropriation 509 are provided only for the purpose of conducting a Summer Program at the Florida School for the Deaf and the Blind. At the conclusion of the Summer Program, and no later than September 30, the President of the Florida School for the Deaf and the Blind shall submit to the Department of Education, performance, evaluation and financial/statistical reports.

510 SPECIAL CATEGORIES
STUDENTS HOME ON WEEKENDS PROGRAM
FROM GENERAL REVENUE FUND 268,690

510A SPECIAL CATEGORIES
BACKPAY DUE TEACHERS FSDB
FROM GENERAL REVENUE FUND 249,668

511 SPECIAL CATEGORIES
TALLADEGA DEAF/BLIND PROGRAM
FROM GENERAL REVENUE FUND 32,550

512 SPECIAL CATEGORIES
TEACHER EDUCATION
FROM GENERAL REVENUE FUND 7,866

Funds provided in Specific Appropriation 512 shall be used for the direct support of non-credit teacher education activities.

KNOTT DATA CENTER

513 SALARIES AND BENEFITS POSITIONS 56
FROM WORKING CAPITAL TRUST FUND 1,399,807

514 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 2,995

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515 EXPENSES
FROM WORKING CAPITAL TRUST FUND 601,417

516 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 12,613

517 SPECIAL CATEGORIES
OVERTIME
FROM WORKING CAPITAL TRUST FUND 10,000

POSTSECONDARY EDUCATION PLANNING COMMISSION

518 SALARIES AND BENEFITS POSITIONS 8
FROM GENERAL REVENUE FUND 317,966

519 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,250

520 EXPENSES
FROM GENERAL REVENUE FUND 117,873

521 SPECIAL CATEGORIES
COMPREHENSIVE HEALTH PROFESSIONS EDUCATION PLAN
FROM GENERAL REVENUE FUND 42,000

From the funds provided in Specific Appropriation 521, the Postsecondary Education Planning Commission is directed to continue the development of a comprehensive health professions plan for the state. Priority in 1986-87 shall be given to determining the needs of the state in the areas of pharmacy and veterinary programs. The study should include an analysis of the state's responsibility for providing access to its citizens and the demand in Florida for program graduates using supply and demand information provided by the Department of Health and Rehabilitative Services, Office of Health Planning and Development. To maintain the plan up-to-date, the commission shall also prepare a review of the status of all health professions education programs included in the plan and provide current information on enrollment and graduate levels, a review of market place demand for graduates, and an analysis of new policy issues and the disposition of former recommendations. The commission shall provide reports to the Legislature on pharmacy and veterinary education no later than March 1, 1987 and the review of all health education plans no later than March 1, 1988.

521A SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 60,000

From the funds provided in Specific Appropriations

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518 through 521A, the Postsecondary Education Planning Commission shall conduct an annual review of the Southeastern College of Osteopathic Medicine and make a recommendation to the State Board of Education regarding continued state funding for the program.

From the funds provided in Specific Appropriation 521A, the Postsecondary Education Planning Commission shall study the feasibility of creating a two-year agriculture program for operation within a postsecondary institution in the state.

From the funds provided in Specific Appropriation 521A, the Postsecondary Education Planning Commission shall study the feasibility of establishing a major hemispheric studies center affiliated with a consortium of public and private institutions of higher education for the purposes of studying hemispheric policies related to social sciences, commerce, and economics, and addressing the intellectual, commercial, and cultural issues confronting the Western Hemisphere. The study shall be conveyed to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 1987.

Funds in Specific Appropriation 521A shall be used by the Postsecondary Education Planning Commission, in cooperation with the Florida Motion Picture, Television, and Recording Industry Advisory Council, to study the training needs of the film industry and the current capacity of Florida postsecondary education institutions to respond to those needs. The Commission shall submit a report to the Legislature and the State Board of Education no later than March 1, 1987. The report shall provide an inventory of existing programs, and also recommendations to respond to existing unmet or future training needs.

From the funds provided in Specific Appropriation 521A, the Postsecondary Education Planning Commission shall compare and contrast the requirements, definitions and procedures used in classifying students as Florida residents for participation in private college postsecondary education contracts with the definitions used to classify students as state residents for tuition purposes at public colleges and universities. The commission shall make recommendations to the Governor and Legislature by January 1, 1987 concerning the consistent application of state residency requirements.

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UNIVERSITIES, DIVISION OF

The academic and faculty positions included in Specific Appropriations 521B through 571A in the Division of Universities represent man-years and are to be utilized by the Board of Regents to maximize the services rendered during each academic term. Within each budget entity within the Division of Universities, there may be no transfer of rate or positions from the Faculty Pay Plan to the A&P or University System Personnel System(USPS). The Board of Regents may transfer up to 5% of the authorized positions and rate between the A&P and USPS plans provided that the transfer is on a dollar for dollar basis. The 5% transfer maximum is to be based on the smaller category; i.e., positions or rate, and A&P or USPS Pay Plans.

From the funds provided in Specific Appropriations 521B, 525, 532N, 540C, 542F, 562A, and 568D, up to $7,096,942 for salary enhancement shall be distributed as a two percent discretionary salary increase.

From the funds provided in Specific Appropriations 521B through 571A, the Board of Regents may, upon approval by the Office of the Governor and in consultation with the Legislature, transfer rate and positions among the faculty and A&P pay plans as required to implement the recommendations of the State University System Review Committee as authorized in Chapter 85-119, Florida Statutes.

Special category appropriations provided in Specific Appropriations 521B through 571A may be transferred to traditional expenditure accounts provided a technique is established to track the expenditures back to the initial appropriation.

EDUCATIONAL AND GENERAL ACTIVITIES

521B	SALARIES AND BENEFITS	POSITIONS	6,781
	FROM GENERAL REVENUE FUND		156,581,188
521C	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		6,382,973
521D	EXPENSES		
	FROM GENERAL REVENUE FUND		68,547,735
521E	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		7,367,629
522	NOT USED		

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523 NOT USED

524 NOT USED

524A LUMP SUM
COMPREHENSIVE UNIVERSITY PRESENCE
POSITIONS 110
FROM GENERAL REVENUE FUND 6,001,057

524B LUMP SUM
FAU/BROWARD COUNTY
POSITIONS 26
FROM GENERAL REVENUE FUND 1,000,000

524C LUMP SUM
MARTECH/MICROFABRITECH
POSITIONS 17
FROM GENERAL REVENUE FUND 1,897,882

524D LUMP SUM
CENTER FOR ELECTRO-OPTICS AND LASERS
POSITIONS 20
FROM GENERAL REVENUE FUND 1,500,000

524E LUMP SUM
FLORIDA RESOURCES & ENVIRONMENTAL ANALYSIS
CENTER: COMPUTING/PUBLIC LANDS
POSITIONS 3
FROM GENERAL REVENUE FUND 155,000

524F LUMP SUM
SUNCOAST AREA TEACHER TRAINING
POSITIONS 3
FROM GENERAL REVENUE FUND 100,000

524G LUMP SUM
CENTER FOR STATE AND LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 15,000

525 LUMP SUM
INSTRUCTION AND RESEARCH
POSITIONS 7,902
FROM GENERAL REVENUE FUND 293,613,671
FROM INCIDENTAL TRUST FUND 106,685,624

526 NOT USED

527 NOT USED

528 NOT USED

529 NOT USED

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529A LUMP SUM
INSTITUTE FOR SIMULATION AND TRAINING
POSITIONS 4
FROM GENERAL REVENUE FUND 250,000

530 NOT USED

531 NOT USED

531A LUMP SUM
STUDENT ACADEMIC SUPPORT SYSTEM
FROM GENERAL REVENUE FUND 1,226,800

531B LUMP SUM
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 14,600,000

531C LUMP SUM
USF - MICROELECTRONICS DESIGN AND TESTING
CENTER
POSITIONS 8
FROM GENERAL REVENUE FUND 500,000

532 NOT USED

532A LUMP SUM
VERBAL COMMUNICATIONS LABORATORY
POSITIONS 1
FROM GENERAL REVENUE FUND 99,096

532B SPECIAL CATEGORIES
ARCHAEOLOGICAL RESEARCH - WARM MINERAL
SPRINGS
FROM GENERAL REVENUE FUND 300,000

532C SPECIAL CATEGORIES
ARCHAEOLOGICAL RESEARCH - WINDOVER SITE
FROM GENERAL REVENUE FUND 300,000

532D SPECIAL CATEGORIES
BIOMEDICAL RESEARCH INNOVATION
FROM GENERAL REVENUE FUND 100,000

532E SPECIAL CATEGORIES
FACULTY AWARDS FOR EXCELLENCE IN
INSTRUCTION
FROM GENERAL REVENUE FUND 100,000

532F SPECIAL CATEGORIES
INSTITUTE OF GOVERNMENT
FROM GENERAL REVENUE FUND 1,600,000

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532G SPECIAL CATEGORIES
PLANT MAINTENANCE
FROM GENERAL REVENUE FUND 4,900,973

532H SPECIAL CATEGORIES
POSTSECONDARY ARTICULATION PROJECT - UNF
INSTITUTE OF EDUCATION
FROM GENERAL REVENUE FUND 47,000

532I SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 264,595

532J SPECIAL CATEGORIES
SCIENTIFIC AND TECHNICAL INSTRUCTIONAL
EQUIPMENT
FROM GENERAL REVENUE FUND 3,300,000

532K SPECIAL CATEGORIES
SOUTHEAST FLORIDA CENTER ON AGING
FROM GENERAL REVENUE FUND 300,000

532L SPECIAL CATEGORIES
SALVADOR DALI RESEARCH FOUNDATION AND
MUSEUM - CITY OF ST. PETERSBURG
FROM GENERAL REVENUE FUND 200,000

532M DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 6,373,945

The allocation of the funds provided in Specific Appropriations 521B through 532M by the Division of Universities for the Educational and General activities shall be to the following universities: University of Florida, Florida State University, Florida A&M University, University of South Florida, Florida Atlantic University, University of West Florida, University of Central Florida, Florida International University, and University of North Florida.

From the funds in Specific Appropriations 521B through 532M, the Board of Regents shall allocate to the universities, as a minimum, all amounts appropriated for libraries and the university presidents shall include, as a minimum, all such amounts in the 1986-87 University Educational and General operating budgets. The appropriated amounts for libraries included in the allocation by the Board of Regents and in the operating budgets of the universities may not be expended for any other purpose.

Funds provided in Specific Appropriations 521B through 532M may be transferred, upon request of the

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Division of Universities to the State Comptroller, to accounts established for each university within each budget entity for disbursement purposes, and upon release of said appropriations by the Executive Office of the Governor. Such transfers may only be made to accounts similar to the category of appropriation from which transferred. Special Category appropriations may be transferred to traditional expenditure accounts provided a technique is established to track the expenditures back to the initial appropriation.

The allocation of the funds provided in Specific Appropriation 525 shall be based on the following planned FTE enrollment as approved by the Board of Regents:

Lower Level	24,663
Upper Level	48,977
Graduate Classroom	12,888
Thesis/Dissertation	865
Total	87,393

The purpose of the planned enrollment required in s. 240.209, Florida Statutes, is to implement state educational policy. The enrollment plan shall be submitted as part of the legislative budget request. The plan shall adequately address the educational needs of the traditional, as well as the non-traditional student. The plan shall display the full-time equivalent enrollment by course level by university for all main campuses, branch campuses, centers, and special units for a five-year period. The full-time equivalent enrollment by level and discipline category shall be provided by university in the Educational and General budget for the prior year's actual, current year estimates and planned out year. The plan shall include for each university planned enrollments by age for both full-time and part-time students.

The allocation of funds provided in Specific Appropriation 525 for enrollment shall reflect the first year of a three year plan to reduce enrollment at the University of Florida in an effort to improve quality. Any funds made available as a result of this enrollment reduction shall be used specifically to enhance the quality of undergraduate instruction and advising at the university.

Funds provided in Specific Appropriation 525 for the Atlantic Center for the Arts ($200,000) shall be expended as provided for in the agreement between UCF and the Center.

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From funds provided in Specific Appropriation 525, $30,000 shall be used by the Center for Study of Population at Florida State University to support state participation in the Block Boundary Suggestion Project of the Bureau of the Census.

Funds provided in Specific Appropriations 521B through 532M for Engineering Enhancement are allocated as follows: UF $1,000,000 scientific and technical equipment; FAMU/FSU $666,153 operating funds and $1,344,000 scientific and technical equipment; USF $550,000 scientific and technical equipment; FIU $9,000 operating funds and $233,750 scientific and technical equipment; FAU $500,000 scientific and technical equipment; UCF $500,000 scientific and technical equipment; UNF-UF $151,041 operating funds, $82,679 scientific and technical equipment.

Any appropriation for equipment included in Specific Appropriations 521B through 532M does not imply the approval of the procurement of information technology resources. Standard procedures such as procurement, planning, and certification are required.

The positions and amounts in Specific Appropriation 525 plus related salary increase amounts shall be the minimum resources expended for instruction and research activities.

From the funds provided in Specific Appropriation 525, FAMU may reallocate $163,200 to support the addition of positions for reducing class size in math. Three positions are authorized for this purpose. FIU may also reallocate funds to support an additional one position for the Institute for Public Policy and Citizenship Studies.

From the funds provided in Specific Appropriations 525 and 532A, $199,096 and four positions shall be allocated to the Verbal Communications Laboratory at FAMU.

Funds provided in Specific Appropriation 525 contemplate that the 1987 summer school matriculation and tuition fees shall not be expended in the 1986-87 fiscal year. Funds provided in Specific Appropriation 525 contemplate that in raising student fees to generate the amount appropriated the Board of Regents may increase out-of-state fees waived (above the base level of $6,283,444) proportionate to the increase of out-of-state fees. In addition, the Board of Regents may waive additional out-of-state fees for graduate teaching and research assistants for a total of $300,000. Matriculation fees may be waived for graduate research and teaching assistants for a total of $2,680,067.

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The Florida Institute of Education is empowered to foster collaboration through solicitation of proposals and award of grants to any public school, community college and university within the State of Florida for the purpose of mission oriented research, training and technical assistance. To facilitate this action, appropriations received by the Florida Institute of Education may be transferred to UNF's Sponsored Research Trust Fund.

The archaeological research project at Warm Mineral Springs provided for in Specific Appropriation 532B shall be conducted jointly with the Manatee Junior College, Venice Campus, and shall encourage qualified student volunteer participation.

From the funds provided in Specific Appropriations 521B through 532M, the Board of Regents shall allocate to the University of Florida Law School and to the Florida State University Law School the estimated expenditures for 1985-86 as reflected in the University Educational and General operating budgets plus salary increases and other inflationary adjustments. Each university is free to add to said funding base from funds otherwise allocated and not restricted as to purpose.

Funds provided in Specific Appropriations 521B through 532M for developing an automated library system shall be expended based on a plan to be approved by the Division of Library Services of the Department of State. The plan shall include the State University System, private institutions, community colleges, public libraries, and other library resources available within the state and by interstate cooperative agreements.

Not more than 10% of the amount in Specific Appropriation 532F may be used for administrative costs. Community college institutions may participate in projects funded by the Institute of Government. This program shall support research, training, and technical assistance which responds to solving problems of state and local governments.

Upon approval of projects related to the funds provided in Specific Appropriation 532F for mission-oriented research, training, and technical assistance, the Institute of Government may allocate to a Grants and Donations Trust Fund the amounts necessary to fund such projects. All allocations related to each project shall include the full amount approved for such projects.

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From the funds provided in Specific Appropriations 524A and 525, FIU will initiate a masters in architecture program.

Funds provided in Specific Appropriation 524A provide for those new masters and doctoral programs which have been approved by the Board of Regents for planning or implementation. Also provided are additional support positions for the opening of the new Downtown Ft. Lauderdale facility, support for the FAU/FIU Joint Center for Urban and Environmental Problems, additional funds for library books and support services for the Broward County Library, developmental funds for math and science programs as specified by FAU and FIU, additional support for instructional programs in Broward County and additional administrative support to implement the Comprehensive University Plan. The Board of Regents shall maintain an inventory of the library resources purchased as provided for in the contract with the Broward County Library. Such inventory shall be included in the total library materials inventories for the respective universities. Florida Atlantic University shall be designated the lead university for making decisions regarding the most effective configuration for undergraduate, graduate and professional education in Broward County.

From the funds appropriated in Specific Appropriation 524B, $1 million shall be used to plan the implementation of a four year liberal arts undergraduate program for approximately 500 students which is to be operated by Florida Atlantic University at a site in Broward County. Funds are provided for the initial curriculum planning for the program and to begin the recruitment of faculty. Florida Atlantic Univeristy shall develop a plan to implement this program in an orderly fashion over a five year period. Such plan shall be submitted to the Senate President and the Speaker of the House of Representatives not later than January 1, 1987.

From the funds provided in Specific Appropriations 521B, 521C, 521D, 521E, and 532F, up to $200,000 shall be allocated to the Institute of Government to establish new affiliates at Sante Fe Community College, Central Florida Community College, Manatee Community College and Brevard Community College; $149,006 shall be allocated to the Institute for Child Health Policy; $76,643 shall be allocated to the Solar Energy Center, $50,000 shall be allocated to the Latin American and Caribbean Center, $125,000 for the Small Business Institute, $25,000 for the Florida Institute of Oceanography and $50,000 for the Institute for Science and Public Affairs.

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Funds provided in Specific Appropriation 521D include no more than $.60 per 1,000 gallons for payment to the City of Gainesville for water provided to the University of Florida.

From the funds provided in Specific Appropriations 521B, 521C, 521D, 521E, and 532M, up to $4,269,601 may be used to reduce class size in undergraduate mathematics, English and foreign language to a ratio of one teacher for every 22 students and for other instructional improvements as approved by the Board of Regents. The Board of Regents shall conduct a study to evaluate the use of these funds and report the findings to the Legislature by March 1, 1987.

From the funds provided in Specific Appropriations 521B through 521E, the Board of Regents shall allocate to the Solar Energy Center at Cape Canaveral at least the level of funds budgeted in 1985-86, including salary and inflationary adjustments, to be allocated to the funded projects, as appropriated by the Legislature.

From the funds provided in Specific Appropriation 531A a compatible computer assisted academic advising system will be developed for use at each of the nine universities. This system will provide for the development of a student specific academic program, the relationship of student enrollment patterns with plans for corresponding course offerings, interaction with the registration process, the replacement of counseling manuals. The system shall be coordinated with the Student On-Line Advisement and Articulation (SOLAR) System pursuant to the State Board of Community Colleges legislative budget request.

Funds provided in Specific Appropriation 521B through 521E shall include as a primary consideration the needs in the areas of security, libraries and student services (to include financial aid support). The Board of Regents shall submit a report to the Legislature regarding the implementation of this appropriation.

From the Incidental Trust Fund in Specific Appropriation 525, the fee scheduled to be adopted shall include increases for the summer 1987 fees in order that these may be the same as in the academic year.

From the funds provided in Specific Appropriation 525, the Executive Office of the Governor is authorized to reduce the Incidental Trust Fund budget authority in the Educational and General budget and to increase the appropriate trust funds in the IFAS budget, the UF Health Center budget, and

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the USF Medical Center budget as related to the student fees and miscellaneous revenues associated with these budget entities. Such reduction in the Educational and General budget shall be offset by a transfer of general revenue in a like amount from the IFAS, the UF Health Center, and the USF Medical Center budgets to the Educational and General Budget.

INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

532N	SALARIES AND BENEFITS POSITIONS 2,217		
	FROM GENERAL REVENUE FUND	59,676,161	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		1,824,696
	FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		49,002
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		2,553,226
532O	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,689,269	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		229,437
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		66,236
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		120,378
532P	EXPENSES		
	FROM GENERAL REVENUE FUND	11,808,716	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		649,418
	FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		1,063,431
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		291,917
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		418,582
532Q	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,851,908	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		260,472
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		35,000
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		42,680
533	NOT USED		
534	NOT USED		

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535	NOT USED		
536	NOT USED		
537	NOT USED		
538	NOT USED		
539	NOT USED		
540	NOT USED		
540A	SPECIAL CATEGORIES IFAS SITE INVESTIGATION AND CLEANUP FROM GENERAL REVENUE FUND	1,000,000	
540B	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	354,994	

ENGINEERING INDUSTRIAL EXPERIMENT STATION

540C	SALARIES AND BENEFITS POSITIONS 379		
	FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		8,787,007
540D	OTHER PERSONAL SERVICES FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		3,618,038
540E	EXPENSES FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		3,784,835
540F	OPERATING CAPITAL OUTLAY FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		1,513,390
541	NOT USED		
542	NOT USED		
542A	SPECIAL CATEGORIES COASTAL AND OCEANOGRAPHIC ENGINEERING RESEARCH LABORATORY FROM GENERAL REVENUE FUND	554,616	
542B	SPECIAL CATEGORIES ENERGY CONSERVATION AND CONVERSION LABORATORY FROM GENERAL REVENUE FUND	189,394	
542C	SPECIAL CATEGORIES NATIONAL AERONAUTICS AND SPACE ADMINISTRATION STATE TECHNOLOGY APPLICATION CENTER		

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FROM GENERAL REVENUE FUND 86,367

542D SPECIAL CATEGORIES
PROJECT DEVELOPMENT FUNDS
FROM GENERAL REVENUE FUND 1,242,985

542E SPECIAL CATEGORIES
WATER CONSERVATION LABORATORY
FROM GENERAL REVENUE FUND 126,756

UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER

542F SALARIES AND BENEFITS POSITIONS 687
FROM GENERAL REVENUE FUND 25,132,653
FROM OPERATION AND MAINTENANCE TRUST
FUND 448,087

542G OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,422,551
FROM MEDICAL CENTER - PROFESSIONAL
MEDICAL LIABILITY SELF INSURANCE TRUST
FUND 225,875
FROM OPERATION AND MAINTENANCE TRUST
FUND 90,826

542H EXPENSES
FROM GENERAL REVENUE FUND 3,526,154
FROM MEDICAL CENTER - PROFESSIONAL
MEDICAL LIABILITY SELF INSURANCE TRUST
FUND 204,193
FROM OPERATION AND MAINTENANCE TRUST
FUND 1,656,575

542I OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 552,110
FROM OPERATION AND MAINTENANCE TRUST
FUND 81,212

543 NOT USED

544 NOT USED

545 NOT USED

546 NOT USED

547 NOT USED

548 NOT USED

548A SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 9,432,000

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548B SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 257,841

548C SPECIAL CATEGORIES
SCIENTIFIC AND TECHNICAL INSTRUCTIONAL
EQUIPMENT
FROM GENERAL REVENUE FUND 265,403

548D DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 106,381

Funds in Specific Appropriation 548A may be disbursed in advance to the contractor on a quarterly basis.

Funds in Specific Appropriation 542F through 542I include four positions and $133,181 for the College of Nursing from the Academic Enhancement Funds.

BOARD OF REGENTS GENERAL OFFICE

From the funds provided in Specific Appropriations 549 through 552, the Board of Regents shall study the operations of the Cancer Center at USF. The study shall include the role of instruction, research and patient services, and recommendations about accountability and future costs.

From the funds provided in Specific Appropriations 549 through 552, the Board of Regents shall conduct a study of the current funding methodologies used by the State University System and similar systems of higher education. Based upon the findings of this study, the Board shall develop a written, understandable and objective funding model for requesting, appropriating and allocating resources on an equitable, mission oriented basis among the universities. The Board shall convey the results of the study to the President of the Senate and Speaker of the House of Representatives on or before March 1, 1987. Full input and discussion by the universities, the Office of the Governor and the Legislature shall be an integral part of the study's methodology.

549 SALARIES AND BENEFITS POSITIONS 152
FROM GENERAL REVENUE FUND 4,212,349
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 479,110
FROM STATE UNIVERSITY SYSTEM PERSONNEL
TRUST FUND 308,035

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550 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 268,381
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 21,907
FROM STATE UNIVERSITY SYSTEM PERSONNEL
TRUST FUND 60,500

551 EXPENSES
FROM GENERAL REVENUE FUND 1,129,047
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 125,146
FROM STATE UNIVERSITY SYSTEM PERSONNEL
TRUST FUND 63,000

552 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 71,187
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 3,000
FROM STATE UNIVERSITY SYSTEM PERSONNEL
TRUST FUND 6,000

552A LUMP SUM
RELOCATE SOLAR ENERGY CENTER
FROM GENERAL REVENUE FUND 350,000

From the funds provided in Specific Appropriation 552A, up to $350,000 shall be used to relocate the Solar Energy Center in Brevard County.

553 NOT USED

553A SPECIAL CATEGORIES
CHALLENGE GRANTS - EMINENT SCHOLARS
FROM GENERAL REVENUE FUND 8,100,000
FROM EMINENT SCHOLARS TRUST FUND 8,600,000

553B SPECIAL CATEGORIES
CHALLENGE GRANTS - MAJOR GIFTS
FROM GENERAL REVENUE FUND 1,500,000

553C SPECIAL CATEGORIES
CHALLENGE GRANTS - NEW DONORS
FROM GENERAL REVENUE FUND 450,000

554 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 5,913,802

555 NOT USED

556 SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM RACING SCHOLARSHIP TRUST FUND 204,544

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556A SPECIAL CATEGORIES
FAR EAST RESEARCH COUNCIL
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 556A shall be used to establish the Florida Council on Far East Research and Development. The Council shall solicit and promote research and development projects in Florida by companies from the Far East. The Council shall consist of 15 members to be appointed by the Chancellor of the State University System. Appointment to the Council shall be made no later than July 31, 1986. The Council shall be entitled to reimbursement for per diem and traveling expenses pursuant to rules adopted under s. 288.011, Florida Statutes.

557 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL
SCHOOL
FROM GENERAL REVENUE FUND 9,966,573

From the funds provided in Specific Appropriation 554, the Board of Regents shall use up to $50,000 to conduct, in consultation with the Health Program Office of the Department of Health and Rehabilitative Services and the Postsecondary Education Planning Commission, a review and evaluation of the Community Hospital Education Program and the Community Hospital Education Council.

Funds provided in Specific Appropriation 557 are to provide $18,220.42 for 547 Florida residents attending the University of Miami Medical School.

With funds provided in Specific Appropriation 557, the University of Miami first accredited medical school shall report annually to the Board of Regents on the school's contributions to state priorities in medical education including information on admission standards, retention rates, specialty choice, location of practice of graduates, minority participation and other issues as requested.

557A SPECIAL CATEGORIES
HIGH TECH RESEARCH AND DEVELOPMENT
FROM GENERAL REVENUE FUND 3,650,000

Funds provided in Specific Appropriation 557A shall be allocated by the Board of Regents for applied research projects as identified by the High Technology and Industry Council.

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558 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 105,000

Funds in Specific Appropriation 558 are provided to the Southeastern College of Osteopathic Medicine to continue the training program dealing with the public sector, rural and unmet medical needs.

559 SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 496,200

Funds provided in Specific Appropriation 559 shall be based on the residency requirements stipulated in Chapter 240.1201, Florida Statutes.

560 SPECIAL CATEGORIES
SOUTHEASTERN COLLEGE OF OSTEOPATHIC
MEDICINE
FROM GENERAL REVENUE FUND 1,208,000

Funds in Specific Appropriation 560 are for 302 students at $4,000 per Florida resident.

Funds provided in Specific Appropriation 560 shall be based on the residency requirements stipulated in Chapter 240.1201, Florida Statutes.

The Board of Regents may assess the various university budget entities a fee sufficient to support the activities as contemplated in the implementation of a State University System personnel system.

561 NOT USED

562 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 247,398

With funds provided in Specific Appropriations 549 through 552, the Board of Regents, in conjunction with the 1986-87 review of health professions and in consultation with the University of Miami and the Postsecondary Education Planning Commission, shall develop a cost accounting procedure capable of producing comparable data on the costs of medical education for the two public medical schools and the first accredited medical school.

From the funds provided in Specific Appropriations 549 through 552, the Board of Regents in consultation with the Postsecondary Education Planning Commission and the Florida Center for Educational Statistics shall develop a plan for the modification of its annual expenditure report to include distinguishable costs for master's and doctoral programs as well as full cost data, both direct and indirect. The plan should include case studies as a means of establishing the most appropriate procedures, consultation with other states that regularly collect full cost data, and the development of institutional guidelines and conventions for providing the required data. The plan shall be provided to the Legislature by March 1, 1987, for implementation in 1987-88.

From the funds provided in Specific Appropriations 549 through 552, the Board of Regents, in conjunction with the Florida High Technology and Industry Council, shall develop a five year plan for developing and coordinating high technology research. The plan shall include, but not be limited to, an identification of State University System high technology research priorities, research activities currently in progress and research programs that demonstrate the potential for excellence. The plan shall identify and coordinate similar research efforts that are undertaken at multiple universities. The plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 1987.

From the funds provided in Specific Appropriations 549 through 552, the Board of Regents shall develop a Comprehensive State University System Plan for the Enhancement of Undergraduate Education. Such study shall include all budget entities in the system and shall identify areas essential to quality undergraduate education and shall include, but not be limited to, an analysis of problems encountered in the current delivery of academic and support services; suggestions for the generation and implementation of new ideas and identification of methodologies for enhancing undergraduate education and recommendations for improvement. The Board of Regents shall submit this report to the Legislature no later than March 1, 1987.

UNIVERSITY OF FLORIDA HEALTH CENTER - EDUCATIONAL
AND GENERAL

562A	SALARIES AND BENEFITS POSITIONS	1,662	
	FROM GENERAL REVENUE FUND	48,579,789	
	FROM INCIDENTAL TRUST FUND		867,634
	FROM LIABILITY INSURANCE TRUST FUND . . .		228,088

From the academic enhancement funds provided in Specific Appropriation 562A, up to $90,000 and one position shall be allocated for the Office of the Vice President of Health Affairs.

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562B OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,013,633	
FROM INCIDENTAL TRUST FUND		5,567,526
FROM LIABILITY INSURANCE TRUST FUND . . .		600,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		717,567
562C EXPENSES		
FROM GENERAL REVENUE FUND	10,817,058	
FROM INCIDENTAL TRUST FUND		2,263,612
FROM LIABILITY INSURANCE TRUST FUND . . .		2,837,486
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,650,215

Funds provided in Specific Appropriation 562C include up to $50,000 to purchase dental supplies for the care of indigent patients.

562D OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	2,815,847	
FROM INCIDENTAL TRUST FUND		1,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND		566,810
563 NOT USED		
564 NOT USED		
565 NOT USED		
566 NOT USED		
567 NOT USED		
568 NOT USED		
568A SPECIAL CATEGORIES LIBRARY RESOURCES		
FROM GENERAL REVENUE FUND	466,442	
568B SPECIAL CATEGORIES SHANDS HOSPITAL CONTRACT		
FROM GENERAL REVENUE FUND	10,462,912	
568C DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	125,786	
FROM INCIDENTAL TRUST FUND		2,876
FROM LIABILITY INSURANCE TRUST FUND . . .		141

FLORIDA MENTAL HEALTH INSTITUTE

568D SALARIES AND BENEFITS POSITIONS	384	
FROM GENERAL REVENUE FUND	8,046,424	
FROM OPERATION AND MAINTENANCE TRUST FUND		17,580

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568E OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	284,718	
568F EXPENSES		
FROM GENERAL REVENUE FUND	1,277,765	
FROM OPERATION AND MAINTENANCE TRUST FUND		54,820
568G OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	79,973	
568H FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	151,463	
569 NOT USED		
570 NOT USED		
571 NOT USED		
571A DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	12,473	

ENVIRONMENTAL REGULATION, DEPARTMENT OF

572 SALARIES AND BENEFITS POSITIONS	1,063	
FROM GENERAL REVENUE FUND	13,764,784	
FROM AIR POLLUTION CONTROL TRUST FUND . .		3,000,318
FROM GRANTS AND DONATIONS TRUST FUND . . .		25,100
FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND		125,939
FROM OPERATING TRUST FUND		6,064,677
FROM PERMIT FEE TRUST FUND		1,728,467
FROM POLLUTION RECOVERY TRUST FUND		64,633
FROM WATER QUALITY ASSURANCE TRUST FUND .		1,439,821
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		232,418
573 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	478,996	
FROM AIR POLLUTION CONTROL TRUST FUND . .		95,002
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		1,800,000
FROM OPERATING TRUST FUND		774,744
FROM PERMIT FEE TRUST FUND		130,000
FROM POLLUTION RECOVERY TRUST FUND		34,908
FROM WATER QUALITY ASSURANCE TRUST FUND .		3,173,100
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		182,084

From the funds provided in Specific Appropriation 573, $182,084 from the Water Resource Restoration and Preservation Trust Fund shall be used for feasibility studies for Lake Munson.

From the funds provided in Specific Appropriation 573 from the Water Quality Assurance Trust Fund, the

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Department of Environmental Regulation shall use $256,400 to contract with the Institute of Food and Agricultural Sciences, Florida State University, and the University of South Florida for the continued operation of the Environmental Toxicology Data Bank and to conduct environmental toxicology research as outlined in the report submitted to the Legislature by the Toxicological Coordinating Committee.

574 EXPENSES

FROM GENERAL REVENUE FUND	3,803,921	
FROM AIR POLLUTION CONTROL TRUST FUND . .		425,725
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		282,000
FROM GRANTS AND DONATIONS TRUST FUND . . .		25,301
FROM OPERATING TRUST FUND		1,417,339
FROM PERMIT FEE TRUST FUND		77,496
FROM POLLUTION RECOVERY TRUST FUND		169,023
FROM WATER QUALITY ASSURANCE TRUST FUND .		621,107
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		10,592

575 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - FCO HOLEY LANDS/ROTENBERGER

FROM GENERAL REVENUE FUND	1,307,930	

576 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS

FROM GENERAL REVENUE FUND	829,268	

From the funds provided in Specific Appropriation 576, $10,000 shall be transferred to the Suwannee River Authority for the Suwannee River Safety Program.

577 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS

FROM GENERAL REVENUE FUND	967,829	

578 AID TO LOCAL GOVERNMENTS
GRANTS & AID - WATER RECOVERY SYSTEM, TAMPA

FROM GENERAL REVENUE FUND	500,000	
FROM WATER QUALITY ASSURANCE TRUST FUND .		493,600

579 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS

FROM AIR POLLUTION CONTROL TRUST FUND . .		4,000,000

580 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AID TO THE FLORIDA STATE UNIVERSITY CENTER FOR AQUATIC RESEARCH AND RESOURCE MANAGEMENT

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FROM GENERAL REVENUE FUND	100,000	

580A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WILLISTON SEWER LIFT STATION

FROM GENERAL REVENUE FUND	50,000	

581 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MIAMI RIVER RESTORATION PROJECT

FROM GENERAL REVENUE FUND	300,000	

582 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SEWAGE TREATMENT CONSTRUCTION GRANT PROGRAM

FROM APALACHICOLA BAY PROTECTION TRUST FUND		4,017,000

583 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION

FROM GENERAL REVENUE FUND	520,000	

Funds provided in Specific Appropriation 583, shall be used equally by the Northwest Florida and Suwannee River Water Management Districts to assist in or implement the permitting of agricultural activities in waters or agricultural water management systems. Such permitting shall be carried out in a manner consistent with the standards established in the Warren S. Henderson Wetland Protection Act of 1984 and with the jurisdiction and authority of the districts as established by Chapter 373, F.S.

584 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	699,310	
FROM COASTAL ZONE MANAGEMENT TRUST FUND .		289,000
FROM OPERATING TRUST FUND		238,870
FROM WATER QUALITY ASSURANCE TRUST FUND .		15,000

584A LUMP SUM
MELBOURNE BRANCH OFFICE

POSITIONS	4	
FROM GENERAL REVENUE FUND	150,000	

584B LUMP SUM
POLLUTANT STORAGE SYSTEMS CONTRACTORS

POSITIONS	6	
FROM INLAND PROTECTION TRUST FUND		249,600

Funds and positions provided in Specific Appropriation 584B are contingent upon CS/HB 270 or similar legislation becoming law.

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584C LUMP SUM
STORMWATER DEMONSTRATION PROJECTS
FROM GENERAL REVENUE FUND 400,000

Funds provided in Specific Appropriation 584C shall be used by the Florida Department of Environmental Regulation to conduct at least two stormwater demonstration projects, one of which shall determine the extent of impacts from existing nonpoint urban and rural runoff and one of which shall evaluate methodologies for collection, retention, treatment, or reuse of urban or rural stormwater. In evaluating proposals submitted, the department shall give special consideration to projects involving discharge into Tampa Bay or its tributaries. These funds shall be contingent upon CS for SB 586 or similar legislation becoming law.

584D LUMP SUM
LOCAL HAZARDOUS WASTE COLLECTION PROGRAM
FROM GENERAL REVENUE FUND 470,108

Funds provided in Specific Appropriation 584D assume that no more than $29,892 will be expended for this program during Fiscal Year 1985-86. Any amount expended in Fiscal Year 1985-86 in excess of $29,892 shall serve to reduce the Fiscal Year 1986-87 program by a like amount. This reduction amount shall be placed in reserve and revert to the General Revenue Fund unallocated.

585 NOT USED

585A LUMP SUM
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT
POSITIONS 61
FROM INLAND PROTECTION TRUST FUND 23,024,345

From the positions and funds provided in Specific Appropriation 585A, 61 positions and $1,472,877 are to be used for administration of the act by the Department of Environmental Regulation, $20,000,000 is to be used for clean-up related activities, $266,271 is to be transferred to the Department of Revenue, and $1,285,197 is to be transferred to the Department of Health and Rehabilitative Services. These positions and funds are contingent upon CS for HB 269 or similar legislation becoming law.

585B LUMP SUM
REGIONAL LANDFILL STUDY
FROM WATER QUALITY ASSURANCE TRUST FUND . 250,000

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586 SPECIAL CATEGORIES
ACID RAIN MONITORING AND RESEARCH
FROM AIR POLLUTION CONTROL TRUST FUND . . 200,000

586A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTINUATION OF MARINE RESOURCES COUNCIL
FROM GENERAL REVENUE FUND 17,000

586B SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INSTITUTE OF TECHNOLOGY FOR WASTE UTILIZATION PROJECT
FROM GENERAL REVENUE FUND 100,000

587 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 11,277,646

588 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND 10,000,000

588A SPECIAL CATEGORIES
GRANTS AND AIDS - HOMEPORT DEVELOPMENT GRANTS
FROM HOMEPORT DEVELOPMENT TRUST FUND . . . 2,000,000

588B SPECIAL CATEGORIES
GRANTS AND AIDS - NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT FOR PLAN DEVELOPMENT
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND 350,000

588C SPECIAL CATEGORIES
GRANTS AND AIDS - NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT FOR RESTORATION PROGRAM
FROM GENERAL REVENUE FUND 1,000,000

589 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM POLLUTION RECOVERY TRUST FUND 26,870

590 SPECIAL CATEGORIES
TRANSFER TO APALACHICOLA BAY TRUST FUND
FROM GENERAL REVENUE FUND 3,645,000

590A SPECIAL CATEGORIES
TRANSFER TO HOMEPORT DEVELOPMENT TRUST FUND
FROM GENERAL REVENUE FUND 2,000,000

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591 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM GENERAL REVENUE FUND 141,355
FROM OPERATING TRUST FUND 34,500
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND 214,897

591A SPECIAL CATEGORIES
GRANTS AND AIDS - ST. LUCIE AND INDIAN RIVER SOIL AND WATER CONSERVATION DISTRICTS FOR WATER CONSERVATION PROJECT
FROM GENERAL REVENUE FUND 34,828

592 SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM GENERAL REVENUE FUND 600,000

Funds provided in Specific Appropriation 592 shall be expended, for those wells which have been contaminated by state application of EDB, to filter contaminated wells, drill new wells or connect affected parties to accessible water supplies, using the most cost-effective method available. Funds shall also be used to maintain these filter systems.

The Department of Environmental Regulation or other administrative agency shall, prior to the distribution of funds provided in Specific Appropriation 592, require the recipient to release the state and its agencies absolutely from liability as to damage to real and personal property caused by the past application or use by the state or its agencies of EDB or the installation, maintenance, and disposal by the state or its agencies of filter systems.

593 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,038,435
FROM OPERATING TRUST FUND 25,820
FROM WATER QUALITY ASSURANCE TRUST FUND . 75,000

ETHICS, COMMISSION ON

594 NOT USED

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

595 SALARIES AND BENEFITS POSITIONS 147
FROM GENERAL REVENUE FUND 542,219
FROM NON-GAME WILDLIFE TRUST FUND 201,042
FROM STATE GAME TRUST FUND 2,721,904

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596 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,500
FROM NON-GAME WILDLIFE TRUST FUND 100,000
FROM STATE GAME TRUST FUND 219,772

597 EXPENSES
FROM GENERAL REVENUE FUND 103,261
FROM NON-GAME WILDLIFE TRUST FUND 106,668
FROM STATE GAME TRUST FUND 1,568,895

598 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,396
FROM STATE GAME TRUST FUND 102,329

599 SPECIAL CATEGORIES
PAYMENT OF REWARDS
FROM ENDANGERED AND THREATENED SPECIES REWARD TRUST FUND 5,000

600 DATA PROCESSING SERVICES
FROM STATE GAME TRUST FUND 108,572

LAW ENFORCEMENT, DIVISION OF

601 SALARIES AND BENEFITS POSITIONS 396
FROM GENERAL REVENUE FUND 9,758,491
FROM STATE GAME TRUST FUND 397,792

602 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,451

603 EXPENSES
FROM GENERAL REVENUE FUND 908,115
FROM STATE GAME TRUST FUND 288,894

604 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,630
FROM STATE GAME TRUST FUND 60,523

605 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,493,220
FROM STATE GAME TRUST FUND 21,000

606 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,468,575
FROM STATE GAME TRUST FUND 92,726

607 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 192,744

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608	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	55,135	

WILDLIFE, DIVISION OF

609	SALARIES AND BENEFITS POSITIONS	143	
	FROM GENERAL REVENUE FUND	569,063	
	FROM NON-GAME WILDLIFE TRUST FUND		336,983
	FROM STATE GAME TRUST FUND		2,378,455
610	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	6,000	
	FROM NON-GAME WILDLIFE TRUST FUND		500,000
	FROM STATE GAME TRUST FUND		375,140
611	EXPENSES		
	FROM GENERAL REVENUE FUND	332,943	
	FROM NON-GAME WILDLIFE TRUST FUND		259,961
	FROM STATE GAME TRUST FUND		1,685,944
612	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	153,952	
	FROM STATE GAME TRUST FUND		141,669
613	SPECIAL CATEGORIES		
	MANAGEMENT AREA LEASE PAYMENTS		
	FROM STATE GAME TRUST FUND		500,000
613A	SPECIAL CATEGORIES		
	TRANSFER TO STATE GAME TRUST FUND FOR NON-GAME RESEARCH PROJECTS		
	FROM NON-GAME WILDLIFE TRUST FUND		430,000
614	DATA PROCESSING SERVICES		
	FROM STATE GAME TRUST FUND		77,492

FISHERIES, DIVISION OF

615	SALARIES AND BENEFITS POSITIONS	139	
	FROM STATE GAME TRUST FUND		3,217,711
616	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		136,084
617	EXPENSES		
	FROM STATE GAME TRUST FUND		1,675,545
618	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	62,321	
	FROM STATE GAME TRUST FUND		286,394
619	DATA PROCESSING SERVICES		
	FROM STATE GAME TRUST FUND		3,021

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GENERAL SERVICES, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

620	SALARIES AND BENEFITS POSITIONS	104	
	FROM GENERAL REVENUE FUND	730,304	
	FROM ADMINISTRATIVE TRUST FUND		2,160,236
621	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	14,800	
	FROM ADMINISTRATIVE TRUST FUND		1,500
622	EXPENSES		
	FROM GENERAL REVENUE FUND	106,263	
	FROM ADMINISTRATIVE TRUST FUND		332,357
623	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,692	
	FROM ADMINISTRATIVE TRUST FUND		19,577
624	NOT USED		
625	NOT USED		
626	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		102,370

PURCHASING, DIVISION OF

627	SALARIES AND BENEFITS POSITIONS	64	
	FROM GENERAL REVENUE FUND	1,618,072	

Of the positions provided in Specific Appropriation 627, one is to be used to establish an Assistant Division Director within the Division of Purchasing.

628	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,000	
629	EXPENSES		
	FROM GENERAL REVENUE FUND	347,757	
630	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	21,236	
631	SPECIAL CATEGORIES		
	LABORATORY CONTRACT		
	FROM GENERAL REVENUE FUND	140,096	
632	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	888,607	

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INFORMATION SERVICES, DIVISION OF

633 SALARIES AND BENEFITS POSITIONS 103
FROM WORKING CAPITAL TRUST FUND 2,483,144

634 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 454,824

635 EXPENSES
FROM WORKING CAPITAL TRUST FUND 4,979,422

Funds in the amount of $85,000 provided in Specific Appropriation 635 shall be used in non-recurring repairs and maintenance for additional security and renovation of the data center.

636 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 1,132,676

FACILITIES MANAGEMENT, DIVISION OF

637 SALARIES AND BENEFITS POSITIONS 467
FROM GENERAL REVENUE FUND 98,803
FROM PAID PARKING TRUST FUND 81,238
FROM SUPERVISION TRUST FUND 7,378,659

638 OTHER PERSONAL SERVICES
FROM SUPERVISION TRUST FUND 261,195

639 EXPENSES
FROM GENERAL REVENUE FUND 135,774
FROM PAID PARKING TRUST FUND 50,326
FROM SUPERVISION TRUST FUND 3,269,366

Funds provided in Specific Appropriations 637 and 639 may be transferred, with the approval of the Executive Office of the Governor, to the Other Personal Services category for the purpose of contracting for custodial services. Positions associated with such transfer in Specific Appropriation 637 shall be held in reserve.

640 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 11,969
FROM SUPERVISION TRUST FUND 142,986

641 SPECIAL CATEGORIES
STATE UTILITY PAYMENTS
FROM GENERAL REVENUE FUND 3,560
FROM PAID PARKING TRUST FUND 86,000
FROM SUPERVISION TRUST FUND 7,578,005

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642 SPECIAL CATEGORIES
TRANSFER TO SUPERVISION TRUST FUND FOR NONRECOVERABLE SERVICES
FROM GENERAL REVENUE FUND 104,071

643 DATA PROCESSING SERVICES
FROM PAID PARKING TRUST FUND 8,000
FROM SUPERVISION TRUST FUND 80,754

BUILDING CONSTRUCTION, DIVISION OF

644 SALARIES AND BENEFITS POSITIONS 55
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 1,694,401

645 EXPENSES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 266,180

646 OPERATING CAPITAL OUTLAY
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 14,798

646A SPECIAL CATEGORIES
TRANSFER TO ARCHITECTS INCIDENTAL TRUST FUND
FROM GENERAL REVENUE FUND 661,871
FROM PUBLIC FACILITIES CONVERSION REVOLVING TRUST FUND 349,685

647 NOT USED

648 DATA PROCESSING SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 153,575

Funds provided in Specific Appropriations 644 through 646 and 648, from the Architect's Incidental Trust Fund for the operation of the Division of Building Construction, are based on an assessment against each fixed capital outlay appropriation in which the division serves as owner-representative on behalf of the state in accordance with a formula to be developed by the Executive Office of the Governor in consultation with the House and Senate Appropriation Committees.

SAFETY AND CRIME PREVENTION, DIVISION OF

649 SALARIES AND BENEFITS POSITIONS 137
FROM SUPERVISION TRUST FUND 2,076,979

650 NOT USED

651 EXPENSES
FROM GENERAL REVENUE FUND 32,490
FROM SUPERVISION TRUST FUND 195,940

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652	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	97,997	
	FROM SUPERVISION TRUST FUND		50,923
653	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM SUPERVISION TRUST FUND		16,337
653A	DATA PROCESSING SERVICES		
	FROM SUPERVISION TRUST FUND		3,600
MOTOR POOL, DIVISION OF			
654	SALARIES AND BENEFITS POSITIONS	49	
	FROM GENERAL REVENUE FUND	303,557	
	FROM BUREAU OF AIRCRAFT TRUST FUND		434,865
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		455,602
655	OTHER PERSONAL SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		13,981
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		12,089
656	EXPENSES		
	FROM GENERAL REVENUE FUND	45,114	
	FROM BUREAU OF AIRCRAFT TRUST FUND		1,007,718
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		1,170,427
657	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	782	
	FROM BUREAU OF AIRCRAFT TRUST FUND		18,996
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		159,518
658	SPECIAL CATEGORIES		
	TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND		
	FROM GENERAL REVENUE FUND	983,207	
659	DATA PROCESSING SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		20,822
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		162,492
SURPLUS PROPERTY, DIVISION OF			
660	SALARIES AND BENEFITS POSITIONS	54	
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		171,234
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		795,968
661	OTHER PERSONAL SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		22,500
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		12,000

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APPROPRIATION

662	EXPENSES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		96,570
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		262,017
662A	OPERATING CAPITAL OUTLAY		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		19,078
663	DATA PROCESSING SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		60,594
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		3,600
BOND FINANCE, DIVISION OF			
664	SALARIES AND BENEFITS POSITIONS	17	
	FROM GENERAL REVENUE FUND	77,303	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		458,020
665	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		282,332
666	EXPENSES		
	FROM GENERAL REVENUE FUND	48,353	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		292,795
667	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	903	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		3,497
668	DATA PROCESSING SERVICES		
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		3,600
COMMUNICATIONS, DIVISION OF			
669	SALARIES AND BENEFITS POSITIONS	97	
	FROM GENERAL REVENUE FUND	737,973	
	FROM COMMUNICATIONS SURVEY TRUST FUND . .		51,320
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		1,905,309
670	OTHER PERSONAL SERVICES		
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		51,383

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671 EXPENSES		
FROM GENERAL REVENUE FUND	100,915	
FROM COMMUNICATIONS SURVEY TRUST FUND . .		19,806
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		408,594
672 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	5,122	
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		16,830
673 SPECIAL CATEGORIES		
CENTREX AND SUNCOM PAYMENTS		
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		33,556,524

Funds provided in Specific Appropriation 673 shall be used to lease or acquire, (through purchase or lease purchase) those items that are consistent with the "Phase II Telephone Deregulation Technical Plan", and coordinate these activities with the Executive Office of the Governor, the House and Senate Appropriations Committees and the Information Resource Commission.

674 NOT USED

675 SPECIAL CATEGORIES		
GENERAL REVENUE TRANSFER TO COMMUNICATIONS WORKING CAPITAL TRUST FUND FOR NON-RECOVERABLE (CATEGORY I) SERVICES		
FROM GENERAL REVENUE FUND	641,769	
676 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	8,000	
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		414,451

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

677 SALARIES AND BENEFITS POSITIONS	280	
FROM GENERAL REVENUE FUND	6,981,480	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,051,212
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		838,386
678 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	262,536	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,331,629
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		9,396

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679 EXPENSES		
FROM GENERAL REVENUE FUND	1,880,231	
FROM GRANTS AND DONATIONS TRUST FUND . . .		391,992
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		134,332
680 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	338,097	
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,576
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		1,957
680A LUMP SUM		
TRANSFER FROM DEPARTMENT OF INSURANCE FOR TORT REFORM STUDY COMMISSION		
FROM GRANTS AND DONATIONS TRUST FUND . . .		875,000

Funds provided in Specific Appropriation 680A shall be used to establish within the Executive Office of the Governor the Academic Task Force for review of insurance and tort systems. The task force shall consist of the president of each of the state universities which have law schools, the president of a private university which has a law school and a medical school, and two other persons appointed by a majority vote of the three university presidents who have demonstrated an interest in law and insurance reform. Task force members shall serve without compensation, but may be reimbursed for travel expenses and per diem pursuant to s. 112.061, F.S. The task force shall conduct a review of the tort law and insurance systems of this state and shall make a report to the Legislature regarding the factors within, and without, the tort law and the insurance systems which influence the cost of insurance, self-insurance, and the tort and liability system. The report shall include an evaluation of any tort and insurance reforms enacted during the 1986 legislative session, an evaluation of alternative proposals for reform, and recommendations regarding the need for future reforms. The task force shall submit an interim report by May 1, 1987 and shall submit its final report by March 1, 1988.

The three university presidents shall meet no later than August 1, 1986 to appoint the two remaining members. In addition, funds provided in Specific Appropriation 680A may be used by the task force to hire an Executive Director, staff, provide expenses and operating capital outlay and to contract for consultant services.

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681 SPECIAL CATEGORIES
BUSINESS ADVISORY COUNCIL ON EDUCATION
FROM GENERAL REVENUE FUND 50,000

Funds provided in Specific Appropriation 681 shall be for the operation of the council whose purpose shall be to recommend strategies and programs for the improvement of public education.

682 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 202,550

683 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

684 SPECIAL CATEGORIES
FLORIDA COMMISSION ON VETERANS AFFAIRS
POSITIONS 2
FROM GENERAL REVENUE FUND 69,000

685 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 144,075

From funds provided in Specific Appropriation 685, $39,568 shall be allocated to the Northwest Florida Creek Indian Council and the balance of $104,507 to the Florida Governor's Council on Indian Affairs.

686 SPECIAL CATEGORIES
MUNICIPAL AND COUNTY POPULATION ESTIMATES
FROM GENERAL REVENUE FUND 80,960

687 SPECIAL CATEGORIES
NATIONAL GOVERNORS' ASSOCIATION
FROM GENERAL REVENUE FUND 101,400

688 NOT USED

689 NOT USED

690 SPECIAL CATEGORIES
FLORIDA STATE COMMISSION ON HISPANIC AFFAIRS
FROM GENERAL REVENUE FUND 25,000

691 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 16,694
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 426,836

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OPERATION OF THE GOVERNOR'S MANSION

692 SALARIES AND BENEFITS POSITIONS 9
FROM GENERAL REVENUE FUND 161,790

693 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,200

694 EXPENSES
FROM GENERAL REVENUE FUND 101,092

695 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 300

INFORMATION RESOURCE COMMISSION

696 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 796,026

696A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 50,000

697 EXPENSES
FROM GENERAL REVENUE FUND 246,818

698 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,355

699 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 4,874

Funds provided in Specific Appropriation 696 through 699 are contingent upon the Information Resource Commission establishing standards for uniform cost accounting and cost distribution for state agency data centers in accordance with the Auditor General's Report #10606. The Information Resource Commission shall report to the House and Senate Appropriations Committees by January 1, 1987, their progress in establishing these standards.

HOSPITAL COST CONTAINMENT BOARD

700 SALARIES AND BENEFITS POSITIONS 57
FROM HOSPITAL COST CONTAINMENT TRUST FUND 1,477,926

701 OTHER PERSONAL SERVICES
FROM HOSPITAL COST CONTAINMENT TRUST FUND 68,520

702 EXPENSES
FROM HOSPITAL COST CONTAINMENT TRUST FUND 511,030

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703 OPERATING CAPITAL OUTLAY
FROM HOSPITAL COST CONTAINMENT TRUST FUND 190,344

704 DATA PROCESSING SERVICES
FROM HOSPITAL COST CONTAINMENT TRUST FUND 462,097

OFFICE OF PROSECUTION COORDINATION AND THE COUNCIL FOR THE PROSECUTION OF ORGANIZED CRIME

705 SALARIES AND BENEFITS POSITIONS 14
FROM GENERAL REVENUE FUND 486,740

706 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,500

707 EXPENSES
FROM GENERAL REVENUE FUND 126,425

708 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,537

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY

709 SALARIES AND BENEFITS POSITIONS 94
FROM GENERAL REVENUE FUND 2,357,205
FROM ADMINISTRATIVE TRUST FUND 475,507

710 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 123,975
FROM ADMINISTRATIVE TRUST FUND 243,833

711 EXPENSES
FROM GENERAL REVENUE FUND 634,576
FROM ADMINISTRATIVE TRUST FUND 367,852

712 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,691
FROM ADMINISTRATIVE TRUST FUND 6,295

713 SPECIAL CATEGORIES
STATEWIDE HUMAN RIGHTS ADVOCACY COMMITTEE
FROM GENERAL REVENUE FUND 15,158

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

From funds provided in Specific Appropriations 714 through 716, the Department of Health and Rehabilitative Services shall submit to the Legislature a report reconciling the department's FY 1986-87 appropriation for information technology resources with the department information technology resource plan, the department legislative budget request, and the Governor's budget recommendations by application. The department shall also submit a report crosswalking the department FY 1987-89 legislative budget request to the department information technology resource plan by application. These reports shall be developed with the consultation of the Information Resource Commission and submitted to the Legislature by November 1, 1986.

The department shall also develop a modeling capability to estimate the current and future information technology resource requirements of the Jacksonville Data Center by application under alternative planning and budgeting scenarios. The department shall submit to the Legislature by November 1, 1986 a report estimating the data center resources needed to support their FY 1987-89 legislative budget request by application. This report shall be capable of being updated in a timely manner by the department to estimate the data center resource requirements of alternative budget recommendations including the Governor's budget recommendations and the House and Senate Appropriations Bills. This report and modeling capability shall be developed by the department in consultation with the Information Resource Commission.

714 SALARIES AND BENEFITS POSITIONS 819
FROM GENERAL REVENUE FUND 10,378,266
FROM ADMINISTRATIVE TRUST FUND 2,299,653
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 87,637
FROM WORKING CAPITAL TRUST FUND 6,242,632

715 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 57,575
FROM ADMINISTRATIVE TRUST FUND 54,475
FROM WORKING CAPITAL TRUST FUND 825,914

716 EXPENSES
FROM GENERAL REVENUE FUND 3,288,825
FROM ADMINISTRATIVE TRUST FUND 714,237
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 23,017
FROM WORKING CAPITAL TRUST FUND 1,872,449

717 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,986
FROM ADMINISTRATIVE TRUST FUND 25,045
FROM WORKING CAPITAL TRUST FUND 108,176

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718	LUMP SUM DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING FROM GENERAL REVENUE FUND	762,000	
719	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	1,000,000	
720	SPECIAL CATEGORIES COMPUTER RELATED EXPENSES FROM WORKING CAPITAL TRUST FUND		10,929,883
721	SPECIAL CATEGORIES CONTRACT NURSING HOME AUDIT PROGRAM FROM GENERAL REVENUE FUND	504,000	
	FROM ADMINISTRATIVE TRUST FUND		504,000
722	SPECIAL CATEGORIES FINGERPRINTING FOR DAY CARE EMPLOYEES FROM GENERAL REVENUE FUND	210,539	
	FROM ADMINISTRATIVE TRUST FUND		340,000
723	SPECIAL CATEGORIES STATE INSTITUTIONAL CLAIMS FROM GENERAL REVENUE FUND	15,000	
723A	SPECIAL CATEGORIES UNIVERSITY EDUCATION AND TRAINING FROM GENERAL REVENUE FUND	595,349	

Funds in Specific Appropriation 723A shall be used to continue the Education/Training Program at Florida State University, the University of Central Florida, Barry College, Florida A&M University, and the University of West Florida.

724	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	3,078,927	
	FROM ADMINISTRATIVE TRUST FUND		12,140

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAM PLANNING

The secretary of the department is empowered to appoint an appropriate advisory council on organ transplants which will formulate guidelines, indications and standards for transplants, members of which shall serve without pay, but may be reimbursed from Specific Appropriation 727 for necessary expenses in accordance with s. 112.061, F.S. The total amount of reimbursement for the council shall not exceed $5,000.

Of the funds in Specific Appropriations 725 through 736, eight positions and $443,017 are provided from the General Revenue Fund to the Office of Comprehensive Health Planning. These positions may assist in the development of health care plans and may provide technical assistance to local government health planning efforts. All proposed primary care health plans shall be submitted to a review board which shall include at a minimum the director of each primary care center and representatives of all HRS program offices which deal with health related issues. All proposed primary care health plans shall require a minimum of 30 days for review. All final plans shall contain a section summarizing all dissenting opinions on any recommendation proposed. This section shall be prepared by the department at the direction of any dissenting representative. Under no circumstances, shall any recommendation requiring increased appropriations be implemented without specific legislative authority.

725	SALARIES AND BENEFITS POSITIONS 788 FROM GENERAL REVENUE FUND	14,092,028	
	FROM ADMINISTRATIVE TRUST FUND		3,325,685
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		98,591
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		242,702
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		387,539
	FROM FEDERAL GRANTS TRUST FUND		903,180
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,273,317
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,249,588
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		125,544
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		18,556
	FROM PLANNING AND EVALUATION TRUST FUND .		336,735
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		267,987
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		648,300
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		53,435

From funds provided in Specific Appropriation 725, the department shall develop an intra-state funding formula for the distribution of Older Americans Act monies which includes a proposal to phase out the hold-harmless component of the current formula over a five year period. Prior to adoption of any revisions to the current distribution formula, the department shall submit the proposal to the chairmen of the legislative appropriations committees.

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726 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,170,812	
FROM ADMINISTRATIVE TRUST FUND		391,229
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		6,704
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		93,848
FROM FEDERAL GRANTS TRUST FUND		59,638
FROM FEDERAL REHABILITATION TRUST FUND . .		23,406
FROM GRANTS AND DONATIONS TRUST FUND . . .		340,660
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		65,000
FROM PLANNING AND EVALUATION TRUST FUND .		44,280
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		8,708
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		113,144

From the General Revenue Funds provided in Specific Appropriation 726, $110,000 shall be used by the department to perform an analysis of the appropriateness of the current reimbursement rates for Developmental Services Long-term residential care. The analysis shall incorporate standardized cost reporting and will specifically address the present rates for residential facilities that have a capacity of 60 or more beds. The department is authorized to obtain consultant assistance to complete the analysis. The department will report the findings of the analysis to the chairmen of the legislative appropriations committees no later than March 1, 1987.

From the funds in Specific Appropriation 726, up to $150,000 shall be used to further develop and implement the goals outlined in the March 1, 1985 Report of the Public Psychiatry Task Force through the establishment of an ongoing committee to continue the coordination of public psychiatry and to further efforts of the Department of Health and Rehabilitative Services, Colleges of Medicine, and the Florida Mental Health Institute in providing quality psychiatric care to Florida citizens. These activities shall emphasize improving the quality of care in the state hospitals.

From funds in Specific Appropriation 726, the department may use up to $30,000 to contract for the development of a Home Health Services Need Rule. The contract shall include defending any proposed methodologies against legal and administrative challenges.

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727 EXPENSES		
FROM GENERAL REVENUE FUND	3,770,125	
FROM ADMINISTRATIVE TRUST FUND		1,130,722
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		44,986
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		116,250
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		271,588
FROM FEDERAL GRANTS TRUST FUND		309,415
FROM FEDERAL REHABILITATION TRUST FUND . .		291,281
FROM GRANTS AND DONATIONS TRUST FUND . . .		874,345
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		60,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		23,097
FROM PLANNING AND EVALUATION TRUST FUND .		34,221
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		208,791
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		256,590
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		50,394
728 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - FLUORIDATION PROJECT		
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		200,000
729 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - LOCAL HEALTH COUNCILS		
FROM LOCAL HEALTH PLANNING TRUST FUND . .		1,889,993

From the funds in Specific Appropriation 729, the department may not limit or restrict the independent and autonomous roles of the state and local health councils. Funds in Specific Appropriation 729 may be used by the state and local health councils to generate additional funding. The department shall not reduce the allocation of funds from Specific Appropriation 729 as a result of other funds obtained by the state or local health councils.

730 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	102,584	
FROM ADMINISTRATIVE TRUST FUND		25,667
FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		12,416
FROM EMERGENCY MEDICAL SERVICES TRUST FUND		2,160
FROM FEDERAL GRANTS TRUST FUND		2,615
FROM FEDERAL REHABILITATION TRUST FUND . .		885

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731 LUMP SUM
ECONOMIC SERVICES INFORMATION SYSTEM
POSITIONS 7
FROM GENERAL REVENUE FUND 552,339
FROM ADMINISTRATIVE TRUST FUND 3,088,204

731A LUMP SUM
IMPLEMENTATION OF CHAPTER 85-337, THE EMS GRANT PROGRAM
POSITIONS 15
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 595,427

731B LUMP SUM
LONG TERM CARE PLANNING
FROM GENERAL REVENUE FUND 150,000

732 NOT USED

732A LUMP SUM
HANDICAP PREVENTION ACT
FROM GENERAL REVENUE FUND 50,000

732B LUMP SUM
HOME HEALTH PILOT
FROM GENERAL REVENUE FUND 150,000

732C LUMP SUM
GRANTS AND AID - SHMO PILOT PROJECT
FROM GENERAL REVENUE FUND 300,000

Funds in Specific Appropriation 732C shall be used as matching funds to develop a Social HMO in HRS District XI utilizing a community care insurance organizational model as outlined in the final feasibility study for a Social HMO prepared for HRS by Brandeis University. The disbursement of such funds shall be contingent upon the commitment of an equal amount of funds through a private insurer, a comprehensive geriatric center and an organized pre-paid health organization, and on the acceptance and approval by state and federal regulatory agencies of the Community Care Insurance SHMO model as described in the Brandeis University report.

733 SPECIAL CATEGORIES
AGING AND ADULT SERVICES TRAINING AND EDUCATION
FROM FEDERAL GRANTS TRUST FUND 149,144

733A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 650,000

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734 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT
FROM GENERAL REVENUE FUND 472,500

735 SPECIAL CATEGORIES
MEDICAID PEER REVIEW
FROM GENERAL REVENUE FUND 141,861
FROM ADMINISTRATIVE TRUST FUND 113,912

736 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 8,029,812
FROM ADMINISTRATIVE TRUST FUND 2,311,617
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 950,826

ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

From the funds provided in Specific Appropriations 737, 738, 739, 741, and 745, no funds shall be expended for the enforcement of standards adopted pursuant to s. 404.056, Florida Statutes, until the department has identified, by rule, all significant geographical areas of the state in which such standards shall apply. This identification shall be based on and consistent with the results of a study conducted, or caused to be conducted, and funded by the Florida Institute of Phosphate Research.

The funding and positions specified from the following specific appropriations are contingent upon passage of CS/CS/SB 206 or similar legislation; from Specific Appropriation 737, $98,430 and 5.0 positions; from Specific Appropriation 739, $226,256; from Specific Appropriation 741, $366,506.

737 SALARIES AND BENEFITS POSITIONS 1,790
FROM GENERAL REVENUE FUND 11,950,921
FROM ADMINISTRATIVE TRUST FUND 10,235,574
FROM HEARING AIDS AND DEVICES TRUST FUND . 44,665
FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND 64,111
FROM LICENSURE FEES TRUST FUND 3,040
FROM PEST CONTROL TRUST FUND 519,105
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 64,106
FROM RADIATION PROTECTION TRUST FUND . . . 1,108,019
FROM U.S. TRUST FUND 16,830,362

738 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 165,015
FROM ADMINISTRATIVE TRUST FUND 1,309,915
FROM PEST CONTROL TRUST FUND 8,188
FROM RADIATION PROTECTION TRUST FUND . . . 4,452

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FROM U.S. TRUST FUND		601,640
739 EXPENSES		
FROM GENERAL REVENUE FUND	4,410,625	
FROM ADMINISTRATIVE TRUST FUND		4,844,405
FROM HEARING AIDS AND DEVICES TRUST FUND .		10,498
FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND		27,408
FROM LICENSURE FEES TRUST FUND		63,415
FROM PEST CONTROL TRUST FUND		108,314
FROM RADIATION PROTECTION TRUST FUND . . .		443,267
FROM U.S. TRUST FUND		12,326,903

From the funds in Specific Appropriation 739, $23,116 is appropriated for the Escambia County Community Action Program to reimburse unanticipated food storage costs incurred during FY 1984-85.

740 AID TO LOCAL GOVERNMENTS		
MOSQUITO CONTROL PROGRAM		
FROM GENERAL REVENUE FUND	3,043,712	
741 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	373,523	
FROM ADMINISTRATIVE TRUST FUND		507,518
FROM PEST CONTROL TRUST FUND		17,987
FROM RADIATION PROTECTION TRUST FUND . . .		85,681
FROM U.S. TRUST FUND		105,616
742 SPECIAL CATEGORIES		
EMERGENCY ALTERNATIVE PLACEMENT		
FROM RESIDENT PROTECTION TRUST FUND . . .		100,000
743 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	898,662	
FROM ADMINISTRATIVE TRUST FUND		11,967,901
744 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS		
FROM ADMINISTRATIVE TRUST FUND		1,300,000
745 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	719,143	
FROM ADMINISTRATIVE TRUST FUND		3,543,024
FROM RADIATION PROTECTION TRUST FUND . . .		3,683

DISTRICT ADMINISTRATION

From the funds in Specific Appropriations 746, 747, 748, 749, and 751, 253 positions and $11,051,431 is provided for increased workload to provide Child Support Enforcement services to AFDC and Non-AFDC clients. Should the 1986-87 actual need exceed the appropriated amount, the department may utilize excess incentive and administrative fund balances to increase the number of FTE's by up to 127 positions and to increase expenditure by up to $3,537,097 upon approval of the Executive Office of the Governor with consultation with the chairmen of the legislative appropriations committees. Additional positions created shall be at the same staff/client ratio as appropriated. HRS shall submit to the chairmen of the legislative appropriations committees by October 1, 1986: (1) an audit report of all deferred cases that specifies criteria for processing said cases in accordance with the federal audit criteria, and (2) a formula for estimating workload and staffing standards based upon a valid statistical methodology.

746 SALARIES AND BENEFITS POSITIONS	2,164	
FROM GENERAL REVENUE FUND	25,689,933	
FROM ADMINISTRATIVE TRUST FUND		17,809,709
FROM OPERATIONS AND MAINTENANCE TRUST FUND		467,408
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		150,322
747 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	620,655	
FROM ADMINISTRATIVE TRUST FUND		107,480
748 EXPENSES		
FROM GENERAL REVENUE FUND	6,003,624	
FROM ADMINISTRATIVE TRUST FUND		3,762,158
FROM OPERATIONS AND MAINTENANCE TRUST FUND		8,039
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		42,958
749 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	455,444	
FROM ADMINISTRATIVE TRUST FUND		233,866
750 SPECIAL CATEGORIES		
CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES		
FROM GENERAL REVENUE FUND	128,874	
751 SPECIAL CATEGORIES		
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	1,246,880	
FROM ADMINISTRATIVE TRUST FUND		20,741,322
752 SPECIAL CATEGORIES		
PURCHASED CLIENT SERVICES		
FROM GENERAL REVENUE FUND	115,741	

From funds provided in Specific Appropriation 752, $38,883 shall be used to purchase client services in

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District II and $76,858 shall be used to purchase client services in District X.

ECONOMIC SERVICES

Funds in Specific Appropriation 758A are provided to expand employment training programs for AFDC recipients. Of these funds, up to $200,000 is provided from the General Revenue Fund only upon the elimination of an equal amount of Federal Work Incentive Funds used previously to fund similar employment training programs.

753	SALARIES AND BENEFITS POSITIONS	5,434	
	FROM GENERAL REVENUE FUND	42,294,862	
	FROM ADMINISTRATIVE TRUST FUND		45,597,534
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		466,925
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		3,501,531
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		122,199
	FROM SPECIAL GRANTS TRUST FUND		1,737,460
754	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	422,595	
	FROM ADMINISTRATIVE TRUST FUND		4,657,041
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		981,601
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		7,389
	FROM SPECIAL GRANTS TRUST FUND		115,372
755	EXPENSES		
	FROM GENERAL REVENUE FUND	8,421,140	
	FROM ADMINISTRATIVE TRUST FUND		10,060,670
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		239,302
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,338,499
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		58,763
	FROM SPECIAL GRANTS TRUST FUND		805,828
756	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	212,904	
	FROM ADMINISTRATIVE TRUST FUND		185,820
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		1,632
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		255
757	NOT USED		

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758	LUMP SUM		
	PUBLIC MEDICAL ASSISTANCE		
	POSITIONS	1,487	
	FROM ADMINISTRATIVE TRUST FUND		11,415,795
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		11,415,844

Those funds and positions in Specific Appropriation 758 which are provided for implementation of the medically needy program and which are based upon a workload ratio shall be held in reserve until sufficient documentation is presented to the Executive Office of the Governor and chairmen of the House and Senate Appropriations Committees justifying the release.

758A	LUMP SUM		
	EMPLOYMENT & TRAINING SPECIAL PROJECTS		
	POSITIONS	2	
	FROM GENERAL REVENUE FUND	274,561	
	FROM ADMINISTRATIVE TRUST FUND		18,187
759	SPECIAL CATEGORIES		
	IMPACT AID - CRIMINAL JUSTICE		
	FROM SPECIAL GRANTS TRUST FUND		2,300,000
760	SPECIAL CATEGORIES		
	IMPACT AID - EMPLOYMENT AND TRAINING		
	FROM SPECIAL GRANTS TRUST FUND		9,576,919
761	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND		3,592,020
762	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	220,000	
763	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM ADMINISTRATIVE TRUST FUND		130,380
764	SPECIAL CATEGORIES		
	WORK INCENTIVE PROGRAM - SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	387,661	
	FROM ADMINISTRATIVE TRUST FUND		1,977,749
765	FINANCIAL ASSISTANCE PAYMENTS		
	ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	8,109,199	
	FROM MEDICAL CARE TRUST FUND		938,382

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766 FINANCIAL ASSISTANCE PAYMENTS
AID TO FAMILIES WITH DEPENDENT CHILDREN
FROM GENERAL REVENUE FUND 119,071,250
FROM DIRECT ASSISTANCE TRUST FUND 169,569,894
FROM SPECIAL GRANTS TRUST FUND 149,962

Funds are provided in Specific Appropriation 766 to fund a five percent AFDC payment level increase beginning January 1, 1987.

767 FINANCIAL ASSISTANCE PAYMENTS
CHILD SUPPORT ENFORCEMENT - PAYMENT TO PUBLIC ASSISTANCE FAMILIES
FROM DIRECT ASSISTANCE TRUST FUND 9,000,000

768 FINANCIAL ASSISTANCE PAYMENTS
CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS
FROM DIRECT ASSISTANCE TRUST FUND 2,200,000

769 FINANCIAL ASSISTANCE PAYMENTS
CHILD SUPPORT FOR NON-AFDC FAMILIES
FROM DIRECT ASSISTANCE TRUST FUND 22,100,000

770 FINANCIAL ASSISTANCE PAYMENTS
FOSTER HOME CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 979,454

Funds provided in Specific Appropriations 765 and 770 shall be utilized to increase the maximum provider rates for ACLF to $486, for foster home care (normal) to $394, for foster home care (moderate) to $426, effective January 1, 1987.

771 FINANCIAL ASSISTANCE PAYMENTS
GRANTS AND AIDS - WEATHERIZATION PROGRAM
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 4,345,506

772 FINANCIAL ASSISTANCE PAYMENTS
HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 21,504,368

773 FINANCIAL ASSISTANCE PAYMENTS
PERSONAL CARE ALLOWANCE
FROM GENERAL REVENUE FUND 333,118

774 FINANCIAL ASSISTANCE PAYMENTS
REFUGEE/ENTRANT ASSISTANCE
FROM SPECIAL GRANTS TRUST FUND 2,023,500

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775 FINANCIAL ASSISTANCE PAYMENTS
TRADE WELFARE FOR WORK WAGE POOL
FROM GENERAL REVENUE FUND 280,433
FROM DIRECT ASSISTANCE TRUST FUND 387,066

AGING AND ADULT SERVICES

From funds in Specific Appropriation 782, up to 50 percent of the increased funding for workload which is allocated to HRS District III may be used to continue efforts for providing equity among all counties in that district.

776 SALARIES AND BENEFITS POSITIONS 690
FROM GENERAL REVENUE FUND 4,389,204
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 7,910,848

777 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 220,849

778 EXPENSES
FROM GENERAL REVENUE FUND 2,449,500
FROM FEDERAL GRANTS TRUST FUND 46,308
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 713,294

778A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SENIOR CITIZEN CENTERS IMPROVEMENTS/ CONSTRUCTION
FROM GENERAL REVENUE FUND 882,000

From funds in Specific Appropriation 778A, $245,000 is provided for the Nassau County Council on Aging, $100,000 for the Flagami Activities Center, $300,000 for the Little Havana Activities Center, and $237,000 for the Tri-County Senior Citizens Center in Keystone Heights.

779 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 111,110

780 LUMP SUM
ELDERLY HOUSING ADVISORY GROUP
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 37,500

781 SPECIAL CATEGORIES
ALZHIEMERS DISEASE - PILOT PROJECTS/PURCHASE OF SERVICES
FROM GENERAL REVENUE FUND 1,650,000

From the General Revenue Funds in Specific Appropriation 781, up to $175,000 shall be used for an Alzheimer's Disease Respite Care Program in District IX. Funding for this program shall be in

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an amount equal to, but not more than the 1986-87 funding level provided to the respite care programs established during fiscal year 1985-86.

782 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 27,761,316
FROM FEDERAL GRANTS TRUST FUND 231,014
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,970,603

From the funds in Specific Appropriation 782, each Area Agency on Aging may retain a maximum of $15,000 for administrative costs associated with implementing Community Care for the Elderly.

783 SPECIAL CATEGORIES
HOME CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 8,545,257

784 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS
FROM GENERAL REVENUE FUND 3,861,634

785 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 387,347
FROM FEDERAL GRANTS TRUST FUND 49,906,897

786 SPECIAL CATEGORIES
GRANTS AND AIDS - TRAINING THE ELDERLY AND THEIR CAREGIVERS IN HOME CARE
FROM GENERAL REVENUE FUND 327,907
FROM ADMINISTRATIVE TRUST FUND 420,057
FROM FEDERAL GRANTS TRUST FUND 104,017

787 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 1,245,649

788 SPECIAL CATEGORIES
GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM
FROM MARRIAGE LICENSE FEES TRUST FUND . . 1,200,000

789 SPECIAL CATEGORIES
GRANTS AND AIDS LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 217,893
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 876,082

From funds in Specific Appropriation 789, the department shall provide $943,975 to continue the services to persons in Districts VI and XI, aged 60

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and older, which were originally provided through Titles XX and III federal funds.

From the General Revenue funds in Specific Appropriation 789, up to $150,000 shall be used for a one-time nonrecurring appropriation to provide services to the elderly at the Flagami Activities Center.

790 SPECIAL CATEGORIES
TEMPORARY EMERGENCY SHELTER SERVICES
FROM GENERAL REVENUE FUND 210,196

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

From the funds in Specific Appropriations 797, 798, 799, and 800, up to $1,998,861 shall be used to provide an annual workload increase in community mental health, drug abuse and alcohol abuse services with the predominant allocation factor being equalization. In establishing the equalization formula, the predictive need variables developed by the department shall be cumulatively weighted at 50 percent, while the remaining 50 percent of weight shall be based on percentage of population. In contracting the additional funds made available through the equity allocation, the department shall emphasize the provision of case management services, prevention services, and acute care services, for low-income persons. The department shall ensure that the additional funds are used to supplement, rather than supplant, existing services.

If a deficit occurs in Specific Appropriations 802 or 803 as a result of Medicaid earnings in excess of the amounts appropriated, the department shall transfer the necessary general revenue from Specific Appropriations 797 or 799.

From the funds in Specific Appropriations 797, 798, 799, 802, and 803, the department shall ensure that all contracts separately identify Medicaid earnings from other funds.

791 SALARIES AND BENEFITS POSITIONS 105
FROM GENERAL REVENUE FUND 2,279,719
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 285,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 245,029

From funds in Specific Approrpriation 791, the department may use up to $20,000 to study the problems associated with length of stay, recidivism, and releases in mental health institutions. The secretary shall appoint an advisory committee for this study consisting of, but not limited to representatives from Mental Health Association of

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Florida; the Florida Council for Community Mental Health; the Florida Alliance for the Mentally Ill; the Florida and South Florida Psychiatric Associations; the Florida Psychological Association; and the Florida Division of the National Association of Social Workers. This committee shall review and comment on the plan for the study and on the final report prior to it being submitted to the Legislature. The department shall report its findings and policy recommendations to the Legislature by March 1, 1987.

792	EXPENSES		
	FROM GENERAL REVENUE FUND	556,484	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		132,922
	FROM GRANTS AND DONATIONS TRUST FUND . . .		28,625
793	AID TO LOCAL GOVERNMENTS		
	INDIGENT PSYCHIATRIC MEDICATION PROGRAM		
	FROM GENERAL REVENUE FUND	2,438,813	
793A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - MENTAL HEALTH FACILITY CONSTRUCTION		
	FROM GENERAL REVENUE FUND	25,000	

Funds in Specific Appropriation 793A are provided to the Hernando County Mental Health Center to assist with construction of a new facility. This funding is contingent upon the reversion of an equal amount in unspent equity funding in the fiscal year 1985-86 appropriations.

794	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	14,105	
795	LUMP SUM		
	COMMUNITY ALTERNATIVES TO INSTITUTIONALIZATION		
	FROM GENERAL REVENUE FUND	3,032,042	
796	NOT USED		
797	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	57,108,761	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		16,957,885
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,393,984

From the funds in Specific Appropriation 797, no more than $5,000 may be used to conduct the evaluation of deinstitutionalization projects.

From the funds in Specific Appropriation 797, $60,000 shall be allocated to Project Return.

From the funds in Specific Appropriation 797, $689,512 shall be used to establish new Adult Residential Treatment Systems in Districts 2B, 3B, 8, and 11.

From the funds in Specific Appropriation 797, $80,097 shall be used to fund the start-up costs for Northside Community Mental Health Center's two 15-bed group homes in District 6. Any request for continuation funding of the additional beds supported by this appropriation in FY 1987-88 shall require separate and specific justification.

The amount of $2,491,309 in General Revenue Fund in Specific Appropriation 797, the amount of $849,620 in General Revenue Fund in Specific Appropriation 798, the amount of $631,027 in General Revenue Fund in Specific Appropriation 800, and the amount of $783,004 in General Revenue Fund in Specific Appropriation 799 shall be used to provide price level increases to contracted providers.

798	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BAKER ACT SERVICES		
	FROM GENERAL REVENUE FUND	27,674,974	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		360,000

From the funds in Specific Appropriation 798, $153,767 shall be used to contract for a 15-bed crisis stabilization unit in Osceola County.

From funds in Specific Appropriation 798, $251,892 shall be allocated to the five community mental health centers that operate licensed psychiatric hospital beds.

From the funds in Specific Appropriation 798, $800,000 shall be allocated to Lee County Mental Health Center for the construction of a new crisis and short-term residential facility in District 8.

799	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY ALCOHOL SERVICES		
	FROM GENERAL REVENUE FUND	14,717,645	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		7,983,573
	FROM GRANTS AND DONATIONS TRUST FUND . . .		140,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,160,000

From funds provided in Specific Appropriation 799, the department shall continue the statewide Campus Substance Abuse Prevention Program.

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800	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	14,562,454	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		6,853,815
	FROM BLOCK GRANT MATCHING TRUST FUND . . .		333,724

From the funds in Specific Appropriation 800, $120,000 shall be allocated to Operation PAR, Inc.

801	SPECIAL CATEGORIES GRANTS AND AIDS - PURCHASED CLIENT SERVICES/DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	1,019,741	
802	SPECIAL CATEGORIES PURCHASE OF SERVICES - COMMUNITY MENTAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	5,144,433	
	FROM MEDICAL CARE TRUST FUND		7,644,736
803	SPECIAL CATEGORIES PURCHASE OF SERVICES-ALCOHOL		
	FROM GENERAL REVENUE FUND	44,595	
	FROM MEDICAL CARE TRUST FUND		56,272
804	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM		
	FROM GENERAL REVENUE FUND	350,000	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		589,742

MENTAL HEALTH - INSTITUTIONS

805	SALARIES AND BENEFITS POSITIONS 7,027		
	FROM GENERAL REVENUE FUND	121,865,408	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,761
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		15,273,148
806	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,295,360	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,459
807	EXPENSES		
	FROM GENERAL REVENUE FUND	24,571,903	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		372,842
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,027,561

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808	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	893,819	
809	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	3,264,062	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		162,226
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		53,317
810	SPECIAL CATEGORIES WEST FLORIDA COMMUNITY CARE CENTER (WFCCC)		
	FROM GENERAL REVENUE FUND	1,278,463	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		900,000
811	SPECIAL CATEGORIES CONTRACTUAL MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	698,728	
812	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	12,400	

CHILDREN, YOUTH AND FAMILY SERVICES

From the funds in Specific Appropriations 813, 815, and 816, up to $2,481,428 and 143 positions are provided for the purpose of creating where feasible investigative units which specialize in complaints and referrals on abused children. It is the intent of the Legislature that, where feasible, current staffing and resources in the district intake offices be restructured to permit this specialization. This effort is not intended to undermine the single intake concept employed by the department for dependent and delinquent referrals.

813	SALARIES AND BENEFITS POSITIONS 5,363		
	FROM GENERAL REVENUE FUND	53,633,790	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,069,282
	FROM SERVICES TRUST FUND		4,246,680
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		40,076,579
814	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	749,355	
	FROM DIRECT ASSISTANCE TRUST FUND		51,480
	FROM GRANTS AND DONATIONS TRUST FUND . . .		135,171
	FROM SERVICES TRUST FUND		203,886
815	EXPENSES		
	FROM GENERAL REVENUE FUND	17,382,591	
	FROM DIRECT ASSISTANCE TRUST FUND		6,600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		380,982
	FROM SERVICES TRUST FUND		1,165,536

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FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,338,384
816 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	762,523	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,459
817 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND	1,705,977	
FROM GRANTS AND DONATIONS TRUST FUND . . .		603,599
818 NOT USED		
819 LUMP SUM		
TRAINING FOR FOSTER CARE AND EMERGENCY SHELTER STAFF AND PROVIDERS		
FROM GENERAL REVENUE FUND	150,000	
820 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE PROGRAM		
FROM GENERAL REVENUE FUND	2,860,103	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,234,414
821 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD DAY CARE		
FROM GENERAL REVENUE FUND	13,966,523	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		34,367,406

Funds in Specific Appropriaton 821 shall require a 12.5 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services due to accepting in-kind match.

From the funds in Specific Appropriation 821, the $4,000,000 of additional funds provided shall be distributed by district on the equity index developed by the department and approved by the Executive Office of the Governor. However, funds for additional day care slots distributed to each district shall be provided first to eligible clients who have successfully participated in the Work Incentive Program or other Department of Health and Rehabilitative Services employment programs.

822 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE/DAY CARE TRAINING		
FROM GENERAL REVENUE FUND	295,000	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		305,643

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823 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILD ABUSE INVESTIGATION		
FROM GENERAL REVENUE FUND	223,418	

Up to $123,418 of general revenue in Specific Appropriation 823 shall be used to contract with the state attorney in the Ninth Judicial Circuit to operate a pilot Child Abuse Coordination Unit.

824 SPECIAL CATEGORIES		
CLIENT TRANSPORTATION		
FROM GENERAL REVENUE FUND	357,481	
825 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY DRUG ABUSE SERVICES		
FROM GENERAL REVENUE FUND	781,147	
826 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	13,232,751	
FROM GRANTS AND DONATIONS TRUST FUND . . .		123,514
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		244,511

From the General Revenue Funds in Specific Appropriation 826, $1,000,000 shall be used to match local funds for the Clearwater Youth Recreation Center, Inc. This should not be construed to commit the state to the funding of the operation of this facility this fiscal year or in the future.

Of the funds in Specific Appropriation 826, $50,000 in general revenue shall be used to fund the Accion/Youth Gang Intervention Program.

Of the funds in Specific Appropriation 826, $100,000 in general revenue is provided to the C.A.R.E. for Families in Alachua County.

From funds provided in Specific Appropriation 826 for the Juvenile Sex Offender Program, up to $400,000 may be used for repairs/renovations.

827 SPECIAL CATEGORIES		
GRANTS AND AIDS - DAY TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH		
FROM GENERAL REVENUE FUND	5,224,116	
828 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY SHELTER FOR CHILDREN		
FROM GENERAL REVENUE FUND	3,175,797	

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FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,979,177

829 SPECIAL CATEGORIES
FOSTER HOME CARE FOR CHILDREN

FROM GENERAL REVENUE FUND	8,540,884	
FROM DIRECT ASSISTANCE TRUST FUND		3,763,642
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,614,740
FROM SERVICES TRUST FUND		1,885,122

From the funds in Specific Appropriations 829 and 838, up to $481,280 are to be used to provide a $100 once-a-year school clothing allowance for all departmental foster care children ages 5 to 18 who have been in foster care for six months or longer. The funds to purchase school clothes for these children will be provided directly to their foster parents and not to one or more clothing stores. If the children are in residential group care, the funds will be provided to their caregiver.

830 SPECIAL CATEGORIES
HOUSEKEEPER SERVICES FOR CHILDREN

FROM GENERAL REVENUE FUND	295,484	
FROM SERVICES TRUST FUND		255,776

831 SPECIAL CATEGORIES
GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING

FROM GENERAL REVENUE FUND	922,093	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		582,072

832 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAM

FROM GENERAL REVENUE FUND	64,807	
FROM GRANTS AND DONATIONS TRUST FUND . . .		9,218,837
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,381,123

Funds in Specific Appropriation 832 shall require a 25 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services due to accepting in-kind match. Such match is not required when local services funds are used to purchase transportation from the coordinated community transportation provider, pursuant to Chapter 427, F.S.

833 SPECIAL CATEGORIES
MAINTENANCE ADOPTION SUBSIDY

FROM GENERAL REVENUE FUND	3,762,046	
FROM DIRECT ASSISTANCE TRUST FUND		299,715

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834 SPECIAL CATEGORIES
MEDICAL COST OF SUBSIDIZED ADOPTIONS

FROM GENERAL REVENUE FUND	193,441	
FROM SERVICES TRUST FUND		60,047

835 SPECIAL CATEGORIES
OPERATION INVOLVEMENT

FROM GENERAL REVENUE FUND	261,775	

836 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH

FROM GENERAL REVENUE FUND	20,692,652	
FROM GRANTS AND DONATIONS TRUST FUND . . .		187,508

From the funds in Specific Appropriation 836, $371,558 is provided for new CHARLEE programs, one in Seminole County, one in Broward, two in Orange County, and one in Dade County, and to increase the rate for existing programs from $44 per day to $53 per day.

Funds in Specific Appropriations 827 and 836 which were provided through the Alcohol, Drug Abuse and Mental Health Services budget entity prior to being transferred to the Children, Youth and Family Services budget entity shall continue to be matched with 25 percent local funds with the exception of Purchased Residential Treatment funds utilized on a case-by-case basis.

837 SPECIAL CATEGORIES
PURCHASE OF ADOPTION SERVICES

FROM GENERAL REVENUE FUND	92,628	
FROM GRANTS AND DONATIONS TRUST FUND . . .		170,500

From the funds in Specific Appropriation 837, the department shall ensure that contracts written with agencies which provide services funded by this appropriation must conform with the legislative intent as to the issue of confidentiality of records, including identifying of adoptive parents and natural parents as set forth in s. 63.162, F.S.

838 SPECIAL CATEGORIES
PURCHASE OF RESIDENTIAL GROUP CARE

FROM GENERAL REVENUE FUND	7,049,075	
FROM DIRECT ASSISTANCE TRUST FUND		443,047
FROM GRANTS AND DONATIONS TRUST FUND . . .		20,300

839 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF SUPPORT SERVICES

FROM GENERAL REVENUE FUND	530,706	

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FROM SERVICES TRUST FUND 1,031,308

840 SPECIAL CATEGORIES
GRANTS AND AIDS - RUNAWAY SHELTER PROGRAM
FROM GENERAL REVENUE FUND 3,218,361

From the funds in Specific Appropriation 840, $931,660 shall be provided to the following runaway shelters: $100,000 to Broward County; $220,000 Youth and Family Connection, North; $50,000 Jacksonville Youth Crisis Center; $117,970 Pasco Youth and Family Alternatives Program; $35,607 Someplace Else; $27,309 Interface; $49,779 Arnette House; $31,112 Youth Alternatives; $51,162 Beach Place; $31,112 Great Oaks Village; $50,818 Crosswinds; $47,359 Miami Bridge; $21,432 Family Pact of Miami; and $98,000 for the Florida Network of Youth and Family Services. Further from the existing funds appropriated for the Bay County facility, up to $30,000 may be used for renovations to the facility.

841 NOT USED

842 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROGRAMS FOR STATUS OFFENDERS
FROM GENERAL REVENUE FUND 25,967
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 807,177

843 SPECIAL CATEGORIES
TRANSPORTATION OF RUNAWAYS
FROM GENERAL REVENUE FUND 95,457

844 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 4,022,166

CHILDREN AND YOUTH - INSTITUTIONS

845 SALARIES AND BENEFITS POSITIONS 273
FROM GENERAL REVENUE FUND 3,442,006
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,149
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,734,297

846 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 30,234

847 EXPENSES
FROM GENERAL REVENUE FUND 1,072,609

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848 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 41,341

849 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 238,829
FROM GRANTS AND DONATIONS TRUST FUND . . . 82,232

850 SPECIAL CATEGORIES
GRANTS AND AID - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL
FROM GENERAL REVENUE FUND 461,903
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 96,323

851 SPECIAL CATEGORIES
GRANTS AND AID - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL
FROM GENERAL REVENUE FUND 4,459,896
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,677
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,331,700

DEVELOPMENTAL SERVICES

From the funds in Specific Appropriations 858, 862, and 866, $3,019,061 is provided for workload increases only in Districts 1 through 10. No portion of the workload increase shall be allocated to District 11 programs.

From the funds in Specific Appropriations 858, 862, and 866, all workload and price level increases allocated to District IV shall be distributed in a manner that achieves parity funding among Developmental Training Programs.

852 SALARIES AND BENEFITS POSITIONS 480
FROM GENERAL REVENUE FUND 6,542,892
FROM GRANTS AND DONATIONS TRUST FUND . . . 295,873
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,009,664
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,628,434

853 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 515,135
FROM GRANTS AND DONATIONS TRUST FUND . . . 166,954

854 EXPENSES
FROM GENERAL REVENUE FUND 1,693,595
FROM GRANTS AND DONATIONS TRUST FUND . . . 826,955
FROM OPERATIONS AND MAINTENANCE TRUST FUND 37,661
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 272,623

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855 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 164,908
FROM GRANTS AND DONATIONS TRUST FUND . . . 151,845
FROM OPERATIONS AND MAINTENANCE TRUST FUND 6,458

856 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 30,138

857 NOT USED

858 SPECIAL CATEGORIES
COMMUNITY RESIDENTIAL TRAINING
FROM GENERAL REVENUE FUND 32,287,892
FROM OPERATIONS AND MAINTENANCE TRUST FUND 7,303,100
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 6,154,389

Funds in Specific Appropriation 858 and 866 for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services due to accepting in-kind match.

From funds in Specific Appropriation 858, $548,105 shall be used to deinstitutionalize 60 of the most independently functioning clients from Landmark Learning Center provided the department has negotiated an amendment to the Medicaid Waiver and a plan has been developed with provider agencies and advocacy groups assuring that clients receive appropriate services. No clients shall be deinstitutionalized unless appropriate services are available. The department shall place a priority on carrying out this provision.

From funds in Specific Appropriation 858, the department may allocate $50,000 to the ARC-Sunrise in District X for planning of a centralized campus facility.

859 SPECIAL CATEGORIES
CONTRACTED CASEWORK SERVICES
FROM GENERAL REVENUE FUND 420,454

860 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY RETARDATION SERVICES
FROM GENERAL REVENUE FUND 1,634,360
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,539,945

From the funds in Specific Appropriation 860, $1,300,000 shall be used solely to pay for structural modifications, fire sprinklers, smoke alarms, and other related improvements in group homes to achieve minimum compliance with the State Fire Marshal's rules and standards for fire safety. The department shall develop criteria and procedures for awarding funds to individual group home operators and shall submit for approval such criteria and procedures to the Executive Office of the Governor no later than September 1, 1986. The Executive Office of the Governor shall review the criteria and procedures for approval in consultation with the chairmen of the legislative appropriations committees.

861 SPECIAL CATEGORIES
FLORIDA SPECIAL OLYMPICS
FROM GENERAL REVENUE FUND 34,555

862 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL DISABILITIES
FROM GENERAL REVENUE FUND 4,472,704
FROM OPERATIONS AND MAINTENANCE TRUST FUND 203,478

Funds provided in Specific Appropriation 862 for epilepsy contracts shall emphasize medical, dental, diagnosis and evaluation, and casework management services.

From the General Revenue Funds in Specific Appropriation 862, $97,498 shall be for increased contractual services with the Easter Seal Program in Volusia County.

From the funds in Specific Appropriation 862, up to $120,000 shall be used to contract for services with the United Cerebral Palsy of Sarasota-Manatee, Inc., Independent Living Facility. The services paid for from these funds shall be for eligible Developmental Services clients and for services normally purchased by the department for these clients. The amounts paid for the specific units of services purchased shall be comparable to the amounts that would be paid to other providers in the same geographic region for the same services. Funding for these services shall also be contingent upon the facility and staff meeting all state and federal rules, standards, and requirements applicable to Developmental Services providers.

From the funds in Specific Appropriation 862, $200,000 shall be provided to the United Cerebral Palsy of the Big Bend Area for construction of a rehabilitation center for children.

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863	SPECIAL CATEGORIES EXTENDED EMPLOYMENT FOR THE DEVELOPMENTALLY DISABLED FROM GENERAL REVENUE FUND	336,430	
864	SPECIAL CATEGORIES GROUP HOMES - TEMPORARY LOANS FROM INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED/GROUP LIVING HOME REVOLVING TRUST FUND		160,000
865	SPECIAL CATEGORIES INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY FROM GENERAL REVENUE FUND	21,933,348	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		27,455,340
866	SPECIAL CATEGORIES GRANTS AND AIDS - INDEPENDENT/FAMILY LIVING FROM GENERAL REVENUE FUND	16,037,680	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		3,498,599
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,361,334

From the funds in Specific Appropriation 866, $61,250 shall be used to fund the start-up costs of the Easter Seal Early Intervention Program in Duval County.

From the funds in Specific Appropriation 866, $45,000 shall be allocated to the St. Augustine developmentally disabled pre-school program operated by the Association of Retarded Citizens of St. Johns County.

867	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES-SPINA BIFIDA FROM GENERAL REVENUE FUND	203,500	

From the funds in Specific Appropriation 867, the department shall provide for incidental, nonmedical expenditures incurred by persons with spina bifida.

868	SPECIAL CATEGORIES PURCHASED CLUSTER SERVICES FROM GENERAL REVENUE FUND	13,256,614	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		15,738,824

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869	SPECIAL CATEGORIES PURCHASED REFUGEE SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		61,300
870	SPECIAL CATEGORIES START-UP FUNDS/GROUP HOMES FROM GENERAL REVENUE FUND	80,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		80,000

DEVELOPMENTAL SERVICES - INSTITUTIONS

871	SALARIES AND BENEFITS POSITIONS 4,177 FROM GENERAL REVENUE FUND	41,311,173	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		27,763,321
872	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	4,265,286	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		137,204
873	EXPENSES FROM GENERAL REVENUE FUND	11,765,848	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,543,944
874	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	390,825	
875	FOOD PRODUCTS FROM GENERAL REVENUE FUND	2,182,100	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		292,375

HEALTH SERVICES

876	SALARIES AND BENEFITS POSITIONS 250 FROM GENERAL REVENUE FUND	4,677,102	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,016,409
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		120,940
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		90,858
877	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	138,174	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		112,678
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		35,000
878	EXPENSES FROM GENERAL REVENUE FUND	2,849,808	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,612,281
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,175,725

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FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		22,250
879 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES		
FROM GENERAL REVENUE FUND	1,815,490	
FROM GRANTS AND DONATIONS TRUST FUND . . .		3,484,218
879A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES		
FROM GENERAL REVENUE FUND	9,960,000	

Funds in Specific Appropriation 879A shall be allocated as follows: Collier County, $750,000; Columbia County, $500,000; Dade County, $1,000,000; Gadsden County-Havana Satellite, $250,000; Highlands County, $500,000; Lee County, $650,000; Leon County, $310,000; Miami Beach Community Health Center, $500,000; Polk County, $500,000; South Broward County, $4,500,000; Wakulla County, $400,000; and Walton County, $100,000.

880 AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS		
FROM GENERAL REVENUE FUND	68,253,380	
FROM COUNTY HEALTH UNIT TRUST FUND		84,187,451
881 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		9,832,500
881A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - REIMBURSEMENT FOR UNCOMPENSATED CARE - JACKSON MEMORIAL HOSPITAL		
FROM GENERAL REVENUE FUND	5,000,000	
882 AID TO LOCAL GOVERNMENTS IMPACT AID		
FROM GRANTS AND DONATIONS TRUST FUND . . .		7,440,000
883 AID TO LOCAL GOVERNMENTS IMPROVED PREGNANCY OUTCOME PROGRAM		
FROM GENERAL REVENUE FUND	7,305,693	
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,538,006
884 AID TO LOCAL GOVERNMENTS MATERNAL AND CHILD HEALTH SERVICES		
FROM GENERAL REVENUE FUND	647,730	
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		4,585,356

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885 AID TO LOCAL GOVERNMENTS SCHOOL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	4,619,111	
886 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	21,442	
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,318
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		3,980
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,188
887 LUMP SUM AIDS: SERVICES FOR PERSONS WITH AIDS		
FROM GENERAL REVENUE FUND	5,557,344	

All services for AIDS patients provided by funds in Specific Appropriation 887 shall be reimbursed at a rate equal to the state medicaid rate unless extraordinary costs as determined and approved by the Department of Health and Rehabilitative Services are demonstrated.

The department shall provide by April 7, 1987 an account of all dollars expended or projected to be expended on AIDS patients from Specific Appropriation 887 which shall include at a minimum the following: the number of clients served; the type and cost of all services provided for each client; the specific identification of each provider funded along with the number of clients, the number of services per client, the total amount funded from the state and the rate per day for each service provided.

888 SPECIAL CATEGORIES ANATOMICAL GIFT PROGRAM		
FROM GENERAL REVENUE FUND	175,000	
888A SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	595,000	
889 SPECIAL CATEGORIES DRUGS, VACCINES AND OTHER BIOLOGICALS		
FROM GENERAL REVENUE FUND	5,074,667	
890 SPECIAL CATEGORIES HEALTH EDUCATION RISK REDUCTION PROJECT		
FROM GENERAL REVENUE FUND	132,000	
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		559,401

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891	SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM FROM GENERAL REVENUE FUND	607,644	
892	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES FROM GENERAL REVENUE FUND	282,938	
893	SPECIAL CATEGORIES REGIONAL DIABETES CENTERS FROM GENERAL REVENUE FUND	1,058,097	
894	SPECIAL CATEGORIES WOMEN, INFANTS AND CHILDREN (WIC) FROM GRANTS AND DONATIONS TRUST FUND . . .		35,136,292

HEALTH - TUBERCULOSIS HOSPITAL

895	SALARIES AND BENEFITS POSITIONS 239 FROM GENERAL REVENUE FUND	3,661,705	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		693,115
896	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	21,522	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		22,012
897	EXPENSES FROM GENERAL REVENUE FUND	1,390,444	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		445,701
898	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	70,252	
899	FOOD PRODUCTS FROM GENERAL REVENUE FUND	86,046	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		380,455

VOCATIONAL REHABILITATION SERVICES

The Administration Commission may establish up to 35 positions for the Vocational Rehabilitation Program and fund them within existing resources in Specific Appropriations 900 through 907 for additional administrative and clerical positions for the implementation of CS/HB 1371 or similar legislation and contingent upon said bill becoming law.

900	SALARIES AND BENEFITS POSITIONS 849 FROM GENERAL REVENUE FUND	3,802,678	
	FROM FEDERAL REHABILITATION TRUST FUND . .		13,188,492
901	EXPENSES FROM GENERAL REVENUE FUND	620,626	
	FROM FEDERAL REHABILITATION TRUST FUND . .		2,274,598

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901A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SPINAL CORD INJURY RESEARCH FROM GENERAL REVENUE FUND	250,000	

The amount in Specific Appropriation 901A shall be used to fund a spinal cord research program at the University of Miami, College of Medicine.

902	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	20,680	
	FROM FEDERAL REHABILITATION TRUST FUND . .		50,647
903	SPECIAL CATEGORIES COMMUNITY FACILITIES GRANTS FROM WORKSHOP AND FACILITIES TRUST FUND .		675,881
904	NOT USED		
905	SPECIAL CATEGORIES INDEPENDENT LIVING SERVICES FROM GENERAL REVENUE FUND	400,882	
	FROM FEDERAL REHABILITATION TRUST FUND . .		671,136
906	SPECIAL CATEGORIES PATIENT SERVICES FROM FEDERAL REHABILITATION TRUST FUND . .		616,605
907	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES FROM GENERAL REVENUE FUND	6,203,179	
	FROM FEDERAL REHABILITATION TRUST FUND . .		26,592,404
908	SPECIAL CATEGORIES SPINAL CORD INJURY PROGRAM FROM GENERAL REVENUE FUND	889,538	

CHILDREN'S MEDICAL SERVICES

909	SALARIES AND BENEFITS POSITIONS 422 FROM GENERAL REVENUE FUND	5,629,863	
	FROM DONATIONS TRUST FUND		876,378
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		634,527
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,723,345
910	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	223,889	
911	EXPENSES FROM GENERAL REVENUE FUND	968,203	
	FROM DONATIONS TRUST FUND		271,368
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		88,066

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FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		451,869
912 OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	66,479	
913 NOT USED		
914 SPECIAL CATEGORIES CHILD ASSESSMENT AND MANAGEMENT PLANNING FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		97,943
915 SPECIAL CATEGORIES CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM FROM GENERAL REVENUE FUND	111,790	
916 SPECIAL CATEGORIES GRANTS AND AIDS - PERINATAL PROGRAM FROM GENERAL REVENUE FUND	29,432,890	
917 SPECIAL CATEGORIES REGIONAL GENETICS PROGRAM FROM GENERAL REVENUE FUND	723,942	
FROM DONATIONS TRUST FUND		175,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		40,000
918 SPECIAL CATEGORIES SICKLE CELL EDUCATION AND SCREENING FROM GENERAL REVENUE FUND	329,218	

From funds provided in Specific Appropriation 918, up to $33,554 shall be for the Leon County Sickle Cell Foundation and $66,446 shall go to the Florida A & M University School of Pharmacy to develop a comprehensive Sickle Cell Center.

919 SPECIAL CATEGORIES GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN FROM GENERAL REVENUE FUND	6,280,270	
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		216,789
920 SPECIAL CATEGORIES GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM GENERAL REVENUE FUND	650,000	
FROM DONATIONS TRUST FUND		100,000
921 SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	19,820	
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		72,000

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922 SPECIAL CATEGORIES CYSTIC FIBROSIS FROM GENERAL REVENUE FUND	67,069	
923 SPECIAL CATEGORIES INFANT HEARING SCREENING FROM GENERAL REVENUE FUND	320,889	
FROM DONATIONS TRUST FUND		300,000
924 SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM FOR CHILDREN FROM GENERAL REVENUE FUND	792,101	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		78,311
925 SPECIAL CATEGORIES PURCHASED CLIENT SERVICES - IMPACT AID FROM DONATIONS TRUST FUND		800,000
926 SPECIAL CATEGORIES PURCHASED CLIENT SERVICES FROM GENERAL REVENUE FUND	27,314,338	
FROM DONATIONS TRUST FUND		1,199,881
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,639,809
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,153,037

Up to $3,000,000 of the funds in Specific Appropriation 926 shall be retained by the department in a reserve account to provide services for catastrophic conditions, including, but not limited to, spinal cord injury and liver and other organ transplants. These funds shall be utilized when the estimated expenditure to provide services to a client exceeds $25,000 in any one fiscal year.

927 SPECIAL CATEGORIES RHEUMATIC FEVER FROM GENERAL REVENUE FUND	92,441	

MEDICAID SERVICES

From the funds in Specific Appropriations 935 through 955, newborns whose mothers are Medicaid recipients and whose mothers state intention to apply for AFDC benefits for the newborn, shall, at birth, be immediately covered by Medicaid under their mother's Medicaid number for a period not to exceed two months. The department shall ensure, by every appropriate measure, that during this period the Medicaid application on the child is completed. If the child is determined ineligible for Medicaid, benefits shall cease immediately.

The department shall report by February 1, 1987 to

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the Executive Office of the Governor and the chairmen of the legislative appropriations committees on the implementation of the C.A.R.E.S. expansion funded in Specific Appropriations 928 through 931 in the amount of $1,855,839 with 72 positions. The report shall contain at least the following information: the status of all projects implemented to date and the plans for any project not implemented at the time of the report; a comparison of all models adopted by the projects relating to total expenditures, total clients served, services provided each client under each model or project if different within a model, and per diem rates for each service and client; number of clients for which an alternative placement is recommended but not provided and the specific reason. The Medicaid Program Office shall provide to the Aging and Adult Services Program Office a quarterly report identifying all potential nursing home clients who have been assessed as needing alternative placement or services in order to avoid nursing home placement and for whom no services have been made available.

928	SALARIES AND BENEFITS POSITIONS 555		
	FROM GENERAL REVENUE FUND	3,652,857	
	FROM ADMINISTRATIVE TRUST FUND		4,943,110
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		555,867
929	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	358,796	
	FROM ADMINISTRATIVE TRUST FUND		1,294,532
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		76,558
930	EXPENSES		
	FROM GENERAL REVENUE FUND	863,529	
	FROM ADMINISTRATIVE TRUST FUND		1,100,470
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		316,040
931	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	86,773	
	FROM ADMINISTRATIVE TRUST FUND		206,121
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		120,152
931A	LUMP SUM		
	TRANSFER TO PUBLIC MEDICAL ASSISTANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	20,000,000	
932	NOT USED		

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933	SPECIAL CATEGORIES		
	ADULT DENTAL, VISUAL AND HEARING SERVICES		
	FROM GENERAL REVENUE FUND	2,755,593	
	FROM MEDICAL CARE TRUST FUND		3,484,963
	FROM SPECIAL GRANTS TRUST FUND		28,492
934	SPECIAL CATEGORIES		
	COMMUNITY MENTAL HEALTH SERVICES		
	FROM MEDICAL CARE TRUST FUND		11,527,605
	FROM SPECIAL GRANTS TRUST FUND		6,075
935	SPECIAL CATEGORIES		
	EARLY AND PERIODIC SCREENING OF CHILDREN		
	FROM GENERAL REVENUE FUND	3,873,712	
	FROM MEDICAL CARE TRUST FUND		9,175,838
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		3,308,658
	FROM SPECIAL GRANTS TRUST FUND		148,066
936	SPECIAL CATEGORIES		
	FAMILY PLANNING		
	FROM GENERAL REVENUE FUND	102,331	
	FROM MEDICAL CARE TRUST FUND		922,214
	FROM SPECIAL GRANTS TRUST FUND		138
937	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES		
	FROM GENERAL REVENUE FUND	1,705,702	
	FROM MEDICAL CARE TRUST FUND		26,478,850
	FROM SPECIAL GRANTS TRUST FUND		3,469
938	SPECIAL CATEGORIES		
	HOME HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	5,414,227	
	FROM MEDICAL CARE TRUST FUND		6,777,316
	FROM SPECIAL GRANTS TRUST FUND		67
939	SPECIAL CATEGORIES		
	HOSPICE SERVICES		
	FROM GENERAL REVENUE FUND	470,134	
	FROM MEDICAL CARE TRUST FUND		588,487
940	SPECIAL CATEGORIES		
	HOSPITAL INPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	123,803,267	
	FROM MEDICAL CARE TRUST FUND		198,799,245
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		34,918,414
	FROM SPECIAL GRANTS TRUST FUND		724,770
941	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND	9,071,712	
	FROM MEDICAL CARE TRUST FUND		11,355,554
	FROM SPECIAL GRANTS TRUST FUND		68

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942	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	12,053,318	
	FROM MEDICAL CARE TRUST FUND		36,521,797
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		17,111,269
	FROM SPECIAL GRANTS TRUST FUND		129,294
943	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY		
	FROM MEDICAL CARE TRUST FUND		126,238,699
	FROM SPECIAL GRANTS TRUST FUND		33,672
944	SPECIAL CATEGORIES		
	MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	1,416,053	
	FROM ADMINISTRATIVE TRUST FUND		9,584,155
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		633,857
	FROM SPECIAL GRANTS TRUST FUND		20,627
945	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM GENERAL REVENUE FUND	733,515	
	FROM ADMINISTRATIVE TRUST FUND		1,228,975
946	SPECIAL CATEGORIES		
	MEDICAL ADULT DAY CARE		
	FROM GENERAL REVENUE FUND	852,254	
	FROM MEDICAL CARE TRUST FUND		1,080,140
	FROM SPECIAL GRANTS TRUST FUND		10,653
947	NOT USED		
948	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	93,652	
	FROM MEDICAL CARE TRUST FUND		120,040
	FROM SPECIAL GRANTS TRUST FUND		2,611
949	SPECIAL CATEGORIES		
	NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	189,621,486	
	FROM MEDICAL CARE TRUST FUND		237,364,966
	FROM SPECIAL GRANTS TRUST FUND		42,031

From Specific Appropriation 949, funds are provided for the purpose of increasing the maximum income eligibility standard for the institutional care program as established pursuant to Section 409.266, F.S., at the same rate as the Social Security cost of living adjustments.

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950	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	804,109	
	FROM MEDICAL CARE TRUST FUND		1,290,470
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		225,962
	FROM SPECIAL GRANTS TRUST FUND		5,541
951	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	4,164,993	
	FROM ADMINISTRATIVE TRUST FUND		137,867
	FROM MEDICAL CARE TRUST FUND		5,596,597
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		445,182
	FROM SPECIAL GRANTS TRUST FUND		10,606
952	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	19,747,699	
	FROM MEDICAL CARE TRUST FUND		36,351,983
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		9,258,068
	FROM SPECIAL GRANTS TRUST FUND		221,061
953	SPECIAL CATEGORIES		
	PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION		
	FROM GENERAL REVENUE FUND	29,357,283	
	FROM MEDICAL CARE TRUST FUND		36,763,526
	FROM SPECIAL GRANTS TRUST FUND		12,534
954	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	45,529,077	
	FROM MEDICAL CARE TRUST FUND		64,888,834
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		5,359,708
	FROM SPECIAL GRANTS TRUST FUND		213,981

From funds provided in Specific Appropriation 954, the department shall provide reimbursement for biosynthetic human growth hormones supplied to Medicaid eligible, growth hormone deficient children who are under the supervision of Board Certified pediatric endocrinologists in established medical centers.

955	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	211,457	
	FROM MEDICAL CARE TRUST FUND		267,029
	FROM SPECIAL GRANTS TRUST FUND		2,514

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SPECIFIC
APPROPRIATION

956 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM
FROM MEDICAL CARE TRUST FUND 7,815,301

957 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE
FROM GENERAL REVENUE FUND 15,176,095
FROM MEDICAL CARE TRUST FUND 13,176,322
FROM SPECIAL GRANTS TRUST FUND 53

Funds within Specific Appropriations 931A through 957 may be used to contract for service funds for health maintenance organizations, prepaid health plans, health insuring organizations, and other alternative health plans for services provided to medicaid eligible clients.

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF
ADMINISTRATIVE SERVICES

958 SALARIES AND BENEFITS POSITIONS 320
FROM GENERAL REVENUE FUND 5,893,913
FROM GRANTS AND DONATIONS TRUST FUND . . . 56,618

959 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,300

960 EXPENSES
FROM GENERAL REVENUE FUND 1,228,263
FROM GRANTS AND DONATIONS TRUST FUND . . . 23,910

961 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 105,208

962 SPECIAL CATEGORIES
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS
FROM HIGHWAY PATROL INSURANCE TRUST FUND 40,000

963 SPECIAL CATEGORIES
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND
FROM GENERAL REVENUE FUND 40,000

964 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,284,075

FLORIDA HIGHWAY PATROL, DIVISION OF

965 SALARIES AND BENEFITS POSITIONS 2,030
FROM GENERAL REVENUE FUND 47,175,161
FROM GRANTS AND DONATIONS TRUST FUND . . . 527,665
FROM REIMBURSEMENT TRUST FUND 3,586,660

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SPECIFIC
APPROPRIATION

966 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 56,677
FROM REIMBURSEMENT TRUST FUND 1,000

967 EXPENSES
FROM GENERAL REVENUE FUND 5,149,092
FROM REIMBURSEMENT TRUST FUND 298,576

968 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 610,151
FROM REIMBURSEMENT TRUST FUND 10,204

968A LUMP SUM
SCHOOL BUS INSPECTION PROGRAM
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 968A, shall be used to conduct a pilot program to contract for non-public school bus inspections within Dade County, pursuant to the requirements of s. 316.615(4), F.S. The Department of Highway Safety and Motor Vehicles shall contract with a qualified private contractor selected in accordance with Chapter 287, F.S. The department shall submit to the President of the Senate and Speaker of the House by March 1, 1987, a progress report on the feasibility and cost effectiveness of the pilot program.

968B LUMP SUM
TRAFFIC LAW ENFORCEMENT/TROOPERS
POSITIONS 60
FROM GENERAL REVENUE FUND 1,915,000

969 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 3,879,114
FROM REIMBURSEMENT TRUST FUND 620,638

970 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 5,341,002
FROM GRANTS AND DONATIONS TRUST FUND . . . 69,361
FROM REIMBURSEMENT TRUST FUND 627,894

971 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,100,095
FROM REIMBURSEMENT TRUST FUND 85,637

972 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 186,450
FROM REIMBURSEMENT TRUST FUND 66,835

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SPECIFIC
APPROPRIATION

DRIVER LICENSES, DIVISION OF

973	SALARIES AND BENEFITS POSITIONS 1,478		
	FROM GENERAL REVENUE FUND	13,328,929	
	FROM ACCIDENT REPORTS TRUST FUND		12,076,583
974	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	582,059	
	FROM ACCIDENT REPORTS TRUST FUND		3,600
975	EXPENSES		
	FROM GENERAL REVENUE FUND	6,461,508	
	FROM ACCIDENT REPORTS TRUST FUND		122,360
976	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	196,694	
	FROM ACCIDENT REPORTS TRUST FUND		15,305
977	SPECIAL CATEGORIES		
	PURCHASE OF DRIVER LICENSES		
	FROM GENERAL REVENUE FUND	1,524,425	
978	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	7,697,375	
	FROM ACCIDENT REPORTS TRUST FUND		1,164,369

MOTOR VEHICLES, DIVISION OF

979	SALARIES AND BENEFITS POSITIONS 537		
	FROM GENERAL REVENUE FUND	8,017,232	
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		1,000,000
980	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	112,567	
981	EXPENSES		
	FROM GENERAL REVENUE FUND	2,294,832	
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		1,150,000

From funds provided in Specific Appropriation 981, $18,716 from the General Revenue Fund shall be used by the department to settle the court judgement for T. J. Martin.

982	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	515,607	
983	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PURCHASE OF LICENSE PLATES		
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		7,124,641

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APPROPRIATION

984	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,541,583	
	FROM FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM TRUST FUND		6,515,139

KIRKMAN DATA CENTER

985	SALARIES AND BENEFITS POSITIONS 246		
	FROM WORKING CAPITAL TRUST FUND		5,029,782
986	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		100,000
987	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		4,650,395
988	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		3,827,039
989	SPECIAL CATEGORIES		
	CONTRACTUAL DATA ENTRY SERVICES		
	FROM WORKING CAPITAL TRUST FUND		62,608
990	SPECIAL CATEGORIES		
	TAX COLLECTOR NETWORK - COUNTY SYSTEMS		
	FROM WORKING CAPITAL TRUST FUND		5,212,831

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

991	SALARIES AND BENEFITS POSITIONS 145		
	FROM GENERAL REVENUE FUND	224,855	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		3,636,379
992	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		76,800
993	EXPENSES		
	FROM GENERAL REVENUE FUND	44,841	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		876,100
994	AID TO LOCAL GOVERNMENTS		
	TWO PERCENT PREMIUM TAX TO CITIES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		25,000,000
995	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,326	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		42,839

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SPECIFIC
APPROPRIATION

995A LUMP SUM
TRANSFER TO EXECUTIVE OFFICE OF THE
GOVERNOR FOR TORT REFORM STUDY COMMISSION
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 875,000

995B LUMP SUM
TORT REFORM
POSITIONS 18
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 907,634

Funds provided in Specific Appropriation 995B are contingent upon CS/CS/SB 465 or similar legislation becoming law.

996 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 750,231

TREASURY, DIVISION OF

997 SALARIES AND BENEFITS POSITIONS 54
FROM GENERAL REVENUE FUND 931,750
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 213,645

998 EXPENSES
FROM GENERAL REVENUE FUND 371,676
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 106,051

999 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 12,808
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,100

1000 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 523,496
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 49,155

INSURANCE RATING, DIVISION OF

1001 SALARIES AND BENEFITS POSITIONS 90
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,548,459

1001A OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 51,667

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SPECIFIC
APPROPRIATION

1002 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 685,410

1003 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 10,642

1003A LUMP SUM
FEASIBILITY STUDY ON LONG-TERM CARE
INSURANCE PRODUCTS
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 150,000

Funds provided in Specific Appropriation 1003A shall be used to contract for a feasibility study of the provision of long term care insurance products. Long term care refers to those services provided over an extended period of time which include nursing home care, home health care, and other supportive services. The study shall consist of the information necessary to evaluate:

(1) the need for long term care insurance products in Florida;

(2) the cost feasibility of long term care insurance products;

(3) alternative financing or premium subsidy of long term care insurance products; and

(4) if a determination that long term care insurance products are feasible, the need for statutory or administrative rules, and the need for any incentives for insurers to offer and consumers to purchase the product.

1004 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 266,409

From funds provided in Specific Appropriations 1001, 1001A, 1002, 1003, and 1004, one position and $178,290 shall be used to implement the provisions of s. 768.66, F.S., requiring the department to conduct a Medical Malpractice Impact Study. The department shall also develop a model risk management program which meets the requirements of s. 395.041, F.S.; and to offer technical assistance to facilities wishing to implement the program.

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APPROPRIATION

INSURANCE COMPANY REGULATION, DIVISION OF

1005 SALARIES AND BENEFITS POSITIONS 174
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 4,437,122

1006 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 20,000

1007 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,109,151

1008 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 36,641

1009 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 121,037

REHABILITATION AND LIQUIDATION, DIVISION OF

1010 SALARIES AND BENEFITS POSITIONS 39
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,039,681

1011 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 350,954

1012 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 6,909

1013 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 74,504

INSURANCE CONSUMER SERVICES, DIVISION OF

1014 SALARIES AND BENEFITS POSITIONS 156
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,280,477

1015 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 120,000

1016 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,138,279

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APPROPRIATION

1017 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND 2,000,000

1018 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 26,682

1018A LUMP SUM
CONSUMER COMPLAINTS WATS LINES
POSITIONS 4
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 91,868

1019 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 650,978

STATE FIRE MARSHAL, DIVISION OF

1020 SALARIES AND BENEFITS POSITIONS 128
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,081,696

1021 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,000

1022 EXPENSES
FROM FIRE COLLEGE PUBLICATION REVOLVING TRUST FUND 60,000
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 938,881

1023 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 236,564

1024 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 77,214

1025 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 21,410

1026 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 265,185

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APPROPRIATION

RISK MANAGEMENT, DIVISION OF

1027 SALARIES AND BENEFITS POSITIONS 53
FROM CASUALTY INSURANCE TRUST FUND 1,176,242
FROM FIRE INSURANCE TRUST FUND 123,402

1028 OTHER PERSONAL SERVICES
FROM CASUALTY INSURANCE TRUST FUND 15,000

1029 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 266,305
FROM FIRE INSURANCE TRUST FUND 18,760

1030 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 26,955
FROM FIRE INSURANCE TRUST FUND 629

1031 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 1,342,176
FROM FIRE INSURANCE TRUST FUND 1,500,000

1032 DATA PROCESSING SERVICES
FROM CASUALTY INSURANCE TRUST FUND 12,809
FROM FIRE INSURANCE TRUST FUND 11,898

INSURANCE FRAUD, DIVISION OF

1033 SALARIES AND BENEFITS POSITIONS 30
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 819,880

1034 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 275,842

1035 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 22,105

1036 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 82,959

LIQUEFIED PETROLEUM GAS, DIVISION OF

1037 SALARIES AND BENEFITS POSITIONS 18
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 396,129

1038 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,000

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1039 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 143,403

1040 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 18,760

1041 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 15,749

TREASURER'S MANAGEMENT INFORMATION CENTER

1042 SALARIES AND BENEFITS POSITIONS 48
FROM WORKING CAPITAL TRUST FUND 1,128,129

1043 EXPENSES
FROM WORKING CAPITAL TRUST FUND 1,017,719

1044 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 678,562

1045 NOT USED

JUDICIAL BRANCH

Funds provided in appropriation categories "Expenses" and "Operating Capital Outlay" to the State Courts System shall only be expended for purchases in conformance with the purchasing rules adopted by the Supreme Court during Fiscal Year 1982-83.

SUPREME COURT

1046 SALARIES AND BENEFITS POSITIONS 127
FROM GENERAL REVENUE FUND 3,755,814
FROM BLOCK GRANT MATCHING TRUST FUND . . . 108,387
FROM DWI SCHOOLS COORDINATION TRUST FUND . 117,140

1047 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 398,623
FROM COURT EDUCATION TRUST FUND 61,730
FROM DWI SCHOOLS COORDINATION TRUST FUND . 10,050

1048 EXPENSES
FROM GENERAL REVENUE FUND 765,189
FROM COURT EDUCATION TRUST FUND 430,315
FROM DWI SCHOOLS COORDINATION TRUST FUND . 82,970

No General Revenue Funds in Specific Appropriation 1048 shall be used for out-of-state judicial education programs.

From the Court Education Trust Fund moneys in

SECTION 01

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APPROPRIATION

Specific Appropriations 1046 through 1048, the Supreme Court shall include training at court conferences on child abuse and child support issues.

1049 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,621

1049A LUMP SUM
TRIAL COURT INFORMATION SYSTEMS
DEVELOPMENT PROGRAM
POSITIONS 4
FROM GENERAL REVENUE FUND 156,926

1050 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM GENERAL REVENUE FUND 5,000

Funds in Specific Appropriation 1050 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice. The Chief Justice shall submit a report to the Legislature by September 1 of each year which states the specific expenses paid with these funds in the prior year.

1051 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 184,893

1052 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 498,310

ADMINISTERED FUNDS - JUDICIAL

In the event of a general revenue shortfall, as provided in Chapter 216, F.S., funds in Specific Appropriations 1058 and 1062 shall not be reserved in excess of the amount obtained by multiplying the overall percentage reduction factor required times the amounts in Specific Appropriations 1058 and 1062, unless all other General Revenue Funds in Specific Appropriations 1046 through 1077 have been exhausted.

The funds in Specific Appropriation 1052A are provided to prepare comprehensive plans for implementation of automated information systems on a circuitwide basis, encompassing the courts, state attorneys, and public defenders, plus whatever other criminal justice or law enforcement entities shall be deemed desirable. Proposals from local government units to prepare plans shall be submitted to a committee composed of a representative of the Information Resource Commission, a representative of the Executive Office of the Governor, a representative of the Joint Committee on Information Technology Resources, and a representative of the Justice Data Center. This committee shall review these proposals and authorize disbursement of these funds for the planning effort. Upon submission, the committee will review these plans, ensuring that they are technically feasible, comprehensive, contain cost data, and meet statewide informational and audit requirements. The committee will then make recommendations based on these and such other factors as they deem appropriate, and including allocated cost data for the state attorney and public defender portions of the system. These recommendations shall be submitted to the chairmen of the legislative appropriations committees by February 15, 1987.

The funds in Specific Appropriation 1052B shall be used to fund the implementation of the integrated Criminal Justice Information System in the Tenth Judicial Circuit according to the plan submitted by that circuit and recommended by the Joint Committee on Information Technology Resources in February of 1986. A plan for disbursement of funds shall be submitted for approval of the Executive Office of the Governor in consultation with the chairmen of the legislative appropriations committees.

1052A LUMP SUM
CRIMINAL JUSTICE INFORMATION SYSTEM
PLANNING
FROM GENERAL REVENUE FUND 100,000

1052B LUMP SUM
TENTH JUDICIAL CIRCUIT CRIMINAL JUSTICE
INFORMATION SYSTEM
FROM GENERAL REVENUE FUND 228,450

1053 NOT USED

1053A LUMP SUM
LAW CLERK PILOT PROGRAM
POSITIONS 16
FROM GENERAL REVENUE FUND 404,297

The funds in Specific Appropriation 1053A shall be used to implement a Law Clerk Pilot Program in the 4th, 5th, and 10th judicial circuits. Seven law clerks shall be provided for the 4th circuit, four law clerks shall be provided for the 5th circuit, and five law clerks shall be provided for the 10th circuit.

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APPROPRIATION

1054 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 450,000

1055 SPECIAL CATEGORIES
COMPENSATION AND EXPENSES OF COURT REPORTERS
FROM GENERAL REVENUE FUND 1,067,503

1056 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 15,000

1057 SPECIAL CATEGORIES
JUDICIAL CLERK INTERN PROGRAM
FROM GENERAL REVENUE FUND 50,000

Funds in Specific Appropriation 1057 shall be used to provide stipends and relocation expenses to a minimum of 20 participants in the Florida Bar Judicial Clerk Scholarship Program.

1058 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 7,089,763

Funds in Specific Appropriation 1058 shall be used solely for the payment of jurors and witnesses.

1059 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 265,825

1060 SPECIAL CATEGORIES
PRINTING REPORTS
FROM GENERAL REVENUE FUND 345,107

1061 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 161,350

1062 SPECIAL CATEGORIES
WITNESS FEES
FROM GENERAL REVENUE FUND 3,448,000

Funds in Specific Appropriation 1062 are contingent upon the matching contribution by each county with sufficient personnel and funds to establish a witness coordination office for all witnesses. These offices shall follow the procedures designed by the State Court Administrator's Office. All payments with these funds shall be made on a reimbursement basis with sufficient documentation to support them. If expenditure projections for the fiscal year exceed the amount appropriated, the

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State Courts Administrator's Office shall submit a plan for approval to the Administration Commission, with prior consultation with the chairmen of the legislative appropriations committees, for the proportional distribution to the counties within funds appropriated. Of the funds provided in Specific Appropriation 1062, $15,000 may be used by the State Court Administrator's Office for appropriate part-time personnel and expenses of the management and statistical reporting associated with witness coordination offices.

JUSTICE DATA CENTER

1063 SALARIES AND BENEFITS POSITIONS 15
FROM WORKING CAPITAL TRUST FUND 415,282

1064 EXPENSES
FROM WORKING CAPITAL TRUST FUND 1,883,321

1065 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 957,405

DISTRICT COURTS OF APPEAL

1066 SALARIES AND BENEFITS POSITIONS 310
FROM GENERAL REVENUE FUND 11,508,087

1067 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 84,013

1068 EXPENSES
FROM GENERAL REVENUE FUND 1,217,220

1069 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 619,961

1070 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 375,832

CIRCUIT COURTS

1071 SALARIES AND BENEFITS POSITIONS 962
FROM GENERAL REVENUE FUND 43,555,729

1072 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 66,328

From funds provided in Specific Appropriation 1072, no more than $40,000 shall be disbursed prior to certification by the Chief Justice of the Florida Supreme Court to the Comptroller that the chief judge of each judicial circuit encompassing a county with a population less than 50,000 has made adequate provision for the assignment of judges to such county.

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APPROPRIATION

1073 EXPENSES
FROM GENERAL REVENUE FUND 663,766

No funds in Specific Appropriation 1073 shall be used for out-of-state judicial education programs.

1074 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,872

COUNTY COURTS

1075 SALARIES AND BENEFITS POSITIONS 446
FROM GENERAL REVENUE FUND 21,669,865

1076 EXPENSES
FROM GENERAL REVENUE FUND 200,001

No funds in Specific Appropriation 1076 shall be used for out-of-state judicial education programs.

1077 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 35,000

JUSTICE ADMINISTRATIVE COMMISSION

1078 SALARIES AND BENEFITS POSITIONS 23
FROM GENERAL REVENUE FUND 530,758

1079 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,941

1080 EXPENSES
FROM GENERAL REVENUE FUND 157,993

1081 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,917

1082 NOT USED

1083 SPECIAL CATEGORIES
CONFLICT CASES
FROM GENERAL REVENUE FUND 2,000,000

The allocation of funds in Specific Appropriation 1083 for conflict cases shall be used solely for compensation of court appointed attorneys who are members of the Florida Bar and who have been approved by the circuit's conflict committee to handle such cases. Attorneys shall be appointed by the trial court for purposes of representation and compensated as provided in Sections 27.53, 925.035, and 925.036, F.S. In each judicial circuit, a circuit conflict committee shall be established consisting of the following members: (a) the chief judge of the judicial circuit or his designated representative; (b) one representative of each board of county commissioners located within the judicial circuit, such representative to be designated by resolution of each board; and (c) the public defender of the judicial circuit. The public defender of each judicial circuit shall submit an annual report for Fiscal Year 1985-86 in writing to the chairmen of the Senate and House Appropriations Committees. The report shall indicate by county how the funds for conflict cases were expended and the number of cases and associated costs of those cases that the public defenders were unable to accept as a result of a stated lack of resources. This report shall be submitted no later than February 28, 1987.

The allocation of funds in Specific Appropriation 1083 shall be provided in the "Letter of Intent." These funds shall be used to reimburse the counties for fees paid to only those attorneys who were approved by the circuit conflict committee prior to appointment. Requests for reimbursement shall be prepared by each county and certified by the public defender that the claim fully complies with the provisions of s. 925.036, F.S. Each circuit conflict committee shall allocate the funds for conflict cases among the respective counties within each circuit. Each circuit conflict committee shall request the clerk of the circuit court to provide all expenditure data to each public defender. These funds shall not be transferred or used for any other purpose than for the payment of attorney fees for conflict cases. No funds shall be transferred to increase the amount allocated for this purpose. Upon depletion of the funds allocated for this purpose, the responsibility for payment of conflict cases shall be that of each respective county. These funds may be reallocated among the circuits with the approval of the Executive Office of the Governor in consultation with the chairmen of the Senate and House Appropriations Committees.

1084 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF ADMINISTRATION
FOR COPES
FROM GENERAL REVENUE FUND 43,477

1085 SPECIAL CATEGORIES
LAW INTERN PROGRAM
FROM GENERAL REVENUE FUND 165,878

1086 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 142,753

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APPROPRIATION

1087 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER
TRAINING
FROM GENERAL REVENUE FUND 128,533

JUDICIAL QUALIFICATIONS COMMISSION

1088 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 51,522

1089 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 60,052

1090 EXPENSES
FROM GENERAL REVENUE FUND 51,763

1091 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 566

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

1092 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 658,467

1093 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 51,084

1094 EXPENSES
FROM GENERAL REVENUE FUND 133,206

1094A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 11,116

STATE ATTORNEYS

From funds in the "Salaries and Benefits" categories of State Attorneys, the salary rate for new positions shall be set at the minimum for that class. Rate for new assistant state attorney positions provided shall not exceed $23,100 for each position.

The State Attorneys and Public Defenders for the Second, Eleventh, and Thirteenth Judicial Circuits are hereby appointed to serve as a Special Committee on State Attorney/Public Defender Funding. The Committee is charged with the responsibility of endeavoring to develop funding formulas for state attorneys and public defenders which take into consideration the workload relationship between the state attorney offices and the public defender offices. The Special Committee on State Attorney/Public Defender Funding shall make its report to the legislative appropriations committees on or before February 28, 1987. Expenses relating to the activities of this committee may be paid from

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funds provided in Specific Appropriations 1095 through 1371.

FIRST JUDICIAL CIRCUIT

1095 SALARIES AND BENEFITS POSITIONS 122
FROM GENERAL REVENUE FUND 3,592,228

1096 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 33,500

1097 EXPENSES
FROM GENERAL REVENUE FUND 272,928

1098 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 40,987

1099 NOT USED

1100 NOT USED

1101 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,281

1102 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 34,626

SECOND JUDICIAL CIRCUIT

1103 SALARIES AND BENEFITS POSITIONS 77
FROM GENERAL REVENUE FUND 2,387,774

1104 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,000

1105 EXPENSES
FROM GENERAL REVENUE FUND 217,690

1106 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,706

1107 NOT USED

1108 NOT USED

1109 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 8,195

1110 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,000

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SPECIFIC
APPROPRIATION

THIRD JUDICIAL CIRCUIT

1111	SALARIES AND BENEFITS	POSITIONS	40
	FROM GENERAL REVENUE FUND		1,353,353
1112	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		13,586
1113	EXPENSES		
	FROM GENERAL REVENUE FUND		219,354
1114	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		29,793
1115	NOT USED		
1116	NOT USED		
1117	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		5,110
1118	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		10,650

FOURTH JUDICIAL CIRCUIT

1119	SALARIES AND BENEFITS	POSITIONS	215
	FROM GENERAL REVENUE FUND		5,730,793
1120	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		123,725
1121	EXPENSES		
	FROM GENERAL REVENUE FUND		287,785
1122	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		63,863
1123	NOT USED		
1124	NOT USED		
1125	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		7,873
1126	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		22,977

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FIFTH JUDICIAL CIRCUIT

1127	SALARIES AND BENEFITS	POSITIONS	87
	FROM GENERAL REVENUE FUND		2,627,253
1128	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		10,500
1129	EXPENSES		
	FROM GENERAL REVENUE FUND		193,580
1130	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		29,118
1131	NOT USED		
1132	NOT USED		
1133	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		15,938
1134	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		21,712

SIXTH JUDICIAL CIRCUIT

1135	SALARIES AND BENEFITS	POSITIONS	275
	FROM GENERAL REVENUE FUND		7,587,885
1136	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		59,110
1137	EXPENSES		
	FROM GENERAL REVENUE FUND		339,685
1138	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		111,756
1139	NOT USED		
1140	NOT USED		
1141	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		16,069
1142	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		21,587

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SEVENTH JUDICIAL CIRCUIT

1143	SALARIES AND BENEFITS	POSITIONS	111
	FROM GENERAL REVENUE FUND		3,253,855
1144	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		23,976
1145	EXPENSES		
	FROM GENERAL REVENUE FUND		187,327
1146	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		21,151
1147	NOT USED		
1148	NOT USED		
1149	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		7,105
1150	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		19,670

EIGHTH JUDICIAL CIRCUIT

1151	SALARIES AND BENEFITS	POSITIONS	85
	FROM GENERAL REVENUE FUND		2,463,717
1152	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		8,443
1153	EXPENSES		
	FROM GENERAL REVENUE FUND		196,633
1154	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		20,783
1155	NOT USED		
1156	NOT USED		
1157	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		9,312
1158	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		17,449

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APPROPRIATION

NINTH JUDICIAL CIRCUIT

1159	SALARIES AND BENEFITS	POSITIONS	171
	FROM GENERAL REVENUE FUND		4,456,781
1160	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		24,171
1161	EXPENSES		
	FROM GENERAL REVENUE FUND		237,291
1162	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		49,245
1163	NOT USED		
1164	NOT USED		
1165	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		11,972
1166	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		27,563

TENTH JUDICIAL CIRCUIT

1167	SALARIES AND BENEFITS	POSITIONS	111
	FROM GENERAL REVENUE FUND		3,010,893
1168	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		33,000
1169	EXPENSES		
	FROM GENERAL REVENUE FUND		165,195
1170	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		30,615
1171	NOT USED		
1172	NOT USED		
1173	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		8,026
1174	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		5,073

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APPROPRIATION

ELEVENTH JUDICIAL CIRCUIT

1175 SALARIES AND BENEFITS POSITIONS 532
FROM GENERAL REVENUE FUND 15,573,603

1176 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 232,625

1177 EXPENSES
FROM GENERAL REVENUE FUND 1,221,774

1178 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 138,885

1179 NOT USED

1180 NOT USED

1181 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 14,490

1182 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 34,224

TWELFTH JUDICIAL CIRCUIT

1183 SALARIES AND BENEFITS POSITIONS 113
FROM GENERAL REVENUE FUND 2,969,596

1184 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,000

1185 EXPENSES
FROM GENERAL REVENUE FUND 191,273

1186 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,409

1187 NOT USED

1188 NOT USED

1189 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,580

1190 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 25,029

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SPECIFIC
APPROPRIATION

THIRTEENTH JUDICIAL CIRCUIT

1191 SALARIES AND BENEFITS POSITIONS 182
FROM GENERAL REVENUE FUND 5,157,998

1192 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 99,000

1193 EXPENSES
FROM GENERAL REVENUE FUND 355,555

1194 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 37,810

1195 NOT USED

1196 NOT USED

1197 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,913

1198 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 11,258

FOURTEENTH JUDICIAL CIRCUIT

1199 SALARIES AND BENEFITS POSITIONS 58
FROM GENERAL REVENUE FUND 1,828,915

1200 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,500

1201 EXPENSES
FROM GENERAL REVENUE FUND 258,371

1202 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,011

1203 NOT USED

1204 NOT USED

1205 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,794

1206 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 17,242

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APPROPRIATION

FIFTEENTH JUDICIAL CIRCUIT

1207	SALARIES AND BENEFITS	POSITIONS	180
	FROM GENERAL REVENUE FUND		5,304,793
1208	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		74,086
1209	EXPENSES		
	FROM GENERAL REVENUE FUND		411,757
1210	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		39,313
1211	NOT USED		
1212	NOT USED		
1213	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		14,702
1214	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		13,701

SIXTEENTH JUDICIAL CIRCUIT

1215	SALARIES AND BENEFITS	POSITIONS	43
	FROM GENERAL REVENUE FUND		1,309,472
1216	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		27,000
1217	EXPENSES		
	FROM GENERAL REVENUE FUND		156,436
1218	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		11,587
1219	NOT USED		
1220	NOT USED		
1221	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		4,129
1222	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		1,881

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APPROPRIATION

SEVENTEENTH JUDICIAL CIRCUIT

1223	SALARIES AND BENEFITS	POSITIONS	280
	FROM GENERAL REVENUE FUND		8,372,948
1224	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		53,500
1225	EXPENSES		
	FROM GENERAL REVENUE FUND		473,356
1226	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		67,121
1227	NOT USED		
1228	NOT USED		
1229	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		12,292
1230	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		42,316

EIGHTEENTH JUDICIAL CIRCUIT

1231	SALARIES AND BENEFITS	POSITIONS	124
	FROM GENERAL REVENUE FUND		3,514,759
1232	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		35,000
1233	EXPENSES		
	FROM GENERAL REVENUE FUND		347,354
1234	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		36,411
1235	NOT USED		
1236	NOT USED		
1237	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		13,207
1238	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		22,482

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APPROPRIATION

NINETEENTH JUDICIAL CIRCUIT

1239	SALARIES AND BENEFITS	POSITIONS	76
	FROM GENERAL REVENUE FUND		2,158,151
1240	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		34,000
1241	EXPENSES		
	FROM GENERAL REVENUE FUND		223,260
1242	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		21,196
1243	NOT USED		
1244	NOT USED		
1245	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		7,874
1246	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		17,130

TWENTIETH JUDICIAL CIRCUIT

1247	SALARIES AND BENEFITS	POSITIONS	123
	FROM GENERAL REVENUE FUND		3,147,010
1248	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		13,800
1249	EXPENSES		
	FROM GENERAL REVENUE FUND		227,453
1250	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		57,407
1251	NOT USED		
1252	NOT USED		
1253	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND		20,288
1254	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		14,395

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APPROPRIATION

PUBLIC DEFENDERS

The Public Defenders Coordination Office budgetary needs will be shared by each public defender's office within the funds provided in Specific Appropriations 1255 through 1371. The total funding for this office shall not exceed $178,000.

From funds in the "Salaries and Benefits" categories for Public Defenders, the salary rate for new positions shall be set at the minimum for that class. Rate for new assistant public defender positions provided shall not exceed $23,100 for each position.

FIRST JUDICIAL CIRCUIT

1255	SALARIES AND BENEFITS	POSITIONS	68
	FROM GENERAL REVENUE FUND		2,026,479
1256	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		12,934
1257	EXPENSES		
	FROM GENERAL REVENUE FUND		148,699
1258	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		21,841
1259	NOT USED		
1260	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		21,636

SECOND JUDICIAL CIRCUIT

1261	SALARIES AND BENEFITS	POSITIONS	67
	FROM GENERAL REVENUE FUND		2,054,650
1262	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		26,934
1263	EXPENSES		
	FROM GENERAL REVENUE FUND		186,366
1264	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		15,987
1265	NOT USED		
1266	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		18,766

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APPROPRIATION

THIRD JUDICIAL CIRCUIT

1267 SALARIES AND BENEFITS POSITIONS 19
FROM GENERAL REVENUE FUND 691,895

1268 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,000

1269 EXPENSES
FROM GENERAL REVENUE FUND 85,106

1270 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 45,208

1271 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 7,566

FOURTH JUDICIAL CIRCUIT

1272 SALARIES AND BENEFITS POSITIONS 110
FROM GENERAL REVENUE FUND 3,190,463

1273 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 26,956

1274 EXPENSES
FROM GENERAL REVENUE FUND 137,038

1275 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 29,147

1276 NOT USED

1277 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,111

FIFTH JUDICIAL CIRCUIT

1278 SALARIES AND BENEFITS POSITIONS 46
FROM GENERAL REVENUE FUND 1,267,884

1279 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,467

1280 EXPENSES
FROM GENERAL REVENUE FUND 94,014

1281 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,226

1282 NOT USED

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1283 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,505

SIXTH JUDICIAL CIRCUIT

1284 SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 3,900,412

1285 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 85,379

1286 EXPENSES
FROM GENERAL REVENUE FUND 260,790

1287 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 88,615

1288 NOT USED

1289 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 25,000

SEVENTH JUDICIAL CIRCUIT

1290 SALARIES AND BENEFITS POSITIONS 79
FROM GENERAL REVENUE FUND 2,404,281

1290A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,434

1291 EXPENSES
FROM GENERAL REVENUE FUND 187,442

1292 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,900

1293 NOT USED

1294 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 18,316

EIGHTH JUDICIAL CIRCUIT

1295 SALARIES AND BENEFITS POSITIONS 45
FROM GENERAL REVENUE FUND 1,256,995

1296 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,978

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1297 EXPENSES
FROM GENERAL REVENUE FUND 88,743

1298 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,341

1299 NOT USED

1300 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 11,598

NINTH JUDICIAL CIRCUIT

1301 SALARIES AND BENEFITS POSITIONS 71
FROM GENERAL REVENUE FUND 1,944,914

1302 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,956

1303 EXPENSES
FROM GENERAL REVENUE FUND 163,902

1304 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,637

1305 NOT USED

1306 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,000

TENTH JUDICIAL CIRCUIT

1307 SALARIES AND BENEFITS POSITIONS 91
FROM GENERAL REVENUE FUND 2,411,556

1308 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,923

1309 EXPENSES
FROM GENERAL REVENUE FUND 202,179

1310 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 23,683

1311 NOT USED

1312 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 11,140

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ELEVENTH JUDICIAL CIRCUIT

1313 SALARIES AND BENEFITS POSITIONS 210
FROM GENERAL REVENUE FUND 7,188,475

1314 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 133,912

1315 EXPENSES
FROM GENERAL REVENUE FUND 356,762

1316 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 55,292

1317 NOT USED

1318 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 60,704

TWELFTH JUDICIAL CIRCUIT

1319 SALARIES AND BENEFITS POSITIONS 58
FROM GENERAL REVENUE FUND 1,752,186

1320 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,467

1321 EXPENSES
FROM GENERAL REVENUE FUND 163,732

1322 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 52,324

1323 NOT USED

1324 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 22,287

THIRTEENTH JUDICIAL CIRCUIT

1325 SALARIES AND BENEFITS POSITIONS 117
FROM GENERAL REVENUE FUND 3,443,628

1326 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 55,401

1327 EXPENSES
FROM GENERAL REVENUE FUND 271,726

1328 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 35,924

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1329 NOT USED

1330 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,917

FOURTEENTH JUDICIAL CIRCUIT

1331 SALARIES AND BENEFITS POSITIONS 25
FROM GENERAL REVENUE FUND 1,017,121

1332 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,978

1333 EXPENSES
FROM GENERAL REVENUE FUND 68,904

1334 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,148

1335 NOT USED

1336 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 5,418

FIFTEENTH JUDICIAL CIRCUIT

1337 SALARIES AND BENEFITS POSITIONS 115
FROM GENERAL REVENUE FUND 3,476,826

1338 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 110,501

1339 EXPENSES
FROM GENERAL REVENUE FUND 195,267

1340 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 27,719

1341 NOT USED

1342 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 21,589

SIXTEENTH JUDICIAL CIRCUIT

1343 SALARIES AND BENEFITS POSITIONS 31
FROM GENERAL REVENUE FUND 883,880

1344 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,500

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1345 EXPENSES
FROM GENERAL REVENUE FUND 95,376

1346 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,621

1347 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,056

SEVENTEENTH JUDICIAL CIRCUIT

1348 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 3,441,717

1349 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 73,819

1350 EXPENSES
FROM GENERAL REVENUE FUND 233,882

1351 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 34,751

1352 NOT USED

1353 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 16,714

EIGHTEENTH JUDICIAL CIRCUIT

1354 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 1,436,526

1355 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,652

1356 EXPENSES
FROM GENERAL REVENUE FUND 141,450

1357 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 11,696

1358 NOT USED

1359 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 9,712

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APPROPRIATION

NINETEENTH JUDICIAL CIRCUIT

1360	SALARIES AND BENEFITS POSITIONS 38		
	FROM GENERAL REVENUE FUND	1,074,040	
1361	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,503	
1362	EXPENSES		
	FROM GENERAL REVENUE FUND	104,967	
1363	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	12,108	
1364	NOT USED		
1365	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	12,069	

TWENTIETH JUDICIAL CIRCUIT

1366	SALARIES AND BENEFITS POSITIONS 47		
	FROM GENERAL REVENUE FUND	1,238,889	
1367	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,230	
1368	EXPENSES		
	FROM GENERAL REVENUE FUND	86,423	
1369	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	7,835	
1370	NOT USED		
1371	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,102	

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1372	SALARIES AND BENEFITS POSITIONS 234		
	FROM GENERAL REVENUE FUND	116,060	
	FROM ADMINISTRATIVE TRUST FUND		3,948,211
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		407,113
	FROM REVOLVING TRUST FUND		487,644
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		269,565

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1373	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,000	
	FROM ADMINISTRATIVE TRUST FUND		58,777
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		21,336
	FROM REVOLVING TRUST FUND		169,264
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		3,100
1374	EXPENSES		
	FROM GENERAL REVENUE FUND	25,986	
	FROM ADMINISTRATIVE TRUST FUND		1,200,883
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		218,178
	FROM REVOLVING TRUST FUND		1,407,102
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		25,360
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		76,114
1375	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		38,319
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		1,200
	FROM REVOLVING TRUST FUND		4,723
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		7,700
1376	NOT USED		
1377	SPECIAL CATEGORIES		
	REIMBURSEMENT OF EMPLOYERS		
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		19,000,000
1378	DEBT SERVICE		
	FROM ADMINISTRATIVE TRUST FUND		6,500
1379	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		211,724
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		7,200
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		867,440

PUBLIC EMPLOYEES RELATIONS COMMISSION

1380	SALARIES AND BENEFITS POSITIONS 41		
	FROM GENERAL REVENUE FUND	1,168,630	
1381	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	77,646	

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APPROPRIATION

1382 EXPENSES
FROM GENERAL REVENUE FUND 273,443
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 25,290

1383 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 36,370

1383A LUMP SUM
TRANSFER OF CAREER SERVICE COMMISSION TO
PERC
POSITIONS 2
FROM GENERAL REVENUE FUND 178,000

Funds and positions provided in Specific Appropriation 1383A are contingent on HB 956 or similar legislation becoming law.

1384 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,602
FROM PUBLIC EMPLOYEES RELATIONS
COMMISSION TRUST FUND 5,000

OFFICE OF THE CHIEF COMMISSIONER OF WORKERS' COMPENSATION

1385 SALARIES AND BENEFITS POSITIONS 76
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,712,807

1386 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 135,000

1387 EXPENSES
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 607,949

1388 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 32,265

WORKERS' COMPENSATION, DIVISION OF

1389 SALARIES AND BENEFITS POSITIONS 536
FROM GENERAL REVENUE FUND 72,699
FROM CRIMES COMPENSATION TRUST FUND . . . 479,229
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 10,607,072

1390 OTHER PERSONAL SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 185,584
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 429,931

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1391 EXPENSES
FROM GENERAL REVENUE FUND 222,188
FROM CRIMES COMPENSATION TRUST FUND . . . 174,872
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 2,788,515

1392 OPERATING CAPITAL OUTLAY
FROM CRIMES COMPENSATION TRUST FUND . . . 3,297
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 239,505

Of the funds provided in Specific Appropriation 1392, in the Workers' Compensation Administration Trust Fund, $114,750 shall be held in reserve by the Executive Office of the Governor pending a determination of the dollar value of such equipment that can be purchased with federal funds.

1393 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS
FROM CRIMES COMPENSATION TRUST FUND . . . 8,662,584

1394 FINANCIAL ASSISTANCE PAYMENTS
PAYMENTS TO CLAIMANTS
FROM SELF INSURANCE ASSESSMENT TRUST
FUND 75,000

1395 FINANCIAL ASSISTANCE PAYMENTS
SUPPLEMENTAL WORKERS' COMPENSATION
BENEFITS
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 10,841,150

1396 DATA PROCESSING SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 2,500
FROM WORKERS' COMPENSATION
ADMINISTRATION TRUST FUND 689,523

LABOR, EMPLOYMENT AND TRAINING, DIVISION OF

1397 SALARIES AND BENEFITS POSITIONS 1,619
FROM GENERAL REVENUE FUND 1,007,582
FROM CREW CHIEF REGISTRATION TRUST FUND . 147,148
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 31,316,494

1398 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,420
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 3,922,171

1399 EXPENSES
FROM GENERAL REVENUE FUND 237,691
FROM CREW CHIEF REGISTRATION TRUST FUND . 3,600
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 7,355,373

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1400 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GOVERNMENTAL UNITS
SPECIAL EMPLOYMENT PLACEMENT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,840,595

1401 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JOB TRAINING PARTNERSHIP
ACT SUMMER YOUTH - TEMPORARY EMPLOYMENT
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 24,927,300

1402 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,344
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 249,752

1403 NOT USED

1404 SPECIAL CATEGORIES
GRANTS AND AIDS - JOB TRAINING PARTNERSHIP
ACT SERVICE DELIVERY AREA ALLOTMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 91,256,671

1405 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 2,779,943

1406 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE ORGANIZATIONS
SPECIAL EMPLOYMENT PLACEMENT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,388,520

1407 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 2,047
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,588,003

UNEMPLOYMENT COMPENSATION, DIVISION OF

1408 SALARIES AND BENEFITS POSITIONS 1,285
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 25,467,224

1409 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 872,842

1410 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 4,178,057

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1411 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 197,617

1412 NOT USED

1413 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT
TRUST FUND 380,102,622

1414 DATA PROCESSING SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 2,848,387

CALDWELL DATA CENTER

1415 SALARIES AND BENEFITS POSITIONS 145
FROM WORKING CAPITAL TRUST FUND 3,362,981

1416 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 69,000

1417 EXPENSES
FROM WORKING CAPITAL TRUST FUND 1,652,502

1418 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 1,141,279

1419 NOT USED

UNEMPLOYMENT APPEALS COMMISSION

1420 SALARIES AND BENEFITS POSITIONS 28
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 793,278

1421 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 15,600

1422 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 128,352

1423 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 9,129

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LAW ENFORCEMENT, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF STAFF SERVICES

1424	SALARIES AND BENEFITS POSITIONS 308		
	FROM GENERAL REVENUE FUND	8,854,237	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		105,310
1425	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	60,050	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		18,000
1426	EXPENSES		
	FROM GENERAL REVENUE FUND	2,080,284	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		46,996
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		19,291
	FROM OPERATING TRUST FUND		15,911
	FROM REVOLVING TRUST FUND		1,000,000
1427	AID TO LOCAL GOVERNMENTS LOCAL LABORATORY SERVICES		
	FROM GENERAL REVENUE FUND	2,379,702	
1428	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - MEDICAL EXAMINER SERVICES		
	FROM GENERAL REVENUE FUND	1,615,344	
1429	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	335,505	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		11,745
1430	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	35,553	
1431	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	88,117	

CRIMINAL INVESTIGATIONS, DIVISION OF

1432	SALARIES AND BENEFITS POSITIONS 358		
	FROM GENERAL REVENUE FUND	10,733,044	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		231,132
	FROM GRANTS AND DONATIONS TRUST FUND . . .		157,056

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1433	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,740	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		50,000
1434	EXPENSES		
	FROM GENERAL REVENUE FUND	3,718,009	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		427,141
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,153
1435	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	588,943	
1436	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	243,265	
1437	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	241,611	

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

1438	SALARIES AND BENEFITS POSITIONS 49		
	FROM ADMINISTRATIVE TRUST FUND		875,939
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		312,720
1439	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		36,177
	FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		166,000
1440	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		222,861
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		130,874
	FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		84,000
1441	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		47,878
1442	SPECIAL CATEGORIES GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING		
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		4,514,129
1443	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		95,766

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CRIMINAL JUSTICE INFORMATION SYSTEMS, DIVISION OF

1444	SALARIES AND BENEFITS POSITIONS	209	
	FROM GENERAL REVENUE FUND	2,373,755	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		93,759
	FROM OPERATING TRUST FUND		1,656,776
1445	EXPENSES		
	FROM GENERAL REVENUE FUND	1,003,972	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,282
	FROM OPERATING TRUST FUND		269,404
1446	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,481,044	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,590
	FROM OPERATING TRUST FUND		1,010
1447	NOT USED		
1448	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	3,660	
1449	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	5,856,497	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,000
	FROM OPERATING TRUST FUND		701,880

LAW ENFORCEMENT DATA CENTER

1450	SALARIES AND BENEFITS POSITIONS	96	
	FROM WORKING CAPITAL TRUST FUND		2,033,549
1451	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		3,532,139
1452	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		1,994,756

LOCAL LAW ENFORCEMENT ASSISTANCE, DIVISION OF

1453	SALARIES AND BENEFITS POSITIONS	97	
	FROM GENERAL REVENUE FUND	2,296,086	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		319,103
	FROM GRANTS AND DONATIONS TRUST FUND . . .		66,758
1454	OTHER PERSONAL SERVICES		
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		157,500
1455	EXPENSES		
	FROM GENERAL REVENUE FUND	398,027	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		111,990

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	FROM GRANTS AND DONATIONS TRUST FUND . . .		74,408
1456	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	56,299	
1456A	LUMP SUM		
	CRIME CONTROL BUREAU POSITIONS	19	
	FROM GENERAL REVENUE FUND	996,000	
1457	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	29,828	
1458	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	95,462	

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

1459	SALARIES AND BENEFITS POSITIONS	337	
	FROM GENERAL REVENUE FUND	9,011,722	
	FROM CONSUMER FRAUDS TRUST FUND		233
	FROM LEGAL SERVICES TRUST FUND		637,840
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		181,585
1460	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	75,132	
	FROM CONSUMER FRAUDS TRUST FUND		22,062
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		14,895
1461	EXPENSES		
	FROM GENERAL REVENUE FUND	1,337,840	
	FROM CONSUMER FRAUDS TRUST FUND		96,961
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		11,119
	FROM LEGAL SERVICES TRUST FUND		55,928
1462	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	185,313	
	FROM CONSUMER FRAUDS TRUST FUND		2,065
1463	NOT USED		
1464	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ASSISTANCE TO CITIZEN CRIME PREVENTION ORGANIZATIONS		
	FROM GENERAL REVENUE FUND	97,117	

The funds in Specific Appropriation 1464 are provided solely for the purpose of coordinating the statewide formation of local citizen groups to implement crime prevention programs. Within the funds appropriated, the department shall contract for a financial audit by an independent CPA and a performance audit of this program. Organizations selected to provide crime prevention assistance

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shall submit the audit results to the Executive Office of the Governor, the Senate President and the Speaker of the House.

1465 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY
FROM GENERAL REVENUE FUND 215,050

Funds in Specific Appropriation 1465 are provided solely for a close coordination with local law enforcement in implementing crime prevention in black communities. Within the funds appropriated, the department shall contract for a financial audit by an independent CPA and a performance audit of this program. The audit results shall be reported to the Executive Office of the Governor, the Senate President and the Speaker of the House.

1466 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 1,467,229

1467 NOT USED

1468 SPECIAL CATEGORIES
RICO INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 319,999

1469 NOT USED

LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 1470 and 1471 for each day of any special, extended or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

SENATE

1470 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 15,072,212

HOUSE OF REPRESENTATIVES

1471 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 25,803,002

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JOINT MANAGEMENT

1472 LUMP SUM
JLMC
FROM GENERAL REVENUE FUND 10,164,042

Funds provided in Specific Appropriation 1472 in the amount of $200,000 are for any expenses incurred by the Legislative Data Center associated with the implementation of office automation in the House of Representatives.

ADMINISTRATIVE PROCEDURES COMMITTEE

1473 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 644,709

LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

1474 LUMP SUM
IRC
FROM GENERAL REVENUE FUND 224,909

STATE COMPREHENSIVE PLANNING COMMITTEE

1474A LUMP SUM
SCPC
FROM GENERAL REVENUE FUND 400,000

ETHICS, COMMISSION ON

1474B LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 561,737

INTERGOVERNMENTAL RELATIONS, ADVISORY COUNCIL ON

1475 LUMP SUM
ACIR
FROM GENERAL REVENUE FUND 353,981

OFFICE OF PUBLIC COUNSEL

1476 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 1,740,565

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AUDITOR GENERAL

1477 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 20,718,244
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 3,744,433

AUDITING COMMITTEE

1478 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 107,074

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1479 SALARIES AND BENEFITS POSITIONS 124
FROM GENERAL REVENUE FUND 2,305,432
FROM ARMORY BOARD TRUST FUND 379,139

1480 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,350

1481 EXPENSES
FROM GENERAL REVENUE FUND 2,048,637
FROM ARMORY BOARD TRUST FUND 64,019

1482 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 87,051
FROM ARMORY BOARD TRUST FUND 800

1483 SPECIAL CATEGORIES
NATIONAL GUARD EMERGENCIES
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 1483 shall be used only for state active duty planning in the event of an emergency, involving national guard personnel or equipment.

1484 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 47,406

CAMP BLANDING MANAGEMENT

1485 SALARIES AND BENEFITS POSITIONS 91
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 1,550,120

1486 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 62,896

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1487 EXPENSES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 489,879

1488 OPERATING CAPITAL OUTLAY
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 39,409

NATURAL RESOURCES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1489 SALARIES AND BENEFITS POSITIONS 108
FROM GENERAL REVENUE FUND 780,865
FROM ADMINISTRATIVE TRUST FUND 1,891,059

1490 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,000
FROM ADMINISTRATIVE TRUST FUND 168,843

1491 EXPENSES
FROM GENERAL REVENUE FUND 139,197
FROM ADMINISTRATIVE TRUST FUND 625,556

1491A AID TO LOCAL GOVERNMENTS
SUWANNEE RIVER AUTHORITY
FROM GENERAL REVENUE FUND 21,250

1492 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 45,398
FROM ADMINISTRATIVE TRUST FUND 59,263

1492A SPECIAL CATEGORIES
GRANTS AND AIDS - CHANNEL DREDGING
FROM GENERAL REVENUE FUND 200,000

1493 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM GENERAL REVENUE FUND 22,500

1494 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 6,141
FROM ADMINISTRATIVE TRUST FUND 14,918

STATE LANDS, DIVISION OF

1495 SALARIES AND BENEFITS POSITIONS 118
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 29,749
FROM FORFEITED PROPERTY TRUST FUND 83,992
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 2,773,771

1496 OTHER PERSONAL SERVICES
FROM FORFEITED PROPERTY TRUST FUND 333,444
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 1,252,519

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1497	EXPENSES		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		20,879
	FROM FORFEITED PROPERTY TRUST FUND		577,567
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		775,193
1498	OPERATING CAPITAL OUTLAY		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		105,911
1499	SPECIAL CATEGORIES		
	SEMINOLE INDIAN LITIGATION		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		108,425
1500	SPECIAL CATEGORIES		
	NATIONAL OCEAN SURVEY		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		50,000
1500A	SPECIAL CATEGORIES		
	NATURAL AREAS INVENTORY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		249,000
1501	SPECIAL CATEGORIES		
	TOPOGRAPHIC MAPPING		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		150,000
1501A	SPECIAL CATEGORIES		
	TRANSFER/ARCHIVES, HISTORY AND RECORDS MANAGEMENT/SAN LUIS FORT AND MISSION		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		259,000
1501B	SPECIAL CATEGORIES		
	TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		85,000
1501C	SPECIAL CATEGORIES		
	TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		552,995
1502	SPECIAL CATEGORIES		
	WATER MANAGEMENT DISTRICT PROPERTY TAXES		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		50,000
1503	DEBT SERVICE		
	FROM GENERAL REVENUE FUND	14,184,291	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		1,500,000

Funds provided in Specific Appropriation 1503 from the General Revenue Fund not required for payment of Debt Service on Environmentally Endangered Land Bonds shall be placed in reserve and revert to the General Revenue Fund unallocated.

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APPROPRIATION

1504	DATA PROCESSING SERVICES		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		310,724
	MARINE RESOURCES, DIVISION OF		
1505	SALARIES AND BENEFITS POSITIONS 174		
	FROM GENERAL REVENUE FUND	2,712,699	
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		651,908
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		90,272
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		519,264
1506	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	349,036	
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		436,393
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		100,728
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		13,884
1507	EXPENSES		
	FROM GENERAL REVENUE FUND	1,455,123	
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		503,470
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		84,900
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		305,985
1508	AID TO LOCAL GOVERNMENTS		
	ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM		
	FROM GENERAL REVENUE FUND	100,000	
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		300,000

Funds provided in the amount of $70,000 from the General Revenue Fund in Specific Appropriation 1508 shall be used for artifical reef construction at a near shore location in the Choctawhatchee Bay Region. Funds in the amount of $30,000 from the General Revenue Fund in Specific Appropriation 1508 shall be used to expand the Bridge Rubble Reef located 1.5 miles offshore and "the 18's" reef located ten miles offshore from Destin.

Funds provided in the amount of $25,000 from the Marine Biological Research Trust Fund in Specific Appropriation 1508 shall be used to build an artifical reef off the coast of Wakulla County. Funds provided in the amount of $75,000 from the Marine Biological Research Trust Fund in Specific Appropriation 1508 shall be provided to the Sarasota County Board of County Commissioners for the construction of artifical fishing reefs off the

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coast of Sarasota-Manatee Counties.

1509 NOT USED

1510 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 328,418
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND 174,968
FROM MOTORBOAT REVOLVING TRUST FUND . . . 50,500
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 10,238

Funds provided in Specific Appropriation 1510 include $35,000 from the General Revenue Fund to fully compensate the Florida Department of Law Enforcement for the research vessel, the Coral Seas, which was transferred to the Department of Natural Resources in FY 1985-86. No other funds shall be paid to the Florida Department of Law Enforcement for this purpose.

1510A LUMP SUM
QUEEN CONCH HATCHERY
POSITIONS 2
FROM GENERAL REVENUE FUND 100,000

1510B LUMP SUM
MONITORING CONCH FARMING RESEARCH
FROM GENERAL REVENUE FUND 50,000

1511 LUMP SUM
RED TIDE RESEARCH
FROM GENERAL REVENUE FUND 25,000
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND 50,000

1511A LUMP SUM
SEAGRASS PLANTING EXPERIMENTATION PROJECT
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND 200,000

Funds provided in Specific Appropriation 1511A shall be awarded by the Department of Natural Resources for a Seagrass Planting Experimentation Project in Tampa Bay on a competitive bid basis.

1512 SPECIAL CATEGORIES
SPECIAL SEAFOOD PROMOTIONAL PROGRAMS
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 50,000

1513 SPECIAL CATEGORIES
ATLANTIC STATES MARINE FISHERIES COMMISSION
FROM GENERAL REVENUE FUND 14,700

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1514 SPECIAL CATEGORIES
OYSTER PLANTING
FROM GENERAL REVENUE FUND 300,000

1515 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 102,031
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND 20,000

BEACHES AND SHORES, DIVISION OF

1516 SALARIES AND BENEFITS POSITIONS 68
FROM GENERAL REVENUE FUND 1,479,371
FROM COASTAL PROTECTION TRUST FUND 146,882

1517 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 729,513

1518 EXPENSES
FROM GENERAL REVENUE FUND 354,950
FROM COASTAL PROTECTION TRUST FUND 20,000
FROM EROSION CONTROL TRUST FUND 25,000

1519 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 74,410
FROM COASTAL PROTECTION TRUST FUND 144,063

1519A LUMP SUM
PILOT PROJECT TO ESTABLISH A FEDERAL EMERGENCY MANAGEMENT AGENCY DATA BASE
FROM EROSION CONTROL TRUST FUND 65,000

1519B SPECIAL CATEGORIES
SPECIAL STUDIES/RESEARCH PROGRAMS
FROM COASTAL PROTECTION TRUST FUND 500,000

1520 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 351,345
FROM COASTAL PROTECTION TRUST FUND 189,055

Funds appropriated in Specific Appropriations 1516 through 1520 from the Coastal Protection Trust Fund assume that such funds will be replaced from the Erosion Control Trust Fund when such fund has a designated revenue source.

RESOURCE MANAGEMENT, DIVISION OF

1521 SALARIES AND BENEFITS POSITIONS 99
FROM GENERAL REVENUE FUND 824,221
FROM AQUATIC PLANT CONTROL TRUST FUND . . 748,733
FROM COASTAL PROTECTION TRUST FUND 52,155
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 872,192

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1522 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,780
FROM AQUATIC PLANT CONTROL TRUST FUND . . 225,000
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 64,848

1523 EXPENSES
FROM GENERAL REVENUE FUND 235,253
FROM AQUATIC PLANT CONTROL TRUST FUND . . 601,115
FROM COASTAL PROTECTION TRUST FUND 27,271
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 392,525

1524 AID TO LOCAL GOVERNMENTS
AQUATIC PLANT CONTROL MATCHING GRANTS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 8,019,089

Funds provided in an amount not to exceed $1,000,000 included in Specific Appropriation 1524 shall be reserved during the first three quarters of the contract year for the purpose of paying claims or judgements, not exceeding the amounts allowed under s. 768.28(5), F.S., awarded by a court of competent jurisdiction, arising from improper applications of herbicides by the department or any governmental entity with which the department has contracted for the control of plants in waters of state responsibility when such applications of herbicides were performed pursuant to a work plan approved by the department.

From the funds provided in Specific Appropriation 1524, $35,000 shall be used by the South Florida Water Management District for aquatic weed control purposes in Canal 13.

1525 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,983
FROM AQUATIC PLANT CONTROL TRUST FUND . . 6,222
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 26,508

1525A LUMP SUM
RECLAMATION AND LAND RESOURCES
POSITIONS 3
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 123,844

Funds and positions provided in Specific Appropriation 1525A are contingent upon HB 1198 or similar legislation becoming law.

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1525B SPECIAL CATEGORIES
GRANTS AND AIDS - CARRABELLE PORT AUTHORITY
FROM COASTAL PROTECTION TRUST FUND 195,000

1525C SPECIAL CATEGORIES
COASTAL MANAGEMENT PLANNING
FROM COASTAL PROTECTION TRUST FUND 1,200,000

Funds provided in Specific Appropriation 1525C shall be used for the coastal management planning requirements for deep water ports as specified in CS/CS/SB 978 or similar legislation. Each deep water port identified in s. 403.021(9), F.S., shall receive $100,000 to be used for development of coastal management sections of growth management plans. This appropriation shall be contingent upon CS/CS/SB 978 or similar legislation becoming law.

1526 SPECIAL CATEGORIES
GRANTS AND AIDS - SPOIL SITE IMPROVEMENTS
FROM COASTAL PROTECTION TRUST FUND 391,200

1526A SPECIAL CATEGORIES
TRANSFER TO MARINE BIOLOGICAL RESEARCH TRUST FUND FOR SEAGRASS RESEARCH PROJECT
FROM AQUATIC PLANT CONTROL TRUST FUND . . 200,000

1527 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM AQUATIC PLANT CONTROL TRUST FUND . . 748,514

1528 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA INTERNATIONAL AQUATIC WEED INFORMATION AND RETRIEVAL CENTER
FROM AQUATIC PLANT CONTROL TRUST FUND . . 20,000

1528A SPECIAL CATEGORIES
TRANSFER TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR CONTINUATION OF THE LAKE APOPKA RESTORATION PROJECT
FROM AQUATIC PLANT CONTROL TRUST FUND . . 500,000

1528B SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ECONOMIC DEVELOPMENT - FLORIDA PORTS STUDY
FROM COASTAL PROTECTION TRUST FUND 250,000

1529 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 10,363
FROM AQUATIC PLANT CONTROL TRUST FUND . . 61,541
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 101,979

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RECREATION AND PARKS, DIVISION OF

1530 SALARIES AND BENEFITS POSITIONS 894
FROM STATE PARK TRUST FUND 16,574,748

From the positions provided in Specific Appropriation 1530, one park ranger position shall be assigned to Gasparilla Island.

1531 OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 1,396,200

1532 EXPENSES
FROM STATE PARK TRUST FUND 7,759,877

1533 AID TO LOCAL GOVERNMENTS
FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
FROM FEDERAL LAND AND WATER CONSERVATION TRUST FUND 5,000,000

1534 AID TO LOCAL GOVERNMENTS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM LAND ACQUISITION TRUST FUND 2,500,000

1535 OPERATING CAPITAL OUTLAY
FROM STATE PARK TRUST FUND 1,690,582

From the funds and positions provided in Specific Appropriations 1530, 1532, and 1535, four positions and $275,278 shall be used to establish ferry service for Caladesi Island, which shall consist of two ferry boats.

From the funds and positions provided in Specific Appropriations 1530, 1531, 1532, and 1535, two positions and $80,785 shall be used to provide on-site management in the Fakahatchee Strand.

Of the six positions and $208,679 provided in Specific Appropriations 1530, 1532, and 1535, for management of the Aquatic Preserve System, one position and associated funding is provided for management of Terra Ceia Aquatic Preserve, one position and associated funding is provided for management of Rookery Bay Aquatic Preserve, and one position and associated funding is provided for Indian River Lagoon Aquatic Preserve.

From the funds and positions provided in Specific Appropriations 1530, 1532, and 1535, one position and $48,459 is provided for on-site management of Savannas State Reserve.

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1535A LUMP SUM
COUPON BIGHT AQUATIC PRESERVE STUDY
FROM STATE PARK TRUST FUND 75,000

1535B LUMP SUM
IMPROVEMENT AND MANAGEMENT/ST. MARKS/TALLAHASSEE RECREATIONAL TRAIL
POSITIONS 1
FROM STATE PARK TRUST FUND 590,797

1535C LUMP SUM
LIGHTHOUSE POINT AND NEW SMYRNA PARKS
POSITIONS 4
FROM STATE PARK TRUST FUND 180,000

1535D LUMP SUM
MANAGEMENT OF AQUATIC PRESERVES
POSITIONS 5
FROM STATE PARK TRUST FUND 171,816

From the funds provided in Specific Appropriation 1535D, 5 positions and salaries and benefits in the amount of $93,162, expenses in the amount of $27,499 and operating capital outlay in the amount of $51,155 shall be used for management of the Aquatic Preserve System in Brevard, Indian River, St. Lucie, Martin and one other county to be determined by the head of the department.

1535E LUMP SUM
RESEARCH POLLUTION SOURCE/LOXAHATCHEE
FROM STATE PARK TRUST FUND 50,000

1535F SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL RECREATIONAL DEVELOPMENT PROJECTS
FROM GENERAL REVENUE FUND 730,000
FROM LAND ACQUISITION TRUST FUND 5,592,300

1536 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE PARK TRUST FUND 60,810

1536A SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM
DESOTO TRAIL MARKING PROJECT
FROM STATE PARK TRUST FUND 102,010

Funds provided in Specific Appropriation 1536A shall be used for archaeological and historical research and development of the Florida De Soto Trail, in cooperation with the University of Florida Institute for Early Contact Period Studies.

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1537 DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 30,098,058

Funds provided in Specific Appropriation 1537 include debt service on series A, B, C, D, E, F, and G "Save Our Coast" bonds, which may be used to refinance any or all series if it is in the best interest of the State as determined by the Division of Bond Finance. In addition, the first year's debt service for $25,000,000 series H and $50,000,000 in additional "Save Our Coast" bonds is provided in the amount of $7,197,220, as required by s. 375.051, Florida Statutes. If the first year's debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay for such first year's debt service on the series H and the $50,000,000 in additional bonds, as required by s. 375.051, Florida Statutes.

1538 DATA PROCESSING SERVICES
FROM STATE PARK TRUST FUND 167,044

LAW ENFORCEMENT, DIVISION OF

1539 SALARIES AND BENEFITS POSITIONS 439
FROM GENERAL REVENUE FUND 8,588,269
FROM COASTAL PROTECTION TRUST FUND 404,307
FROM GRANTS AND DONATIONS TRUST FUND . . . 199,113
FROM MOTORBOAT REVOLVING TRUST FUND . . . 1,702,978
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 223,280

1540 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 80,890
FROM COASTAL PROTECTION TRUST FUND 919,751
FROM MOTORBOAT REVOLVING TRUST FUND . . . 84,955

1541 EXPENSES
FROM GENERAL REVENUE FUND 1,396,239
FROM COASTAL PROTECTION TRUST FUND 108,339
FROM GRANTS AND DONATIONS TRUST FUND . . . 80,360
FROM MOTORBOAT REVOLVING TRUST FUND . . . 211,291

1542 AID TO LOCAL GOVERNMENTS
BOATING RELATED ACTIVITIES
FROM MOTORBOAT REVOLVING TRUST FUND . . . 2,358,184

1543 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS
FROM COASTAL PROTECTION TRUST FUND 250,000

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1544 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 294,705
FROM COASTAL PROTECTION TRUST FUND 312
FROM MOTORBOAT REVOLVING TRUST FUND . . . 8,284

1545 NOT USED

1546 LUMP SUM
MARINE PATROL OFFICERS
POSITIONS 15
FROM GRANTS AND DONATIONS TRUST FUND . . . 984,702

1547 NOT USED

1548 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 900,000
FROM COASTAL PROTECTION TRUST FUND 129,524

1548A SPECIAL CATEGORIES
MARINE EMERGENCY TRACKING SYSTEM
FROM GRANTS AND DONATIONS TRUST FUND . . . 350,000

Funds provided in Specific Appropriation 1548A are for authorization of $350,000 from Florida Inland Navigation District for the purchase of a Marine Emergency Tracking System for Districts 7 and 8 of the Florida Marine Patrol.

1549 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 2,340,875
FROM COASTAL PROTECTION TRUST FUND 53,844
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,800
FROM MOTORBOAT REVOLVING TRUST FUND . . . 126,320

1550 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1551 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 210,270
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,760

1552 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 202,189
FROM MOTORBOAT REVOLVING TRUST FUND . . . 277,315

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NATURAL RESOURCES INFORMATION CENTER

1553 SALARIES AND BENEFITS POSITIONS 16
FROM WORKING CAPITAL TRUST FUND 463,891

1553A OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 16,343

1554 EXPENSES
FROM WORKING CAPITAL TRUST FUND 567,274

1555 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 413,777

MARINE FISHERIES COMMISSION

1556 SALARIES AND BENEFITS POSITIONS 9
FROM GENERAL REVENUE FUND 224,474
FROM MARINE FISHERIES COMMISSION TRUST FUND 58,197

1557 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 43,005
FROM MARINE FISHERIES COMMISSION TRUST FUND 39,680

1558 EXPENSES
FROM GENERAL REVENUE FUND 8,610
FROM MARINE FISHERIES COMMISSION TRUST FUND 108,109

1559 OPERATING CAPITAL OUTLAY
FROM MARINE FISHERIES COMMISSION TRUST FUND 18,327

1560 DATA PROCESSING SERVICES
FROM MARINE FISHERIES COMMISSION TRUST FUND 7,000

PAROLE AND PROBATION COMMISSION, FLORIDA

1561 SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 3,590,943

1562 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 96,587

1563 EXPENSES
FROM GENERAL REVENUE FUND 752,473

1564 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,945

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1565 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 9,562

PROFESSIONAL REGULATION, DEPARTMENT OF

1566 SALARIES AND BENEFITS POSITIONS 548
FROM PROFESSIONAL REGULATION TRUST FUND . 11,761,527

From funds provided in Specific Appropriation 1566, the Department of Professional Regulation shall perform a study of the difficulties exiled foreign professionals encounter in attempting to obtain licensure in Florida. The department shall also make recommendations to the Legislature regarding the establishment of exile licensure programs in each regulated profession or occupation, said recommendations shall be made on or before January 5, 1987.

1567 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 6,399,662

From funds provided in Specific Appropriation 1567, up to $100,000 may be used to contract with the Florida Medical Foundation, Inc., for the purpose of providing consulting services for the Impaired Professional Program.

1568 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 6,422,045

From funds provided in Specific Appropriations 1567 and 1568, no more than $350,000 shall be used to contract for legal services to handle litigation resulting from medical malpractice investigations.

1569 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 298,110

1569A LUMP SUM
DIETETICS PRACTICE ACT
POSITIONS 2
FROM PROFESSIONAL REGULATION TRUST FUND . 110,896

Funds and positions provided in Specific Appropriation 1569A are contingent upon CS/HB 254 or similar legislation becoming law.

1570 LUMP SUM
HEARING AID REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 41,300

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1571 LUMP SUM
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS
FROM PROFESSIONAL REGULATION TRUST FUND . 64,704

Funds provided in Specific Appropriation 1571 are to be disbursed in equal amounts to the Department of Community Affairs on a quarterly basis beginning July 1, 1986. These funds shall be transferred from fees collected by the Florida Real Estate Commission.

1572 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1573 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 665,128

Funds provided in Specific Appropriation 1573 are to be disbursed in equal amounts to the Department of Agriculture and Consumer Services on a quarterly basis beginning July 1, 1986.

1574 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 170,000

1575 DATA PROCESSING SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,061,105

PUBLIC SERVICE COMMISSION

1576 SALARIES AND BENEFITS POSITIONS 346
FROM REGULATORY TRUST FUND 10,699,518

1577 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 383,584

1578 EXPENSES
FROM REGULATORY TRUST FUND 2,692,992

1579 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 264,462

1579A LUMP SUM
POWER ELECTRONICS APPLICATIONS CENTER
FROM FLORIDA ENERGY TRUST FUND 250,000

Funds in Specific Appropriation 1579A shall be transferred to the Florida Solar Energy Center through interagency agreement to provide partial support for a research project of the Power Electronics Applications R&D Center relative to application of power electronics to air conditioning in Florida if matching funds become available. Funds provided herein are to be derived from interest earnings on the cash in the trust fund used to guarantee energy conservation loans, and at the conclusion of the project, any remaining funds shall be returned to the fund from which appropriated.

1580 SPECIAL CATEGORIES
THERMAL EFFICIENCY CODE SUPPORT
FROM REGULATORY TRUST FUND 79,824

Funds provided in Specific Appropriation 1580 shall be transferred to the Department of Community Affairs through contract to provide partial support for the administration of the Thermal Efficiency Code Program established in s. 553.900 - 553.912, Florida Statutes.

1581 DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 198,176

REVENUE, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

1582 SALARIES AND BENEFITS POSITIONS 197
FROM GENERAL REVENUE FUND 2,752,580
FROM ADMINISTRATIVE TRUST FUND 1,504,690

1583 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 241,546

1584 EXPENSES
FROM GENERAL REVENUE FUND 14,098
FROM ADMINISTRATIVE TRUST FUND 963,686

1585 AID TO LOCAL GOVERNMENTS
CIGARETTE TAX TO MUNICIPALITIES
FROM MUNICIPAL FINANCIAL ASSISTANCE TRUST FUND 26,400,000

1586 AID TO LOCAL GOVERNMENTS
COUNTY REVENUE SHARING
FROM COUNTY REVENUE SHARING TRUST FUND . . 168,300,000

1587 AID TO LOCAL GOVERNMENTS
MUNICIPAL REVENUE SHARING
FROM MUNICIPAL REVENUE SHARING TRUST FUND 206,100,000

1588 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 318,681

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1588A LUMP SUM
REVENUE AND TAXATION STUDY
FROM GENERAL REVENUE FUND 300,000

Funds provided in Specific Appropriation 1588A shall be used for the purpose of estimating, in consultation with the Concensus Revenue Estimating Conference, the first and second year revenue effects of the repeal of sales tax exemptions as contained in CS/SB 46, or similar legislation, and for identifying and analyzing the legal and administrative problems relating to such repeal.

1588B LUMP SUM
UNDERGROUND PETROLEUM STORAGE TANKS
POSITIONS 9
FROM ADMINISTRATIVE TRUST FUND 266,771

Funds and positions provided in Specific Appropriation 1588B are contingent upon HB 269 or similar legislation becoming law.

1589 SPECIAL CATEGORIES
TRANSFER TO LOCAL GOVERNMENT HALF CENT
SALES TAX CLEARING TRUST FUND
FROM GENERAL REVENUE FUND 2,881,816

1590 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 15,300
FROM ADMINISTRATIVE TRUST FUND 238,129

AD VALOREM TAX, DIVISION OF

1591 SALARIES AND BENEFITS POSITIONS 119
FROM INTANGIBLE TAX TRUST FUND 3,316,839

1592 OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 137,585

1593 EXPENSES
FROM INTANGIBLE TAX TRUST FUND 733,093

1594 AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM INTANGIBLE TAX TRUST FUND 320,574

1595 AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM INTANGIBLE TAX TRUST FUND 843,283

1596 OPERATING CAPITAL OUTLAY
FROM INTANGIBLE TAX TRUST FUND 12,801

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1597 DATA PROCESSING SERVICES
FROM INTANGIBLE TAX TRUST FUND 256,858

AUDITS, DIVISION OF

1598 SALARIES AND BENEFITS POSITIONS 501
FROM GENERAL REVENUE FUND 10,207,075
FROM ADMINISTRATIVE TRUST FUND 3,441,903

1599 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 34,460

1600 EXPENSES
FROM GENERAL REVENUE FUND 1,177,356
FROM ADMINISTRATIVE TRUST FUND 370,492

1601 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 25,466

1602 DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 262,011

COLLECTION AND ENFORCEMENT, DIVISION OF

1603 SALARIES AND BENEFITS POSITIONS 317
FROM GENERAL REVENUE FUND 5,016,049
FROM ADMINISTRATIVE TRUST FUND 1,203,107

1604 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 58,856
FROM ADMINISTRATIVE TRUST FUND 17,087

1605 EXPENSES
FROM GENERAL REVENUE FUND 878,203
FROM ADMINISTRATIVE TRUST FUND 995,608

1605A AID TO LOCAL GOVERNMENTS
CONTINUATION OF SOLID MINERAL SEVERANCE
TAX TO COUNTIES
FROM SEVERANCE TAX SOLID MINERAL TRUST
FUND 4,700,000

1606 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - OIL AND GAS TAX
FROM OIL AND GAS TAX TRUST FUND 1,400,000

1607 AID TO LOCAL GOVERNMENTS
DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT
SALES TAX
FROM LOCAL GOVERNMENT HALF-CENT SALES
TAX CLEARING TRUST FUND 500,900,000

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1608	AID TO LOCAL GOVERNMENTS EMERGENCY DISTRIBUTIONS FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		2,387,750
1609	AID TO LOCAL GOVERNMENTS FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL FROM GAS TAX COLLECTION TRUST FUND		121,300,000
1610	AID TO LOCAL GOVERNMENTS FIFTH & SIXTH CENT/SBA/COUNTY/FUEL USE TRUST FUND FROM SPECIAL FUEL AND MOTOR FUEL USE TAX CLEARING TRUST FUND		1,300,000
1611	AID TO LOCAL GOVERNMENTS SEVENTH CENT/COUNTIES/MOTOR FUEL FROM GAS TAX COLLECTION TRUST FUND		60,700,000
1612	AID TO LOCAL GOVERNMENTS SEVENTH CENT/COUNTIES/FUEL USE TRUST FUND FROM SPECIAL FUEL AND MOTOR FUEL USE TAX CLEARING TRUST FUND		700,000
1613	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	183,089	
	FROM ADMINISTRATIVE TRUST FUND		78,142
1614	SPECIAL CATEGORIES NATIONAL ASSOCIATION OF TAX ADMINISTRATORS FROM ADMINISTRATIVE TRUST FUND		11,380
1615	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	152,700	
	FROM ADMINISTRATIVE TRUST FUND		622,871

REVENUE MANAGEMENT INFORMATION CENTER

1616	SALARIES AND BENEFITS POSITIONS 17 FROM WORKING CAPITAL TRUST FUND		387,867
1617	EXPENSES FROM WORKING CAPITAL TRUST FUND		2,653,341
1618	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		28,370

INFORMATION SYSTEMS AND SERVICES, DIVISION OF

1619	SALARIES AND BENEFITS POSITIONS 248 FROM GENERAL REVENUE FUND	3,663,472	
	FROM ADMINISTRATIVE TRUST FUND		713,085

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1620	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		192,295
1621	EXPENSES FROM GENERAL REVENUE FUND	1,557,710	
	FROM ADMINISTRATIVE TRUST FUND		389,684
1622	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	3,350	
	FROM ADMINISTRATIVE TRUST FUND		34,250
1623	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	101,000	
	FROM ADMINISTRATIVE TRUST FUND		1,417,144

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES

1624	SALARIES AND BENEFITS POSITIONS 75 FROM GENERAL REVENUE FUND	1,818,145	
1625	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	3,132	
1626	EXPENSES FROM GENERAL REVENUE FUND	491,704	
	FROM FLAG TRUST FUND		5,000
1627	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	47,971	
1627A	SPECIAL CATEGORIES GRANTS AND AIDS FOR VISION COMMITTEE FROM GENERAL REVENUE FUND	250,000	

Funds provided in Specific Appropriation 1627A are contingent upon HB 1360 or similar legislation becoming law.

1627B	SPECIAL CATEGORIES GRANTS AND AIDS - VISIONS OF THE FUTURE IN GAINESVILLE FROM GENERAL REVENUE FUND	70,000	
1628	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	1,079	

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ELECTIONS, DIVISION OF

1629	SALARIES AND BENEFITS POSITIONS	44	
	FROM GENERAL REVENUE FUND	711,145	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		121,824
1630	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,638	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		5,000
1631	EXPENSES		
	FROM GENERAL REVENUE FUND	303,310	
	FROM OPERATING TRUST FUND		25,000
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		227,489
1632	AID TO LOCAL GOVERNMENTS		
	PETITION SIGNATURE VERIFICATION		
	FROM GENERAL REVENUE FUND	2,000	
1633	AID TO LOCAL GOVERNMENTS		
	SPECIAL ELECTIONS		
	FROM GENERAL REVENUE FUND	130,000	
1634	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	47,643	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		20,621
1634A	LUMP SUM		
	CAMPAIGN FINANCING ACT		
	FROM GENERAL REVENUE FUND	3,000,000	

Funds provided in Specific Appropriation 1634A are contingent upon HB 1194 or similar legislation becoming law.

1634B	LUMP SUM		
	ELECTION CODE INVESTIGATIONS		
	POSITIONS	4	
	FROM GENERAL REVENUE FUND	51,592	

Funds and positions provided in Specific Appropriation 1634B are contingent upon CS/HB 240 or similar legislation becoming law.

1635	SPECIAL CATEGORIES		
	ADVERTISING OF PROPOSED AMENDMENTS TO THE CONSTITUTION		
	FROM GENERAL REVENUE FUND	160,000	
1636	SPECIAL CATEGORIES		
	ELECTION INVESTIGATIONS AND HEARINGS		
	FROM GENERAL REVENUE FUND	11,000	

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1637	DATA PROCESSING SERVICES		
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		12,000

ARCHIVES, HISTORY, AND RECORDS MANAGEMENT, DIVISION OF

1638	SALARIES AND BENEFITS POSITIONS	149	
	FROM GENERAL REVENUE FUND	2,087,425	
	FROM FLORIDA FOLKLIFE TRUST FUND		62,924
	FROM GRANTS AND DONATIONS TRUST FUND . . .		84,960
	FROM HISTORIC PRESERVATION TRUST FUND . .		5,943
	FROM MICROFILM REVOLVING TRUST FUND . . .		419,481
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		20,651
	FROM OPERATING TRUST FUND		500,753
1639	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	50,039	
	FROM FLORIDA FOLKLIFE TRUST FUND		17,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,000
	FROM MICROFILM REVOLVING TRUST FUND . . .		10,400
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		8,898
	FROM OPERATING TRUST FUND		74,408
1640	EXPENSES		
	FROM GENERAL REVENUE FUND	1,836,271	
	FROM FLORIDA FOLKLIFE TRUST FUND		74,324
	FROM GRANTS AND DONATIONS TRUST FUND . . .		37,667
	FROM HISTORIC PRESERVATION TRUST FUND . .		1,732
	FROM MICROFILM REVOLVING TRUST FUND . . .		282,220
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		67,840
	FROM OPERATING TRUST FUND		192,391
1641	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	58,660	
	FROM MICROFILM REVOLVING TRUST FUND . . .		28,646
	FROM OPERATING TRUST FUND		10,000
1641A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ACQUISITION AND RESTORATION OF HISTORIC PROPERTIES		
	FROM GENERAL REVENUE FUND	7,054,000	
1641B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA STATE MUSEUM - GAINESVILLE		
	FROM GENERAL REVENUE FUND	100,000	
1642	SPECIAL CATEGORIES		
	HISTORIC PRESERVATION GRANTS		
	FROM HISTORIC PRESERVATION TRUST FUND . .		794,703

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1643 SPECIAL CATEGORIES
TRANSFER TO HISTORIC PRESERVATION TRUST FUND
FROM GENERAL REVENUE FUND 600,000

1643A SPECIAL CATEGORIES
GRANTS/AIDS - RESTORATION OF SAN CARLOS INSTITUTE
FROM GENERAL REVENUE FUND 1,000,000

1644 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 42,300

CORPORATIONS, DIVISION OF

1645 SALARIES AND BENEFITS POSITIONS 162
FROM CORPORATIONS TRUST FUND 2,859,240

1646 OTHER PERSONAL SERVICES
FROM CORPORATIONS TRUST FUND 187,192

1647 EXPENSES
FROM CORPORATIONS TRUST FUND 2,057,294

1648 OPERATING CAPITAL OUTLAY
FROM CORPORATIONS TRUST FUND 1,606,727

1649 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM CORPORATIONS TRUST FUND 65,000

LIBRARY SERVICES, DIVISION OF

1650 SALARIES AND BENEFITS POSITIONS 64
FROM GENERAL REVENUE FUND 1,100,796
FROM LIBRARY SERVICES TRUST FUND 220,105

1651 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,542

1652 EXPENSES
FROM GENERAL REVENUE FUND 461,242
FROM LIBRARY SERVICES TRUST FUND 206,690

1653 AID TO LOCAL GOVERNMENTS
LIBRARY GRANTS
FROM GENERAL REVENUE FUND 7,623,934
FROM LIBRARY SERVICES TRUST FUND 2,363,629

1654 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY CONSTRUCTION
FROM GENERAL REVENUE FUND 720,000
FROM LIBRARY CONSTRUCTION TRUST FUND . . . 953,613

Funds provided in Specific Appropriation 1654 are to be expended for library construction projects that

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are in compliance with s. 257.191, F.S., and s. 1B-3.002 through .005, .007 through .010 Florida Administration Code.

1655 NOT USED

1656 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 129,279
FROM LIBRARY SERVICES TRUST FUND 208,860

CULTURAL AFFAIRS, DIVISION OF

1657 SALARIES AND BENEFITS POSITIONS 17
FROM GENERAL REVENUE FUND 274,896
FROM FINE ARTS COUNCIL TRUST FUND 133,164

1658 OTHER PERSONAL SERVICES
FROM FINE ARTS COUNCIL TRUST FUND 2,296

1659 EXPENSES
FROM GENERAL REVENUE FUND 79,371
FROM COCONUT GROVE PLAYHOUSE TRUST FUND . 112,855
FROM FINE ARTS COUNCIL TRUST FUND 69,115

1660 AID TO LOCAL GOVERNMENTS
ART GRANTS
FROM GENERAL REVENUE FUND 2,700,000
FROM FINE ARTS COUNCIL TRUST FUND 458,518

From the funds provided in Specific Appropriation 1660, $80,000 shall be used for the Tarpon Springs Centennial.

1661 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,539
FROM FINE ARTS COUNCIL TRUST FUND 5,184

1662 NOT USED

1662A SPECIAL CATEGORIES
GRANTS AND AIDS - ART FACILITIES DEVELOPMENT AND OPERATIONS PROGRAMS
FROM GENERAL REVENUE FUND 4,970,000

1663 SPECIAL CATEGORIES
GRANTS AND AIDS - ART ENDOWMENT GRANTS
FROM FINE ARTS ENDOWMENT TRUST FUND . . . 7,000,000

1663A SPECIAL CATEGORIES
FOR TRANSFER TO FINE ARTS ENDOWMENT TRUST FUND
FROM GENERAL REVENUE FUND 3,000,000

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1664 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 200,000

1664A SPECIAL CATEGORIES
CULTURAL EXCHANGE PROGRAM
FROM GENERAL REVENUE FUND 250,000

1664B SPECIAL CATEGORIES
C.S.G. LEGISLATIVE CONFERENCE
FROM GENERAL REVENUE FUND 50,000

1664C SPECIAL CATEGORIES
STATE TOURING PROGRAM
FROM GENERAL REVENUE FUND 200,000

LICENSING, DIVISION OF

1665 SALARIES AND BENEFITS POSITIONS 78
FROM DIVISION OF LICENSING TRUST FUND . . 1,438,240

1666 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND . . 1,224,812

1667 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND . . 147,665

1667A LUMP SUM
IMPLEMENTATION OF FIREARMS LICENSING ACT
POSITIONS 88
FROM DIVISION OF LICENSING TRUST FUND . . 6,224,981

Funds and positions provided in Specific Appropriation 1667A are contingent upon HB 1 or similar legislation becoming law.

1668 DATA PROCESSING SERVICES
FROM DIVISION OF LICENSING TRUST FUND . . 2,859

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

1669 SALARIES AND BENEFITS POSITIONS 15
FROM GENERAL REVENUE FUND 327,275

1670 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 17,414
FROM OPERATING TRUST FUND 25,659

1671 EXPENSES
FROM GENERAL REVENUE FUND 53,334
FROM OPERATING TRUST FUND 140,797

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1672 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 2,125

HISTORIC ST AUGUSTINE PRESERVATION BOARD

1673 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 593,122
FROM OPERATING TRUST FUND 26,251

1674 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 58,102

1675 EXPENSES
FROM OPERATING TRUST FUND 207,728

1676 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 6,725

HISTORIC TALLAHASSEE PRESERVATION BOARD

1677 SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 118,194

1678 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,325
FROM OPERATING TRUST FUND 12,220

1679 EXPENSES
FROM GENERAL REVENUE FUND 34,635
FROM OPERATING TRUST FUND 38,858

1680 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,276

HISTORIC FLORIDA KEYS PRESERVATION BOARD

1681 SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 60,540
FROM OPERATING TRUST FUND 2,820

1682 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 13,308

1683 EXPENSES
FROM GENERAL REVENUE FUND 12,070
FROM OPERATING TRUST FUND 39,710

1684 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 253

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HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

1684A	SALARIES AND BENEFITS POSITIONS	6	
	FROM GENERAL REVENUE FUND	109,618	
	FROM OPERATING TRUST FUND		39,243
1684B	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND		13,500
1684C	EXPENSES		
	FROM OPERATING TRUST FUND		37,385
1684D	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		10,225

HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

1684E	SALARIES AND BENEFITS POSITIONS	2	
	FROM GENERAL REVENUE FUND	40,786	
1684F	EXPENSES		
	FROM GENERAL REVENUE FUND	2,000	
	FROM OPERATING TRUST FUND		7,473

HISTORIC BROWARD COUNTY PRESERVATION BOARD OF TRUSTEES

1684G	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,000	
	FROM OPERATING TRUST FUND		12,980
1684H	EXPENSES		
	FROM OPERATING TRUST FUND		1,346

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

1685	SALARIES AND BENEFITS POSITIONS	99	
	FROM GENERAL REVENUE FUND	1,938,762	
1686	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	42,429	
	FROM INVESTMENT TRUST FUND		125,000

STATE THEATER PROGRAM

1687	EXPENSES		
	FROM GENERAL REVENUE FUND	883,580	

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TRANSPORTATION, DEPARTMENT OF

PROGRAM DEVELOPMENT AND SUPPORT

1688	SALARIES AND BENEFITS POSITIONS	811	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		18,097,135
	FROM WORKING CAPITAL TRUST FUND		4,855,939
1689	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,004,026
1690	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		5,160,118
	FROM WORKING CAPITAL TRUST FUND		3,573,801
1691	AID TO LOCAL GOVERNMENTS TRANSPORTATION PLANNING GRANTS		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		480,000

From the funds provided in Specific Appropriation 1691, $255,000 shall be advanced to Broward County for the exclusive purpose of contracting with the Department of Transportation for pavement management research. State funds shall not be used in support of this project.

1692	NOT USED		
1693	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		317,666
	FROM WORKING CAPITAL TRUST FUND		5,269,981
1694	LUMP SUM SUPPORT FOR HIGH SPEED RAIL COMMISSION POSITIONS	4	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		128,784
1694A	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		172,500
1695	SPECIAL CATEGORIES CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,107,958
	FROM WORKING CAPITAL TRUST FUND		14,000

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1695A SPECIAL CATEGORIES
CONSULTANT FEES - CLASSROOM TRAINING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 360,000

1695B SPECIAL CATEGORIES
CONSULTANT FEES - FEDERAL BOND
DEMONSTRATION PROGRAM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 425,000

From funds provided in Specific Appropriation 1689, 1695, and 1695B, $4,800, $537,777, and $425,000, respectively from the State Transportation (Primary) Trust Fund is for the Disadvantaged Business Enterprise Program. Appropriation authority contemplates a program that is 100% reimbursable from the Federal Highway Administration. Prior to the disbursement of state funds, the department shall receive assurance that federal dollars are available.

Funds provided in Specific Appropriations 1695A and 1695B are contingent upon HB 1258 or similar legislation becoming law.

1696 NOT USED

1697 SPECIAL CATEGORIES
ENGINEERING AND PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 890,300

1698 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 174,526
FROM WORKING CAPITAL TRUST FUND 86,200

1699 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 396,433
FROM WORKING CAPITAL TRUST FUND 28,897

1699A SPECIAL CATEGORIES
PUBLIC TRANSPORTATION FLEET
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 240,000

1700 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,133,483

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1701 NOT USED

1701A SPECIAL CATEGORIES
TRANSFER TO THE STATE TRANSPORTATION
(PRIMARY) TRUST FUND
FROM GENERAL REVENUE FUND 27,200,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,263,000

Funds provided in Specific Appropriation 1701A from the General Revenue Fund are contingent upon HB 952, or similar legislation not becoming law.

1702 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,816,348

From funds provided in Specific Appropriation 1688 through 1702, the department shall adjust current district boundaries to transfer St. Johns County from District 5 to District 2. This transfer shall be effective no later than July 1, 1987.

Appropriation authority provided in Specific Appropriations 1688 through 1702 from the State Transportation (Primary) Trust Fund for anticipated federal grant funds shall not be utilized to disburse state funds if the federal grants do not materialize.

CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE
OPERATIONS

1703 SALARIES AND BENEFITS POSITIONS 376
FROM ADMINISTRATIVE TRUST FUND 6,973,577

1704 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 650

1705 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 19,459,561

1706 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 13,197,041
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 90,000

1706A SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM ADMINISTRATIVE TRUST FUND 30,000

1707 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 604,336

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1708 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM ADMINISTRATIVE TRUST FUND 17,151,727

1709 DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,925,535

From funds provided in Specific Appropriation 1709, $1,300,000 shall be used by the department for the acquisition, installation, and implementation of an automated fuel system for inventory control. In addition, after full implementation of the automated fuel system, the department shall reduce the Central Mobile Equipment/Signs and Warehouse Operations staff by 41 F.T.E.'s. Pursuant to s. 216.181(3) F.S., the funds shall be released upon approval of a position reduction plan by the Executive Office of the Governor in consultation with the House and Senate Appropriation Committees.

TECHNICAL POLICY AND ENGINEERING SERVICES

1710 SALARIES AND BENEFITS POSITIONS 1,890
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 40,725,893

1711 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,613,854

1712 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,874,034

1713 NOT USED

1714 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,386,455

1715 SPECIAL CATEGORIES
BRIDGE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,360,000

1716 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,160,600

1717 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,283,058

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1718 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 693,925

1719 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 445,276

1720 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 152,128

1721 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,898,405

1722 SPECIAL CATEGORIES
RIGHT-OF-WAY ACQUISITION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,625,000

1723 SPECIAL CATEGORIES
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,600,000

1724 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 68,000

1724A SPECIAL CATEGORIES
TRANSPORTATION AND EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 19,937,200

The department may advance funds from Specific Appropriation 1724A in accordance with Chapter 338, F.S. No funds shall be advanced until the applicant provides sufficient documentation to the department that requirements of the aforementioned statute have been met.

1725 NOT USED

1726 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 446,634

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1726A SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS -
TRANSPORTATION RESEARCH INSTITUTE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 150,000

Funds provided in Specific Appropriation 1726A are contingent upon HB 1258 or similar legislation becoming law.

1726B SPECIAL CATEGORIES
TRANSFER TO TOLL FACILITIES REVOLVING
TRUST FUND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,000,000

1727 NOT USED

1727A SPECIAL CATEGORIES
TURNPIKE CONSULTANTS
FROM FLORIDA TURNPIKE TRUST FUND 700,000

1727B SPECIAL CATEGORIES
TURNPIKE RIGHT-OF-WAY LAND ACQUISITION
FROM FLORIDA TURNPIKE TRUST FUND 8,807,000

1727C SPECIAL CATEGORIES
TURNPIKE CONSTRUCTION
FROM FLORIDA TURNPIKE TRUST FUND 53,325,000

1727D SPECIAL CATEGORIES
TURNPIKE CONSTRUCTION INSPECTION
CONSULTANT
FROM FLORIDA TURNPIKE TRUST FUND 3,036,000

Funds provided in Specific Appropriation 1727A through 1727D shall be from the cash flow of the Florida Turnpike and no bond revenue is anticipated nor authorized in this appropriation. Provided further that the department shall conduct a comprehensive study of alternative scenario's for the future operations of the Florida Turnpike and provide those alternative scenario's and recommendations in a report to the President of the Senate and Speaker of the House of Representatives on or before January 1, 1987.

1728 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,068,037

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CENTRAL OFFICE OPERATIONS

1729 NOT USED

1730 NOT USED

1731 NOT USED

1732 NOT USED

1733 NOT USED

1734 NOT USED

1735 NOT USED

1736 NOT USED

1737 NOT USED

DISTRICT ADMINISTRATION

1738 SALARIES AND BENEFITS POSITIONS 185
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,989,045

1739 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 202,585

1740 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,785,216

1741 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 573,064

1742 NOT USED

1743 NOT USED

1744 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 146,492

1745 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 509,898

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DISTRICT PLANNING AND PUBLIC TRANSIT

1746 SALARIES AND BENEFITS POSITIONS 212
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,215,407

1747 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,000

1748 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 483,558

1749 AID TO LOCAL GOVERNMENTS
AVIATION MATCH GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 39,085,000

1750 AID TO LOCAL GOVERNMENTS
MASS TRANSIT MATCHING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,723,500

1751 AID TO LOCAL GOVERNMENTS
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,445,000

1752 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 55,337

1753 SPECIAL CATEGORIES
ENGINEERING AND PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 300,000

1754 SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,700,000

1755 SPECIAL CATEGORIES
ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1756 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,276

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1757 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 450,056

1758 SPECIAL CATEGORIES
PUBLIC TRANSPORTATION STRUCTURES
IMPROVEMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 63,450,000

From the funds provided in Specific Appropriation 1758, $59,950,000 shall be used to provide capital and operating costs for the Tri-County Commuter Rail System in Dade, Broward, and Palm Beach Counties. Specifically, these funds shall be used to provide the costs of capital improvements, at a cost of $31,300,000; the costs of operating the system for one year, at a cost of $12,150,000; and the commitment of $16,500,000 to secure the loan from the Federal Railroad Administration.

From funds provided in Specific Appropriation 1758, $16.5 million from the State Transportation Trust Fund is pledged as collateral securing the Department of Transportation's guarantee of repayment to the Federal Railroad Administration of loans to the Tri-County Commuter Rail Organization or other legally constituted entity for the purpose of funding the capital costs of rehabilitation and improvement of rail facilities in order to develop a Tri-County Commuter Rail System in Dade, Broward, and Palm Beach Counties. The department shall take the necessary steps to secure, either upon its own initiative or on the behalf of the Tri-County Commuter Rail Organization or other legally constituted entity, loans not to exceed $16.5 million from the Federal Railroad Administration for the purpose of rehabilitation and improvement of such rail facilities. Funds hereby appropriated shall be paid to the Federal Railroad Administration in the event of default of the loan. During the period the department is the guarantor of such loans, the pledge of funds from the State Transportation Trust Fund as collateral security shall constitute a legal encumbrance pursuant to section 216.301, F.S. If at any time, under terms and conditions acceptable to the Federal Railroad Administration, the loan is forgiven or responsibility for guaranteeing the loan is assumed by an entity other than the Florida Department of Transportation, subject to approval by the Federal Railroad Administration, then the pledge and security interest hereby created shall be released by the Federal Railroad Administration and the funds shall revert to the State Transportation Trust Fund

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as unencumbered funds.

The State of Florida shall be responsible, to the extent adequate funds are appropriated, for funding the nonfederal capital and operating costs for the first five full years of operation of that portion of the commuter rail system from and including the station at Yamato Road in Palm Beach County to and including the Hialeah Amtrak Station in Dade County. This provision is contingent on the continued availability of Federal Interstate Funds for operating costs and Federal Railroad Administration Loan Funds.

The state shall be responsible for funding the nonfederal capital costs associated with those portions of the commuter rail system from and including the station at Okeechobee Boulevard to but not including the station at Yamato Road in Palm Beach County and from, but not including, the Hialeah Amtrak Station to and including the proposed station at State Road 112 in Dade County, hereinafter referred to as the Tri-County Commuter Rail System Extensions. For the first three years of operation, Palm Beach County, Broward County, and Dade County shall be responsible for funding one-half of the operating deficit of this portion of the system, and the state the remaining one-half subject to the provisions of s. 341.303(4), F.S. The state shall cover the full operating costs through the fifth year of operation, provided, however, the county governments shall repay their share of each year's deficit during the last three quarters of the following year. If this portion of the system is operated after the third year of operation, Palm Beach County, Broward County, and Dade County solely shall be responsible for funding all operations.

During the first five full years of operation, not less than $1 million per year shall be set aside from farebox revenue to retire the $16.5 million federal loan, which will require repayment over a 20-year period starting at the beginning of the sixth year of operation.

By the end of the third year of operations, the legally constituted entity acting under the authority of Palm Beach County, Broward County, and Dade County shall make a decision as to whether to assume responsibility for the entire rail operation at the end of the fifth year of operations, including repayment of the federal loans guaranteed by the state as stated above. If the Tri-County Commuter Rail Organization decides to assume this responsibility, the farebox revenue set aside by the Department of Transportation for loan repayment

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will be transferred to the Organization, including the accrued interest, to be used for the repayment of the federal loans and the accrued interest on the loans.

Palm Beach County, Broward County, and Dade County in cooperation with the Tri-County Commuter Rail Organization or other legally constituted entity, shall develop and implement a feeder bus system to fully support the commuter rail system and ensure maximum ridership.

The Tri-County Commuter Rail System Extensions are considered to be a rail service development project subject to the provisions of s. 341.303(4), F.S., which establishes criteria for the eligibility for funding after the second year of operations. Therefore, state funding for operations of such extensions in the third year of operation can only be continued if the system reaches an operating ratio of 60 percent or more during the second year.

Pursuant to the above, the Executive Office of the Governor shall not release these funds until a contract has been developed and signed between the department and the affected counties.

1758A SPECIAL CATEGORIES
PURCHASE OF RAILROAD RIGHT-OF-WAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,000,000

1759 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 164,937

Appropriation authority provided in Specific Appropriations 1746 through 1759 from the State Transportation (Primary) Trust Fund for anticipated federal grant funds shall not be utilized to disburse state funds if the federal grants do not materialize.

DISTRICT PRODUCTION

1760 SALARIES AND BENEFITS POSITIONS 1,088
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 28,513,616

1761 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 85,701

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1762 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,514,731

1763 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 336,206

1764 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 300,000

1765 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 75,000

1766 SPECIAL CATEGORIES
INTERSTATE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,003,000

1767 SPECIAL CATEGORIES
OTHER FEDERAL AID DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,091,000

1768 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 438,892

1769 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,301,138

1770 SPECIAL CATEGORIES
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 183,420,000

From funds provided in Specific Appropriation 1770, an amount not to exceed $5,000,000 may be used to purchase right-of-way for future projects which the department has reason to believe may be subject to development before the department would otherwise have funds available for purchase. Such projects must be within the first seven years of the work program.

From funds provided in Specific Appropriation 1770, the Department of Transportation shall complete the acquisition of right-of-way along U. S. Highway 17 from Wauchula to Bowling Green.

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1771 SPECIAL CATEGORIES
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,755,000

1772 SPECIAL CATEGORIES
STATE 100% DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,227,400

1773 SPECIAL CATEGORIES
TRAFFIC OPERATIONS DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,029,000

1774 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,906,041

DISTRICT OPERATIONS

1775 SALARIES AND BENEFITS POSITIONS 4,878
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 98,123,137

From funds and positions provided in Specific Appropriation 1775, 32 new positions and $672,930 are solely for use in the Professional Engineer Training Program.

1776 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 320,158

1777 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,404,419

1778 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 927,943

From funds provided in Specific Appropriation 1777 and 1778, $15,000 and $35,000, respectively, shall be used by the Department of Transportation to install and acquire Marine Radio's for intercoastal waterway drawbridge operations.

1779 SPECIAL CATEGORIES
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,604,000

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1780 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,323,000

1780A SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,701,788

1781 SPECIAL CATEGORIES
EMERGENCY STRUCTURE REPAIRS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

1782 SPECIAL CATEGORIES
OTHER FEDERAL AID ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 144,742,000

1783 SPECIAL CATEGORIES
OTHER FEDERAL AID TRAFFIC OPERATIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,620,000

1784 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 26,000

1785 SPECIAL CATEGORIES
INTERSTATE ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 283,402,000

1786 SPECIAL CATEGORIES
INTERSTATE RESURFACING/REHABILITATION CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 42,648,000

1787 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,114,898

From funds provided in Specific Appropriation 1787, $6,701,788 is for contracts with the Department of Corrections for the provision of inmate labor in the highway maintenance program. The Executive Office of the Governor shall not release these funds until contracts have been signed pursuant to s. 339.08(3), F.S.

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From funds provided in Specific Appropriation 1787, $25,000 shall be used to contract for the placement of shrubs and plants along S.R. 854 west of I-95 to N.W. 2nd Avenue. The local school board shall be given the opportunity to provide this service before other vendors are contracted.

1788 SPECIAL CATEGORIES
OTHER FEDERAL AID BRIDGE CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,640,000

1789 SPECIAL CATEGORIES
OTHER FEDERAL AID RESURFACING CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 29,907,000

1790 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,142,873

1791 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 54,211,006

1792 SPECIAL CATEGORIES
SKYWAY BRIDGE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 17,060,000

1793 SPECIAL CATEGORIES
STATE 100% BRIDGE CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 22,687,000

1794 SPECIAL CATEGORIES
STATE 100% RESURFACING CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 51,000,000

1795 SPECIAL CATEGORIES
OTHER STATE 100% ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 87,172,000

Appropriation authority provided in Specific Appropriation 1795 does not contemplate a new expanded state funded safety program to augment the existing state and federally funded safety program. Amounts specifically programmed by the department for the new state funded safety program shall be reprogrammed for new construction and/or expansion

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of existing facilities.

From funds provided in Specific Appropriation 1795, $4,000,000 shall be used to construct the project #1118257 in the department's work program.

From funds provided in Specific Appropriation 1795, $500,000 shall be used to reconstruct SR 27 (South Krome Avenue) in Homestead.

1796 SPECIAL CATEGORIES
LOCAL GOVERNMENT COOPERATIVE ASSISTANCE ACT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 5,000,000

1797 SPECIAL CATEGORIES
TRAFFIC OPERATIONS CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 25,944,000

1798 SPECIAL CATEGORIES
TRAFFIC SYSTEMS DEVELOPMENT CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,100,000

1799 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,827,326

1800 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMERCE - ECONOMIC DEVELOPMENT TRANSPORTATION TF
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 10,000,000

1801 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 513,518

Funds in Specific Appropriations 1688 through 1801 show the total commitment level to be entered into by the department during the 1986-87 Fiscal Year in accordance with s. 216.311, F.S. Appropriation levels contained herein contemplate that cash flow procedures authorized for the State Transportation Trust Fund by ss. 335.035, F.S., shall continue to be utilized as a means to maximize contract lettings.

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TOTAL OF SECTION 01 POSITIONS 110,519

FROM GENERAL FUNDS. 7,667,530,402

FROM TRUST FUNDS. 7,692,036,343

TOTAL ALL FUNDS 15,359,566,745

Section 2. The moneys in the following Specific Appropriations are appropriated from the named funds to the Department of General Services for fixed capital outlay for the state agencies indicated.

ADMINISTRATION, DEPARTMENT OF

VETERANS' AFFAIRS, DIVISION OF

1802 FIXED CAPITAL OUTLAY
STATE DOMICILIARY HOME FOR VETERANS
FROM GENERAL REVENUE FUND 458,293

Funds provided in Specific Appropriation 1802 shall be used to develop the plans and specifications for a Veterans Domiciliary, which are required to complete a grant application to the United States Veterans Administration.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

DAIRY INDUSTRY, DIVISION OF

1803 FIXED CAPITAL OUTLAY
REPAIR AND SAFETY CODE CORRECTIONS OF DAIRY LABORATORY, WHITE SPRINGS
FROM GENERAL REVENUE FUND 25,000

1803A FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, DAIRY LAB CANTONMENT
FROM GENERAL INSPECTION TRUST FUND 134,500

MARKETING, DIVISION OF

1803B FIXED CAPITAL OUTLAY
COMPLETE CONSTRUCTION/PACKING HOUSE/PLANT CITY
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 100,000

1803C FIXED CAPITAL OUTLAY
CONSTRUCTION/RENOVATION-JACKSON COUNTY AGRICULTURE CENTER
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 400,000

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1803D FIXED CAPITAL OUTLAY
IMMOKALEE STATE FARMERS'
MARKET/FENCE/SCALES/COOLER/REPAIRS
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 135,000

1803E FIXED CAPITAL OUTLAY
IMPROVEMENTS TO GADSDEN COUNTY LIVESTOCK
MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 150,000

1803F FIXED CAPITAL OUTLAY
PARKING FACILITIES - HOLMES COUNTY STATE
FARMERS MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 160,000

1803G FIXED CAPITAL OUTLAY
TRI-COUNTY STATE FARMERS
MARKET/PLANNING/LAND PURCHASE/
CONSTRUCTION
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 500,000

1803H FIXED CAPITAL OUTLAY
PLANNING/CONSTRUCTION OF WALTON COUNTY
STATE FARMERS MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 200,000

1803I FIXED CAPITAL OUTLAY
PLANNING/BAY COUNTY STATE FARMERS MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 100,000

1803J FIXED CAPITAL OUTLAY
PLANNING/PALM BEACH COUNTY AGRICULTURAL
BUILDING
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 250,000

1803K FIXED CAPITAL OUTLAY
RENOVATIONS OF WALTON COUNTY FAIR
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 50,000

1803L FIXED CAPITAL OUTLAY
CONSTRUCTION/SOUTHEASTERN LIVESTOCK
PAVILION/MARION COUNTY
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 295,000

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1804 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS - STATE FARMERS'
MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 1,543,000

1804A FIXED CAPITAL OUTLAY
TRANSFER TO MARKET IMPROVEMENT WORKING
CAPITAL TRUST FUND
FROM GENERAL REVENUE FUND 4,269,000

1804B FIXED CAPITAL OUTLAY
CONSTRUCT OFFICE BUILDING, PLANT CITY
STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 30,000

1805 FIXED CAPITAL OUTLAY
REPLACE SCALES, BONIFAY STATE FARMERS'
MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 60,000

1805A FIXED CAPITAL OUTLAY
ADD RIPENING ROOMS, UNIT 4 -GADSDEN COUNTY
STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 165,000

1805B FIXED CAPITAL OUTLAY
PARKING LOT PAVING - POMPANO STATE
FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 285,000

1805C FIXED CAPITAL OUTLAY
PAVING AND MARKET RENOVATION - SUWANNEE
VALLEY STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 115,000

1805D FIXED CAPITAL OUTLAY
70' TRUCK SCALES - SUWANNEE VALLEY STATE
FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 46,000

1805E FIXED CAPITAL OUTLAY
MARKET COMPLEX - WASHINGTON COUNTY STATE
FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 300,000

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1805F FIXED CAPITAL OUTLAY
RETAIL MARKET - GAINESVILLE STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 80,000

1805G FIXED CAPITAL OUTLAY
PLANNING/CONSTRUCTION AGRICULTURE CENTER - ST. JOHNS COUNTY
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 105,000

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

1805H FIXED CAPITAL OUTLAY
REMODEL PESTICIDE RESIDUE LABORATORY-WINTER HAVEN
FROM CITRUS INSPECTION TRUST FUND 150,000

1806 FIXED CAPITAL OUTLAY
FIRE CONTROL AND WARNING SYSTEM, FLORIDA CITRUS BUILDING, WINTER HAVEN
FROM CITRUS INSPECTION TRUST FUND 35,000

PLANT INDUSTRY, DIVISION OF

1806A FIXED CAPITAL OUTLAY
BLACKWATER STATE FOREST/AIRPORT IMPROVEMENTS
FROM GENERAL REVENUE FUND 2,500

1807 FIXED CAPITAL OUTLAY
DOYLE CONNER BUILDING ROOF AND PARKING LOT RENOVATION
FROM GENERAL REVENUE FUND 66,328

1807A FIXED CAPITAL OUTLAY
AGRICULTURAL COMMODITY IRRIDATION FACILITY-GAINESVILLE
FROM CONTRACTS AND GRANTS TRUST FUND . . . 2,671,565

1807B FIXED CAPITAL OUTLAY
INSECT DRAWERS FOR FLORIDA STATE COLLECTION OF ARTHROPODS
FROM GENERAL REVENUE FUND 34,419

ANIMAL INDUSTRY, DIVISION OF

1808 FIXED CAPITAL OUTLAY
REPLACE CHILLER AND AIR-HANDLING EQUIPMENT- SUWANNEE COUNTY DIAGNOSTIC LABORATORY
FROM GENERAL INSPECTION TRUST FUND 35,000

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1808A FIXED CAPITAL OUTLAY
ENCLOSE LOADING PLATFORM, MIAMI SPRINGS DIAGNOSTIC LABORATORY
FROM GENERAL INSPECTION TRUST FUND 10,000

1808B FIXED CAPITAL OUTLAY
RESURFACE DRIVE AND PARKING AREA, DADE CITY DIAGNOSTIC LABORATORY
FROM GENERAL INSPECTION TRUST FUND 6,000

1808C FIXED CAPITAL OUTLAY
REFURBISH EXTERIOR FINISH, MAIN LABORATORY BUILDING, KISSIMMEE DIAGNOSTIC LABORATORY
FROM GENERAL INSPECTION TRUST FUND 8,000

FORESTRY, DIVISION OF

1808D FIXED CAPITAL OUTLAY
IMPROVEMENTS/RENOVATION-VERO BEACH FORESTRY STATION
FROM GENERAL REVENUE FUND 60,000

1809 FIXED CAPITAL OUTLAY
SECURITY FENCE - MULTIPLE LOCATIONS AND COUNTIES
FROM GENERAL REVENUE FUND 9,270

1810 FIXED CAPITAL OUTLAY
SEPTIC TANK AND WATER SYSTEM RENOVATION - MULTIPLE LOCATIONS AND COUNTIES
FROM GENERAL REVENUE FUND 13,500

1811 FIXED CAPITAL OUTLAY
TOWER RENOVATION - MULTIPLE LOCATIONS AND COUNTIES
FROM GENERAL REVENUE FUND 12,480

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

1811A FIXED CAPITAL OUTLAY
CORRECTIONAL TRAINING ACADEMY
FROM CRIMINAL JUSTICE TRAINING TRUST FUND 22,800

MAJOR INSTITUTIONS

1811B FIXED CAPITAL OUTLAY
CORRECTIONAL VOCATIONAL CENTER-100 BEDS/PLANNING FUNDS
FROM GENERAL REVENUE FUND 300,000

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1812 NOT USED

1813 FIXED CAPITAL OUTLAY
CORRECTION OF HEALTH AND SANITATION
DEFICIENCIES, STATEWIDE
FROM GENERAL REVENUE FUND 1,000,000

1814 FIXED CAPITAL OUTLAY
CORRECTION OF FIRE SAFETY DEFICIENCIES,
STATEWIDE
FROM GENERAL REVENUE FUND 1,000,000

1815 NOT USED

1816 FIXED CAPITAL OUTLAY
FEMALE YOUTHFUL OFFENDER INSTITUTION - 200
BEDS (PHASE I)
FROM GENERAL REVENUE FUND 300,000

1817 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND
IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 2,500,000

1818 NOT USED

1819 FIXED CAPITAL OUTLAY
REROOFING OF CORRECTIONAL INSTITUTIONS
FROM GENERAL REVENUE FUND 500,000

1820 FIXED CAPITAL OUTLAY
SITE ACQUISITION/PLANNING/PREPARATION FOR
CORRECTIONAL BEDS
FROM GENERAL REVENUE FUND 500,000

1821 NOT USED

1822 NOT USED

1823 NOT USED

1824 FIXED CAPITAL OUTLAY
RENOVATION OF ELECTRICAL DISTRIBUTION
SYSTEM UNION CORRECTIONAL INSTITUTION
FROM GENERAL REVENUE FUND 500,000

1825 NOT USED

1826 FIXED CAPITAL OUTLAY
NEW PROTOTYPE INSTITUTION, ORANGE COUNTY
FROM GENERAL REVENUE FUND 21,000,000

1827 NOT USED

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COMMUNITY FACILITIES AND ROAD PRISONS

1828 FIXED CAPITAL OUTLAY
CORRECTION OF HEALTH AND SANITATION
DEFICIENCIES, STATEWIDE
FROM GENERAL REVENUE FUND 249,300

1829 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND
IMPROVEMENTS TO COMMUNITY FACILITIES
FROM GENERAL REVENUE FUND 250,000

1830 FIXED CAPITAL OUTLAY
WEST PALM BEACH COMMUNITY CORRECTIONAL
CENTER
FROM GENERAL REVENUE FUND 2,000,000

ENVIRONMENTAL REGULATION, DEPARTMENT OF

1831 NOT USED

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF
ADMINISTRATIVE SERVICES

1832 FIXED CAPITAL OUTLAY
WEBB SHOOTING RANGE (CHARLOTTE)
FROM STATE GAME TRUST FUND 60,477

LAW ENFORCEMENT, DIVISION OF

1833 FIXED CAPITAL OUTLAY
RADIO TOWER RENOVATIONS AND REPLACEMENT
FROM GENERAL REVENUE FUND 89,460

WILDLIFE, DIVISION OF

1834 FIXED CAPITAL OUTLAY
REHABILITATE WATER CONTROL STRUCTURES- L-8
CANAL, COLLIER COUNTY
FROM STATE GAME TRUST FUND 312,122

1835[3] FIXED CAPITAL OUTLAY
GUANA DAM RESTORATION/FISHING
IMPROVEMENTS- ST. JOHNS COUNTY
FROM STATE GAME TRUST FUND 352,995

1836 FIXED CAPITAL OUTLAY
REPAIR 35 WATER CONTROL STRUCTURES CORBETT
(PALM BEACH)
FROM GENERAL REVENUE FUND 51,810

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FISHERIES, DIVISION OF

1837 FIXED CAPITAL OUTLAY
REHABILITATE DAMS - LAKES HURRICANE, STONE, AND VICTOR
FROM STATE GAME TRUST FUND 33,212

1838 FIXED CAPITAL OUTLAY
JOE BUDD MAINTENANCE STORAGE AREA (GADSDEN)
FROM STATE GAME TRUST FUND 24,051

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1839 FIXED CAPITAL OUTLAY
CORRECTION OF FIRE SAFETY DEFICIENCIES, STATE OFFICE BUILDINGS
FROM SUPERVISION TRUST FUND 100,000

1840 NOT USED

1841 NOT USED

1842 FIXED CAPITAL OUTLAY
MAJOR REPAIRS AND RENOVATIONS, STATE OFFICE BUILDINGS
FROM SUPERVISION TRUST FUND 450,000

1843 NOT USED

1844 NOT USED

1845 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, ROOF REPAIRS
FROM SUPERVISION TRUST FUND 538,000

1846 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS - BUILDING EXTERIOR REFURBISHMENT
FROM SUPERVISION TRUST FUND 200,000

1847 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS - PARKING LOT REPAIRS
FROM PAID PARKING TRUST FUND 265,500

1848 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS - SECURITY SYSTEMS
FROM SUPERVISION TRUST FUND 10,000

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1849 FIXED CAPITAL OUTLAY
SECURITY AND FIRE WARNING SYSTEM - CAPITOL COMPLEX
FROM GENERAL REVENUE FUND 502,500

1850 NOT USED

1851 NOT USED

1852 NOT USED

1852A FIXED CAPITAL OUTLAY
RENOVATIONS, GOVERNOR'S MANSION
FROM GENERAL REVENUE FUND 120,000

1853 NOT USED

1854 NOT USED

1855 NOT USED

1856 NOT USED

1856A FIXED CAPITAL OUTLAY
ADDITIONAL LIGHTING AT DOUGLAS BUILDING PARKING LOT
FROM PAID PARKING TRUST FUND 22,000

1856B FIXED CAPITAL OUTLAY
LAKELAND PARKING GARAGE
FROM GENERAL REVENUE FUND 1,600,000

BUILDING CONSTRUCTION, DIVISION OF

1857 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - TRUST FUND SPENDING AUTHORITY
FROM SUPPLEMENTAL CONTRACTS TRUST FUND . . 1,000,000

MOTOR POOL, DIVISION OF

1857A FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS - AIRCRAFT FACILITY REPAIRS
FROM GENERAL REVENUE FUND 30,000
FROM BUREAU OF AIRCRAFT TRUST FUND 15,000

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

SECTION 02

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APPROPRIATION

OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION

1858 FIXED CAPITAL OUTLAY
CENTRALLY MANAGED FACILITIES MAINTENANCE
AND REPAIR
FROM GENERAL REVENUE FUND 2,000,000

1859 FIXED CAPITAL OUTLAY
CORRECTION OF FIRE SAFETY DEFICIENCIES,
STATEWIDE
FROM GENERAL REVENUE FUND 2,250,000

1860 FIXED CAPITAL OUTLAY
ENERGY CONSERVATION MEASURES
FROM GENERAL REVENUE FUND 1,000,000

The funds contained in Specific Appropriation 1860 shall be used to match an equal amount of funds appropriated in Specific Appropriation 1951Y. These funds shall be expended by the Governor's Energy Office in cooperation with the Department of Health and Rehabilitative Services as provided in Section 6 of this Act. In addition, up to $2,000,000 from Specific Appropriations 1858 through 1872C may be used to match additional energy conservation funds in Section 6 for those projects which qualify for such funds.

1861 NOT USED

1862 NOT USED

1863 FIXED CAPITAL OUTLAY
RENOVATE UTILITY SYSTEMS - WATER, WASTE
WATER, STEAM, ELECTRICAL INCLUDING
EMERGENCY GENERATORS AND DRAINAGE
FROM GENERAL REVENUE FUND 4,000,000

1864 FIXED CAPITAL OUTLAY
ROOF REPAIRS AND REPLACEMENT
FROM GENERAL REVENUE FUND 2,000,000

ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

1865 FIXED CAPITAL OUTLAY
ADDITION TO CENTRAL LABORATORY,
JACKSONVILLE
FROM ADMINISTRATIVE TRUST FUND 125,000

SECTION 02

SPECIFIC
APPROPRIATION

MENTAL HEALTH - INSTITUTIONS

1866 NOT USED

1867 FIXED CAPITAL OUTLAY
HEATING AND AIR CONDITIONING IMPROVEMENTS
FROM GENERAL REVENUE FUND 1,000,000

CHILDREN, YOUTH AND FAMILY SERVICES

1867A FIXED CAPITAL OUTLAY
DOZIER TRAINING SCHOOL-RENOVATIONS AND
IMPROVEMENTS
FROM GENERAL REVENUE FUND 1,000,000

1868 FIXED CAPITAL OUTLAY
TWO HALFWAY HOUSES (56 BEDS, CONSTRUCTION
AND EQUIPMENT)
FROM GENERAL REVENUE FUND 1,000,000

1868A FIXED CAPITAL OUTLAY
REPLACEMENT OF HILLSBOROUGH HALFWAY HOUSES
FROM GENERAL REVENUE FUND 97,462

1869 FIXED CAPITAL OUTLAY
BAY COUNTY DETENTION CENTER
FROM GENERAL REVENUE FUND 225,000

1869A FIXED CAPITAL OUTLAY
NEW DETENTION CENTER BREVARD COUNTY
FROM GENERAL REVENUE FUND 2,200,000

1870 NOT USED

DEVELOPMENTAL SERVICES - INSTITUTIONS

1871 NOT USED

1872 NOT USED

1872A FIXED CAPITAL OUTLAY
SUNLAND, GAINESVILLE MEDICAL SERVICE
CENTER (36 BEDS)
FROM GENERAL REVENUE FUND 200,000

1872B FIXED CAPITAL OUTLAY
ROAD IMPROVEMENTS/GAINESVILLE SUNLAND
FROM GENERAL REVENUE FUND 75,000

From the funds in Specific Appropriation 1872B, the department may contract with the Department of Transportation to perform the necessary resurfacing.

SECTION 02

SPECIFIC
APPROPRIATION

CHILDREN'S MEDICAL SERVICES

1872C FIXED CAPITAL OUTLAY
PAVING CMS CLINIC - VOLUSIA
FROM GENERAL REVENUE FUND 75,000

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

FLORIDA HIGHWAY PATROL, DIVISION OF

1872D FIXED CAPITAL OUTLAY
NEW FLORIDA HIGHWAY PATROL STATION,
BREVARD COUNTY
FROM GENERAL REVENUE FUND 750,000

1873 NOT USED

1874 FIXED CAPITAL OUTLAY
NEW FLORIDA HIGHWAY PATROL/DRIVERS LICENSE
STATION, NAPLES-COLLIER COUNTY
FROM GENERAL REVENUE FUND 50,000

1875 NOT USED

DRIVER LICENSES, DIVISION OF

1875A FIXED CAPITAL OUTLAY
ADDITIONS AND RENOVATIONS TO DRIVERS
LICENSE OFFICES - STATEWIDE
FROM GENERAL REVENUE FUND 86,985

1875B FIXED CAPITAL OUTLAY
CONSTRUCT DRIVER TESTING RANGES -
STATEWIDE
FROM GENERAL REVENUE FUND 800,000

From the funds provided in Specific Appropriation 1875B, $170,000 shall be used to construct a driver testing range in both Pensacola and Titusville.

MOTOR VEHICLES, DIVISION OF

1876 NOT USED

1877 NOT USED

1878 FIXED CAPITAL OUTLAY
RENOVATIONS AT FORMER MCPHERSON SCHOOL,
MARION COUNTY
FROM GENERAL REVENUE FUND 258,883

SECTION 02

SPECIFIC
APPROPRIATION

INSURANCE, DEPARTMENT OF, AND TREASURER

STATE FIRE MARSHAL, DIVISION OF

1879 NOT USED

JUDICIAL BRANCH

SUPREME COURT

1880 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, UPGRADE
ELECTRICAL SYSTEM
FROM GENERAL REVENUE FUND 24,900

1880A FIXED CAPITAL OUTLAY
SUPREME COURT BUILDING
RENOVATION/EXPANSION STUDY
FROM GENERAL REVENUE FUND 50,000

DISTRICT COURTS OF APPEAL

1880B FIXED CAPITAL OUTLAY
ADDITION TO THIRD DISTRICT COURT OF
APPEAL, DADE COUNTY
FROM GENERAL REVENUE FUND 370,000

1881 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, ROOF REPAIRS
FROM GENERAL REVENUE FUND 25,000

1882 FIXED CAPITAL OUTLAY
REPAIRS AND IMPROVEMENTS
FROM GENERAL REVENUE FUND 25,000

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE
SERVICES

1883 FIXED CAPITAL OUTLAY
BUILDING ADDITION, COCOA
FROM ADMINISTRATIVE TRUST FUND 280,759

1884 FIXED CAPITAL OUTLAY
BUILDING ADDITION, CLEARWATER
FROM ADMINISTRATIVE TRUST FUND 275,025

Funds provided in Specific Appropriations 1883 and 1884 are appropriated out of funds made available to the state under s. 903 of the Social Security Act, as amended, to be used under the direction of the Division of Administrative Services of the Department of Labor and Employment Security in accordance with the applicable standards prescribed by law, and subject to the approval of the United

SECTION 02

SPECIFIC
APPROPRIATION

States Department of Labor.

LAW ENFORCEMENT, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF STAFF SERVICES

1885 FIXED CAPITAL OUTLAY
TAMPA REGIONAL LAW ENFORCEMENT OPERATING FACILITY
FROM GENERAL REVENUE FUND 250,000

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1886 FIXED CAPITAL OUTLAY
EXPANSION - PLANNING AND CONSTRUCTION - NATIONAL GUARD ARMORY, LAKE WALES
FROM GENERAL REVENUE FUND 320,100

1887 NOT USED

1888 FIXED CAPITAL OUTLAY
RENOVATION STATE ARSENAL, PHASE II AND III - ST AUGUSTINE
FROM GENERAL REVENUE FUND 1,500,000

1889 NOT USED

1890 FIXED CAPITAL OUTLAY
EXPANSION/ALTERATION, NATIONAL GUARD ARMORY, PANAMA CITY
FROM GENERAL REVENUE FUND 378,900

1891 FIXED CAPITAL OUTLAY
RENOVATION NATIONAL GUARD ARMORY, TAMPA
FROM GENERAL REVENUE FUND 196,200

1891A FIXED CAPITAL OUTLAY
PAVING NATIONAL GUARD ARMORY, MARIANNA
FROM GENERAL REVENUE FUND 104,100

1892 NOT USED

1893 FIXED CAPITAL OUTLAY
NATIONAL GUARD ARMORY, BROOKSVILLE
FROM GENERAL REVENUE FUND 68,200

1894 FIXED CAPITAL OUTLAY
EXPANSION/ALTERATION, NATIONAL GUARD ARMORY, TALLAHASSEE
FROM GENERAL REVENUE FUND 40,500

SECTION 02

SPECIFIC
APPROPRIATION

1894A FIXED CAPITAL OUTLAY
PAVING MILITARY VEHICLE PARKING AREA LIVE OAK NATIONAL GUARD ARMORY
FROM GENERAL REVENUE FUND 58,600

1894B FIXED CAPITAL OUTLAY
PAVING MILITARY VEHICLE PARKING AREA SNYDER NATIONAL GUARD ARMORY, JACKSONVILLE
FROM GENERAL REVENUE FUND 85,900

1894C FIXED CAPITAL OUTLAY
DESIGN/CONSTRUCTION NGA QUINCY
FROM GENERAL REVENUE FUND 1,037,088

NATURAL RESOURCES, DEPARTMENT OF

MARINE RESOURCES, DIVISION OF

1895 NOT USED

1895A FIXED CAPITAL OUTLAY
GRANT-IN-AID TO UNIVERSITY OF MIAMI - GROW-OUT PONDS FOR EXPERIMENTAL FISH HATCHERY
FROM COASTAL PROTECTION TRUST FUND 200,000

RECREATION AND PARKS, DIVISION OF

1896 NOT USED

1897 NOT USED

1898 NOT USED

1899 NOT USED

1900 NOT USED

1901 NOT USED

1902 NOT USED

LAW ENFORCEMENT, DIVISION OF

1902A FIXED CAPITAL OUTLAY
MARINE PATROL STATION, PANAMA CITY
FROM GENERAL REVENUE FUND 743,800

SECTION 02

SPECIFIC
APPROPRIATION

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

ARCHIVES, HISTORY, AND RECORDS MANAGEMENT, DIVISION OF

1902B FIXED CAPITAL OUTLAY
SAN LUIS RIDGE PUBLIC FACILITIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 59,000

HISTORIC PRESERVATION BOARDS

HISTORIC ST AUGUSTINE PRESERVATION BOARD

1903 FIXED CAPITAL OUTLAY
ROOF REPLACEMENT
FROM GENERAL REVENUE FUND 25,000

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

1904 FIXED CAPITAL OUTLAY
EMERGENCY REPAIRS
FROM GENERAL REVENUE FUND 3,200,000

STATE THEATER PROGRAM

1905 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, COCONUT GROVE THEATER
FROM GENERAL REVENUE FUND 100,000

TOTAL OF SECTION 02

FROM GENERAL FUNDS. 65,115,478

FROM TRUST FUNDS. 12,465,006

TOTAL ALL FUNDS 77,580,484

Section 3. The moneys in the following Specific Appropriations are appropriated from the named funds to the state agencies indicated, as amounts for fixed capital outlay.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

1905A FIXED CAPITAL OUTLAY
MASTER PLAN FOR CONSTRUCTION AT THE AGRICULTURE COMPLEX
FROM ADMINISTRATIVE TRUST FUND 50,000

SECTION 03

SPECIFIC
APPROPRIATION

1905B FIXED CAPITAL OUTLAY
STATE FAIR/TAMPA
FROM GENERAL REVENUE FUND 1,000,000

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

1905C FIXED CAPITAL OUTLAY
REMODEL WAHNETA FUMIGATION CHAMBER
FROM CITRUS INSPECTION TRUST FUND 65,000

FORESTRY, DIVISION OF

1905D FIXED CAPITAL OUTLAY
FORESTRY LAND ACQUISITION - STATEWIDE
FROM INCIDENTAL TRUST FUND 70,000

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

1906 FIXED CAPITAL OUTLAY
ADDITIONAL CAPACITY, EXISTING FACILITIES - 610 BEDS
FROM GENERAL REVENUE FUND 1,300,000

1907 FIXED CAPITAL OUTLAY
REPLACEMENT OF TEMPORARY HOUSING UNITS, NEW RIVER ANNEX AND B.T.U. ANNEX
FROM GENERAL REVENUE FUND 1,638,000

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

UNIVERSITIES, DIVISION OF

BOARD OF REGENTS GENERAL OFFICE

1907A FIXED CAPITAL OUTLAY
REMODELING
FROM GENERAL REVENUE FUND 200,632

1907B FIXED CAPITAL OUTLAY
UF/UNF JOINT ENGINEERING
FROM GENERAL REVENUE FUND 150,000

ENVIRONMENTAL REGULATION, DEPARTMENT OF

1908 FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION
FROM WATER MANAGEMENT LANDS TRUST FUND . . 36,980,610

SECTION 03

SPECIFIC
APPROPRIATION

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1909 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 1,000,000

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1910 NOT USED

NATURAL RESOURCES, DEPARTMENT OF

STATE LANDS, DIVISION OF

1911 FIXED CAPITAL OUTLAY
CARL PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 48,503,780

BEACHES AND SHORES, DIVISION OF

1911A FIXED CAPITAL OUTLAY
DUNE WALKOVERS - DESTIN
FROM EROSION CONTROL TRUST FUND 25,000

1911B FIXED CAPITAL OUTLAY
DUNE WALKOVERS - OKALOOSA COUNTY
FROM EROSION CONTROL TRUST FUND 50,000

1911C FIXED CAPITAL OUTLAY
DUNE WALKOVER - FLAGLER COUNTY
FROM EROSION CONTROL TRUST FUND 35,000

1911D FIXED CAPITAL OUTLAY
REPAIR JETTIES - MEXICO BEACH
FROM EROSION CONTROL TRUST FUND 32,000

1912 FIXED CAPITAL OUTLAY
TRANSFER TO EROSION CONTROL TRUST FUND
FROM GENERAL REVENUE FUND 3,000,000

1913 FIXED CAPITAL OUTLAY
BEACH MAINTENANCE AND INLET BYPASSING
FROM EROSION CONTROL TRUST FUND 1,000,000

1914 FIXED CAPITAL OUTLAY
BEACH RESTORATION AND DUNE PROTECTION
FROM EROSION CONTROL TRUST FUND 3,000,000

Funds in Specific Appropriation 1914 shall be used to match federal funds for beach restoration and renourishment projects identified on the department's priority list totalling $17,064,810 of state funds. Should the funds in Specific Appropriation 1914 be insufficient to match federal funds available, then additional funding up to $6,000,000 is hereby appropriated from the Working Capital Fund to prevent the loss of federal cash funding for these projects and upon certification by the executive director of the department and the U. S. Army Corps of Engineers that federal cash funding will be lost prior to July 1, 1987.

SECTION 03

SPECIFIC
APPROPRIATION

1914A FIXED CAPITAL OUTLAY
BRADENTON BEACH
FROM EROSION CONTROL TRUST FUND 125,000

1914B FIXED CAPITAL OUTLAY
HURRICANE PASS/HONEYMOON ISLAND BEACH RENOURISHMENT
FROM LAND ACQUISITION TRUST FUND 400,000

1914C FIXED CAPITAL OUTLAY
JOHN U. LLOYD BEACH NOURISHMENT
FROM LAND ACQUISITION TRUST FUND 1,601,000

RESOURCE MANAGEMENT, DIVISION OF

1915 FIXED CAPITAL OUTLAY
SPOIL SITE ACQUISITIONS AND IMPROVEMENTS (LUMP SUM - 376.11 FS)
FROM COASTAL PROTECTION TRUST FUND 2,000,000

1916 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 22,596,113

RECREATION AND PARKS, DIVISION OF

1916A FIXED CAPITAL OUTLAY
FLORIDA CAVERNS EQUESTRIAN FACILITIES
FROM LAND ACQUISITION TRUST FUND 200,000

1916B FIXED CAPITAL OUTLAY
HONTOON ISLAND PARK IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 250,000

1916C FIXED CAPITAL OUTLAY
LOVERS KEY - PLANNING/DESIGN
FROM LAND ACQUISITION TRUST FUND 200,000

1916D FIXED CAPITAL OUTLAY
GASPARILLA ISLAND - PLANNING/DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 150,000

SECTION 03

SPECIFIC
APPROPRIATION

1916E FIXED CAPITAL OUTLAY
GAMBLE PLANTATION - RENOVATION
FROM LAND ACQUISITION TRUST FUND 282,449

1916F FIXED CAPITAL OUTLAY
LAND ACQUISITION-THOUSAND ISLANDS/BREVARD COUNTY
FROM LAND ACQUISITION TRUST FUND 1,500,000

Funds provided in Specific Appropriation 1916F shall require a local match of $2 local to $1 state for the acquisition of the thousand islands property.

1917 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 1,000,000

1917A FIXED CAPITAL OUTLAY
MACARTHUR BEACH PARK IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 1,500,000

1917B FIXED CAPITAL OUTLAY
RAVINE GARDENS/PAVING
FROM LAND ACQUISITION TRUST FUND 50,000

1917C FIXED CAPITAL OUTLAY
CRITICAL REPAIRS AND CODE CORRECTIONS
FROM LAND ACQUISITION TRUST FUND 1,000,000

1918 FIXED CAPITAL OUTLAY
SAVE OUR COAST ACQUISITION PROGRAM
FROM SAVE OUR COAST PROJECT TRUST FUND . . 75,000,000

1918A FIXED CAPITAL OUTLAY
HENDERSON BEACH, INITIAL PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 2,170,569

1918B FIXED CAPITAL OUTLAY
OLETA RIVER, PARK IMPROVEMENT
FROM LAND ACQUISITION TRUST FUND 1,147,110

1918C FIXED CAPITAL OUTLAY
LLOYD BEACH, PARK IMPROVEMENT
FROM LAND ACQUISITION TRUST FUND 400,000

1918D FIXED CAPITAL OUTLAY
ST. GEORGE ISLAND, PARK RESTORATION
FROM LAND ACQUISITION TRUST FUND 800,030

1918E FIXED CAPITAL OUTLAY
HUGH TAYLOR BIRCH, PARK RENOVATION
FROM LAND ACQUISITION TRUST FUND 600,000

SECTION 03

SPECIFIC
APPROPRIATION

1918F FIXED CAPITAL OUTLAY
TENOROC LAND RECLAMATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 920,566

1918G FIXED CAPITAL OUTLAY
PALM BEACH PINES, INITIAL PARK PLANNING AND DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 1,500,000

1919 FIXED CAPITAL OUTLAY
SPECIAL PROJECTS - GRANTS AND DONATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

1920 FIXED CAPITAL OUTLAY
WASHINGTON OAKS, LAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 450,000

LAW ENFORCEMENT, DIVISION OF

1920A FIXED CAPITAL OUTLAY
SECURITY SYSTEM - SOUTH FLORIDA MARINE MAINTENANCE FACILITY
FROM GENERAL REVENUE FUND 9,000

1920B FIXED CAPITAL OUTLAY
SECURITY SYSTEM - NORTH FLORIDA MARINE MAINTENANCE FACILITY
FROM GENERAL REVENUE FUND 8,030

TRANSPORTATION, DEPARTMENT OF

TECHNICAL POLICY AND ENGINEERING SERVICES

1921 FIXED CAPITAL OUTLAY
UNDERGROUND TANK REPLACEMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 140,000

1922 FIXED CAPITAL OUTLAY
GAINESVILLE MATERIAL RESEARCH FACILITY (BUILDING 2163) REPLACE ROOF
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 42,000

DISTRICT ADMINISTRATION

1923 FIXED CAPITAL OUTLAY
SIXTH DISTRICT OFFICE COMPLEX, MIAMI
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,242,000

1924 FIXED CAPITAL OUTLAY
LAKE CITY DISTRICT OFFICE MODIFICATIONS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,339,829

SECTION 03

SPECIFIC
APPROPRIATION

1925 FIXED CAPITAL OUTLAY
FIFTH DISTRICT REPAIRS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,000

DISTRICT OPERATIONS

1926 NOT USED

1926A FIXED CAPITAL OUTLAY
BARTOW MAINTENANCE YARD-SHOP AND
WAREHOUSE-PHASE II
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 350,000

1927 NOT USED

1928 FIXED CAPITAL OUTLAY
PINEDA CONSTRUCTION OFFICE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 195,000

1929 NOT USED

1930 FIXED CAPITAL OUTLAY
GAINESVILLE MAINTENANCE YARD
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

1931 FIXED CAPITAL OUTLAY
WEST PALM BEACH MAINTENANCE YARD AND
CONSTRUCTION OFFICE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,544,515

1932 FIXED CAPITAL OUTLAY
PANAMA CITY MAINTENANCE YARD
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,030,000

1933 NOT USED

1934 NOT USED

1935 NOT USED

1936 NOT USED

1937 FIXED CAPITAL OUTLAY
MILTON PAINT STORAGE BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 80,000

SECTION 03

SPECIFIC
APPROPRIATION

TOTAL OF SECTION 03

FROM GENERAL FUNDS. 7,305,662

FROM TRUST FUNDS. 214,242,571

TOTAL ALL FUNDS 221,548,233

Section 04. The moneys in the following Specific Appropriations are appropriated from the named funds for the 1986-87 Fiscal Year to the state agencies indicated, as amounts for fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF
EDUCATION

OFFICE OF DEPUTY COMMISSIONER FOR EDUCATIONAL
MANAGEMENT

The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under section 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in cost shall be funded by funds other than those appropriated herein. The provisions of section 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the 1986-1987 appropriation.

Each board, pursuant to ss. 235.011(3), F.S., shall ensure that the funds appropriated in this section shall be used to the extent possible to match the funds provided in Specific Appropriation 1951V, 1951W, and 1951X. However, the scope of each project shall remain unchanged. Any Public Education Capital Outlay and Debt Service Trust Fund moneys which become available during the 1986-87 fiscal year and are not required to fund the total appropriations provided in this section, shall be used: to match other related projects; for deferred maintenance projects; for utility improvements; and/or for road improvements and repairs.

SECTION 04

SPECIFIC
APPROPRIATION

1938 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND
REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 48,685,810

Funds provided in Specific Appropriation 1938 shall be allocated in accordance with s. 235.435(1), Florida Statutes:

Public Schools	$ 24,000,000
Community Colleges	4,002,929
State University System	18,802,231
School for the Deaf and the Blind	1,880,650

Of the funds provided to the State University System, $7.5 million shall be used for projects identified as deferred maintenance projects in the 1986 deferred maintenance survey and report.

1939 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 154,983,176

Funds provided in Specific Appropriation 1939 include the sum of $19,673,474 which represents the repayment of advanced funding loans made under the provisions of former s. 235.221, Florida Statutes. Funds shall be allocated in accordance with s. 235.435(3), Florida Statutes. Repayment funds shall be used to fund other projects in Section 04.

1940 NOT USED

1941 NOT USED

1941A FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 57,943,999

The following community college projects are included in the funds provided in Specific Appropriation 1941A. The sum of $4,336,650 is appropriated as repayment of advanced funding loans made under the provisions of former s. 235.21, Florida Statutes, and is used to fund other projects included in this specific appropriation.

Brevard - complete Melbourne auditorium (c,e)	$ 4,776,401
Broward - general renovations	1,206,000
Broward - math/science building (p,c,e)	3,021,700
Central Florida - Addition to Career Center (p)	180,000
Chipola - general renovations/ lighting	1,011,094
Daytona Beach/South campus (p,c,e)	1,005,760
Daytona Beach/W. Volusia campus (c)	3,963,200
Edison - classroom/lab building (e)	151,000
Florida Jr. College - fire training facility (p)	211,750
Florida Jr. College - Student Center North (planning)	750,808
Florida Keys - energy control systems	20,000
Gulf Coast - Administration bldg (c)	550,000
Gulf Coast - Student Services center (p)	400,000
Hillsborough/Plant City.(p,c,e)	2,600,000
Lake City - golf course mechanical lab (p,c)	229,600
Lake City - remodel adminis. bldg	259,045
Lake-Sumter - multipurpose building (c,e)	346,860
Manatee - remodel/renovate social science building	800,000
Manatee - complete Venice campus (c,e)	1,925,000
Miami-Dade - purchase building and land, Inter-American Center on SW 27th Avenue	5,000,000
Miami-Dade - Liberty City Center (p,c,e)	2,355,000
North Florida - utilities/renovation	211,989
Okaloosa-Walton - math/criminal justice building (p,c,e)	1,039,664
Palm Beach - Boca Raton Campus (p,c,e)	3,984,408
Pasco/Hernando - learning resource center, East.(p,c,e)	1,856,292
Polk - renovate HVAC (c)	435,432
Santa Fe - replace pipes	200,000
St. Petersburg - general renovation	325,000
Seminole - Adult Education complex (c,e)	6,228,000
South Florida - LRC Phase I (p,c)	900,612
South Florida - remodel bldg. 700 (p,c,e)	291,672
Tallahassee - classroom building (p,c)	4,310,662
Tallahassee - renovate HVAC	460,000
Tallahassee/Gadsden community education facility (p,c,e)	2,200,000
Valencia - complete Module 7 (e)	400,400

The funds provided for the Gadsden Center may be used for the purchase of land, building and associated remodeling and renovation for the establishment of a Tallahassee Community College Center in Gadsden County.

SECTION 04

SPECIFIC
APPROPRIATION

1941B FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 69,923,420

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 1941B:

FAMU - renovation/remodeling of facilities (c)	$ 3,000,000
UCF - utilities modifications (c)	1,050,000
UF - utilities improvements design	500,000
FSU/FAMU - engineering bldg. (e)	1,000,000
UWF - performing and fine arts building (p)	500,000
FSU - utilities improvements design	500,000
FIU - engineering bldg. (c)	10,300,000
UNF - Jack E. Mathews computer and information science building (c)	4,000,000
UF - chemistry building (c)	9,200,000
FAU - science/engineering bldg. (c)	9,549,420
USF - student services building (c)	7,634,000
UCF - business building (c)	8,240,000
FAMU - Coleman Library addition (p)	200,000
FSU - music building renovation/ remodeling (p)	400,000
IFAS/UF - Belle Glade facility (p)	350,000
IFAS/UF - entomology/nematology building (p)	600,000
IFAS/UF - Homestead (completion)	300,000
IFAS/UF - Immokalee (completion)	200,000
USF - New College land acquisition	2,000,000
FAU-New facilities in Broward County	6,000,000
UCF - Daytona Beach research center	50,000
FAMU - President's home (p,c,e)	250,000
FSU - Campus lighting and parking (p,c)	1,000,000
UF - Police station (p)	100,000
FSU - University-wide renovation/ remodeling	3,000,000

The funds appropriated for Broward County facilities may be used to acquire land or facilities, to plan facilities, to do sitework, to construct facilities, provide utilities, and to purchase equipment for a new four-year liberal arts college of approximately 500 students in total enrollment which is to be operated by Florida Atlantic University at a site in Broward County, Florida. It is also intended that at least $9,000,000 be provided in the 1987-88 Fiscal Year for this project.

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1941C FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITY - BROWARD
SCHOOL BOARD/DILLARD HIGH SCHOOL
RENOVATION
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 400,000

Funds provided in Specific Appropriation 1941C to the District School Board of Broward County are for a community education project pursuant to s. 235.196, Florida Statutes.

1941D FIXED CAPITAL OUTLAY
ST. JOHNS RIVER COMMUNITY COLLEGE - ORANGE
PARK
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 3,750,000

The sum of $3,750,000 is appropriated to the St. Johns River Community College for planning, construction and equipment of a campus in Orange Park. Priority for the expenditure of these funds shall be for academic, occupational, library, and office facilities. This sum represents the entire state commitment until such time as student enrollment on this campus justifies additional facilities.

These funds are appropriated subject to the repeal of paragraph (k) of subsection 1 of section 1 of Chapter 84-542, Laws of Florida; and 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.

1941E FIXED CAPITAL OUTLAY
JOINT USE FACILITY - BRADFORD COUNTY/SANTA
FE COMMUNITY COLLEGE AUDITORIUM RENOVATION
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 400,000

Funds provided in Specific Appropriation 1941E to the District School Board of Bradford County are for a joint-use project with Santa Fe Community College.

1942 FIXED CAPITAL OUTLAY
IMPROVEMENTS TO PUBLIC SCHOOL SCIENCE
FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 16,000,000

Funds provided in Specific Appropriation 1942 shall be allocated to the 67 districts according to the number of capital outlay full-time equivalent students in grades 9-12 for 1985-86. Funds shall be expended on projects based upon the following order

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of priorities:

(a) To implement the school-by-school plan to improve science facilities as required by Specific Appropriation 12, Section 1, Chapter 83-350, Laws of Florida.

(b) To provide science equipment to meet the program needs for science as required in Chapter 83-324, Laws of Florida.

(c) To provide improvements to any high school or junior high school facilities as may be necessary to meet any program needs as required in Chapter 83-324, Laws of Florida and

(d) To implement any educational plant survey recommendations pursuant to Section 235.15, Florida Statutes.

1942A FIXED CAPITAL OUTLAY
JOINT USE FACILITY - UNIVERSITY OF CENTRAL FLORIDA/DAYTONA BEACH COMMUNITY COLLEGE (E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 750,000

1942B FIXED CAPITAL OUTLAY
LOCKLIN VO-TECH CENTER, PHASE II (C, E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,002,451

1942C FIXED CAPITAL OUTLAY
PASCO MARCHMAN VO-TECH COMPLETION (C, E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 950,000

1942D FIXED CAPITAL OUTLAY
UNIVERSITY LABORATORY SCHOOLS GENERAL RENOVATION AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,000,000

Funds in Specific Appropriation 1942D are appropriated to the Board of Regents of the State University System for asbestos removal, general renovations, and general remodeling at the laboratory schools at the University of Florida, Florida State University, Florida A & M University, and Florida Atlantic University, to be distributed on the basis of need demonstrated by each school.

1942E FIXED CAPITAL OUTLAY
LEVY SCHOOL BOARD/BRONSON ELEMENTARY SCHOOL (RENOVATION)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 105,000

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1942F FIXED CAPITAL OUTLAY
DIXIE SCHOOL BOARD/DIXIE HIGH SCHOOL (RENOVATION)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 348,000

1943 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 13,394,703

Funds provided in Specific Appropriation 1943 shall be distributed pursuant to s. 235.435(2), Florida Statutes. Included in the funds for DeSoto County is $50,000 which may be used for roof repairs to the old high school or for planning of a new facility.

1943A FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITY - POLK/LAKELAND
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 267,000

Funds provided in Specific Appropriation 1943A to the District School Board of Polk County are to complete a community education facility at the Polk Public Museum pursuant to s. 235.196, Florida Statutes.

1943B FIXED CAPITAL OUTLAY
ROOF RENOVATION AND REPLACEMENT - STATEWIDE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 9,899,658

Brevard	$ 374,000
Broward	1,371,360
Central Florida	230,911
Chipola	211,970
Daytona Beach	152,475
Edison	105,000
Gulf Coast	429,368
Hillsborough	180,000
Indian River	541,900
Lake City	550,646
Lake Sumter	248,800
Manatee	820,255
Miami-Dade	1,158,871
North Florida	248,454
Okaloosa Walton	16,000
Palm Beach	486,197
Pensacola	556,000
Polk	201,321
St. Johns River	118,700
St. Petersburg	485,200
Santa Fe	648,826

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South Florida.....	49,175
Tallahassee.....	433,479
Valencia.....	280,750

1944 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 131,205,858
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 48,830,906

1945 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND
COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 18,499,890

Community Instructional Services FTE students shall not be included when determining the number of CO&DS instructional units for community colleges for distribution of funds provided in Specific Appropriation 1945.

1945A FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES -
MANATEE/BRADENTON
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 802,500

Funds provided in Specific Appropriation 1945A to the District School Board of Manatee County are to complete a community education facility pursuant to s. 235.196, Florida Statutes.

1945B FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES - ST.
PETERSBURG/CLEARWATER RECREATION COMPLEX
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 2,000,000

Funds provided to St. Petersburg Junior College in Specific Appropriation 1945B are to be matched by $2,000,000 from non-state sources. These funds may be released when $1,000,000 of the matching funds have been deposited in the appropriate construction account.

1945C FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES -
BROWARD/PEMBROKE PINES RESOURCE CENTER
PHASE II (P,C,E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 2,165,023

Funds provided in Specific Appropriation 1945C to the District School Board of Broward County are for a community education project pursuant to s. 235.196, Florida Statutes.

1945D FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES -
BROWARD/CORAL SPRINGS AQUATIC COMPLEX
(P,C,E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 3,170,000

Funds provided in Specific Appropriation 1945D to the District School Board of Broward County are for a community education project pursuant to s. 235.196, Florida Statutes.

1945E FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES -
FLAGLER/PALM COAST
EDUCATIONAL/RECREATIONAL/AQUATIC COMPLEX
(P,C,E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 400,000

Funds provided in Specific Appropriation 1945E to the District School Board of Flagler County are for a community education project pursuant to s. 235.196, Florida Statutes.

1945F FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES - PALM
BEACH/FAU/BOCA RATON GUMBO LIMBO
SCIENCE/ENVIRONMENTAL CENTER (P,C,E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 878,250

Funds provided in Specific Appropriation 1945F to the District School Board of Palm Beach County are for a community education project pursuant to s. 235.196, Florida Statutes.

1945G FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES - FINE ARTS
CENTER - SANTA FE COMMUNITY
COLLEGE/UNIVERSITY OF FLORIDA (P,C)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 9,000,000

The $9,000,000 appropriated to the University of Florida for joint-use facilities shall be expended in the following manner: $2.5M for completion of the Samuel P. Harn Art Museum; $1.5M for planning a joint use fine arts facility; $3M for Phase I of the Performing Arts Facility to include foundation and superstructure; and $2M for University of Florida campus road improvements, infrastructure development, and site preparation. It is also

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intended that at least $6,000,000 be provided in the 1987-88 Fiscal Year for this project.

1945H FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITY - INDIAN RIVER SCHOOL BOARD/ GIFFORD HIGH SCHOOL
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 250,000

1946 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING - WUSF-FM TAMPA (E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 470,500

1947 NOT USED

1947A FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING - WXEL-TV/FM BOYNTON BEACH (E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,500,000

1947B FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING - WUFT-TV/FM GAINESVILLE (C)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 2,400,000

1947C FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING - WLRN-TV/FM MIAMI (E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 660,000

1947D FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING - CAPITOL TECHNICAL CENTER - (E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 320,710

1948 NOT USED

1949 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 7,897,114

1950 FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 316,346

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1951 FIXED CAPITAL OUTLAY
PRE-SCHOOL FACILITIES FOR HANDICAPPED STUDENTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,000,000

1951A FIXED CAPITAL OUTLAY
JOINT USE CAMPUS OSCEOLA SCHOOL BOARD/VALENCIA (C)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,600,000

TOTAL OF SECTION 04

FROM TRUST FUNDS. 613,170,314

TOTAL ALL FUNDS 613,170,314

Section 5. The moneys in the following Specific Appropriations are appropriated from the named funds to the Department of General Services pursuant to the Florida Building and Facilities Act provisions of ss. 255.501 through 255.525, Florida Statutes.

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1951B FIXED CAPITAL OUTLAY
AUDITOR GENERAL BUILDING
FROM PUBLIC FACILITIES FINANCING TRUST FUND 23,268,761

1951C FIXED CAPITAL OUTLAY
EDUCATION BUILDING
FROM PUBLIC FACILITIES FINANCING TRUST FUND 47,613,930

1951D FIXED CAPITAL OUTLAY
ENVIRONMENTAL REGULATION LAB
FROM PUBLIC FACILITIES FINANCING TRUST FUND 9,503,445

1951E FIXED CAPITAL OUTLAY
FIRST YEAR DEBT SERVICE AND RESERVE
FROM GENERAL REVENUE FUND 15,089,008

1951F FIXED CAPITAL OUTLAY
INSURANCE BUILDING
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,300,000

1951G FIXED CAPITAL OUTLAY
PURCHASE/RENOVATION IBM BUILDING
FROM GENERAL REVENUE FUND 77,442
FROM PUBLIC FACILITIES FINANCING TRUST FUND 3,758,434

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1951H FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - DAYTONA
FROM PUBLIC FACILITIES FINANCING TRUST FUND 9,736,004

1951I FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - FT. MYERS - LAND ACQUISITION
FROM GENERAL REVENUE FUND 986,563

1951J FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - FT. PIERCE - LAND ACQUISITION
FROM GENERAL REVENUE FUND 1,413,281

1951K FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - GAINESVILLE - LAND ACQUISITION
FROM GENERAL REVENUE FUND 1,372,778

1951L FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - HURSTON PHASE II - PLANNING
FROM GENERAL REVENUE FUND 800,000

1951M FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - JACKSONVILLE - PLANNING AND LAND ACQUISITION
FROM GENERAL REVENUE FUND 5,660,624

Funds provided in Specific Appropriation 1951M may be utilized for land acquisition, planning for a new building, or the preliminary costs associated with the acquisition of an existing building, whichever is determined by the Department of General Services to be in the best interest of the state.

1951N FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - LARGO - PLANNING AND LAND ACQUISITION
FROM GENERAL REVENUE FUND 4,699,719

1951O FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - MONROE COUNTY - PLANNING AND LAND ACQUISITION
FROM GENERAL REVENUE FUND 1,194,577

1951P FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - PLANTATION/BROWARD - LAND ACQUISITION
FROM GENERAL REVENUE FUND 1,661,935

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1951Q FIXED CAPITAL OUTLAY
RENOVATION SUNLAND CENTER - TALLAHASSEE - PLANNING
FROM GENERAL REVENUE FUND 683,717

1951R FIXED CAPITAL OUTLAY
RHODE BUILDING/MIAMI - PARKING - PLANNING AND LAND ACQUISITION
FROM GENERAL REVENUE FUND 2,539,053

Funds provided in Specific Appropriation 1951R may be utilized for land acquisition, planning for a new facility, or the preliminary costs associated with the acquisition of an existing facility, whichever is determined by the Department of General Services to be in the best interest of the state, after consultation with affected local governments.

1951S FIXED CAPITAL OUTLAY
FDLE BUILDING - ARCHITECT/ENGINEERING PLANNING
FROM GENERAL REVENUE FUND 800,000

1951T FIXED CAPITAL OUTLAY
STATE FIRE COLLEGE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,697,281

TOTAL OF SECTION 05

FROM GENERAL FUNDS. 36,978,697

FROM TRUST FUNDS. 104,877,855

TOTAL ALL FUNDS 141,856,552

Section 6. The moneys in the following Specific Appropriations are appropriated from the named funds to the Energy Office in the Executive Office of the Governor for expenditure on energy conservation programs and projects, in cooperation with the Departments of Education, Health and Rehabilitative Services, and Transportation.

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

1951U SPECIAL CATEGORIES
ENERGY AUDITS/PROJECTS/LIST
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

Funds in Specific Appropriation 1951U shall be used for energy conservation projects and energy audits not otherwise provided for in this section. On or before November 1, 1986, the Governor's Energy Office shall provide a plan for the expenditure of these funds to the Legislative Appropriations

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Committees for review and consultation, pursuant to the provisions of Chapter 216, F.S. Furthermore, the Governor's Energy Office shall submit to the Legislative Appropriations Committees on or before March 1, 1987, a list of projects which should be funded with oil overcharge funds in FY 1987-88.

The expenditure of these funds, and the list of proposed FY 1987-88 projects, shall place special emphasis on:

1. Conducting energy audits where necessary.

2. Deferred maintenance projects which would benefit from installation of more energy efficient types of equipment and materials than the proposed project design currently contemplates.

3. Retrofitting of existing energy inefficient lighting, and heating/ventilating/air conditioning systems.

4. Weatherization of energy inefficient windows, doors, and insulating barriers in schools, hospitals, and low-income housing.

5. State-of-the-Art energy management control systems.

1951V SPECIAL CATEGORIES
STATE UNIVERSITY SYSTEM ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,000,000

1951W SPECIAL CATEGORIES
COMMUNITY COLLEGE ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000

1951X SPECIAL CATEGORIES
K-12 - VOCATIONAL EDUCATION ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,000,000

1951Y SPECIAL CATEGORIES
H.R.S. HOSPITAL ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,000,000

The Governor's Energy Office is hereby appropriated up to $2,000,000 in additional moneys from the Grants and Donations Trust Fund to match up to $2,000,000 of additional hospital-related energy conservation projects which may be targeted by the Department of Health and Rehabilitative Services, if the required departmental matching funds are available.

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1951Z SPECIAL CATEGORIES
TRANSPORTATION ENERGY CONSERVATION PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,000,000

TOTAL OF SECTION 06

FROM TRUST FUNDS. 45,000,000

TOTAL ALL FUNDS 45,000,000

Section 7. The moneys in the following Specific Appropriations are appropriated from the named funds for the 1986-87 Fiscal Year to the state agencies indicated, as amounts for fixed capital outlay.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF DEPUTY COMMISSIONER FOR EDUCATIONAL MANAGEMENT

1951AA FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 70,000,000

This sum shall be administered pursuant to s. 235.42, Florida Statutes. The funds authorized in this section represent the total commitment level to be entered into.

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 1951AA:

UF	Student Services (Renovation of Peabody and Anderson Halls)..	$ 9,900,000
	Recreation/Play Fields.....	170,000
	Reitz Union Cafeteria Renovation...	137,000
	Student Recreation/Fitness Center..	3,600,000
	Student Health Services Renovation.	850,000
	Reitz Union Addition.....	1,100,000
FSU	Multi-Purpose Gymnasium/Natatorium.	12,152,000
USF	Sun Dome Contract Settlement (Repayment to General Revenue)..	706,728
	Dormitory Bond Prepayment.....	260,783
	Recreational/Student Center Facilities.....	2,904,091
	Student Center/Health Center/ Bookstore.....	8,212,398
	Sun Dome Repairs/Improvements/ Additional Planning for Auxiliary Sun Dome Gymnasium....	250,000
FAU	Student Service Building Renovation.....	371,954

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	University Center Expansion.....	1,397,040
	Outdoor Recreation Facilities.....	85,000
	Comprehensive Athletic and Recreational Facilities Plan....	20,000
	University Center Auditorium Renovation.....	250,000
	Lighting - Parking Lot.....	32,000
	Athletic and Recreation Facilities.	491,846
	Student Housing Services Facility..	497,160
	Install Kitchen in Dorms.....	392,000
	Expand Picnic Area.....	32,000
	Remodel/Renovate TV Lounge Snack Bar-Commercial Blvd.....	85,000
	Extend Walkway to Fleming Hall.....	760,000
	Install Gym Elevator.....	150,000
UWF	Commons Building Expansion.....	647,925
	Outdoor Recreation and Related Sport Facilities.....	267,915
	Student Activity Lodge Facility....	475,000
	Outdoor Recreation Facility Expansion and Other Campus Enhancement Structures.....	799,160
	Renovation for 24 Hour Study Hall..	50,000
	Residence Hall/Academic Facility...	500,000
	Commons Renovation and Outdoor Improvements.....	325,000
	Campus-wide Security "Blue Light" System.....	8,000
UCF	Fieldhouse and Track.....	6,460,000
	Student Union.....	2,353,000
FIU	University House Remodeling and Addition.....	8,025,000
	Student Center Remodeling.....	395,000
	Teaching Gym Supplement.....	830,000
	Outdoor Recreational Improvements..	1,369,000
UNF	Addition to Student Life Center Building.....	2,419,000
	Addition to Athletic Building.....	235,000
	Outdoor Recreational Facilities....	34,000
	TOTAL OF SECTION 07	
	FROM TRUST FUNDS.	70,000,000
	TOTAL ALL FUNDS	70,000,000

Section 8. Salaries and Benefits

(1) Statement of Purpose

This section provides instructions for implementing salary and benefit increases appropriated within this act. All allocations and distributions of these adjustments are to be made in strict accordance with the provisions of this act and the Statement of Intent prepared pursuant to Section 216.181, Florida Statutes.

(2) Salary Increases

A. Career Service Pay Plan

Contingent upon CS/HB 686 & 985 or similar legislation becoming law, the following salary provisions for Career Service employees shall apply to employees whose positions are transferred from the Career Service provisions of Chapter 110, Florida Statutes, to the University Support Personnel System.

1. Funds are provided in Specific Appropriation 4 to implement provisions of the collective bargaining agreement between the State and the American Federation of State, County, and Municipal Employees, Council 79, as well as salary provisions for all other employees. Funds are to be distributed in accordance with the above-noted collective bargaining agreement and as recommended in the Governor's 1986-87 Budget Recommendations, except as noted in the following paragraphs.

2. In addition to the critical class adjustments recommended by the Governor, funds have been provided for adjustments to the Administrative Hearing Officer class. An additional one pay grade adjustment has been provided for the Environmental Specialists, Biologists, Chemists, and Meteorologist classes and a two pay grade adjustment for Engineering classes within the Department of Natural Resources, the Department of Environmental Regulation, Game and Fresh Water Fish Commission and the Florida Department of Agriculture. All critical class adjustments shall be effective January 1, 1987.

3. For employees in the Professional Health Care Collective Bargaining Unit, funds are provided in Specific Appropriation 4 for Statewide Competitive Pay Adjustments of 5% on the minimum of the salary ranges and for Performance Incentive Increases, the distribution of which shall be consistent with the implementation for all other non-law enforcement classes in the Career Service.

4. Funds for Competitive Area Differentials in Pay Region I are provided in Specific Appropriation 4, effective January 1, 1987 as follows: certified law enforcement officers will be provided a $5000 differential; parole examiners and correctional probation officers will be provided a $3600 differential; and detention care workers will be provided a $2400 differential.

5. Each full-time Career Service employee with a current performance appraisal of at least "meets performance standards" shall receive a minimum annual salary increase of $700. If the combined pay adjustments provided for competitive pay adjustments, critical class adjustments and competitive area differential adjustments are less than $700, each eligible employee shall receive an additional increase which provides the employee a total annual increase of $700. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed minimum adjustment based upon the employee's performance and implementation instructions developed by the Department of Administration.

Additionally, each non-law enforcement Career Service pay range minimum shall be adjusted by at least five percent (5%) or $600, whichever is greater.

6. Funds for Performance Incentive Increases are also provided in Specific Appropriation 4 as recommended by the Governor for all eligible Career Service employees, with the exception of Career Service

correctional officer, institutional security and law enforcement employees.

7. For employees in law enforcement classes assigned to a step pay plan, funds are provided in Specific Appropriation 4 to grant each employee a 5% increase in pay, effective January 1, 1987, plus each employee whose most recent performance appraisal is at least "meets performance standards" a one-step increase on the employee's anniversary date. These pay and step increases shall be made without regard to the employee's step location or to the maximum of the current step pay ranges.

Effective January 1, 1987, the current law enforcement classifications shall be advanced one pay grade in the non-Department of Law Enforcement pay plan. Longevity pay steps shall not be utilized and current steps L1 and L2 shall become a part of the normal pay ranges. The restructured pay grades shall be numbered 52 through 56 in the new pay plan. The Department of Law Enforcement pay plan steps shall be adjusted by at least five percent (5%).

8. For fully trained employees in certified correctional officer and institutional security classes, funds are provided in Specific Appropriation 4 for competitive pay adjustments of 5% on each employee's base rate of pay effective January 1, 1987, plus each employee whose most recent performance appraisal is at least "meets performance standards" a 5% increase in base pay on the employee's anniversary date. Correctional officer and institutional security employees not fully trained shall receive competitive pay adjustments of 5% on the minimum of the salary ranges.

B. Board of Trustees Pay Plan - Florida School for the Deaf and the Blind

Funds are provided in Specific Appropriation 4 for an overall average seven percent (7%) increase in base salaries, effective no earlier than August 25, 1986, for faculty and supervising faculty employees. An overall average of 5% increase in base salaries shall be provided for all administrative employees effective January 1, 1987. Funds for unit employees shall be distributed in accordance with the collective bargaining agreement between the Board of Trustees and the Teachers United FTP/NEA.

C. Board of Regents Pay Plan

Funds are provided in Specific Appropriation 4 for an overall average five percent (5%) increase in base salaries, effective no earlier than August 7, 1986, for faculty and selected administrative and professional employees, and effective January 1, 1987, for all other administrative and professional employees. Funds for unit employees are to be distributed in accordance with the collective bargaining agreement between the Board of Regents and the United Faculty of Florida.

D. Elected Officers

With funds provided in Specific Appropriation 4 the salaries of the following officers shall be paid, effective February 1, 1987, at the annual rates shown below; however, these salaries may be reduced on a voluntary basis:

	7-1-86	2-1-87
Governor	78,757	90,570
Lieutenant Governor	68,458	81,967
Secretary of State	67,246	81,967
Comptroller	67.246	81,967
Treasurer	67,246	81,967
Attorney General	67,246	81,967
Education, Commissioner of	67,246	81,967
Agriculture, Commissioner of	67,246	81,967
Supreme Court Justice	78,064	85,000
Judges--District Courts of Appeal	70,448	80,000
Judges--Circuit Courts	67,276	75,000
Commissioner--Public Service Commission	64,217	73,970
Public Employee Relations Commission-Chairman	56,341	59,158
Public Employee Relations Commission-Commissioners	53,313	55,979
Commissioner--Parole and Probation	48,629	51,060
Judges--County Courts	59,371	62,340

A county judge assigned to active judiciary service in any of the courts created by Article V of the State Constitution shall be paid as additional compensation for such service, the difference between his normal salary and the salary then currently paid to a judge of the court to which he is assigned. The amount of such differential shall be computed on the basis of an eight-hour day, or major fraction thereof, and certified by the chief judge to the Office of the State Court Administrator on a monthly basis.

State Attorneys:		
Circuits with 1,000,000 population or less	67,276	75,000
Circuits over 1,000,000	70,448	80,000
Public Defenders:		
Circuits with 1,000,000 population or less	63,283	70,548
Circuits over 1,000,000	66,311	75,303

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of Section 186.901, Florida Statutes. These population estimates shall become effective July 1, 1986, and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

E. Exempt from Career Service Pay Plans

Funds are provided in Specific Appropriation 4 for an overall average five percent (5%) increase in base salaries, effective January 1, 1987, to be distributed at the discretion of the agency head.

F. Judicial Pay Plans

1. Funds are provided in Specific Appropriation 4 for an overall average five percent (5%) increase in base salaries, effective January 1, 1987.

2. Also included in Specific Appropriation 4 are funds to provide critical class adjustments within the State Court System for Law Clerk, non-legal secretarial, legal typist, court administrative classes, and computer classes as well as competitive area differentials for Judicial Assistants in Dade County and for Appellate Secretaries in Dade and Hillsborough counties.

3. With funds included in Specific Appropriation 4, each full-time Judicial Branch employee shall receive a minimum annual increase of $700, effective January 1, 1987, provided, however, any employee who has received a less than satisfactory performance evaluation subsequent to July 1, 1986 shall not receive the guaranteed minimum increase until that employee's performance is improved to at least a satisfactory level. Each part-time employee in an authorized position shall be eligible for a prorated portion of the guaranteed $700 minimum adjustment based upon the employee's full-time equivalency.

(3) Benefits

A. Health, Life, and Disability Insurance

Funds are provided in each agency's budget to continue paying the State's share of State Group Health Self-Insurance Premiums, approved Health Maintenance Organization Premiums, and Life and Disability Insurance Premiums, at a level no greater than the 1985-86 premiums. Additionally, recommended changes listed by the Department of Administration in its March 1986 Recommendations to the Legislative Appropriations Committees are approved for implementation as described in the report. Provided, however, the Department of Administration shall implement any new programs requiring an administrative fee pursuant to Chapter 287, Florida Statutes.

B. Senior Management Service/Selected Exempt Service Benefits

Funds are provided in Specific Appropriation 4, as recommended by the Governor, for Senior Management Service and Selected Exempt Service benefits contingent upon SB 1012 or similar legislation becoming law.

C. Overtime

During 1986-87, the state, including the Board of Regents, shall continue its overtime cash payment policy for Career Service Employees as provided in Section 22A-8.05(3)(a), Personnel Rules of the Career Service System.

(4) Other Provisions

The following items shall be implemented in accordance with the provisions of this act and with the collective bargaining agreements between the Governor and the respective bargaining agents, except as noted:

(a) Continue to provide up to 6 credit hours of tuition-free courses per term to all full-time employees on a space-available basis.

(b) Continue to reimburse employees, at current levels, for replacement of personal property.

(c) Continue to provide, at the current level, uniform maintenance and shoe allowances for positions currently receiving those allowances.

(d) Continue to extend a personal holiday on a pro-rata basis to part-time employees who occupy authorized part-time positions.

(e) Continue to pay employees on-call fees at the current level.

(f) Continue to provide death benefits to dependents of law enforcement and correctional officers killed in the line of duty.

(5) Training

Up to $75,000 of the funds in Specific Appropriation 4 shall be utilized by the Department of Administration, under contract with the Florida Center for Public Management, to establish an executive development and training program for senior level managers in Florida state government.

(6) Studies and Reports

A. Up to $300,000 of the funds in Specific Appropriation 4 shall be utilized by the Department of Administration to contract with the State University System to conduct a comprehensive statewide classification review and compensation study. The study and review for FY 1986-87 should take into consideration that the funds provided for competitive pay adjustments and critical class adjustments during FY's 1985-87 constitute the first step of a multi-year program for adjusting state employees' salaries to a competitive, fair and equitable level. In addition to all nurses classes, occupational groups containing clerical, food support workers and other classes assigned to Pay Grade 15 or below shall be given a high priority in the Department of Administration's recommendations to the 1987 legislature.

B. The Department of Administration and the Board of Regents shall collect data from the budget entities within their respective administrative jurisdictions and submit semiannual reports to the Legislature detailing the distribution of Performance Incentive increases within each budget entity. The reports shall cover the six-month periods ending December 31, 1986 and June 30, 1987 and shall be furnished to the chairmen of the legislative appropriations committees by February 28, 1987 and August 30, 1987, respectively.

Section 9. There is hereby appropriated from the General Revenue Fund the amount of $6,000 for each public hearing in excess of two which the Commission on Ethics conducts in Fiscal Year 1986-87 pursuant to its duties as prescribed by law.

Section 10. Any Section of this act, or any Specific Appropriation herein contained, if found to be invalid or vetoed by the Governor without overriding action of the Legislature shall in no way affect other Sections or Specific Appropriations contained in this act.

Section 11. This act shall take effect July 1, 1986, or upon becoming

law, whichever occurs later; however, if this act becomes law after July 1, 1986, then it shall operate retroactively to July 1, 1986.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS	110,519	
FROM GENERAL FUNDS.	7,776,930,239	
FROM TRUST FUNDS.		8,751,792,089
TOTAL ALL FUNDS		16,528,722,328

Conference Committee Amendment 2—On page 1, strike the entire title and insert: A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1986, and ending June 30, 1987, to pay salaries, other expenses, capital outlay—buildings and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

The Conference Committee Report was read and on motion by Senator Neal was adopted. HB 1380 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

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

Nays—2

Gersten	Gordon

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 1381 as amended by the Conference Committee Report.

Allen Morris, Clerk

CONFERENCE COMMITTEE REPORT ON HB 1381

The Honorable James Harold Thompson
Speaker, House of Representatives

The Honorable Harry A. Johnston, II
President of the Senate

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to House Bill 1381 same being:

An act relating to state government; implementing and administering the General Appropriations Act for fiscal year 1986-87;

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the Senate recede from its amendments 1 and 2.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Samuel P. Bell, III, Chairman	*s/Pat Neal,* Vice Chairman
s/Richard Crotty	*s/Malcolm E. Beard*
s/Betty Easley	*s/Betty Castor*
Tom Gallagher	*s/Roberta Fox*
s/Winston W. Gardner, Jr.	*Jack D. Gordon*
s/Elaine Gordon	*s/Mary R. Grizzle*
s/Tom Gustafson	*s/Mattox Hair*
s/Gene Hodges	*s/George Kirkpatrick*
s/Ronald C. Johnson	*s/Richard Langley*
s/Fred Lippman	*s/Franklin B. Mann*
s/Frank S. Messersmith	*s/Gwen Margolis*
s/Jon Mills	*s/Curtis Peterson*
s/Herbert F. Morgan	*s/Pat Thomas*
s/T. K. Wetherell	
Managers on the part of the House of Representatives	Managers on the part of the Senate

Conference Committee Amendment 1—On page 4, line 14, 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 to 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 shall not apply to state attorneys and public defenders.*

Section 4. *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 5. *No funds in the General Appropriations Act shall 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 6. *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 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 refiners and distributors. Other statutory provisions to the contrary notwithstanding, it is the intent of the Legislature that funds received, and interest earned on such funds, as a result of federal statute or administrative, judicial, or regulatory actions requiring the disbursement to states of refund moneys for alleged overcharges for petroleum products sold during the period of time in which federal price controls on such petroleum products were in effect, whether by themselves or in conjunction with other moneys appropriated by the Legislature, shall 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 shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall 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. *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 10. *The provisions of s. 216.011, Florida Statutes, to the contrary 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 11. *The provisions of s. 27.34 or s. 27.54, Florida Statutes, to the contrary notwithstanding:*

(1) State attorneys and public defenders may expend state funds appropriated for the 1986-1987 fiscal year for items enumerated in s. 27.34 or s. 27.54, Florida Statutes, respectively, which would otherwise be payable by the respective counties, provided that the total state expenditures for such items for each office do not exceed the total amount spent by each office during the 1985-1986 fiscal year for such items.

(2) Each state attorney and public defender shall, not later than October 1, 1986, submit a report to the Legislative Appropriations Committees showing the amount of state funds expended during fiscal year 1985-1986 for the items enumerated in s. 27.34 or s. 27.54, Florida Statutes. The Comptroller shall prescribe the report format.

Section 12. *The provisions of s. 320.06, Florida Statutes, to the contrary notwithstanding, the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles is authorized to pay salaries and benefits and expenses from the Motor Vehicle License Replacement Trust Fund as appropriated in the General Appropriations Act for these purposes.*

Section 13. *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 the Speaker of the House of Representatives on a monthly basis.*

Section 14. *For the purpose of complying with the provisions of Article VII, Section 11(e), Constitution of the State of Florida, the following expressway projects are approved:*

(1) Tampa Hillsborough Expressway Authority, Northwest Expressway starting at I-275 south of Tampa International Airport and proceeding northerly and easterly terminating on Dale Mabry Highway just north of Van Dyke Road to cover an area of approximately 17 miles.

(2) Broward County Expressway Authority, construction and improvement of up to a 6-lane highway along the Military Trail/Andrews Avenue corridor from as far north as Glades Road in Palm Beach County to as far south as Atlantic Boulevard in Broward County and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, toll facilities and avenues of access for such expressway or expressways.

(3) Broward County Expressway Authority, the State Road 7/441 project for improvements of up to 6 lanes and frontage roads from as far north as 1000 feet north of the Hillsboro Canal in Palm Beach County to as far as 1000 feet south of Sample Road in Broward County and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, toll facilities and avenues of access for such expressway or expressways.

(4) Broward County Expressway Authority, the McNab Road project for construction and improvement of up to a 6-lane highway along the McNab Road corridor from Northwest 31st Avenue to Federal Highway (US 1) in Broward County and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, toll facilities and avenues of access for such expressway or expressways.

(5) Jacksonville Transportation Authority, the Butler Boulevard Improvement project to include design, right-of-way acquisition and construction for 4 new grade separated interchanges and parallel 2-way access roads on either side of the main line.

(6) Orlando-Orange County Expressway Authority, limited-access toll road facility extending south from State Road 426 to a connection with the existing East/West Expressway and improvements to the existing East/West Expressway from State Road 50 to the vicinity of State Road 551.

(7) Orlando-Orange County Expressway Authority, limited-access toll road facility extending easterly from the existing East/West Expressway in the vicinity of Chicasaw Trail to an intersection with State Road 50 east of Alafaya Trail.

(8) Orlando-Orange County Expressway Authority, limited-access toll road facility extending southerly from a point on the proposed eastern extension of the East/West Expressway to the Beeline Expressway.

(9) Orlando-Orange County Expressway Authority, limited-access toll road facility extending westerly from the western terminus of the existing East/West Expressway to a point on the Florida Turnpike south of State Road 50.

(10) Orlando-Orange County Expressway Authority, limited-access toll road facility extending northerly from the proposed western extension of the East/West Expressway to State Road 500 in the vicinity of the City of Apopka.

(11) Orlando-Orange County Expressway Authority, improvements to toll collection facilities, interchanges and other necessary additions to the existing system and any other facility appurtenant, necessary or incidental to the addition, extensions or improvements to the system.

Section 15. *Pursuant to s. 216.351, Florida Statutes, and the provisions of chapter 216, Florida Statutes, to the contrary notwithstanding, the district Deputy Assistant Secretaries in the Department of Transportation, shall have the authority to temporarily reallocate resources within their district to meet contingencies in the Five-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 shall have the authority to transfer additional positions within a given district so long as the lesser budget entity is not increased nor 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 of the Department, 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.*

Section 16. *The provisions of s. 332.007, Florida Statutes, to the contrary notwithstanding, the Department of Transportation shall advance funds as specifically appropriated in the General Appropriations Act to Tallahassee Municipal Airport for aviation projects jeopardized by the uncertainty of future funding from the federal Aviation Improvement Program. State funds shall be provided only upon written agreement by the local entity to repay the state funds upon receipt of discretionary federal aviation funds for this project.*

Section 17. *The provisions of s. 332.007, Florida Statutes, to the contrary notwithstanding, the Department of Transportation is authorized to grant funds as specifically appropriated in the General Appropriations Act to Tri-County Airport, Walton County Airport, TICO Airport, Gainesville Airport, Orlando International Airport, Pensacola Regional Airport, and Sebring Airport.*

Section 18. *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.*

Section 19. *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 20. *(1) The District Director for the Tampa Bay Urban Area shall have the responsibility for developing the Five-Year Transportation Plan for Hernando, Hillsborough, Manatee, Pasco and Pinellas Counties. The Tampa Bay Urban Office shall also have responsibility for providing policy, direction, local government coordination and planning for those counties.*

(2) From the 18 positions provided for Ft. Myers, the District Director or the responsible person shall have the responsibility for developing the Five-Year Transporation Plan for Charlotte, Sarasota, DeSoto, Glades, Hendry and Lee Counties. The Ft. Myers office shall also have responsibility for providing policy, direction, local government coordination and planning for those counties.

Section 21. *The provisions of chapter 475, Florida Statutes, to the contrary notwithstanding, the Department of Professional Regulation shall transfer to the Department of Agriculture and Consumer Services, for expenditure on the Soil Survey Program as provided in the General Appropriations Act, funds received from fees collected pursuant to chapter 475, Florida Statutes.*

Section 22. *Notwithstanding the provisions of s. 216.181, Florida Statutes, except for provisions enacted subsequent to April 1, 1986, 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. Contract educational services may be provided every inmate who has an expectation of release within 5 years, with the opportunity to achieve: functional literacy; develop marketable entry level vocational skills and/or abilities to live in a law-abiding and democratic society. The contract shall be with a school district, community college, or licensed accredited private postsecondary educational institution in the Regional Coordinating Council's region where the correctional institution is located, or from another council's region at the mutual agreement of both council chairmen, and approval by proper authority when required. Contracts for these services shall show cost estimates, course titles, course description, number of inmate students to be served, total instructional hours per week per course, number of FTE per course, FTE unit cost, description, quantity, and cost of miscellaneous goods or services, and total cost of services with total FTE by program. The contract shall name the correctional institution and the educational provider.*

(1) The educational provider shall agree to:

(a) Designate a liaison person;

(b) Give priority to hiring qualified adversely affected Department of Corrections educational personnel;

(c) Provide an educational package which includes counselor services for academic counseling; library services for functional literacy, marketable skills, and adjustment to society education programs; instruction by qualified instructors with mastery of course/skills being taught; and testing programs aimed at functional literacy, marketable skills, and democratic living, which parallel school district and community college testing programs;

(d) Arrange for qualified substitutes in the case of absence of the teacher;

(e) Require instructors to assume instructional responsibility for inmates in their classes;

(f) Provide the correctional institution's Education Program Manager with reports on inmate progress and performance;

(g) Coordinate teaching schedules that take into consideration the institution's inmate schedule;

(h) Comply with department written rules and reasonable directives, and local policies of the institution, regarding security and safety;

(i) Not discriminate against student inmates because of race, color, religion, sex, or national origin; and

(j) Submit education reports provided for in the contract.

(2) The correctional institute shall agree in the contract to:

(a) Provide an Education Program Manager and a secretary to coordinate the educational programs with the educational provider and the Regional Coordinating Council;

(b) Provide a sufficient number of properly selected eligible students for membership in each course;

(c) Provide institutional orientation for educational provider staff;

(d) Supply all classroom and shop laboratory facilities and standard utilities, including water, lights, phones, heat, and air conditioning;

(e) Provide the normal configuration of audio-visual equipment, as available, and incidentals such as chalk, erasers, photocopy services, student paper and pencils;

(f) Provide janitorial and maintenance services;

(g) Provide for the safety of all instructors;

(h) Provide adequate library services and clerical support; and

(i) Provide staff support and recordkeeping.

(3) The parties shall agree on other supplies, consumables, laboratory materials, and textbooks as necessary. Both parties shall agree that the Educational Program Manager is responsible for coordination of the education program and shall participate in selecting and evaluating instructional personnel sent in to serve the institutions and collaborate in developing operational procedures for efficient management of the education programs. The contract shall be signed by the superintendent of the correctional institution or his designee; the college president or school superintendent, whichever is appropriate, or his designee; the Educational Program Manager; and the educational provider's dean or director.

Section 23. *(1) The following trust funds of the departments specified hereunder which are scheduled to be abolished on October 1, 1986, pursuant to the provisions of paragraph (b) of subsection (1) of section 215.3205, Florida Statutes, and which are not abolished by any other act of the Legislature are hereby 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 24. *Unless otherwise authorized by law, each agency shall solicit postsecondary state-funded educational institutions for every 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 there is a failure to respond or if the responses are not cost-effective, as determined by the agency, the agency may then solicit other providers. The Department of General Services shall administer the provisions of this section.*

Section 25. *(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 26. *(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 shall be 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 27. *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 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 shall be carried out through a centrally coordinated and supervised effort.*

Section 28. *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. Intensive English language instruction, however, may be provided for students whose native language is other than English. The provisions of s. 236.081(1)(c), Florida Statutes, to the contrary notwithstanding, the programs identified as "Educational Alternatives" and "Educational Alternatives Mainstream" shall be retitled "Educational Alternatives/Intensive English" and "Educational Alternatives/Intensive English Mainstream," respectively, and the programs identified as "Speech and Hearing Therapy Part-Time" and "Deaf" shall be retitled "Speech, Language, and Hearing Part-Time" and "Speech, Language, and Hearing," respectively.*

Section 29. *The Division of Vocational, Adult and Community Education, in consultation with the Divisions of Community Colleges and Public Schools and the 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), Florida Statutes. 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. *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 is authorized and directed to 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. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), Florida Statutes, after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in s. 236.081(1)(c), Florida Statutes, may be transferred from the participating districts to the district providing the program.

(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 31. *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 32. *Notwithstanding s. 236.25(1), Florida Statutes, district school boards for 1986-1987 may levy a nonvoted discretionary millage up to 0.819 mills.*

Section 33. *The provisions of s. 236.081, Florida Statutes, to the contrary notwithstanding, 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 components of quality assurance guarantee and of 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 34. *Notwithstanding the provisions of section 37 of chapter 85-120, Laws of Florida, no provision of s. 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 35. *Five percent of the funds in each specific appropriation in the General Appropriations Act designated for the operation, modification, renovation, or purchase of electronic data processing equipment, services, systems, or programs shall not be released to the affected agency by the Executive Office of the Governor if the Information Resource Commission has informed the Executive Office of the Governor that the agency has not completed, by January 1, 1987, an initial information technology security-related risk analysis for all critical applications as provided in chapter 84-236, Laws of Florida.*

Section 36. *The provisions of s. 216.181, Florida Statutes, to the contrary notwithstanding:*

(1) The calculation for the annual salary rate for vacant and newly authorized positions shall be 10 percent above the minimum of the pay grade for the position or as provided in the Letter of Intent.

(2) No agency may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency may exceed its approved rate for all budget entities by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency has reduced its salary rate so that the salary rate for each budget entity is within the approved rate limit for that budget entity.

Section 37. *The Department of Administration shall ensure that all employees receive reimbursement or notification of a reason for delay for all properly submitted health insurance claims within 15 working days of receipt by the appropriate claims administrator. The department shall assess penalties or withold administrative fees as appropriate to ensure compliance with this provision.*

Section 38. *The Department of Health and Rehabilitative Services is prohibited from expending funds from any specific appropriation or from any other source for the purchase or production of "fuel, wood refined and densified" (wood pellets).*

Section 39. *The provisions of s. 215.32(2)(c), Florida Statutes, to the contrary notwithstanding, an amount up to $30,000,000 is hereby appropriated for transfer during Fiscal Year 1986-1987 from the Working Capital Fund to the General Revenue Fund to offset any significant reduction in federal funds which would have been directly received and expended by state agencies in Fiscal Year 1986-1987. No Working Capital Funds shall be transferred to the General Revenue Fund pursuant to this section until it is first determined by the Revenue Estimating Conference that there will be sufficient revenues available to meet General Revenue appropriations, and then until the Administration Commission determines, after consultation with the legislative appropriations committees, that such transfer is necessary.*

Section 40. *The provisions of s. 110.117(2), Florida Statutes, to the contrary notwithstanding, the Secretary of the Department of Administration shall utilize the discretionary paid holiday for employees in the Career Service System as a paid holiday commemorating the birthday of Dr. Martin Luther King, Jr. The date so designated shall coincide with the date the Federal Government selects as their employee holiday honoring Dr. King's birthday.*

Section 41. *The Department of General Services is directed to transfer $1,000,000 from the Working Capital Trust Fund in the Division of Information Services to the General Revenue Fund unallocated during Fiscal Year 1986-1987.*

Section 42. *The Department of Revenue is directed to transfer $2,000,000 from the Property Assessment Loan Fund to General Revenue unallocated no later than August 1, 1986.*

Section 43. *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 44. *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 45. *The Department of Health and Rehabilitative Services shall develop a proposal to amend the Medicaid reimbursement plan for nursing homes, which plan shall 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 46. *Any remaining moneys not expended for capital outlay projects funded pursuant to the provisions of s. 9(a)(2), Art. XII of the State Constitution, as amended, and authorized pursuant to the provisions of chapters 77-465, 78-401, 79-212, and 80-414, Laws of Florida, shall revert on April 1, 1987, to the Public Education Capital Outlay and Debt Service Trust Fund for reallocation by the Legislature.*

Section 47. *For purposes of clarification, it is the intent of the Legislature that the community education facility constructed with the appropriation contained in section 1(1)(o) of chapter 84-542, Laws of Florida, be assigned as the property of the junior college. It is further the intent of the Legislature that at such time as the facility becomes operational, the appropriate amount of funds to support the college's share of the operational and maintenance expenses shall be appropriated to the college as a part of the Community College Program Fund and accounted for as a categorical item in the college budget.*

Section 48. *The Palm Beach Junior College facility at Boca Raton shall be constructed on land currently leased by Palm Beach Junior College on the Florida Atlantic University campus. The style of this facility, as well as any future facilities, shall be designed to blend with the existing facilities on the Boca Raton campus. Palm Beach Junior College and Florida Atlantic University shall continue to develop formal agreements for the shared use of existing and future buildings so that unnecessary duplication of facilities shall be avoided. The Board of Regents and the Palm Beach Junior College Board of Trustees shall renegotiate their existing lease to limit the size of the Palm Beach Junior College Boca Raton center to a total of 25 acres, including the currently leased 10 acres.*

Section 49. *Pursuant to Section 11(e), Article VII of the State Constitution, the Board of Regents of the State University System is authorized to refinance Series A University System Improvement Revenue Certificates issued to refinance previous bonds and finance projects as authorized within section 47 of chapter 81-223, Laws of Florida.*

Section 50. *Pursuant to Section 11(e), Article VII of the State Constitution, the Florida Board of Regents of the State University System is authorized to refinance bonds issued for the following project: The Florida International University Bay Vista Housing Apartments.*

Section 51. *The Board of Regents of the State University System is hereby authorized to construct a dormitory at the University of Central Florida as a part of the dormitory complex initiated in 1980. The dormitory shall be financed with bonds issued pursuant to s. 11(e), Art. VII of the State Constitution in an amount not to exceed $2.5 million.*

Section 52. *Section 13 of chapter 82-240, Laws of Florida, is hereby repealed.*

Section 53. *Paragraph (k) of subsection (l) of section 1 and section 5 of chapter 84-542, Laws of Florida, are hereby repealed.*

Section 54. Paragraph (j) of subsection (l) of section 35 of chapter 85-116, Laws of Florida, as reenacted by section 1 of chapter 86-2, Laws of Florida, is amended to read:

Section 35. The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Art. XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects. From moneys becoming available pursuant to the provisions of s. 9(a)(2), Art. XII of the State Constitution, as amended, there is hereby appropriated $434,774,331 for public educational projects in the 1985-1986 fiscal year. There is hereby appropriated $66,612,507 from the School District and Community College District Capital Outlay and Debt Service Trust Fund to the Department of Education for allocation pursuant to the provisions of s. 9(d), Art. XII of the State Constitution, as amended. The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under s. 9(a)(2), Art. XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in cost shall be funded by funds other than those appropriated herein. The provisions of s. 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the 1985-1986 appropriation.

(1)

(j) The sum of $4,000,000 to the Board of Trustees of Daytona Beach Community College for construction of a joint-use facility with the University of Central Florida. ~~Notwithstanding the provisions of section 13(3) of chapter 82-240, Laws of Florida, the proceeds from the sale of the property at the University of Central Florida Daytona Beach Center shall be deposited in the Public Education Capital Outlay and Debt Service Trust Fund.~~

Section 55. *There is hereby established the Daytona Beach Applied Research Center. Participants at the center shall be comprised of a consortium of the following public and private educational institutions: University of Central Florida, Daytona Beach Community College, Embry-Riddle Aeronautical University, Bethune Cookman College, and Stetson University. The University of Central Florida shall coordinate the development of a charter for the consortium which reflects the primary purpose of providing an area center for applied research to be available to all the consortium participants.*

Section 56. *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 57. *Notwithstanding the provisions of section 35(4)(o) of chapter 85-116, Laws of Florida, as reenacted by section 1 of chapter 86-2, Laws of Florida, and further notwithstanding the provisions of section 1(3)(d) of chapter 84-542, Laws of Florida, the funds specified shall be allocated to the University of Florida for the City of Gainesville, University of Florida, Santa Fe Community College Fine Arts Center.*

Section 58. *Notwithstanding the provisions of section 35(3)(b)16. of chapter 85-116, Laws of Florida, as reenacted by chapter 86-2, Laws of Florida, the funds provided shall be used for the fine arts center with the City of Gainesville, the University of Florida, and Santa Fe Community College.*

Section 59. *The Board of Regents, pursuant to s. 240.295, Florida Statutes, is hereby granted authority to construct the following facilities from non-PECO sources:*

(1) USF - Sarasota fine arts facility, additional space.

(2) UCF - Modular office facility.

(3) UCF - Business building, additional office space.

(4) FIU - Office facility.

(5) FSU - Science library, fourth floor.

(6) UF - MicroKelvin facility.

Section 60. *For all projects appropriated in chapters 84-542, 85-116, and 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 61. *Funds appropriated for projects in section 7 of the 1986 General Appropriations Act are not subject to the provisions of s. 216.301(3)(a), Florida Statutes.*

Section 62. *Pursuant to Section 11(e), Article VII of the State Constitution, the Board of Regents of the State University System, supported by building and capital improvement fees, is authorized to issue new bonds that are required to finance projects authorized by 1986-1987 appropriations. The provisions of this section shall take effect June 30, 1986, or upon becoming a law, if earlier.*

Section 63. Subsections (4), (5), (6), and (7), of section 17.26, Florida Statutes, are renumbered as subsections (5), (6), (7), and (8), respectively, and a new subsection (4) is added to said section to read:

17.26 Cancellation of state warrants not presented within 1 year; 3-year limitation on payment of warrants not presented for payment.—

(4) The Comptroller shall honor a claim for retirement benefits under a state administered retirement plan, which would otherwise be void pursuant to subsection (3), at any time up to 1 year after the death of the recipient. Sufficient amounts are hereby appropriated from the fund of original issuance to meet the obligations for claims allowed pursuant to this subsection.

Section 64. Subsection (3) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies.—

(3) The administrator shall cause an actuarial study of the system to be made at least once every 2 years and shall report the results of such study to the ~~next session of the~~ Legislature *by February 1 prior to the next legislative session* ~~following completion of the study~~. Such study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:

(a) The valuation of plan assets shall be based on a 5-year averaging methodology such as that specified in the United States Department of Treasury Regulations, 26 C.F.R s. 1.412(c)(2), or a similar accepted approach designed to attenuate fluctuations in asset values.

(b) The study shall include a narrative explaining the changes in the covered group over the period between actuarial valuations and the impact of those changes on actuarial results.

(c) When substantial changes in actuarial assumptions have been made, the study shall reflect the results of an actuarial assumption as of the current date based on the assumptions utilized in the prior actuarial report.

(d) The study shall include an analysis of the changes in actuarial valuation results by the factors generating those changes. Such analysis shall reconcile the current actuarial valuation results with those results from the prior valuation.

(e) The study shall include measures of funding status and funding progress designed to facilitate the assessment of trends over several actuarial evaluations with respect to the overall solvency of the system. Such measures shall be adopted by the division and shall be used consistently in all actuarial evaluations performed on the system.

Section 65. Paragraphs (a), (b), (d), (e), and (g) of subsection (4) of section 121.052, Florida Statutes, are amended to read:

121.052 Membership class of certain elected state officers.—

(4)(a)1. From and after October 1, 1978, and except as provided in this subsection, the employer paying the salary of a member of the Elected State Officers' Class shall withhold 8 percent of his gross salary, which shall constitute the contribution of that member with respect to retirement and other benefits payable to members of this class, and one-half of the entire contribution of the member required for social security coverage. The employer withholding such contributions shall set aside the funds necessary to pay the matching contributions required pursuant to s. 121.061 and shall contribute an amount equal to 10.57 percent of such member's gross compensation and one-half of the entire contribution with respect to the member's social security coverage.

2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 19.3 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 10.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. *From and after October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 11.42 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(b)1. From and after October 1, 1978, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, Cabinet officer, Supreme Court justice, district court of appeal judge, circuit judge, county court judge, state attorney, public service commissioner, or public defender shall contribute an amount equal to 16.78 percent of such member's gross compensation and shall withhold 4 percent of such member's gross compensation, the sum of which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage. Effective July 1, 1979, any member of the Elected State Officers' Class who is a public service commissioner shall be removed from this class, shall become a regular member on that date, and shall be subject to the contribution provisions of s. 121.071 which pertain to regular members.

2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 21.03 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. From and after October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 10.98 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. *From and after October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, or Cabinet officer shall contribute an amount equal to 11.42 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(d) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 22.55 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 21.79 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. *Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 20.94 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(e) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 20.95 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 10.98 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. *Effective October 1, 1986, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 11.42 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member.* The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(g) Effective July 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 20.25 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1984, the employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 16.97 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. *Effective October 1, 1986, the*

employer paying the salary of any member of the Elected State Officers' Class who is a county elected officer shall contribute an amount equal to 17.13 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

Section 66. Subsection (2) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(2) Until January 1, 1975, each employer shall contribute an amount equal to the total of its member contributions, made under subsection (1), each pay period. Effective January 1, 1975, and until October 1, 1978, each employer shall contribute 9 percent of gross compensation each pay period for each of its regular members and 13 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1978, each employer shall contribute 9.1 percent of gross compensation each pay period for each of its regular members and 13.95 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1981, each employer shall contribute 10.93 percent of gross compensation each pay period for each of its regular members and 13.91 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1984, each employer shall contribute 12.24 percent of gross compensation each pay period for each of its regular members and 14.67 percent of gross compensation each pay period for each of its special risk members. *Effective October 1, 1986, each employer shall contribute 13.09 percent of gross compensation each pay period for each of its regular members and 15.10 percent of gross compensation each pay period for each of its special risk members.* Effective July 1, 1982, each employer shall contribute 11.14 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency whose service meets the qualifications for retention of the special risk normal retirement date pursuant to the provisions of s. 121.0515(7), notwithstanding the requirement of an aggregate of 10 or more years of special risk service. Effective October 1, 1984, each employer shall contribute 13.09 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency whose service meets the qualifications for retention of the special risk normal retirement date pursuant to the provisions of s. 121.0515(7), notwithstanding the requirement of an aggregate of 10 or more years of special risk service. *Effective October 1, 1986, each employer shall contribute 15.44 percent of gross compensation each pay period for each of its members serving in an administrative support position in a law enforcement, firefighting, or correctional agency as provided in s. 121.0515(7).*

Section 67. If Committee Substitute for Senate Bill 369 or similar legislation, having substantially the same intent and purpose as sections 65 and 66 of this act, becomes a law, said sections shall not take effect and the provisions thereof shall be void and inoperative.

Section 68. Except as otherwise provided herein, this act shall take effect July 1, 1986, or in the event this act fails to become a law until after said date, it shall operate retroactively thereto. This act shall expire and be void and inoperative on July 1, 1987.

Conference Committee Amendment 2—On page 1, strike the entire title and insert: 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; providing 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; authorizing the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to pay salaries, benefits, and expenses from the Motor Vehicle License Replacement Trust Fund; requiring the Department of Transportation to allocate resources to districts prior to a specified date; providing approval of certain expressway projects; authorizing district 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, Pensacola Regional Airport, and Sebring Airport; authorizing the Department of Transportation to provide moneys to the Department of Commerce to fund economic development transportation projects; providing for expenditure of certain funds for a new Florida Highway Patrol Station in Brevard County, rather than in Melbourne; providing responsibility for the development of the Five-Year Transportation Plan in certain specified counties; directing the Department of Professional Regulation to transfer certain funds 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; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; providing procedures for state agencies with respect to solicitation for contractual training needs; 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 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; requiring the Division of Vocational, Adult, and Community Education of the Department of Education to develop a plan for the statewide assignment of all vocational programs as to level of degree or certificate; modifying procedures for determining annual allocations to school districts; providing for the establishment of enrollment ceilings by program groups; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; 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; reviving and readopting the provisions of s. 212.11(1)(a)1. and 2. and (5), F.S., relating to tax returns and regulations; restricting release by the Executive Office of the Governor of certain funds for electronic data processing equipment pending security-related risk analysis; requiring budget entities to meet certain approved annual salary rate restrictions; directing the Department of Administration to ensure employee reimbursement for health insurance claims within a certain period, or notification of reason for delay; authorizing assessment of penalties or withholding of fees; prohibiting Department of Health and Rehabilitative Services from expending funds for the purchase or production of wood pellets; authorizing certain transfer of funds from the Working Capital Fund to the General Revenue Fund to offset reductions in federal funds; providing restrictions; 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.; directing the Department of General Services to transfer certain funds from the Working Capital Trust Fund in the Division of Information Services to the General Revenue Fund; directing the Department of Revenue to transfer certain funds from the Property Assessment Loan Fund to General Revenue by a certain date; modifying certain matching funding requirements relating to certain funds appropriated for local community mental health centers and alcohol project grants; specifying authorized uses of the sod aircraft landing strip at the Blackwater Foresty Center; requiring the Department of Health and Rehabilitative Services to develop a proposal to amend the Medicaid reimbursement plan for nursing homes; providing for reversion of certain unexpended funds to the Public Education Capital Outlay and Debt Service Trust Fund for reallocation; clarifying legislative intent with respect to construction of, and appropriation of funds for, certain community education facilities; providing for construction of the Palm Beach Junior College facility at Boca Raton on land currently leased on the Florida Atlantic University campus; providing for a limitation on the size of the

Palm Beach Junior College Boca Raton center; authorizing the Board of Regents to refinance Series A University System Improvement Revenue Certificates; authorizing the Board of Regents to refinance bonds issued for the Florida International University Bay Vista Housing Apartments; authorizing construction of a dormitory at the University of Central Florida; repealing section 13 of chapter 82-240, Laws of Florida, relating to relocation of the University of Central Florida Daytona Beach Center; repealing sections 1(l)(k) and 5 of chapter 84-542, Laws of Florida, relating to joint-use facilities between the District School Board of Clay County and St. Johns River Community College and between Daytona Beach Community College and the University of Central Florida, respectively; amending section 35(l)(j) of chapter 85-116, Laws of Florida, as reenacted; deleting reference to deposit of proceeds from the sale of certain property at the University of Central Florida Daytona Beach Center; creating the Daytona Beach Applied Research Center and providing for a consortium of participants; repealing section 35(3)(f) of chapter 85-116, Laws of Florida, as reenacted, relating to the joint-use facility between the District School Board of Clay County and St. Johns River Community College; allocating funds for a fine arts center with the City of Gainesville, the University of Florida, and Santa Fe Community College; authorizing construction of certain facilities from non-PECO sources; specifying a date for use in calculating certain appropriations; providing that funds for certain projects shall not be subject to certain provisions; authorizing the Board of Regents to issue bonds to finance certain projects; amending s. 17.26, F.S., permitting retirees of the state administered retirement systems to have expired retirement warrants honored under certain circumstances; amending s. 121.031, F.S., requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.052, F.S., revising contribution rates applicable to the Elected State Officers' Class; amending s. 121.071, F.S., revising contribution rates applicable to regular, special risk, and special risk administrative support members; providing a conditional effective date with respect to certain sections; providing a retroactive effective date and an expiration date.

The Conference Committee Report was read and on motion by Senator Neal was adopted. HB 1381 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

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

Nays—2

Gersten Gordon

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed, by the required Constitutional three-fifths vote of the membership of the House HJR 1433 and requests the concurrence of the Senate.

Allen Morris, Clerk

On motions by Senator Jenne, by unanimous consent—

HJR 1433—A joint resolution extending the 1986 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the sixty days of the 1986 regular session of the Florida Legislature will expire on June 6, 1986, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the 1986 regular session of the Florida Legislature is extended until 3:00 A.M., Saturday June 7, 1986, under the authority of Article III, Section 3(d) of the State Constitution.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Jenne, by two-thirds vote HJR 1433 was read the third time in full, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

By direction of the President, the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for CS for SB's 465, 349, 592, 698, 699, 700, 701, 702, 956, 977 and 1120

The Honorable Harry A. Johnston, II
President of the Senate

The Honorable James Harold Thompson
Speaker, House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on Committee Substitute for Committee Substitute for Senate Bills 465, 349, 592, 698, 699, 700, 701, 702, 956, 977 and 1120 same being:

An act relating to insurance and civil actions;

having met, and after full and free conference, do recommend to their respective Houses, as follows:

1. That the House and Senate adopt the Conference Committee Amendment, attached hereto, and by reference made a part of this report.

2. That the Senate and the House pass the Committee Substitute for Committee Substitute for Senate Bills 465, 349, 592, 698, 699, 700, 701, 702, 956, 977 and 1120 as amended by said Conference Committee Amendments.

s/Kenneth C. Jenne	*s/Tom Gustafson,*
Chairman	Co-Chairman
s/Robert B. (Bob) Crawford	*s/Samuel P. Bell, III*
s/Mattox Hair	*s/Beverly B. Burnsed*
s/George Grier Kirkpatrick, Jr.	*s/R. Dale Patchett*
s/Richard H. (Dick) Langley	*s/Art Simon*
Managers on the part of the Senate	Managers on the part of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION:

1. Statement of legislative findings and purpose.

2. Authorizes financial institutions to participate in reinsurance, and to participate as underwriting members of the Florida Insurance Exchange for specified purposes.

3. Prohibits insurers from cancelling or nonrenewing any insurance contract or coverage without meeting applicable notice provisions.

4. Authorizes commercial property and casualty risks to be group-insured.

5. Requires the court to set aside a final order of the Department of Insurance in any rating matter if the department has substituted its findings of fact for findings of a hearing officer that were supported by competent substantial evidence.

6. Significantly increases the regulatory authority of the department by:

—deleting the requirement that the department find a lack of competition before holding a rate to be excessive;

—applying most of the current private passenger automobile rating provisions to commercial liability insurance;

—increasing the number of insurance company records available for the department's inspection;

—authorizing the department to order a refund of any portion of a premium deemed to be excessive;

7. Establishes an excess profits law applicable to commercial property and casualty insurance.

8. Provides for establishment of a joint underwriting association to provide property and casualty insurance to persons who cannot obtain the coverage in the voluntary market, including the market assistance plan and surplus lines market, and who are required to carry such insurance by Florida law, or to commercial risks that cannot obtain the insurance on the voluntary market and for which failure to secure the insurance would impair this ability to conduct their affairs.

9. Authorizes CPAs, architects, engineers, veterinarians, land surveyors, and additional health care providers to self-insure.

10. Requires insurers to give 45 days notice of cancellation, nonrenewal, or nonrenewal premium.

11. Requires insurers to give coverage identification numbers to their insureds when insurance coverage becomes effective.

12. Authorizes establishment of limited commercial reciprocal insurers by any group of persons for the purpose of pooling and spreading liabilities of the group members in any commercial property or casualty risk.

13. Authorizes creation of commercial self-insurance funds by nonprofit trade, industry, or professional associations for the purpose of pooling and spreading liabilities of their group members in any commercial property or casualty risk.

14. Requires insurers to deliver copies of policies to their insureds within 60 days after the effectuation of coverage.

15. Provides that, in all cases which have damages exceeding $25,000, the doctrine of joint and several liability applies only to the economic damages and only when the defendant is more at fault than the claimant. Joint and several liability applies to all cases in which the award for damages does not exceed $25,000. Defines "economic damages" and specifies the effect of contributory fault. Requires the jury or the court in nonjury cases to apportion percentages of fault among the parties.

16. Precludes a claim for punitive damages unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. Prohibits discovery of financial worth until after the court permits a pleading of punitive damage.

17. Limits punitive damages in specified actions to three times the compensatory damages awarded by the trier of fact. Excepts class actions. Forty percent of the award is payable to the claimant and sixty percent goes to either the Public Medical Assistance Trust Fund in personal injury and wrongful death or to the General Revenue Fund. Requires calculation of attorney's fees on the percentage awarded to the claimant.

18. Provides that in any action for damages, whether in tort or contract, if a defendant files an offer of judgment which the plaintiff does not accept within 30 days, the defendant is entitled to reasonable costs and attorney's fees from the date of filing such offer if the judgment returned for the plaintiff is at least 25 percent less than the offer, and the court must set off the costs and attorney's fees against the award. If the costs and attorney's fees total more than the judgment, the court is required to enter judgment for the defendant for the amount of costs and fees less the amount of the plaintiff's award. If a plaintiff files a demand for judgment not accepted by the defendant and the judgment for the plaintiff is at least 25 percent greater than the offer, the plaintiff is entitled to reasonable costs and attorney's fees. Prohibits any offer or demand to be made until 60 days after filing suit, not accepted later than 10 days before the date of trial. The court is allowed to disallow an award of fees and costs if it determines that an offer was not made in good faith, and factors are provided for the court to consider when determining reasonableness of an award of attorney's fees under this provision.

19. Requires that verdicts in any action for damages, whether in tort or in contract be itemized into the following categories: (a) economic losses; (b) punitive damages; and (c) noneconomic damages. These categories, other than punitive damages, are further required to be broken down into present and future damages (including the period years over which the amounts are intended to provide compensation).

20. Amends section 57.105, F.S., to require any award of attorney's fees under the section (when there was a complete absence of a justifiable issue of law or fact raised by the complaint or defense) to be paid in equal amounts by the losing party and the losing party's attorney. Provides that the losing party's attorney is not personally responsible if he acts in good faith, based on the reputations of his client.

21. Creates within the Executive Office of the Governor a five-member task force assisted by staff and consultants. Required to examine and evaluate various tort and issuance issues. Required to submit an interim report to the Legislature by May 1, 1987, and a final report to the Legislature by March 1, 1988.

22. Provides for severability.

23. Provides an effective date.

24. Provides for additional coverage under the Florida Medical Malpractice Joint Underwriting Association. Authorizes the FMMJUA to refuse to insure insureds who refuse or fail to comply with risk management requirements.

25. Provides rating classifications for medical malpractice insurance.

26. Requires medical malpractice insurers to offer liability insurance coverage in the amounts required to meet financial responsibility requirements.

27. Requires the court, upon proper motion, in any action for damages whether in tort or contract to review an award of damages based upon specified criteria to determine if the award is excessive or inadequate and to order a remittitur or additur, if proper. If party adversely affected does not agree, court must order a new trial on the issue of damages only.

28. Authorizes the court, in actions for damages, to require the parties to participate in a pretrial settlement conference.

29. Provides for immunity for those doctors who render emergency care or treatment in response to a "code blue" emergency in a hospital or trauma center.

30. Changes the Sunset date for financial responsibility sections in ch. 458 and 459.

31. The court will reduce the judgment awarded by the total of all collateral sources, except for those collateral sources for which a subrogation might exist.

32. Alternative methods of payment—If future economic losses exceed $250,000, payment shall be made either by a present valued lump-sum payment or periodic payments. Periodic payments shall be ordered by the court at the request of either party.

33. Specifies an additional method for physicians and osteopaths to meet financial responsibility requirements in the form of a letter of credit. Provides for additional exemptions from the financial responsibility requirements. Provides for physicians and osteopaths to remain uninsured if certain requirements are met.

34. Repeals specified sections of Medical Malpractice Act.

35. Caps noneconomic damages at $450,000.

Conference Committee Amendment 1—On pages 5-78, strike everything after the enacting clause and insert:

Section 1. This act may be cited as the Tort Reform and Insurance Act of 1986.

Section 2. The Legislature finds and declares that a solution to the current crisis in liability insurance has created an overpowering public necessity for a comprehensive combination of reforms to both the tort system and the insurance regulatory system. This act is a remedial measure and is intended to cure the current crisis and to prevent the recurrence of such a crisis. It is the purpose of this act to ensure the widest

possible availability of liability insurance at reasonable rates, to ensure a stable market for liability insurers, to ensure that injured persons recover reasonable damages, and to encourage the settlement of civil actions prior to trial.

Section 3. Section 624.45, Florida Statutes, is created to read:

624.45 Participation of financial institutions in reinsurance and in insurance exchanges.—Subject to applicable laws relating to financial institutions and to any other applicable provision of the Florida Insurance Code, any financial institution or aggregation of such institutions may:

(1) Own or control, directly or indirectly, any insurer which is authorized or approved by the department, which insurer transacts only reinsurance in this state and which actively engages in reinsuring risks located in this state.

(2) Participate, directly or indirectly, as an underwriting member or as an investor in an underwriting member of any insurance exchange authorized in accordance with s. 629.401, which underwriting member transacts only aggregate or specific excess insurance over underlying self-insurance coverage for self-insurance organizations authorized under the Florida Insurance Code, for multiple-employer welfare arrangements, or for workers' compensation self-insurance trusts, in addition to any reinsurance the underwriting member may transact. Nothing in this section shall be deemed to prohibit a financial institution from engaging in any presently authorized insurance activity.

Section 4. Paragraph (o) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) Illegal dealings in premiums; excess or reduced charges for insurance.—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. *This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.*

3. Imposing or requesting an additional premium for automobile liability insurance, or refusing to renew the policy, solely because the insured was involved in an automobile accident, unless the applicant's or insured's insurer has incurred a loss under the insured's policy, other than with respect to uninsured motorist coverage, arising out of the accident, or unless the insurer's file contains sufficient proof of fault, or other criteria, to justify the additional charge or refusal to renew. An insurer which imposes and collects such a surcharge shall, in conjunction with the notice of premium due, notify the named insured that he is entitled to reimbursement of such amount under the conditions listed below and will subsequently reimburse him, if the named insured demonstrates that the operator involved in the accident was:

a. Lawfully parked.

b. Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person.

c. Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident.

d. Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident.

e. Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation.

f. Finally adjudicated not to be liable by a court of competent jurisdiction.

g. In receipt of a traffic citation which was dismissed or nolle prossed.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle liability insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second or subsequent infraction committed within an 18-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract *or coverage*, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract *or coverage* to the same insured at a higher premium rate or continuing an existing contract *or coverage* at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9.~~8.~~ No insurer shall, with respect to premiums charged for automobile insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10.~~9.~~ Imposing or requesting an additional premium for automobile comprehensive or uninsured motorist coverage solely because the insured was involved in an automobile accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

~~This paragraph does not apply to life insurance or health insurance.~~

Section 5. Subsection (6) is added to section 624.307, Florida Statutes, to read:

624.307 General powers, duties.—

(6) The department may employ actuaries who shall be at-will employees and who shall serve at the pleasure of the Insurance Commissioner. Actuaries employed pursuant to this paragraph shall be members of the Society of Actuaries or the Casualty Actuarial Society and shall be exempt from the Career Service System established under chapter 110. The salaries of the actuaries employed pursuant to this paragraph by the department shall be set in accordance with s. 216.251(2)(a)5., and shall be set at levels which are commensurate with salary levels paid to actuaries by the insurance industry.

Section 6. Section 626.973, Florida Statutes, is amended to read:

626.973 Fictitious groups.—

(1) No insurer or any person on behalf of any insurer shall make, offer to make, or permit any preference or distinction in property, marine, casualty, or surety insurance as to form of policy, certificate, premium, rate, benefits, or conditions of insurance, based upon membership, nonmembership, employment, or of any person or persons by or in any particular group, association, corporation, or organization, and shall not make the foregoing preference or distinction available in any event based upon any "fictitious grouping" of persons as defined in this code, such "fictitious grouping" being hereby defined and declared to be any grouping by way of membership, nonmembership, license, franchise, employment, contract, agreement, or any other method or means.

(2) The restrictions and limitations of this section do not extend to life insurance, health insurance, and medical malpractice insurance.

(3) The restrictions and limitations of this section do not extend to property or casualty insurance issued in this state on commercial risks, provided that:

(a) The policy requires active participation in a plan of risk management which has established measures and procedures to minimize both the frequency and severity of losses;

(b) The policy passes on the benefits of reduced losses to plan participants; and

(c) Rates are actuarially measurable and credible and sufficiently related to actual and expected loss and expense experience of the group so as to assure that nonmembers of the group are not unfairly discriminated against.

Section 7. Section 627.0612, Florida Statutes, is created to read:

627.0612 Administrative proceedings in rating determinations.—In any proceeding to determine whether rates, rating plans, or other matters governed by this part comply with the law, the appellate court shall set aside a final order of the department if the department has violated s. 120.57(1)(b)9. by substituting its findings of fact for findings of a hearing officer which were supported by competent substantial evidence.

Section 8. Subsection (9) of section 624.610, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 624.610(9), F.S., for present text.)

624.610 Reinsurance.—

(9) Any authorized insurer ceding directly written risks of loss under this section shall within 30 days of receipt of a summary statement or cover note, or in no event no later than 6 months after the effective date of the reinsurance treaty, file with the department one copy of a summary statement containing the following information about each treaty:

(a) The contract period;

(b) The nature of reinsured's business;

(c) An indication as to whether the treaty is proportional, nonproportional, coinsurance, modified coinsurance, or indemnity, as applicable.

(d) The ceding company's loss retention per risk;

(e) The reinsured limits;

(f) Any special contract restrictions;

(g) A schedule of reinsurers assuming the risks of loss;

(h) An indication as to whether payments to the assuming insurer are based on written premiums or earned premiums;

(i) Identification of any intermediary or broker used in obtaining the reinsurance and the commission paid them if known; and

(j) Ceding commissions and allowances.

The summary statement shall be signed and attested to by either the Chief Executive Officer or the Chief Financial Officer of the reporting insurer. In addition to the summary statement, the Insurance Commissioner may require the filing of any supporting information relating to the ceding of such risks as he deems necessary. This subsection applies to cessions of directly written risk of loss. This subsection does not apply to contracts of facultative reinsurance or to any ceding insurer with surplus as to policyholder that exceeds $100 million as of the immediately preceding December 31. Additionally, any ceding insurer otherwise subject to this section with less than $500,000 in direct premiums written in this state during the preceding calendar year or with less than 1,000 policyholders at the end of the preceding calendar year is exempt from the requirements of this subsection. However, any ceding insurer otherwise subject to this section with more than $250,000 in direct premiums written in this state during the preceding calendar quarter is not exempt from the requirements of this subsection. The Insurance Commissioner may, upon a showing of good cause, waive the requirements of this subsection.

Section 9. Section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(1) The rates for all classes of insurance to which the provisions of this part are applicable shall not be excessive, inadequate, or unfairly discriminatory.

(2) As to all such classes of insurance~~, other than workers' compensation, employer's liability insurance, and motor vehicle insurance~~:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the department under one of the following procedures:

1. If the filing is made at least 60 days before the proposed effective date, and the filing is not implemented during the department's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the department shall initiate proceedings to disapprove the rate and so notify the insurer, or finalize its review within 60 days of receipt of the filing. Notification of the insurer by the department of its preliminary findings shall toll the 60-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the department does not issue notice to the insurer of its preliminary findings within 60 days of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the department to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

(b) Upon receiving a rate filing, the department shall review the rate filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the department shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The department may promulgate rules utilizing reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to such classes of insurance written in this state and the manner in which such investment income shall be used in the calculation of insurance rates. Such manner shall contemplate allowances for an underwriting profit factor and full consideration of investment income which produce a reasonable rate of return; however, investment income from invested surplus shall not be considered. The profit and contingency factor as specified in the filing shall be utilized in computing excess profits in conjunction with s. 627.0625.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

7. The adequacy of loss reserves.

8. The cost of reinsurance.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. A reasonable margin for underwriting profit and contingencies.

12. The cost of medical services, if applicable.

13. Other relevant factors which impact upon the frequency or severity of claims or upon expenses.

(c) In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent 5-year period for which such experience is available.

(d) If conflagration or catastrophe hazards are given consideration by an insurer in its rates or rating plan, including surcharges and discounts, the insurer shall establish a reserve for that portion of the premium allocated to such hazard and shall maintain the premium in a catastrophe reserve. Any removal of such premiums from the reserve for purposes other than paying claims associated with a catastrophe or purchasing reinsurance for catastrophes shall be subject to approval of the department. Any ceding commission received by an insurer purchasing reinsurance for catastrophes shall be placed in the catastrophe reserve.

(e) After consideration of the rate factors provided in paragraphs (b), (c), and (d), a rate may be found by the department to be excessive, inadequate, or unfairly discriminatory based upon the following standards:

1. Rates shall be deemed excessive if they are likely to produce a profit from Florida business that is unreasonably high in relation to the risk involved in the class of business or if expenses are unreasonably high in relation to services rendered.

2. Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, when the replenishment is attributable to investment losses.

3. Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

4. A rating plan, including discounts, credits, or surcharges, shall be deemed unfairly discriminatory if it fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adopted pursuant to s. 627.0625.

5. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

6. A rate shall be deemed unfairly discriminatory as to a risk or group of risks if the application of premium discounts, credits or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks.

(f) In reviewing a rate filing, the department may require the insurer to provide at the insurer's expense all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated in this section.

(g) The department may at any time review a rate, rating schedule, rating manual, or rate change, the pertinent records of the insurer, and market conditions. If the department finds on a preliminary basis that a rate may be excessive, inadequate, or unfairly discriminatory, the department shall initiate proceedings to disapprove the rate and shall so notify the insurer. However, the department may not disapprove as excessive any rate for which it has given final approval or which has been deemed approved for a period of 1 year after the effective date of the filing unless the department finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being so notified, the insurer or rating organization shall, within 60 days, file with the department all information which, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the department notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the department withdraws the notification, the insurer shall not alter the rate except to conform with the department's notice, until the earlier of 120 days after the date the notification was provided or 180 days after the date of the implementation of the rate. The department may, subject to chapter 120, disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(h) In the event the department finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the department shall issue an order of disapproval specifying that a new rate or rate schedule be filed by the insurer which responds to the findings of the department. The department shall further order, for any "use and file" filing made in accordance with subparagraph (a)2., that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to such policyholder in the form of a credit or refund. If the department finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the department in response to such a finding shall be applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.

The provisions of this subsection shall not apply to workers' compensation and employer's liability insurance and motor vehicle insurance.

~~(a) No rate shall be held to be excessive unless:~~

~~1. Such rate is unreasonably high for the insurance provided; and~~

~~2. A reasonable degree of competition does not exist in the area with respect to the classification to which the rate is applicable. The department may promulgate rules utilizing generally accepted actuarial and economic principles to describe the factors that will be utilized in determining when price competition and other elements of competition are sufficient to assure that rates are not excessive in relation to the benefits provided.~~

~~(b) No rate shall be held to be inadequate unless:~~

~~1. The rate is unreasonably low for the insurance provided, and the continued use of the rate endangers the solvency of the insurer using the same; or~~

~~2. The rate is unreasonably low for the insurance provided, and the use of the rate by the insurer using the same has, or if continued will have, the effect of destroying competition or of creating a monopoly.~~

~~(c) A rate shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, when such replenishment is attributable to investment losses.~~

~~(d) This subsection does not apply to motor vehicle insurance as defined in s. 627.041.~~

(3) For individual risks that are not rated in accordance with the insurer's rates, rating schedules, rating manuals, and underwriting rules filed with the department and which have been submitted to the insurer for individual rating, the insurer is required to file rates with the department for each such risk as soon as practicable following the effective date of the policy but in no event later than 90 days thereafter.

(4)~~(3)~~ Nothing contained in this section or elsewhere in this part shall be construed to repeal or modify the provisions of ss. 626.951, *626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 626.9611, 626.9621, 626.9631, 626.9641, 626.9701, 626.9702,* and 626.973, relating to unfair insurance trade practices; and any rate, rating classification, rating plan or schedule, or variation thereof established in violation of said sections shall, in addition to the consequences stated in said sections or elsewhere, be deemed a violation of this section.

Section 10. Section 627.0625, Florida Statutes, is created to read:

627.0625 Supplemental funding for risk management plans through excessive profits.—

(1) For the purposes of this section:

(a) "Commercial property insurance" means insurance as defined in s. 624.604, but limited to coverage of commercial risks, excluding windstorm coverage. If separate rates and supporting experience data are not filed and justified for windstorm coverage, the insurer shall, using generally accepted actuarial and economic principles and techniques identify and justify the premiums, losses, reserves, and associated data for the windstorm coverage excluded from "commercial property insurance".

(b) "Commercial casualty insurance" means insurance as defined in s. 624.605, other than workers' compensation and employer's liability insurance, but limited to coverage of commercial risks.

(2) This section shall apply only to commercial property insurance and to commercial casualty insurance as those terms are defined in subsection (1), or any combination thereof.

(3) Each insurer or insurer group offering commercial casualty insurance or commercial property insurance covering risks located in this state shall develop and make available to insureds guidelines for risk management plans. Policyholders complying with the guidelines for a risk management plan shall be eligible for distributions from the risk management incentive fund as provided in subsection (11). The risk management program shall include the following:

(a) Safety measures, including, as applicable, the following areas:

1. Pollution and environmental hazards;

2. Disease hazards;

3. Accidental occurrences;

4. Fire hazards and fire prevention and detection;

5. Liability for acts from the course of business;

6. Slip and fall hazards;

7. Product injury; and

8. Hazards unique to a particular class or category of insureds.

(b) Training to insureds in safety management techniques.

(c) Safety management counseling services.

There shall be no civil cause of action against any insurer, its agents, or its employees for acts or omissions in any way connected with the requirements of this subsection. This shall not limit the authority for the department to enforce the provisions of this subsection.

(4) Each insurer group shall file with the department prior to July 1 of each year, on a form prescribed by the department, the following data specific to commercial casualty insurance and commercial property insurance:

(a) Calendar-year earned premium.

(b) Accident-year incurred losses and loss-adjustment expenses.

(c) The administrative and selling expenses incurred in this state or allocated to this state for the calendar year.

(d) Policyholder dividends applicable to the calendar year.

The data filed for the group shall be a consolidation of the data of the individual insurers of the group.

(5)(a) Excessive profit has been realized if underwriting gain is greater than the anticipated underwriting profit plus 4 percent of earned premiums for the 4 most recent calendar years.

(b) As used in this section with respect to any 4-year period, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by Florida business. Separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.

(6) Each insurer group shall also file a schedule of Florida loss and loss-adjustment experience for each of the 4 most recent accident years. The incurred losses and loss-adjustment expenses shall be valued as of December 31 of the accident year, developed to an ultimate basis, and at three 12-month intervals thereafter, each developed to an ultimate basis, so that a total of four evaluations will be provided for each accident year. The first year to be so reported shall be accident year 1987, so that the reporting of 4 accident years will not take place until accident years 1988, 1989, and 1990 have become available. For medical malpractice insurance, the first year to be so reported shall be accident year 1990, so that the reporting of 4 accident years for full inclusion of medical malpractice experience in commercial casualty insurance will not take place until accident years 1991, 1992, and 1993 become available. Accordingly, no medical malpractice insured shall be eligible for refunds or credits until the reporting period ending with calendar/accident year 1993. For reporting purposes unrelated to determining excessive profits, the loss and loss-adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.

(7) Each insurer group's underwriting gain or loss for each calendar-accident year shall be computed as follows: The sum of the accident-year incurred losses and loss-adjustment expenses as of December 31 of the year, developed to an ultimate basis, plus the administrative and selling expenses incurred in the calendar year, plus policyholder dividends applicable to the calendar year, shall be subtracted from the calendar-year earned premium to determine the underwriting gain or loss.

(8) For the 4 most recent calendar-accident years, the underwriting gain or loss shall be compared to the anticipated underwriting profit.

(9) Any insurer realizing an excessive profit shall place such profits in an interest-bearing fund to be called the "risk management incentive fund," hereinafter referred to as the "fund." The fund may be maintained on an insurer group-wide basis or on an individual insurer basis.

(10) If the insurer or insurer group has realized an excessive profit, the department shall order that the excessive amounts be placed in the fund while affording the insurer group an opportunity for hearing and otherwise complying with the requirements of chapter 120. Such excessive amounts shall be placed in the fund in all instances unless the insurer group affirmatively demonstrates to the department that the placement of the excessive amounts in the fund will render a member of the insurer group impaired or insolvent under the provisions of the Florida Insurance Code.

(11)(a) All money placed in the fund and interest thereon shall be distributed to those policyholders of the insurer or insurer group who:

1. Have a policy in force on December 31 of the final compilation year;

2. Have had a policy in force for a least 1 year; and

3. Have complied with the guidelines for the applicable risk management plan which shall include maintenance by the insured of loss experience, measured as a loss ratio, which does not exceed, on average, for the lesser of the review period or the total continuous period of coverage with the insurer, the appropriate permissible loss ratio utilized in the rate filings in effect during the reporting period, provided that maintenance of such loss experience requirements shall be applied equally to all insured risks.

(b) All money placed in the fund and interest thereon shall be proportionately distributed to each eligible policyholder on the basis of earned premium.

(c) In no event shall the funds distributed to a policyholder for a reporting period exceed the policyholder's total premium for the reporting period.

(d) Distribution of funds shall not be required as to any one policyholder if the amount of such funds would be less than $25.

(e) If any money remains in the fund after distribution it shall be carried forward to the next test period for distribution.

(12)(a) With respect to this section, data in required reports to the department may be rounded to the nearest dollar.

(b) Rounding, if elected by the insurer, shall be applied consistently.

(13)(a) Distribution of money shall be completed in one of the following ways:

1. Credits shall be applied to policy renewal premium notices which are forwarded to insureds more than 60 calendar days after entry of a final order indicating that excessive profits have been realized.

2. If an insured to whom a credit is applicable thereafter cancels or fails to renew his policy or otherwise allows his policy to terminate prior to receiving the credit, the insurer group shall make a cash refund in the amount of the credit not later than 60 days after termination of such coverage. In addition, a cash refund shall be made in the event the renewal premium is less than the amount available for distribution under subsection (11).

(b) Upon completion of the renewal credits or refund payments, the insurer group shall immediately certify to the department that the credits or refunds have been made.

(14) Any renewal credit or refund made pursuant to this section shall be treated as a policyholder dividend applicable to the final compilation year of the applicable review period, for purposes of reporting under this section for subsequent years.

(15) This section applies only to policies written or renewed on or after July 1, 1986.

Section 11. Subsections (1), (2), and (3) of section 627.072, Florida Statutes, are amended to read:

627.072 Making and use of rates.—

(1)~~(a)~~ As to *workers' compensation and employer's liability insurance* ~~all rates which are subject to this part, other than motor vehicle insurance~~, the following factors shall be used in the determination and fixing of rates:

(a)~~1.~~ The past loss experience and prospective loss experience within and outside this state;

(b)~~2.~~ The conflagration and catastrophe hazards;

(c)~~3.~~ A reasonable margin for underwriting profit and contingencies;

(d)~~4.~~ Dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers;

(e)~~5.~~ Investment income on unearned premium reserves and loss reserves;

(f)~~6.~~ Past expenses and prospective expenses, both those countrywide and those specifically applicable to this state; and

(g)~~7.~~ All other relevant factors, including judgment factors, within and outside this state.

~~(b) In the case of fire insurance rates, consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent 5-year period for which such experience is available.~~

(2) *As to all rates which are subject to this part,* the systems of expense provisions included in the rates for use by an insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(3) *As to all rates which are subject to this part,* risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any difference among risks that can be demonstrated to have a probable effect upon losses or expenses. Such classifications and modifications shall apply to all risks under the same or substantially the same circumstances or conditions.

Section 12. Subsection (4) of section 627.331, Florida Statutes, is amended to read:

627.331 Recording and reporting of loss, expense, and claims experience; rating information.—

(4)(a) ~~The department shall require insurers and rating organizations to furnish it with copies of their rates, rating schedules, and rating manuals which are in effect, and copies of any changes thereto, as soon as practicable following their effective dates, but in no event later than 30 days thereafter.~~ Underwriting rules not contained in rating manuals shall be filed for private passenger automobile insurance and homeowners' insurance.

~~(b) For individual risks that are not rated in accordance with the insurer's rates, rating schedules, rating manuals, and underwriting rules filed with the department and which have been submitted to the insurer for individual rating, the insurer is required to file rates with the department for each such risk as soon as practicable following the effective date of the policy but in no event later than 90 days thereafter.~~

(b)~~(c)~~ The submission of rates, rating schedules, and rating manuals to the department by a licensed rating organization of which an insurer is a member or subscriber will be sufficient compliance with this subsection for any insurer maintaining membership or subscribership in such organization, to the extent that the insurer uses the rates, rating schedules, and rating manuals of such organization. All such information shall be available for public inspection, upon receipt by the department, during usual business hours.

(c)~~(d)~~ The filing requirements of this subsection do not apply to commercial inland marine risks.

Section 13. Subsection (5) is added to section 627.351, Florida Statutes, to read:

627.351 Insurance risk apportionment plans.—

(5) PROPERTY AND CASUALTY INSURANCE RISK APPORTIONMENT.—If the department determines, after consultation with the insurers authorized in this state to write property insurance as defined in s. 624.604 or casualty insurance as defined in s. 624.605, that any class, line, or type of coverage of property or casualty insurance is not available at adequate levels from insurers authorized to transact and actually writing that kind and class of insurance in this state or in a particular geographic area, the department shall implement by order a joint underwriting plan to equitably apportion among such insurers the underwriting of property insurance or casualty insurance, except for the types of insurance that are included within property insurance or casualty insurance for which an equitable apportionment plan, assigned risk plan, or joint underwriting plan is authorized under s. 627.311 or subsections (1), (2), (3), or (4) of this section to persons with risks eligible under subparagraph (a)1. and who are in good faith entitled to, but are unable to, obtain such property or casualty insurance coverage, including excess coverage, through the voluntary market. For purposes of this subsection, an adequate level of coverage means that coverage which is required by state law or by responsible or prudent business practices. The Joint Underwriting Association shall not be required to provide coverage for any type of risk for which there are no insurers providing similar coverage in this state. The department may designate one or more participating insurers who agree to provide policyholder and claims service, including the issuance of policies, on behalf of the participating insurers.

(a) The plan shall provide:

1. A means of establishing eligibility of a risk for obtaining insurance through the plan, which provides that:

a. A risk shall be eligible for such property insurance or casualty insurance as is required by Florida law if the insurance is unavailable in the voluntary market, including the market assistance program and the surplus lines market.

b. A commercial risk not eligible under sub-subparagraph a. shall be eligible for property or casualty insurance if:

(I) The insurance is unavailable in the voluntary market, including the market assistance plan and the surplus lines market;

(II) Failure to secure the insurance would substantially impair the ability of the entity to conduct its affairs; and

(III) The risk is not determined by the Risk Underwriting Committee to be uninsurable.

c. In the event the Federal Government terminates the Federal Crime Insurance Program established under Title 44, Code of Federal Regulations, ss. 80-83, Florida commercial and residential risks previously insured under the federal program shall be eligible under the plan.

d. Any agent who falsely certifies the unavailability of coverage as provided by subparagraphs a. and b., is subject to the penalties provided in s. 626.611.

2. A means for the equitable apportionment of profits or losses and expenses among participating insurers.

3. Rules for the classification of risks and rates which reflect the past and prospective loss experience.

4. A rating plan which reasonably reflects the prior claims experience of the insureds. Such rating plan shall include at least two levels of rates for risks that have favorable less experience and risks that have unfavorable loss experience, as established by the plan.

5. Reasonable limits to available amounts of insurance. Such limits may not be less than the amounts of insurance required of eligible risks by Florida law.

6. Risk management requirements for insurance where such requirements are reasonable and are expected to reduce losses.

7. Deductibles as may be necessary to meet the needs of insureds.

8. That the joint underwriting association shall operate subject to the supervision and approval of a board of governors consisting of 11 individuals, including 1 who shall be elected as chairman. Six members of the board shall be appointed by the Insurance Commissioner. Two of the commissioner's appointees shall be chosen from the insurance industry. Any board member appointed by the Insurance Commissioner may be removed and replaced by him at any time without cause. Five members of the board shall be appointed by the participating insurers, two of whom shall be from the insurance agents' associations. All board members, including the chairman, shall be appointed to serve for 2-year terms beginning annually on a date designated by the plan.

(b) Rates used by the joint underwriting association shall be actuarially sound. To the extent applicable, the rate standards set forth in s. 627.062 shall be considered by the department in establishing rates to be used by the joint underwriting plan.

(c)1. In the event an underwriting deficit exists for any policy year the plan is in effect, any surplus which has accrued from previous years and is not projected within reasonable actuarial certainty to be needed for payment for claims in the year the surplus arose shall be used to offset the deficit to the extent available.

2. As to any remaining deficit the Board of Governors of the Joint Underwriting Association shall levy and collect an assessment in an amount sufficient to offset such deficit. One-third of such assessment shall be levied against the policyholders participating in the plan during the year giving rise to the deficit and the remainder of the assessment, including amounts which cannot be recovered from policyholders, shall be levied against the insurers participating in the plan during the year giving rise to the assessment. The amount of the assessment against each policyholder shall be that portion of the total amount assessable against policyholders that the policyholder's premium paid for the policy year giving rise to the assessment bears to the aggregate net direct premium written in the plan for such policy year. However, in no event shall any policyholder be assessed, for any policy year, an amount greater than one-third of the premium paid for the policy for that year. Any assessments against insurers for the lines of property and casualty insurance issued to commercial risks shall be recovered from the participating insurers in the proportion that the net direct premium of each insurer for commercial risks written during the preceding calendar year bears to the aggregate net direct premium written for commercial risks by all members of the plan for the lines of insurance included in the plan. Any assessments against insurers for the lines of property and casualty insurance issued to personal risks shall be recovered from the participating insurers in the proportion that the net direct premium of each insurer for personal risks written during the preceding calendar year bears to the aggregate net direct premium written for personal risks by all members of the plan for the lines of insurance included in the plan.

3. The board shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each participating insurer and policyholder, including, if prudent, filing suit to collect such assessment. If the board is unable to collect an assessment from any insurer or policyholder, the uncollected assessments shall be levied as an additional assessment against the participating insurers and any participating insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying insurer or policyholder.

4. Any funds or entitlements that the state may be eligible to receive by virtue of the Federal Government's termination of the Federal Crime Insurance Program referenced in sub-subparagraph (a)1.c., may be used under the plan to offset any subsequent underwriting deficits that may occur from risks previously insured with the Federal Crime Insurance Program.

(d) Upon adoption of the plan, all insurers authorized in this state to underwrite property or casualty insurance shall participate in the plan.

(e) A Risk Underwriting Committee of the joint underwriting association composed of three members experienced in evaluating insurance risks is created to review risks rejected by the voluntary market for which application is made for insurance through the joint underwriting plan. The committee shall consist of a representative of the market assistance plan created under s. 627.3515, a member selected by the insurers participating in the joint underwriting association, and a member named by the Insurance Commissioner. The Risk Underwriting Committee shall appoint such advisory committees as are provided for in the plan and are necessary to conduct its functions. The salaries and expenses of the members of the Risk Underwriting Committee and its advisory committees shall be paid by the joint underwriting plan. The plan approved by the department shall establish criteria and procedures for use by the Risk Underwriting Committee for determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

1. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

2. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the underwriting committee shall be construed as the private placement of insurance and the provisions of chapter 120 shall not apply.

Section 14. Section 627.356, Florida Statutes, is amended to read:

627.356 Professional *liability* ~~malpractice~~ self-insurance.—

(1) A group or association of *individuals* ~~attorneys~~ licensed ~~to practice law~~ in this state *as members of the same profession*, composed of any number of members, is authorized to self-insure against claims of professional *liability* ~~malpractice~~, upon compliance by the group or association with the following conditions:

(a) Establishment of a Professional *Liability* ~~Malpractice~~ Risk Management Trust Fund to provide coverage against professional ~~malpractice~~ liability.

(b) Employment of professional consultants for loss prevention and claims management coordination under a risk management program.

(c) Restriction of the membership of such group or association to one of the following professions:

1. Attorneys licensed to practice law in this state.

2. Certified public accountants licensed under chapter 473.

3. Registered architects licensed under chapter 481.

4. Professional engineers licensed under chapter 471.

5. Veterinarians licensed under chapter 474.

6. Land surveyors registered or licensed to engage in the practice of land surveying under chapter 472.

7. Insurance agents licensed under chapter 626.

Any such group or association shall be subject to regulation and investigation by the department. The group or association shall be subject to such rules as the department adopts; and shall also be subject to part VIII of chapter 626, relating to trade practices and frauds.

(2) The trust fund is authorized to purchase professional *liability* ~~malpractice~~ insurance ~~up to determined limits~~, specific excess insurance, and aggregate excess insurance, *up to determined limits*, as necessary to provide the insurance coverages authorized by this section, consistent with the market availability. The trust fund is further authorized to purchase such risk management services as may be required and pay claims as may arise under any deductible provisions.

(3) The department shall adopt rules to implement the provisions of this section. Such rules shall guarantee the maintenance of a sufficient reserve in the event of the dissolution of any trust fund authorized hereunder so as to cover contingent liabilities.

(4)(a) The liability of each member for the obligations of the trust fund shall be individual, several, and proportionate, but not joint, except as provided in this subsection.

(b) Each member shall have a contingent assessment liability, for payment of actual losses and expenses incurred while his policy was in force.

(c) The trust fund may assess from time to time members of the fund liable therefor under the terms of their policies and pursuant to this section or the department may assess the members in the event of liquidation of the fund.

(d) Each member's share of a deficiency for which an assessment is made shall be computed by applying, to the premium earned on the member's policy or policies during the period to be covered by the assessment, the ratio of the total deficiency to the total premiums earned during such period upon all policies subject to the assessment. In the event one or more members fail to pay an assessment, the other members are liable on a proportionate basis for an additional assessment. The fund, acting on behalf of all members who paid the additional assessment, shall institute legal action, when necessary and appropriate, to recover the assessment from members who failed to pay it.

(e) In computing the earned premiums for the purposes of this section, the gross premium received by the fund for the policy shall be used as a base, deducting therefrom solely charges not recurring upon the renewal or extension of the policy.

(f) No member shall have an offset against any assessment for which he is liable, on account of any claim for unearned premium or losses payable.

(g) If the assets of a trust fund are at any time insufficient to comply with the requirements of law or to discharge its liabilities, and to meet the required conditions of financial soundness, or if a judgment against the fund has remained unsatisfied for 30 days, the trust fund shall forthwith make up the deficiency or levy an assessment upon the members for the amount needed to make up the deficiency, but subject to the limitation set forth in this subsection.

(h) If the trust fund fails to make an assessment as required by paragraph (g), the department shall order the fund to do so. If the deficiency is not sufficiently made up within 60 days after the date of the order, the fund shall be deemed insolvent and grounds shall exist to proceed against the fund as provided for in part I of chapter 631.

(i) Subject to the provisions of this section, any rehabilitation, liquidation, conservation, or dissolution of a trust fund shall be conducted under the supervision of the department, which shall have all power with respect thereto granted to it under part I of chapter 631 governing the rehabilitation, liquidation, conservation, or dissolution of insurers.

(5) The expense factors associated with rates utilized in a professional liability self-insurance trust shall be filed with the department at least 30 days prior to use and shall not be utilized until approved by the department. The department shall disapprove the rates unless the filed expense factors associated therewith are justified and reasonable for the benefits and services provided.

Section 15. Section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(a) The term "fund" means a group or association of health care providers, as defined in paragraph (b), authorized to self-insure.

(b) The term "health care provider" means any:

1. Hospital licensed under chapter 395.

2. Physician licensed, or physician's assistant certified, under chapter 458.

3. Osteopath licensed under chapter 459.

4. Podiatrist licensed under chapter 461.

5. Health maintenance organization certificated under part II of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.

7. Chiropractor licensed under chapter 460.

8. Psychologist licensed under chapter 490.

9. Optometrist licensed under chapter 463.

10. Dentist licensed under chapter 466.

11. Pharmacist licensed under chapter 465.

12. Registered nurse, licensed practical nurse, and advanced registered nurse practitioner licensed or registered under the provisions of chapter 464.

13. "Other medical facility" as defined in paragraph (c).

14. Professional association, partnership, corporation, joint venture, or other association by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

(c) The term "other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment and in which the patient is admitted to and discharged from such facility within the same working day, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, or an office maintained by a physician or dentist for the practice of medicine, shall not be construed to be an other medical facility.

(d) The term "hospital subsidiary corporation" means any corporation over which a hospital or the hospital's parent corporation exercises financial or operational control and which provides health care services to the hospital or the hospital parent corporation or another hospital subsidiary corporation.

(e) The term "hospital parent corporation" means any corporation which has financial or operational control over a hospital and which provides health care services to the hospital or another hospital subsidiary corporation.

(f) The term "committee" means a committee or board of trustees of a health care provider or group of health care providers established to make recommendations, policies, or decisions regarding patient institutional utilization, patient treatment, or institutional staff privileges, or to perform other administrative or professional purposes or functions.

(2)~~(1)~~ A group or association of health care providers as defined in *paragraph* ~~s. 768.54~~(1)(b), composed of any number of members, is authorized to self-insure against claims arising out of the rendering of, or failure to render, medical care or services *or against claims for injury or death to the insured's patients,* ~~and coverage for bodily injury or property damage, including all patient injuries~~ arising out of the insured's activities, upon obtaining approval from the department and upon complying with the following conditions:

(a) Establishment of a Medical Malpractice Risk Management Trust Fund to provide coverage against professional medical malpractice liability.

(b) Employment of professional consultants for loss prevention and claims management coordination under a risk management program.

(3) The fund may insure hospital parent corporations, hospital subsidiary corporations, and committees against claims arising out of the rendering of, or failure to render, medical care or services.

(4) The fund ~~Any such group or association~~ shall be subject to regulation and investigation by the department. The *fund* ~~group or association~~ shall be subject to such rules as the department adopts, and shall also be subject to part VIII of chapter 626, relating to trade practices and frauds.

(5)~~(2)~~ The trust fund is authorized to purchase medical malpractice insurance ~~up to determined limits~~, specific excess insurance, and aggregate excess insurance, *up to determined limits*, as necessary to provide the insurance coverages authorized by this section, consistent with market availability. The trust fund is further authorized to purchase such risk management services as may be required and pay claims as may arise under any deductible provisions.

(6)~~(3)~~ The department shall promulgate rules ~~and regulations~~ to implement the provisions of this section. *The* ~~Such~~ rules ~~and regulations~~ shall guarantee the maintenance of a sufficient reserve in the event of the dissolution of any trust fund authorized hereunder so as to cover contingent liabilities.

(7)(a) The liability of each member for the obligations of the trust fund shall be individual, several, and proportionate, but not joint, except as provided in this subsection.

(b) Each member shall have a contingent assessment liability for payment of actual losses and expenses incurred while his policy was in force.

(c) The trust fund may assess from time to time members of the fund liable therefor under the terms of their policies and pursuant to this section or the department may assess the members in the event of liquidation of the fund.

(d) Each member's share of a deficiency for which an assessment is made shall be computed by applying to the premium earned on the member's policy or policies during the period to be covered by the assessment, the ratio of the total deficiency to the total premiums earned during such period upon all policies subject to the assessment. In the event one or more members fail to pay an assessment, the other members are liable on a proportionate basis for an additional assessment. The fund, acting on behalf of all members who paid the additional assessment, shall institute legal action, when necessary and appropriate, to recover the assessment from members who failed to pay it.

(e) In computing the earned premiums for the purposes of this section, the gross premium received by the fund for the policy shall be used as a base, deducting therefrom solely charges not recurring upon the renewal or extension of the policy.

(f) No member shall have an offset against any assessment for which he is liable, on account of any claim for unearned premium of losses payable.

(g) If the assets of a trust fund are at any time insufficient to comply with the requirements of law or to discharge its liabilities and to meet the required conditions of financial soundness, or if a judgment against the fund has remained unsatisfied for 30 days, the trust fund shall forthwith make up the deficiency or levy an assessment upon the members for the amount needed to make up the deficiency, but subject to the limitation set forth in this subsection.

(h) If the trust fund fails to make an assessment as required by paragraph (g), the department shall order the fund to do so. If the deficiency is not sufficiently made up within 60 days after the date of the order, the fund shall be deemed insolvent and grounds shall exist to proceed against the fund as provided for in part I of chapter 631.

(i) Subject to the provisions of this section, any rehabilitation, liquidation, conservation, or dissolution of a trust fund shall be conducted under the supervision of the department, which shall have all power with respect thereto granted to it under part I of chapter 631 governing the rehabilitation, liquidation, conservation, or dissolution of insurers.

(8) The expense factors associated with rates utilized by a fund shall be filed with the department at least 30 days prior to use and shall not be utilized until approved by the department. The department shall disapprove the rates unless the filed expense factors associated therewith are justified and reasonable for the benefits and services provided.

Section 16. Section 627.4133, Florida Statutes, is created to read:

627.4133 Notice of cancellation, nonrenewal or renewal premium.—

(1) An insurer issuing a policy providing coverage for property, casualty, surety, or marine insurance, other than motor vehicle insurance subject to s. 627.728, shall give the named insured at least 45 days advance written notice of nonrenewal or of the renewal premium. If the policy is not to be renewed the written notice shall state the reason or reasons as to why the policy is not to be renewed.

(2) An insurer issuing a policy providing coverage for property, casualty, surety, or marine insurance, other than motor vehicle insurance subject to s. 627.728 or s. 627.7281, shall give the named insured written notice of cancellation or termination other than nonrenewal at least 45 days prior to the effective date of the cancellation or termination, including in the written notice the reason or reasons for the cancellation or termination, except that:

(a) When cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor shall be given; and

(b) When such cancellation or termination occurs during the first 90 days during which the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment of premium, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor shall be given except where there has been a material misstatement or misrepresentation or failure to comply with the underwriting requirements established by the insurer.

After the policy has been in effect for 90 days, no such policy shall be canceled by the insurer except where there has been a material misstatement, nonpayment of premium, failure to comply with underwriting requirements established by the insurer within 90 days of the date of effectuation of coverage, a substantial change in the risk covered by the policy, or the cancellation is for all insureds under such policies for a given class of insureds. The provisions of this subsection shall not apply to individually rated risks having a policy term of less than 90 days.

(3) If an insurer fails to provide the 45-day or 20-day written notice required under this section, the coverage provided to the named insured shall remain in effect until 45 days after the notice is given or until the effective date of replacement coverage obtained by the named insured, whichever occurs first. The premium for the coverage shall remain the same during any such extension period except that, in the event of failure to provide notice of nonrenewal, if the rate filing then in effect would have resulted in a premium reduction, the premium during such extension of coverage shall be calculated based upon the later rate filing.

Section 17. Section 627.4205, Florida Statutes, is created to read:

627.4205 Coverage identification number required.—An insurer shall provide to the named insured a coverage identification number no later than the time insurance coverage under a policy, binder, or other contract providing any insurance or surety coverage becomes effective. The coverage identification number shall be construed for regulatory purposes under this code as a policy number.

Section 18. Subsection (1) of section 627.421, Florida Statutes, is amended to read:

627.421 Delivery of policy.—

(1) Subject to the insurer's requirement as to payment of premium, every policy shall be mailed or delivered to the insured or to the person entitled thereto *not later than 60 days after the effectuation of coverage* ~~within a reasonable period of time after its issuance, except when a condition required by the insurer has not been met by the applicant or insured~~.

Section 19. Section 629.50, Florida Statutes, is amended to read:

629.50 Limited *commercial* reciprocal insurer.—

(1) Any group of ~~2 to 250~~ persons may form a limited reciprocal insurer for the purpose of pooling and spreading liabilities of its group members in any commercial property or casualty risk, *except workers' compensation or employer's liability insurance.*

(2) As used in ss. 629.50-629.519, *"limited commercial reciprocal insurer"* or "limited reciprocal insurer" means an unincorporated aggregation of subscribers operating individually and collectively through an attorney in fact, each of which does not hold any other license as an insurer in this or any other state:

(a) Which aggregation is organized for, and the primary activities of which consists of, assuming and spreading all or any portion of the commercial property or commercial casualty exposure, except workers' compensation, and employer's liability of its members. ~~; and~~

(b) Which aggregation has *and maintains a minimum surplus amount of at least $100,000* ~~furnished to the department a financial statement, prepared in accordance with generally accepted accounting principles, certifying that the members of the group have a combined net worth of not less than $500,000 which shall be maintained~~.

(3) A limited reciprocal insurer shall *maintain a sufficient reserve so as to be actuarially sound, including sufficient reserves to cover contingent liabilities in the event of the dissolution of the limited commercial reciprocal insurer.* ~~not assume any liability which exceeds in the aggregate the combined net worth of the members of the limited reciprocal insurer. Reinsurance or excess insurance purchased by the limited reciprocal insurer shall be deducted in determining the liability assumed.~~

(4) No person shall be a member of, or directly or indirectly participate in, more than one limited reciprocal insurer. No limited reciprocal insurer shall be a member of another limited reciprocal insurer. Any financial institution may participate in a limited reciprocal insurer with any other financial institution. A financial institution may not require as a condition precedent to making a loan that the prospective borrower insure with any limited reciprocal insurer in which that financial institution is a member.

(5) A limited reciprocal insurer shall not participate in the Florida Insurance Guaranty Association.

Section 20. Subsection (2) of section 629.501, Florida Statutes, is amended to read:

629.501 Reinsurance.—

(2) The department shall disallow any credit which it finds would be contrary to the proper interests of the *subscribers* ~~policyholders or stockholders~~ of a ceding limited reciprocal insurer.

Section 21. Section 629.511, Florida Statutes, is amended to read:

629.511 Use of agents.—Each policy or contract of insurance between the limited reciprocal insurer and its members shall be signed by a *resident agent licensed by any authorized insurer to write the type of insurance provided by the policy or contract in Florida. The agent need not be licensed by the limited reciprocal insurer* ~~licensed general lines agent as defined in s. 626.041~~. *A limited reciprocal insurer shall be responsible for the acts of agents while acting on its behalf.*

Section 22. Section 629.513, Florida Statutes, is amended to read:

629.513 Making and use of rates.—

(1) With respect to all classes of insurance which a limited reciprocal insurer shall underwrite, the rates shall not be *excessive,* inadequate, or unfairly discriminatory.

(2) *A* ~~No~~ rate shall be held to be inadequate *if* ~~unless the department proves that~~:

(a) The rate is unreasonably low for the coverage provided; *or* ~~and~~

(b) The continued use of the rate endangers the solvency of the members of the limited reciprocal insurer.

(3) A rate shall be held to be excessive if the expense factors associated with the rate are not justified or not reasonable for the benefits and services provided.

(4)~~(3)~~ Nothing herein shall be construed to prohibit the department from examining a limited reciprocal insurer pursuant to s. 627.321.

(5)~~(4)~~ A limited reciprocal insurer shall not be required to file its rates with the department.

Section 23. Section 629.517, Florida Statutes, is amended to read:

629.517 Suspension or revocation.—The department shall suspend or revoke the certificate of authority of a limited reciprocal insurer if it finds that the ratio of net premiums written, *or reasonably projected to be written in a 12-month period,* to surplus as to policyholders exceeds 4 to 1, *and if the department has reason to believe the financial condition of the limited reciprocal insurer endangers the interests of the subscribers.*

Section 24. Section 629.519, Florida Statutes, is amended to read:

629.519 Conversion of limited *commercial* reciprocal insurer.—When a limited *commercial* reciprocal insurer has a surplus of assets over all liabilities of not less than $25 million~~, or has more than 250 members~~ at the date of its subsequent annual statement, the limited *commercial* reciprocal insurer shall within 1 year convert to a reciprocal, mutual, or stock insurer and shall be subject to all the provisions of the Florida Insurance Code applicable to insurers in general. Nothing contained in this section shall prohibit a limited reciprocal insurer from transacting business during the conversion period.

Section 25. Section 624.460, Florida Statutes, is created to read:

624.460 Short title.—Sections 624.460-624.488 may be cited as the Commercial Self-Insurance Fund Act.

Section 26. Section 624.462, Florida Statutes, is created to read:

624.462 Commercial self-insurance funds.—

(1) Any group of persons may form a commercial self-insurance fund for the purpose of pooling and spreading liabilities of its group members in any commercial property or casualty risk or surety insurance.

(2) As used in ss. 624.460-624.488, "commercial self-insurance fund" or "fund" means a group of members, operating individually and collectively through an association, that must be:

(a) Established by:

1. A not-for-profit trade association, industry association, or professional association of employers or professionals which has a constitution or bylaws, which is incorporated under the laws of Florida, and which has been organized and maintained in good faith for a continuous period of 1 year for purposes other than that of obtaining or providing insurance; or

2. A self-insurance trust fund organized pursuant to s. 627.356 or s. 627.357 and maintained in good faith for a continuous period of 1 year for purposes other than that of obtaining or providing insurance pursuant to this section. Each member of a commercial self-insurance trust fund established pursuant to this subsection must maintain membership in the self-insurance trust fund organized pursuant to s. 627.356 or s. 627.357.

(b) Operated pursuant to a trust agreement by a board of trustees which shall have complete fiscal control over the fund and which shall be responsible for all operations of the fund. The majority of the trustees shall be owners, partners, officers, directors, or employees of one or more members of the fund. The trustees shall have the authority to approve applications of members for participation in the fund and to contract with an authorized administrator or servicing company to administer the day-to-day affairs of the fund.

(3) Each member of a commercial self-insurance trust fund established pursuant to this section must maintain membership in the association or self-insurance trust fund established under s. 627.356 or s. 627.357.

(4) Any financial institution may participate as a member in a commercial self-insurance fund. A financial institution may not require as a condition precedent to making a loan that the prospective borrower insure with any commercial self-insurance fund. Any financial institution participating in a commercial self-insurance fund may participate only for the purpose of providing coverage on the financial institution's direct commercial property and commercial casualty or surety insurance exposures. The financial institution may not participate for the purpose of covering the direct or indirect exposures of its customers.

(5) A commercial self-insurance fund shall not participate in the Florida Insurance Guaranty Association.

(6) A governmental self-insurance pool created pursuant to s. 768.28(13) shall not be considered a commercial self-insurance fund.

Section 27. Section 624.464, Florida Statutes, is created to read:

624.464 Certificate of authority; penalty.—

(1) No person shall establish a commercial self-insurance fund unless such fund is issued a certificate of authority by the department pursuant to s. 624.466.

(2)(a) Any person failing to hold a subsisting certificate of authority from the department while operating or maintaining a commercial self-insurance fund shall be subject to a fine of not less than $5,000 or more than $10,000 for each violation.

(b) Any person who operates or maintains a commercial self-insurance fund without a subsisting certificate of authority from the department shall be subject to the cease and desist penalty powers of the department as set forth in ss. 626.9571, 626.9581, 626.9591, and 626.9601.

(c) In addition to the penalties and other enforcement provisions of the Florida Insurance Code, the department is vested with the power to seek both temporary and permanent injunctive relief when:

1. A commercial self-insurance fund is being operated by any person or entity without a subsisting certificate of authority.

2. Any person, entity, or commercial self-insurance fund has engaged in any activity prohibited by the Florida Insurance Code made applicable by ss. 624.460-624.488 or by any rule adopted pursuant thereto.

3. Any commercial self-insurance fund, person, or entity is renewing, issuing, or delivering a policy, contract, certificate, summary plan description, or other evidence of the benefits and coverages provided to members without a subsisting certificate of authority.

The department's authority to seek injunctive relief shall not be conditioned on having conducted any proceeding pursuant to chapter 120. The authority vested in the department by virtue of the operation of this section shall not act to reduce any other enforcement remedy or power to seek injunctive relief that may otherwise be available to the department.

Section 28. Section 624.466, Florida Statutes, is created to read:

624.466 Requirements for certificate of authority.—All applications for a certificate of authority for a commercial self-insurance fund shall be on a form furnished by the department, and shall include or have attached the following:

(1) The name of the fund and the location of the fund's principal office, which shall be maintained within this state.

(2) The kinds of insurance initially proposed to be transacted and a copy of each policy, endorsement, and application form it initially proposes to issue or use.

(3) A copy of the constitution, bylaws, or trust agreement which governs the operation of the fund. The constitution, bylaws, or trust agreement shall contain a provision prohibiting any distribution of surplus funds or profit except to members of the fund, as approved by the department pursuant to s. 624.473.

(4) The names and addresses of the trustees of the fund. The department shall not grant or continue approval as to any fund if the department determines any trustee to be incompetent or untrustworthy; that any trustee has been found guilty of, or has pled guilty or no contest to a felony, or a crime involving moral turpitude, or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered; or that any trustee has had any type of insurance license revoked in this or any other state.

(5) A copy of a properly executed indemnity agreement binding each fund member to individual, several, and proportionate liability as set forth in ss. 624.472 and 624.474.

(6) A plan of risk management which has established measures and procedures to minimize both the frequency and severity of losses.

(7) Proof of competent and trustworthy persons to administer or service the fund in the areas of claims adjusting, underwriting, risk management, and loss control.

(8) Membership applications and the name, address, and a current financial statement on each member applying for coverage showing the aggregate net worth of all members to be not less than $500,000, a combined ratio of current assets to current liabilities of more than 1 to 1 and a combined working capital of an amount establishing financial strength and liquidity of the businesses to promptly provide for payment of the normal property or casualty claims proposed to be self-insured.

(9)(a) An initial deposit of cash or securities of the type eligible for deposit by insurers under s. 625.52 in the amount of $100,000. All income from deposits shall belong to the fund and shall be transmitted to the fund as it becomes available. No judgment creditor or other claimant of the fund shall have the right to levy upon any of the assets or securities held as a deposit under this section.

(b) In lieu of the deposit of cash or securities, a fund may file with the department a surety bond in like amount. The bond shall be one issued by an authorized surety insurer, shall be for the same purpose as the deposit in lieu of which it is filed, and shall be subject to the department's approval. No bond shall be canceled or subject to cancellation unless at least 60 days' advance notice thereof in writing is filed with the department. No bond shall be approved unless it covers liabilities arising from all policies and contracts issued and entered into during the time the bond is in effect and unless the department is satisfied that the bond provides the same degree of security as would be provided by a deposit of securities.

(c) Deposits of securities or cash pursuant to this section shall be administered by the department in accordance with part III of chapter 625.

(10) Copies of acceptable excess insurance policies written by an insurer or insurers authorized or approved to transact insurance in this state, which excess insurance provides specific and aggregate limits and retention levels satisfactory to the department in accordance with sound actuarial principles. The department may waive this requirement if the fund demonstrates to the satisfaction of the department that its operation is and will be actuarially sound without obtaining excess insurance.

(11) At least 10 days prior to the proposed effective date of the issuance of any policy, the trustees shall submit proof that the members have paid into a common claims fund in a designated depository, cash premiums in an amount of not less than $50,000 or 10 percent of the estimated annual premium of the members at the inception, whichever is greater.

(12) A copy of a fidelity bond or insurance policy from an authorized insurer providing coverage in an amount equal to not less than 10 percent of the funds handled annually and issued in the name of the fund covering its trustees, employees, administrator, or other individuals managing or handling the funds or assets of the fund. In no case may such bond or policy be less than $1,000 or more than $500,000, except that the department may for good cause prescribe an amount in excess of $500,000, subject to the 10 percent limitation of the preceding sentence.

(13)(a) A plan of operation designed to provide sufficient revenues to pay current and future liabilities, as determined in accordance with sound actuarial principles.

(b) A statement prepared by an actuary who is a member of the American Academy of Actuaries or the Casualty Actuarial Society establishing that the fund has prepared a plan of operation which is based on sound actuarial principles. The department shall not approve the fund unless the department determines that the plan established by the fund is designed to provide sufficient revenues to pay current and future liabilities, as determined in accordance with sound actuarial principles.

(14) Such additional information as the department may reasonably require.

Section 29. Section 624.468, Florida Statutes, is created to read:

624.468 Continuing requirements.—After issuance of its initial certificate of authority a commercial self-insurance fund shall thereafter meet the following requirements as a condition of maintaining its certificate of authority:

(1) Maintenance of competent and trustworthy persons to service the program, as further specified in s. 624.466(7). Written notice shall be provided to the department before changing the fund's method of fulfilling its servicing requirements.

(2) Maintenance of a risk management program as further specified in s. 624.466(6).

(3) Maintenance of a deposit of cash or securities in the amount of $100,000, or a surety bond in lieu thereof, as further specified in s. 624.466(9).

(4) Maintenance of excess insurance in accordance with sound actuarial principles, unless waived by the department, as further specified in s. 624.466(10).

(5) Maintenance of a fidelity bond, as further specified in s. 624.466(12).

(6) Maintenance of appropriate, funded loss reserves determined in accordance with sound actuarial principles satisfactory to the department.

(7) Maintenance of an aggregate net worth of at least $500,000 of all fund members, as further specified in s. 624.466(8). A fund shall not be required to provide financial statements of its members evidencing conformity to this requirement after its certificate of authority has been issued, unless required to do so by the department upon a showing of good cause.

(8) Each fund shall have and maintain its principal place of business in this state and shall therein make available to the department upon reasonable notice complete records of its assets, transactions, and affairs in accordance with such methods and systems as are customary for, or suitable to, the kind or kinds of business transacted.

(9) A fund shall file such reports with the department as are required by s. 624.470.

(10) A fund shall report to the department within 15 days of a determination that the actual premiums written or liability assumed or any other factor which substantially contributes to the financial condition of the plan deviates by more than 25 percent from the projections used in the most recent annual report, as required by s. 624.470 or, if the first annual report has not yet been filed, projections used in the initial plan of operation.

(11) Payment of the annual license tax provided for in s. 624.501(3).

Section 30. Section 624.470, Florida Statutes, is created to read:

624.470 Annual reports.—

(1) Every fund shall, annually within 3 months of the end of the fiscal year, file a financial statement of the fund, including its balance sheet and a statement of operations for the preceding year, verified by the oath of a member of the board of trustees or by an administrative executive appointed by the board.

(2) Every fund shall, annually within 6 months of the end of the fiscal year, file a report with the department verified by the oath of a member of the board of trustees or by an administrative executive appointed by the board, containing the following information:

(a) A financial statement of the fund, including its balance sheet and a statement of operations for the preceding year certified by an independent certified public accountant.

(b) A report prepared by an actuary who is a member of the American Academy of Actuaries as to the actuarial soundness of the fund. The report shall consist of, but shall not be limited to, the following:

1. Adequacy of premiums or contributions in paying claims and changes, if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate, which shall include a valuation of present assets, based on statement value, and prospective assets and liabilities of the plan and the extent of any unfunded accrued liabilities.

2. A plan to amortize any unfunded liabilities and a description of actions taken to reduce unfunded liabilities.

3. A description and explanation of actuarial assumptions.

4. A schedule illustrating the amortization of any unfunded liabilities.

5. A comparative review illustrating the level of funds available to the commercial self-insurance fund from rates, investment income, and other sources realized over the period covered by the report, indicating the assumptions used.

6. A projection of the following year's plan of operation, including additional number of members, gross premiums to be written, and projected liabilities.

7. A statement by the actuary that the report is complete and accurate and that in his opinion the techniques and assumptions used are reasonable and meet the requirements of this subsection.

8. Other factors or statements as may be reasonably required by the department in order to determine the actuarial soundness of the plan.

(c) Any changes in the constitution, bylaws, or trust agreement of the fund.

Section 31. Section 624.472, Florida Statutes, is created to read:

624.472 Member's liability.—

(1) The liability of each member for the obligations of the commercial self-insurance fund shall be individual, several, and proportionate, but not joint, except as provided in this section and s. 624.474.

(2) Each member shall have a contingent assessment liability for payment of actual losses and expenses incurred while his policy was in force.

(3) Each policy issued by the fund shall contain a statement of the contingent liability. Both the application for insurance and the policy shall contain, in contrasting color and in not less than 10-point type, the following statements: "This is a fully assessable policy. In the event the fund is unable to pay its obligations, policyholders will be required to contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations."

Section 32. Section 624.473, Florida Statutes, is created to read:

624.473 Dividends.—A commercial self-insurance fund shall obtain the approval of the department prior to paying any dividend or refund to its members. No such dividend or refund may be approved until 12 months after the last day of the fiscal year for which the dividend or refund is payable, or such later time as the department may require in accordance with sound actuarial principles.

Section 33. Section 624.474, Florida Statutes, is created to read:

624.474 Assessments.—

(1) The trustees may assess from time to time members of a commercial self-insurance fund liable therefor under the terms of their policies and pursuant to this section, or the department may assess the members in the event of liquidation of the fund.

(2) Each member's share of a deficiency for which an assessment is made shall be computed by applying to the premium earned on the member's policy or policies during the period to be covered by the assessment the ratio of the total deficiency to the total premiums earned during such period upon all policies subject to the assessment. In the event one or more members fail to pay an assessment, the other members are liable on a proportionate basis for an additional assessment. The fund, acting on behalf of all members who paid the additional assessment, shall institute legal action when necessary and appropriate to recover the assessment from members who failed to pay it.

(3) In computing the earned premiums for the purposes of this section, the gross premium received by the fund for the policy shall be used as a base, deducting therefrom solely charges not recurring upon the renewal or extension of the policy.

(4) No member shall have an offset against any assessment for which he is liable on account of any claim for unearned premium or losses payable.

Section 34. Section 624.476, Florida Statutes, is created to read:

624.476 Impaired commercial self-insurance funds.—

(1) If the assets of a commercial self-insurance fund are at any time insufficient to comply with the requirements of law or to discharge its liabilities, other than any liability on account of funds contributed by the trustees or others, and to meet the required conditions of financial soundness, or if a judgment against the fund has remained unsatisfied for 30 days, its trustees shall forthwith make up the deficiency or levy an assessment upon the members for the amount needed to make up the deficiency, but subject to the limitation set forth in the trust agreement or the policy.

(2) If the trustees fail to make an assessment as required by subsection (1), the department shall order the trustees to do so. If the deficiency is not sufficiently made up within 60 days after the date of the order, the fund shall be deemed insolvent and grounds shall exist to proceed against the fund as provided for in part I of chapter 631.

(3) Subject to the provisions of this section, any rehabilitation, liquidation, conservation, or dissolution of a commercial self-insurance fund shall be conducted under the supervision of the department, which shall

have all power with respect thereto granted to it under part I of chapter 631 governing the rehabilitation, liquidation, conservation, or dissolution of insurers.

Section 35. Section 624.478, Florida Statutes, is created to read:

624.478 Use of agents.—A commercial self-insurance fund shall use an agent or agents licensed under parts I and II of chapter 626 to perform any of the activities described in 626.041(2). A commercial self-insurance fund shall have the authority to license agents in accordance with parts I and II of chapter 626, and the fund and its licensed agents shall be subject to the requirements of such provisions.

Section 36. Section 624.480, Florida Statutes, is created to read:

624.480 Filing, approval, and disapproval of forms.—

(1) No basic insurance policy or application form where written application is required and is to be a part of the policy or contract or printed rider or endorsement form shall be issued by a commercial self-insurance fund unless the form has been filed with and approved by the department.

(2) Every such filing shall be made not less than 30 days in advance of any such use or delivery. At the expiration of such 30 days, the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the department. The department may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such form, by giving notice of such extension before expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form must be deemed approved.

(3) The department shall disapprove any form or withdraw any previous approval thereof only, if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, when such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or any exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of such form substantially illegible.

Section 37. Section 624.482, Florida Statutes, is created to read:

624.482 Making and use of rates.—

(1) With respect to all classes of insurance which a commercial self-insurance fund shall underwrite, the rates shall not be excessive, inadequate, or unfairly discriminatory.

(2) A rate shall be held to be excessive if the expense factors associated with the rate are not justified or are not reasonable for the benefits and services provided.

(3) Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

(4) A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

(5) If the department determines that the continued use of a rate for a coverage endangers the solvency of the fund, it may issue an order requiring the rate to be increased or requiring the fund to limit or cease writing the coverage.

(6) A fund shall have the burden of proving that a rate filed is adequate if, during the first 5 years of issuing policies, the fund files a rate that is below the rate for loss and loss-adjustment expenses for the same type and classification of insurance that has been filed by the Insurance Services Office and approved by the department.

(7) Nothing herein shall be construed to prohibit the department from examining a fund pursuant to s. 627.321.

(8) A commercial self-insurance fund shall be required to file its rates, including credits and surcharge schedules, with the department for approval pursuant to the standards of this section and the procedures of s. 624.480(2).

(9) Any commercial self-insurance fund may subscribe to, or be a member of, a rating organization as prescribed in s. 627.231. A rating organization shall not discriminate against a commercial self-insurance fund as to conditions of subscription or membership.

Section 38. Section 624.484, Florida Statutes, is created to read:

624.484 Registration of agent.—A commercial self-insurance fund shall register with and designate the Insurance Commissioner as its agent solely for the purpose of receiving service of legal documents or process.

Section 39. Section 624.486, Florida Statutes, is created to read:

624.486 Examination.—Commercial self-insurance funds licensed under ss. 624.460-624.488 shall be subject to periodic examination by the department in the same manner and subject to the same terms and conditions applicable to insurers under part II of chapter 624.

Section 40. Section 624.488, Florida Statutes, is created to read:

624.488 Applicability of related laws.—In addition to other provisions of the code cited in ss. 624.460-624.488, ss. 624.155, 624.308, 624.414, 624.415, 624.416(4), 624.418-624.4211, except s. 624.418(2)(f), 624.501; chapter 625, part II; applicable sections of chapter 626, part VI, and s. 626.9541(1)(a), (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), (n), (o), (q), (u), (w), and (x); ss. 626.9561-626.9641, 627.413, 627.4132, 627.416, 627.418, 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, 627.428, 627.702, 627.706, part XI of chapter 627, 627.912, 627.913, 627.918, and 628.361(2), shall apply to commercial self-insurance funds. No section of the code not expressly and specifically cited in ss. 624.460-624.488 shall apply to commercial self-insurance funds.

Section 41. Subsection (10) of section 517.051, Florida Statutes, is amended to read:

517.051 Exempt securities.—The registration provisions of s. 517.07 do not apply to any of the following securities:

(10) Any insurance or endowment policy or annuity contract or optional annuity contract *or self-insurance agreement* issued by a corporation, *insurance company, reciprocal, or risk retention group* subject to the supervision of the insurance commissioner or bank commissioner, or any agency or officer performing like functions, of any state or territory of the United States or the District of Columbia.

Section 42. Section 627.9126, Florida Statutes, is created to read:

627.9126 Annual reports of information by liability insurers required.—

(1) Each insurer transacting commercial multiperil, products liability, commercial automobile liability, private passenger automobile liability, or other line of liability insurance shall maintain information as specified in this section. Such information shall be maintained for each line of insurance and for direct Florida business only. The department shall annually conduct a sampling of claims or actions for damages for personal injury or property damage claimed to have been caused by error, omission, or negligence of insureds if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

(2) Upon request of the department, an insurer shall, within 60 days, submit to the department a report which contains:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

(3) The reports required by subsection (2) shall contain:

(a)1. The name, address, and class or line of coverage of the insured.

2. The insured's policy number.

3. The date of the occurrence which created the claim.

4. The date the claim was reported to the insurer or self-insurer.

5. The date of suit, if filed.

6. The claimant's name, age, and sex; provided, however, the name of the claimant shall be maintained by the department as confidential and shall not be subject to public inspection or disclosure under chapter 119. This exemption is subject to the "Open Government Sunset Review Act" in accordance with s. 119.14.

7. The total number and names of all defendants involved in the claim.

8. Claims settled after a suit was filed.

9. Claims paid based on a judgment.

10. Judgments appealed by the insurer, together with the total results of such appeals.

11. The date and amount of final judgment or settlement, if any, including the itemization of the verdict, together with a copy of the settlement or final judgment.

12. In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

13. The loss-adjustment expense paid to defense counsel and other allocated loss-adjustment expense paid.

14. The date and reason for final disposition, if no judgment or settlement.

(b) A summary of the occurrence which created the claim, which shall include:

1. The name of the facility, business, or institution, if any, and the location within the facility, business, or institution at which the injury occurred.

2. A description of the principal injury giving rise to the claim.

3. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(c) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in liability cases.

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action taken by them pursuant to this section.

Section 43. Subsection (2) of section 627.3515, Florida Statutes, is amended to read:

627.3515 Market assistance plan; property and casualty risks.—

(2) The market assistance plan shall be governed by *an 11-member* a ~~seven-member~~ board of governors appointed by the Insurance Commissioner, and shall have an executive or underwriting committee. *At least 4 of the members shall be representatives of insurance trade associations as follows: one member representing the American Insurance Association, one member representing the Alliance of American Insurers, one member representing the National Association of Independent Insurers, and one member representing an unaffiliated insurer writing coverage on a national basis.* The plan shall be funded and staffed by the participating insurers. The plan shall not be required to assist in the placement of any workers' compensation, employer's liability, malpractice, or motor vehicle insurance coverage. Any fee charged by the plan shall be for a reasonable amount approved by the department and shall be earned only upon the successful placement of the risk.

Section 44. Paragraph (d) of subsection (4) of section 627.351, Florida Statutes, is amended, and paragraph (j) is added to said section, to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(d) The plan shall provide coverage for claims arising out of the rendering of, or failure to render, medical care or services and, in the case of health care facilities, coverage for bodily injury or property damage to the person or property of any patient arising out of the insured's activities, in appropriate policy forms for all health care providers as defined in paragraph (h). The plan shall include, but shall not be limited to:

1. Classifications of risks and rates which reflect past and prospective loss and expense experience in different areas of practice and in different geographical areas. To assure that plan rates are adequate to pay claims and expenses, the Joint Underwriting Association shall develop a means of obtaining loss and expense experience; and the plan shall file such experience, when available, with the department in sufficient detail to make a determination of rate adequacy. Within 60 days after a rate filing, the department shall approve such rates or rate revisions as are fully supported by the filing. In addition to provisions for claims and expenses, the ratemaking formula may include a factor for projected claims trending and a margin for contingencies. The use of trend factors shall not be found to be inappropriate.

2. A rating plan which reasonably recognizes the prior claims experience of insureds.

3. Provisions as to rates for:

a. Insureds who are retired or semiretired.

b. The estates of deceased insureds.

c. Part-time professionals.

4. Protection in an amount not to exceed $250,000 per claim, $750,000 annual aggregate for health-care providers other than hospitals and in an amount not to exceed $1.5 million per claim, $5 million annual aggregate for hospitals. Such coverage for health care providers other than hospitals shall be available as primary coverage and as excess coverage for the layer of coverage between the primary coverage and the total limits of $250,000 per claim, $750,000 annual aggregate. *The plan shall also provide tail coverage in these amounts to insureds whose claims-made coverage with another insurer or trust has or will be terminated. Such tail coverage shall provide coverage for incidents that occurred during the claims-made policy period for which a claim is made after the policy period.*

5. A risk management program for insureds of the association. This program shall include, but not be limited to: investigation and analysis of frequency, severity, and causes of adverse or untoward medical injuries; development of measures to control these injuries; systematic reporting of medical incidents; investigation and analysis of patient complaints; and auditing of association members to assure implementation of this program. *The plan may refuse to insure any insured who refuses or fails to comply with the risk management program implemented by the association. Prior to cancellation or refusal to renew an insured, the association shall provide the insured 60 days' notice of intent to cancel or nonrenew and shall further notify the insured of any action which must be taken to be in compliance with the risk management program.*

(j) Any member of the Florida Patient's Compensation Fund established under s. 768.54 who had applied in writing for, or otherwise made written request for, the deficit assessment coverage previously available from the Joint Underwriting Association under s. 627.351(4)(d)5., F.S., 1982, as enacted by chapter 82-391, Laws of Florida, which application or request was made prior to July 1, 1983, but who was denied coverage due to the termination of the offer effective June 23, 1983, shall again be afforded the opportunity to purchase the identical coverage that had been previously available. This coverage shall cover the full amount of any or all deficit assessments issued by the Florida Patient's Compensation Fund against a member for the 1982-1983 fiscal year, limited to twice the amount of the membership fee paid by the member to the fund for the 1982-1983 fiscal year. The premium contingency assessment against policyholders authorized in paragraph (e) of this subsection does not apply to policies issued pursuant to this paragraph. The rate charged for such protection shall not exceed one-third of the membership fee charged the member by the fund. This protection shall only be available to fund members as defined in s. 768.54(1)(b)2., 3., 4., and 8. A request for this protection must be made in writing to an agent together with documentation of evidence of such previous written application or written request together with a sworn affidavit by the applicant and, if an agent was involved with the previous application, the

agent, swearing that the requisite application was actually made prior to July 1, 1983. Such coverage shall be made available upon the effective date of this act and for 180 days thereafter.

Section 45. Section 627.6055, Florida Statutes, is created to read:

627.6055 Rating classifications for medical malpractice insurance.—

(1) Any rates, rating schedules, or rating manuals filed with the department for liability coverage for claims arising out of the rendering of, or the failure to render, medical care or services, including those of the Florida Medical Malpractice Joint Underwriting Association, shall provide rating classifications for policyholders based on the following factors:

(a) For an individual physician or osteopath the number of surgical procedures performed annually; and

(b) For an individual health care provider or health care facility, the number and severity of indemnities resulting from claims of medical malpractice against such health care provider or facility.

(2) This section shall not preclude the use of other rating classifications approved by the department pursuant to the other requirements of this part.

Section 46. Section 627.6057, Florida Statutes, is created to read:

627.6057 Medical malpractice insurers; required offer of coverage limits.—An insurer issuing policies of professional liability coverage for claims arising out of the rendering of, or the failure to render, medical care or services, shall make available to physicians licensed under chapter 458 and to osteopathic physicians licensed under chapter 459 coverage with the following limits, subject to usual underwriting standards:

(1) $100,000 per claim, $300,000 annual aggregate; and

(2) $250,000 per claim, $750,000 annual aggregate.

Section 47. Section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(1) As a condition of licensing and prior to the issuance or renewal of an active license *or reactivation of an inactive license* for the practice of medicine, an applicant shall by one of the following methods demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, medical care or services:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per claim amounts specified in paragraph (b).

(b) Obtaining and maintaining professional liability coverage in an amount not less than $100,000 per claim, with a minimum annual aggregate of not less than $300,000, from an authorized insurer as defined under s. 624.09, *from a surplus lines insurer as defined under s. 626.914(2),* from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than $100,000 per claim, with a minimum aggregate availability of credit of not less than $300,000. The letter of credit shall be payable to the physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the physician or upon presentment of a settlement agreement signed by all parties to such agreement, where such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

(2) As a continuing condition of hospital staff privileges, physicians with staff privileges shall also be required to establish financial responsibility by one of the following methods:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per claim amounts specified in paragraph (b).

(b) Obtaining and maintaining professional liability coverage in an amount not less than $250,000 per claim, with a minimum annual aggregate of not less than $750,000 *from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s.* 627.357.

(c) Obtaining and maintaining an unexpired irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than $250,000 per claim, with a minimum aggregate availability of credit of not less than $750,000. The letter of credit shall be payable to the physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the physician or upon presentment of a settlement agreement signed by all parties to such agreement, where such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

This subsection shall be inclusive of the coverage in subsection (1).

(3)(a) The financial responsibility requirements of subsections (1) and (2) shall apply to claims for incidents that occur on or after January 1, 1987, or the initial date of licensure in this state, whichever is later.

(b) Meeting the financial responsibility requirements of this section or the criteria for any exemption from such requirements shall be established at the time of issuance or renewal of a license on or after January 1, 1987.

(c) Any person may, at any time, submit to the department a request for an advisory opinion regarding such person's qualifications for exemption.

(4)(a)~~(3)~~ Each insurer, self-insurer, or Joint Underwriting Association shall promptly notify the Department of Professional Regulation of cancellation or nonrenewal of insurance required by this section. Unless the physician *demonstrates that he is otherwise in compliance with the requirements of this section* ~~shows good cause at a hearing~~, the Department of Professional Regulation shall suspend the license of the ~~uninsured~~ physician *pursuant to s. 120.57* and notify all health care facilities licensed under chapter 395 of such action. *Any suspension under this subsection shall remain in effect until the physician demonstrates compliance with the requirements of this section, except that a license suspended under paragraph (5)(g) shall not be reinstated until the physician demonstrates compliance with the requirements of that provision.*

(b) If financial responsibility requirements are met by maintaining an escrow account or letter of credit as provided in this section, upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, or from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the entire amount of the judgment together with all accrued interest, or the amount maintained in the escrow account or provided in the letter of credit as required by this section, whichever is less, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. If timely payment is not made by the physician, the department shall suspend the license of the physician pursuant to procedures set forth in subsection (5)(g)2., 3., and 4. Nothing in this paragraph shall abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment.

(5)~~(4)~~ *The requirements of subsections (1), (2), and (3)* ~~This section~~ shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent *of the Federal Government or* of the state or its agencies or its subdivisions. For purposes of this subsection, an agent of the state, its agencies or subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(13).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in Florida. If such person, initiates or resumes any practice of medicine in Florida, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, or from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000 if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000 if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counter-claim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action, unless within 30 days from the date of mailing he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal, and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed five years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

(6) Any deceptive, untrue or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action as specified in s. 458.331.

(7) Any licensee who relies on any exemption from the financial responsibility requirement shall notify the department, in writing, of any change of circumstance regarding his qualifications for such exemption and shall demonstrate that he is in compliance with the requirements of this section.

(8) The board shall adopt rules to implement the provisions of this section.

Section 48. Section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(1) As a condition of licensing and prior to the issuance or renewal of an active license *or reactivation of an inactive license* for the practice of osteopathic medicine, an applicant shall *by one of the following methods* demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, medical care or services~~, by one of the following methods~~:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per-claim amounts specified in paragraph (b).

(b) Obtaining and maintaining professional liability coverage in an amount not less than $100,000 per claim, with a minimum annual aggregate of not less than $300,000, from an "authorized insurer" as defined under s. 624.09, *from a surplus lines insurer as defined under s. 626.914(2),* from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than $100,000 per claim, with a minimum aggregate availability of credit of not less than $300,000. The letter of credit shall be payable to the osteopathic physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the osteopathic physician or upon presentment of a settlement agreement signed by all parties to such agreement, where such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

(2) As a continuing condition of hospital staff privileges, osteopathic physicians with staff privileges shall also be required to establish financial responsibility by one of the following methods:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per-claim amounts specified in paragraph (b).

(b) Obtaining and maintaining professional liability coverage in an amount not less than $250,000 per claim, with a minimum annual aggregate of not less than $750,000 *from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s.* 627.357.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than $250,000 per claim, with a minimum aggregate availability of credit of not less than $750,000. The letter of credit shall be payable to the osteopathic physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the osteopathic physician or upon presentment of a settlement agreement signed by all parties to such agreement, where such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

This subsection shall be inclusive of the coverage in subsection (1).

(3)(a) The financial responsibility requirements of subsections (1) and (2) shall apply to claims for incidents that occur on or after January 1, 1987, or the initial date of licensure in this state, whichever is later.

(b) Meeting the financial responsibility requirements of this section or the criteria for any exemption from such requirements shall be established at the time of issuance or renewal of a license on or after January 1, 1987.

(c) Any person may, at any time, submit to the department a request for an advisory opinion regarding such person's qualifications for exemption.

(4)(a)~~(3)~~ Each insurer, self-insurer, or Joint Underwriting Association shall promptly notify the Department of Professional Regulation of cancellation or nonrenewal of insurance required by this section. Unless the osteopathic physician *demonstrates that he is otherwise in compliance with the requirements of this section* ~~shows good cause at a hearing~~, the Department of Professional Regulation shall suspend the license of the ~~uninsured~~ osteopathic physician *pursuant to s. 120.57* and notify all health-care facilities licensed under chapter 395 of such action. *Any suspension under this subsection shall remain in effect until the osteopathic physician demonstrates compliance with the requirements of this section except that a license suspended under paragraph (5)(g) shall not be reinstated until the osteopathic physician demonstrates compliance with the requirements of that provision.*

(b) If financial responsibility requirements are met by maintaining an escrow account or letter of credit as provided in this section, upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, or from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the entire amount of the judgment together with all accrued interest, or the amount maintained in the escrow account or provided in the letter of credit as required by this section, whichever is less, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. If timely payment is not made by the physician, the department shall suspend the license of the physician pursuant to procedures set forth in subsection (5)(g)2., 3., and 4. Nothing in this paragraph shall abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment.

(5)~~(4)~~ *The requirements of subsections (1), (2), and (3)* ~~This section~~ shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent *of the Federal Government or* of the state or its agencies or its subdivisions. For purposes of this subsection, an agent of the state, ~~or~~ its agencies *and* ~~or~~ subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(13).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in Florida. If such person, initiates or resumes any practice of osteopathic medicine in Florida, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, or from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either $100,000 if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or $250,000 if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counter-claim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action, unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal, and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed five years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

(6) Any deceptive, untrue or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action as specified in s. 459.015.

(7) Any licensee who relies on any exemption from the financial responsibility requirement shall notify the department in writing of any change of circumstance regarding his qualifications for such exemption and shall demonstrate that he is in compliance with the requirements of this section.

(8) The board shall adopt rules to implement the provisions of this section.

Section 49. Sections 768.71-768.81, Florida Statutes, are designated as Part III of chapter 768, Florida Statutes.

Section 50. Section 768.71, Florida Statutes, is created to read:

768.71 Applicability; conflicts.—

(a) Except as otherwise specifically provided, this part applies to any action for damages, whether in tort or in contract.

(2) This part applies only to causes of action arising on or after July 1, 1986, and does not apply to any cause of action arising before that date.

(3) If a provision of this part is in conflict with any other provision of the Florida Statutes, such other provision shall apply.

Section 51. Section 768.72, Florida Statutes, is created to read:

768.72 Pleading in civil actions; claim for punitive damages.—In any civil action, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

Section 52. Section 768.73, Florida Statutes, is created to read:

768.73 Punitive damages; limitation.—

(1)(a) In any civil action based on negligence, strict liability, products liability, professional liability, or breach of warranty that involves willful, wanton, or gross misconduct, the judgment for the total amount of puni-

tive damages awarded to a claimant shall not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). However, this subsection does not apply to any class action.

(b) If any award for punitive damages exceeds the limitation specified in paragraph (a), the award is presumed to be excessive and the defendant shall be entitled to remittitur of the amount in excess of the limitation unless the claimant demonstrates to the court by clear and convincing evidence that the award is not excessive in light of the facts and circumstances which were presented to the trier of fact.

(c) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(2) In any civil action, an award of punitive damages shall be payable as follows:

(a) Forty percent of the award shall be payable to the claimant.

(b) If the cause of action was based on personal injury or wrongful death, 60 percent of the award shall be payable to the Public Medical Assistance Trust Fund created in s. 409.2662; otherwise, 60 percent of the award shall be payable to the General Revenue Fund.

(3) In the event that the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to paragraph (2)(b) shall each be entitled to a proportional share of the punitive damages collected.

(4) Claimant's attorney's fees, if payable from the judgment, shall, to the extent that they are based on the punitive damages, be calculated based only on the portion of the judgment payable to the claimant as provided in subsection (2). Nothing herein shall be interpreted as limiting the payment of attorney's fees based upon the award of damages other than punitive damages.

(5) The jury shall not be instructed, nor shall it be informed, as to the provisions of this section.

Section 53. Section 768.74, Florida Statutes, is created to read:

768.74 Remittitur and additur.—

(1) In any action to which this part applies wherein the trier of fact determines that liability exists on the part of the defendant and a verdict is rendered which awards money damages to the plaintiff, it shall be the responsibility of the court, upon proper motion, to review the amount of such award to determine if such amount is excessive or inadequate in light of the facts and circumstances which were presented to the trier of fact.

(2) If the court finds that the amount awarded is excessive or inadequate, it shall order a remittitur or additur as the case may be.

(3) It is the intention of the Legislature that awards of damages be subject to close scrutiny by the courts and that all such awards be adequate and not excessive.

(4) If the party adversely affected by such remittitur or additur does not agree, the court shall order a new trial in the cause on the issue of damages only.

(5) In determining whether an award is excessive or inadequate in light of the facts and circumstances presented to the trier of fact and in determining the amount, if any, that such award exceeds a reasonable range of damages or is inadequate, the court shall consider the following criteria:

(a) Whether the amount awarded is indicative of prejudice, passion, or corruption on the part of the trier of fact;

(b) Whether it appears that the trier of fact ignored the evidence in reaching a verdict or misconceived the merits of the case relating to the amounts of damages recoverable;

(c) Whether the trier of fact took improper elements of damages into account or arrived at the amount of damages by speculation and conjecture;

(d) Whether the amount awarded bears a reasonable relation to the amount of damages proved and the injury suffered; and

(e) Whether the amount awarded is supported by the evidence and is such that it could be adduced in a logical manner by reasonable persons.

(6) It is the intent of the Legislature to vest the trial courts of this state with the discretionary authority to review the amounts of damages awarded by a trier of fact in light of a standard of excessiveness or inadequacy. The Legislature recognizes that the reasonable actions of a jury are a fundamental precept of American jurisprudence and that such actions should be disturbed or modified with caution and discretion. However, it is further recognized that a review by the courts in accordance with the standards set forth in this section provides an additional element of soundness and logic to our judicial system and is in the best interests of the citizens of this state.

Section 54. Section 768.75, Florida Statutes, is created to read:

768.75 Optional settlement conference in certain tort actions.—

(1) In any action to which this part applies the court may require a settlement conference to be held at least 3 weeks before the date set for trial.

(2) Attorneys who will conduct the trial, parties, and persons with authority to settle shall attend the settlement conference held before the court unless excused by the court for good cause.

Section 55. Section 768.76, Florida Statutes, is created to read:

768.76 Collateral sources of indemnity.—

(1) In any action to which this part applies in which liability is admitted or is determined by the trier of fact and damages are awarded to compensate the claimant for losses sustained, the court shall reduce the amount of such award by the total of all amounts which have been paid for the benefit of the claimant, or which are otherwise available to him, from all collateral sources; however, there shall be no reduction for collateral sources for which a subrogation right exists. Such reduction shall be offset to the extent of any amount which has been paid, contributed, or forfeited by, or on behalf of, the claimant or members of his immediate family to secure his right to any collateral source benefit which he is receiving as a result of his injury.

(2) For purposes of this section:

(a) "Collateral sources" means any payments made to the claimant, or on his behalf, by or pursuant to:

1. The United States Social Security Act; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits.

2. Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits, except life insurance benefits available to the claimant, whether purchased by him or provided by others.

3. Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.

4. Any contractual or voluntary wage continuation plan provided by employers or any other system intended to provide wages during a period of disability.

(b) Notwithstanding any other provision of this section, benefits received under the Medicaid program of Title XIX of the Social Security Act or from any medical services program administered by the Department of Health and Rehabilitative Services shall not be considered a collateral source.

(3) In the event that the fees for legal services provided to the claimant are based on a percentage of the amount of money awarded to the claimant, such percentage shall be based on the net amount of the award as reduced by the amounts of collateral sources and as increased by insurance premiums paid.

(4) A provider of collateral sources that has a right of subrogation shall have a right of reimbursement from a claimant to whom it has provided collateral sources if such claimant has recovered all or part of such

collateral sources from a tortfeasor. Such provider's right of reimbursement shall be limited to its pro rata share for collateral sources provided, minus its pro rata share of costs and attorney's fees incurred by the claimant in recovering such collateral sources from the tortfeasor. In determining the provider's pro rata share of those costs and attorney's fees, the provider shall have deducted from its recovery a percentage amount equal to the percentage of the judgment or settlement which is for costs and attorney's fees.

Section 56. Section 768.77, Florida Statutes, is created to read:

768.77 Itemized verdict.—

(1) In any action to which this part applies in which the trier of fact determines that liability exists on the part of the defendant, the trier of fact shall, as a part of the verdict, itemize the amounts to be awarded to the claimant into the following categories of damages:

(a) Amounts intended to compensate the claimant for economic losses;

(b) Amounts intended to compensate the claimant for noneconomic losses; and

(c) Amounts awarded to the claimant for punitive damages, if applicable.

(2) Each category of damages, other than punitive damages, shall be further itemized into amounts intended to compensate for losses which have been incurred prior to the verdict and amounts intended to compensate for losses to be incurred in the future. Future damages itemized under paragraph (1)(a) shall be computed before and after reduction to present value. Damages itemized under paragraph (1)(b) or (c) shall not be reduced to present value. In itemizing amounts intended to compensate for future losses, the trier of fact shall set forth the period of years over which such amounts are intended to provide compensation.

Section 57. Section 768.78, Florida Statutes, is created to read:

768.78 Alternative methods of payment of damage awards.—

(1) In any action to which this part applies in which the trier of fact makes an award to compensate the claimant for future economic losses which exceed $250,000, payment of amounts intended to compensate the claimant for these losses shall be made by one of the following means:

(a) The defendant may make a lump-sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

(b) Subject to the provisions of this section, the court shall, at the request of either party, unless the court determines that manifest injustice would result to any party, enter a judgment ordering future economic damages, as itemized pursuant to s. 768.77(1)(a), in excess of $250,000 to be paid in whole or in part by periodic payments rather than by a lump-sum payment.

(2) In entering a judgment ordering the payment of such future damages by periodic payments, the court shall make a specific finding of the dollar amount of periodic payments which will compensate the judgment creditor for these future damages after offset for collateral sources. The total dollar amount of the periodic payments shall equal the dollar amount of all such future damages before any reduction to present value, less any attorney's fees payable from future damages in accordance with subsection (6). The period of time over which the periodic payments shall be made is the period of years determined by the trier of fact in arriving at its itemized verdict, and shall not be extended if the plaintiff lives beyond the determined period. If the claimant has been awarded damages to be discharged by periodic payments and the claimant dies prior to the termination of the period of years during which periodic payments are to be made, the remaining liability of the defendant, reduced to present value, shall be paid into the estate of the claimant in a lump sum. The court may order that the payments be equal or vary in amount, depending upon the need of the claimant.

(3) As a condition to authorizing periodic payments of future damages, the court shall require the defendant to post a bond or security or otherwise to assure full payment of these damages awarded by the judgment. A bond is not adequate unless it is written by a company authorized to do business in this state and is rated A§ by Best's. If the defendant is unable to adequately assure full payment of the damages, the court shall order that all damages be paid to the claimant in a lump sum pursuant to the verdict. No bond may be canceled or be subject to cancellation unless at least 60 days' advance written notice is filed with the court and the judgment creditor. Upon termination of periodic payments, the court shall order the return of the security, or so much as remains, to the judgment debtor.

(4)(a) In the event that the court finds that the judgment debtor has exhibited a continuing pattern of failing to timely make the required periodic payments, the court shall:

1. Order that all remaining amounts of the award be paid by lump sum within 30 days after entry of the order;

2. Order that, in addition to the required periodic payments, the judgment debtor pay the claimant all damages caused by the failure to timely make periodic payments, including court costs and attorney's fees; or

3. Enter other orders or sanctions as appropriate to protect the judgment creditor.

(b) If it appears that the judgment debtor may be insolvent or that there is a substantial risk that the judgment debtor may not have the financial responsibility to pay all amounts due and owing the judgment creditor, the court may:

1. Order additional security;

2. Order that the balance of payments due be placed in trust for the benefit of the claimant;

3. Order that all remaining amounts of the award be paid by lump sum within 30 days after entry of the order; or

4. Order such other protection as may be necessary to assure the payment of the remaining balance of the judgment.

(5) The judgment providing for payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. Periodic payments shall be subject to modification only as specified in this section.

(6) Claimant's attorney's fee, if payable from the judgment, shall be based upon the total judgment, adding all amounts awarded for past and future damages. The attorney's fee shall be paid from past and future damages in the same proportion. If a claimant has agreed to pay his attorney's fees on a contingency fee basis, the claimant shall be responsible for paying the agreed percentage calculated solely on the basis of that portion of the award not subject to periodic payments. The remaining unpaid portion of the attorney's fees shall be paid in a lump sum by the defendant, who shall receive credit against future payments for this amount. However, the credit against each future payment is limited to an amount equal to the contingency fee percentage of each periodic payment. Any provision of this subsection may be modified by the agreement of all interested parties.

(7) Nothing in this section shall preclude any other method of payment of awards, if such method is consented to by the parties.

Section 58. Section 768.79, Florida Statutes, is created to read:

768.79 Offer of judgment and demand for judgment.—

(1) In any action to which this part applies, if a defendant files an offer of judgment which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney's fees incurred from the date of filing of the offer if the judgment obtained by the plaintiff is at least 25 percent less than such offer, and the court shall set off such costs and attorney's fees against the award. Where such costs and attorney's fees total more than the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and fees, less the amount of the plaintiff's award. If a plaintiff files a demand for judgment which is not accepted by the defendant within 30 days and the plaintiff recovers a judgment in an amount at least 25 percent greater than the offer, he shall be entitled to recover reasonable costs and attorney's fees incurred from the date of the filing of the demand. If rejected, neither an offer nor demand is admissible in subsequent litigation, except for pursuing the penalties of this section. Any offer or demand for judgment made pursuant to this section shall not be made until 60 days after filing of the suit, and may not be accepted later than 10 days before the date of the trial.

(2)(a) If a party is entitled to costs and fees pursuant to the provisions of subsection (1), the court may, in its discretion, determine that an offer of judgment was not made in good faith. In such case, the court may disallow an award of costs and attorney's fees.

(b) When determining the reasonablenesss of an award of attorney's fees pursuant to this section, the court shall consider, along with all other relevant criteria, the following additional factors:

1. The then apparent merit or lack of merit in the claim that was subject to the offer.

2. The number and nature of offers made by the parties.

3. The closeness of questions of fact and law at issue.

4. Whether the offeror had unreasonably refused to furnish information necessary to evaluate the reasonableness of the offer.

5. Whether the suit was in the nature of a test case, presenting questions of far-reaching importance affecting nonparties.

6. The amount of the additional delay cost and expense that the offeror reasonably would be expected to incur if the litigation should be prolonged.

Section 59. Section 768.80, Florida Statutes, is created to read:

768.80 Determination of noneconomic damages.—In any action to which this part applies, damages for noneconomic losses to compensate for pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of capacity for enjoyment of life, and other nonpecuniary damages may be awarded to each person entitled thereto. Such damages may not exceed $450,000.

Section 60. Section 768.81, Florida Statutes, is created to read:

768.81 Comparative fault.—

(1) DEFINITION.—As used in this section "economic damages" means past lost income and future lost income reduced to present value; medical and funeral expenses; lost support and services; replacement value of lost personal property; loss of appraised fair market value of real property; costs of construction repairs, including labor, overhead, and profit; and any other economic loss which would not have occurred but for the injury giving rise to the cause of action.

(2) EFFECT OF CONTRIBUTORY FAULT.—In an action to which this section applies, any contributory fault chargeable to the claimant diminishes proportionately the amount awarded an economic and noneconomic damages for an injury attributable to the claimant's contributory fault, but does not bar recovery.

(3) APPORTIONMENT OF DAMAGES.—In cases to which this section applies, the court shall enter judgment against each party liable on the basis of such party's percentage of fault and not on the basis of the doctrine of joint and several liability; provided that with respect to any party whose percentage of fault equals or exceeds that of a particular claimant, the court shall enter judgment with respect to economic damages against that party on the basis of the doctrine of joint and several liability.

(4) APPLICABILITY.—

(a) This section applies to negligence cases. For purposes of this section, "negligence cases" includes, but is not limited to, civil actions for damages based upon theories of negligence, strict liability, products liability, professional malpractice whether couched in terms of contract or tort, or breach of warranty and like theories. In determining whether a case falls within the term "negligence cases," the court shall look to the substance of the action and not the conclusory terms used by the parties.

(b) This section does not apply to any action brought by any person to recover actual economic damages resulting from pollution, to any action based upon an intentional tort, or to any cause of action as to which application of the doctrine of joint and several liability is specifically provided by chapter 403, chapter 498, chapter 517, chapter 542, or chapter 895.

(5) Notwithstanding the provisions of this section, the doctrine of joint and several liability applies to all actions in which the total amount of damages does not exceed $25,000.

Section 61. Section 57.105, Florida Statutes, is amended to read:

57.105 Attorney's fee.—The court shall award a reasonable attorney's fee *to be paid* to the prevailing party *in equal amounts by the losing party and the losing party's attorney* in any civil action in which the court finds that there was a complete absence of a justiciable issue of either law or fact raised by *the complaint or defense of* the losing party *; provided, however, that the losing party's attorney is not personally responsible if he has acted in good faith, based on the representations of his client.*

Section 62. Subsection (2) of section 768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)*(a)* Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent man would have acted under the same or similar circumstances.

(b) Any person licensed to practice medicine who gratuitously and in good faith renders emergency care or treatment in response to a "code blue" emergency within a hospital or trauma center shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as a reasonably prudent person licensed to practice medicine who would have acted under the same or similar circumstances.

Section 63. (1) There is created within the Executive Office of the Governor the Academic Task Force for Review of the Insurance and Tort Systems. The task force shall be composed of five members, including the president of each state university which has a law school and the president of a private university in this state which has both a law school and a medical school. The remaining members shall be appointed by majority vote of such three members and shall be persons who have demonstrated an interest in law and insurance reform. Appointment shall be made without regard to political affiliation.

(2) The task force members shall serve from July 1, 1986, until the adjournment sine die of the regular legislative session held in 1988. Vacancies shall be filled for the unexpired terms by appointment by the Governor.

(3) The task force shall elect one of its members as chairman.

(4) The members of the task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses while engaged in task force duties, as provided in s. 112.061, Florida Statutes.

(5) The task force shall:

(a) Examine the common law, constitution, and statutes of the state and current judicial decisions, with respect to insurance and tort law.

(b) Recommend such changes in the insurance law and tort law as it deems proper to modify or eliminate antiquated or inequitable rules of law.

(c) Conduct such surveys or research into the insurance law and tort law of Florida and other states or nations as may be necessary.

(d) Initiate, supervise, and complete a review of the tort law and insurance law systems of this state. In so doing, it shall consult with persons experienced in the application and enforcement of insurance law and tort law in this state and persons who have experience in other states.

(e) Examine insurance company claims experience and other relevant data and determine the nature and extent of factors within the tort system which influence the cost of insurance, self-insurance, and the tort and liability system.

(f) Examine insurance company claims experience and other relevant data and determine the nature and extent of factors other than the tort system which influence the cost of insurance, self-insurance, and the tort and liability system.

(g) Examine and evaluate the effects of the provisions implemented by this act, including the effect of all tort and insurance provisions on the cost of insurance, self-insurance, and the tort and liability system, on society as a whole, and on any other factor which the task force deems relevant.

(h) Examine and evaluate the potential effect of various alternative methods and proposals for insurance and tort reform on the cost of insurance, self-insurance, and the tort and liability system, on society as a whole, and on any other factor which the task force deems relevant.

(i) Make recommendations with respect to whether the Legislature should further address insurance rates or premiums during the 1988 legislative session.

(j) Examine the law of tort as applied in this state with respect to its ability to provide for the speedy, cost-effective, and fair dispensation of justice, and make specific recommendations related thereto.

(k) Examine and evaluate the adequacy and financial reliability of the reinsurance market and make specific recommendations related thereto.

(l) Examine and evaluate the effects of repealing sections 624.425 and 624.426, Florida Statutes, the countersignature requirement by an insurance agent.

(m) Examine and evaluate the effects of repealing paragraph (h) of subsection (1) of section 626.9541, section 626.753, and subsection (11) of s. 626.611, Florida Statutes, the prohibitions against rebates and fee sharing.

(n) Examine and evaluate the feasibility and effects of the state directly selling property and casualty insurance to the general public in competition with private insurers.

(6) The task force has the power to subpoena, audit, and investigate. The task force may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the task force or to the exercise of its powers. In the case of a refusal to obey a subpoena issued to any person, the task force may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the task force and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases.

(7) The actions, investigations, proceedings, and records of the task force are exempt from the provisions of chapter 120, Florida Statutes. Such actions, investigations, proceedings, and records shall not be subject to discovery or introduction into evidence in any civil action arising out of matters which are the subject of evaluation and review by the task force. No person who was in attendance at a meeting of the task force shall be permitted or required to testify in any such action or proceeding as to any evidence or other matters produced or presented during the proceedings of the task force or as to any findings, recommendations, evaluations, opinions, or other actions of the task force or any members thereof. The task force may enter into confidentiality agreements with any person with respect to any information or records provided by such person to the task force whenever the task force finds that the public dissemination of such information would violate the legitimate privacy interests of any person, including any sensitive competitive information or trade secrets. Such agreements may provide for the review of such information by the task force and its subsequent return or destruction.

(8) The task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officers and agencies shall give the commission all relevant information and reasonable assistance on any matters of research within their knowledge and control.

(9) The task force may appoint an executive director who shall serve at the pleasure of the task force. The task force shall appoint such additional personnel, including, but not limited to, faculty members of state universities which have law schools, as are necessary for its work or may delegate its authority to make such appointments to the executive director. The task force shall fix the compensation of the executive director and of all other persons within the amount appropriated for the task force. The provisions of chapter 110, Florida Statutes, shall not apply to personnel of the task force.

(10) The task force may procure temporary and intermittent professional services and render compensation therefor within the amount appropriated for the work of the task force. It may also contract for the services with colleges, universities, schools of law, or other research institutions or individuals and may cooperate generally with any association, institution, foundation or corporation.

(11) The task force shall submit to the Legislature its recommendations for changes in insurance law and tort law. The task force may also forward to the Legislature studies or recommendations of others without endorsing those studies or recommendations. An interim report of the task force shall be presented to the Legislature by May 1, 1987. The final report of the task force shall be presented to the Legislature by March 1, 1988.

Section 64. (1) Each insurer writing liability insurance in this state shall report to the Department of Insurance on a one-time basis the information specified in subsection (3) for the years 1981, 1982, 1983, 1984, and 1985 by September 1, 1986. In the event the information or portions thereof as required under this subsection did not exist in the carrier's files on the effective date of this act, then the carrier shall furnish only such information or portions thereof as did exist and an affidavit sworn to by at least two executive officers of the company stating that any information not submitted was not reasonably available to the insurer.

(2) The report furnished to the department shall be provided with respect to any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence of insureds, if the claim resulted in:

(a) A final judgment in any amount.

(b) A settlement in any amount.

(c) A final disposition not resulting in payment on behalf of the insured.

(3) The reports required by subsection (1) shall contain:

(a)1. The name, address, and class or line of coverage of the insured.

2. The insured's policy number.

3. The date of the occurrence which created the claim.

4. The date the claim was reported to the insurer or self-insurer.

5. The date of suit, if filed.

6. The claimant's name, age, and sex; provided, however, the name of the claimant shall be maintained by the department as confidential and shall not be subject to public inspection or disclosure under chapter 119; provided further, however, that the claimant's name may be furnished by the department to the Academic Task Force for the Review of the Insurance and Tort Systems, but the claimant's name shall not be subject to public disclosure by the task force.

7. The total number and names of all defendants involved in the claim.

8. The date and amount of judgment or settlement, if any, including the itemization of the verdict, together with a copy of the settlement or judgment.

9. In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

10. The loss adjustment expense paid to defense counsel and other allocated loss adjustment expense paid.

11. The date and reason for final disposition, if no judgment or settlement.

(b) A summary of the occurrence which created the claim, which shall include:

1. The name of the facility, business or institution, if any, and the location within the facility, business or institution at which the injury occurred.

2. A description of the principal injury giving rise to the claim.

3. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(c) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in liability cases.

(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees or the Academic Task Force for Review of the Insurance and Tort Systems for any action taken by them pursuant to this subsection or subsections (1) or (2).

Section 65. (1) Sections 768.73, 768.78, 768.80, and 768.81, Florida Statutes, as created by this act, are repealed on July 1, 1990, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

(2) As part of its review of sections 768.73, 768.78, 768.80, and 768.81, Florida Statutes, pursuant to s. 11.61, the Legislature shall give due consideration to the findings of the Academic Task Force for Review of Tort and Insurance Law and shall give specific consideration to the findings of the task force with respect to the costs and benefits of tort reform.

Section 66. (1)(a) All authorized insurers transacting commercial liability insurance in this state shall implement a special credit for all commercial liability policies in effect at any time during the period October 1, 1986 until January 1, 1987. For policies which are in effect for at least three months after October 1, 1986 the credit shall be in an amount sufficient to have the effect of reducing premiums charged for one-fourth of the policy term to a level at least 40 percent below the premiums, as reduced by any other discounts or credits, resulting from rates for commercial liability insurance in effect for such insurance on May 1, 1986. For policies in effect for less than three months after October 1, 1986, the special credit amount as calculated above shall be divided by three and multiplied by the number of months the policy is in effect after October 1, 1986. In no event shall the special credit exceed the amount of the unearned premiums. Any amount received as a special credit by an insured shall be used to offset any special credit otherwise due from a succeeding insurer. The special credit shall be separately identified and explained as resulting from insurance and tort reform authorized by the 1986 Florida Legislature in all correspondence or billings notifying insureds as to premiums due for a policy.

(b) With regard to such policies in effect prior to October 1, 1986, the special credit may be applied as a credit to the renewal premium upon the renewal date of the policy or, if the policy is cancelled or nonrenewed, the reduction shall be refunded to the policyholder upon the date of cancellation or nonrenewal.

(c) As to policies of insurance that combine commercial liability insurance with other coverages and for which no separate premium has been filed for the commercial liability coverage, this section shall apply to the portion of the premium which the insurer establishes should be allocated to such coverage in accordance with generally accepted actuarial methodology.

(2) No insurer shall be required to implement this special credit if the Department of Insurance finds, based upon written substantiation filed by the insurer, that the implementation of the special credit will jeopardize the solvency of the insurer. It shall be presumed that the solvency of an insurer will be jeopardized by implementation of the special credit if at any time within the last three years the insurer was financially impaired.

(3) Any insurer which contends that implementation of the special credit provided for in subsection (1) will result in a rate which is clearly inadequate under the provisions of s. 627.062, Florida Statutes, may elect, by September 1, 1986, not to apply the special credit required by subsection (1). Any such insurer shall submit a special filing to the Department of Insurance on or before October 1, 1986 containing all data and information which it believes justifies its contention. An insurer may supplement its own loss and loss adjustment expense data with loss and loss adjustment expense data from an authorized statistical agent if it has relied upon such data to establish its rates and if use of such data is necessary to achieve reasonable actuarial credibility. The department shall review the filing and any other relevant data or information for that insurer pursuant to s. 627.062, Florida Statutes, and determine the appropriate special credit to be applied and order that such special credit be implemented, with interest at the rate of 12 percent per annum from the date the credit should have otherwise been implemented. The department shall order a special credit in excess of that provided for in subsection (1) if the department determines that such an order is necessary to lower an excessive rate to an appropriate level, pursuant to s. 627.062, Florida Statutes. Any insurer electing to proceed under this subsection shall notify its policyholders that it intends to contest implementation of the special credit required by the 1986 Florida Legislature.

(4) From July 1, 1986 until January 1, 1987, no authorized insurer shall use rates adjusted for credits or surcharges, for commercial property and liability insurance which exceed the rates, adjusted for credits or surcharges, in effect for such insurance on May 1, 1986.

(5) On or before October 1, 1986, each insurer or rating organization with subscribers writing commercial property and liability insurance in this state shall review its manual rates for liability insurance in effect on January 1, 1984. Each insurer or rating organization shall adjust these rates to reflect only changes in coverage and to account for changes in investment income and shall file by October 1, 1986, with the Department of Insurance a manual setting forth the adjusted rates, including justification for all adjustments. In its filing each insurer or rating organization shall specifically set forth the difference between the adjusted rates and the rates of the insurer or rating organization in effect on October 1, 1986. Adjustments to these rates shall not include any adjustment for loss experience occurring since January 1, 1984. The department shall review such rates and approve the adjustments if they are consistent with generally accepted actuarial and economic principles and the provisions of this act. Each insurer shall implement rates which do not exceed the adjusted rates submitted to and approved by the department pursuant to this subsection by January 1, 1987.

(6) Any insurer or rating organization which contends that the rate provided for in subsection (5) is excessive, inadequate, or unfairly discriminatory shall separately state in its October 1, 1986, filing the rate it contends is appropriate and shall state with specificity the factors or data which it contends should be considered in order to produce such appropriate rate. The insurer or rating organization shall be permitted to use all of the generally accepted actuarial techniques, as provided in s. 627.062, Florida Statutes, in making any filing pursuant to this subsection. The Department of Insurance shall review each such exception and approve or disapprove it pursuant to the provisions of s. 627.062, Florida Statutes, except that the rate filing shall be deemed approved on March 1, 1987 unless by such date, the department has issued a notice of intent to disapprove the rate. It shall be the insurer's burden to actuarially justify any deviations from the rates filed under subsection (5). The department shall make every reasonable effort to review by January 1, 1987, each rate filing which is timely submitted. As to any rate filing timely submitted as required by this section for which the department has not issued a preliminary order by January 1, 1987, the insurer may proceed to use the rates set forth therein; however the department shall order refunds as provided in s. 627.062(2)(h), Florida Statutes, for any portion of a rate filed pursuant to this subsection and used after January 1, 1987 and found to be excessive. Each insurer or rating organization shall include in the filing the expected impact on losses, expenses, and rates of the tort reform implemented by this act. If any tort reform measure contained in this act is held unconstitutional by a court of competent jurisdiction, the department shall permit an adjustment of all rates filed under this section to reflect the impact of such holding on such rates, so as to ensure that the rates are not excessive, inadequate, or unfairly discriminatory.

(7)(a) Notwithstanding any prior notice of cancellation or nonrenewal, any insurer that has issued a commercial property or liability insurance policy in this state that is in effect on the effective date of this section, and which has a scheduled termination date prior to January 1, 1987, shall not cancel such policy prior to January 1, 1987, or refuse to renew or extend such policy through December 31, 1986, for the purpose of avoiding the special credit required by subsection (1) or the freeze required by subsection (4). Any insurer which fails to renew policies of commercial property or liability insurance at a rate which exceeds its average monthly rate of policy cancellation or nonrenewal, respectively, for the preceding 24 months by more than 30 percent during any 30-day period from the effective date of this section to December 31, 1986 shall be required to immediately show cause why it is not in violation of this subsection.

(b) Any violation of this subsection is a violation of the Florida Insurance Code. If the Department of Insurance determines that the reason for the increase in such rate of cancellation or nonrenewal is an attempt to circumvent the rate reductions, it may take appropriate disciplinary action as provided in the Florida Insurance Code.

(c) The provisions of this subsection supersede the provisions of s. 627.4133, Florida Statutes, for policies covered by this act during the time period covered by this subsection.

(8) This section does not apply to any self-insurance trust formed under the provisions of s. 627.356, s. 627.357, or 768.28(13), Florida Statutes, or formed by a governmental entity.

(9) This section does not apply to any reinsurance contract, insurance policy written by a surplus lines insurer, or any other insurance contract for which rates are not filed with the department.

(10) This section shall take effect upon becoming a law.

Section 67. Notwithstanding the provisions of section 50 of chapter 85-175, Laws of Florida, sections 458.320 and 459.0085, Florida Statutes, shall not stand repealed on January 1, 1989, but shall be repealed on October 1, 1996, and shall be reviewed by the Legislature pursuant to s. 11.61.

Section 68. Sections 768.48, 768.49, 768.51, and 768.585, 768.59, and subsection (2) of section 768.495, Florida Statutes, as created or amended by chapter 85-175, Laws of Florida, and section 768.50, Florida Statutes, are hereby repealed.

Section 69. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 70. Except as otherwise provided in this act, this act shall take effect July 1, 1986.

Conference Committee Amendment 2—In title, on pages 1-5, strike everything before the enacting clause and insert: A bill to be entitled An act relating to insurance and civil actions; creating the Tort Reform and Insurance Act of 1986; providing findings and purpose; creating s. 624.45, F.S.; authorizing certain participation of financial institutions in reinsurance and in insurance exchanges; amending s. 626.9541, F.S.; changing restrictions upon insurance dealings involving increased premiums; providing that provisions relating to illegal dealings in premiums and to excess or reduced charges for insurance apply to life insurance and health insurance; amending s. 624.307, F.S.; providing for employment of actuaries by the Department of Insurance; providing an exemption from ch. 110, F.S.; amending s. 626.973, F.S.; excluding certain property or casualty insurance from provisions relating to fictitious groups; creating s. 627.0612, F.S.; providing for administrative hearings; specifying grounds for setting aside a final order of the Department of Insurance; amending s. 624.610, F.S.; requiring filing with the department of reports relating to reinsurance treaties; amending s. 627.062, F.S.; changing factors to be considered by the Department of Insurance in reviewing rates; providing for orders; providing that certain violations of provisions relating to unfair insurance trade practices violate rate provisions; creating s. 627.0625, F.S.; providing for risk management plans for commercial property insurance and commercial casualty insurance; requiring affected insurers to file information with the department; requiring insurers realizing an excessive profit to place the profits in a special fund and providing the use of such funds; amending s. 627.072, F.S.; limiting certain rate-making provisions to workers' compensation and employer's liability insurance; amending s. 627.331, F.S.; conforming rate-reporting provisions to the act; amending s. 627.351, F.S.; authorizing the department to adopt a joint underwriting plan for property and casualty insurance risk apportionment; creating a Risk Underwriting Committee; amending s. 627.356, F.S.; expanding provisions relating to professional liability self-insurance to cover certain professions in addition to law; providing for joint and several liability of members to the self-insurance trust fund; providing for review of rates; amending s. 627.357, F.S.; expanding the types of health care providers eligible to establish a medical malpractice risk management trust fund; excluding property damage from authorization for self-insurance; expanding the entities which may be insured by the fund; providing for joint and several liability of members to the fund; providing for review and approval of rates; creating s. 627.4133, F.S.; requiring certain insurers to notify insureds of cancellations, nonrenewals, or renewal premiums; creating s. 627.4205, F.S.; requiring insurers to issue coverage identification numbers to insureds; amending s. 627.421, F.S.; specifying a period by which insurance policies shall be delivered; amending s. 629.50, F.S.; changing restrictions on formation of limited reciprocal insurers; amending s. 629.501, F.S.; conforming provisions relating to limited reciprocal insurers; amending s. 629.511, F.S.; changing restrictions of use of agents by limited reciprocal insurers; amending s. 629.513, F.S.; prohibiting excessive rates by limited reciprocal insurers; providing criteria for determining if a rate is inadequate or excessive; amending s. 629.517, F.S.; changing conditions of suspension or revocation of the certificate of authority of a limited reciprocal insurer; amending s. 629.519, F.S.; conforming provisions relating to conversion of limited reciprocal insurers; creating ss. 624.460, 624.462, 624.464, 624.466, 624.468, 624.470, 624.472, 624.473, 624.474, 624.476, 624.478, 624.480, 624.482, 624.484, 624.486, 624.488, F.S.; amending s. 517.051, F.S; creating the Commercial Self-Insurance Fund Act; authorizing certain entities to form commercial self-insurance funds for property or casualty risks or surety insurance; requiring certificate of authority; specifying conditions for maintenance of certificate of authority; providing fines for failing to hold a subsisting certificate of authority; authorizing injunctions; requiring annual reports; specifying liability of members; requiring approval of department for dividends; providing for assessments of members; providing for impaired funds; providing for use of agents; requiring approval of forms; prohibiting excessive, inadequate, or unfairly discriminatory rates; prohibiting rating organizations from discriminating against such funds; providing for designation of registered agent; providing for examination; providing for license taxes; requiring statement of contingent liability; specifying applicability of related laws; providing that certain insurance securities are exempt from registration requirements; creating s. 627.9126, F.S.; requiring annual reports of information by liability insurers; requiring furnishing of certain information upon request of the department; amending s. 627.3515, F.S.; expending membership of the board of governors of the market assistance plan; amending s. 627.351, F.S.; providing for additional coverage under the medical malpractice risk apportionment plan; providing that the plan may refuse to insure persons who fail to comply with a risk management program; affording certain members of the Florida Patient's Compensation Fund opportunity to obtain certain coverage; creating s. 627.6055, F.S.; providing requirements for rates, rating schedules, or rating manuals for liability coverage relating to medical care or services; creating s. 627.6057, F.S.; requiring offer of certain coverage limits for professional liability coverage relating to medical care or services; amending ss. 458.320, 459.0085, F.S.; providing financial responsibility requirements for physicians and osteopathic physicians; expending the types of insurers that may provide such coverage; providing an alternative to insurance as a means of demonstrating financial responsibility; specifying applicability of financial responsibility requirements; providing for suspension of the license of a practitioner who does not show financial responsibility or who fails to satisfy certain judgments; providing exemptions; requiring notice to patients; prohibiting deceptive, untrue, or fraudulent representations of compliance; requiring notice to the Department of Professional Regulation; providing for rules; creating Part III, ch. 768, F.S., consisting of ss. 768.71-768.81, F.S.; specifying applicability of part; specifying effect of conflicts between the part and another statute; providing that a claim for punitive damages may be permitted in a civil action only under specified circumstances; providing for construction of rules; limiting discovery; limiting the amount of judgment for punitive damages in certain civil actions; providing for distribution of awards of punitive damages in civil actions; providing for determination of attorney's fees based on punitive damages; prohibiting a jury from being informed of certain provisions relating to punitive damages; providing for remittitur and additur; providing intent; providing for new trial in certain circumstances; providing criteria for determining if award is excessive or inadequate; providing for optional settlement conference; requiring attendance; requiring that awards be reduced by collateral sources of indemnity; providing definitions; providing rights of subrogation; providing for itemized verdicts; providing for alternative methods of payment of damage awards; requiring bond or other security; providing for offer of judgment and demand for judgment; authorizing award of noneconomic damages; limiting amounts of such damages; defining "economic damages"; specifying effect of contributory fault; providing for apportionment of damages on the basis of fault, rather than pursuant to the doctrine of joint and several liability; specifying applicability; providing that the doctrine of joint and several liability applies in certain circumstances; amending s. 57.105, F.S.; providing for award of attorney's fees to the prevailing party in civil actions in which there was an absence of a justiciable issue; specifying the persons who must pay such award; amending s. 768.13, F.S.; providing immunity from civil liability for licensed physicians who respond to certain emergencies in certain circumstances; creating the Academic Task Force for Review of the Insurance and Tort Systems; providing for membership, compensation, powers, and duties; providing confidentiality; providing for subpoenas, audits, and investigations; requiring reports; requiring cooperation of state agencies; providing exemptions from ch. 110 and ch. 120, F.S.; pro-

viding for personnel and compensation thereof; authorizing contracting for services; requiring liability insurers to report certain information to the Department of Insurance; requiring all authorized insurers transacting commercial liability insurance to implement a special credit with respect to specified policies; specifying amount and application of special credit; requiring the special credit to be separately identified; specifying circumstances under which an insurer is not required to implement the special credit; providing alternatives to implementation of the special credit; limiting rates which any authorized insurer may use for commercial property and liability insurance between specified dates; requiring insurers and rating organizations with subscribers writing commercial property and liability insurance to review, adjust, and file with the department manual rates, based on specified criteria, by a specified date; providing for implementation; providing for approval; authorizing exceptions; limiting cancellations prior to a specified date; providing exceptions; providing for future repeal and legislative review of certain provisions of Part III of ch. 768, F.S.; specifying date of repeal and legislative review of ss. 458.320, 459.0085, F.S.; repealing ss. 768.48, 768.49, 768.495(2), 768.50, 768.51, 768.585, 768.59, F.S., relating to itemized verdict, remittitur and additur, punitive damages, collateral sources of indemnity, alternative methods of payment of damage awards, offer of judgment and demand for judgment, and comparative fault and contribution in medical malpractice cases; providing severability; providing an effective date.

WHEREAS, the Legislature finds that there is in Florida a financial crisis in the liability insurance industry, causing a serious lack of availability of many lines of commercial liability insurance, and

WHEREAS, the Legislature finds that professionals, businesses, and governmental entities are faced with dramatic increases in the cost of insurance coverage, and

WHEREAS, the absence of insurance is seriously adverse to many sectors of Florida's economy, and

WHEREAS, it is the sense of the Legislature that if the present crisis is not abated, many persons who are subject to civil actions will be unable to purchase liability insurance, and many injured persons will therefore be unable to recover damages for either their economic losses or their noneconomic losses, and

WHEREAS, the people of Florida are concerned with the increased cost of litigation and the need for a review of the tort and insurance laws, and

WHEREAS, the Legislature finds that certain commercial liability insurers are threatening to make insurance coverage less available and less affordable, which will seriously effect many sectors of Florida's economy, and

WHEREAS, the Legislature believes it is necessary to avoid an insurance availability crisis, to maintain economic stability, and to protect the people's rights to affordable insurance coverage in the interim before comprehensive reform measures are fully effective, and

WHEREAS, the Legislature finds that, in general, the cost of liability insurance is excessive and injurious to the people of Florida and must be reduced, and

WHEREAS, the Legislature finds that there are certain elements of damage presently recoverable that have no monetary value, except on a purely arbitrary basis, while other elements of damage are either easily measured on a monetary basis or reflect ultimate monetary loss, and

WHEREAS, the Legislature desires to provide a rational basis for determining damages for noneconomic losses which may be awarded in certain civil actions, recognizing that such noneconomic losses should be fairly compensated and that the interests of the injured party should be balanced against the interests of society as a whole, in that the burden of compensating for such losses is ultimately borne by all persons, rather than by the tortfeasor alone, and

WHEREAS, the Legislature finds that the current tort system has significantly contributed to the insurance availability and affordability crisis, and

WHEREAS, the Legislature finds that tort law and the liability insurance system are interdependent and interrelated, and

WHEREAS, comprehensive insurance regulatory reform and tort reform is necessary to improve the availability and affordability of commercial liability insurance, and

WHEREAS, the magnitude of this compelling social problem demands immediate and dramatic legislative action, NOW, THEREFORE,

On motion by Senator Hair, the Conference Committee Report was adopted, and CS for CS for SB's 465, 349, 592, 698, 699, 700, 701, 702, 956, 977 and 1120 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

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

Nays—2

Gersten	Gordon

SPECIAL ORDER, continued

On motions by Senator Crawford, by two-thirds vote CS for HB 12 was withdrawn from the Committees on Judiciary-Criminal, Judiciary-Civil and Appropriations.

On motion by Senator Crawford—

CS for HB 12—A bill to be entitled An act relating to worthless checks and drafts; creating s. 832.08, F.S., authorizing certain state attorneys to cre*-8 a bad check diversion program into which persons accused of violating laws relating to the issuance of worthless checks and drafts may be placed as an alternative to prosecution; providing guidelines; providing notice; providing conditions of diversion; providing for fees; providing an effective date.

—a companion measure, was substituted for SB 141 and read the second time by title. On motion by Senator Crawford, by two-thirds vote CS for HB 12 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Fox

SB 141 was laid on the table.

Consideration of CS for SB 761 was deferred.

HB 1288—A bill to be entitled An act relating to economic development; amending s. 288.075, F.S.; redefining the term "economic development agency"; providing a penalty; providing for the creation of one or more Florida Equity Exchanges for certain purposes, contingent upon a feasibility study; providing for a committee to write a constitution and bylaws for the exchange; providing requirements with respect to the self-regulation thereof; providing for a members' security fund; providing for legislative consideration of tax policy for the exchange; providing for the applicability of securities laws; providing for reimbursement of administrative costs; providing for limitations on investments in exchange members; providing an effective date.

—was read the second time by title. On motion by Senator Fox, by two-thirds vote HB 1288 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair

CS for HJR 71—A joint resolution proposing the addition of Section 10 to Article IV and the amendment of Section 3 of Article V of the State Constitution relating to the Attorney General and the Supreme Court.

Be It Resolved by the Legislature of the State of Florida:

That the addition of Section 10 to Article IV and the amendment of Section 3 of Article V of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1986:

ARTICLE IV
EXECUTIVE

SECTION 10. Attorney general.—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion expeditiously.

ARTICLE V
JUDICIARY

SECTION 3. Supreme court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of his original appointment or election. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

(b) JURISDICTION.—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service.

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

(4) May review any decision of a district court of appeal that passes upon a question certified by it to be of great public importance, or that is certified by it to be in direct conflict with a decision of another district court of appeal.

(5) May review any order or judgment of a trial court certified by the district court of appeal in which an appeal is pending to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.

(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

(7) May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

(8) May issue writs of mandamus and quo warranto to state officers and state agencies.

(9) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(10) Shall, when requested by the attorney general pursuant to the provisions of Section 10 of Article IV, render an advisory opinion of the justices.

(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

SUPREME COURT OPINION ON PROPOSED INITIATIVES

Provides that the Attorney General shall, as directed by general law, request the Supreme Court to render an expeditious advisory opinion as to the validity of an initiative petition which proposes an amendment to the State Constitution, and requires the Supreme Court to issue an advisory opinion upon request of the Attorney General, and by rule to permit interested persons to be heard on the questions presented by the Attorney General.

—was read the second time in full. On motion by Senator Dunn, by two-thirds vote CS for HJR 71 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnson	Plummer
Beard	Gersten	Kirkpatrick	Scott
Castor	Girardeau	Kiser	Stuart
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 motions by Senator Fox, by two-thirds vote HB 556 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Fox, by unanimous consent—

HB 556—A bill to be entitled An act relating to sale of money orders; creating s. 560.135, F.S.; specifying powers of the Department of Banking and Finance relating to conduct of an investigation when there is appearance of violation of the chapter; providing for issuance of subpoenas and subpoenas duces tecum; providing for the petitioning of orders; authorizing courts to grant injunctive or other relief; providing for costs; authorizing the department to apply for a writ of ne exeat; creating s. 560.137, F.S., relating to injunctions to restrain violations; providing that the court shall have power to impound and to appoint a receiver or administrator for certain property; providing for an order staying all pending suits; creating s. 560.138, F.S.; providing power of the department to serve cease and desist orders; authorizing the imposition of an administrative fine for violation of such an order; providing for review and repeal; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Fox, by two-thirds vote HB 556 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Hair, Jenne

On motions by Senator Plummer, by two-thirds vote CS for HB 217 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Plummer—

CS for HB 217—A bill to be entitled An act relating to the Old Keys Bridges located in Monroe County; providing for management of the bridges; providing legislative intent; providing methods for leasing the bridges; providing for certain provisions in the leases; providing that all leases of property shall be subject to all existing utility facilities located in, upon, over, or under the leased property; providing for future leases under certain conditions; providing factors for evaluating competitive proposals; providing for posting of certain notice; providing for severability; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 444 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 217 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 444 was laid on the table.

On motion by Senator Fox, 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 as amended CS for HB 832 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Liberti and Mills—

CS for HB 832—A bill to be entitled An act relating to limitations of actions; amending s. 95.11, F.S.; reducing the time within which actions for libel and slander must be commenced; amending s. 95.031, F.S.; deleting a limitation upon the initiation of actions for products liability; providing an effective date.

On motions by Senator Fox, CS for HB 832 a companion measure, was substituted for CS for SB 821 and by two-thirds vote read the second time by title. On motion by Senator Fox, by two-thirds vote CS for HB 832 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

Nay—Barron

Yea to Nay—Thomas

CS for SB 821 was laid on the table.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed HB 1426 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Martin and Mills—

HB 1426—A bill to be entitled An act relating to the City of Gainesville and Alachua County; amending sections 1 and 2 of chapter 85-379, Laws of Florida; extending the Committee for Visions for the Future of Gainesville and Alachua County until July 1, 1991; providing for additional meetings and conferences; providing an effective date.

On motion by Senator Kirkpatrick, by unanimous consent HB 1426 was taken up out of order. On motions by Senator Kirkpatrick, by two-thirds vote HB 1426 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—34

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

Nays—None

Vote after roll call:

Yea—Gersten, Neal

SPECIAL ORDER, continued

HB 1210—A bill to be entitled An act relating to economic development; amending s. 159.705, F.S., revising powers of research and development authorities; creating the Florida Council on Far East Research and Development; providing its powers and duties; providing for application of certain confidentiality and related penalty provisions; creating a Privatization Study Commission; providing commission membership; specifying items for study inclusion; providing a repeal date; providing effective and expiration dates.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Stuart and failed:

Amendment 1—On page 2, strike all of lines 3 and 4, and insert:

(2) The Executive Director of the Department of General Services shall call the organizational

Amendment 2—On page 2, strike all of lines 12-14, and insert: administrative purposes, to the Department of General Services. Each state

On motion by Senator Stuart, by two-thirds vote HB 1210 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Consideration of HB 1255 was deferred.

On motions by Senator Meek, by two-thirds vote CS for HB 17 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Meek—

CS for HB 17—A bill to be entitled An act relating to education; amending s. 232.2465, F.S.; renaming the Florida Academic Scholars' Program; amending s. 240.402, F.S.; renaming the Florida Academic Scholars' Fund; revising scholarship qualifications; revising administrative requirements; authorizing certain students to reapply; creating s. 240.408, F.S., the Challenger Astronauts Memorial Scholarship Program; providing for administration by the Department of Education pursuant to rules of the State Board of Education; providing eligibility criteria; providing for nomination; providing for award and requirements with respect thereto; creating the Challenger Astronauts Memorial Scholarship Trust Fund for the purposes of the program; creating the Christa McAuliffe Ambassador for Education Program to promote teaching as a profession; providing for the annual selection of an Ambassador for Education; providing program criteria; specifying award amounts; amending s. 240.4025, F.S., relating to the Florida Graduate Scholars' Fund; revising administrative requirements; revising eligibility period; amending s. 240.404, F.S.; specifying those financial aid programs to which residency requirements apply; amending s. 240.4045, F.S.; specifying that all male applicants for, or recipients of, financial aid must submit evidence of compliance with Selective Service System registration; amending s. 240.4068, F.S.; renaming the "Chappie" James Most Promising Teacher Scholarship Program; deleting a requirement that a percentage of scholarships be awarded to minority students; providing additional criterion for determining priority; specifying a maximum award amount; amending s. 240.465, F.S.; revising powers of Department of Education with respect to collection of delinquent accounts; including student loan notes and defaulted guaranteed loan notes; amending ss. 240.60 and 240.601, F.S., relating to the college career work experience program; expanding scope of employment to which the program applies; revising reporting date; revising eligibility periods; deleting citizenship requirements; amending s. 240.604, F.S., relating to the public school work experience program; revising percentage of funds that may be expended for student mentors; revising eligibility periods; providing an effective date.

—a companion measure, was substituted for SB 813 and read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 17 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Kirkpatrick, Neal

SB 813 was laid on the table.

On motion by Senator Kiser, 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—

SB 902—A bill to be entitled An act relating to motor vehicle sales warranties; amending s. 681.102, F.S., providing definitions; amending s. 681.104, F.S., providing for refunds to lessors and lessees of motor vehicles for nonconformity under the "Motor Vehicle Warranty Enforcement Act"; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, between lines 25 and 26, insert a new subsection 3:

Section 3. Subsection 9 of s. 324.021, Florida Statutes, is amended to read:

(9)*(a)* OWNER.—A person who holds the legal title of a motor vehicle; or, in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(b) OWNER/LESSOR.—Notwithstanding any other provision of the Florida Statutes or existing case law, the lessor, under an agreement to lease a motor vehicle for one year or longer, shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith.

(Renumber subsequent section.)

Amendment 2 to House Amendment 1—On page 1, line 15, in subsection (b) after the word "longer." insert: *which requires the lessee to obtain insurance acceptable to the lessor which contains limits not less than $100,000/$300,000 bodily injury liability and $50,000 property damage liability; further, this subsection shall be applicable so long as the insurance required under such lease agreement remains in effect*

Amendment 3—In title, on page 1, strike all of lines 1-8, and insert: A bill to be entitled An act relating to the leasing of motor vehicles; amending s. 681.102, F.S., providing definitions; that include coverage for lease of motor vehicles under motor vehicle warranties; amending s. 681.104, F.S., providing for refunds to lessors and lessees of motor vehicles for nonconformity under the "Motor Vehicle Warranty Enforcement Act"; amending s. 324.021, F.S., amending the definition of owner to exclude certain lessors; providing an effective date.

On motions by Senator Kiser, the Senate concurred in House Amendments 1 and 3, and House Amendment 2 as amended.

SB 902 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Barron	Crenshaw	Gordon	Kiser
Beard	Deratany	Grant	Langley
Castor	Dunn	Grizzle	Malchon
Childers, D.	Fox	Hill	Mann
Childers, W. D.	Frank	Jennings	Margolis
Crawford	Girardeau	Johnson	McPherson

Meek	Peterson	Stuart	Weinstein
Myers	Plummer	Thomas	
Neal	Scott	Vogt	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Kirkpatrick

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed HB 1410 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dunbar and others—

HB 1410—A bill to be entitled An act relating to the sixth judicial circuit; amending s. 71-501, Laws of Florida, limiting the number of deputy court reporters; providing an effective date.

On motion by Senator Grizzle, by unanimous consent HB 1410 was taken up out of order. On motions by Senator Grizzle, by two-thirds vote HB 1410 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives returns HB 1349 as requested.

Allen Morris, Clerk

HB 1349—A bill to be entitled An act relating to Franklin County; creating the Carrabelle Port and Airport Authority Act; providing definitions; establishing boundaries and providing for purpose; providing for officers and duties; providing for a budget; providing for expenditures; providing for powers of authority; providing for bonding power and rights; providing that obligations constitute legal investment; granting power to fix rates, tolls, etc., for use of facilities owned or controlled by authority; granting same powers as Boards of Pilot Commissioners and power to appoint pilots and a harbor master and prescribe their duties; granting power to grant and revoke Stevedore licenses; declaring port and airport facilities and income therefrom nontaxable public property; providing for severability; providing an effective date.

On motion by Senator Barron, the Senate reconsidered the vote by which HB 1349 as amended passed this day.

On motion by Senator Barron, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. Amendments 1 and 2 were withdrawn.

HB 1349 was read by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives returns HB 1375 as requested.

Allen Morris, Clerk

HB 1375—A bill to be entitled An act relating to Sumter County; providing for the creation of the Sumter County Airport Authority; providing definitions; providing that the membership shall consist of appointees of the Board of County Commissioners of Sumter County; providing powers and duties; providing for preparation of a budget for approval by the board of County Commissioners of Sumter County; providing for contracts; providing for action by resolution; providing for contributions of certain political subdivisions; providing for a tax exemption; providing that this act shall be a supplemental method of doing things authorized; providing severability; providing for liberal construction; providing that inconsistent laws shall be declared inapplicable; providing for a referendum.

On motion by Senator Langley, the Senate reconsidered the vote by which HB 1375 as amended passed this day.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. Amendments 1 and 2 were withdrawn.

HB 1375 was read by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Vogt

The Honorable Harry A. Johnston, II, President

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

SB 575—A bill to be entitled An act relating to pari-mutuel taxes; amending s. 550.13, F.S., relating to the distribution of pari-mutuel tax revenues to the counties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, strike all said language on lines 29 and 30, and insert new Sections 2. through 7.

Section 2. Subsection (4) of section 550.37, Florida Statutes, is amended to read:

550.37 Operation of certain harness tracks.—

(4) No permit shall be issued by the Division of Pari-mutuel Wagering for the operation of a harness track within 75 air miles of a location of a harness track licensed and operating under the provisions of this chapter. All harness tracks licensed under the provisions of this chapter

shall be granted by the Florida Pari-mutuel Commission racing dates during the winter horseracing season as provided by s. 550.291, which racing dates may commence on or after October 1 of each year and shall conclude on or before *April 30* ~~June 1~~ of each year, and such permittee and licensee shall be permitted and authorized to race every day except Sunday. However, no more than 120 days, plus scholarship and charity days, may be allocated in the period between October 1 of any year and *April 30* ~~June 1~~ of the succeeding year. *Any harness track that operates the full 120 days as set forth herein, may apply for and shall obtain from the division up to 50 additional racing days per season and such permittee shall be permitted to operate such additional days of harness racing from 7 p.m. until 12 midnight.*

Section 3. Section 551.115, Florida Statutes, is created to read:

551.115 Additional jai alai days; restrictions.—

(1) Any jai alai permittee located in any area of the state where there are three or more permits, one of which is a thoroughbred racing permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other shall, in addition to the 105 regular days of operation permitted, be entitled to operate up to 105 days, including not more than 54 matinee performances, between the period of May 8 and September 3 of each year.

(2) The additional days of operation permitted in subsection (1) shall not conflict with any days of operation currently authorized for any of the permittees located within a 35-mile radius of such jai alai fronton.

(3) Upon application of permittee meeting the requirements of subsection (1), the Division of Pari-mutuel Wagering shall issue to the permittee a license to operate the jai alai fronton for the period which ends on September 3, 1986. The license for the period from May 8 through September 3 for subsequent years shall be renewed as provided by law.

Section 4. Subsection (8) of section 550.09, Florida Statutes, is created to read:

(8) SURTAX ON ADDITIONAL DAYS.—In addition to the tax on handle imposed by subsection (3), any permitholder authorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsection (3). After the surtax has been paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

Section 5. Subsection (9) is created to section 551.06, Florida Statutes, to read:

(9) SURTAX ON ADDITIONAL DAYS.—In addition to the tax on handle imposed by subsection (3), any permitholder aulthorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsection (3). After the surtax has been paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

Section 6. Subsections (3) and (4) of Section 20.16, F.S., are amended to read:

20.16 Department of Business Regulation.—There is created a Department of Business Regulation.

(3) Each of the directors of the divisions of the Department of Business Regulation shall be appointed by the secretary of the department and shall serve at the pleasure of the secretary, as provided in s. 110.205 *and with regard to the Director of Pari-Mutuel Wagering, also as provided in s. 20.16(4)(e).*

(4) There is created within the Department of Business Regulation a Florida Pari-mutuel Commission, to consist of a chairman and four other members, all to be appointed by the Governor, subject to confirmation by the Senate. The initial Florida Pari-mutuel Commission shall consist of the Board of Business Regulation as constituted on July 1, 1978, and said members shall serve on the commission until June 30, 1979. Thereafter, the Governor shall appoint the members of the commission as follows: One member whose term shall end June 30, 1981; two members whose terms shall end June 30, 1982; and two members whose terms shall end June 30, 1983. Thereafter, each member appointed by the Governor shall serve for a term of 4 years. The Florida Pari-mutuel Commission shall have the authority only to:

(a) Hear and approve the dates and changes of dates for racing and the dates within which any track or fronton may be operated as prescribed by chapters 550 and 551, and it shall not delegate that function to any subordinate officer or division of the department.

(b) Hear all appeals of decisions of the department which relate to the suspension or revocation of a pari-mutuel wagering license.

(c) Make recommendations to the director of the Division of Pari-mutuel Wagering regarding new or existing rules for all racing and jai alai operations which relate to the powers granted in this subsection.

(d) Issue an annual report to the Governor and the Legislature on the racing and jai alai industry in this state. The report shall encompass the preceding fiscal year and shall be submitted by November 15 annually.

(e) Confirm the appointment of the Director of the Division of Pari-Mutuel Wagering by a majority vote, and may remove the Director for just cause by an extraordinary vote.

Section 7. This act shall take effect upon becoming a law, except that Section 6. shall take effect January 31, 1987.

Amendment 2—In title, on page 1, strike all of line 5, and insert: amending s. 550.37, F.S., providing for shortening of racing season and additional racing days per year for certain harness tracks; amending ss. 550.09 and 551.06, F.S.; creating s. 551.115, F.S., authorizing additional days of operation for certain existing jai alai frontons in certain areas of the state; providing restrictions; amending ss. 550.09 and 551.06, F.S.; providing for surtax on additional days granted; providing effective dates.

Amendment 3—On page 1, between lines 28 and 29, insert:

Section . . . . Subsection (3) is added to section 550.082, Florida Statutes, to read:

550.082 Special allocation of periods of operation of certain dogracing tracks.—

(3) In any county of the state where there is only one dogracing permitholder, with no other active pari-mutuel permitholder of any other type within the county or within a radius of 25 miles, that dogracing permitholder may apply for and shall be granted up to 50 operating days, including not more than 25 matinee performances, in addition to those days authorized in this chapter.

Section . . . . Subsection (3) is added to section 551.031, Florida Statutes, to read:

551.031 Fixing dates for operation of frontons.—

(3) In any county of the state where there is only one jai alai permitholder and no greyhound or thoroughbred horse racing permittee within a radius of 25 miles, that permitholder may apply for and shall be granted up to 50 operating days, including not more than 25 matinee performances, in addition to those authorized in chapter 550.

Section . . . . Subsection (8) of section 550.09, Florida Statutes, is created to read:

(8) SURTAX ON ADDITIONAL DAYS.—In addition to the tax on handle imposed by subsection (3), any permitholder authorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsection (3). After the surtax has been paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the

surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

Section . . . . Subsection (9) is created to section 551.06, Florida Statutes, to read:

(9) In addition to the tax on handle imposed by subsection (3), any permitholder authorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsection (3). After the surtax has beeen paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

Section . . . . Subsections (4) and (5) are added to section 550.082, F.S., to read:

(4) In any county where there are only three pari-mutuel permittees operating under valid outstanding permits issued by the Division of Pari-mutuel Wagering, two of whom are greyhound permittees and one is a jai-alai permittee, each permittee may apply for and shall be granted up to 50 days of operation, in addition to those days now authorized by the chapter.

(5) Any permittee operating by virtue of s. 550.075, F.S., shall not be entitled to addtional days authorized in subsection (4). Subsection (5) shall be repealed June 30, 1987

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

Amendment 4—In title, on page 1, after line 4, insert: amending ss. 550.082 and 551.031, F.S.; authorizing certain pari-mutuel permitholders additional operating days; providing for repeal; amending ss. 550.09 and 551.06, F.S.; providing for surtax on additional days granted;

Amendment 5—On page 1, after line 28, insert:

Section . . . . Subsection (2) of section 550.082, Florida Statutes, is renumbered as subsection (3) and a new subsection (2) is added to said section, to read:

550.082 Special allocation of periods of operation of certain dogracing tracks.—

(2) Any dogracing permittee located in any area of the state where there are two permits, one of which is a jai alai permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other shall, in addition to the 105 regular days of operation permitted, be entitled to operate up to 105 days between the period of May 8 and September 3 of each year.

Section . . . . Section 551.115, Florida Statutes, is created to read:

551.115 Additional jai alai days.—Any jai alai permittee located in any area of the state where there are only two permits, one of which is a dogracing permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other shall, in addition to the 105 regular days of operation permitted, be entitled to operate up to 105 days between the period of May 8 and September 3 of each year.

Section . . . . Subsection (8) of section 550.09, Florida Statutes, is created to read:

(8) SURTAX ON ADDITIONAL DAYS.—In addition to the tax on handle imposed by subsection (3), any permitholder authorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsections (3). After the surtax has been paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

Section . . . . Subsection (9) is created to section 551.06, Florida Statutes, to read:

(9) In addition to the tax on handle imposed by subsection (3), any permitholder authorized additional days in excess of those authorized on May 15, 1986, shall pay a surtax on the handle of each performance held on each additional authorized day on which pari-mutuel operations are conducted. The surtax shall be 20 percent of the tax imposed by subsection (3). After the surtax has been paid on each additional authorized day for two years, the surtax shall no longer be imposed. Every pari-mutuel permitholder shall designate each additional authorized day subject to the surtax at the time the permitholder requests days of operation from the Florida Pari-mutuel Commission. Provided, however, that each operating day of the week which is in excess of the number of the same operating day of the week in the season ending prior to May 15, 1986, shall be designated as a day subject to the surtax.

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

Amendment 6—In title, on page 1, after line 4, insert: amending s. 550.082, F.S., and creating s. 551.115, F.S., authorizing certain dogracing and jai alai permittees to operate for additional time periods; amending ss. 550.09 and 551.06, F.S.; providing for surtax on additional days granted;

On motions by Senator Thomas, 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.

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 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 appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 13, strike everything after the enacting clause 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, *12* ~~18.5~~ mills on each cigarette.

(b) Upon all cigarettes weighing more than 3 pounds per thousand and not more than 6 inches long, *24* ~~37~~ mills on each cigarette.

(c) Upon all cigarettes weighing more than 3 pounds per thousand and more than 6 inches long, *48* ~~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 *12-cent* ~~18.5-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a *24-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 *24-cent* ~~37-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require a *48-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 *48-cent* ~~58-cent~~ tax.

(b) Packages containing more than 10 but not more than 20 cigarettes require *a 96-cent* ~~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.~~

Section 2. 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 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 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-fourths of the net collections to the Municipal Financial Assistance Trust Fund, eleven twenty-fourths of the net collections to the Revenue Sharing Trust Fund for Municipalities, and one twenty-fourth 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.~~

Section 4. Subsection (1) of section 210.55, Florida Statutes, is amended to read:

210.55 Distributors; monthly returns.—

(1) On or before the 10th of each month, every taxpayer with a place of business in this state shall file a return with the division showing the ~~quantity and~~ taxable price of each tobacco product brought or caused to be brought into this state for sale, or made, manufactured, or fabricated in this state for sale in this state, during the preceding month. Every taxpayer outside this state shall file a return showing the quantity and taxable price of each tobacco product shipped or transported to retailers in this state, to be sold by those retailers, during the preceding month. Returns shall be made upon forms furnished and prescribed by the division and shall contain any other information that the division requires. Each return shall be accompanied by a remittance for the full tax liability shown.

Section 5. On the effective date of this act, before opening for business, each manufacturer, distributor, wholesaler, and vendor in this state shall take an inventory of the cigarettes on hand and shall certify the amount of the inventory to the division on or before July 10, 1986, accompanied by a check or money order for the amount of increased tax due upon such inventory. The tax on inventory shall be at the rate of 3-cents per package for packages of 20 cigarettes of standard dimension regardless of the size or number of cigarettes per packages in inventory. Provisions of chapter 210, Florida Statutes, relating to penalties and interest for delinquent payments shall apply to this section. The proceeds of the tax upon inventory imposed by this section shall be deposited in the General Revenue Fund.

Section 6. There is hereby appropriated in fiscal year 1986-87 $200,000 to the Division of Alcoholic Beverages and Tobacco from the General Revenue Fund for the implementation of the provisions of this act.

Section 7. This act shall take effect July 1, 1986.

Amendment 2—In title, on page 1, lines 1-11, strike all of said language and insert: A bill to be entitled An act relating to tax on cigarettes and other tobacco products; 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; amending s. 210.55, F.S.; deleting the requirement for taxpayers to show quantity of tobacco products sold the previous month; providing for tax on inventory on hand on the effective date of the act; providing an appropriation; providing an effective date.

Senator Gordon moved the following amendment to House Amendment 1 which failed:

Amendment 1—On page 1, line 13, through page 5, line 18, strike all of said language 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.~~

Section 2. 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.~~

Section 3. There is hereby appropriated to the Department of Health and Rehabilitative Services for fiscal year 1986-87 $26,800,000 from the General Revenue Fund.

Section 4. It is the Legislative intent that the appropriation provided for in section (3) be taken from a fourth and fifth cent increase in the cigarette tax and spent on the following programs and activities:

(1) *Children's Services*:

(a) The Improved Pregnancy Outcome Program; $2,000,000.

(b) Child Day Care Services; $1,700,000.

(c) Haemophilas Influenza Vaccine; $600,000.

(d) Foster Care/ Emergency Shelter Care:

1. Services to Medically Complex; $700,000.

2. Medical Foster Care; $400,000.

3. Youth Assessment System; $300,000.

4. Training and Pilot Projects; $1,100,000.

(e) Pre-protective Services; $400,000.

(f) Childrens Medical Clinics; $500,000.

(g) Primary Health Care - Teenage Pregnancy; $1,000,000.

(h) Emotionally Disturbed Children; $1,000,000.

(2) *Elderly Services*:

(a) Alzheimers Disease Projects; $1,000,000.

(b) Community Care for the Elderly; $1,700,000.

(c) Home Care for the Elderly; $1,700,000.

(d) Medicaid for OSS Recipients; $700,000.

(3) *Services to the Poor*:

(a) Programs for Homeless; $2,300,000.

(b) AFDC Employment and Training; $2,000,000.

(4) *Services to the Developmentally Disabled*:

(a) Caseload Increase to Reduce Waiting List; $1,000,000.

(b) Case Management Services; $1,000,000.

(5) *Mental Health Services*:

(a) Case Management Services; $2,000,000.

(b) Drug and Alcohol Abuse Programs; $1,000,000.

(6) *Education*:

Drop-Out Prevention Grants; $2,700,000.

Section 5. On the effective date of this act, before opening for business, each manufacturer, distributor, wholesaler, and vendor in this state shall take an inventory of the cigarettes on hand and shall certify the amount of the inventory to the division on or before July 10, 1986, accompanied by a check or money order for the amount of increased tax due upon such inventory. The tax on inventory shall be at the rate of 3-cents per package for packages of 20 cigarettes of standard dimension regardless of the size or number of cigarettes per packages in inventory. Provisions of chapter 210, Florida Statutes, relating to penalties and interest for delinquent payments shall apply to this section. The proceeds of the tax upon inventory imposed by this section shall be deposited in the General Revenue Fund.

Section 6. 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.

Section 7. There is hereby appropriated in fiscal year 1986-87 $200,000 to the Division of Alcoholic Beverages and Tobacco from the General Revenue Fund for the implementation of the provisions of this act.

Section 8. This act shall take effect July 1, 1986.

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

CS for SB 752 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Gordon Hill

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 3, 5 and 6 and has amended Senate Amendments 2 and 4, concurred in same as amended and passed CS for HB 302, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

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.

Amendment 1 to Senate Amendment 2—On page 5, lines 3-31, strike all of said language and insert:

(7) FUNDING.—This section shall be implemented only to the extent that funding is provided by the Legislature in the General Appropriations Act. State funds appropriated for the Prekindergarten Early Intervention Program may not be used for the construction of new facilities.

Amendment 1 to Senate Amendment 4—In title, on page 1, lines 22-26, strike "providing for the distribution of funds; requiring the Department of Education to collect program cost data; requiring certain program participants be assessed certain fees;" and insert: providing for funding;

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

CS for HB 302 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gersten

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 353—A bill to be entitled An act relating to public records; amending s. 110.123, F.S.; exempting certain medical records and medical claims records of state employees, former employees, and eligible dependents from disclosure as public records; amending s. 112.08, F.S.; exempting certain medical records and medical claims records of county or municipal employees, eligible dependents, and former employees from disclosure as public records; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 5, line 17, insert:

Section 2. Paragraph (g) of subsection (1) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of certain elected state officers.—

(1)(g) On or after July 1, 1981, participation in the Elected State Officers' Class shall be optional within the time provided herein for any *constitutional* county elected officer, including any sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court, county commissioner, school board member, or elected school board superintendent. *In addition, any elected officer of any entity with county wide jurisdiction who, pursuant to general or special law, exercises powers and duties that, but for said general or special law would be exercised by any of the aforementioned constitutional county elected officers, shall also be eligible for membership in the Elected State Officers' Class.* Any such officer may, upon application to the administrator of the Florida Retirement System within 1 year from the date the officer first becomes eligible for membership by virtue of the office he holds, transfer to and participate in the Elected State Officers' Class. Benefits shall accrue upon the same basis as provided for other nonjudicial members of the class. Any such officer who is already a member of the Florida Retirement System upon election or appointment to office shall carry with him such retirement credit as he has accumulated in the retirement system or class within the Florida Retirement System from which he transfers.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 11, after the semicolon insert: amending s. 121.052, F.S., providing that membership in the Elected State Officers' Class is for constitutional elected county officers and other elected officers with county wide constitutional powers;

Amendment 3—On page 2, line 18, insert:

Section 4. Subsection (6) of s. 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)*(a)* The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Regents or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), the Board of Regents and the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

(b) The provisions of subsections (2), (3), and (4) do not apply to any employee of the Division of Blind Services Library for the Blind and Physically Handicapped for whom the Division of Blind Services is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), the Division of Blind Services shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, line 11, after the semicolon insert: amending s. 110.131, F.S.; exempting employees of the Divison of Blind Services Library for the Blind and Physically Handicapped from certain provisions relating to other-personal-services temporary employment;

Amendment 5—On page 2, line 19, insert:

Section 3. Subsection (15B) of section 238.07, Florida Statutes, is amended to read:

238.07 Regular benefits; survivor benefits.—

(15B) *If the member recovers from disability, has his disability benefit terminated, reenters covered employment and is continuously employed for a minimum of 1 year of creditable service, he may claim as creditable service the months during which he was receiving a disability benefit, upon payment of the required contributions. Contributions shall equal the total required employee and employer contribution rate during the period the retiree received retirement benefits, multiplied times his rate of monthly compensation prior to the commencement of disability retirement for each month of the period claimed, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 to the date of payment. If the member does not claim credit for all of the months he received disability benefits, the months claimed must be his most recent months of retirement.* ~~Any person who was a member of the Teachers' Retirement System prior to December 1, 1970, and who has collected a disability retirement allowance from the Teachers' Retirement System and has returned to active teaching service, shall be deemed to have been on health leave of absence each year between the date of his disability retirement and his return to service and may elect to receive service credit for each year upon payment of the required contributions plus regular interest. However, upon his retirement after June 27, 1971, his monthly retirement allowance shall be reduced by an amount calculated to recover within 10 years the total disability benefits paid to the member by the Teachers' Retirement System while he was retired on disability.~~

(Renumber subsequent sections.)

Amendment 6—In title, on page 1, line 11, after the semicolon insert: amending s. 238.07, F.S., permitting a member retired due to disability to purchase such retired years as creditable service upon recovery of disability and reemployment;

Amendment 7—On page 2, line 19, insert:

Section 3. Paragraph (d) of subsection (1) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of certain elected state officers.—

(1)

(d) On and after July 1, 1972, participation in the Elected State Officers' Class shall be optional within the time provided herein for any Governor, Lieutenant Governor, Cabinet officer, legislator, Supreme Court justice, district court of appeal judge, circuit judge, state attorney, public defender, or public service commissioner who is already a member of any existing system, the Judicial Retirement System, or the Regular Class or Special Risk Class of the Florida Retirement System when elected or appointed to such office, except that, effective July 1, 1979, no public service commissioner shall be eligible for membership in the Elected State Officers' Class. Participation in the Elected State Officers' Class shall be optional within the time provided herein for any county court judge who assumed office prior to October 1, 1974. After July 1, 1980, participation in the Elected State Officers' Class shall be optional for each legislator within the time provided in paragraph (c), provided such legislator meets the requirements in paragraph (c). Any such officer may, upon application to the administrator of the Florida Retirement System, within 1 year from the date he first becomes eligible to be a member of the Elected State Officers' Class by virtue of the office he holds, except for a legislator who shall apply to the administrator within the time period provided in paragraph (c), transfer to and participate in the Elected State Officers' Class, subject to the following provisions:

1. He shall transfer and carry with him such retirement credit as he has accumulated in the retirement system or class within the Florida Retirement System from which he transfers; and

2. He may, through June 30, 1984, purchase additional retirement credit in the Elected State Officers' Class for all creditable service as an officer within the purview of this class, which service he has accumulated in the retirement system or class within the Florida Retirement System from which he transfers, upon the payment into the system trust fund of a sum equal to the difference between 8 percent of the gross salary he received for the period of his tenure in the office, or 8 percent of $1,000 per month, whichever is greater, for which he seeks additional retirement credit and the actual amount of his retirement contributions for such period, based on such salary, plus interest thereon at the rate of 4 percent per year compounded annually from the date of such service until July 1, 1975, and 6.5 percent per year thereafter until the date of payment. An amount equal to the member's contributions and interest payments shall be paid to the system trust fund from the General Revenue Fund. A county court judge or any other member of the Elected State Officers' Class may purchase additional retirement credit for service prior to January 1, 1973, as a county solicitor; elected county prosecuting attorney; county judge; judge of a court of record; judge of a criminal or civil court of record; judge of any metropolitan court established pursuant to s. 6, Art. VIII of the State Constitution; judge of a small claims court; or justice of the peace, provided an amount equal to the member's contributions and interest payments shall be paid to the system trust fund by the county or by the individual. Service as a county court judge from January 1, 1973, to October 1, 1974, may be purchased as additional retirement credit in the Elected State Officers' Class by any member of this class having such service, in the same manner as other additional retirement credit is purchased in this class.

3. He may, through June 30, 1984, if he is an elected county officer as described in paragraph (g), purchase at his own expense at the time of his retirement additional retirement credit in the Elected State Officers' Class for all the creditable service as an officer within the purview of this class, for service he has accumulated in the retirement system or class within the Florida Retirement System from which he transfers, upon the payment into the system trust fund of a sum equal to the total actuarial cost of the credit being purchased for such service.

4. Effective July 1, 1984, he may, as an elected state officer specified in this paragraph or an elected county officer specified in paragraph (g), purchase at his own expense, or as provided in subparagraph 5. if he is an elected state officer, *or as provided in subparagraph 6. if he is an elected county officer,* additional retirement credit in the Elected State Officers' Class for all creditable service as an officer within the purview of this class and such other creditable service as authorized by subparagraph 2. for which he has accumulated credit in the retirement system or class within the Florida Retirement System from which he transfers. To

receive such additional retirement credit, he shall pay a sum equal to the difference between the total employee and employer contribution rate actually paid on the gross salary received, but not less than $1,000 per month for the period of his tenure in the office, and the total contribution rate which was required at the time the service was rendered for the class of elected state officers service being purchased, or the rate in effect on July 1, 1972, for such service rendered before that date, and for service as an elected county officer before July 1, 1981, the contribution rate applicable for the legislative subclass of the Elected State Officers' Class, plus interest thereon at the rate of 4 percent per year compounded annually each June 30 from the date of such service until July 1, 1975, and at the rate of 6.5 percent per year thereafter until the date of payment.

5. An elected state officer who purchases additional retirement credit in the Elected State Officers' Class pursuant to this paragraph from July 1, 1985, through September 30, 1985, shall be required to pay one-half the contributions and interest due the Florida Retirement System Trust Fund, and an equal amount shall be paid from the General Revenue Fund. No contributions shall be paid from the General Revenue Fund on behalf of any elected state officer who purchases such retirement credit after September 30, 1985.

6. An elected county officer who declares his intention to purchase additional retirement credit in the Elected State Officers' Class pursuant to this paragraph from October 1, 1986, through December 31, 1987, need only pay one-half the contributions and interest due the Florida Retirement System Trust Fund if an equal amount is paid by the county employer or district school board employer, as appropriate. A county or district school board may not pay such contributions and interest with respect to any elected county officer who declares his intention to purchase such retirement credit after December 31, 1987. To declare his intentions, the officer shall pay during the above specified dates a sum of not less than $1,000 to the system trust fund with the remainder, plus interest as required, due prior to retirement.

(Renumber subsequent sections.)

Amendment 8—In title, on page 1, line 11, after the semicolon insert: amending s. 121.052, F.S.; providing a limited period within which an elected county officer may declare his intent to purchase additional retirement credit in the Elected State Officers' Class of that system by paying only one-half of the contributions and interest due the system trust fund for the purchase of such additional retirement credit if the other half is paid by the county employer or district school board employer, as appropriate; prohibiting counties or district school boards from making such payments after that period has closed;

Amendment 9—On page 1, line 15, insert:

Section 31. Subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) "Economic development agency" means the Division of Economic Development of the Department of Commerce, any industrial development authority created in accordance with part III of chapter 159 or by special law, *the public economic development agency which advises the county commission on the issuance of industrial revenue bonds of a county which does not have an industrial development authority created in accordance with part III chapter 159 or by special law* or any research and development authority created in accordance with part V of chapter 159.

(5) Any person who is an employee of an economic development agency who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 32. *Florida Equity Exchange.*—

(1) There may be created one or more Florida Equity Exchanges, with one or more offices each, upon a determination by the Comptroller that each such exchange has a reasonable promise of successful operation, will promote economic development, will produce net economic benefits in the state, and will not expose the public to undue risk of financial loss. This determination shall be based on the results of a feasibility study concerning the possible structure, operation, and regulation of each such exchange, to be carried out under the supervision of the Comptroller. The Secretary of Commerce shall provide the Comptroller any needed advice on economic development aspects of the feasibility study. Said feasibility study shall evaluate to what extent securities laws may limit the transferability of investments in which any exchange would deal; to what extent companies financed through securities in which the exchange would deal would prefer a stable group of investors; to what extent the particular investment objectives of potential participants in any exchange might be inconsistent with an exchange operation; and the possiblity that the frequency of investment opportunities of the type in which an exchange would deal would be too low to economically operate any exchange. The determination of the Comptroller shall constitute an "order" as defined in s. 120.52(10), Florida Statutes, and shall be subject to the provisions of chapter 120, Florida Statutes. Nothing in this section, however, shall be construed to require the expenditure of state funds for the purpose of conducting any such feasibility study. For the purposes of this section, the term "exchange" shall apply to any such Florida equity exchange proposed or created under this section.

(2) The purpose of the exchange shall be to provide a marketplace for the negotiation, arrangement, exchange, sale, purchase, brokerage, syndication, underwriting, and all activities incidental thereto, of investment opportunities, in an institutionalized, and, to the maximum extent possible, self-regulated fashion.

(3) Within 30 days following such determination, a committee shall be appointed to write the constitution and bylaws of the exchange. The Comptroller may provide technical assistance to the committee on the development of the constitution and bylaws of the exchange. The committee shall consist of 15 members, 11 members to be appointed by the Governor, 2 members to be appointed by the Speaker of the House of Representatives, and 2 members to be appointed by the President of the Senate. The chairman shall be elected by a majority of the committee. The committee shall transmit such proposed constitution, bylaws, and other recommendations for the approval of the Comptroller no later than 90 days following the first meeting of the committee. In reviewing the constitution and the bylaws of the exchange, as well as any other recommendations made to the Comptroller by the committee, the Comptroller shall consider whether such constitution, bylaws, and recommendations are reasonably consistent with the public interest and the efficient functioning of the exchange. The Comptroller shall approve the constitution and bylaws of the exchange if he finds that they specifically describe the types of business that the exchange will conduct, that such business activities are not inconsistent with state or federal law, that the form of business organization of the exchange complies with statutory requirements, and that the interest of owners or members of the exchange would be adequately protected. The submission of the proposed constitution and bylaws to the Comptroller shall be deemed an application for a license and shall be subject to the provisions of s. 120.60(4), Florida Statutes.

(4) The exchange shall have full authority to function 60 days after its constitution and bylaws are approved by the Comptroller. The initial Board of Governors of the exchange shall consist of the members of the committee who shall serve until the first election pursuant to the constitution and bylaws. If the constitution and bylaws are disapproved by the Comptroller, the committee, in consultation with the Comptroller, shall have 60 days from the date of such disapproval within which to submit an acceptable constitution and bylaws.

(5) The constitution and bylaws of the exchange shall include provision that:

(a) There shall be no less than nine nor more than fifteen governors of the exchange, at least one-third of whom shall not be members of the exchange.

(b) The principal offices of each exchange and the principal offices of its members shall be located within this state for the purpose of conducting the type of business described in subsection (2). Any exchange may have such other offices around the state as it deems necessary from time to time, subject to a determination by the Comptroller that such additional offices will be necessary for the efficient operation of the exchange and will be in the public interest.

(c) All members and applicants for membership on the exchange shall submit all financial information reasonably required by the Comptroller.

(d) The exchange shall establish or participate in a security fund which shall be capitalized or underwritten in such form and amount as will reasonably protect persons transacting business through the

exchange from any harm or loss occasioned by the insolvency of any member of the exchange. The formation of such security fund and the adequacy of the financial security provided thereby shall be subject to the approval of the Department of Banking and Finance based upon the types and amounts of transactions effected through the facilities of the exchange.

(e) Rules shall be adopted prescribing eligibility for membership and the voting power, duties, and rights to participate in the conduct and management of the affairs of the exchange by the members thereof, such rights and duties to include, without limitation, the manner and form of conducting business, financial stability requirements, dues, membership fees, resolution of dispute mechanisms, and all other matters necessary or appropriate to conduct any business permitted herein, provided, however, that such rules shall not impose any limit on the number of members of any such exchange. Any amendments to the constitution and bylaws shall be subject to the approval of the Comptroller.

(f) Elections to the Board of Governors of the exchange shall be held once every 2 years, with those persons receiving the greatest number of votes cast being elected thereto.

(6) If the exchange contemplated by this section is established, the Comptroller shall furnish the chairmen of the finance and taxation committees of the Legislature with copies of its constitution and bylaws. Upon receipt of the constitution and bylaws, the Legislature shall consider what tax policy and tax exemptions are needed to facilitate successful operation of the exchange.

(7) If the exchange contemplated by this section is finally established, the Comptroller shall forthwith adopt rules providing for the reimbursement by the exchange or any member thereof of the actual costs incurred by the Comptroller in connection with the regulation and supervision of the exchange. As used in this section, "actual costs" means all direct and indirect costs and expenses incurred by the Comptroller in connection with the exchange including, without limitation, general administrative costs, travel expenses, salaries, and other benefits given to persons involved in the regulation and supervision of the exchange. The Comptroller shall have the power to make any allocations that are deemed reasonable and necessary and may require the exchange or any members to pay interim assessments related to estimated final assessments.

(8) The Florida securities laws and rules shall apply to the exchange and to its members.

(9) The Comptroller may establish limitations on investments in members of the exchange by any person or company, consistent with the public interest and the efficient functioning of the exchange.

Section 33. This act shall take effect July 1, 1986.

(Renumber subsequent sections.)

Amendment 10—In title, on page 1, line 2, after the semicolon insert: amending s. 288.075, F.S.; redefining the term "economic development agency"; providing a penalty; providing for the creation of one or more Florida Equity Exchanges for certain purposes, contingent upon a feasibility study; providing for a committee to write a constitution and bylaws for the exchange; providing requirements with respect to the self-regulation thereof; providing for a members' security fund; providing for legislative consideration of tax policy for the exchange; providing for the applicability of securities laws; providing for reimbursement of administrative costs; providing for limitations on investments in exchange members;

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

CS for SB 353 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 1270, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

HB 1270—A bill to be entitled An act relating to criminal practices; creating chapter 772, F.S., to be known as the "Civil Remedies for Criminal Practices Act"; providing definitions; making unlawful the receipt of proceeds from certain criminal activities; requiring criminal intent; making unlawful the acquisition or maintenance through certain criminal activities of an interest in or participation in enterprises or real property; providing a civil cause of action to victims of certain criminal activities; providing for estoppel in certain civil actions against convicted persons; providing for admissibility of guilty verdicts; providing statute of limitations for certain civil actions; providing for suspension of statute of limitations under certain circumstances; providing for remedies to be nonexclusive; providing for election of cause of action by plaintiff; providing immunity from damages for governmental entities; providing for attorneys' fees to be taxed as costs; amending s. 812.035, F.S., limiting a civil remedy to the state; amending s. 895.05, F.S.; limiting a civil remedy to the state; clarifying right to jury trial; providing for priorities on forfeited properties; providing an effective date.

Amendment 1 to Senate Amendment 1—On page 9, between lines 25 and 26, insert: *772.50 Admissibility of not guilty verdict.—A verdict or adjudication of not guilty rendered in favor of the defendant or in favor of any other person whose conduct forms the basis for a claim under this chapter shall be admissible in evidence, but shall not act as an estoppel against the plaintiff.*

Amendment 2 to Senate Amendment 1—On page 4, between lines 5 and 6, insert: 772.50,

Amendment 3 to Senate Amendment 1—On page 13, lines 8 and 9, strike "~~However, such reimbursement shall not include employees' salaries.~~" and insert: However, such reimbursement shall not include employees' salaries.

Amendment 1 to Senate Amendment 2—In title, on page 1, line 28, following the semicolon (;) insert: providing for admissibility of not guilty verdicts or adjudications in certain civil actions;

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

HB 1270 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten

The Honorable Harry A. Johnston, II, President

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

By the Committee on Health Care and Insurance and Representative Simon—

HB 1383—A bill to be entitled An act relating to health care; amending s. 395.011, F.S.; expanding provisions granting an exemption from liability to certain persons in provisions relating to staff membership and professional clinical privileges at licensed hospitals or ambulatory surgical centers; amending s. 395.041, F.S.; limiting risk management education requirements in certain health care facilities to nonphysician personnel; requiring hospitals and ambulatory surgical centers to hire risk managers by a specified date; amending s. 455.213, F.S.; changing continuing educational requirements for certain health care providers; amending s. 626.944, F.S.; changing qualifications for health care risk managers; reenacting s. 627.4147, F.S.; correcting an inadvertent error in provisions relating to medical malpractice insurance contracts; amending s. 627.912, F.S.; requiring additional information to be included in reports by professional liability insurers to the Department of Insurance; providing for the confidentiality of such information; amending s. 641.395, F.S.; changing the circumstances in which health maintenance organizations must employ a risk manager; amending s. 768.48, F.S.; requiring further itemization of verdicts by the trier of fact in medical malpractice actions; amending s. 768.495, F.S.; providing for a filing fee and clarifying that a court order is unnecessary for an extension of the statute of limitations to allow an investigation for meeting requirements of filing a punitive damage claim in a medical malpractice action; amending s. 768.57, F.S.; changing procedures relating to medical malpractice actions; amending s. 768.575, F.S.; providing procedure for arbitration panels in medical malpractice actions; providing for payment to such arbitrators; providing immunity from liability for such abitrators; providing that decisions of medical malpractice arbitration panels are nonbinding; amending s. 768.58, F.S.; modifying provisions relating to mandatory settlement conferences in medical malpractice actions; amending s. 768.585, F.S.; establishing a time period for parties to reject offers of judgment or demands for judgment; providing considerations for the awarding of attorney's fees in medical malpractice actions; amending s. 768.66, F.S.; expanding the information to be studied as part of the medical malpractice impact study by the Department of Insurance; amending s. 627.351, F.S.; requiring the Florida Medical Malpractice Joint Underwriting Association to offer deficit assessment coverage to certain members of the Florida Patient's Compensation Fund; providing severability; providing for an exemption for cardiopulmonary technologists; providing effective dates.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motion by Senator Hair, by unanimous consent HB 1383 was taken up out of order and by two-thirds vote read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 7, strike all of lines 5-16 and renumber subsequent sections

Amendment 2—On page 18, strike lines 30 and 31, on page 19, strike lines 1-30, and on page 20, strike lines 1-17 and renumber subsequent sections

Amendment 3—On page 22, line 1, strike Section 16

Amendment 4—On page 2, line 25, after the semicolon (;) strike "providing for an exemption for cardiopulmonary technologists;"

On motion by Senator Hair, by two-thirds vote HB 1383 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—W. D. Childers

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 CS for SB's 1180 and 1230—A bill to be entitled An act relating to education; providing definitions; prohibiting the order or purchase, for use in public schools, of art or craft materials containing toxic substances; authorizing exemptions; providing for rules; specifying duties of the Department of Health and Rehabilitative Services and the Department of Education; repealing s. 402.3197, F.S., relating to bond or alternative surety for child care facilities, secular nonpublic schools, and day camps; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 22-23, strike "Department of Health and Rehabilitative Services" and insert: Department of Education

Amendment 2—On page 2, lines 1-4, strike all of said lines and insert:

(a) *In the selection of an approved art and craft materials list to be used in the public school system, the standards used to determine the propriety of the material shall include:*

1. The age of the children who normally could be expected to have access to the materials.

2. The ingredients and possible hazards that may exist from the use or misuse of the materials.

3. The degree to which the use of the material would be supervised and explained by mature classroom instruction as part of a normal classroom instructional program.

4. The educational purpose to be served by the material.

Amendment 3—On page 2, line 10, strike "Department of Education" and insert: Department of Health and Rehabilitative Services

Amendment 4—On page 2, line 13, strike "The department shall, by January 1, 1987" and insert: The State Board of Education shall by January 1, 1988

Amendment 5—In title, on page 1, lines 3-4, strike "Prohibiting the order or purchase, for use in public schools," and insert: providing selection guidelines for the reviewing

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

CS for CS for SB's 1180 and 1230 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair

SPECIAL ORDER, continued

CS for SB 180—A bill to be entitled An act relating to pharmacy; amending s. 465.002, F.S., relating to legislative intent; amending s.

465.003, F.S., relating to definitions; amending s. 465.004, F.S., relating to the appointment of board members; amending s. 465.005, F.S., relating to rulemaking authority; amending s. 465.007, F.S.; providing for licensure by endorsement; amending s. 465.008, F.S., relating to license renewal; amending s. 465.009, F.S., relating to continuing education; amending s. 465.012, F.S.; changing inactive status procedures; amending s. 465.0125, F.S., relating to consultant pharmacists; amending s. 465.014, F.S., changing the reference to "supportive personnel"; amending s. 465.015, F.S., relating to violations; amending s. 465.0165, F.S., relating to treatment of impaired practitioners; amending s. 465.185, F.S.; authorizing, rather than requiring, adoption of rules relating to prohibited rebates; amending s. 465.0193, F.S.; changing reference to "radio pharmacy"; amending s 465.022, F.S.; changing requirements to obtain a pharmacy permit; amending s. 465.023, F.S., relating to disciplinary actions against permittees; amending s. 465.026, F.S., relating to the filling of prescriptions; amending s. 465.027, F.S.; deleting the physician exemption; amending s. 499.028, F.S., relating to manufacturer reporting requirements; creating s. 465.0155, F.S., relating to standards of practice; creating s. 465.0276, F.S.; providing procedures for dispensing practitioners; creating s. 465.029, F.S.; providing for emergency prescription refills; creating s. 465.187, F.S., relating to the sale of medicinal drugs; repealing s. 465.028, F.S., relating to a savings clause; providing for legislative review and repeal; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendment:

Amendment 1—On page 2, line 14, strike everything after the enacting clause and insert:

Section 1. Section 465.002, Florida Statutes, is amended to read:

465.002 Legislative findings; intent.—The Legislature finds that the practice of pharmacy *is a learned profession* ~~by unskilled and incompetent practitioners presents a significant danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about pharmacists and that the consequences of a wrong choice could seriously endanger their health and safety~~. The sole legislative purpose for enacting this chapter is to ensure that every pharmacist practicing in this state and every pharmacy meet minimum requirements for safe practice. It is the legislative intent that pharmacists who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 2. Subsections (1), (3), (5), (10), (12), (13), and (14) of section 465.003, Florida Statutes, are amended to read:

465.003 Definitions.—As used in this chapter, the term:

(1) "Administration" means the obtaining and giving of a single dose of medicinal drugs *by a legally authorized person to a patient for his consumption* ~~to a patient or the giving of a single dose by a physician to his patient for consumption by the patient~~.

(3) "Consultant pharmacist" means a pharmacist licensed by the department and certified as a consultant pharmacist *pursuant to s. 465.0125.* ~~The consultant pharmacist shall be responsible for maintaining all drug records required by law and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of institutional pharmacy as shall be required by the Board of Pharmacy in addition to licensure as a registered pharmacist. The board shall promulgate rules necessary to implement and administer this subsection.~~

(5) "Dispense" means the transfer of possession of one or more doses of a medicinal drug by a pharmacist ~~or other licensed practitioner~~ to the ultimate consumer *or his agent. As as element of dispensing, the pharmacist, shall, prior to the actual physical transfer, interpret and assess the prescription order for potential adverse reactions, interactions, and dosage regimen he deems appropriate in the exercise of his professional judgment, and he shall certify that the medicinal drug called for by the prescription is ready for transfer. The pharmacist shall also provide counseling on proper drug usage, either orally, or in writing, if in the exercise of his professional judgment, counseling is necessary* ~~thereof or to one who represents that it is his intention not to consume or use the same but to transfer the same to the ultimate consumer or user for consumption by the ultimate consumer or user~~. The actual sales transaction and delivery of such drug shall not be considered dispensing. The administration~~, as hereinafter defined, in a health care institution of medicinal drugs to a patient, or the administration of medicinal drugs by a physician to his patient,~~ shall not be considered dispensing.

(10) "Pharmacy" includes a community pharmacy, an institutional pharmacy, a *nuclear pharmacy* ~~radiopharmacy~~, and a special pharmacy ~~but does not include the office of any duly licensed practitioner authorized by law to prescribe medicinal drugs~~.

(a) The term "community pharmacy" includes every *location* ~~store, shop, office, hospital, nursing home, sanitarium, clinic, dispensary, or other place~~ where medicinal drugs are compounded, dispensed, *stored,* or sold or where prescriptions are filled or dispensed on an outpatient basis.

(b) The term "institutional pharmacy" includes *every location in a* ~~all of those areas of every~~ hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are *compounded,* dispensed, ~~or~~ stored *or sold.*

(c) The term *"nuclear pharmacy" includes every location* ~~"radiopharmacy" includes all of those areas of every store, shop, office, nursing home, sanitarium, clinic, dispensary, or other place~~ where radioactive drugs and chemicals within the classification of *medicinal drugs* ~~legend drugs, as defined under the Federal Food, Drug, and Cosmetic Act and the laws of this state,~~ are compounded, dispensed, *stored,* or sold ~~or where prescriptions are filled or dispensed~~. The term *"nuclear pharmacy"* ~~"radiopharmacies"~~ does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

(d) The term "special pharmacy" includes every *location* ~~store, shop, office, or other place~~ where medicinal drugs are compounded, dispensed, *stored,* or sold *if such locations* ~~or where prescriptions are filled or dispensed in a lawful manner as defined by the practice of the profession of pharmacy as set forth in subsection (12) and which places~~ are not otherwise defined in this subsection.

(12) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug and consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders. *The phrase also includes,* ~~or~~ any other act, service, operation, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training.

(13) "Prescription" includes any order for drugs or medicinal supplies written~~, signed,~~ or transmitted by *any* ~~word of mouth, telephone, telegram, or other~~ means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be ~~filled, compounded, or~~ dispensed by *a pharmacist. The term also* ~~another person licensed by the laws of the state to do so and, in the case of an oral prescription,~~ includes an ~~order~~ orally transmitted *order* by the lawfully designated agent of such practitioner. The term also includes an order ~~for drugs or medicinal supplies so transmitted or~~ written *or transmitted* by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to *dispense* ~~fill~~ such order determines, in the exercise of his professional judgment, that the order *is valid and necessary for the* ~~was issued pursuant to a valid patient-physician relationship, that it is authentic, and that the drugs or medicinal supplies so ordered are considered necessary for the continuation of~~ treatment of a chronic or recurrent illness. ~~However, if the physician writing the prescription is not known to the pharmacist, the pharmacist shall obtain proof to a reasonable certainty of the validity of the prescription.~~ The term "prescription" also includes a pharmacist's order for a product selected from the formulary created pursuant to s. 465.186. *Prescriptions may be retained in written form or the pharmacist may cause it to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.*

(14) *"Nuclear pharmacist"* ~~"Radiopharmacist"~~ means a pharmacist licensed by the department and certified as a *nuclear pharmacist pursuant to s. 465.0193* ~~radiopharmacist. The radiopharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of radiopharmacy as are required by the Board of Pharmacy in addition to licensure as a registered pharmacist~~.

Section 3. Subsections (2), (3), and (4) of section 465.004, Florida Statutes, are amended to read:

465.004 Board of Pharmacy.—

(2) Five members of the board shall be licensed pharmacists who are residents of this state and who have been engaged in the practice of the profession of pharmacy *in this state* for at least 4 years, and the remaining two members shall be residents of the state who have never been licensed as pharmacists and who are in no way connected with the practice of the profession of pharmacy. No person shall be appointed as a lay member who is in any way connected with a drug manufacturer or wholesaler.

~~(3) Within 30 days after June 30, 1979, the Governor shall appoint seven eligible and qualified persons to be members of the board as follows:~~

~~(a) Two members for terms of 2 years each.~~

~~(b) Two members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3)~~(4)~~ As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. ~~The members of the board serving on the effective date of this act shall continue in office until their successors are appointed.~~

Section 4. Section 465.005, Florida Statutes, is amended to read:

465.005 Authority to make rules.—The Board of Pharmacy is authorized to make such rules not inconsistent with law as *are* ~~may be~~ necessary to carry out the duties and authority conferred upon the board by this chapter ~~and as may be necessary to protect the health, safety, and welfare of the public~~.

Section 5. Subsections (1), (3), and (4) of section 465.008, Florida Statutes, are amended to read:

465.008 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, *verification of compliance with s. 465.009,* and *receipt of* a fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any *active* license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 465.012.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion *to an inactive status* to the last known address of the licensee.

Section 6. Subsections (2) and (4) of section 465.009, Florida Statutes, are amended to read:

465.009 Continuing professional pharmaceutical education.—

(2) The board shall approve only those courses that build upon the basic courses offered in the curricula of accredited colleges or schools of pharmacy *and the board shall require that the provider meets the educational standards for the program design, administration and evaluation established by the board.*

(4) The department may make exception from the requirements of this section in an emergency or hardship case.

(5) The board may adopt rules within the requirements of this section that are necessary for its implementation, including a rule creating a committee composed of equal representation from the board, the colleges of pharmacy in the state, and practicing pharmacists within the state, whose purpose shall be to approve the content of each course offered for continuing education credit prior to the time such course is offered.

Section 7. Section 465.012, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 465.012, F.S., for present text.)

465.012 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall be at least 15 classroom hours for each year the license was inactive in addition to completion of the number of hours required for renewal on the date the license became inactive. Any license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without further action by the board or department. One year prior to expiration, the department shall give notice to the licensee at the licensee's last address of record.

(2) The board shall promulgate rules relating to application procedures for inactive status, the biennial renewal of inactive licenses, and for the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, and a fee for the reactivation of a license. Each of these fees shall be the same as the biennial renewal fee established by the board for an active license.

(3) The department shall not reactivate a license unless the inactive licensee has paid an inactive application fee, any applicable biennial renewal fee, and a reactivation fee.

Section 8. Section 465.0125, Florida Statutes, is amended to read:

465.0125 Consultant pharmacist license; application, renewal, fees.—The department shall issue or renew a consultant pharmacist license upon receipt of an initial or renewal application which conforms to the requirements for consultant pharmacist initial licensure or renewal as promulgated by the board by rule ~~pursuant to s. 465.003(3)~~ and a fee set by the board not to exceed $250. *The consultant pharmacist shall be responsible for maintaining all drug records required by law and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of institutional pharmacy as shall be required by the Board of Pharmacy in addition to licensure as a registered pharmacist. The board shall promulgate rules necessary to implement and administer this section.*

Section 9. Section 465.014, Florida Statutes, is amended to read:

465.014 *Pharmacy technician* ~~Supportive personnel.~~—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed *pharmacy technicians* ~~supportive personnel~~ those duties, tasks, and functions which do not fall within the purview of s. 465.003(12). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his supervision. ~~Unless otherwise permitted by the Board of Pharmacy,~~ No licensed pharmacist shall supervise more than one *pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one pharmacy technician but not more than two* ~~supportive person~~.

Section 10. Paragraph (d) of subsection (2) of section 465.015, Florida Statutes, is amended to read:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(d) To *sell* ~~provide~~ samples or complimentary packages of drug products ~~listed within the provisions of s. 893.03 except for use in clinical trials or other research use or for educational purposes, if such distribution is not for resale. This provision shall not apply to persons licensed as pharmacists in this state~~.

Section 11. Section 465.0155, Florida Statutes, is created to read:

465.0155 Standards of practice.—Consistent with the provisions of this act, the board shall adopt, by rule, standards of practice relating to the practice of pharmacy which shall be binding on every state agency

and shall be applied by such agencies when enforcing or implementing any authority granted by any applicable statute, rule or regulation whether federal or state.

Section 12. Section 465.0156, Florida Statutes, is created to read:

465.0156 Disclosure; mail service pharmacies.—Any pharmacy located outside this state which ships, mails, or delivers, in any manner, a dispensed medicinal drug into this state shall be considered a nonresident special pharmacy and shall disclose to the Board the following:

(1) That it is licensed in the state in which the dispensing facility is located and from which the medicinal drugs shall be dispensed;

(2) The location, names, and titles of all principal corporate officers and all pharmacists who are dispensing medicinal drugs to residents of this state. This disclosure shall be made on an annual basis;

(3) That it complies with all lawful directions and requests for information from the Board of Pharmacy of all states in which it is licensed, except that it shall respond directly to all communications from the Board concerning emergency circumstances arising from errors in the dispensing of medicinal drugs to the residents of this state;

(4) That it maintains its records of medicinal drugs dispensed to patients in this state so that the records are readily retrievable from the records of other medicinal drugs dispensed;

(5) That it cooperates with the Board pursuant to subsection (3) in providing information to the Board of Pharmacy of the state in which it is licensed concerning matters related to the dispensing of medicinal drugs to residents of this state;

(6) That during its regular hours of operation, but not less than six days per week, for a minimum of 40 hours per week, a toll free telephone service shall be provided to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll free number must be disclosed on the label affixed to each container of dispensed medicinal drugs. A nonresident special pharmacy which complies with the requirements of this section shall not be required to obtain a permit from the Board.

Section 13. Section 465.0165, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 465.0165, F.S., for present text.)

465.0165 Treatment programs for impaired practitioners.—

(1) The board shall appoint a licensee who shall serve on the Impaired Practitioners Committee.

(2) The department shall by rule designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the committee.

(3) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a practitioner or recovered practitioner licensed under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, chapter 467, chapter 474, chapter 484, or chapter 486. The consultant shall assist the probable cause panel and the department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(4)(a) Whenever the consultant is notified and there is reason to believe that a practitioner licensed by the state under this chapter is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental condition, which could affect the practitioner's ability to practice his profession, and no complaint against the practitioner other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of s. 455.225, if the probable cause panel of the board under which the practitioner is licensed finds that:

1. The practitioner has acknowledged his impairment problem;

2. The practitioner has voluntarily enrolled in an appropriate, approved treatment program; and

3. The practitioner has voluntarily withdrawn from his practice or limited the scope of his practice as determined by the panel in each case, until such time as the panel is satisfied that he has successfully completed an approved treatment program.

(b) Whenever the department is notified, and there is reason to believe, that a practitioner is impaired as described in paragraph (a) and no complaint against the practitioner other than impairment exists, the department shall forward all information regarding the impaired practitioner in its possession to the consultant. For the purposes of this section a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(c) The probable cause panel shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel shall remain confidential, subject to the provisions of subsections (6) and (7).

(d) A finding of probable cause shall not be made as long as the panel is satisfied, based upon information it receives from the consultant and the department, that the impaired practitioner is progressing satisfactorily in an approved treatment program.

(5) In any disciplinary action for a violation other than impairment in which a licensee establishes that the violation for which he is being prosecuted was due to or connected with impairment, and further establishes that he is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board as a mitigating factor in determining the appropriate penalty. This subsection does not limit the mitigating factors the board may consider.

(6)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a practitioner's impairment and his participation in the treatment program. Notwithstanding s. 119.14, all information obtained by the consultant and the department pursuant to this section is exempt from disclosure under s. 119.07 and shall be held confidential, subject to the provisions of this subsection and subsection (7). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with a treatment provider, an impaired practitioner has not progressed satisfactorily in a treatment program, the consultant shall disclose to the department all information in his possession regarding the issue of a practitioner's impairment and his participation in a treatment program. Such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.225. Whenever the consultant concludes that impairment affects a practitioner's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(7)(a) If a consultant or probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a treatment provider, or if the probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a consultant, for the purpose of representing that the practitioner is rehabilitated when he is not, the consultant or panel shall report this to the department. The department shall investigate the allegation of collaboration and the treatment provider or consultant shall, upon request, turn over all information in his possession regarding the issue of a practitioner's impairment and his participation in the treatment program.

(b) Any collaboration between an impaired practitioner and a treatment provider or consultant, for the purpose of representing that the impaired practitioner is rehabilitated when he is not, is a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 768.40 apply to any officer, employee, or agent of the department or the board and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 14. Section 465.0193, Florida Statutes, is amended to read:

465.0193 *Nuclear pharmacy* ~~Radiopharmacy~~ permits.—Any person desiring a permit to operate a *nuclear pharmacy* ~~radiopharmacy~~ shall apply to the department. If the board certifies that the application complies with applicable law, the department shall issue the permit. No

permit shall be issued unless a duly licensed and qualified *nuclear pharmacist* ~~radiopharmacist~~ is designated as the individual responsible for the compounding and the dispensing of *nuclear pharmaceuticals* ~~radiopharmaceuticals~~ and is made responsible for maintaining all drug records, providing for the security of the prescription department, and following such other rules as relate to the practice of the profession of pharmacy. *The nuclear pharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of nuclear pharmacy as are required by the Board of Pharmacy.* The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for the compounding and dispensing of *nuclear pharmaceuticals* ~~radiopharmaceuticals~~.

Section 15. Subsection (2) of section 465.022, Florida Statutes, is renumbered as subsection (8) and new subsections (2), (3), (4), (5), (6), and (7) are added to said section to read:

465.022 Pharmacies; general requirements; fees.—

(2) A pharmacy permit shall be issued only to a person who is at least 18 years of age, or to a corporation which is registered pursuant to chapter 607 or chapter 617, whose officers are at least 18 years of age.

(3) Any person or corporation before engaging in the operation of a pharmacy shall file with the board a sworn application on forms provided by the department.

(4) After the application has been filed with the board, and the permit fee provided in this section has been received, the board shall cause the application to be fully investigated, both as to the qualifications of the applicant, and the prescription department manager or consultant pharmacist designated to be in charge, and as to the premises and location described in the application.

(5) The Board of Pharmacy shall have the authority to determine whether a bona fide transfer of ownership is present, and that the sale of a pharmacy is not being accomplished for the purpose of avoiding an administrative prosecution.

(6) Upon the completion of the investigation of an application, the board shall approve or disapprove the application. If approved, the permit shall be issued by the department.

(7) Permits issued by the department are not transferable.

Section 16. Section 465.026, Florida Statutes, is amended to read:

465.026 Filling of certain prescriptions.—Nothing contained in this chapter shall be construed to prohibit a pharmacist licensed in this state from filling or refilling a valid prescription which is on file in a pharmacy located in this state *or in another state* and has been transferred from one pharmacy to another by any means, including transfer by way of electronic data processing equipment, under the following conditions:

(1) Prior to dispensing pursuant to any such prescription, the dispensing pharmacist shall:

(a) Advise the patient that the prescription on file at such other pharmacy must be canceled before he will be able to fill or refill it.

(b) Determine from the requested pharmacist that the prescription is valid and on file at such other pharmacy and that such prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on such prescription.

(c) Notify the pharmacist at the pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing *or cause to be recorded by data processing equipment,* the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the professional judgment of the dispensing pharmacist, so requires. Any interference with the professional judgment of the dispensing pharmacist by any pharmacy permittee, its agents, or employees shall be grounds for revocation or suspension of the permit issued to the pharmacy.

(2) Upon receipt of a request for prescription information set forth in paragraph (1)(d), if the requested pharmacist is satisfied in his professional judgment that such request is valid, the requested pharmacist shall:

(a) Provide such information accurately and completely.

(b) Record on the ~~face of the~~ prescription *or record with data processing equipment* the name of the requesting pharmacy and pharmacist and the date of request.

(c) Cancel the prescription on file by *recording* ~~writing~~ the word "void" on *the prescription record* ~~its face~~. No further prescription information shall be given or medication dispensed pursuant to said original prescription.

(3) In the event that, after the information set forth in paragraph (1)(d) has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which said information was obtained; such notice shall serve to revalidate the voided prescription. The pharmacist who has served such notice shall then cancel the prescription in the same manner as set forth in paragraph (2)(c).

(4) In the case of a prescription to be transferred from or to a pharmacy located outside of the state, it shall be the responsibility of the pharmacist located in the State of Florida to assure that the person performing the act of transfer from outside the state is a practitioner licensed to practice pharmacy in the jurisdiction wherein the non-Florida pharmacy involved is located.

(5)~~(4)~~ The provisions of this section shall not apply to prescription orders for any medicinal drugs listed in any schedule appearing in chapter 893.

Section 17. Section 465.027, Florida Statutes, is amended to read:

465.027 Exceptions.—

~~(1)~~ This chapter shall not be construed to prohibit the sale of home remedies or preparations commonly known as patents or proprietary preparations, when such are sold only in original or unbroken packages, nor shall this chapter be construed to prevent businesses from engaging in the sale of sundries or patents or proprietary preparations.

~~(2) Nothing in this chapter shall be construed to prevent a practitioner authorized by law to prescribe medicinal drugs from compounding, dispensing, or giving such drugs to his patients in the regular course of his practice. Such compounding and dispensing may be done only by the practitioner himself and shall comply with all federal and state laws relating to the labeling and dispensing of medicinal drugs.~~

Section 18. Section 465.0275, Florida Statutes, is created to read:

465.0275 Emergency prescription refill.—In the event a pharmacist receives a request for a prescription refill and no further refills are indicated on the original prescription and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense a one time emergency refill of up to 72-hour supply of the prescribed medication providing that:

(1) The prescription is not for a medicinal drug listed in any schedule appearing in chapter 893.

(2) The medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition.

(3) In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort.

(4) The dispensing pharmacist notes on the prescription record the date, the quantity dispensed, along with his initials or name.

(5) The dispensing pharmacist notifies the prescriber of the emergency dispensing within a reasonable time after such dispensing.

Section 19. Section 465.0276, Florida Statutes, is created to read:

465.0276 Dispensing practitioner.—No person shall dispense medicinal drugs unless licensed as a pharmacist or otherwise authorized under this chapter to do so except that a practitioner authorized by law to prescribe drugs may dispense in compliance with this section:

(1) A practitioner who dispenses medicinal drugs for fee or remuneration of any kind, whether direct or indirect, shall:

(a) Register with his professional licensing board as a dispensing practitioner.

(b) Comply with and be subject to all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, chapters 465, 499, and 893 and all federal laws and federal regulations.

(c) Complete 6 hours of continuing education each year. Such courses and programs of continuing education shall be approved by the practitioner's licensing board from a list of courses and programs recommended by a committee composed of one licensed member of the Board of Pharmacy, and one licensed member of the Board of Medical Examiners. Each member shall be appointed by his respective board. A third member shall be chosen by this committee who shall be knowledgeable regarding continuing education of health care professionals.

The registration of any practitioner who has been found by his respective board to have dispensed medicinal drugs in violation of this chapter shall be subject to suspension or revocation.

(2) A practitioner who confines his activities to the dispensing of complimentary packages of medicinal drugs to his own patients in the regular course of his practice, without the payment of fee or remuneration of any kind, whether direct or indirect, shall not be required to register pursuant to this section. The practitioner shall dispense such drugs in the manufacturer's labeled package with the practitioner's name, patient's name, and date dispensed, or if such drugs are not dispensed in the manufacturer's labeled package, they shall be dispensed in a container which bears the following information:

(a) Practitioner's name;

(b) Patient's name;

(c) Date dispensed;

(d) Name and strength of drug; and

(e) Directions for use.

Section 20. Section 465.187 is created to read:

465.187 Sale of medicinal drugs.—The sale of medicinal drugs dispensed upon the order of a practitioner pursuant to this chapter shall be entitled to the exemption from sales tax provided for in s. 212.08.

Section 21. Subsections (4) and (5) of section 499.028, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and new subsections (4), (5), and (8) are added to said section, to read:

499.028 Complimentary drugs; permits to distribute and dispose of drugs.—

(4) The manufacturer, repackager or wholesaler of sample or complimentary packages of medicinal drugs shall upon request provide reports to the department as established by rule. The reports shall include as a minimum for a practitioner to whom such medicinal drugs were supplied, the name of the practitioner, the names of the drugs supplied and the quantity of the drugs supplied. The department shall provide to the Department of Professional Regulation the names of those practitioners who have received an excessive or inappropriate quantity of such drugs.

(5) It is unlawful for any person to sell samples or complimentary packages of drug products.

(8) The department may, pursuant to chapter 120, impose an administrative fine, not to exceed $5,000 per violation per day, for the violation of this provision or rules promulgated under this section Each day such violation continues constitutes a separate violation, and each such separate violation is subject to a separate fine. All amounts collected pursuant to this section shall be deposited into the Drug, Device and Cosmetic Trust Fund. In determining the amount of fine to be levied for a violation, the following factors shall be considered:

(a) The severity of the violation.

(b) Any actions taken by the permittee to correct the violation or to remedy complaints.

(c) Any previous violations.

Section 22. *Section 465.028, Florida Statutes, is hereby repealed.*

Section 23. Section 465.0285, Florida Statutes, is created to read:

The Board of Pharmacy, within existing appropriations, shall request of the National Association of Boards of Pharmacy and member agencies information relating to access to records of prescriptions which have been transferred into this state, in situations in which civil, criminal or administrative action is brought against a Florida licensee or permittee, and the Board shall report the results of such inquiry to the Legislature on or before April 1, 1987.

Section 24. *Notwithstanding the provision of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, chapter 465, Florida Statutes, shall not stand repealed on October 1, 1986, and shall continue in full force and effect as amended herein.*

Section 25. *Chapter 465, Florida Statutes, is repealed on October 1, 1996, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 26. This act shall take effect October 1, 1986, except that those portions of Section 4654.026, F.S., dealing with the transfer of prescriptions on file in another state, shall take effect October 1, 1987, and all other provisions of Section 465.026, F.S., shall take effect on October 1, 1986.

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

Amendment 1A—On page 1, line 14, insert:

Section 1. Section 466.001, Florida Statutes, is amended to read:

466.001 Purpose~~; legislative findings. The Legislature finds that the practice by unskilled dentists or dental hygienists of their professions presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about dentists or dental hygienists and that the consequences of a wrong choice could seriously endanger the public health and safety.~~ The legislative purpose for enacting this chapter is to ensure that every dentist or dental hygienist practicing in this state meets minimum requirements for safe practice. It is the legislative intent that dentists and dental hygienists who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. All provisions of this chapter relating to the practice of dentistry and dental hygiene shall be liberally construed to carry out this purpose and intent.

Section 2. Section 466.002, Florida Statutes, is amended to read:

466.002 Persons exempt from operation of chapter.—Nothing in this chapter shall apply to the following practices, acts, and operations:

(1) The practice of his profession including surgical procedures involving the oral cavity by a physician or surgeon licensed as such under the laws of this state.

(2) *A qualified anesthetist giving an anesthetic for a dental operation under the direct supervision of a licensed dentist.* ~~The giving by a qualified anesthetist of an anesthetic for a dental operation under the direct supervision of a licensed dentist.~~

(3) The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Air Force, Marines, Navy, Public Health Service, Coast Guard, or Veterans' Administration.

(4) The practice of dentistry by licensed dentists of other states or countries at meetings of dental organizations approved by the board, while appearing as clinicians.

(5) Students in Florida schools of dentistry and dental hygiene or dental *assistant* ~~auxiliary~~ educational programs, while performing regularly assigned work under the curriculum of such schools.

(6) Instructors in Florida schools of dentistry or dental hygiene or dental *assistant* ~~auxiliary~~ educational programs, while performing regularly assigned duties under the curriculum of such schools. A full-time dental instructor at a dental school approved by the board may be allowed to practice dentistry at the teaching facilities of such school, upon receiving a teaching permit issued by the board, in strict compliance with such rules as are adopted by the board pertaining to the teaching permit and with the established rules and procedures of the dental school.

Section 3. Subsections (3) and (6) of section 466.003, Florida Statutes, are amended to read:

466.003 Definitions.—As used in this chapter:

(3) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning, and care of conditions within the human oral cavity and its adjacent tissues and structures. ~~and~~ *It* includes the performance or attempted performance of any dental operation, or oral or oral-maxillofacial surgery *and any procedures adjunct thereto*, including physical evaluation directly related to such operation or surgery pursuant to hospital rules and regulations. ~~, or~~ *It also includes* dental service of any kind gratuitously or for any remuneration paid, or to be paid, directly or indirectly, ~~to himself or~~ to any ~~other~~ person or agency. ~~; or~~ *The term "dentistry" shall also include the following:*

(a) The taking of an impression of the human tooth, teeth, or jaws directly or indirectly and by any means or method; ~~or~~

(b) Supplying artificial substitutes for the natural teeth or furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or any other structure designed to be worn in the human mouth except on the written work order of a duly licensed dentist; ~~or~~

(c) The placing of *an* ~~such~~ appliance or structure in the human mouth or *the* adjusting or attempting to adjust the same; ~~or~~

(d) Delivering the same to any person other than the dentist upon whose work order the work was performed; ~~or~~

(e) Professing to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure designed to be worn in the human mouth; ~~or~~

(f) Diagnosing, prescribing, or treating or professing to diagnose, prescribe, or treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws or oral-maxillofacial region; ~~or~~

(g) Extracting or attempting to extract human teeth; ~~or~~

(h) Correcting or attempting to correct malformations of teeth or of jaws; *and* ~~or~~

(i) Repairing or attempting to repair cavities in the human teeth.

(6) "Dental *assistant* ~~auxiliary~~" means a person, other than a dental hygienist, who, under the supervision and authorization of a dentist, provides dental care services directly to a patient. *This term shall not include a certified registered nurse anesthetist licensed under chapter 464.*

Section 4. Section 466.004, Florida Statutes, is amended to read:

466.004 Board of Dentistry.—

(1) To carry out the provisions of this chapter, there is created within the Department of Professional Regulation a Board of Dentistry consisting of *eleven* ~~nine~~ members who shall be appointed by the Governor and subject to confirmation by the Senate. *Seven* ~~Six~~ members of the board shall be licensed dentists actively engaged in the practice of dentistry in this state ~~who are not connected in any way with any medical college, dental college, or community college~~; *two members* ~~one member~~ shall be a licensed dental *hygienists* ~~hygienist~~ actively engaged in the practice of dental hygiene in this state ~~who is not connected in any way with any medical college, dental college, or community college~~; and two members shall be lay persons who are not and have never been dentists, dental hygienists, or members of any closely related profession or occupation. Each dental member of the board shall have been actively engaged in his respective profession for at least 5 years preceding the date of his appointment to the board.

~~(a) Initially, the Governor shall appoint two members for a term of 4 years, three members for a term of 3 years, two members for a term of 2 years, and two members for a term of 1 year. Thereafter, members shall be appointed for 4-year terms.~~

~~(b) The members of the Florida State Board of Dentistry who are serving as of June 30, 1979, shall serve as members of the Board of Dentistry until members are appointed pursuant to paragraph (a).~~

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a), (b) and (c). The department shall provide administrative support to the councils and shall provide public notice of meetings and agenda of the councils. Councils shall include at least one board member who shall chair the council and shall include non-board members. All council members shall be appointed by the board chairman. Council members shall be appointed for 4-year terms and all members shall be eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the chairman of the board and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. The council shall meet twice annually or more often at the request of the board chairman or with the approval of the board chairman or the secretary of the department. The council shall meet for the purpose of developing recommendations to the board on matters pertaining to that part of dentistry consisting of educational, preventive or therapeutic dental hygiene services; dental hygiene licensure, discipline or regulation; and dental hygiene education.

(b) A Council on Dental Assisting shall be appointed by the chairman of the board and shall include one dental member of the board who shall chair the council and three dental assistants who are actively engaged in dental assisting. The council shall meet twice annually or more often at the request of the board chairman or with the approval of the board chairman or the secretary of the department. The council shall meet for the purpose of developing recommendations to the board on matters pertaining to that part of dentistry related to dental assisting.

(c) With the concurrence of the secretary, the chairman of the board may create and abolish other advisory councils relating to dental subjects including but not limited to: examinations, access to dental care, indigent care, nursing home and institutional care, public health, disciplinary guidelines, and other subjects as appropriate. Such councils shall be appointed by the board chairman and shall include at least one board member who shall serve as chairman.

(3)~~(2)~~ The board shall maintain its headquarters in Tallahassee.

(4)~~(3)~~ The board is authorized to adopt all rules necessary to carry out the provisions of this chapter and chapter 455 *including the establishment of a fee to defray the cost of duplicating any license certification or permit, not to exceed $10 per duplication.*

(5)~~(4)~~ The board is authorized to publish and distribute such pamphlets, newsletters, and other publications as are reasonably necessary.

(6)~~(5)~~ All provisions of chapter 455 relating to the board shall apply.

Section 5. Subsections (3), (4) and (5) of Section 466.006, Florida Statutes, are amended to read:

466.006 Examination of dentists.—

(3) If an applicant is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) or of a dental college or school not approved by the board, he shall not be entitled to take the examinations required in this section to practice dentistry until he meets the following requirements:

(a) Furnishes evidence to the board of a score on the examination of the National Board of Dental Examiners taken within 10 years of the date of application, which score is at least equal to the minimum score required for certification by that board. If the applicant fails to attain the score needed for certification on part I of the national board examination in two attempts, or fails to attain the score needed for certification on part II of the national board examination in two attempts, he shall not be entitled to take the laboratory model examination authorized in paragraph (c), except that an applicant who graduated from the University of Havana before 1962 may take both parts of the examination an unlimited number of times.

(b) Submits, upon meeting the requirements of paragraph (a), the following credentials for review by the board:

1. Transcripts of predental education and dental education totaling 7 academic years of postsecondary education, including 4 academic years of dental education; and

2. A dental school diploma.

The board shall not review the credentials specified in this paragraph until the applicant has furnished to the board evidence of satisfactory completion of the National Board of Dental Examiners examination as required by paragraph (a). Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant hereto. The provisions of this paragraph notwithstanding, an applicant who cannot produce the credentials required by this paragraph as a result of political or other conditions in the country in which he received his education may seek approval by the board of his educational background prior to complying with the provisions of paragraph (a) by submitting such other reasonable and reliable evidence as may be set forth by rule of the board in lieu of the credentials required in this paragraph. The board shall not accept such alternative evidence until it has made a reasonable attempt to obtain the credentials required by this paragraph from the educational institutions the applicant is alleged to have attended, unless the board is otherwise satisfied that such credentials cannot be obtained. In addition, the provisions of subparagraph 1. do not apply to applicants who graduated from the University of Havana before 1962.

(c) *Satisfies one of the following:*

1. Completes a program of study, as defined by the board by rule, at an accredited American Dental School and demonstrates receipt of a D.D.S. or D.M.D., or the equivalent, from said school; or

2. Exhibits manual skills on a laboratory model pursuant to rules of the board. The board may charge a reasonable fee, not to exceed $250, to cover the costs of administering the exhibition of competency in manual skills. If the applicant fails to exhibit competent clinical skills in two attempts, he shall not be entitled to take the examinations authorized in subsection (4), except that an applicant who graduated from the University of Havana before 1962 may take the exhibition of competency in manual skills examination an unlimited number of times. *Effective October 1, 1991, no applicant may fulfill the requirements of this paragraph by taking the laboratory model exam. On or after said date, applicants must complete the educational requirements set forth in subparagraph 1.*

The provisions of paragraphs (a) and *subparagraph 1 of paragraph* (c) of this subsection notwithstanding, an applicant who is a graduate of a dental college or school not accredited in accordance with paragraph (2)(b) and who has failed to pass part I or part II of the national board examination in two attempts may take the laboratory model exam required in *subparagraph 1 of* paragraph (c) of this subsection if the board finds that he has taken remedial training in the subject areas in which he tested below standard on said national board examination and that he has subsequently passed that part of such exam which he had previously failed, provided that no applicant shall be entitled to this exception who fails either part of the national board examination a total of three times. Further, an applicant who has failed to pass the laboratory model exam required in *subparagraph 1 of* paragraph (c) of this subsection in two attempts may be allowed by the board to make a third and final attempt if the board finds that he has taken remedial training in clinical subjects in which he tested below standard. Upon passing said laboratory model exam, the applicant may take the licensure examinations required in subsection (4). Further, the educational requirements found in subparagraph (b)1. of this subsection do not apply to persons who began dental education prior to October 1, 1983, and such persons shall be governed by the educational requirements in existence on September 30, 1983.

(4) To be licensed as a dentist in this state, an applicant must successfully complete the following:

(a) A written examination on the laws and rules of the state regulating the practice of dentistry;

(b) A practical or clinical examination, which shall be administered and graded by dentists licensed in this state and employed by the department for just such purpose. The practical examination shall include:

1. Two ~~amalgam~~ restorations, and the board by rule shall determine the class of such restorations and whether they shall be performed on mannequins, live patients, or both. *At least one restoration shall be on a live patient*;

2. A demonstration of periodontal skills on a live patient;

3. *A demonstration of prosthetics and restorative skills in complete and partial dentures and crowns and bridges utilizing practical methods of evaluation, specifically including the evaluation by the candidate of completed laboratory products such as, but not limited to, crowns and inlays filled to prepared model teeth;* ~~A final impression and articulation for a complete dental prosthetic;~~

4. *A demonstration of restorative skills on a mannequin which requires the candidate to complete procedures performed in preparation for a cast restoration;* ~~A cast gold restoration of a class to be determined by board rule on a mannequin, with attendant cast gold laboratory;~~ and

5. A demonstration of endodontic skills ~~on a mannequin~~.

6. If the applicant fails to pass the clinical examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational requirements established by the board; and

(c) A diagnostic skills examination demonstrating ability to diagnose conditions within the human oral cavity and its adjacent tissues and structures from photographs, slides, radiographs, or models pursuant to rules of the board, except that an applicant who graduated from the University of Havana before 1962 shall not be required to take the diagnostic skills examination described in this paragraph. If an applicant fails to pass the diagnostic skills examination in three attempts, he shall not be eligible for reexamination unless he completes additional educational requirements established by the board.

(d) The board may by rule provide for additional procedures which are to be tested; provided such procedures shall be common to the practice of general dentistry. The board by rule shall determine the passing grade for each procedure *and*~~;~~ the acceptable variation for examiners~~, and the point of statistical invalidity of a procedure~~. No such rule shall apply *retroactively* ~~retrospectively~~.

The department shall require a mandatory standardization exercise for all examiners prior to each practical or clinical examination and shall retain for employment only those dentists who have substantially adhered to the standard of grading established at such exercise.

~~(5) On or after August 1, 1979, the practical or clinical examination required in subsection (4) shall test competency in areas to be established by rule of the board. It is the intent of the Legislature that the examinations relate to those procedures which are actually performed by the dentist in a general practice.~~

Section 6. Section 466.007, Florida Statutes, is amended to read:

466.007 Examination of dental hygienists.—

(1) Any person desiring to be licensed as a dental hygienist shall apply to the department to take the licensure examinations and shall verify the information required on the application by oath. The application shall include two recent photographs of the applicant. There shall be a nonrefundable application fee set by the board not to exceed $100 and an examination fee set by the board which shall not be more than $150. The examination fee may be refunded if the applicant is found ineligible to take the examination.

(2) An applicant shall be entitled to take the examinations required in this section to practice dental hygiene in this state if he:

(a) Is 18 years of age or older.

(b) Is a graduate of a dental hygiene college or school approved by the board, *or accredited by the Commission on Accreditation of the American Dental Association, or its successor agency.*

(c) Has successfully completed the National Board of Dental Hygiene examination within 10 years of the date of application.

(3) To be licensed as a dental hygienist in this state, an applicant must successfully complete the following:

(a) A written examination on the laws and rules of this state regulating the practice of dental hygiene.

(b) A practical or clinical examination. ~~On or after August 1, 1979,~~ The practical or clinical examination shall test competency in areas to be established by rule of the board which shall include testing the ability to adequately perform a prophylaxis. *On or after the effective date of this act, every applicant who is otherwise qualified shall be eligible to take*

the examination a total of three times, notwithstanding the number of times the applicant has previously failed. If an applicant fails the examination three times, the applicant shall no longer be eligible to take the examination unless he obtains additional educational requirements established by the board. The department shall require a mandatory standardization exercise *pursuant to s. 455.217(1)(b),* for all examiners prior to each practical or clinical examination and shall retain for employment only those dentists and dental hygienists who have substantially adhered to the standard of grading established at such exercise. It is the intent of the Legislature that the examinations relate to those procedures which are actually performed by a dental hygienist in general practice.

Section 7. Subsections (1) and (2) of section 466.0135, Florida Statutes, are amended to read:

466.0135 Continuing education; dentists.—

(1) In addition to the other requirements for *renewal* ~~relicensure~~ set out in this chapter, each licensed dentist shall be required to complete biennially not less than 30 hours of continuing professional education in dental subjects. Programs of continuing education shall be programs of learning that contribute directly to the dental education of the dentist and may include, but shall not be limited to, attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and research, graduate study, teaching, or service as a clinician. Programs of continuing education shall be acceptable when adhering to the following general guidelines:

(a) The aim of continuing education for dentists is to improve all phases of dental health care delivery to the public.

(b) Continuing education courses shall *address* ~~encompass~~ one or more of the following *areas of* professional development ~~courses~~, including, but not limited to:

1. Basic medical and scientific subjects, including, but not limited to, biology, physiology, pathology, biochemistry, and pharmacology;

2. Clinical and technological subjects, including, but not limited to, clinical techniques and procedures, materials, and equipment; and

3. Subjects pertinent to oral health and safety.

(c) Continuing education credits shall be earned at the rate of one-half credit hour per 25-30 contact minutes of instruction and one credit hour per 50-60 contact minutes of instruction.

(2) Programs meeting the general requirements of subsection (1) may be developed and offered to dentists by any of the following agencies or organizations:

(a) The American Dental Association, the *National* ~~Florida~~ Dental Association, and *state,* district or local dental associations and societies affiliated with the American Dental Association *or the National Dental Association.*

(b) National, state, district, or local dental specialty organizations affiliated with the American Dental Association.

(c) Dental colleges or schools accredited as provided in this chapter.

(d) Other organizations, schools, or agencies approved by the board.

Section 8. Section 466.014, Florida Statutes, is amended to read:

466.014 Continuing education*; dental hygienists.*—In addition to the other requirements for relicensure for dental hygienists set out in this act, the board shall require each licensed dental hygienist to complete not less than 24 hours or more than 36 hours of continuing professional education in dental subjects, biennially, in programs prescribed or approved by the board or in equivalent programs of continuing education. Programs of continuing education approved by the board shall be programs of learning which, in the opinion of the board, contribute directly to the dental education of the dental hygienist. The board shall adopt rules and guidelines to administer and enforce the provisions of this section. *In applying for license renewal, the dental hygienist shall submit a sworn affidavit, on a form acceptable to the department, attesting that he has completed the continuing education required in this section in accordance with the guidelines and provisions of this section and listing the date, location, sponsor, subject matter, and hours of completed continuing education courses. The applicant shall retain in his records such receipts, vouchers, or certificates as may be necessary to document completion of the continuing education courses listed in accordance with this subsection. With cause, the board may request such documentation by the applicant, and the board may request such documentation from applicants selected at random without cause.* ~~Proof of completion of the required number of hours of continuing education shall be submitted to the board biennially by each dental hygienist, with his renewal certificate fee, on forms provided by the board.~~ Compliance with the continuing education requirements shall be mandatory for issuance of the renewal certificate. The board shall have the authority to excuse licensees, as a group or as individuals, from the continuing educational requirements, or any part thereof, in the event an unusual circumstance, emergency, or hardship has prevented compliance with this subsection.

Section 9. Section 466.015, Florida Statutes, is amended to read:

466.015 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to *this section* ~~s. 466.013~~ upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed *15* ~~12~~ classroom hours for each year the license was inactive. Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for *reactivation* ~~renewal~~ of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the *inactive* license, the department shall give notice to the licensee *at the licensee's last address of record.*

(2) The board shall promulgate rules relating to *application procedures for inactive status, the renewal of inactive licenses, and for the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a biennial renewal fee for inactive status, and a fee for the reactivation of a license. Each of these fees shall be the same as the biennial renewal fee established by the board for an active license.* ~~licenses which have become inactive and for the renewal of inactive licenses. The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.~~

(3) The department shall not reactivate a license unless the inactive licensee has paid an inactive application fee, any applicable biennial renewal fee, and a reactivation fee.

Section 10. Section 466.017, Florida Statutes, is amended to read:

466.017 Prescription of drugs; anesthesia.—

(1) A dentist shall have the right to prescribe drugs or medicine, subject to limitations imposed by law; perform surgical operations within the scope of his practice and training; administer general or local anesthesia or sedation, subject to limitations imposed by law; and use such appliances as may be necessary to the proper practice of dentistry.

(2) *Pharmacists licensed pursuant to chapter 465* ~~Druggists in this state~~ may fill prescriptions of legally licensed dentists in this state for any drugs necessary for the practice of dentistry.

(3) The board shall adopt rules which:

(a) Define general anesthesia.

(b) Specify which general or local anesthesia or sedation, if any, are limited or prohibited for use by dentists.

(c) Establish minimal training, education, experience, or certification for a dentist to use general anesthesia or sedation, which rules may exclude, in the board's discretion, those dentists using general anesthesia or sedation in a competent and effective manner as of the effective date of the rules.

(d) Establish further requirements relating to the use of general anesthesia or sedation, including, but not limited to, office equipment and the training of dental *assistants* ~~auxiliaries~~ or dental hygienists who work with dentists using general anesthesia or sedation.

(e) Establish an administrative mechanism enabling the board to verify compliance with training, education, experience, equipment, or certification requirements of dentists, dental hygienists, and dental *assistants* ~~auxiliaries~~ adopted pursuant to this subsection. The board may

charge a fee to defray the cost of verifying compliance with requirements adopted pursuant to this paragraph.

(f) A licensed dentist who has been utilizing general anesthesia on a regular and routine basis in a competent and effective manner for a 10-year period preceding January 1, 1986, shall be deemed to have fulfilled the training requirements required by this subsection for general anesthesia.

(g) A licensed dentist who has been utilizing parenteral conscious sedation on an outpatient basis on a regular and routine basis in a competent and effective manner for the 3-year period preceding January 31, 1986, shall be deemed to have fulfilled the training requirements required by this subsection for parenteral conscious sedation.

(h) A dentist may, pursuant to rule of the Board delegate to a licensed dental hygienist with supplemental education as prescribed by the Board and under direct supervision, the task of administering local topical anesthesia.

(4) A dentist who administers or employs the use of any form of anesthesia must possess a certification in advanced cardiac life support approved by the American Heart Association or the American Red Cross or the equivalent agency-sponsored cardiopulmonary resuscitation course with recertification every 2 years. Each dental office which uses any form of anesthesia must have immediately available and in good working order such resuscitative equipment, oxygen, and other resuscitative drugs as specified by rule of the board in order to manage possible adverse reactions.

(5)~~(4)~~ A licensed dentist may utilize an X-ray machine, expose dental X-ray films, and interpret or read such films. The provisions of part V of chapter 468 to the contrary notwithstanding, a licensed dentist may authorize or direct a dental *assistant* ~~auxiliary~~ to operate such equipment and expose such films under his direction and supervision, pursuant to rules adopted by the board in accordance with s. 466.024 which ensure that said *assistant* ~~auxiliary~~ is competent by reason of training and experience to operate said equipment in a safe and efficient manner. *The board may charge a fee not to exceed $20 to defray the cost of verifying compliance with requirements adopted pursuant to this section.*

Section 11. Section 466.018, Florida Statutes, is amended to read:

466.018 Dentist of record*; patient records.*—

(1) Each patient shall have a dentist of record. The dentist of record shall remain primarily responsible for all dental treatment on such patient regardless of whether the treatment is rendered by the dentist himself or by another dentist, dental hygienist, or dental auxiliary rendering such treatment in conjunction with, at the direction or request of, or under the supervision of such dentist of record. The dentist of record shall be identified in the record of the patient. If treatment is rendered by a dentist other than the dentist of record or by a dental hygienist or auxiliary, the name or initials of such person shall be placed in the record of the patient. In any disciplinary proceeding brought pursuant to this chapter or chapter 455, it shall be presumed as a matter of law that treatment was rendered by the dentist of record unless otherwise noted on the patient record pursuant to this section. *The dentist of record and any other treating dentist is subject to discipline pursuant to this chapter or chapter 455 for treatment rendered the patient and performed in violation of such chapter. One of the* ~~The~~ purposes of this section *is* ~~are~~ to *ensure that the* ~~assign primary~~ responsibility for each patient *is assigned* to one dentist in a multidentist practice of any nature and to assign primary responsibility to the dentist for treatment rendered by a dental hygienist or *assistant* ~~auxiliary~~ under his supervision. This section shall not be construed to assign any responsibility to a dentist of record for treatment rendered pursuant to a proper referral to another dentist not in practice with the dentist of record or to prohibit a patient from voluntarily selecting a new dentist without permission of the dentist of record.

(2) If the dentist of record is not identified in the patient record as required by subsection (1), it shall be presumed as a matter of law that the dentist of record is the owner of the dental practice in which the patient was treated. Further, the dentist of record in a multidentist practice shall not change unless the subsequent treating dentist acknowledges in writing in the record that he is now the dentist of record for the patient. It shall be presumed as a matter of law that a new dentist of record has taken or reviewed the patient's medical history and dental records; that he has examined the patient; and that he has either developed a new treatment plan or has agreed to continue the preexisting treatment plan. However, the dentist of record shall be changed when the dentist of record leaves the practice where the treatment was being rendered and the patient elects to continue treatment in the office where treatment began.

(3) Every dentist shall maintain written dental records and medical history records which justify the course of treatment of the patient. The records shall include, but not be limited to, patient history, examination results, test results, and, if taken, X-rays.

(4) In a multidentist practice of any nature, the owner dentist shall maintain either the original or a duplicate of all patient records, including dental charts, patient histories, examination and test results, study models, and X-rays, of any patient treated by a dentist, at the owner dentist's practice facility. The purpose of this requirement is to impose a duty upon the owner of a multidentist practice to maintain patient records for all patients treated at the owner's practice facility whether or not the owner was involved in the patient's treatment. This subsection does not relieve the dentist of record in a multidentist practice of the responsibility to maintain patient records. An owner dentist of a multidentist practice may be relieved of the responsibility to maintain the original or duplicate patient records for patients treated at the owner dentist's practice facility, if, upon request of the patient or the patient's legal representative, he transfers custody of the records to another dentist, the patient, or the patient's legal representative and retains, in lieu of the records, a written statement, signed by the owner dentist, the person who received the records, and two witnesses, that lists the date, the records that were transferred, and the persons to whom the records were transferred. Further, the dentist of record may be relieved of the responsibility to maintain the original or duplicate patient records if he leaves the practice where the treatment was rendered, transfers custody of the records to the owner of the practice, and retains, in lieu of the records, a written statement, signed by the dentist of record, the owner of the practice, and two witnesses, that lists the date and the records that were transferred. The owner dentist shall provide reasonable access to duplicate records at cost.

(5) All patient records kept in accordance with this section shall be maintained for a period of 4 years from the date of the patient's last appointment.

Section 12. Section 466.019, Florida Statutes, is amended to read:

466.019 Advertising by dentists.—

(1) The purpose of this section is to *ensure that* ~~authorize the advertisement by dentists of information which is intended to provide~~ the public *has access to information which provides a* ~~with a~~ sufficient basis upon which to make an informed selection of dentists while *also ensuring that* ~~protecting~~ the public *is protected* from false or misleading advertisements which would detract from a fair and rational selection process. The board shall adopt rules to carry out the intent of this section, the purpose of which shall be to regulate the manner of such advertising in keeping with the provisions hereof.

~~(2) A dentist may advertise in accordance with the provisions of this chapter and with rules of the board adopted pursuant hereto. Advertising on radio and television shall be in accordance with rules adopted by the board which reflect the special characteristics of said media and which are in keeping with subsection (1). Each advertisement in any media shall contain the name, address, and telephone number of the dentist and of other dentists with whom the dentist is associated and may contain the names of the dental hygienists associated with said dentists. In addition, such advertising may contain the following information:~~

~~(a) Any specialty recognized by the board to which the dentist confines his practice if such dentist has the required academic specialty education or if he is a diplomate of one or more national specialty boards which are recognized by the Board of Dentistry.~~

~~(b) Office hours.~~

~~(c) Fees charged for routine dental services as delineated in subsection (3), in which case said advertisement shall also include a statement that the fee advertised is the minimum fee to be charged for such service and that the actual fee may vary depending upon the degree of complexity involved in a given case. Such statement shall be no less prominent than the general text of the advertisement.~~

~~(3) The advertisement of fees pursuant to paragraph (2)(c) shall be limited to the following routine dental services:~~

~~(a) Examinations.~~

~~(b) Diagnosis.~~

~~(c) Treatment planning.~~

~~(d) Prophylaxis.~~

~~(e) Radiographs.~~

~~(f) Simple extractions.~~

~~(g) Basic full upper or lower dentures, or both.~~

~~(h) Such other procedures which are determined by the board by rule to be routine dental services.~~

~~The board shall establish by rule a definition of what constitutes each of the services enumerated in this subsection, and said definitions shall be in keeping with the definition of "routine dental services" provided in subsection (4).~~

~~(4) For purposes of this section, a "routine dental service" is a procedure which:~~

~~(a) Is considered basic and common to the practice of the general dentist or to the respective dental specialty.~~

~~(b) May reasonably be expected to be performed on a regular or routine basis.~~

~~(c) Does not usually involve a significant degree of variation in terms of the procedure utilized and the level of difficulty encountered in carrying out such service.~~

~~(d) Is suitable for advertising in keeping with the purposes of this section as set forth in subsection (1) in terms of providing the public with a rational basis upon which to make an informed selection of dentists.~~

(2)~~(5)~~ No advertisement by a licensed dentist shall contain any false, fraudulent, misleading, *or* deceptive~~, or unfair~~ statement or claim or any statement or claim which:

(a) Contains misrepresentations of fact;

(b) Is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

(c) Contains laudatory statements about the dentist or group of dentists;

(d) Is intended or is likely to create false, unjustified expectations of favorable results;

(e) Relates to the quality of dental services provided *as compared to other available dental services*;

(f) Is intended or is likely to appeal primarily to a layperson's fears; ~~or~~

(g) Contains fee information without a disclaimer that such is a minimum fee only; or

(h)~~(g)~~ Contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or to be deceived.

Section 13. Section 466.023, Florida Statutes, is amended to read:

466.023 Dental hygienists; scope and area of practice.—

(1) Dental hygienists may remove calculus deposits, accretions, and stains from exposed surfaces of the teeth and from the gingival sulcus; perform root planing and curettage; expose dental X-ray films; apply topical preventive or prophylactic agents; and perform all tasks delegable by the dentist in accordance with s. 466.024. The board by rule shall determine whether such functions shall be performed under the direct, indirect, or general supervision of the dentist.

(2) Dental hygienists may perform their duties:

(a) In the office of a licensed dentist;

(b) In public health programs and institutions of the Department of Health and Rehabilitative Services under the general supervision of a licensed dentist; or

(c) Upon a patient of record of a dentist who has issued a prescription for the services of a dental hygienist, which prescription shall be valid for 2 years unless a shorter length of time is designated by the dentist, in:

1. Licensed public and private health facilities;

2. Other public institutions of the state and federal government;

3. Public and private educational institutions;

4.~~3.~~ The home of a nonambulatory patient; and

5.~~4.~~ Other places in accordance with the rules of the board.

However, the dentist issuing such prescription shall remain responsible for the care of such patient. As used in this subsection, "patient of record" means a patient upon whom a dentist has taken a complete medical history, completed a clinical examination, recorded any *pathological conditions* ~~pathology or disease~~, and prepared a treatment plan.

(3) Dental hygienists may, without supervision, provide educational programs, faculty or staff training programs, authorized fluoride rinse programs, and other services *which do not involve diagnosis or treatment of dental conditions and which services are* ~~as~~ approved by rule of the board. ~~, in:~~

~~(a) Public, private, and parochial schools licensed by the Department of Education; and~~

~~(b) Private, nonprofit, charitable, community, and eleemosynary institutions and programs.~~

(4) The board by rule may limit the number of dental hygienists *or* ~~and~~ dental *assistants* ~~auxiliaries~~ *to be supervised by a dentist* ~~who work under the supervision of a dentist or~~ ~~who~~ *if they* perform expanded duties *requiring direct or indirect supervision* pursuant to the provisions of this chapter. *The purpose of the limitation shall be to protect the health and safety of patients and to ensure that procedures which require more than general supervision be adequately supervised.* However, the Department of Health and Rehabilitative Services and public institutions approved by the board shall not be so limited as to the number of dental hygienists or dental auxiliaries working under the supervision of a licensed dentist.

(5) Dental hygienists are exempt from the provisions of part V of chapter 468.

Section 14. Section 466.022, Florida Statutes, is created to read:

466.022 Peer review; records; immunity.—

(1) The legislature finds that effective peer review of consumer complaints by professional associations of dentists is a valuable service to the public. In performing such service, any member of a peer review organization or committee shall, pursuant to s. 466.028(1)(f), report to the department the name of any licensee who he believes has violated this chapter. Any such peer review committee member shall be afforded the privileges and immunities of any other complainant or witness which are provided by s. 455.225(10). Furthermore, a professional organization or association of dentists which sponsors, sanctions, or otherwise operates or participates in peer review activities is hereby afforded the same privileges and immunities afforded to any member of a duly constituted medical review committee by s. 764.40(3).

(2) Information obtained from the official records of peer review organizations or committees shall not be subject to discovery or introduction into evidence in any disciplinary proceeding against a licensee. Further, no person who voluntarily serves on a peer review committee or who investigates a complaint for the committee shall be permitted or required to testify in any such disciplinary proceeding as to any evidence or other matters produced or presented during the proceedings of such organization or committee or as to any findings, recommendations, evaluations, opinions, or other actions of such organization or committee or any members thereof. However, nothing in this section shall be construed to mean that information, documents, or records otherwise available and obtained from original sources are immune from discovery or use in any such disciplinary proceeding merely because they were presented during proceedings of a peer review organization or committee. Members of peer review organizations shall assist the department in identification of such original sources where possible.

(3) Peer review information obtained by the department as background information shall remain confidential and shall not be subject to the provisions of s. 266.011 regardless of whether probable cause is found. The provisions of s. 768.40 shall continue to apply in full notwithstanding the fact that peer review information becomes available to the department pursuant to this chapter. For the purpose of this section, official records of peer review organizations or committees means correspondence between the dentist who is the subject of the complaint and the organization, correspondence between the complainant and the organization; diagnostic data, treatment plans and radiographs used by investigators or otherwise relied upon by the organization or committee; results of patient examinations; interviews; evaluation worksheets, recommendation worksheets; and peer review report forms.

Section 15. Section 466.024, Florida Statutes, is amended to read:

466.024 Delegation of duties; expanded functions.—

(1) A dentist may not delegate irremediable tasks to a dental hygienist or dental *assistant* ~~auxiliary~~, except as provided by law. A dentist may delegate remediable tasks to a dental hygienist or dental *assistant* ~~auxiliary~~ when such tasks pose no ~~present or future~~ risk to the patient. A dentist may only delegate remediable tasks so defined by law or rule of the board. The board by rule shall designate which tasks are remediable and delegable, except that the following are by law found to be remediable and delegable:

(a) Taking impressions for study casts but not for the purpose of fabricating any intra-oral restorations or orthodontic appliance.

(b) Placing periodontal dressings.

(c) Removing periodontal or surgical dressings.

(d) Removing sutures.

(e) Placing or removing rubber dams.

(f) Placing or removing matrices.

(g) Placing or removing temporary restorations.

(h) Applying cavity liners, varnishes, or bases.

(i) Polishing amalgam restorations.

(j) Polishing clinical crowns of the teeth for the purpose of removing stains but not changing the existing contour of the tooth.

(k) Obtaining bacteriological cytological specimens not involving cutting of the tissue.

Nothing in this subsection shall be construed to limit delegable tasks to those specified therein.

(2) Notwithstanding subsection (1), a dentist may delegate the tasks of gingival curettage and root planing to a dental hygienist but not to a dental *assistant* ~~auxiliary~~.

(3) All other remediable tasks shall be performed under the direct, indirect, or general supervision of a dentist, as determined by rule of the board, and after such formal or on-the-job training by the dental hygienist or dental *assistant* ~~auxiliary~~ as the board by rule may require. The board by rule may establish a certification process for expanded-duty dental *assistants* ~~auxiliaries~~, establishing such training or experience criteria or examinations as it deems necessary and specifying which tasks may be delegable only to such *assistants* ~~auxiliaries~~. If the board does establish such a certification process, the department shall implement the application process for such certification and administer any examinations required.

(4) Notwithstanding subsection (1), a dentist may not delegate to anyone other than another licensed dentist:

(a) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician.

(b) Any diagnosis for treatment or treatment planning.

(5) Notwithstanding any other provision of law, a dentist is primarily responsible for all procedures delegated by him.

(6) *No* ~~Effective July 1, 1980, no~~ dental *assistant* ~~auxiliary~~ shall perform an intra-oral procedure except after such formal or on-the-job training as the board by rule shall prescribe.

Section 16. Subsection (3) of section 466.025, Florida Statutes, is amended to read:

466.025 Dental interns; institutional dentists and nonprofit corporations; issuance and revocation of permits.—

(3) The department shall have the authority, upon presentation of satisfactory credentials and under such rules as the board may prescribe, to issue a permit to a nonprofit corporation chartered for one or more of the following purposes:

(a) Training and teaching dental *assistants* ~~auxiliaries~~ in the public schools of the state.

(b) Promoting research and training among duly licensed dentists in the state.

(c) Providing dental care for indigent persons.

Such nonprofit corporations shall function pursuant to rule of the board. The board shall have the power to revoke the permit issued to any such corporations for any violation of the rules. Such permits shall be granted and issued for a period of 1 year and shall be renewed only upon application and approval of the board and upon a showing by the nonprofit corporation that it is complying and will comply with the rules and regulations and all provisions prescribed by the board.

Section 17. Section 466.026, Florida Statutes, is amended to read:

466.026 Prohibitions; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing dentistry or dental hygiene unless the person has an appropriate, active license issued by the department pursuant to this chapter.

(b) Using or attempting to use a license issued pursuant to this chapter which license has been suspended or revoked.

(c) Knowingly employing any person to perform duties outside the scope allowed such person under this chapter or the rules of the board.

(d) Giving false or forged evidence to the department or board for the purpose of obtaining a license.

(e) Selling or offering to sell a diploma conferring a degree from a dental college or dental hygiene school or college, or a license issued pursuant to this chapter, or procuring such diploma or license with intent that it shall be used as evidence of that which the document stands for, by a person other than the one upon whom it was conferred or to whom it was granted.

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Using the name or title "dentist," the letters "D.D.S." or "D.M.D.," or any other words, letters, title, or descriptive matter which in any way represents a person as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the teeth or jaws or oral-maxillofacial region, unless the person has an active dentist's license issued by the department pursuant to this chapter.

(b) Using the name "dental hygienist" or the initials "R.D.H.," or otherwise holding himself out as an actively licensed dental hygienist or implying to any patient or consumer that he is an actively licensed dental hygienist unless that person has an active dental hygienist's license issued by the department pursuant to this chapter.

(c) Presenting as his own the license of another.

~~(d) Giving false or forged evidence to the department or board for the purpose of obtaining a license.~~

~~(e) Selling or offering to sell a diploma conferring a degree from a dental college or dental hygiene school or college, or a license issued pursuant to this chapter, or procuring such diploma or license with intent that it shall be used as evidence of that which the document stands for, by a person other than the one upon whom it was conferred or to whom it was granted.~~

(d)~~(f)~~ Knowingly concealing information relative to violations of this chapter.

(e)~~(g)~~ Performing any services as a dental *assistant* ~~auxiliary~~, as defined herein, except in the office of a licensed dentist, unless authorized *by this chapter or* by rule of the board.

Section 18. Section 466.028, Florida Statutes, is amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery, fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which relates to the practice of dentistry or dental hygiene. Any plea of nolo contendere shall be considered a finding of guilt for purposes of this chapter.

(d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content ~~or which is~~ contrary to s. 466.019 or rules of the board adopted pursuant thereto.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows, or has reason to believe, is *clearly* in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene contrary to this chapter or to a rule of the department or the board.

(h) Being employed by any corporation, organization, group, or person other than a dentist or professional association composed of dentists; however, a dentist may be employed by a corporation or group for purposes of providing services to the employees and members of such corporation or group and to members of their immediate families, *and a corporation may employ a hygienist if it has employed a dentist to provide supervision pursuant to this chapter.*

(i) Failing to perform any statutory or legal obligation placed upon a licensee.

(j) Making or filing a report which the licensee knows to be false, ~~intentionally or negligently~~ failing to file a report or record required by state or federal law, *knowingly* ~~willfully~~ impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensee.

(k) Committing any act which would constitute sexual battery, as defined in chapter 794, upon a patient or intentionally touching the sexual organ of a patient.

(l) Making deceptive, untrue, or fraudulent representations in the practice of dentistry.

(m) Failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, ~~and~~ test results, *and X-rays if taken.*

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or of a third party, which includes, but is not limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form also states "This prescription may be filled at any pharmacy of your choice."; or paying or receiving any commission, bonus, kickback, or rebate; or engaging in any split-fee arrangement in any form whatsoever with a dentist, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, dentists, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a dentist from receiving a fee for professional consultation services.

(o) Failing to make available to a patient or client, or to his legal representative *or to the department if authorized in writing by the patient,* copies of documents in the possession or under control of the licensee which relate to the patient or client.

(p) Performing professional services which have not been duly authorized by the patient or client, or his legal representative, except as provided in ss. 768.13 and 768.46.

(q) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist. For the purposes of this paragraph, it shall be legally presumed that prescribing, procuring, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to his intent.

(r) Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by a dentist to himself, except those prescribed, dispensed, or administered to the dentist by another practitioner authorized to prescribe them.

(s) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug or a compound designated as a Schedule II controlled substance, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.

(t) Being unable to practice his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. *In enforcing this paragraph, the department shall have, upon a finding of the secretary or his designee that probable cause exists to believe that the licensee is unable to practice dentistry or dental hygiene because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011.* ~~In enforcing this paragraph, the department shall have, upon a finding of probable cause, authority to compel a licensee to submit to a mental or physical examination by a qualified person or persons designated by the department. The failure of a licensee to submit to such examination when so directed constitutes an admission of the allegations against him, upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his control.~~ A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of his profession with reasonable skill and safety to patients.

(u) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene.

(v) Failure to provide and maintain reasonable sanitary facilities and conditions.

(w) Failure to provide adequate radiation safeguards.

(x) Performing any procedure or prescribing any therapy which, by the prevailing standards of dental practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(y) Being guilty of incompetence *or negligence* by failing to meet the minimum standards of performance in diagnosis and treatment when measured against generally prevailing peer performance, including, but not limited to, the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience *or being guilty of dental malpractice. As used in this paragraph, "dental malpractice" includes, but is not limited to, three or more claims within the previous 5-year period which resulted in indemnity being paid, or any single indemnity paid in excess of $5,000 in a judgment or settlement, as a result of negligent conduct on the part of the dentist.*

(z) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the

licensee knows or has reason to know that he is not competent to perform.

(aa) Delegating professional responsibilities to a person *who* ~~when the licensee delegating such responsibilities knows, or has reason to know, that such person~~ is not qualified by training, experience, or licensure to perform them.

(bb) The violation or the repeated violation of this chapter, chapter 455, or any rule promulgated pursuant to chapter 455 or this chapter; or the violation of a lawful order of the board or department previously entered in a disciplinary hearing; or failure to comply with a lawfully issued subpoena of the board or department.

(cc) Conspiring with another licensee or with any person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(dd) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication.

(ee) Presigning blank prescription ~~forms~~ *or laboratory work order forms.*

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(gg) Operating or causing to be operated, a dental office in such a manner as to result in dental treatment that is below minimum acceptable standards of performance for the community. This includes, but is not limited to, the use of substandard materials or equipment, the imposition of time limitations within which dental procedures are to be performed, or the failure to maintain patient records as required by this chapter.

(hh) Administering anesthesia in a manner which violates rules of the board adopted pursuant to s. 466.017.

(2) When the board finds any applicant or licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed *$3,000* ~~$1,000~~ for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or demonstrate his competency through a written or practical examination or to work under the supervision of another licensee.

(f) Restricting the authorized scope of practice.

(3) There shall be a minimum 6-month suspension of the license of a dentist who is convicted of a violation of paragraph (1)(aa).

(4) The department shall reissue the license of a disciplined licensee upon certification by the board that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(5) In addition, if the department finds that an applicant has a complaint filed against him in another jurisdiction, the board may deny the application pending final disposition of the complaint.

(6) Upon the department's receipt from the Department of Insurance of the name of a dentist with any indemnity paid in excess of $5,000 in a judgment or settlement or any dentist having three or more claims for dental malpractice within the previous 5-year period which resulted in indemnity being paid, the department shall investigate the occurrence upon which the claims were based and determine if action by the department against the dentist is warranted.

Section 19. Subsection (1) of section 466.0285, Florida Statutes, is amended to read:

466.0285 Proprietorship by nondentists.—

(1) No person other than a dentist licensed pursuant to this chapter may:

(a) Employ a dentist or dental hygienist in the operation of a dental office;

(b) Control the use of any dental equipment or material while such equipment or material is being used for the provision of dental services whether those services are provided by a dentist, a dental hygienist, or a dental assistant.

Any lease agreement, rental agreement, or other arrangement between a non-dentist and a dentist whereby the non-dentist provides the dentist with dental equipment or dental materials shall contain a provision whereby the dentist expressly maintains complete care, custody and control of the equipment or practice.

~~(b) Place in the possession of a dentist, dental hygienist, or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment, or office; or~~

~~(c) Retain the ownership or control of dental equipment or material or a dental office and make the same available in any manner for the use of a dentist, dental hygienist, or other agent.~~

~~However, nothing in this subsection shall apply to a bona fide sale of dental equipment, material, or office secured by a chattel mortgage or retain title agreement, or to an agreement for the rental of the equipment or office by a bona fide lease at a reasonable amount, and under which agreement a licensee under this chapter maintains complete care, custody, and control of the equipment and his practice. Further, nothing in this section shall apply to the otherwise lawful functions of accredited educational institutions or public agencies, nor shall prevent the disposition of the estate of a deceased licensee by his heirs or their agent.~~

Section 20. Section 466.031, Florida Statutes, is amended to read:

466.031 "Dental laboratory" defined.—The term "dental laboratory" as used in this chapter ~~shall be deemed to~~:

(1) Includes ~~Include~~ any person, firm, or corporation who:

~~(1)~~ performs for a fee of any kind, gratuitously or otherwise, directly or through an agent or employee, by any means or method, or who in any way supplies or manufactures artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, or reproduces or repairs any prosthetic denture, bridge, or appliance to be worn in the human mouth or who in any way holds itself out as a dental laboratory. ~~;~~

(2) *Excludes* ~~Shall be those individual~~ dental laboratory technicians~~, excluded from the provisions of s. 466.032,~~ who construct or repair dental prosthetic appliances in the office of a licensed dentist for such dentist only and under his supervision and work order.

Section 21. Section 466.032, Florida Statutes, is amended to read:

466.032 Registration.—

(1) Every person, firm, or corporation operating a dental laboratory in this state shall~~, by January 1 of each year,~~ register *biennially* with the department on forms to be provided by the department and, at the same time, pay to the department a registration fee of *$20* ~~$10~~ for which the department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of *2 years* ~~1 year~~.

(2) Upon the failure of any dental laboratory operator to comply with subsection (1), the department shall notify him by registered mail, *within 1 month after the registration renewal date* ~~February 1~~, return receipt requested, at his last known address, of such failure and inform him of the provisions of subsections (3) and (4).

(3) Any dental laboratory operator who has not complied with subsection (1) *within 3 months after the registration renewal date* ~~by March~~

~~1 of any year~~ shall be required to pay a delinquency fee of $25 in addition to the regular ~~annual~~ registration fee.

(4) The department is authorized to commence and maintain proceedings to enjoin the operator of any dental laboratory who has not complied with *this section* ~~subsection (1) by March 1 of any year~~ from operating a dental laboratory in this state until he has obtained a registration certificate and paid the required fees.

Section 22. *Section 466.0395, Florida Statutes, is hereby repealed.*

Section 23. *Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, chapter 466, Florida Statutes, shall not stand repealed on October 1, 1986, and shall continue in full force and effect as amended herein.*

Section 24. *Chapter 466, Florida Statutes, is repealed on October 1, 1996, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 25. This act shall take effect October 1, 1986.

Amendment 1B—On page 1, line 14, insert:

Section 12. Section 466.021, Florida Statutes, is amended to read:

466.021 Employment of unlicensed persons by dentist; penalty.—Every duly licensed dentist who uses the services of any unlicensed person for the purpose of constructing, altering, repairing, or duplicating any denture, partial denture, bridge splint, or orthodontic or prosthetic appliance shall be required to furnish such unlicensed person with a written work order in such form as shall be approved by the department. This form shall be supplied to the dentist by the department at a cost not to exceed that of printing and handling. The work order blanks shall be assigned to individual dentists and are not transferable. This form shall be dated and signed by such dentist and shall include the patient's name or number with sufficient descriptive information to clearly identify the case for each separate and individual piece of work; said work order shall be made in duplicate form, the duplicate copy to be retained in a permanent file in the dentist's office for a period of 2 years, and the original to be retained in a permanent file for a period of 2 years by said unlicensed person in his place of business. Such permanent file of work orders to be kept by such dentist or by such unlicensed person shall be open to inspection at any reasonable time by the department or its duly constituted agent. Failure of the dentist to keep such permanent records of said work orders shall subject the dentist to suspension or revocation of his license to practice dentistry. Failure of such unlicensed person to have in his possession a work order as above defined shall be admissible evidence of a violation of this chapter and shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Nothing in this section shall preclude a registered dental laboratory from working for another registered dental laboratory, provided that such work is performed pursuant to written authorization, in a form to be prescribed by rule of the department, which evidences that the originating laboratory has obtained a valid work order and which sets forth the work to be performed. *Nothing in this section shall be construed to permit any such registered dental laboratory to perform any direct personal dental service for a patient; but such registered dental laboratory may assist a dentist in the selection of shades for the matching of prosthetic devices when such dentist sends the patient to any such registered dental laboratory with a written work order as described in this section.* Furthermore, nothing in this section shall preclude a registered laboratory from providing its services to dentists licensed and practicing in another state, provided that such work is requested or otherwise authorized in written form which clearly identifies the name and address of the requesting dentist and which sets forth the work to be performed.

(Renumber subsequent sections.)

Senator Frank moved the following amendment to Amendment 1:

Amendment 1C—On page 1, line 14, insert:

Section 1. Section 463.001, Florida Statutes, is amended to read:

463.001 Purpose; legislative findings; intent.—

(1) The Legislature finds that the practice of optometry is declared a health care profession. Unskilled and incompetent practitioners present a danger to the public health, ~~and~~ safety, *and welfare*. The Legislature finds further that it is difficult for the public to make an informed choice when selecting *a licensed practitioner* ~~an optometrist~~ and that the consequences of a wrong choice could seriously endanger the public health, ~~and~~ safety, *and welfare*. The Legislature declares that ~~the only way to protect~~ the public *is protected* from the incompetent practice of optometry *by* ~~is through~~ the establishment of minimum qualifications for entry into the profession and through swift and effective discipline for those practitioners who violate the law.

(2) The sole legislative purpose in enacting this chapter is to ensure the protection of the public health, ~~and~~ safety, *and welfare*.

(3) Nothing in this chapter shall be construed to prevent a person licensed under chapter 458, chapter 459, or *part I of chapter 484* ~~chapter 464~~ from performing those services which he is licensed to perform ~~or delegating to his supportive personnel those services which he is licensed to perform~~.

Section 2. Section 463.002, Florida Statutes, is amended to read:

463.002 Definitions.—As used in this chapter:

(1) "Board" means the Board of Optometry.

(2) "Department" means the Department of Professional Regulation.

(3) *"Licensed Practitioner"* ~~"Optometrist"~~ means a person who is licensed to engage in the practice of optometry in this state under the authority of this chapter.

(4) "Optometry" means the diagnosis of the human eye and its appendages; the employment of any objective or subjective means or methods for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological, or anatomic anomalies of the human eyes and their appendages; and the prescribing and employment of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, light frequencies, and any other means or methods for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages. *An optometrist may only use topically applied ophthalmic preparations for non-therapeutic purposes and such use is limited to the preparations authorized pursuant to s. 463.0136. Optometrists shall not perform surgery or utilize destructive light frequencies or intensities. Nothing herein shall prohibit an optometrist from prescribing soft or hard contact lenses for the correction of optical errors.*

(5) "Direct supervision" means supervision to an extent that the licensee remains on the premises while all *procedures are* ~~work is~~ being done and gives final approval to any *procedure* ~~work~~ performed by an employee.

(6) "General supervision" means the responsible supervision of supportive personnel by a licensee who need not be present when such procedures are performed, but who assumes legal liability therefor. Except in cases of emergency, general supervision shall require the easy availability or physical presence of the licensee for consultation with and direction of the supportive personnel.

(7) "Appendages" means the eyelids, the eyebrows, the conjunctiva and the lacrimal apparatus.

(8) "Transcript quality" means a course which is in conjunction with or sponsored by a school or college of optometry or equivalent educational entity, which course is approved by the board and requires a test and passing grade.

(9) "Clock hours" means the actual time engaged in approved coursework and clinical training.

Section 3. Section 463.0136, Florida Statutes, is created to read:

463.0136 Noncontrolled diagnostic drugs available for use by optometrists.—A joint committee composed of one member selected by the board of pharmacy and who is licensed under chapter 465, two members chosen by the board of medical examiners and who are ophthalmologists, two members that are selected by the board of optometry and who are licensed under chapter 463, is hereby created for the purpose of establishing a formulary of noncontrolled diagnostic drugs that may be used by optometrists for nontherapeutic purposes.

Section 4. *A licensed practitioner shall provide that degree of care which conforms to that level of diagnostic care provided by medical practitioners in the same or similiar communities.*

Section 5. Section 463.003, Florida Statutes, is amended to read:

463.003 Board of Optometry.—

(1) There is created within the Department of Professional Regulation a Board of Optometry, composed of seven members appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed *practitioners* ~~optometrists~~ in good standing in this state, and the remaining two members shall be citizens of the state who are not, nor have ever been, licensed *practitioners* ~~optometrists~~ and who are in no way connected with the practice of optometry.

(3) ~~Within 60 days after June 30, 1979,~~ The Governor shall appoint seven eligible and qualified members of the board as follows:

(a) Two members for terms of 2 years each.

(b) Two members for terms of 3 years each.

(c) Three members for terms of 4 years each.

~~(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. The members of the board serving on July 1, 1979, shall continue in office until their successors are appointed.~~

(4)~~(5)~~ All applicable provisions of chapter 455 *and s. 20.30* relating to activities of regulatory boards shall apply.

Section 6. Section 463.005, Florida Statutes, is amended to read:

463.005 Authority to make rules.—The Board of Optometry is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter and as may be necessary to protect the health, safety, and welfare of the public. Such rules shall include, but not be limited to, rules relating to:

(1) A standard of practice for licensed *practitioners* ~~optometrists~~.

(2) Minimum equipment which *a licensed practitioner* ~~an optometrist~~ shall at all times possess to engage in the practice of optometry.

(3) Procedures for *the safekeeping and* transfer of prescription files or case records upon the *discontinuance of practice by a licensed practitioner* ~~going out of business of an optometrist~~.

(4) No rule of the board shall prohibit or have the effect of prohibiting, directly or indirectly, an optometrist from practicing optometry in or on the premises of a commercial or mercantile establishment; however, this does not prohibit the board from exerting any disciplinary authority under other provisions of this act.

Section 7. Section 463.0055, Florida Statutes, is created to read:

463.0055 Standard of practice; appropriate advice.—

(1) Licensed practitioners conducting examinations shall advise a patient who exhibits any of the following symptoms, signs or conditions that such symptoms, signs or conditions may require evaluation and possible treatment by a qualified physician licensed pursuant to chapter 458 or chapter 459:

(a) 20/50 visual acuity in each eye not attained by refraction, unless the cause of impairment has already been medically determined;

(b) Any abrupt loss of vision;

(c) Flashes of light (lightning streaks or fireworks); new "floaters" (dark strings, spots or shadows before the eyes); "haloes" (colored rays or circles around a light source); dimming of vision that comes and goes; double vision;

(d) Significant pain, redness, discharge, crusting, or excessive tearing of the eye or surrounding tissues;

(e) Continuous or temporary loss of any part of the visual field, (curtain or veil blocking vision), including but not limited to glaucoma;

(f) Opacities or other abnormalities in the normally transparent parts of the eye (cornea, humours or lens) or other abnormalities within the eye;

(g) A trauma, tumor, or mass of any part of the eye (lids, conjunctiva, globe, or orbit); protrusion of one or both eyes; a size differential of the eyes;

(h) Any wandering, turning, or crossed eye (strabismus), any twitching or shaking eye (mystagmus), any "lazy eye" (amblyopia), which has not been previously examined; or

(i) Any person with diabetes or with a history of any systemic or general disease with or without ocular manifestations, unless the person is already under medical care.

(2) The Board of Optometry shall, by rule, prepare a report form to be distributed to licensed practitioners to be used for all examinations which:

(a) Lists each symptom, sign, or condition in subsection (1) with a space to show that the examinee has indicated the condition or that the examiner has observed it;

(b) Reports corrected visual acuity in each eye; and

(c) Provides for recording the date of the examination and the signature, name, and address of the examinee, the examiner, and a copy of the report to each.

Section 8. Section 463.006, Florida Statutes, is amended to read:

463.006 Licensure by examination.—

(1) Any person desiring to be licensed as *a licensed practitioner* ~~an optometrist~~ shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies has:

(a) Completed the application form and remitted *the appropriate fees* ~~an examination fee not to exceed $250 as set by the board~~.

(b) Submitted proof satisfactory to the department that he is *at least* 18 years of age *and was graduated from* ~~or over and a graduate of~~ an accredited school or college of optometry approved by rule of the board.

(2) The board, by rule, shall establish fees for application and examination. The fee for application shall not exceed $100 and shall be nonrefundable. The fee for examination shall not exceed $300 and may be refunded if the applicant is found ineligible to take the examination.

(3)~~(2)~~ The examination shall consist of the appropriate subjects, including applicable state laws and rules; however, the board may, by rule, substitute a national examination as part or all of the examination. The board may, by rule, offer a practical examination in addition to the written examination.

(4)~~(3)~~ Each applicant who successfully passes the examination and *otherwise* meets the requirements of this chapter shall be entitled to be licensed ~~as an optometrist~~.

Section 9. Section 463.007, Florida Statutes, is amended to read:

463.007 Renewal of license; *continuing education* ~~periodic demonstration of competency~~.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed $250.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 463.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

(5)(a) Unless otherwise *prohibited* ~~provided~~ by law, the board may require *all licensed practitioners* ~~licensees~~ to periodically demonstrate their professional competence, as a condition of *license* renewal ~~of a license~~, by completing up to 30 hours of continuing education *during the 2-year period preceding license renewal* ~~every 2 years~~.

(b) Criteria or course content of continuing education shall be approved by the board and shall be regularly reviewed by the board to assure that the programs adequately and reliably contribute to the professional competence of the licensee.

(c) The board shall adopt rules to implement the provisions of this *subsection* ~~act~~.

Section 10. Section 463.009, Florida Statutes, is amended to read:

463.009 Supportive personnel.—No person other than a licensed *practitioner* ~~optometrist~~ may engage in the practice of optometry, except that a licensed *practitioner* ~~optometrist~~ may delegate to nonlicensed supportive personnel those duties, tasks, and functions which do not fall within the purview of s. 463.002(4). All such delegated acts shall be performed under the direct supervision of a licensed *practitioner* ~~optometrist~~ who shall be responsible for all such acts performed by persons under his supervision. *Nonlicensed personnel, whether employed by the licensed practitioner or not, may perform any functions, other than those described in s. 463.002(4), under the general supervision of that licensed practitioner, who shall be responsible for all such acts performed.*

Section 11. Section 463.012, Florida Statutes, is amended to read:

463.012 Prescriptions; filing; duplication.—

(1) A licensed *practitioner* ~~optometrist~~ shall keep on file for a period of at least 2 years any prescription he writes.

(2) *A licensed practitioner* ~~An optometrist~~ shall, upon request by a patient or his agent, make available a duplicate copy of any original prescription *for spectacles* less than 2 years old. Any duplicate prescription shall be considered a valid prescription to be filled for a period of 2 years from the date of the original prescription.

(3) A licensed practitioner may, upon request by a patient or his agent, make available a contact lens prescription less than 2 years old so that it may be filled by an optician. However, the release of a contact lens prescription may be conditioned on a particular optician filling the prescription and upon the return of the patient to the licensed practitioner for reexamination.

Section 12. Section 463.013, Florida Statutes, is amended to read:

463.013 Optometric services for certain public agencies.—Any agency of the state or county or any commission, clinic, or board administering relief, social security, health insurance, or health service under the laws of the state shall accept the services of ~~optometrists~~ licensed *practitioners* ~~in this state~~ for the purposes of diagnosing and correcting any and all visual, muscular, neurological, and anatomic anomalies of the human eyes and their appendages of any persons under the jurisdiction of said agency, clinic, commission, or board administering such relief, social security, health insurance, or health service, on the same basis, and on a parity with any other person authorized by law to render similar professional service, when such services are needed, and shall pay for such services in the same way as other professionals may be paid for similar services.

Section 13. Section 463.015, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 463.015, F.S., for present text.)

463.015 Violations and penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice optometry without a valid, active license issued under this chapter.

(b) Attempting to obtain or obtaining a license to practice optometry by fraudulent misrepresentation.

(c) Using or attempting to use a license which was issued under this chapter and which has been suspended or revoked.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Representing oneself by the name or title "optometrist" or "Doctor of Optometry" or the letters "O.D." when such person does not have an active license issued by the department under this chapter.

(b) Displaying any sign or taking any action that would lead the public to believe than an unlicensed person is licensed to practice optometry.

(c) Knowingly employing an unlicensed person in the practice of optometry, except as specifically authorized by this chapter.

(d) Knowingly concealing information relating to violations of this chapter.

(e) Willfully making any false oath or affirmation when required to make an oath or affirmation under this chapter.

Section 14. Section 463.016, Florida Statutes, is amended to read:

463.016 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Procuring or attempting to procure a license to practice optometry by bribery, by fraudulent misrepresentations, or through an error of the department or board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Having a license to practice optometry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction.

(d) Being ~~convicted or~~ found guilty~~, regardless of adjudication,~~ of a crime in any jurisdiction which directly relates to the practice of optometry or to the ability to practice optometry. *Any plea of nolo contendere shall be considered a finding of guilt for the purposes of this chapter.*

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed by the licensee in his capacity as a licensed *practitioner* ~~optometrist~~.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Fraud or deceit, negligence or incompetency, or misconduct in the practice of optometry.

(h) A violation or repeated violations of provisions of this chapter, or of chapter 455, and any rules promulgated pursuant thereto.

(i) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(j) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(k) Failing to keep written optometric records about the examinations, treatments, and prescriptions for patients.

(l) Willfully failing to report any person who the licensee knows is in violation of this chapter or of rules of the department or the board.

(m) Exercising influence on the patient in such a manner as to exploit the patient for financial gain of the licensee or of a third party.

(n) Gross or repeated malpractice.

(o) Practicing with a revoked, suspended, or inactive license.

(p) Being unable to practice optometry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. *A licensed practitioner* ~~An optometrist~~ affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of optometry with reasonable skill and safety to patients.

(q) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida laws or rules regulating optometry.

(r) Violating any provision of s. 463.015.

(s) Violating any lawful order of the board or department, previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(t) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensed practitioner knows or has reason to know he is not competent to perform.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed *$5,000* ~~$1,000~~ for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the *licensed practitioner* ~~optometrist~~ on probation for a period of time and subject to such conditions as the board may specify, including requiring the *licensed practitioner* ~~optometrist~~ to submit to treatment, to attend continuing education courses, or to work under the supervision of another *licensed practitioner* ~~optometrist~~.

(3) The board shall not reinstate the license of *a practitioner* ~~an optometrist~~, or cause a license to be issued to a person it has deemed unqualified, until such time as it is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of optometry.

Section 15. Section 463.018, Florida Statutes, is amended to read:

463.018 *Licensure by endorsement* ~~Reciprocity~~.—*The department shall issue a license by endorsement to practice optometry to any applicant who, upon applying to the department and remitting a fee set by the board not to exceed $250, demonstrates to the board that he:*

(1) Holds a valid license to practice optometry in another state of the United States for which the requirements for such licensure were substantially equivalent to or more stringent than the requirements for licensure under this chapter; or

(2) Meets the qualifications for licensure in s. 463.006 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the department. ~~In order to ensure that optometrists licensed in this state may be considered for licensure in other states, the board may enter into reciprocity agreements with other states.~~

Section 16. Section 463.019, Florida Statutes, is amended to read:

463.019 Saving clauses.—

(1) No judicial or administrative proceeding pending on *October 1, 1986* ~~July 1, 1979~~, shall be abated as a result of the repeal and reenactment of this chapter.

(2) All licenses valid on *October 1, 1986* ~~July 1, 1979~~, shall remain in full force and effect. Henceforth, all licenses shall be applied for and renewed in accordance with this act.

Section 17. Notwithstanding the provisions of chapter 81-318, Laws of Florida, sections 463.001, 463.002, 463.003, 463.004, 463.005, 463.006, 463.007, 463.008, 463.009, 463.011, 463.012, 463.013, 463.015, 463.016, 463.017, 463.018, and 463.019, Florida Statutes, shall not stand repealed on October 1, 1986, as scheduled by such act, but such sections, as amended, are hereby revived and readopted. However, section 463.014, Florida Statutes, is hereby repealed.

Section 18. Chapter 463, Florida Statutes, consisting of sections 463.001, 463.002, 463.003, 463.004, 463.005, 463.006, 463.007, 463.008, 463.009, 463.011, 463.012, 463.013, 463.015, 463.016, 463.017, 463.018, and 463.019, Florida Statutes, is repealed on October 1, 1996, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 19. This act shall take effect October 1, 1986.

(Renumber subsequent sections.)

Amendment 1C failed. The vote was:

Yeas—18

Mr. President	Frank	Johnson	Stuart
Castor	Gordon	Kiser	Vogt
Deratany	Grizzle	Malchon	Weinstein
Dunn	Hair	Myers	
Fox	Jennings	Scott	

Nays—21

Barron	Gersten	Langley	Plummer
Beard	Girardeau	Mann	Thomas
Childers, D.	Grant	Margolis	Thurman
Childers, W. D.	Hill	McPherson	
Crawford	Jenne	Meek	
Crenshaw	Kirkpatrick	Peterson	

Vote after roll call:

Nay—Neal

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

Amendment 1D—On page 2, line 14, insert:

Section 1. Section 458.301, Florida Statutes, is amended to read:

458.301 Purpose.—The Legislature recognizes that the practice of medicine is potentially dangerous to the public if conducted by unsafe and incompetent practitioners. The Legislature finds further that it is difficult for the public to make an informed choice when selecting a physician and that the consequences of a wrong decision could seriously harm the public health and safety. The *primary* ~~sole~~ legislative purpose in enacting this chapter is to ensure that every physician practicing in this state meet minimum requirements for safe practice. It is the legislative intent that physicians who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 2. Section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.—

(1) The provisions of ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, 458.313, 458.315, 458.317, 458.319, 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341, 458.343, 458.345, and 458.347 shall have no application to:

(a) Other duly licensed health care practitioners acting within their scope of practice authorized by statute.

(b) Any physician lawfully licensed in another state or territory or foreign country, when meeting duly licensed physicians of this state in consultation.

(c) Commissioned medical officers of the Armed Forces of the United States and of the Public Health Service of the United States while on active duty.

(d) Any person while actually serving without salary or professional fees on the resident medical staff of a hospital in this state, subject to the provisions of s. 458.321.

(e) Any person furnishing medical assistance in case of an emergency.

(f) The domestic administration of recognized family remedies.

(g) The practice of the religious tenets of any church in this state.

(h) Any person or manufacturer who, without the use of drugs or medicine, mechanically fits or sells lenses, artificial eyes or limbs, or other apparatus or appliances, or is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eyeglasses, or lenses.

~~(i)1. The holder of a medical faculty certificate. The department may issue a medical faculty certificate without examination to an individual who remits an application fee not to exceed $25 as set by the board and who demonstrates to the board that he is a graduate of an accredited medical school and is currently licensed to practice medicine in another~~

~~state. The certificate shall authorize the holder to practice only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such certificate shall automatically expire when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and shall not be renewable.~~

~~2. Notwithstanding the provision of subparagraph 1., the medical facility certificate shall be renewable every 2 years by a holder of the certificate who applies to the Board of Medical Examiners on a form prescribed by the board and who meets the following criteria:~~

~~a. Is currently licensed to practice medicine in another state;~~

~~b. Has been offered a full-time faculty appointment to teach in a program of medicine at either the University of Florida, the University of Miami, or the University of South Florida;~~

~~c. Provides certification by the dean of the university offering such appointment that the holder is a distinguished medical scholar and outstanding practicing physician; and~~

~~d. Pays the renewal license fee in an amount as determined by the board but not to exceed $50.~~

~~3. The recipient of a renewal certificate may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.~~

~~4. The maximum number of persons holding such extended medical faculty certificates in any year shall not exceed five persons at each of the institutions named in sub-subparagraph 2.b.~~

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, s. 458.313, ~~s. 458.315, s. 458.317,~~ s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a physician's trained assistant, a registered nurse, or a licensed practical nurse, if such service is rendered under the direct supervision and control of a licensed physician *who provides specific direction for any service to be performed and gives final approval to all services performed*. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a physician's trained assistant in accordance with the provisions of this subsection.

Section 3. Subsection (1) of section 458.305, Florida Statutes, is amended to read:

458.305 Definitions.—As used in this chapter:

(1) "Board" means the Board of *Medicine* ~~Medical Examiners~~.

Section 4. Section 458.307, Florida Statutes, is amended to read:

458.307 Board of *Medicine* ~~Medical Examiners~~.—

(1) There is created within the Department of Professional Regulation a Board of *Medicine* ~~Medical Examiners~~, composed of *13* ~~12~~ members appointed by the Governor and confirmed by the Senate.

(2) *Ten* ~~Nine~~ members of the board shall be licensed physicians in good standing in this state who are residents of the state, who have been engaged in the practice of medicine for at least 4 years immediately prior to their appointment. *At least one of the ten physicians shall be a graduate of a foreign medical school.* The remaining members shall be residents of the state who are not, nor have ever been, licensed health care practitioners.

~~(3) The Governor shall appoint 12 eligible and qualified members of the board as follows:~~

~~(a) Four members for terms of 2 years each.~~

~~(b) Four members for terms of 3 years each.~~

~~(c) Four members for terms of 4 years each.~~

(3)~~(4)~~ As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. ~~The members of the board serving on the effective date of this act shall continue in office until their successors are appointed.~~

(4)~~(5)~~ All provisions of chapter 455 relating to activities of the board shall apply.

Section 5. Section 458.309, Florida Statutes, is amended to read:

458.309 Authority to make rules.—The board is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter and as may be necessary to protect the health, safety, and welfare of the public. *Any rules which the board adopts relating to the classroom phase of medical education shall not apply to any person who is enrolled in the classroom phase of medical education or has graduated prior to or at the time the rule becomes effective, so long as such person does not interrupt his medical education. Any rules which the board adopts relating to the clinical clerkship phase of medical education shall not apply to any person who is enrolled in the clinical clerkship phase of medical education prior to or at the time the rule becomes effective, so long as such person does not interrupt his medical education. Any rules which the board adopts relating to residency shall not apply to any person who has begun his residency prior to or at the time the rule becomes effective, so long as such person does not interrupt his residency.*

Section 6. Section 458.311, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 458.311, F.S., for present text.)

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(a) Has completed the application form and remitted an application fee not to exceed $100, which fee is nonrefundable, and an examination fee not to exceed $500, which fee is refundable if the applicant is found to be ineligible to take the examination.

(b) Is at least 21 years of age.

(c) Is of good moral character.

(d) Has not committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331.

(e) For any applicant who has graduated from medical school after October 1, 1992, has completed the equivalent of 2 academic years of preprofessional, postsecondary education, as determined in rule by the board, which shall include at a minimum, courses in such fields as anatomy, biology, and chemistry prior to entering medical school.

(f) Meets one of the following medical education and postgraduate training requirements:

1.a. Is a graduate of an allopathic medical school or allopathic college recognized and approved by an accrediting agency recognized by the United States Office of Education; and

b. If the language of instruction of the medical school is other than English, has demonstrated competency in English through presentation of a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

2.a. Is a graduate of a foreign medical school registered with the World Health Organization and certified pursuant to s. 458.314 as having met the standards required to accredit medical schools in the United States or reasonably comparable standards;

b. If the language of instruction of the foreign medical school is other than English, has demonstrated competency in English through presentation of the Educational Commission on Foreign Medical Graduates English proficiency certificate or by a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

3.a. Is a graduate of a foreign medical school which has not been certified pursuant to s. 458.314; and

b. Has had his medical credentials evaluated by the Education Commission on Foreign Medical Graduates, holds an active, valid certificate issued by that commission, and has passed the Foreign Medical Graduate Examination in the Medical Sciences or the Educational Commission for Foreign Medical Graduates Examination; and

c. Has completed an approved residency of at least 1 year; however, after October 1, 1992, the applicant shall have completed an approved residency of at least 3 years in one specialty area.

(2) Every applicant who is otherwise qualified shall be allowed to take the licensing examination five times after October 1, 1986, notwithstanding the number of times the examination has been previously failed. If an applicant fails the examination taken after October 1, 1986 five times, he shall no longer be eligible for licensure.

(3) Notwithstanding the provisions of paragraph (1)(f)3., a graduate of a foreign medical school need not present the certificate issued by the Educational Commission for Foreign Medical Graduates or pass the Foreign Medical Graduate Examination in the Medical Sciences or the Educational Commission for Foreign Medical Graduates examination if he:

(a) Has completed undergraduate work in an accredited United States college or university.

(b) Has studied at a medical school which is recognized by the World Health Organization.

(c) Has completed all of the formal requirements of the foreign medical school, except the internship or social service requirements, and has passed part I of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent.

(d) Has completed an academic year of supervised clinical training in a hospital affiliated with a medical school approved by the Council on Medical Education of the American Medical Association and upon completion has passed part II of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent.

This subsection is repealed effective October 1, 1991.

(4) The department shall issue a license to any applicant who has met the requirements of this section and has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX) or on Part III of the examination of the National Board of Medical Examiners; however, the FLEX or Part III of the National Board examination shall have been passed within 10 years immediately preceding the filing of his application for licensure under this section.

(5) Each applicant who successfully passes the examination and meets the requirements of this chapter is entitled to be licensed as a physician, with rights as defined by law. The department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this chapter until such investigation is completed. Upon completion of the investigation, the provisions of s. 458.331 shall apply.

(6) Notwithstanding any of the provisions of this section, the department shall issue a restricted license to any applicant who successfully completes the Florida Board Examination and who the board certifies has met the criteria of paragraph (a) or paragraph (b) as follows:

(a)1. Is a graduate of a foreign medical institution located in a country in the Western Hemisphere with which the United States does not maintain diplomatic relations;

2. Received a medical education which was substantially similar at the time of the applicant's graduation to approved United States Medical Programs;

3. Has resided in Florida for at least three years immediately preceding his application;

4. Practiced medicine in a foreign country from which he immigrated to the United States of America and has lawful immigration status, including employment authority; and

5. Successfully completed the Educational Commission for Foreign Medical Graduates Examination or Foreign Medical Graduate Examination in the Medical Sciences or successfully completed a course developed by the University of Miami for physician training equivalent to the course developed for such purposes pursuant to chapter 74-105, Laws of Florida; or

(b) Obtained a certificate of completion from the program established at the first accredited medical school pursuant to chapter 74-105, Laws of Florida, prior to January 1, 1982.

(c) The holder of a restricted license issued pursuant to this subsection may only practice medicine under the direct supervision of a physician with an active, valid license issued pursuant to s. 458.311 or s. 458.313.

(d) Upon demonstration to the board that the holder of a restricted license issued pursuant to this subsection has practiced for 1 year under direct supervision, has had no malpractice suits filed against him, and has not committed any act or is not under investigation for any act which would constitute a violation of this chapter, the department shall issue an unrestricted license to the restricted license holder.

(e) The Florida Board Examination may be translated into a foreign language at the request of no fewer than five applicants who are otherwise qualified pursuant to this subsection, however, the cost for such translation shall be paid by such applicants.

(f) The first sitting for the Florida Board Examination shall be held by no later than February 2, 1987, and shall be offered in 6-month intervals thereafter.

This subsection is repealed effective October 1, 1991.

Section 7. Section 458.313, Florida Statutes, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed $400 set by the board, demonstrates to the board that he has met the qualifications for licensure in s. 458.311 *(1)(b) through (f)* and:

~~(a) Is more than 18 years of age;~~

~~(b) Is of good moral character and has not committed any act or offense within or without the state which would constitute the basis for disciplining a physician pursuant to s. 458.331;~~

~~(c) Is a graduate of a medical school or college maintaining a standard and reputation approved by the board pursuant to s. 458.311; and~~

(a)~~(d)1.~~ Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX) or on the examination of the National Board of Medical Examiners; provided that said examination required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; or

(b)~~2.~~ Is licensed through written examination in at least one state in the United States the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state; has received a score on said examination which was equal to or greater than the score required by this state for licensure by examination; is a holder of a license in good standing in such state; has continuously and actively engaged in the practice of medicine in such state for any 4 of the preceding 5 years immediately prior to application; has been examined, certified, and is currently certified as a specialist by one of the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association; holds a faculty appointment in a medical school accredited by the Liaison Committee on Medical Education; and is employed full time and exclusively by a not-for-profit corporation organized under s. 617.01(3) or a not-for-profit corporation which meets the requirements set forth in s. 617.01(3)(a). Licensure under this subparagraph is valid only while the physician holds said faculty appointment and is employed by the not-for-profit corporation and is not valid for any other kind of medical practice. The license of such physician shall be void upon his termination of such employment. The corporation shall notify the board of the termination immediately after the termination. No more than 35 current employees of a corporation organized under s. 617.01(3) shall hold a license issued pursuant to this subparagraph.

(2)(a) The board may require oral examinations of any applicant under the provisions of this section, except that an oral examination shall be required of an applicant under the provisions of subparagraph (1)(d)2. However, the applicant must be given adequate notice of the examination, both as to the time, place, nature, and scope thereof, as well as a statement of the reasons requiring such examination.

(b) Any oral examination of an applicant under the provisions of subparagraph (1)(d)2. shall be limited to the specialty field of the applicant, provided that this examination shall not be a condition precedent to issuance of a license to an applicant and that such examination may be administered no sooner than 90 days and no later than 365 days after the initial issuance of a license. Failure to successfully complete an oral examination, if required by the board, shall result in revocation of the license.

(3) A license so issued by endorsement shall become void and of no force and effect unless the recipient utilizes the same by actively engaging in the practice of medicine in this state within 3 years after issuance of the license and continues his practice in this state for a minimum period of 1 year. Use and residence may be postponed until the holder has been discharged from military service of the United States.

(4) The board may promulgate rules and regulations, to be applied on a uniform and consistent basis, which may be necessary to carry out the provisions of this section.

(5) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply.

~~(6) Each applicant who is not a Florida resident shall pay a license fee of $1,000 which shall be disbursed in the manner prescribed by rule of the department to provide assistance in quality improvement of Florida's public medical schools, the first accredited school of osteopathic medicine at the Southeast College of Osteopathic Medicine, and the first accredited medical school at the University of Miami.~~

Section 8. Section 458.314, Florida Statutes, is created to read:

458.314 Evaluation and certification of foreign medical institutions.—

(1) The Legislature recognizes the need to ensure that graduates of foreign medical schools or colleges who have received a reasonably comparable education as graduates of accredited medical schools or colleges meet the same licensure requirements as such graduates. The purpose of this section is to provide for evaluation of foreign medical institutions and certification of those institutions which provide a reasonably comparable education to accredited medical schools.

(2) The department shall be responsible for the certification of foreign medical institutions based on standards contained in subsection (4). The department may contract with outside consultants or a national professional organization to survey and evaluate foreign medical institutions. Such organization shall report to the department regarding its findings in the survey.

(3) The department shall establish a technical advisory group consisting of representation from the Board of Regents, the Postsecondary Education Planning Commission, the State Board of Independent Colleges and Universities, and the Department of Health and Rehabilitative Services. In addition, the technical advisory group shall include three members selected by the department from a list of 10 recognized United States medical educators recommended by the foreign educational institution seeking certification. The medical educators shall have no direct affiliation with the foreign educational institution seeking certification. The advisory group shall review and comment upon the evaluation of a foreign medical school contracted for by the department pursuant to subsection (2) prior to any final action by the department regarding certification of the foreign medical school.

(4) Certification by the department shall be based upon a finding that the educational program of the foreign educational institution, including its curriculum, is reasonably comparable to that of similar accredited institutions in the United States. The department shall not grant certification if deficiencies found are of such magnitude as to prevent the students in the institution from receiving an educational base suitable for practice of the profession.

(5) Periodic surveys of all such certified institutions shall be made to ensure continued compliance with this section. Certification shall include temporary, provisional, and permanent certification. The temporary and provisional forms of certification shall each be for a period not to exceed 3 years and shall be granted to an institution, in accordance with rule, to provide reasonable time for the institution seeking permanent certification to overcome deficiencies found by the department. Prior to the expiration of a temporary or provisional certification and before the next level of certification is granted, the institution shall be required to submit evidence that deficiencies noted at the time of initial application have been remediated. An institution granted permanent certification shall provide evidence of continued compliance with this section. In the event that the department denies certification or recertification, the department shall give the institution a specific listing of deficiencies which caused the department to disapprove it and what the department will require for compliance and shall permit said educational institution, upon request, to demonstrate by satisfactory evidence, within 90 days, that it has remediated the deficiencies enumerated by the department.

(6) An institution shall pay a registration fee established by rule of the department, not to exceed $1,000, at the time of application for certification and shall pay all costs and expenses the department expects to incur, not to exceed the actual cost of conducting the certification survey.

(7) The department shall renew a certification upon receipt of a renewal application from an institution and a fee not to exceed $500. All permanently certified institutions shall provide a renewal application every 7 years. Any certificate which is not renewed at the end of the designated period prescribed by the department shall expire.

(8) Institutions which have been surveyed before the effective date of this act by the Commission to Evaluate Foreign Medical Schools or the Commission on Foreign Medical Education of the Federation of State Medical Boards, Inc., and whose survey and supporting documentation demonstrate that they provide an educational program, including curriculum, reasonably comparable to that of similar accredited institutions in the United States shall, be considered permanently approved, for purposes of this act.

Section 9. Section 458.3145, Florida Statutes, is created to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Demonstrates to the board that he is a graduate of an accredited medical school or its equivalent;

(b) Holds a valid, current license to practice medicine in another jurisdiction in the United States; and

(c) Meets the requirements of s. 458.311(1)(a)-(f).

(2) The certificate shall authorize the holder to practice only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such certificate shall automatically expire when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and shall not be renewable.

(3) Notwithstanding the provision of subsection (2), the medical faculty certificate shall be renewable every 2 years by a holder of the certificate who applies to the board on a form prescribed by the board and who:

(a) Is currently licensed to practice medicine in another jurisdiction in the United States;

(b) Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at either the University of Florida, the University of Miami, or the University of South Florida; and

(c) Provides certification by the dean of the university offering such appointment that the holder is a distinguished medical scholar and outstanding practicing physician.

(4) The recipient of a renewal certificate may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(5) The maximum number of persons holding such extended medical faculty certificates in any year shall not exceed five persons at each of the institutions named in paragraph (3)(b).

Section 10. Section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit a fee not to exceed $100 and shall demonstrate ~~The Board of Medical Examiners shall issue a public health certificate to an individual who remits an application fee not to exceed $25, as set by the board, and who demonstrates~~ to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another *jurisdiction in the United States* ~~state~~ and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, *and shall meet the requirements set forth in s. 458.311.*

(2)~~(1)~~ Such certificate shall be issued pursuant to the following conditions:

(a) The certificate shall authorize the holder to practice only in conjunction with his employment duties with *the Department of Health and Rehabilitative Services* ~~a public health unit authorized in s. 154.01~~ and shall automatically expire when the holder's relationship with the *Department of Health and Rehabilitative Services* ~~public health unit~~ is terminated.

(b) The certificate is subject to *biennial* ~~annual~~ renewal and shall be renewable only if the secretary of the Department of Health and Rehabilitative Services recommends in writing that the certificate be renewed.

~~(c) The certificate shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in this chapter.~~

~~(2) The board shall administer an abbreviated oral examination to determine the physician's competency, but no written regular examination is necessary.~~

~~(3) The board may revoke the public health certificate for noncompliance with any part of this section or on any ground for which a regular license of such board may be revoked by law.~~

Section 11. Section 458.3165, Florida Statutes, is created to read:

458.3165 Public Psychiatry Certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed $100, as set by the board, and who demonstrates to the board that he is a board certified psychiatrist and is licensed to practice medicine without restriction in another state.

(1) Such certificate shall be issued pursuant to the following conditions:

(a) The certificate shall authorize the holder to practice only in a public mental health facility or program, which facility or program is funded in part or entirely by state funds.

(b) The certificate shall be issued and shall be renewable annually only if the secretary of the Department of Health and Rehabilitative Services and the chairman of the Department of Psychiatry at one of the public medical schools or the chairman of the Department of Psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) The certificate shall automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) The certificate shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in this chapter.

(2) The board may revoke the public psychiatry certificate for noncompliance with any part of this secton or on any ground for which a regular license of such board may be revoked by law.

Section 12. Section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses~~; restrictions, review.—Notwithstanding any contrary provisions in this chapter, the Board of Medical Examiners shall grant for a fee of $100 to a physician licensed to practice in another state a limited license to practice in this state. A limited license shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in s. 458.~~

(1) *Any person desiring to obtain a limited license shall* ~~Limited licenses shall be issued pursuant to the following conditions:~~

(a)*1. Submit* ~~The licensee shall apply~~ to the board ~~of~~ *along with the licensure application and fee not to exceed $100* ~~Medical Examiners on a form prescribed by the board and shall submit with such application~~ an affidavit *stating* ~~under oath~~ that *such person* ~~he~~ has been licensed to practice *medicine* ~~his profession~~ in *any jurisdiction in the United States* ~~such state in good standing and pursuant to law~~ for at least 10 years, *and is currently* ~~has now~~ retired *from the practice of medicine; and*~~, and was in good standing at the time of retirement.~~

2. Meet the requirements set forth in s. 458.311.

(b) If it has been more than *3* ~~5~~ years since active practice was conducted by the applicant, the full-time director of the *county public* ~~local~~ health unit *or other licensed physician approved by the board* shall supervise the applicant for a period of 6 months *after* ~~before~~ such applicant is granted a limited license for practice, *unless the board determines that a shorter period of supervision will be sufficient to ensure that the applicant is qualified for licensure pursuant to this section.* Procedures for such supervision shall be established by the board.

~~(c) Applications adopted by the board shall indicate areas of medical specialty.~~

(c)~~(d)~~ The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in the areas of critical medical need as determined by the board. Determination of medically underserved areas shall be made by the board after consultation with the Department of Health and Rehabilitative Services and statewide medical organizations~~, the provisions of s. 458.315 to the contrary notwithstanding~~; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section.

(2) The board shall notify the director of the full-time local health unit of any county in which a licensee intends to practice under the provisions of this act. The director of the full-time health unit shall assist in the supervision of any licensee within his county and shall notify the board which issued the licensee his license if he becomes aware of any actions by the licensee which would be grounds for revocation of the limited license. The board shall establish procedures for such supervision.

(3) The board shall review the practice of each licensee *biennially* ~~annually~~ to verify compliance with the restrictions prescribed in this section *and other applicable provisions of this chapter.* ~~If it is determined that a licensee is not complying with such restrictions, the board shall revoke the license of such licensee. A license may also be revoked by a board on any ground for which a regular license of such board may be revoked by law.~~

Section 13. Section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee *not to exceed $250.*

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 458.321.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

(5) The licensee must have on file with the department the address of his primary place of practice within this state prior to engaging in that practice. Prior to changing the address of his primary place of practice, whether or not within this state, the licensee shall notify the department of the address of his new primary place of practice.

~~(6) Each licensee who is not a Florida resident shall pay a license fee of $1,000 which shall be disbursed in the manner prescribed by rule of the department to provide assistance in quality improvement of Florida's public medical schools, the first accredited school of osteopathic medicine at the Southeast College of Osteopathic Medicine, and the first accredited medical school at the University of Miami.~~

Section 14. Section 458.321, Florida Statutes, is amended to read:

458.321 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to s. 458.319 upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not *be less than 20* ~~exceed 12~~ classroom hours for each year the license was inactive. *The board shall, by rule, determine the length of time, not less than 4 years nor more than 6 years, within which an inactive license may be reactivated. However, an inactive license which is not reactivated within that time shall automatically expire.* ~~Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license.~~ Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.

(2) The board shall promulgate rules relating to licenses which have become inactive and for the *reactivation* ~~renewal~~ of inactive licenses *including criteria an applicant must meet in order to activate an inactive license which has not expired.* The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license ~~and a fee not to exceed $50 for the renewal of an inactive license~~.

Section 15. Subsection (1) of section 458.322, Florida Statutes, is amended to read:

458.322 Medicare assignments.—

(1) The Department of Professional Regulation shall require from each person applying for licensure or renewal of licensure under this chapter a response to the question of whether or not the physician will accept Medicare assignments for services to patients eligible for Medicare reimbursement. In cooperation with the Department of Health and Rehabilitative Services, the Department of Professional Regulation shall provide to *the* ~~each~~ Department of Health and Rehabilitative Services ~~district office~~ a list of those persons licensed under this chapter ~~in the district~~ who will accept Medicare assignments. *The Department of Health and Rehabilitative Services shall provide the information to* each district office, *which* shall make such information available to the public upon request.

Section 16. Subsection (2) of section 458.324, Florida Statutes, is amended to read:

458.324 Breast cancer; information on treatment alternatives.—

(2) COMMUNICATION OF TREATMENT ALTERNATIVES.— *Each* ~~It is the obligation of every~~ physician treating a patient who is, or in the judgment of the physician is at high risk of being, diagnosed as having breast cancer *shall* ~~to~~ inform such patient of the medically viable treatment alternatives available to such patient; *shall* ~~to~~ describe such treatment alternatives; and *shall* ~~to~~ explain the relative advantages, disadvantages, and risks associated with the treatment alternatives to the extent deemed necessary to allow the patient to make a prudent decision regarding such treatment options. In compliance with this subsection:

(a) The physician may, in his discretion:

1. Orally communicate such information directly to the patient or the patient's legal representative.

2. Provide the patient or the patient's legal representative with a copy of the written summary prepared in accordance with s. 381.3712(4)(m) and express his willingness to discuss the summary with the patient or the patient's legal representative; or

3. Both communicate such information directly and provide a copy of the written summary to the patient or the patient's legal representative for further consideration and possible later discussion.

(b) In providing such information, the physician shall take into consideration the emotional state of the patient, the physical state of the patient, and the patient's ability to understand the information.

(c) The physician may, in his discretion and without restriction, recommend any mode of treatment which is in his judgment the best treatment for the patient.

Nothing in this subsection shall reduce other provisions of law regarding informed consent.

Section 17. Section 458.327, Florida Statutes, is amended to read:

458.327 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) The practice of medicine or an attempt to practice medicine without an active license.

(b) Use or attempted use of a license which is suspended or revoked to practice medicine.

(c) Attempting to obtain or obtaining a license to practice medicine by knowing misrepresentation.

(d) Attempting to obtain or obtaining a position as a medical practitioner or medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

~~(a) Using the name or title "Doctor of Medicine," "Medical Doctor," or any other name or title which would lead the public to believe that the person using the name or title is licensed to practice medicine, unless such person holds a valid license.~~

(a)~~(b)~~ Knowingly concealing information relating to violations of this chapter.

(b)~~(c)~~ Making any willfully false oath or affirmation whenever an oath or affirmation is required by this chapter.

(c) Referring any patient, for health care goods or services, to any partnership, firm, corporation, or other business entity in which the physician or the physician's employer has an equity interest of 10 percent or more, unless prior to such referral, the physician notifies the patient of his financial interest and of the patients right to obtain such goods or services at the location of the patients choice. This section shall not apply to the following types of equity interests:

1. The ownership of registered securities issued by a publicly held corporation or the ownership of securities issued by a publicly held corporation, the shares of which are traded on a national exchange or the over the counter market;

2. A physicians own practice, whether the physician is a sole practitioner or part of a group, when the health care good or service is prescribed or provided solely for the physicians own patients and is provided or performed by the physician or under the physician's supervision; or

3. An interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the entity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant, or is otherwise unrelated to fair market value.

Section 18. Subsections (1), (2), and (3) of section 458.331, Florida Statutes, are amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of *any* ~~another~~ state, territory, or country. *The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.*

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

~~(e) Advertising, practicing, or attempting to practice under a name other than one's own.~~

(e)~~(f)~~ Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board. *A treatment provider, approved pursuant to s. 458.3315, shall provide the department or consultant with information in accordance with the requirements of s. 458.3315(4), (5), and (6).* ~~However, if the licensee verifies that the person is actively participating in a board-approved program for the treatment of a physical or mental condition, he is required only to report such person to an impaired professional consultant.~~

(f)~~(g)~~ Aiding, assisting, procuring, or advising any unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the board.

(g)~~(h)~~ Failing to perform any statutory or legal obligation placed upon a licensed physician.

(h)~~(i)~~ Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed physician.

(i)~~(j)~~ Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.

(j)~~(k)~~ Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his physician.

(k)~~(l)~~ Making deceptive, untrue, or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine ~~when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community~~.

(l)~~(m)~~ Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m)~~(n)~~ Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(n)~~(o)~~ Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs. ~~and the~~

(o) Promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or his legal representative, except as provided in s. 743.064, s. 768.13, or s. 768.46.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the physician to himself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon *a finding of the secretary or his designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.* ~~probable cause, authority to compel a physician to submit to a mental or physical examination by physicians designated by the department. Failure of a physician to submit to such examination when so directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.~~

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 768.45 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of $10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is *a Schedule II* ~~an~~ amphetamine or *a Schedule II* sympathomimetic amine drug or *any* ~~a~~ compound *thereof* ~~designated as a Schedule II controlled substance~~, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction; or

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(dd) Failing to supervise adequately the activities of those physician's assistants, emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amyqdalin (laetrile) to any person.

(gg) Referring any patient, for health care goods or services, to any partnership, firm, corporation, or other business entity in which the physician or the physician's employer has an equity interest of 10 percent or more, unless prior to such referral, the physician notifies the patient of his financial interest and of the patients right to obtain such goods or services at the location of the patients choice. this section shall not apply to the following types of equity interests:

1. The ownership of registered securities issued by a publicly held corporation or the ownership of securities issued by a publicly held corporation, the shares of which are traded on a national exchange or the over the counter market;

2. A physicians own practice, whether the physician is a sole practitioner or part of a group, when the health care good or service is prescribed or provided solely for the physicians own patients and is provided or performed by the physician or under the physician's supervision; or

3. An interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the entity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant, or is otherwise unrelated to fair market value.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, *or certification with restrictions,* to the department an application for licensure, *certification, or registration.*

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed *$5,000* ~~$1,000~~ for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physician.

(3) The board shall not reinstate the license of a physician, or cause a license to be issued to a person it *deems or* has deemed unqualified, until such time as it is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of medicine.

Section 19. Section 458.3315, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 458.3315, F.S., for present text.)

458.3315 Impaired Practitioners Committee; duties.—

(1)(a) There is created an Impaired Practitioners Committee to be composed of one representative from each of the practices licensed under chapters 457, 458, 459, 460, 461, 463, 464, 465, 466, 467, 474, 484, or 486, to be recommended by the board under which the practitioner is licensed; one addictionologist, one lay member with an appropriate background in the area of impairment, and a representative of the Department of Professional Regulation, to be appointed by the secretary of the department. Section 455.207 applies to the activities of the committee.

(b) The committee shall:

1. Establish policies and guidelines to be used in approving treatment providers and preventive and rehabilitative programs directed to impaired practitioners;

2. Act as liaison between approved treatment providers and the department;

3. Advise the department on the continuation and expansion of treatment programs for impaired practitioners; and

4. Disseminate information concerning the impairment program.

(2) The department shall by rule designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the committee.

(3) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant must be a practitioner or recovered practitioner licensed under chapters 457, 458, 459, 460, 461, 463, 464, 465, 466, 467, 474, 484, or 486. The consultant shall assist the probable cause panel and the department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(4)(a) Whenever the consultant is notified and there is reason to believe that a practitioner licensed by the state under chapters 457, 458, 459, 460, 461, 463, 464, 465, 466, 467, 474, 484 or 486, is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental condition, which could affect the practitioner's ability to practice his profession, and no complaint against the practitioner other than impairment exists, the reporting of such possible impairment shall not constitute a complaint within the meaning of s. 455.225 if the probable cause panel of the board under which the practitioner is licensed finds that:

1. The practitioner has acknowledged his impairment problem;

2. The practitioner has voluntarily enrolled in an appropriate, approved treatment program; and

3. The practitioner has voluntarily withdrawn from his practice or limited the scope of his practice as determined by the panel in each case, until such time as the panel is satisfied that he has successfully completed an approved treatment program.

(b) If, however, the practitioner agrees to withdraw from practice until such time as the consultant determines that he has satisfactorily completed an approved treatment program or evaluation, the probable cause panel shall not become involved in the practitioner's case.

(c) Inquiries related to impairment treatment programs which are designed to provide information to the licensees and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of s. 455.225 and shall be exempt from the provisions of this subsection.

(d) Whenever the department is notified, and there is reason to believe, that a practitioner is impaired as described in paragraph (a) and no complaint against the practitioner other than impairment exists, the department shall forward all information regarding the impaired practitioner in its possession to the consultant. For the purposes of this section a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel shall remain confidential, subject to the provisions of subsections (6) and (7).

(f) A finding of probable cause shall not be made as long as the panel is satisfied, based upon information it receives from the consultant and the department, that the impaired practitioner is progressing satisfactorily in an approved treatment program.

(5) In any disciplinary action for a violation other than impairment in which a licensee establishes that the violation for which he is being prosecuted was due to or connected with impairment, and further establishes that he is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board as a mitigating factor in determining the appropriate penalty. This subsection does not limit the mitigating factors the board may consider.

(6)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a practitioner's impairment and his participation in the treatment program. Notwithstanding s. 119.14, all information obtained by the consultant and the department pursuant to this section is exempt from disclosure under s. 119.07 and shall be held confidential, subject to the provisions of this subsection and subsection (7). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with a treatment provider, an impaired practitioner has not progressed satisfactorily in a treatment program, the consultant shall disclose to the department all information in his possession regarding the issue of a practitioner's impairment and his participation in a treatment program. Such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.225. Whenever the consultant concludes that impairment affects a practitioner's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(7)(a) If a consultant or probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a treatment provider, or if the probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a consultant, for the purpose of representing that the practitioner has been determined safe to practice when he is not, the consultant or panel shall report this to the department. The department shall investigate the allegation of collaboration and the treatment provider or consultant shall, upon request, turn over all information in his possession regarding the issue of a practitioner's impairment and his participation in the treatment program.

(b) Any collaboration between an impaired practitioner and a treatment provider or consultant, for the purpose of representing that the impaired practitioner has been determined safe to practice when he is not, is a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 768.40 apply to any officer, employee, or agent of the department or the board and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 20. Section 458.347, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 458.347, F.S., for present text.)

458.347 Physician's assistants.—

(1) LEGISLATIVE INTENT.—

(a) The purpose of this section is to encourage more effective utilization of the skills of physicians or group of physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the patient's health and welfare.

(b) In order that maximum skills may be obtained within a minimum time period of education, the physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c) The purpose of this section is to encourage the utilization of physician assistants by physicians and to allow for innovative development of programs for the education of physician's assistants.

(2) DEFINITIONS.—As used in this section:

(a) "Board" means the Board of Medicine.

(b) "Department" means the Department of Professional Regulation.

(c) "Approved program" means a program, formally approved by the board, for the education of physician's assistants.

(d) "Trainee" means a person who is currently enrolled in an approved program.

(e) "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the board and is certified to perform medical services delegated by the supervising physician.

(f) "Supervision" means responsible supervision and control. Except in cases of emergency, supervision shall require the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. The board shall further establish rules as to what constitutes responsible supervision of the physician assistant. For purpose of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The board shall further establish rules as to what constitutes reasonable supervision of the physician assistant.

(g) "Proficiency examination" means an entry-level examination administered by the National Commission on Certification of Physician Assistants.

(3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Every physician or group of physicians who supervises a certified physician assistant must be qualified in the medical areas in which the physician assistant is to perform and is individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not have under his supervision more than two currently certified physician assistants.

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—The board shall adopt by rule the general principles that supervising physicians must use in developing the scope of practice of a physician assistant under direct supervision and under indirect supervision. These principles shall recognize the diversity of both specialty and practice setting in which physician assistants are used.

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other provision of law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6) PROGRAM APPROVAL.—

(a) The board shall approve programs for the education and training of physician assistants which meet standards established by board rule.

(b) The board shall adopt and publish standards to ensure that such programs operate in a manner which does not endanger the health or welfare of the patients who receive services within the scope of the program. The board shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified in this state as a physician assistant must apply to the department. The department shall certify each applicant who:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants.

3. Has completed the application form and remitted an application fee not to exceed $100 as set by the board. An application for certification made by a physician assistant shall include all of the following:

a. A certificate of completion of an approved physician assistant training program.

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

e. Full name, Florida medical license number, and address of the supervising physician.

f. Specialty of the supervising physician.

(b) The certification must be renewed on a biennial basis. Each renewal shall include:

1. A renewal fee not to exceed $100 as set by the board.

2. A sworn statement of no felony conviction in the previous 2 years.

(c) Each certified physician assistant shall be required to biennially complete 100 hours of continuing medical education.

(d) Upon employment as a physician assistant, any certified physician assistant must notify the board within 30 days after such employment or after any subsequent changes in the supervising physician or alternate supervising physician.

(e) Notwithstanding provisions of paragraph(a)2., the board may grant temporary certification to a recent graduate of an approved program to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. An applicant who passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination shall no longer be temporarily certified. If an applicant fails the examination two times, he is no longer eligible for certification.

(f) The board may deny, suspend or place restrictions upon the certification of a physician assistant if the physician assistant or the supervising physician has been found guilty or is being investigated for any act which constitutes a violation of this chapter.

(8) PHYSICIAN ASSISTANT COMMITTEE.—There is hereby created the Physician Assistant Committee which shall review and make recommendations to the board regarding all matters relating to physician assistants that come before the board. The committee shall be directly responsible to the board. The committee shall be composed of three physician assistants, one supervising physician and one physician member of the board, all appointed by the chairman of the board. One physician assistant shall represent the physician assistants training program in the state of Florida. The two remaining physician assistants shall be appointed from recommendations of the Florida Academy of Physician Assistants. The chairperson of the committee shall be appointed by the chairman of the board or at the chairman's discretion, be allowed to be elected by a majority vote of the committee members. All appointments shall be for 2-year terms. Members shall serve no more than two consecutive terms. Reappointments shall be made by the board. The committee shall meet on a regular basis and committee members shall receive reimbursement for time and travel expenditures.

(9) PENALTY.—Any person who has not been certified by the board and approved by the department and who holds himself out as a physician assistant, or who uses any other term in indicating or implying that he is a physician assistant, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

(10) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The board shall be empowered to deny, suspend, or revoke a physician assistant certification if the board determines a physician assistant has violated any of the provisions of this chapter.

(11) RULES.—The board shall adopt rules necessary for the administration of the physician assistant process. Further, the board shall adopt rules detailing the contents of the application for certification and notification pursuant to subsection (7). The board shall adopt rules as are necessary to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or group of physicians.

(12) EXISTING PROGRAMS.—This section shall not be construed to eliminate or supersede existing laws relating to other paramedical professions or services. This section is supplemental and in addition to all such existing programs relating to the certification and practice of paramedical professions, as may be authorized by law.

(13) LIABILITY.—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under his supervision and control.

Section 21. Paragraph (i) is added to subsection (2) of section 458.3485, Florida Statutes, to read:

458.3485 Medical assistant.—

(2) DUTIES.—Under the direct responsibility of a licensed physician the duties of a medical assistant are to:

(i) Perform dialysis procedures, including home dialysis.

Section 22. Any rule adopted by the Florida Board of Medical Examiners prior to the effective date of this act and relating to clinical clerkships for graduates of foreign medical schools shall not apply to any such graduate who:

(1) Had completed his clinical clerkship prior to the effective date of the rule; or

(2) Had begun his clinical clerkship but had not completed the clinical clerkship prior to the effective date of the rule, so long as the clinical clerkship took no longer than 3 years to complete.

Section 23. Subsection (2) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(2) No agency may employ any individual in other-personal-services temporary employment for more than 1,040 hours within any 12-month period without the approval of the agency head. An agency head may extend such employment for no more than 1,040 hours. An extension beyond a total of 2,080 hours for any individual shall require the approval of the department. Approval of extensions shall be made in accordance with criteria established by the department. *The employment of a licensed health care professional providing services in fulfillment of the functions of any state agency shall be extended beyond 2080 hours by the agency upon documentation by the agency head of the justifiable need to retain the employee.* Each agency shall maintain employee information as specified by the department regarding each extension of other-personal-services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, or bona fide, degree-seeking students in accredited secondary or postsecondary educational programs.

Section 24. Notwithstanding the provisions of the Regulatory Sunset Act or chapter 81-318, Laws of Florida, chapter 458, Florida Statutes, shall not stand repealed on October 1, 1986, as scheduled by such acts, but such chapter, as amended, is hereby revived and readopted, except that section 458.333, Florida Statutes, shall stand repealed as scheduled by such acts.

Section 25. Chapter 458, Florida Statutes, is repealed on October 1, 1996, and shall be reviewed pursuant to section 11.61, Florida Statutes.

(Renumber subsequent sections.)

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

Amendment 1E—On page 1, line 14, insert:

Section 1. Section 459.001, Florida Statutes, is amended to read:

459.001 Purpose.—The Legislature recognizes that the practice of osteopathic medicine is potentially dangerous to the public if conducted

by unsafe and incompetent practitioners. The Legislature finds further that it is difficult for the public to make an informed choice when selecting an osteopathic physician and that the consequences of a wrong decision could seriously harm the public health and safety. The *primary* ~~sole~~ legislative purpose in enacting this chapter is to ensure that every osteopathic physician practicing in this state meet minimum requirements for safe *and effective* practice. It is the legislative intent that osteopathic physicians who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

Section 2. Section 459.002, Florida Statutes, is amended to read:

459.002 Chapter not applicable to practice of medicine, surgery, chiropractic, etc.—

(1) The provisions of this chapter shall have no application to:

(a) Duly licensed health care practitioners, other than osteopathic physicians *and osteopathic physician assistants*, acting within their scope of practice authorized by statute.

(b) Any physician lawfully licensed in another state or territory or foreign country when meeting duly licensed physicians of this state in consultation.

(c) Commissioned medical officers of the Armed Forces of the United States and of the Public Health Service of the United States while on active duty.

~~(d) Any person while actually serving without salary or professional fees on the resident medical staff of a hospital in this state, subject to the provisions of s. 459.021.~~

(d)~~(e)~~ Students practicing under the direct supervision of licensed osteopathic physicians in extern programs approved by any college recognized and approved by the American Osteopathic Association.

(e)~~(f)~~ Any person, *other than a person licensed under this chapter*, furnishing medical assistance in case of any emergency.

(f)~~(g)~~ The domestic administration of recognized family remedies.

(g)~~(h)~~ The practice of the religious tenets of any church in this state.

(h) Any person or manufacturer who, without the use of drugs or medicine, mechanically fits or sells lenses, artificial eyes or limbs, or other apparatus or appliances, or is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eyeglasses, or lenses.

(2) Nothing in this chapter shall be construed to prohibit any service rendered by *any person* ~~an osteopathic physician's trained assistant, a registered nurse, a registered nurse midwife (nurse obstetric associate), or a licensed practical nurse~~ if such service is rendered under the direct supervision and control of a licensed osteopathic physician *who must be available when needed, must provide specific direction for any service to be performed, and must give final approval to all services performed.* ~~Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by an osteopathic physician's trained assistant in accordance with the provisions of this subsection.~~

Section 3. Section 459.004, Florida Statutes, is amended to read:

459.004 Board of Osteopathic Medical Examiners.—

(1) There is created within the Department of Professional Regulation a Board of Osteopathic Medical Examiners, composed of seven members appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed osteopathic physicians in good standing in this state who are residents of this state and who have been engaged in the practice of osteopathic medicine for at least 4 years immediately prior to their appointment. The remaining members shall be citizens of the state who are not, nor have ever been, licensed health care practitioners.

~~(3) Within 90 days after June 30, 1979, the Governor shall appoint seven eligible and qualified members of the board as follows:~~

~~(a) Two members for terms of 2 years each.~~

~~(b) Two members for terms of 3 years each.~~

~~(c) Three members for terms of 4 years each.~~

(3)~~(4)~~ As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. ~~The members of the board serving on the effective date of this act shall continue in office until their successors are appointed.~~

(4)~~(5)~~ All provisions of chapter 455 relating to activities of the board shall apply.

Section 4. Section 459.0055 is created to read:

459.0055 General licensure requirements.—

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional postsecondary education;

(e) Have not previously committed any act which would constitute a violation of this chapter, unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(f) Not be under investigation in any jurisdiction for an act which would constitute a violation of this chapter. If, upon completion of such investigation, it is determined that the applicant has committed an act which would constitute a violation of this chapter, the applicant shall be ineligible for licensure unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(g) Have not had an application for a license to practice osteopathic medicine denied or a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction unless the board determines that the grounds on which such action was taken do not adversely affect the applicant's present ability and fitness to practice osteopathic medicine. A licensing authority's acceptance of a physician's relinguish of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician, shall be considered action against the osteopathic physician's license;

(h) Have met the criteria set forth in s. 459.006, s. 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is applicable.

(2) The board may require a personal appearance of any applicant for licensure or certification under the provisions of this chapter. Any applicant of whom a personal appearance is required must be given adequate notice of the appearance as to time and place of the appearance, as well as a statement of the purpose for the appearance and the reasons requiring such appearance.

(3) If an applicant has committted an act which would constitute a violation of this chapter or has had an application for a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction, notwithstanding the board's determination that the applicant's present ability and fitness to practice osteopathic medicine has not been adversely affected, the board may certify the application to the department with restrictions.

Section 5. Section 459.006, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 459.006, F.S., for present text.)

459.006 Licensure by examination.—Any person desiring to be licensed by examination shall:

(1) Have successfully completed a resident internship of not less than 12 months in a hospital approved for this purpose by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the board upon a showing of good cause by the applicant. This requirement may be waived for applicants who matriculated in a college of osteopathy during or before 1948.

(2) Be a graduate of a college recognized and approved by the American Osteopathic Association.

(3) No more than 5 years prior to application have obtained a passing score, as established by rule of the board, on all parts of the examination conducted by the National Board of Examiners for Osteopathic Physicians and Surgeons or other examination given and administered by the board.

(4) Meet all of the requirements of s. 459.0055.

Section 6. Section 459.007, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 459.007, F.S., for present text.)

459.007 Licensure by endorsement.—Any person desiring to be licensed by endorsement shall:

(1) Have successfully completed a resident internship of not less than 12 months in a hospital approved for this purpose by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the board upon a showing of good cause by the applicant.

(2) Be a graduate of a college recognized and approved by the American Osteopathic Association.

(3) Have passed all parts of the examination conducted by the National Board of Examiners for Osteopathic Physicians and Surgeons or other substantially similar examination approved by the board.

(4) Be the holder of a valid, active license to practice osteopathic medicine in at least one jurisdiction in the United States in which the current requirements for licensure are equivalent to or more stringent than those in this state.

(5) Have actively and continuously engaged in the practice of osteopathic medicine for the period of time after being initially licensed to practice osteopathic medicine in another jurisdiction, which initial licensure shall have occurred no more than 5 years after the applicant obtained a passing score on the examination conducted by the National Board of Examiners for Osteopathic Physicians and Surgeons or other substantially similar examination approved by the board; provided, however, that such practice of osteopathic medicine may have been interrupted for a period totaling no more than 2 years or for a longer period of time if the board determines that the interruption of the osteopathic physician's practice of osteopathic medicine for such longer period has not adversely affected the osteopathic physician's present ability and fitness to practice osteopathic medicine.

(6) Meet all of the requirements of s. 459.0055.

Section 7. Section 459.0075, Florida Statutes, is amended to read:

459.0075 Limited licenses.~~—The Board of Osteopathic Medical Examiners shall grant, without cost, to an osteopathic physician who is licensed to practice in another state, a limited license pursuant to the following conditions:~~

(1) *Any person desiring to obtain a limited license shall:*

(a) Submit to ~~The licensee shall apply to the Board of Osteopathic Medical Examiners on a form prescribed by~~ the board *a licensure application and fee required by this chapter.*

(b) Submit ~~and shall submit with such application~~ an affidavit ~~under oath~~ that *such osteopathic physician* ~~he~~ has been licensed to practice *osteopathic medicine in any jurisdiction in the United States* ~~his profession in such state~~ in good standing and pursuant to law for at least 10 years and has now retired and that he was in good standing at the time of his retirement.

(c) Complete an amount of continuing education established by the board.

(2) If it has been more than *3* ~~5~~ years since active practice was conducted by the applicant, the full-time director of the local health unit shall supervise the applicant for a period of 6 months *after* ~~before~~ the applicant is granted a limited license to practice, *unless the board determines that a shorter period of supervision will be sufficient to ensure that the applicant is qualified for licensure pursuant to this section.* Procedures for such supervision shall be established by the board.

~~(3) Each application adopted by the board shall indicate the area of medical specialty.~~

(3)~~(4)~~ The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions meeting the requirements of paragraph 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in areas of critical medical need or in medically underserved areas as determined pursuant to 42 U.S.C. s. 300e-1(7).

(4)~~(5)~~ The board shall notify the director of the full-time local health unit of any county in which a licensee intends to practice under the provisions of this section. The director of the full-time health unit shall assist in the supervision of any licensee within his county and shall notify the board if he becomes aware of any action by the licensee which would be a ground for revocation of the limited license. The board shall establish procedures for such supervision.

(5)~~(6)~~ The State Board of Osteopathic Medical Examiners shall review the practice of each licensee under this section *biennially* ~~annually~~ to verify compliance with the restrictions prescribed *in this section and other provisions of this chapter* ~~therein. If it is determined that a licensee is not complying with such restrictions, the board shall revoke the license of such licensee. A license may also be revoked by the board on any ground for which a regular license of the board may be revoked by law. A limited license shall not be issued to a person who has been adjudged unqualified or guilty of any of the acts enumerated in s. 459.~~

(6) Any person desiring a limited license shall meet all the requirements of s. 459.0055, except s. 459.0055(1)(d).

Section 8. Subsection (1) of section 459.0077, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

459.0077 Osteopathic faculty certificate.—

(1) The department may issue an osteopathic faculty certificate without examination to an individual who remits an application fee ~~not to exceed $25~~, as set by the board, and who demonstrates to the board that he is a graduate of an accredited school of osteopathic medicine and has completed the requirements of s. 459.006(1)(c). The certificate shall authorize the holder to practice only in conjunction with his teaching duties at an accredited school of osteopathic medicine or in its affiliated teaching hospitals or clinics.

(3) Any person desiring an osteopathic faculty certificate shall meet all the requirements of s. 459.0055.

Section 9. Section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of *licenses and certificates* ~~license~~.—

(1) The department shall renew a license *or certificate* upon receipt of the renewal application and fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses *and certificates issued under this chapter.*

(3) Any license *issued pursuant to this chapter* which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license *or certificate* may be reactivated only if the licensee meets the other qualifications for *licensure, certification, or* reactivation *as provided in this chapter* ~~in s. 459.009~~. *Any certificate or license issued pursuant to this chapter shall automatically expire if not renewed biennially.*

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status *or expiration of a license or certificate* , the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

(5) The licensee *or certificateholder* must have on file with the department the address of his primary place of practice within this state prior to engaging in that practice. Prior to changing the address of his primary place of practice, whether or not within this state, the licensee shall notify the department of the address of his new primary place of practice.

(6) The board shall, by rule, prescribe continuing education programs and courses, not to exceed 40 hours biennially, as a condition for renewal of a license. Such programs and courses shall build on the basic educational requirements for licensure as an osteopathic physician and shall be approved by the board.

Section 10. Section 459.009, Florida Statutes, is amended to read:

459.009 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to s. 459.008 upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not *be less than 20* ~~exceed 12~~ classroom hours for each year the license *or certificate* was inactive. *The board shall, by rule, determine the length of time, not less than 2 nor more than 4 years, within which an inactive license* ~~Any such license which has been inactive for more than 4 years~~ shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. *Six months* ~~One year~~ prior to expiration of the license, the department shall give notice to the licensee *of impending expiration.*

(2) The board shall promulgate rules relating to *reactivation of* licenses which have become inactive *or expired* and for the renewal of inactive licenses *and certificates.* ~~The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.~~

Section 11. Section 459.0092, Florida Statutes, is created to read:

459.0092 Fees.—The board shall, by rule, establish fees for application and examination, reexamination, endorsement, license renewal, inactive status, limited license, renewal of limited license, license reactivation, faculty certificates, and resident certificates of registration. The fee for initial application and examination shall not exceed $250. The fee for licensure by endorsement and the fee for a limited license shall not exceed $250. The fee for a faculty certificate shall not exceed $25. The fee for reactivation of an inactive license shall not exceed $50

Section 12. Section 459.0095, Florida Statutes, is amended to read:

459.0095 Medicare assignments *and participation in the Medicaid program.*—

(1) The Department of Professional Regulation shall require from each person applying for licensure ~~or renewal of licensure~~ under this chapter a response to the question of whether or not the osteopathic physician will accept Medicare assignments for services to patients eligible for Medicare reimbursement *or whether the osteopathic physician participates in the Medicaid program.* In cooperation with the Department of Health and Rehabilitative Services, the Department of Professional Regulation shall provide to *the* ~~each~~ Department of Health and Rehabilitative Services ~~district office~~ a list of those persons licensed under this chapter ~~in the district~~ who will accept Medicare assignments. *The Department of Health and Rehabilitative Services shall provide the information to* each district office, *which* shall make such information available to the public upon request.

(2) After consultation with the Department of Professional Regulation, the Department of Health and Rehabilitative Services shall adopt such rules as are necessary to implement this *section* ~~act~~.

Section 13. Section 459.012, Florida Statutes, is amended to read:

459.012 Itemized patient billing.—Whenever an osteopathic physician licensed under this chapter renders professional services to a patient, the osteopathic physician is required, upon request, to submit to the patient, the patient's insurer, or the administrative agency for any federal or state health program under which the patient is entitled to benefits an itemized statement of the specific services rendered and the charge for each, no later than the osteopathic physician's next regular billing cycle which follows the fifth day after the rendering of professional services. An osteopathic physician may not condition the furnishing of an itemized statement upon prior payment of the bill. *Whenever the itemized statement is submitted to the patient's insurer or the administrative agency, a copy of the itemized statement shall simultaneously be provided to the patient. Such copy of the itemized statement which is sent to the patient shall, in boldfaced letters, state that: "THIS IS A DUPLICATE COPY OF A STATEMENT SUBMITTED TO YOUR INSURER OR OTHER AGENCY."*

Section 14. Section 459.0122, Florida Statutes, is created to read:

459.0122 Patient records; termination of osteopathic physician's practice.—The board shall provide by rule for the handling of the medical records of osteopathic physicians licensed under this chapter which pertain to the osteopathic physician's patients and which are in existence at the time an osteopathic physician sells or otherwise terminates a practice. The rules shall provide for notification of the patient, and for an opportunity for the patient to request the transfer to the patient or another physician of the patient's records upon payment of actual costs for such transfer.

Section 15. Subsection (1) of section 459.013, Florida Statutes, is amended, present subsection (2) is renumbered as subsection (4), and new subsections (2) and (3) are added to said section, to read:

459.013 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) The practice of osteopathic medicine, or an attempt to practice osteopathic medicine, without an active license *or certificate issued pursuant to this chapter.*

(b) *The practice of osteopathic medicine by a person holding a limited license, osteopathic faculty certificate, or other certificate issued under this chapter beyond the scope of practice authorized for such licensee or certificateholder.* ~~Use or attempted use of a licensee to practice osteopathic medicine which is suspended or revoked.~~

(c) Attempting to obtain or obtaining a license to practice osteopathic medicine by knowing misrepresentation.

(d) Attempting to obtain or obtaining a position as an osteopathic medical practitioner or osteopathic medical resident in a clinic or hospital through knowing misrepresentation of education, training, or experience.

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Knowingly concealing information relating to violations of this chapter.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this chapter.

(c) The practice of medicine as a resident or intern without holding a valid current certificate of registration pursuant to s. 459.021.

(3) Each of the following constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Fraudulently altering, defacing or falsifying any records relating to patient care or treatment, including, but not limited to, patient histories, examination results and test results.

(b) Referring any patient, for health care goods or services, to any partnership, firm, corporation, or other business entity in which the physician or the physician's employer has an equity interest of 3 percent or more, unless prior to such referral, the physician notifies the patient of his financial interest and of the patient's right to obtain such goods or services at the location of the patient's choice. This section shall not apply to the following types of equity interest:

1. The ownership of registered securities issued by a publicly held corporation or the ownership of securities issued by a publicly held corporation, the shares of which are traded on a national exchange or the over the counter market;

2. A physician's own practice, whether the physician is a sole practitioner or part of a group, when the health care good or service is prescribed or provided solely for the physician's own patients and is provided or performed by the physician or under the physician's supervision; or

3. An interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant, or is otherwise unrelated to fair market value.

(c) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, person, partnership, firm, corporation, or other business entity for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing

homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.

Section 16. Section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice osteopathic medicine *or a certificate issued under this chapter* by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of *any* ~~another~~ state, territory, or country. *The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician, shall be construed as action against the physician's license.*

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of osteopathic medicine or to the ability to practice osteopathic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

~~(e) Advertising, practicing, or attempting to practice under a name other than one's own.~~

(e)~~(f)~~ Failing to report to the department *or the department's impaired professional consultant* any person who the licensee *or certificateholder* knows is in violation of this chapter or of the rules of the department or the board. *A treatment provider, approved pursuant to this chapter, shall provide the department or consultant with information in accordance with the requirements of s. 459.0155(4), (5) and (6).*

(f)~~(g)~~ Aiding, assisting, procuring, or advising any unlicensed person to practice osteopathic medicine contrary to this chapter or to a rule of the department or the board.

(g)~~(h)~~ Failing to perform any statutory or legal obligation placed upon a licensed osteopathic physician.

(h) Giving false testimony in the course of any legal or administrative proceedings relating to the practice of medicine or the delivery of health care services.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed osteopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, *partnership, firm, corporation or other business entity* ~~either directly or indirectly~~, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an osteopathic physician from receiving a fee for professional consultation services.

(k) Referring any patient, for health care goods or services, to any partnership, firm, corporation, or other business entity in which the physician or the physician's employer has an equity interest of 3 percent or more, unless prior to such referral, the physician notifies the patient of his financial interest and of the patient's right to obtain such goods or services at the location of the patient's choice. This section shall not apply to the following types of equity interest:

1. The ownership of registered securities issued by a publicly held corporation or the ownership of securities issued by a publicly held corporation, the shares of which are traded on a national exchange or the over the counter market;

2. A physician's own practice, whether the physician is a sole practitioner or part of a group, when the health care good or service is prescribed or provided solely for the physician's own patients and is provided or performed by the physician or under the physician's supervision; or

3. An interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant, or is otherwise unrelated to fair market value.

(l) Refusing to provide health care based on a patient's participation in pending or past litigation or participation in any disciplinary action conducted pursuant to this chapter, unless such litigation or disciplinary action directly involves the osteopathic physician requested to provide services.

(m)~~(k)~~ Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(n)~~(l)~~ Making deceptive, untrue, or fraudulent representations in the practice of osteopathic medicine or employing a trick or scheme in the practice of osteopathic medicine ~~when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community~~.

(o)~~(m)~~ Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or forms of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(p)~~(n)~~ Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(q) Fraudulently altering or destroying records relating to patient care or treatment, including, but not limited to, patient histories, examination results, and test results.

(r)~~(o)~~ Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs. ~~and the~~

(s) Promoting or advertising on any prescription form of a community pharmacy, unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(t)~~(p)~~ Performing professional services which have not been duly authorized by the patient or client or his legal representative except as provided in s. 743.064, s. 768.13, or s. 768.46.

(u)~~(q)~~ Prescribing, dispensing, administering, *supplying, selling, giving,* mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, *supplying, selling, giving,* mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the osteopathic physician's professional practice, without regard to his intent.

(v)~~(r)~~ Prescribing~~,~~ *or* dispensing~~, or administering~~ any medicinal drug appearing on any schedule set forth in chapter 893 by the osteopathic physician *for* ~~to~~ himself *or administering any such drug by the physician to himself unless such drug is prescribed for*~~, except one prescribed, dispensed, or administered to~~ the osteopathic physician by another practitioner authorized to prescribe~~, dispense, or administer~~ medicinal drugs.

(w)~~(s)~~ Being unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon *a finding of the secretary or his designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, the authority to issue*

an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients. ~~probable cause, have authority to compel an osteopathic physician to submit to a mental or physical examination by physicians designated by the department, who shall be osteopathic physicians when available in the geographic area of the physician's practice. The failure of an osteopathic physician to submit to such examination when so directed shall constitute an admission of the allegations against him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his control. An osteopathic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of osteopathic medicine with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board may be used against an osteopathic physician in any other proceeding.~~

(x)~~(t)~~ Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 768.45 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of $10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act.

(y)~~(u)~~ Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(z)~~(v)~~ Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

(aa)~~(w)~~ Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(bb)~~(x)~~ Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(cc)~~(y)~~ Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(dd)~~(z)~~ Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(ee)~~(aa)~~ Presigning blank prescription forms.

(ff)~~(bb)~~ Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.

(gg)~~(cc)~~ Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is *a Schedule II amphetamine or Schedule II sympathomimetic amine drug or any compound thereof* ~~an amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance~~, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(hh) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, advanced registered nurse practitioners, or other persons acting under the supervision of the physician.

(ii)~~(dd)~~ Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, *or certify with restrictions,* to the department an application for *certification,* licensure, *renewal, or reactivation.*

(b) Revocation or suspension of a license *or certificate.*

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed *$5,000* ~~$1,000~~ for each count or separate offense.

(e) Issuance of a reprimand.

(f) Issuance of a letter of concern.

(g)~~(f)~~ Placement of the osteopathic physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the osteopathic physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another osteopathic physician.

(3) The board shall not reinstate the license *or certificate* of an osteopathic physician, or cause a license *or certificate* to be issued to a person it has deemed unqualified, until such time as it is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of osteopathic medicine. ~~The board may, by rule, require all licensees to complete continuing education courses not exceeding 30 hours each biennium as a prerequisite to licensure renewal. Such courses shall be approved by the board and shall build on the basic educational requirements for licensure as an osteopathic physician.~~

(4) The board shall by rule establish *comprehensive* guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines *shall establish offenses and circumstances for which revocation will be presumed to be appropriate, as well as offenses and circumstances for which suspension for particular periods of time will be presumed to be appropriate. The guidelines shall also establish* ~~may include~~ minimum and maximum fines, periods of supervision or probation, or conditions of probation *and conditions for* ~~or~~ reissuance of a license *with respect to particular circumstances and offenses.*

(5) Upon the department's receipt from the Department of Insurance of the name of an osteopathic physician having three or more claims with indemnities exceeding $10,000 each within the previous 5-year period, including reports for the 3-year period preceding October 1, 1985, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the osteopathic physician is warranted.

(6) Upon the department's receipt from the Department of Health and Rehabilitative Services pursuant to s. 395.041 of the name of an osteopathic physician whose conduct may constitute grounds for disciplinary action by the department, the department shall investigate the occurrences upon which the report was based and determine if action by the department against the osteopathic physician is warranted.

Section 17. Section 459.0155, Florida Statutes, is created to read:

459.0155 Impaired Practitioners Committee; duties.—

(1)(a) There is created an Impaired Practitioners Committee to be composed of one representative from each of the practices licensed under chapters 457, 458, 459, 460, 461, 463, 464, 465, 466, 467, 474, 484, and 486 to be recommended by the board under which the practitioner is licensed; and one addictionologist; one lay member with an appropriate background in the area of impairment; and a representative of the department, to be appointed by the secretary of the department. Section 455.207 applies to the activities of the committee.

(b) The committee shall:

1. Establish policies and guidelines to be used in approving treatment providers for preventive and rehabilitative programs directed to impaired practitioners;

2. Act as liaison between approved treatment providers and the department;

3. Advise the department on the continuation and expansion of treatment programs for impaired practitioners; and

4. Disseminate information concerning the impairment program.

(2) The department shall by rule designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the committee.

(3) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a practitioner or recovered practitioner licensed under chapter 457, 458, 459, 460, 461, 463, 464, 465, 466, 467, 474, 484 or 486. The consultant shall assist the probable cause panel and the department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired.

(4)(a) Whenever the consultant is notified and there is reason to believe that a practitioner licensed by the state under chapter 457, 458, 459, 460, 461, 463, 464, 465, 466, 467, 474, 484 or 486 is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental condition, which could affect the practitioner's ability to practice his profession, and no complaint against the practitioner other than impairment exists, the reporting of such possible impairment shall not constitute a complaint within the meaning of s. 455.225, if the probable cause panel of the board under which the practitioner is licensed finds that:

1. The practitioner has acknowledged his impairment problem;

2. The practitioner has voluntarily enrolled in an appropriate, approved treatment program; and

3. The practitioner has voluntarily withdrawn from his practice or limited the scope of his practice as determined by the panel in each case, until such time as the panel is satisfied that he has successfully completed an approved treatment program.

(b) If, however, the practitioner agrees to withdraw from practice until such time as the consultant determines that he has satisfactorily completed an approved treatment program or evaluation, the probable cause panel shall not become involved in the practitioner's case.

(c) Inquiries related to impairment treatment programs which are designed to provide information to the licensee and others and which do not indicate that the licensee presents a danger to the public shall not constitute a complaint within the meaning of s. 455 225, and shall be exempt from the provisions of this subsection.

(d) Whenever the department is notified, and there is reason to believe, that a practitioner is impaired as described in paragraph (a) and no complaint against the practitioner other than impairment exists, the department shall forward all information regarding the impaired practitioner in its possession to the consultant. For the purposes of this section a suspension from hospital staff privileges due to the impairment does not constitute a complaint.

(e) The probable cause panel shall work directly with the consultant, and all information concerning a practitioner obtained from the consultant by the panel shall remain confidential, subject to the provisions of subsections (6) and (7).

(f) A finding of probable cause shall not be made as long as the panel is satisfied, based upon information it receives from the consultant and the department, that the impaired practitioner is progressing satisfactorily in an approved treatment program.

(5) In any disciplinary action for a violation other than impairment in which a licensee establishes that the violation for which he is being prosecuted was due to or connected with impairment, and further establishes that he is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board as a mitigating factor in determining the appropriate penalty. This subsection does not limit the mitigating factors the board may consider.

(6)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a practitioner's impairment and his participation in the treatment program. Notwithstanding s. 119.14, all information obtained by the consultant and the department pursuant to this section is exempt from disclosure under s. 119.07 and shall be held confidential, subject to the provisions of this subsection and subsection (7). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

(b) If in the opinion of the consultant, after consultation with a treatment provider, an impaired practitioner has not progressed satisfactorily in a treatment program, the consultant shall disclose to the department all information in his possession regarding the issue of a practitioner's impairment and his participation in a treatment program. Such disclosure shall constitute a complaint pursuant to the general provisions of s. 455.225. Whenever the consultant concludes that impairment affects a practitioner's practice and constitutes an immediate, serious danger to the public health, safety, or welfare, that conclusion shall be communicated to the secretary of the department.

(7)(a) If a consultant or probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a treatment provider, or if the probable cause panel has any reason to believe that there is collaboration between an impaired practitioner and a consultant, for the purpose of representing that the practitioner is rehabilitated when he is not, the consultant or panel shall report this to the department. The department shall investigate the allegation of collaboration and the treatment provider or consultant shall, upon request, turn over all information in his possession regarding the issue of a practitioner's impairment and his participation in the treatment program.

(b) Any collaboration between an impaired practitioner and a treatment provider or consultant, for the purpose of representing that the impaired practitioner is rehabilitated when he is not, is a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) A consultant, licensee, or approved treatment provider who makes a disclosure pursuant to this section is not subject to civil liability for such disclosure or its consequences. The provisions of s. 768.40 apply to any officer, employee, or agent of the department or the board and to any officer, employee, or agent of any entity with which the department has contracted pursuant to this section.

Section 18. Section 459.016, Florida Statutes, is amended to read:

459.016 Reports of disciplinary actions by medical organizations.—

(1) The department shall be notified when any osteopathic physician:

(a) Has been removed or suspended or has had any other disciplinary action taken by his peers within any professional medical association, society, body, or professional standards review organization established pursuant to s. 249F of Pub. L. No. 92-603, or similarly constituted professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope; or

(b) Has been disciplined, which shall include allowing an osteopathic physician to resign, by a licensed hospital or medical staff of said hospital for any act that constitutes a *violation of this chapter.*

Within 20 days of receipt of such notification, upon board approval, the department shall notify all hospitals in the state of any disciplinary action which is severe enough for expulsion or resignation reported pursuant to this subsection, identifying the disciplined physician, the action taken, and the reason for such action.

(2) Any organization taking action as set forth in this section shall report such action to the department within 30 days of its initial occurrence, regardless of the pendency of appeals therefrom. *The notification shall identify the disciplined physician, the action taken, and the reason for such action. The department shall investigate the occurrence upon which the report was based and determine if action by the department against the osteopathic physician is warranted.* Any organization failing to report such action pursuant to this section shall be subject to a fine assessed by the department in an amount not exceeding $1,000 *for the first offense and not exceeding $5,000 for any offense thereafter.*

(3) Any organization taking action as set forth in this section shall, upon department subpoena, provide copies of the records concerning the action to the department. However, those records shall be used solely for the purpose of the department and the board in disciplinary proceedings. The records shall otherwise be sealed and shall not be available to the public pursuant to the provisions of s. 119.07 or any other statute providing access to public records, and such records shall not be subject to discovery or introduction into evidence in any administrative or civil action.

(4) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, the department or any association, society, body, organization, hospital, hospital medical staff, or hospital disciplinary body or its agents, investigators, witnesses, employees, or any other person for any action taken without intentional fraud in carrying out the provisions of this section. However, this exemption applies only to actions taken in providing notice pursuant to this section.

Section 19. Section 459.017, Florida Statutes, is amended to read:

459.017 Osteopathic physician's consent; handwriting samples; mental or physical examinations.—Every osteopathic physician who accepts a license *or certificate* to practice osteopathic medicine in this state shall, by so accepting the license *or certificate* or by making and filing a renewal of licensure *or certification* to practice in this state, be deemed to have given his consent during a lawful investigation of a complaint to the following:

(1) To render a handwriting sample to an agent of the department and, further, to have waived any objections to its use as evidence against him.

(2) To waive the confidentiality and authorize the preparation and release of all medical reports pertaining to the mental or physical condition of the osteopathic physician himself when the department has reason to believe that a violation of this chapter has occurred and when the department issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint. As used in this section, the term "medical reports" means a compilation of medical treatment of the osteopathic physician himself, including symptoms, diagnosis, treatment prescribed, relevant history, and progress.

(3) To waive any objection to the admissibility of the medical reports as constituting privileged communications. Such material shall remain confidential in the hands of the department until probable cause is found and an administrative complaint issued.

Section 20. Section 459.018, Florida Statutes, is amended to read:

459.018 Search warrants for certain violations.—When the department has reason to believe that violations of s. 459.015(1)*(u)*~~(q)~~ or s. 459.015(1)*(x)*~~(r)~~ have occurred or are occurring, its agents or other duly authorized persons may search an osteopathic physician's place of practice ~~at reasonable hours~~ for purposes of securing such evidence as may be needed for prosecution. Such evidence shall not include any medical records of patients unless pursuant to the patient's written consent. Notwithstanding the consent of the patient, such records shall be treated as confidential and shall not be transferred to any other agency. This section shall not limit the psychotherapist-patient privileges of s. 90.503. Prior to a search, the department shall secure a search warrant from any judge authorized by law to issue search warrants. The search warrant shall be issued upon probable cause, supported by oath or affirmation particularly describing the things to be seized. The application for the warrant shall be sworn to and subscribed, and the judge may require further testimony from witnesses, supporting affidavits, or depositions in writing to support the application. The application and supporting information, if required, must set forth the facts tending to establish the grounds of the application or probable cause that they exist. If the judge is satisfied that probable cause exists, he shall issue a search warrant signed by him with his name of office to any agent or other person duly authorized by the department to execute process, commanding the agent or person to search the place described in the warrant for the property specified. The search warrant shall be served only by the agent or person mentioned in it and by no other person except an aide of the agent or person when such agent or person is present and acting in its execution.

Section 21. Subsections (1) and (2) of section 459.021, Florida Statutes, are amended, and subsection (6) is added to said section, to read:

459.021 Registration of hospital residents and interns.—

(1) Any person who holds a degree of Doctor of Osteopathy from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to serve as a resident or as an intern in an osteopathic hospital shall apply to the department for a certificate of registration. Upon certification by the board that the applicant holds a valid degree and that the hospital where he intends to serve is approved by the *Board of Trustees* ~~Bureau of Hospitals~~ of the American Osteopathic Association, the department shall issue the certificate.

(2) A certificate for residency or internship may not be issued for a period greater than 1 year but may be renewed from time to time. No person shall hold a certificate for an aggregate of more than 5 4 years.

(6) Any person desiring a certificate of registration pursuant to this section shall meet all the requirements of s. 459.0055, except s. 459.0055(1)(b). Any person receiving a certificate or registration under this section shall be at least 18 years of age.

Section 22. Section 459.022, Florida Statutes, is amended to read:

459.022 Osteopathic physician assistants.—

(1) LEGISLATIVE INTENT.—

~~(a) In its concern with the growing shortage and geographic maldistribution of health care services in this state, the Legislature intends to establish in this section a framework for development of a new category of health manpower, the osteopathic physician assistant.~~

(a)~~(b)~~ The purpose of this section is to encourage the more effective utilization of the skills of osteopathic physicians by enabling them to delegate health care tasks to qualified assistants when such delegation is consistent with the health and welfare of patients.

(b)~~(c)~~ In order that maximum skills may be obtained within a minimum time period of education, the osteopathic physician assistant shall be specialized to the extent that he can operate efficiently and effectively in the specialty areas in which he has been trained or is experienced.

(c)~~(d)~~ This section is established to encourage the utilization of osteopathic physician assistants by osteopathic physicians and to allow for innovative development of programs for the education of physician assistants.

(2) DEFINITIONS.—As used in this section:

(a) "Board" means the Board of Osteopathic Medical Examiners.

(b) "Department" means the Department of Professional Regulation.

(c) "Approved program" means a program for the education of osteopathic physician assistants which has been formally approved by the board.

(d) "Trainee" means a person who is currently enrolled in an approved program.

(e) "Osteopathic physician assistant" means a person who is a graduate of an approved program or its equivalent *or meets standards approved by the board and is certified to perform medical services dele-*

gated by the supervising osteopathic physician ~~and is approved by the department to perform medical services under the supervision of an osteopathic physician or group of physicians certified by the board to supervise such assistant~~.

(f) "Supervision" means responsible supervision and control~~, with the licensed osteopathic physician assuming legal liability for the services rendered by the osteopathic physician assistant~~. Except in cases of emergency, supervision shall require the easy availability or physical presence of the licensed osteopathic physician for consultation and direction of the actions of the osteopathic physician assistant. *For purpose of this definition, the term "easy availability" shall include the ability to communicate by way of telecommunication by means and under circumstances approved by the board by rule. The board shall further establish rules as to what constitutes reasonable supervision of the physician assistant.* ~~The board shall further establish rules as to what constitutes responsible supervision of the osteopathic physician assistant.~~

(g) "Proficiency examination" means an entry-level examination approved by the board, including but not limited to those examinations administered by the National Commission on Certification of Physician Assistants.

(3) PERFORMANCE OF SUPERVISING OSTEOPATHIC PHYSICIAN.—Every osteopathic physician or group of osteopathic physicians who supervise certified osteopathic physician assistants shall be qualified in the medical areas in which the osteopathic physician assistant is to perform and shall be individually or collectively responsible and liable for the performance and the acts and omissions of the osteopathic physician assistant. No osteopathic physician shall have under his supervision more than two currently certified osteopathic physician assistants.

~~(3) PERFORMANCE BY OSTEOPATHIC PHYSICIAN ASSISTANT.—Notwithstanding any other provision of law, an osteopathic physician assistant may perform medical services when such services are rendered under the supervision of a licensed osteopathic physician or group of osteopathic physicians certified by the board, in the specialty area or areas for which the osteopathic physician assistant is trained or experienced. Any osteopathic physician assistant certified under this section to perform services may perform those services only:~~

~~(a) In the office of the osteopathic physician to whom the osteopathic physician assistant has been assigned, where such physician maintains his primary practice;~~

~~(b) When the osteopathic physician to whom he is assigned is present;~~

~~(c) In a hospital where the osteopathic physician to whom he is assigned is a member of the staff; or~~

~~(d) On calls outside said office, on the direct order of the osteopathic physician to whom he is assigned.~~

(4) PERFORMANCE OF OSTEOPATHIC PHYSICIAN ASSISTANTS.—The board shall adopt by rule the general principles osteopathic supervising physicians shall use in developing the scope of practice of an osteopathic physician assistant under both direct and indirect supervision. These principles shall recognize the diversity of both specialty and practice setting in which osteopathic physician assistants are utilized.

(5) PERFORMANCE BY TRAINEES.—Notwithstanding any other provision of law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

(6)~~(5)~~ PROGRAM APPROVAL.—

(a) The board shall approve programs for the education and training of osteopathic physician assistants, which meet standards established by board rule.

~~(a) The department shall issue certificates of approval for programs for the education and training of osteopathic physician assistants which meet board standards. Any basic program curriculum certified by the board shall cover a period of 24 months.~~

~~(b) In developing criteria for program approval, the board shall give consideration to, and encourage, the utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields.~~

~~(c) The board shall create groups of specialty classifications of training for osteopathic physician assistants. These classifications will reflect the training and experience of the osteopathic physician assistant. The osteopathic physician assistant may receive training in one or more such classifications, which shall be shown on the certificate issued.~~

(b)~~(d)~~ The board shall adopt and publish standards to ensure that such programs operate in a manner which does not endanger the health and welfare of the patients who receive services within the scope of the program. The board shall review the quality of the curricula, faculties, and facilities of such programs; ~~issue certificates of approval;~~ and take whatever other action is necessary to determine that the purposes of this section are being met.

(7) OSTEOPATHIC PHYSICIAN ASSISTANT CERTIFICATION.—

(a) Any person desiring to be certified in this state as an osteopathic physician assistant shall apply to the department. The department shall certify each applicant who:

1. Is at least 18 years of age.

2. Has satisfactorily passed a proficiency examination by an acceptable score established by the National Commission on Certification of Physician Assistants.

3. Has completed the application form and remitted an application fee not to exceed $100 as set by the board. An application for certification made by an osteopathic physician assistant shall include all of the following:

a. A certificate of completion of an approved physician assistant training program.

b. A sworn statement of any prior felony convictions.

c. A sworn statement of any previous revocation or denial of licensure or certification in any state.

d. Two letters of recommendation.

e. Full name, Florida Osteopathic Medical license number, and address of the supervising physician.

f. Specialty of supervising osteopathic physician.

(b) The certification must be renewed on a biennial basis. Each renewal shall include:

1. A renewal fee not to exceed $100 as set by the board.

2. A sworn statement of no felony convictions in the previous 2 years.

(c) Each certified osteopathic physician assistant shall be required to biennially complete 100 hours of continuing medical education.

(d) Upon employment as a physician assistant, any certified osteopathic physician assistant must notify the board in writing within 10 days after such employment or after any subsequent changes in the supervising osteopathic physician or alternate supervising osteopathic physician.

(e) The board may deny, suspend or place restrictions upon the certification of an osteopathic physician assistant if the osteopathic physician assistant or the supervising osteopathic physician has been found guilty or is being investigated for any act which could constitute a violation of this chapter.

~~(6) APPLICATION APPROVAL.—~~

~~(a) The board shall formulate guidelines for the consideration of applications by a licensed osteopathic physician or group of licensed osteopathic physicians to supervise osteopathic physician assistants. Each application made by an osteopathic physician or group of osteopathic physicians shall include all of the following:~~

~~1. The qualifications, including related experience, of the osteopathic physician assistant intended to be employed.~~

~~2. The professional background and specialty of the osteopathic physician or physicians.~~

~~3. A description by the osteopathic physician of his, or physicians of their, practice and the way in which the assistant or assistants are to be utilized.~~

~~The board shall certify an application by a licensed osteopathic physician to supervise an osteopathic physician assistant when the proposed assistant is a graduate of an approved program or its equivalent and is fully qualified by reason of experience and education to perform medical services under the responsible supervision of a licensed osteopathic physician and when the public will be adequately protected by the arrangement proposed in the application.~~

~~(b) The board shall certify no more than two osteopathic physician assistants for any osteopathic physician practicing alone; four osteopathic physician assistants for two osteopathic physicians practicing together formally or informally; or a ratio of two osteopathic physician assistants to three osteopathic physicians in any group of osteopathic physicians practicing together formally or informally.~~

(8) OSTEOPATHIC PHYSICIAN ASSISTANT COMMITTEE.—There is hereby created the Osteopathic Physician Assistant Committee which shall review and make recommendations to the board regarding all matters relating to osteopathic physician assistants that come before the board. The committee shall be directly responsible to the board. The committee shall be composed of three osteopathic physician assistants, one supervising osteopathic physician and one physician member of the board, all appointed by the chairman of the board. One osteopathic physician assistant shall represent the physician assistant training program in the State of Florida. The two remaining physician assistants shall be appointed from recommendations of the Florida Academy of Physician Assistants. The chairman of the committee shall be appointed by the chairman of the board or at the chairman's discretion, be allowed to be elected by a majority vote of the committee members. All appointments shall be for 2-year terms. Reappointments shall be made by the board. The committee shall meet on a regular basis and committee members shall receive reimbursement for per diem and travel expenditures.

(9)~~(7)~~ PENALTY.—Any person who has not been certified by the board and approved by the department and who holds himself out as an osteopathic *physician* ~~physician's~~ assistant, or who uses any other term in indicating or implying that he is an osteopathic *physician* ~~physician's~~ assistant, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding $5,000.

~~(8) REVOCATION OF APPROVAL. The certificate of approval to supervise an osteopathic physician assistant held by any osteopathic physician or group of osteopathic physicians may be revoked when the board determines the intent of this section is not being carried out.~~

(10) DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.—The board shall be empowered to deny, suspend, or revoke an osteopathic physician assistant certification if the board determines an osteopathic physician assistant has violated any of the provisions of this chapter.

(11)~~(9)~~ RULES.—The board shall adopt rules necessary for the administration of the osteopathic physician assistant *process* ~~program, and such rules shall be adopted in accordance with chapter 120~~. *Further, the board shall adopt rules detailing the contents of the application for certification and notification pursuant to subsection (7).* The board shall adopt such rules as are necessary to ensure both the continued competency of osteopathic physician assistants and *the* ~~their~~ proper utilization *of them* by osteopathic physicians or groups of osteopathic physicians. ~~Rules shall be adopted to assure that every osteopathic physician assistant performs his services under the responsible supervision and control of an osteopathic physician or group of osteopathic physicians.~~

~~(10) FEES.—~~

~~(a) A fee not to exceed $100 as set by the board shall accompany the annual application by an osteopathic physician or group of physicians for authorization to supervise an osteopathic physician assistant.~~

~~(b) Upon approval of an application for certification of an osteopathic physician assistant in a specialty area, the applicant shall be charged an initial certification fee for the first biennium not to exceed $50, and a biennial renewal fee not to exceed $60 shall accompany each application for renewal of the osteopathic physician assistant certificate.~~

(12) EXISTING PROGRAMS.—Nothing in this section shall be construed to eliminate or supersede existing laws relating to other paramedical professions or services. It is the intent of this section to supplement, and be in addition to, all such existing programs relating to the certification and practice of paramedical professions, as may be authorized by law.

(13) LIABILITY.—All osteopathic physicians or physician groups utilizing osteopathic physician assistants shall be liable for any acts or omissions of physician assistants acting under their supervision and control.

Section 23. Subsection (2) of section 455.241, Florida Statutes, is amended to read:

455.241 Patient records; copies of records to be furnished.—

(2) Such records shall not be furnished to any person other than the patient or his legal representative, except upon written authorization of the patient. However, such records may be furnished without written authorization to any person, firm, or corporation which has procured or furnished such examination or treatment with the patient's consent or when compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical record shall be furnished to both the defendant and the plaintiff. Such records may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or his legal representative by the party seeking such records. The Department of Professional Regulation may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of s. 458.331(1)(q), s. 459.015(1)*(u)*~~(q)~~, s. 461.013(1)(p), s. 462.14(1), s. 466.028(1)(q), or s. 474.214(1)(z) or (aa) or that a practitioner has practiced his profession below that level of care, skill, and treatment required as defined by s. 458.331(1)(t), s. 459.015(1)*(x)*~~(t)~~, s. 460.413(1)(s), s. 461.013(1)(t), s. 462.14(1)(t), s. 463.016(1)(g), s. 464.018(1)(f), s. 466.028(1)(y), or s. 474.214(1)(g); but the patient record obtained by the department pursuant to this subsection shall be used solely for the purpose of the department and board in disciplinary proceedings. The record shall otherwise be sealed and shall not be available to the public pursuant to the provisions of s. 119.07 or any other statute providing access to public records. Nothing in this section shall be construed to limit the psychotherapist-patient privilege of a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency.

Section 24. *Sections 459.014, 459.0153, and 459.0154, Florida Statutes, are hereby repealed.*

Section 25. *Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, chapter 459, Florida Statutes, shall not stand repealed on October 1, 1986, and shall continue in full force and effect as amended herein.*

Section 26. *Notwithstanding the provisions of section 50 of chapter 85-175, Laws of Florida, section 459.0085, Florida Statutes, shall not stand repealed on January 1, 1989, but shall be repealed on October 1, 1996, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 27. *Chapter 459, Florida Statutes, is repealed on October 1, 1996, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 28. *Section 459.0155, Florida Statutes, is repealed on October 1, 1996, and the Impaired Practitioners Committee shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 29. *Subsection (2) of section 459.022, Florida Statutes, is repealed on October 1, 1996, and the Physician Assistants Committee shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 30. This act shall take effect October 1, 1986.

Amendment 1 as amended was adopted.

Senator Frank moved the following amendment:

Amendment 2—In title, on page 1, lines 1-31, on page 2, lines 1-11, strike all of said lines and insert: A bill to be entitled An act relating to professional regulation; amending s. 465.002, F.S., clarifying legislative findings; amending s. 465.003, F.S., revising definitions; amending s. 465.004, F.S., requiring members of the Board of Pharmacy to have practiced in this state; deleting obsolete language; amending s. 465.005, F.S., clarifying rulemaking authority; amending s. 465.007, F.S., providing clarifying language with respect to licensure by examination; requiring an additional test of Spoken English; amending s. 465.008, F.S., relating to license renewal; providing clarifying language; amending s. 465.009, F.S., clarifying continuing education requirements; amending s. 465.012, F.S., providing for revised inactive status requirements; amending s. 465.0125, F.S., relating to consultant pharmacists; amending s. 465.014, F.S., providing for the supervision of pharmacy technicians; amending s. 465.015, F.S., providing that it is unlawful to sell samples or complimentary packages of drug products; creating s. 465.0155, F.S., providing for standards of practice; creating s. 465.0156, F.S., providing for disclosure by mail service pharmacies; amending s. 465.0165, F.S., relating to treatment of impaired practitioners; amending s. 465.0193, F.S., revising language to include reference to nuclear pharmacy; amending s. 465.022, F.S., providing revised pharmacy permit requirements; amending s. 465.026, F.S., providing for the transfer of out-of-state prescriptions; providing clarifying language with respect to prescriptions; amending s. 465.027, F.S., deleting an exception to the operation of the chapter; creating s. 465.0275, F.S., providing for emergency prescription refills; creating s. 465.0276, F.S., regulating dispensing practitioners; creating s. 465.187, F.S., relating to the sale of medicinal drugs; creating s. 465.0285, F.S., to direct board to study prescription records access; amending s. 499.028, F.S., requiring a report concerning complimentary drugs; prohibiting the sale of complimentary packages of drug products; providing administrative fines; repealing s. 465.028, F.S., relating to savings clauses; saving the chapter from Sunset repeal; providing for review and repeal; providing an effective date.

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

Amendment 2A—In title, on page 1, line 2, after the semicolon insert: revising, reviving, and readopting ch. 458, F.S., relating to medical practice, notwithstanding its scheduled repeal; amending ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, 458.313, 458.316, 458.317, 458.319, 458.321, 458.322, 458.324, 458.327, 458.331, 458.3315, 458.347, 458.3485, F.S.; creating ss. 458.314, 458.3145, 458.3165, F.S.; providing purpose of chapter; providing exceptions; changing the name of the Board of Medical Examiners to the Board of Medicine; providing for membership of the board; specifying applicability of rules; providing for licensure by examination; prescribing fees; providing for licensure by endorsement; prescribing fees; providing for evaluation and certification of foreign medical schools and colleges; prescribing certification fees and renewal fees; providing for issuance of a medical faculty certificate to permit the holder to practice in conjunction with teaching duties; providing for public health certificates; providing for the issuance of a public psychiatry certificate to permit the holder to practice only in certain public mental health facilities or programs; providing for limited licenses; providing for renewal of licenses; providing for reactivation of inactive licenses; providing for notice relating to Medicare assignments; providing duties of physician with respect to providing breast cancer patients with certain information; providing penalties for committing specified acts; specifying grounds for disciplinary actions; providing disciplinary actions; establishing an Impaired Practitioners Committee; providing for approval of treatment providers and preventive and rehabilitative programs directed to impaired practitioners; 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; substantially revising provisions relating to certification of physicians' assistants; creating a Physician Assistant Committee to review and make recommendations to the Board of Medicine concerning matters relating to physicians' assistants; providing for liability of supervising physicians; providing an additional duty for medical assistants; providing for application of rules relating to clinical clerkship for graduates of foreign medical schools; repealing s. 458.333, F.S., relating to prescription of amygdalin (laetrile); amending s. 110.131, F.S.; requiring the Department of Administration to approve extensions for other-personal-services employment of licensed health care professionals under certain circumstances; providing for future repeal and legislative review of ch. 458, F.S.;

Senator Frank moved the following amendments to Amendment 2 which were adopted:

Amendment 2B—In title, on page 1, line 2, after the semicolon insert: amending ss. 463.001, 463.002, 463.003, 463.005, 463.006, 463.007, 463.009, 463.012, 463.013, 463.015, 463.016, 463.018, 463.019, F.S.; reviving and readopting, notwithstanding scheduled repeals, chapter 463, F.S., relating to the regulation of optometry; providing legislative findings and purpose; providing definitions; providing conforming language; providing application and examination fees; providing continuing education requirements; prescribing conditions for the release of a contact lens prescription; proscribing certain acts and providing criminal penalties therefor; providing additional grounds for disciplinary action and administrative penalties; increasing administrative fines; providing for licensure by endorsement; providing for prospective application; creating s. 463.0055, F.S., providing for appropriate advice; creating s. 463.0136, F.S., provisions for noncontrolled diagnostic drugs; repealing s. 463.014, F.S., relating to prohibited acts; providing for future repeal and legislative review;

Amendment 2C—In title, on page 1, line 2, after the semicolon insert: amending s. 466.001, F.S., deleting obsolete language; amending s. 466.002, F.S., renaming auxiliary as assistant; amending s. 466.003, F.S., making technical changes, renaming auxiliary; amending s. 466.004, F.S., adding new board members, providing for several councils; amending s. 466.006, F.S., changing clinical exam requirements; amending s. 466.007, F.S., making technical changes; amending s. 466.0135, F.S., making technical changes, specifying continuing education providers; amending s. 466.014, F.S., providing for proof of continuing education; amending s. 466.015, F.S., altering inactive status provisions and fees; amending s. 466.017, F.S., making technical changes; providing for a fee; amending s. 466.018, F.S., adding provision relating to dentist of record, providing for multidentist practices and records; amending s. 466.019, F.S., substantially altering advertising requirements; creating s. 466.022, F.S., providing for peer review; amending s. 466.023, F.S., clarifying dental hygiene and dental assistant supervisory requirements; amending s. 466.024, F.S., changing auxiliary to assistant; amending s. 466.025, F.S., changing auxiliary to assistant; amending s. 466.026, F.S., increasing prohibitions for which there are criminal penalties, making technical changes; amending s. 466.028, F.S., altering disciplinary provisions, providing for forced examination, defining dental malpractice, adding new disciplinary provisions relating to substandard office practice, and the administration of anesthesia, providing for increased fines, requiring the department to investigate malpractice; authorizing dental hygienists to administer local topical anesthesia; amending s. 466.0285, F.S., altering provisions relating to ownership of dental equipment and material; amending s. 466.031, F.S., making technical changes; amending s. 466.032, F.S., providing for biennial registration; repealing s. 466.0395, relating to obsolete savings clause; saving chapter 466, F.S., from Sunset repeal; providing for future review and repeal;

Amendment 2D—In title, on page 1, line 2, insert: amending s. 459.001, F.S., providing legislative purpose; amending s. 459.002, F.S., deleting an exception to the operation of the chapter; amending s. 459.004, F.S., deleting obsolete language with respect to the Board of Osteopathic Medical Examiners; creating s. 459.0055, F.S., providing general licensure requirements; amending s. 459.006, F.S., providing for licensure by examination; amending s. 459.007, F.S., providing for licensure by endorsement; amending s. 459.0075, F.S., providing for limited licenses; amending s. 459.0077, F.S., relating to osteopathic faculty certificates; deleting a fee restriction; amending s. 459.008, F.S., providing for the renewal of licenses and certificates; amending s. 459.009, F.S., providing for inactive status; creating s. 459.0092, F.S., providing for fees; amending s. 459.0095, F.S., relating to Medicare and Medicaid assignments; amending s. 459.012, F.S., relating to itemized patient billing; creating s. 459.0122, F.S., relating to patient records with respect to the termination of an osteopathic physician's practice; providing clarifying language; amending s. 459.013, F.S., providing a penalty for certain violations; amending s. 459.015, F.S., providing grounds for disciplinary action; providing for increased fines under certain circumstances; creating s. 459.0155, F.S., creating the Impaired Practitioners Committee; providing duties; amending s. 459.016, F.S., relating to reports of disciplinary actions; amending s. 459.017, F.S., relating to osteopathic physician's consent; amending s. 459.018, F.S., relating to search warrants for described violations; providing that such warrants may be executed at any time; amending s. 459.021, F.S., relating to the registration of hospital residents and interns; providing clarifying language; amending s. 459.022, F.S., relating to osteopathic physician assistants; creating the Physician Assistants Committee; providing for certification; providing for application

approval; amending s. 455.241, F.S., to correct a cross reference; repealing s. 459.014, F.S., relating to sexual misconduct in the practice of osteopathic medicine; repealing s. 459.0153, F.S., relating to the prescription or administration of laetrile; repealing s. 459.0154, F.S., relating to the prescription or administration of DMSO; repealing s. 459.021, F.S., relating to the registration of hospital residents and interns; saving chapter 459, F.S., from Sunset repeal; providing for future review and repeal;

Amendment 2E—In title, on page 1, line 2, after the semicolon insert: amending s. 466.021, F.S., regulating employment of unlicensed persons by dentists;

Amendment 2 as amended was adopted.

On motion by Senator Frank, by two-thirds vote CS for SB 180 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	Plummer
Beard	Girardeau	Kiser	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Crenshaw	Hill	Meek	Weinstein
Deratany	Jenne	Myers	
Dunn	Jennings	Neal	
Fox	Johnson	Peterson	

Nays—2

Barron	Gersten

On motion by Senator Jenne, 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 refused to concur in Senate Amendments 1, 2, 3 and 4 to CS for HB 1296 and requests the Senate to recede.

Allen Morris, Clerk

CS for HB 1296—A bill to be entitled An act relating to the judiciary; amending ss. 26.031, 34.022, and 35.06, F.S., to provide additional judges in specified circuit and county courts; providing for the election of such additional judges; providing an effective date.

On motions by Senator Jenne, the Senate receded from Amendments 2 and 4 and refused to recede from Amendments 1 and 3, and again requested the House to concur in the Senate amendments.

CS for HB 1296 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnson	Plummer
Beard	Gersten	Kiser	Scott
Castor	Girardeau	Langley	Stuart
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

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Neal, by unanimous consent—

HB 1390—A bill to be entitled An act relating to the Florida Building and Facilities Act; amending s. 255.502, F.S., relating to the definition of "pool pledged revenues"; amending ss. 255.518 and 255.52, F.S., relating to the use of proceeds of obligations with respect to building acquisition and construction costs; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Neal, by two-thirds vote HB 1390 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gersten, Hair

Reconsideration

On motion by Senator Plummer, the Senate reconsidered the vote by which HB 1194 failed to pass.

Senator Langley presiding

HB 1194—A bill to be entitled An act relating to elections; creating ss. 106.30-106.36, F.S., the Florida Election Campaign Financing Act; creating an Election Campaign Financing Trust Fund and providing for appropriations thereto; authorizing contributions to certain statewide candidates; providing eligibility requirements; providing for expenditure limitations; providing distribution procedures; providing penalties; amending s. 106.141, F.S.; providing for disposition of surplus campaign funds by persons who receive contributions from the fund; amending s. 106.22, F.S.; providing for audits of campaign accounts of such persons; amending s. 106.265, F.S., providing for the deposit of certain fines into the Election Campaign Financing Trust Fund; providing an effective date.

HB 1194 was read by title, passed and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Gersten	Mann	Stuart
Beard	Grizzle	Margolis	Thomas
Castor	Hair	McPherson	Thurman
Childers, D.	Jenne	Meek	
Crawford	Kirkpatrick	Peterson	
Dunn	Malchon	Plummer	

Nays—12

Childers, W. D.	Grant	Langley	Scott
Deratany	Jennings	Myers	Vogt
Girardeau	Johnson	Neal	Weinstein

Vote after roll call:

Yea—Gordon

Nay—Barron

Yea to Nay—Beard

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed —

CS for HB 1313—A bill to be entitled An act relating to domestic relations; amending s. 61.001, F.S., providing legislative purpose; amending s. 61.021, F.S., relating to residence requirements; creating s. 61.046, F.S., providing definitions; amending s. 61.052, F.S., relating to dissolution of marriage; amending s. 61.08, F.S., relating to alimony; amending s. 61.09, F.S., relating to alimony and child support; amending s. 61.10, F.S., relating to adjudication of obligation to support spouse or minor child unconnected with dissolution; amending s. 61.13, F.S., relating to child support; providing for insurance payments; providing procedures

for payment of support and required support items; amending s. 61.1301, F.S., relating to income deduction orders issued in conjunction with support orders or modification of support orders; creating s. 61.13015, F.S., providing for the enforcement of income deduction orders; creating s. 61.13017, F.S., requiring the honoring of income deductions under certain circumstances; amending s. 61.14, F.S., relating to modification of support, maintenance or alimony agreements or orders; amending s. 61.17, F.S., providing for the effect of certain orders or judgments; amending s. 61.181, F.S., relating to the central depository for receiving, recording, reporting, monitoring and disbursing alimony, support, maintenance and child support payments; creating s. 61.182, F.S., providing for special masters; creating s. 61.183, F.S., providing for liens on real and personal property; amending s. 28.241, F.S., providing an additional filing charge with respect to child support actions; amending s. 88.065, F.S., relating to the conditions of interstate rendition with respect to uniform reciprocal enforcement of support; amending s. 88.121, F.S., providing that the Department of Health and Rehabilitative Services shall represent the petitioner with respect to certain proceedings; amending s. 88.151, F.S., relating to costs and fees; amending s. 88.181, F.S., providing that the department shall prosecute certain cases; amending s. 88.191, F.S., relating to duties of courts and officals in certain states; amending s. 88.211, F.S., relating to the order of support; amending s. 88.251, F.S., providing reference to the central governmental depository with respect to duties of certain courts; amending s. 88.297, F.S., relating to appeals; amending s. 88.345, F.S., relating to representation; amending s. 88.351, F.S., relating to registration; amending s. 95.11, F.S., providing for the time period for the statute of limitation with respect to paternity; amending s. 409.2551, F.S., relating to legislative intent with respect to enforcement of support; amending s. 409.2554, F.S., providing definitions; amending s. 409.2561, F.S., relating to public assistance payments; amending s. 409.2564, F.S., relating to actions for support; amending s. 409.2567, F.S., providing that support and paternity determination services of the department shall be made available on behalf of all dependent children; creating s. 409.2568, F.S., providing for the continuation of support services for public assistance recipients whose benefits are terminated; amending s. 409.2572, F.S., relating to cooperation with respect to public assistance; amending s. 409.2574, F.S., relating to income deductions; creating s. 409.2579, F.S., providing for information sharing between consumer reporting agencies and child support enforcement agencies; amending s. 409.2584, F.S., relating to interest on obligation due; amending s. 742.011, F.S., relating to determination of paternity proceedings; amending s. 742.021, F.S., relating to venue, process, and complaints; amending s. 742.031, F.S., relating to hearings; amending s. 742.10, F.S., relating to the establishment of paternity by other procedures; creating s. 742.12, F.S., providing for scientific testing to determine paternity; creating s. 742.15, F.S., providing for temporary support pending trial; directing the Supreme Court by rule to establish criteria to use in determining child support award amounts; amending section 6 of chapter 85-178, Laws of Florida, relating to child support enforcement demonstration projects; repealing s. 88.031(11), F.S., deleting the definition of the term "prosecuting attorney" with respect to the "Revised Uniform Reciprocal Enforcement of Support Act (1968)"; repealing s. 61.081, F.S., relating to income deduction orders in conjunction with an alimony order or an order for modification of an alimony order; repealing s. 409.245, F.S., relating to actions for support with respect to dependent children; repealing s. 409.2587, F.S., relating to uncollectible child support debts; repealing s. 742.041, F.S., relating to monthly contribution with respect to determination of paternity; providing for the application of repeals; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1 to Senate Amendment 1—On page 29, line 28, through page 40, line 10, strike all of said lines and insert:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.—

(1) The office of the clerk of the court shall operate a depository unless the depository is otherwise created by special act of the Legislature or unless prior to June 1, 1985, a different entity was established to perform such functions.

(2) The depository shall impose and collect a fee for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section, which fee shall be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the support payments the party is obligated to pay, except that no fee shall be less than $1 nor more than $10. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.

(3)(a) The depository shall collect and distribute all support payments paid into the depository to the appropriate party. As part of its collection and distribution functions, the depository shall maintain records listing:

1. The obligor's name, address, social security number, place of employment, and any other sources of income.

2. The obligee's name, address, and social security number.

3. The amount of support due as provided in the court order.

4. The schedule of payment as provided in the court order.

5. The actual amount of each support payment received, the date of receipt, the amount disbursed, and the recipient of the disbursement.

6. The unpaid balance of any arrearage due as provided in the court order.

7. Other records as necessary to comply with federal reporting requirements.

(b) Parties using the depository for support payments shall inform the depository of changes in their names or addresses. An obligor shall, additionally, notify the depository of all changes in employment or sources of income, including the payor's name and address, and changes in the amounts of income received. Notification of all changes shall be made in writing to the depository within 7 days of a change.

(4) The depository shall provide to the IV-D agency, at least weekly, a listing of IV-D accounts which identifies all delinquent accounts, the period of delinquency and total amount of delinquency. The list shall be in alphabetical order by name of obligor, and shall include the obligee's name and case number, and shall be provided at no cost to the IV-D agency.

(5) The depository shall accept a support payment tendered in the form of a check drawn on the account of a payor or obligor. The proceeds of the check need not be disbursed prior to payment of the check. Notwithstanding the provisions of s. 28.243, the administrator of the depository shall not be personally liable if the check tendered by the payor or obligor is not paid by the bank.

(6) Certified copies of payment records maintained by a depository shall, without further proof, be admitted into evidence in any legal proceeding in this state.

House Amendment 2 to Senate Amendment 1—On page 15, line 26, through page 24, line 12 strike all of said lines and insert:

Section 9. Section 61.1301, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 61.1301, F.S., for present text.)

61.1301 Income deduction order; issuance in conjunction with an alimony or child support order or modification.—

(1) Upon the entry of an order establishing, enforcing, or modifying an alimony or a child support obligation, the court shall enter a separate order for income deduction if one has not been entered. Copies of the orders shall be served on the obligee and obligor. If the support order directs that support payments be made through the depository, the court shall provide a copy of the support order to the depository. If the obligee is a IV-D applicant, the court shall furnish copies of the support order and the income deduction order to the IV-D agency.

(2) The income deduction order shall:

(a) Direct a payor to deduct from all income due and payable to an obligor the amount required by the court to meet the obligor's support obligation;

(b) State the amount of arrearage owed, if any, and direct a payor to withhold an additional 20 percent of the periodic amount specified in the support order, until full payment is made of any arrearage; and

(c) Direct a payor not to deduct in excess of the amounts allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

(3) The income deduction order is effective immediately unless the court upon good cause shown finds that the income deduction order shall be effective upon a delinquency in an amount equal to one month's support.

(4) The income deduction order shall be effective so long as the order of support upon which it is based is effective or until further order of the court.

(5) When the court orders the income deduction to be effective immediately, the court shall furnish to the obligor a statement of his rights, remedies, and duties in regard to the income deduction order. The statement shall state:

(a) All fees or interest which shall be imposed.

(b) The total amount of income to be deducted for each pay period until the arrearage, if any, is paid in full and state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

(c) That the income deduction order applies to current and subsequent payors and periods of employment.

(d) That a copy of the income deduction order will be served on the obligor's payor or payors, unless the obligor applies to the court to contest enforcement of the order. The application shall be filed within 15 days after the date the income deduction order is entered.

(e) That enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearages, or the identity of the obligor.

(f) That the obligor is required to notify the obligee and, when the obligee is receiving IV-D services, the IV-D agency, within 7 days of changes in the obligor's address and payors and the addresses of his payors.

(6) When the court orders the income deduction to be effective upon a delinquency in an amount equal to one month's support, the obligee may enforce the income deduction by serving a notice of delinquency on the obligor.

(a) The notice of delinquency shall state:

1. The terms of the support order.

2. The period of delinquency and the total amount of the delinquency as of the date the notice is mailed.

3. All fees or interest which may be imposed.

4. The total amount of income to be deducted for each pay period until the arrearage, and all applicable fees and interest, is paid in full and state the total amount of income to be deducted for each pay period thereafter. The amounts deducted may not be in excess of that allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended.

5. That the income deduction order applies to current and subsequent payors and periods of employment.

6. That a copy of the notice of delinquency will be served on the obligor's payor or payors, together with a copy of the income deduction order, unless the obligor applies to the court to contest enforcement of the order. The application shall be filed within 15 days after the date the notice of delinquency was served.

7. That the enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the amount of arrearages, or the identity of the obligor.

8. That the obligor is required to notify the obligee of the obligor's current address and current payors and the address of current payors. All changes shall be reported by the obligor within 7 days. If the IV-D agency is enforcing the order, the obligor shall make these notifications to the agency instead of to the obligee.

(b) The failure of the obligor to receive the notice of delinquency does not preclude subsequent service of the income deduction order on the obligor's payor. A notice of delinquency which fails to state an arrearage does not mean that an arrearage is not owed.

(7) At any time, any party, including the IV-D agency, may apply to the court to:

(a) Modify, suspend, or terminate the order for income deduction because of a modification, suspension, or termination of the underlying order for support; or

(b) Modify the amount of income deducted when the arrearage has been paid.

Section 10. Section 61.13015, Florida Statutes, is created to read:

61.13015 Enforcement of income deduction orders.—

(1) The obligee or his agent shall serve an income deduction order and the notice to payor, and in the case of a delinquency a notice of delinquency,on the obligor's payor unless the obligor has applied for a hearing to contest the enforcement of the income deduction order pursuant to subsection (3).

(2)(a) Service by or upon any person who is a party to a proceeding under this section shall be made in the manner prescribed in the Florida Rules of Civil Procedure for service upon parties.

(b) Service upon an obligor's payor or successor payor under this section shall be made by prepaid certified mail, return receipt requested, or in the manner prescribed in chapter 48.

(3)(a) The obligor, within 15 days after having an income deduction order entered against him, or within 15 days after service of a notice of delinquency,may apply for a hearing to contest the enforcement of the income deduction order on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the amount of arrearage of support, or the identity of the obligor. The obligor shall send a copy of the pleading to the obligee and, if the obligee is receiving IV-D services, to the IV-D agency. The timely filing of the pleading shall stay the service of an income deduction order on all payors of the obligor until a hearing is held and a determination is made as to whether the enforcement of the income deduction order is proper. The payment of delinquent support by an obligor upon entry of an income deduction order shall not preclude service of the income deduction order on the obligor's payor.

(b) When an obligor timely requests a hearing to contest enforcement of an income deduction order, the court, after due notice to all parties and the IV-D agency if the obligee is receiving IV-D services, shall hear the matter within 20 days after the application is filed. The court shall enter an order resolving the matter within 10 days after the hearing. A copy of this order shall be served on the parties and the IV-D agency if the obligee is receiving IV-D services. If the court determines that service of an income deduction order is proper, it shall specify the date the income deduction order must be served on the obligor's payor.

(4) When a court determines that an income deduction order is proper pursuant to subsection (3), the obligee or his agent shall cause a copy of the income deduction order and a notice to payor, and in the case of a deliquency a notice of delinquency, to be served on the obligor's payors. A copy of the notice to the payor, and in the case of a delinquency a notice of delinquency, shall also be furnished to the obligor.

(5) The notice to payor shall contain only information necessary for the payor to comply with the income deduction order. The notice shall:

(a) Require the payor to deduct from the obligor's income the amount specified in the income deduction order, and in the case of a delinquency the amount specified in the notice of delinquency, and to pay that amount to the obligee or to the depository, as appropriate. The amount actually deducted plus all administrative charges shall not be in excess of the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);

(b) Instruct the payor to implement the income deduction order no later than the first payment date which occurs more than 14 days after the date the income deduction order was served on the payor;

(c) Instruct the payor to forward, within 2 days after each payment date, to the obligee or the depository the amount deducted from the obli-

gor's income and a statement as to whether the amount totally or partially satisfies the periodic amount specified in the income deduction order. If the IV-D agency is enforcing the order, the payor shall make these notifications to the agency instead of the obligee;

(d) Specify that if a payor fails to deduct the proper amount from the obligor's income, the payor is liable for the amount the payor should have deducted, plus costs, interest, and reasonable attorney's fees;

(e) Provide that the payor may collect up to $5 against the obligor's income to reimburse the payor for administrative costs for the first income deduction and up to $1 for each deduction thereafter;

(f) State that the income deduction order and the notice to payor, and in the case of a delinquency the notice of delinquency, are binding on the payor until further notice by the obligee, IV-D agency, or the court or until the payor no longer provides income to the obligor;

(g) Instruct the payor that, when he no longer provides income to the obligor, he shall notify the obligee and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known, and that, if the payor violates this provision, the payor is subject to a civil penalty not to exceed $250 for the first violation or $500 for any subsequent violation. If the IV-D agency is enforcing the order, the payor shall make these notifications to the agency instead of to the obligee. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order;

(h) State that the payor shall not discharge, refuse to employ, or take disciplinary action against an obligor because of an income deduction order and that a violation of this provision subjects the payor to a civil penalty not to exceed $250 for the first violation or $500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order, if any support is owing. If no support is owing, the penalty shall be paid to the obligor;

(i) State that an obligor may bring a civil action in the courts of this state against a payor who refuses to employ, discharges, or otherwise disciplines an obligor because of an income deduction order. The obligor is entitled to reinstatement and all wages and benefits lost plus reasonable attorneys' fees and costs incurred;

(j) Inform the payor that the income deduction order has priority over all other legal processes under state law pertaining to the same income and that payment, as required by the income deduction order, is a complete defense by the payor against any claims of the obligor or his creditors as to the sum paid;

(k) Inform the payor that, when he receives income deduction orders requiring that the income of two or more obligors be deducted and sent to the same depository, he may combine the amounts that are to be paid to the depository in a single payment as long as he identifies that portion of the payment attributable to each obligor; and

(l) Inform the payor that if the payor receives more than one income deduction order against the same obligor, he shall contact the court for further instructions. Upon being so contacted, the court shall allocate amounts available for income deduction giving priority to current child support obligations up to the limits imposed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b).

(6) At any time an income deduction order is being enforced, the obligor may apply to the court for a hearing to contest the continued enforcement of the income deduction order on the same grounds set out in subsection (3), with a copy to the obligee and, in IV-D cases, to the IV-D agency. The application does not affect the continued enforcement of the income deduction order until the court enters an order granting relief to the obligor. The obligee or the IV-D agency is released from liability for improper receipt of moneys pursuant to an income deduction order upon return to the appropriate party of any moneys received.

(7) An obligee, or his agent, shall enforce income deduction orders against an obligor's successor payor who is located in this state in the same manner prescribed in this section for the enforcement of an income deduction order against a payor.

(8)(a) When an income deduction order is to be enforced against a payor located outside the state, the obligee who is receiving IV-D services or his agent shall promptly request the agency responsible for income deduction in the other state to enforce the income deduction order. The request shall contain all information necessary to enforce the income deduction order, including the amount to be periodically deducted, a copy of the support order, and a statement of arrearages, if applicable.

(b) When the IV-D agency is requested by the agency responsible for income deduction in another state to enforce an income deduction order against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency in the other state, the IV-D agency shall act promptly pursuant to the applicable provisions of this section.

(c) When an obligor who is subject to an income deduction order enforced against a payor located in this state for the benefit of an obligee who is being provided IV-D services by the agency responsible for income deduction in another state terminates his relationship with his payor, the IV-D agency shall notify the agency in the other state and provide it with the name and address of the obligor and the address of any new payor of the obligor, if known.

(d)1. The procedural rules and laws of this state govern the procedural aspects of income deduction orders whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction order in this state.

2. The substantive laws of the initiating state govern the substantive aspects of income deduction orders whenever the agency responsible for income deduction in another state requests the enforcement of an income deduction order in this state.

(9) Certified copies of payment records maintained by a depository shall, without further proof, be admitted into evidence in any legal proceeding in this state.

(10)(a) A person may not discharge, refuse to employ, or take disciplinary action against an employee because of the enforcement of an income deduction order. An employer who violates this subsection is subject to a civil penalty not to exceed $250 for the first violation or $500 for any subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order, if any support is owing. If no support is owing, the penalty shall be paid to the obligor.

(b) An employee may bring a civil action in the courts of this state against an employer who refuses to employ, discharges, or otherwise disciplines an employee because of an income deduction order. The employee is entitled to reinstatement and all wages and benefits lost plus reasonable attorneys' fees and costs incurred.

(11) When a payor no longer provides income to an obligor, he shall notify the obligee, and if the obligee is a IV-D applicant, the IV-D agency and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known. A payor who violates this subsection is subject to a civil penalty not to exceed $250 for the first violation or $500 for a subsequent violation. Penalties shall be paid to the obligee or the IV-D agency, whichever is enforcing the income deduction order.

House Amendment 3 to Senate Amendment 1—On page 24, line 13, through page 27, line 4, strike all of said lines and insert:

Section 16. Section 61.1352 Florida Statutes, is created to read:

61.1352 Liens on real and personal property.—

(1) As to support orders filed with the Secretary of State after January 1, 1988, a delinquency in the payment of support creates a lien on behalf of the obligee in the amount of the delinquency on all nonexempt real and personal property of the support obligor. The rights of the obligee shall be subordinate to the rights of a secured creditor who has perfected his security interest.

(2)(a) The obligor may provide a separate sworn affidavit in substantially the following form:

State of Florida

County of . . . .

Before me this day personally appeared . . . . (obligor). . . . , who, being duly sworn, deposes and says that:

He or she is not the obligor pursuant to an order for child support; or

He or she is obligated to pay child support and no delinquency in such payments exists; or

He or she is obligated to pay child support and a delinquency in such payments exists in the amount of $. . . . .

. . . . (Signature of person making affidavit). . . .

Sworn to and subscribed before me this . . . . day of . . . . . , 19. . . . .

. . . . (Notary Public). . . .

(b) If the affiant states either that he or she is not the obligor pursuant to an order for child support or that no delinquency in child support payments exists, the transferring agent shall be held harmless from any claims for delinquent support and the purchaser of property or lender relying on such affidavit shall be considered a bona fide purchaser in good faith and the property shall be free and clear of any liens or claims for delinquent support.

(c) Whoever makes a false statement, which he does not believe to be true, under oath, in an affidavit as described in this subsection, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As a condition of probation or community control imposed in relation to a penalty under this section, the court shall require the payment of all amounts due by the obligor for child support that was delinquent at the time of the offense.

(3) If the purchaser, lender or transferring agent obtains an affidavit from the support obligee stating that no delinquency exists or has made an inquiry of the depository and determined that no delinquency exists, the transferring agent shall be held harmless from any claims for delinquent support and the purchaser of property shall thereupon be considered a bona fide purchaser in good faith and the property shall be free and clear of any liens or claims for delinquent support.

(4) The Department of State shall maintain a central file of all original support orders and modifications forwarded by the clerks of the courts pursuant to s. 61.13(1)(c). The clerk shall promptly disclose to any person who requests, whether a current support order exists and which depository is monitoring the payments.

(5) The depository shall promptly disclose to any person who requests, whether a delinquency in support payments exists and the amount of the delinquency.

(6) The Department of State shall maintain a central file of all current support orders forwarded by the clerks of the courts pursuant to s. 61.13(1)(c). The Department of State shall promptly disclose to any person who requests, whether a current support order exists and which depository is monitoring the payments, or shall provide for access to that information through the clerks of the circuit court.

(7) The depository shall promptly disclose to any person who requests, whether a delinquency in support payments exists and the amount of the delinquency.

Section 17. Subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of $30 in all cases in which there are not more than five defendants, and an additional service charge of $2 for each defendant in excess of five. An additional service charge of $10 shall be paid by the party seeking each severance that is granted. An additional service charge of $2.50 shall be paid to the clerk for each civil action filed, $2 of such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of $1 shall be paid to the clerk for each civil action brought in circuit or county court, to be deposited into the Court Education Trust Fund; the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund. *Effective January 1, 1988, an additional charge of $12 shall be paid to the clerk for each action in which child support is initially sought; $10 of which shall be forwarded by the clerk to the Department of State within two working days, for deposit in the Corporations Trust Fund and $2 of which shall be retained by the clerk.* Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance, or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, in providing and maintaining facilities, including a law library, for the use of the courts of the county wherein the service charges are collected or for a legal aid program in such county. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him in civil actions, suits, or proceedings.

(Renumber subsequent sections.)

House Amendment 4 to Senate Amendment 1—On page 9, after line 7 insert:

(c) Effective January 1, 1988, upon entry of an order awarding or modifying child support, the clerk of the court shall transmit to the Department of State, information necessary for the department to maintain a record of the order being entered, including name, address, date of birth and social security number of the obligor, name of the obligee, case number, and date of the order. Effective January 1, 1988, the clerk of the court shall transmit such information to the Department of State on behalf of an obligee who presents the clerk with a certified copy of an existing order for support upon payment of a fee of $10. The moneys collected shall be forwarded by the clerk to the Department of State within 2 working days, for deposit in the Corporations Trust Fund.

House Amendment 5 to Senate Amendment 1—On page 1, line 12, before Section 1 insert:

Section 1. Subsection (3), paragraphs (b), (f), and (g) of subsection (4), paragraphs (a), (b), and (d) of subsection (9), paragraph (a) of subsection (15), and paragraph (b) of subsection (16) of section 20.19, Florida Statutes, are amended, subsections (3) through (17) are renumbered as subsections (4) through (18), respectively, and new subsections (3) and (19) are added to said section, to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(3) DEPUTY SECRETARY FOR OPERATIONS.—The secretary shall appoint a Deputy Secretary for Operations who shall be the chief operations officer of the department and who shall serve at the pleasure of, and be directly responsible to, the secretary. The Deputy Secretary for Operations shall be responsible for, and have line authority over, service program operations of the department, including the management of institutions and residential treatment programs, assuring that such programs comply with federal and state laws and regulations, and such other duties as are assigned to him by the secretary. However, he shall delegate as much authority for the administration of service programs within the districts as practicable to the respective district administrators. The Deputy Secretary for Operations shall have line authority over departmental employees engaged in providing services directly to the client or support services therefor.

(4)~~(3)~~ ASSISTANT SECRETARIES.—The secretary shall appoint ~~an Assistant Secretary for Operations,~~ an Assistant Secretary for Programs ~~Planning,~~ and an Assistant Secretary for Administration, each of whom shall serve at the pleasure of, and be directly responsible to, the secretary. The secretary shall appoint a Deputy Assistant Secretary for Programs ~~Planning~~, a Deputy Assistant Secretary for *Regulation and* ~~State~~ Health *Facilities* ~~Planning and Development, and~~ a Deputy Assistant Secretary for Medicaid, *and a Deputy Assistant Secretary for Health,* each of whom shall serve at the pleasure of the secretary and shall be directly responsible to the Assistant Secretary for Programs ~~Planning~~.

~~(a) The Assistant Secretary for Operations shall be responsible for, and have line authority over, all service program operations of the department, including the management of all institutions and residential treatment programs, assuring that such programs comply with federal and state laws and regulations, and such other duties as are assigned to him by the secretary. However, he shall delegate as much authority for the administration of service programs within the districts as practicable to the respective district administrators. The Assistant Secretary for Operations shall have line authority over all departmental employees engaged in providing services directly to the client or support services therefor.~~

(a) ~~(b)~~ The Assistant Secretary for Programs ~~Planning~~ shall have responsibility for general statewide supervision of the administration of service programs operated by the department and such other program development and planning duties as are assigned to him by the secretary. "General statewide supervision of the administration of service programs" means service program development and planning; program research; identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; assisting the district administrators in staff development and training; reviewing and monitoring district-level program operations; assuring compliance with statewide program standards and performance criteria; *monitoring* ~~assuring~~ uniform program quality among districts; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants; but does not involve line authority over any *health or human services* ~~service~~ program operations of the department, including the management of institutions and residential treatment programs.

1. Program offices shall ~~be designed to~~ operate in a staff capacity to the Assistant Secretary for Programs ~~Planning~~. Each program office shall be headed by a program staff director who shall be appointed by, and serve at the pleasure of, the secretary and be directly responsible to the Assistant Secretary for Programs ~~Planning~~. ~~In no case shall the total professional staff of all of the program offices combined exceed 450 persons.~~ The Assistant Secretary for Programs ~~Planning~~ shall delegate to the program offices the following responsibilities, which shall include, but are not limited to:

a. Identification of client needs.

b. Intraprogram policy development.

c. Short-term and long-term intraprogram planning.

d. Intraprogram standards setting, monitoring, and quality control.

e. Intraprogram staff development, training, and technical assistance programs.

f. Advising the Assistant Secretary for Programs ~~Planning~~ and others within the department, upon request, on issues within their areas of substantive expertise.

g. Acting as liaison, when assigned by the Assistant Secretary for Programs ~~Planning~~, to other governmental agencies and the public on programmatic issues.

h. Developing state program plans.

i. Developing resource forecasts and working within the state on community resource development.

j. Quality control.

k. *General* statewide supervision of the administration of service programs.

l. Any other program planning and development duties assigned by the secretary.

2. The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging shall be for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

a. Children's Medical Services Program Office.—The responsibilities of this office encompass all children's medical services programs operated by the department.

b. Economic Services Program Office.—The responsibilities of this office encompass all income support programs within the department, such as aid to families with dependent children (AFDC), food stamps, and *state supplementation of the* supplemental security income (SSI) *program.*

~~c. Health Program Office.—The responsibilities of this office encompass all health programs operated by the department, including county public health units and the review and coordination of departmental health services, and the planning of services and programs for persons who have multiple sclerosis, as well as the insurance of an accepted level of quality.~~

c.~~d.~~ Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include *any disability* ~~retardation, cerebral palsy, epilepsy, and autism, as~~ defined in s. 393.063.

~~e. Vocational Rehabilitation Program Office.—The responsibilities of this office encompass all vocational rehabilitation programs operated by the department.~~

d.~~f.~~ Aging and Adult Services Program Office.—The responsibilities of this office encompass all aging and adult programs operated by the department.

e.~~g.~~ Children, Youth, and Families Program Office.—The responsibilities of this program office encompass *intake services for dependent and delinquent children; children's* protective services; adoption; child care; foster care programs; specialized services to families; all programs operated by the department relating to delinquent children; *and* related mental health services for children and youth in coordination with the Alcohol, Drug Abuse, and Mental Health Program Office~~; and single intake for delinquency and dependency juvenile programs~~.

f.~~h.~~ Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department except those programs for children and youth which shall be handled in coordination with the Children, Youth, and Families Program Office. In addition, the responsibility for *adult* forensic programs shall be located within this office.

3.a. The secretary may appoint only one advisory council for the purpose of acting as the advisory body to each respective program office in the performance of functions assigned to program offices in subparagraph 1. Not fewer than 8 members or more than 14 members may be appointed to each program office advisory council. Representation on each program office advisory council shall include persons with expertise in each of the major service responsibilities of the respective program office; at least one consumer representative who shall be a client of, or parent, guardian, or spouse of, a client of the respective program office; and, to the extent possible, representation from the various geographic areas of the state. *Representatives of provider groups whose principal source of support is funds from the department shall not comprise more than 25 percent of any council advisory to the Department of Health and Rehabilitative Services.* Unless otherwise required by law or federal regulation, in no case shall an employee of the Department of Health and Rehabilitative Services serve as a member ~~or as an ex officio member~~ of any council advisory to the Department of Health and Rehabilitative Services. Whenever feasible, priority shall be given to the appointment of district advisory council members to program office advisory councils. Initially, the secretary shall appoint one-half of the members for terms of 2 years each, and one-half of the members for terms of 1 year each. Thereafter, members shall be appointed for 2-year terms. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointments. A member may be reappointed to only one subsequent term.

b. Each program office advisory council shall meet no more frequently than quarterly. Minutes shall be recorded for all meetings of such councils and shall be kept on file in the respective program office.

c. Members and their attendants, or interpreters for the deaf or handicapped when necessary, shall receive no compensation but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s. 112.061.

d. The department shall make a separate and distinct request for an appropriation for such expenses for each advisory council. Such requests may be combined into a specific appropriation for advisory council expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council expenses; and the department is prohibited from using any other appropriation for supporting the activities of groups advisory to program offices.

e. The Department of Health and Rehabilitative Services shall adopt rules to implement this act, which rules shall serve as formal operating procedures for each program office advisory council.

~~f. Any provisions of this paragraph to the contrary notwithstanding, the department shall establish, within the advisory council to the Health Program Office, a public health unit subcouncil, consisting of six members. The secretary of the department shall appoint three members from among the membership of the advisory council; the Florida Association of County Commissioners shall appoint two members who are county commissioners; and the Florida Public Health Association shall appoint one member who is a full-time employee of a public health unit. Additionally, the chairman of the Senate Committee on Health and Rehabilitative Services, or his designee, and the chairman of the House Committee on Health and Rehabilitative Services, or his designee, shall serve as ex officio members of the subcouncil. The subcouncil may meet as needed to fulfill its responsibilities as set forth in this sub-subparagraph. The subcouncil shall prepare an annual report reviewing the public health programs for which state involvement is recommended. The report shall include recommended levels of funding by state and local governments, taking into consideration the use and availability of federal moneys. The report shall also examine the feasibility of establishing an order of priority with respect to the provision of public health unit services and the varying levels of state and local financial participation required therefor. The report shall be submitted, together with supporting documentation, to the Governor, the Secretary of Health and Rehabilitative Services, the President of the Senate, and the Speaker of the House of Representatives by July 15 of each year. The subcouncil shall study, and make recommendations to the Secretary of Health and Rehabilitative Services concerning, the feasibility of the establishment of multicounty full-time public health units providing services to two or more counties for the purpose of more efficiently administering the delivery of public health unit services for which contractual arrangements have been executed with the counties.~~

4. Individual program office advisory councils as described in subparagraph 3. shall be the only councils advisory to the Department of Health and Rehabilitative Services unless other such advisory councils to the department are established by law; except that advisory committees as defined in s. 20.03(8), or any advisory bodies not specifically created by law, may be established and receive funds for a period not to exceed 1 year if the department has provided the following information to the Speaker of the House of Representatives, the President of the Senate, and the Comptroller:

a. The date of creation of the advisory body.

b. The purpose of the advisory body and the program office to which it is to furnish advice.

c. The termination date of the advisory body.

d. The estimated frequency of meetings and estimated costs associated with the advisory body.

5. All program offices within the Department of Health and Rehabilitative Services which serve children and youth shall work together to identify the needs of children in the state; to establish priorities and goals in meeting these needs; and to participate in interprogram standards setting, monitoring, and quality control. As a result of such cooperative planning, the Department of Health and Rehabilitative Services shall establish an annual plan for financial management and services delivery and integration designed to meet the comprehensive needs of the children and youth served by the department. The plan shall become the document used by all department staff in planning, budgeting, implementing, monitoring, and evaluating all service delivery for children and youth. All other documents developed at any level within the department relating to services for children and youth shall be consistent with this plan. In addition, a 5-year state plan shall be developed to be submitted with the annual plan to the Governor and the Legislature by January 1, 1981. *The plan shall be reviewed annually and updated at least once every 5 years.*

6. The responsibilities of the Deputy Assistant Secretary for *Regulation and* Health Facilities ~~Planning and Development~~ shall include, but are not limited to, ~~comprehensive health planning, Hill-Burton programs, and~~ certificate-of-need determinations, *Hill-Burton programs and licensure and certification of programs external to the department for which the department has a major regulatory responsibility,* as well as those functions authorized by law in conformance with Pub. L. No. 93-641. The assistant secretary may assign *or delegate* other responsibilities *of* ~~to~~ this office in keeping with the intent of this act. The functions of this office relating to Pub. L. No. 93-641 shall not be decentralized to the districts.

7. The responsibilities of the Deputy Assistant Secretary for Medicaid shall encompass all Medicaid planning and development functions, including, but not limited to, policy and program development, program monitoring, provider relations, interprogram planning, and program surveillance and utilization review. In addition, the secretary shall appoint a Medicaid Advisory Council in accordance with the provisions of federal regulations relating to Medicaid and with those provisions relating to program office advisory councils which are not in conflict with the regulations.

8.a. The Deputy Assistant Secretary for Health shall be the State Health Officer. The State Health Officer shall be a physician licensed under chapter 458 or chapter 459, shall have a master's degree in public health, and shall be responsible for all health programs operated by the department. The State Health Officer shall provide medical supervision to the employees of all county public health units established pursuant to part I of chapter 154, and shall coordinate all health activities under the Assistant Secretary for Programs and the Deputy Secretary for Operations. "Medical supervision" means medical advice, consultation, and direction given to county public health unit employees during the management of a public health emergency. The term does not include supervision or line authority in the performance of routine public health duties.

b. The secretary shall appoint an Assistant Health Officer for Public Health and Primary Care, an Assistant Health Officer for Disease Control, and an Assistant Health Officer for Interprogram Development and Technical Assistance, each of whom shall serve at the pleasure of the secretary and be directly responsible to the Deputy Assistant Secretary for Health.

c. The secretary may appoint an advisory council for public health and primary care.

(b) ~~(c)~~ The Assistant Secretary for Administration shall be responsible for:

1. Supervising all of the budget management activities of the department and serving as the chief budget officer of the department.

2.~~1.~~ Providing administrative and management support services above the district level.

3.~~2.~~ Monitoring administrative and management support services in the districts.

4.~~3.~~ Developing and implementing uniform policies, procedures, and guidelines with respect to personnel administration, finance and accounting, budget, grants management and disbursement, procurement, information and communications systems, management evaluation and improvement, and general services, including housekeeping, maintenance, and leasing of facilities.

5.~~4.~~ Performing such other administrative duties as are assigned to him by the secretary.

(5)~~(4)~~ SERVICE DISTRICTS.—

(b) The secretary shall appoint a district administrator for each of the service districts, *who shall have the same standing within the department as an assistant secretary.* Each district administrator shall serve at the pleasure of the secretary and shall be directly responsible to the *Deputy* ~~Assistant~~ Secretary for Operations. Each district administrator shall have direct line authority over all departmental programs assigned to the district. In addition to those responsibilities assigned by law, the district administrator shall carry out those duties delegated to him by the *Deputy* ~~Assistant~~ Secretary for Operations. ~~The salary of this position shall be comparable to that of a division director of a state agency.~~

(f) There shall be programs at the district level in the following areas: aging and adult services; children's medical services; health; alcohol, drug abuse, and mental health; developmental services; social and economic services; *and children, youth, and family services* ~~vocational rehabilitation; and youth services~~. There may be a program supervisor for each program, or the district administrator may combine programs including children, youth, and *families* ~~family~~ under a program manager or program supervisor, if such arrangement is approved by the secretary.

(g) The district manager for administrative services shall provide the following administrative and management support services to the district in accordance with the uniform policies, procedures, and guidelines established by the Assistant Secretary for Administration:

1. Finance and accounting.

2. Grants management and disbursement.

3. Personnel administration.

4. Purchasing and procurement.

5. General services, including housekeeping and maintenance of facilities.

6. Assisting the district administrator in preparation of the district budget request and administration of the approved operating budget.

7. The district manager for administrative services shall be the chief budget officer of the district.

8.~~7.~~ Other administrative duties as assigned by the district administrator.

(10)~~(9)~~ DEPARTMENTAL BUDGET.—

(a) The secretary shall develop and submit annually to the Legislature a comprehensive departmental summary budget document which shall array district budget requests along program lines. This summary document shall, for the purpose of legislative appropriation, consist of four distinct budget entities:

1. Office of the Secretary;

2. Office of the Assistant Secretary for Administration;

3. Office of the Assistant Secretary for Programs ~~Planning~~; and

4. Office of the *Deputy* ~~Assistant~~ Secretary for Operations.

The various district budget requests shall be included in the comprehensive departmental summary budget document. *The department shall periodically review the appropriateness of the budget entity designations and the adequacy of its delegated authority to transfer funds between entities. The first review shall be completed and submitted to the Speaker of the House of Representatives and the President of the Senate by January 1, 1987, and subsequent reviews shall be submitted every 5 years thereafter.*

(b) To fulfill this responsibility, the secretary shall have the authority to review, amend, and approve the annual budget request of all departmental activities. In addition, the provisions of ss. 216.292 and 216.351 notwithstanding, the secretary, whenever deemed necessary by reason of significantly changed conditions, may transfer funds between the approved operating budgets of the districts. ~~The total of such transfers may not exceed 5 percent of the operating budget of an individual district during any fiscal year.~~

(d) It is the responsibility of the district administrator to develop an annual budget request to be reviewed, amended, and approved by the secretary. Upon appropriation of an approved district budget, the district administrator shall be responsible for the execution of this operating budget during the fiscal year. ~~The provisions of ss. 216.292 and 216.351 notwithstanding, whenever deemed necessary by reason of significantly changed conditions, the district administrator may transfer funds between the various programs in the district, with approval of the secretary. The total of such transfers may not exceed 10 percent of the approved operating budget of a district during any fiscal year.~~

(16)~~(15)~~(a) HEADQUARTERS; SERVICE FACILITIES.—The department shall maintain its headquarters and all offices above the district office level in Tallahassee.

(17)~~(16)~~ MANAGEMENT FELLOWS PROGRAM.—

(b) The department is authorized to establish a management fellows program in order to provide highly qualified career candidates for key administrative and managerial positions in the department. Such program shall include, but is not limited to:

1. The identification annually by *the secretary,* the Assistant Secretary for Administration, the *Deputy* ~~Assistant~~ Secretary for Operations, the Assistant Secretary for Programs ~~Planning~~, and the district administrator in each district of one high-potential career service employee each, to be designated and appointed to serve as a full-time health and rehabilitative services management fellow for a period of 1 year.

2. The design, development, implementation, and monitoring of a full-time, 1-year placement program based on a self-motivated enrichment plan for each respective fellow in various units of the department.

3. The participation of each management fellow in on-the-job management training and inservice administrative training project assignments, supplemented by periodic management workshops, seminars, and courses within and outside the department.

(19) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is the intent of the Legislature that when county governments are required by law to participate in the funding of programs, the department shall consult with designated representatives of county governments in developing policies and service delivery plans for those programs.

Section 2. Paragraph (e) of subsection (3) of section 154.02, Florida Statutes, is amended to read:

154.02 Public Health Unit Trust Fund.—

(3) The Public Health Unit Trust Fund shall be governed as follows:

(e) Under no circumstances may there be transfers of funds between program accounts without the proper budget amendments unless the public health unit director determines that an emergency exists wherein a time delay would endanger the public health and the *Deputy Assistant Secretary for Health* ~~director of the Health Program Office~~ has approved the transfer. The *Deputy Assistant Secretary for Health* ~~director~~ shall forward written evidence of his approval to the public health unit within 30 days after the transfer; and

Section 3. Paragraph (b) of subsection (1) of section 154.04, Florida Statutes, is amended to read:

154.04 Personnel of public health units; duties; compensation.—

(1)

(b) The public health unit director shall be a doctor of medicine or a doctor of osteopathy who is trained in public health administration and shall be appointed by the secretary of the department after consultation with the *Deputy Assistant Secretary for Health, the district administrator,* ~~director of the Health Program Office~~ and the concurrence of the boards of county commissioners of the respective counties. If the public health unit does not have a director onsite, a public health unit administrator trained in public health administration may be appointed as designated in paragraph (a). In such cases, the district health program supervisor shall be a doctor of medicine or a doctor of osteopathy and shall be appointed to serve as the public health unit director.

Section 4. Subsection (7) of section 232.032, Florida Statutes, is amended to read:

232.032 Immunization against communicable diseases; school attendance requirements; exemptions.—

(7) The presence of any of the communicable diseases for which immunization is required by the Department of Health and Rehabilitative Services in a Florida public or nonpublic school shall permit the county health director or the *Deputy Assistant Secretary for Health* ~~Health Program Office staff director~~ to declare a communicable disease emergency. The declaration of such emergency shall mandate that all children in attendance in the school who are not in compliance with the provisions of this section be identified by the district school board, or the governing authority of the nonpublic school; and the school health and immunization records of such children shall be made available to the county health director. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from school by the district school board, or the governing authority, until such time as is specified by the county health unit director.

Section 5. Paragraph (b) of subsection (8) of section 381.272, Florida Statutes, is amended to read:

381.272 Onsite sewage disposal systems; installations; conditions.—

(8)

(b) The department shall appoint an Advisory Review Variance Board which shall meet monthly to recommend agency action on variance requests. The board shall be comprised of the following:

1. *The Deputy Assistant Secretary for Health* ~~A representative from the Health Program Office~~ of the Department of Health and Rehabilitative Services, *or his designee.*

2. A representative from the county health units.

3. A representative from the home building industry.

4. A representative from the septic tank industry.

5. A representative from the Department of Environmental Regulation.

Review group members shall be appointed for a period of 3 years with such appointments being staggered so that the terms of no more than two members expire in any one year.

Section 6. Subsection (3) of section 381.345, Florida Statutes, is amended to read:

381.345 Diabetes Advisory Council; creation; function; membership.—

(3) The council shall be composed of four practicing physicians; one representative from each medical school; seven interested citizens, at least three of whom shall be persons who have or have had diabetes mellitus or who have a child with diabetes mellitus; *the Deputy Assistant Secretary of Health or his designee;* ~~one representative from the Health Program Office;~~ one representative from the Children's Medical Services Program Office; and one professor of nutrition.

Section 7. Paragraph (d) of subsection (2) of section 381.605, Florida Statutes, is amended to read:

381.605 Chronic disease control program.—

(2) DEMONSTRATION PROJECT AND EVALUATION STUDY.—

(d) The department may contract for the provision of all or any portion of the services required by a program, and shall so contract whenever the requirements of s. 20.19*(15)*~~(14)~~ are met.

Section 8. Subsection (4) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening of infants for metabolic and other hereditary and congenital disorders.—It shall be the duty of the Department of Health and Rehabilitative Services to promote the screening of all infants born in Florida for phenylketonuria and other metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. Tests shall be performed at such times and in such manner as may be prescribed by the department after consultation with the Infant Screening Advisory Council.

(4) ADVISORY COUNCIL.—There is established an Infant Screening Advisory Council made up of 10 members appointed by the Secretary of the Department of Health and Rehabilitative Services. The council shall be composed of two consumer members, two practicing pediatricians, one representative from each of the three medical schools in the state, *the Deputy Assistant Secretary for Health or his designee,* and one representative ~~each~~ from the Children's Medical Services Program Office, ~~the Health Program Office,~~ and the Developmental Services Program Office. One-half of the members of the first council shall be appointed for a term of 2 years and the other half for a term of 4 years. Thereafter, all appointments shall be for a term of 4 years. The chairperson of the council shall be elected from the membership of the council and shall serve for a period of 2 years. The council shall meet at least semiannually or upon the call of the chairperson. Council members shall serve without pay. Notwithstanding the provisions of ss. 20.05(3) and 112.061, the council members shall not be reimbursed for travel or expenses. It is the purpose of the council to advise the department about:

(a) Conditions for which testing should be included under the screening program;

(b) Procedures for collection and transmission of specimens and recording of results; and

(c) Methods whereby screening programs for children now provided or proposed to be offered in the state may be more effectively evaluated, coordinated, and consolidated.

Section 9. Paragraph (a) of subsection (8) of section 383.144, Florida Statutes, is amended to read:

383.144 Infant hearing impairment program.—

(8)(a) A 14-member Council for the Infant Hearing Impairment Program is created for the purpose of advising the Department of Health and Rehabilitative Services regarding the program. For administrative purposes, the council shall be assigned to the Department of Health and Rehabilitative Services.

1. Nine members of the council shall be appointed by the Secretary of Health and Rehabilitative Services; and the nine members shall include:

a. A neonatologist.

b. An otolaryngologist.

c. An audiologist.

d. A child psychologist.

e. A pediatric nurse.

f. A hospital administrator.

g. A physician specializing in family practice.

h. A specialist in developmental medicine.

i. A physician with training in clinical genetics.

2. The remaining five members shall be recommended by the Commissioner of Education and appointed by the Secretary of Health and Rehabilitative Services and shall include:

a. An administrator in the Bureau of Education for Exceptional Students of the Department of Education.

b. A public school teacher certified in the area of the hearing impaired.

c. A parent of a hearing-impaired child.

d. The president of the Florida School for the Deaf and the Blind or his designee.

e. A speech and language development specialist.

3. Ex officio members of the council may include *the Deputy Assistant Secretary for Health or his designee and* representatives from ~~the Health Program Office and~~ the Children's Medical Services Office of the department.

Section 10. Subsection (3) of section 393.066, Florida Statutes, is amended to read:

393.066 Community services and treatment for the retarded and other developmentally disabled.—

(3) All services needed shall be purchased instead of provided directly by the department, when such arrangement is more cost-efficient, in accordance with s. 20.19*(15)*~~(14)~~.

Section 11. Subsection (2) of section 393.068, Florida Statutes, is amended to read:

393.068 Demonstration project.—The Department of Health and Rehabilitative Services shall conduct, or cause to be conducted, a combination demonstration project and evaluation study to determine the desirability of establishing a family placement program for retarded and developmentally disabled persons throughout the state. In carrying out the project, the department shall establish or cause to be established programs in at least three districts. When it is determined by the department to be more cost-effective and in the best interest of the client to maintain such client in the home of a caretaker in order to avoid unnecessary institutionalization, the parent or guardian of the client or, if competent, the client may enroll the client in the family placement program. The caretaker of a client enrolled in the family placement program shall be reimbursed according to a rate schedule set by the department.

(2) The department may contract for the provision of any portion or all of the services required by the program. Such purchase of service contracts shall be used whenever the requirements of s. 20.19*(15)*~~(14)~~ exist.

Section 12. Subsections (1) and (11) of section 394.67, Florida Statutes, are amended to read:

394.67 Definitions.—When used in this part, unless the context clearly requires otherwise, the term:

(1) "Advisory council" means a district advisory council as created by s. 20.19*(6)*~~(5)~~.

(11) "Service district" means a community service district as established by the department pursuant to s. 20.19*(5)*~~(4)~~(a) for the purpose of providing community alcohol, drug abuse, and mental health services.

Section 13. Subsection (9) of section 400.304, Florida Statutes, is amended to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Council; duties; membership.—

(9) The state ombudsman council shall enter into a cooperative agreement with the statewide and district human rights advocacy committees, as defined in s. 20.19*(7)*~~(6)~~ and *(8)*~~(7)~~, for the purpose of coordinating advocacy services provided to residents of nursing home and long-term care facilities.

Section 14. Subsection (1) of section 401.245, Florida Statutes, is amended to read:

401.245 Emergency and Nonemergency Medical Services Advisory Council.—

(1) The provisions of s. 20.19*(4)*~~(3)~~(b)3. notwithstanding, the secretary of the Department of Health and Rehabilitative Services may appoint an advisory council for the purpose of acting as the advisory body to the emergency medical services program. No more than 15 members may be appointed to this council. Initially, the secretary shall appoint one-half of the members for terms of 1 year each. Thereafter, members shall be appointed for 2-year terms. The chairman of the council shall be designated by the secretary and shall serve for a term of 1 year. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointment. Members shall receive no compensation, nor shall they be reimbursed for per diem and travel expenses.

Section 15. Paragraph (h) of subsection (7) of section 403.771, Florida Statutes, is amended to read:

403.771 Assessment of risk potential due to accidental release of toxic or otherwise hazardous substances.—

(7) DISSEMINATION OF INFORMATION.—Upon completion of the information gathering phase of its responsibilities under subsection (3), but no later than April 1, 1986, the department shall begin correlating such information, excluding information held confidential pursuant to a claim of trade secret or confidential proprietary information, as provided in subparagraph (5)(a)4., and shall compile such information into a document, copies of which shall be disseminated by July 1, 1986, to the following state agencies:

(h) The *Office of the Deputy Assistant Secretary for Health* ~~Health Program Office~~ within the Department of Health and Rehabilitative Services.

The Division of Emergency Management of the Department of Community Affairs shall, without delay, provide copies of relevant portions of such document to county emergency management directors for their use and for further distribution to such other local emergency management officials as they may deem appropriate. Those agencies receiving documents pursuant to paragraphs (b)-(h) are encouraged to also provide copies of relevant portions thereof to appropriate local government officials performing a similar governmental function on the local level. In disseminating such information as required or encouraged herein, each such agency shall invite the response of, and solicit recommendations from, local officials with respect to ways their particular functions may be facilitated or improved in light of such information. Additionally, each of the foregoing state agencies shall review its own existing regulatory or oversight programs in light of such information and, by October 1, 1986, shall make recommendations to the Department of Environmental Regulation with respect to the adequacy of such programs, and with respect to the adequacy of local programs, for inclusion in the department's final report under subsection (8).

Section 16. Paragraph (c) of subsection (1) of section 406.02, Florida Statutes, is amended to read:

406.02 Medical Examiners Commission; membership; terms; duties; staff.—

(1) There is created the Medical Examiners Commission within the Department of Law Enforcement. The commission shall consist of nine persons appointed or selected as follows:

(c) One member shall be the *Deputy Assistant Secretary for Health* ~~director of the Health Program Office~~ of the Department of Health and Rehabilitative Services, or his designated representative.

Section 17. Subsection (3) of section 410.023, Florida Statutes, is amended to read:

410.023 Definitions.—As used in this act:

(3) "District" means a specified, geographic service area, as defined in s. 20.19*(5)*~~(4)~~(a), in which the programs of the department are administered and services are delivered.

Section 18. Subsection (4) of section 410.024, Florida Statutes, is amended to read:

410.024 Community-care-for-the-elderly core services; powers and duties of the department.—

(4) The department or contracting agency shall contract for the provision of the core services required by a community care service system. However, the department may provide core services when such services cannot otherwise be purchased. Such purchase-of-service contracts shall be utilized whenever the requirements of s. 20.19*(15)*~~(14)~~ exist.

Section 19. Paragraph (b)1. of subsection (2) of section 415.501, Florida Statutes, is amended to read:

415.501 Prevention of abuse and neglect of children; state plan.—

(2) PLAN FOR COMPREHENSIVE APPROACH.—

(b) The development of the comprehensive state plan shall be accomplished in the following manner:

1. The Department of Health and Rehabilitative Services shall establish an interprogram task force comprised of *the Deputy Assistant Secretary for Health or his designee, and* representatives from the Children, Youth, and Families Program Office,~~;~~ the Children's Medical Services Program Office,~~;~~ the Alcohol, Drug Abuse, and Mental Health Program Office,~~; the Health Program Office;~~ the Developmental Services Program Office,~~;~~ and the Office of Evaluation. Representatives of the Department of Law Enforcement and of the Department of Education shall serve as ex officio members of the interprogram task force. The interprogram task force shall be responsible for:

a. Developing a plan of action for better coordination and integration of the goals, activities, and funding pertaining to the prevention of child abuse and neglect conducted by the department in order to maximize staff and resources at the state level. The plan of action shall be included in the state plan.

b. Providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.

c. Providing the districts with technical assistance in the development of local plans of action, if requested.

d. Examining the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

e. Preparing the state plan for submission to the Legislature and the Governor. Such preparation shall include the collapsing of information obtained from the local plans, the cooperative plans with the Department of Education, and the plan of action for coordination and integration of departmental activities into one comprehensive plan. The comprehensive plan shall include a section reflecting general conditions and needs, an analysis of variations based on population or geographic areas, identified problems, and recommendations for change. In essence, the plan shall

provide an analysis and summary of each element of the local plans to provide a statewide perspective. The plan shall also include each separate local plan of action.

f. Working with the specified state agency in fulfilling the requirements of subparagraphs 2., 3., 4., and 5.

Section 20. Paragraph (e) is added to subsection (2) of section 20.171, Florida Statutes, to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security.

(2) The following divisions, and bureaus within the divisions, of the Department of Labor and Employment Security are established:

(e) Division of Vocational Rehabilitation.

Section 21. Subsection (1) of section 413.20, Florida Statutes, is amended, subsections (2) through (12) are renumbered as subsections (3) through (13), respectively, and a new subsection (2) is added to said section, to read:

413.20 Definitions.—In ss. 413.20-413.*612* ~~44~~.:

(1) "Department" means the Department of *Labor and Employment Security* ~~Health and Rehabilitative Services~~;

(2) "Division" means the Division of Vocational Rehabilitation;

Section 22. The Division of Statutory Revision of the Joint Legislative Management Committee is directed to prepare a revisors bill for introduction in the 1987 regular Session of the Legislature to conform the Florida Statutes to the organizational changes made by sections 20 and 21 of this act.

Section 23. Paragraph (a) of subsection (3) of section 110.215, Florida Statutes, is amended to read:

110.215 Examinations administered to blind and deaf persons; penalties.—

(3)(a) The Department of Administration, with respect to all competitive examinations administered by it or any other agency to applicants for employment within the State Career Service System, shall adapt such examinations so that blind or deaf persons taking any such examinations can compete more equitably with sighted or hearing persons taking the examinations. The modifications or adaptations required by this subsection shall include, but not be limited to:

1. The provision of at least 50 percent more time to complete the examination for the blind or deaf person taking the examination, to allow for the slowness of readers or interpreters.

2. Competent reader service provided by the agency or by the appropriate blind services agency of the Department of Education or certified interpreter service provided by the agency or by the *Division* ~~appropriate Office~~ of Vocational Rehabilitation of the Department of *Labor and Employment Security* ~~Health and Rehabilitative Services~~, at no expense to the blind person taking the examination.

3. The exclusion from the examination of graphs, charts, tables, and questions which might, per se, be unfamiliar to a blind person or would be difficult for a blind person to interpret because of his blindness, such as, for example, estimating distances visually.

Section 24. Paragraph (c) of subsection (1) of section 229.8361, Florida Statutes, is amended to read:

229.8361 Florida Council for the Hearing Impaired.—

(1) There is hereby established within the Department of Education the Florida Council for the Hearing Impaired, hereinafter referred to as "the council." The council shall be composed of 12 persons, as follows:

(c) The ~~Staff~~ Director of the *Division of* Vocational Rehabilitation ~~Program Office within the Department of Health and Rehabilitative Services~~, or his designee.

Section 25. Section 553.49, Florida Statutes, is amended to read:

553.49 Modifications and waivers; advisory committee.—

(1) The Florida Board of Building Codes and Standards shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by an advisory committee consisting of the following four members: Executive Director, Governor's Committee on Employment of the Handicapped; Director, Division of Blind Services; Director *of the Division*~~, Office~~ of Vocational Rehabilitation; and President, Florida Council of Handicapped Organizations; or their designees. Upon application made in the form provided, an individual waiver or modification may be granted by the board so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

Section 26. *All powers and duties of the Department of Health and Rehabilitative Services relating to vocational rehabilitation, as provided in ss. 413.20-413.612, Florida Statutes, except ss. 413.50, 413.501, 413.502, and 413.503, Florida Statutes, are hereby transferred to the Department of Labor and Employment Security by a type four transfer as defined in s. 20.06(4), Florida Statutes, and assigned to the Division of Vocational Rehabilitation of the Department of Labor and Employment Security.*

Section 27. Section 415.101, Florida Statutes, is amended to read:

415.101 *Adult Protective Services Act* ~~Protective and supportive services for aged persons and disabled persons who are abused, neglected, or exploited~~; legislative intent.—

(1) This act shall be known and may be cited as the "Adult Protective Services Act."

(2) The Legislature recognizes that there are many persons in this state who, because of age or disability, are in need of protective services. Such services should allow such an individual the same rights as other citizens and, at the same time, protect the individual from abuse, neglect, and exploitation. It is the intent of the Legislature to provide for the detection and correction of abuse, neglect, and exploitation *through social services and criminal investigations* and to establish a program of protective ~~and supportive~~ services for all *aged* persons *or disabled adults* in need of them. It is intended that the mandatory reporting of such cases will cause the protective services of the state to be brought to bear in an effort to prevent further abuse, neglect, and exploitation *of aged persons or disabled adults*. In taking this action, the Legislature intends to place the fewest possible restrictions on personal liberty and the exercise of constitutional rights, consistent with due process and protection from abuse, neglect, and exploitation.

Section 28. Section 415.102, Florida Statutes, is amended to read:

415.102 Definitions of terms used in ss. 415.101-*415.113* ~~415.112~~.—As used in ss. 415.101-*415.113* ~~415.112~~, the term:

(1) "Abuse" means *the infliction of physical or psychological injury to an aged person or disabled adult so as to adversely affect such person or adult's physical or psychological condition; or the failure of a caregiver to take reasonable measures to prevent the recurrence of physical or psychological injury to an aged person or disabled adult.* ~~treatment under which an aged or disabled person is deprived, or allowed to be deprived, of necessary treatment, habilitation, care, sustenance, clothing, shelter, supervision, or medical services essential to his well-being; is permitted to live in an environment in which such deprivation or environment causes, or is likely to cause, impairment of physical or emotional health; or is subject to physical or psychological injury.~~

(2) "Abused person" means any aged *person* or disabled *adult* ~~person~~ who has been subjected to abuse or whose condition suggests that he has been abused.

(3) "Aged person" means a person *60 years of age or older who is* suffering from the infirmities of aging as manifested by organic brain damage, advanced age, or other physical, mental, or emotional dysfunctioning to the extent that the person is impaired in his ability to adequately provide for his own care or protection.

(4) "Caregiver" means a person or persons responsible for the care of an aged person or disabled adult. "Caregiver" includes, but is not limited to, relatives, adult children, parents, neighbors, day care personnel, adult foster home sponsors, personnel of public and private institutions and facilities, nursing homes, adult congregate living facilities, and state institutions which have voluntarily assumed the care of an aged person or disabled adult or have been entrusted with the care of an aged person or disabled adult on a temporary or permanent basis.

(5) "Criminal justice agency" means any court, any law enforcement agency, or any government agency or subunit thereof as defined pursuant to s. 943.045(10).

(6)~~(4)~~ "Department" means the Department of Health and Rehabilitative Services.

(7)~~(5)~~ "Disabled *adult* ~~person~~" means *a* ~~any~~ person *18 years of age or older* who suffers from a condition of *physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness* ~~mental retardation, epilepsy, cerebral palsy, mental illness, or other disability~~ which causes the person to be substantially unable to protect himself from the abusive conduct of others.

(8)~~(6)~~ "Exploitation" means, *but is not limited to, the improper or illegal use or management of an aged person or disabled adult's funds, assets, or property, or the use of an aged person or disabled adult's power of attorney or guardianship,* ~~an unjust or improper use of another person~~ for one's own profit or advantage.

(9)~~(7)~~ "Facility" means, *but is not limited to,* any public or private hospital, training center, *state institution, clinic, nursing home, adult congregate living facility, adult foster home, adult day care center* ~~school~~, or other program or service for aged *persons* or disabled *adults* ~~persons~~.

(10)~~(8)~~ "Indicated report" means a report made pursuant to s. 415.103 when *an adult* ~~a~~ protective *services* investigation determines that some indication of abuse, neglect, or exploitation exists*; or a report which contains indicators that abuse, neglect, or exploitation has occurred.*

(11) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause to the extent that an aged person or disabled adult lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.

(12)~~(9)~~ "Neglect" means *the failure or omission on the part of the caregiver or aged person or disabled adult to provide the care and services necessary to maintain the physical and mental health of an aged person or disabled adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services,* ~~to omit, forbear, or fail to exercise a degree of care and caution~~ that a prudent person would deem essential *for* ~~to assure~~ the well-being of an aged *person* or disabled *adult* ~~person and, by such omission, forbearance, or failure, to significantly impair or jeopardize the physical or emotional health of the aged or disabled person~~.

(13)~~(10)~~ "Protective services" means those services, the objective of which is to protect an aged *person* or disabled *adult from abuse, neglect, or exploitation* ~~person~~. Such protective services include, but are not limited to:~~,~~

(a) Evaluation of the need for *protective* services.~~, arrangements for appropriate living quarters,~~

(b) Casework for the purpose of planning and providing needed services.

(c) Obtaining financial benefits to which the *aged* person *or disabled adult* is entitled.~~, or~~

(d) Securing medical and legal services. ~~In a situation in which exploitation of, prevention of injury to, and protection of the person and his property are at issue, protective services include seeking the appointment of a guardian for the person or seeking protective placement~~.

(e) Maintenance of the aged person or disabled adult in his own home through the provision of protective services.

(f) Assistance in obtaining out-of-home services, including respite care, emergency housing, and placement settings, as necessary

(g) Seeking protective placement, as necessary.

(14)~~(11)~~ "Unfounded report" means a report made pursuant to s. 415.103 when *an adult* ~~a~~ protective *services* investigation determines that no indication of abuse, neglect, or exploitation exists.

Section 29. Section 415.103, Florida Statutes, is amended to read:

415.103 Mandatory *reporting* ~~reports~~ of abuse, neglect, or exploitation of aged *persons* or disabled *adults* ~~persons~~; mandatory reports of death; *central* abuse registry*; immunity from liability.*—

(1) *MANDATORY REPORTING.*—

(a) Any person, including, but not limited to, any:

1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of *aged* persons *or disabled adults*;

2. Health or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home *staff* ~~worker~~, adult congregate living facility *staff* ~~worker~~, adult day care center *staff* ~~worker~~, social worker, or other professional adult care, foster care, residential, or institutional *staff* ~~worker~~; ~~or~~

5. *State, county, and municipal criminal justice employee or* law enforcement officer*; or*~~,~~

6. Human rights advocacy committee or long-term care ombudsman council member,

who knows, or has reasonable cause to suspect, that an aged *person* or disabled *adult* ~~person~~ is an abused, neglected, or exploited person shall immediately report such knowledge or suspicion to the *central* abuse registry of the department on the single statewide tollfree telephone number or directly to the local office of the department responsible for investigation of reports made pursuant to this section.

(b) *To the extent possible, a report made pursuant to paragraph (a) shall contain, but not be limited to, the following information: name, age, race, sex, and physical description of each aged person or disabled adult alleged to have been abused, neglected, or exploited; names, addresses, and telephone numbers of the alleged victim's family members; name, address, and telephone number of each alleged perpetrator of abuse, neglect, or exploitation; name, address, and telephone number of the caregiver of the aged person or disabled adult, if different from the alleged perpetrator; name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation involving the victim or the alleged perpetrator; description of the physical injuries sustained; actions taken by the reporter, if any, such as notification of the criminal justice agency; any other information available to the reporting person which may establish the cause of abuse, neglect, or exploitation which occurred or is occurring.* ~~Each report made by a person in an occupation designated in paragraph (a) shall be confirmed in writing by the person making the report to the local office of the department within 48 hours of the initial report.~~

~~(c) Reports involving known or suspected institutional abuse, neglect, or exploitation shall be made and received in the same manner as all other reports made pursuant to this section.~~

(2) *MANDATORY REPORTS OF DEATH.*—Any person required to report or investigate cases of suspected abuse, neglect, or exploitation who has reasonable cause to suspect that an aged *person* or disabled *adult* ~~person~~ died as a result of abuse, neglect, or exploitation shall report his suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation pursuant to s. 406.11 and shall report his findings, in writing, to the *appropriate* local *criminal justice* ~~law enforcement~~ agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements provided for in s. 415.107.

(3) *CENTRAL ABUSE REGISTRY.*—

(a) The department shall establish and maintain a central abuse registry which shall receive reports made pursuant to this section in writing or through a single statewide tollfree telephone number which any person may use to report known or suspected abuse, neglect, or exploitation *of an aged person or disabled adult* at any hour of the day or night, any day of the week. The *central* abuse registry shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of *adult* abuse, neglect, or exploitation.

2. *Monitor and* ~~Regularly~~ evaluate the effectiveness of *reporting and investigating suspected abuse, neglect, or exploitation of aged persons or disabled adults, and the provision of protective services to such* ~~the program of the department for abused, neglected, or exploited~~ persons through the development and analysis of statistical and other information, *and to report thereon.*

3. Maintain and produce aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation of aged persons or disabled adults.

4. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for aged persons or disabled adults who have been subject to abuse, neglect, or exploitation.

(b) Upon receiving an oral or written report of known or suspected abuse, neglect, or exploitation *of an aged person or disabled adult*, the *central* abuse registry shall immediately notify the *designated aging and adult services district staff* ~~local office~~ of the department with respect to the report, any previous report concerning a subject of the present report, or any other pertinent information relative thereto.

(c) Upon completion of its investigation, the *designated aging and adult services district staff* ~~local office~~ of the department shall classify reports either as "indicated" or "unfounded." *At this time, the department shall notify the victim named in the report, the guardian or guardians, or the caregiver of the aged person or disabled adult named as the victim, and the alleged perpetrator, if other than the guardian or caregiver, of the completion of the investigation of the report, the classification of the report, and the right to appeal the classification, pursuant to chapter 120.* All identifying information in the *central* abuse registry *, or other computer systems or records, that are* maintained in an unfounded report shall be expunged *within 30 days after the case is classified as "unfounded."* ~~immediately.~~ All identifying information in the abuse registry maintained in an indicated report shall be expunged from the registry 7 years from the date of the last indicated report concerning the same victim or the same perpetrator. All information, other than identifying information, maintained in an indicated or unfounded report at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to s. 119.041 and s. 267.051(6). ~~Nothing in this section is intended to require the expunction or destruction of case records or information required by the Federal Government to be retained for future audit.~~

(d) At any time subsequent to the completion of the department's investigation, the victim or alleged perpetrator of an indicated report may request the secretary of the department to amend or expunge the case record and all identifying information in the central abuse registry or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.101-415.113. If the secretary of the department refuses or does not take action within 30 calendar days after receiving such a request, the victim or alleged perpetrator shall have the right to an administrative hearing pursuant to chapter 120, to contest whether the record of the report should be amended or expunged.

(e) Nothing in this section is intended to require the expunction or destruction of case records or information required by the Federal Government to be retained for future audit.

(4) *POSTING STATEWIDE TOLLFREE TELEPHONE NUMBER FOR THE CENTRAL ABUSE REGISTRY.—*

(a) The statewide tollfree telephone number for the central abuse registry shall be posted in all facilities operated by or under contract with or licensed by the department which provide services to aged *persons* or disabled *adults* ~~persons~~. Such posting shall be clearly visible and in a prominent place within the facility and shall be accompanied by the words, "To Report the Abuse, Neglect, or Exploitation of an *Aged Person* ~~Elderly~~ or Disabled *Adult* ~~Person~~, Please call ~~the~~ Tollfree *1-800-342-9152* ~~Number~~."

(b) Every facility serving aged *persons* or disabled *adults* ~~persons~~ shall inform residents of their rights to report abusive, neglectful, or exploitive practices and shall establish appropriate policies and procedures to facilitate such reporting.

(5) IMMUNITY.—

(a) Any person participating in the making of a report pursuant to this section or participating in a judicial proceeding resulting therefrom is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from any liability, civil or criminal, that otherwise might be incurred or imposed. Nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, neglected, or exploited, or committed any illegal act upon or against, an aged person or disabled adult. Further, no resident or employee of a facility serving aged persons or disabled adults may be subjected to reprisal or discharge because of his actions in reporting abuse, neglect, or exploitation pursuant to the requirements of s. 415.103.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his making such report. Any detrimental changes made in the residency or employment status of such person, such as, but not limited to, discharge, termination, demotion, transfer, reduction in pay, benefits, or work privileges, or negative evaluations, within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 30. Section 415.104, Florida Statutes, is amended to read:

415.104 Protective *services* investigations of cases of abuse, neglect, or exploitation of aged *persons* or disabled *adults;* ~~persons; investigations of institutional abuse, neglect, or exploitation;~~ transmittal of records to state attorney.—

(1) The department shall, upon receipt of a report alleging abuse, neglect, or exploitation of an aged *person* or disabled *adult* ~~person~~, commence, or cause to be commenced within 24 hours, a protective services investigation of the facts alleged therein. If, upon arrival at the scene of the incident, *a caregiver refuses to allow the department to begin a protective services investigation, or interferes with the department's ability to conduct such an investigation, the appropriate law enforcement agency shall be contacted. If, during the course of the investigation,* the department *has reason to believe* ~~determines~~ that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate *criminal justice* ~~law enforcement~~ agency shall be orally notified in order that such agency may begin a criminal investigation concurrent with the protective services investigation of the department. The department shall make a *preliminary* ~~full~~ written report to the *criminal justice* ~~law enforcement~~ agency within 5 working days of the oral report. The department shall, within 24 hours after receipt of the report, notify the appropriate human rights advocacy committee, *or long-term care ombudsman council, when appropriate* ~~as established pursuant to s. 20.19(7)~~, that an alleged abuse, neglect, or exploitation perpetrated by a second party has occurred. Notice to the human rights advocacy committee *or long-term care ombudsman council* may be accomplished orally or in writing and shall include the name *and location* of the aged *person* or disabled *adult* ~~person~~ alleged to have been abused, neglected, or exploited and the nature of the report. *For each report it receives, the department shall perform an on-site investigation to:*

(a) Determine that the person is an aged person or disabled adult as defined in s. 415.102.

(b) Determine the composition of the family or household, including the name, address, age, sex, and race of each aged person or disabled adult named in the report; any others in the household or in the care of the caregiver, or other persons responsible for the aged person or disabled adult's welfare; and any other adults in the same household.

(c) Determine whether there is an indication that any aged person or disabled adult is abused, neglected, or exploited, including a determination of harm or threatened harm to any aged person or disabled adult; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, neglect, or exploitation.

(d) Determine the immediate and long-term risk to each aged person or disabled adult, if such person remains in the existing environment.

(e) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the aged person or disabled adult's well-being.

If the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred shall be notified. ~~The department shall, upon determining probable cause of abuse, neglect, or exploitation by a second party, notify the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred.~~

(2) *No later than 30 days after receiving the initial report, the designated aging and adult services district staff of the department shall complete its investigation, determine whether the reported abuse, neglect, or exploitation was "indicated" or "unfounded," and report its findings to the department's central abuse registry.* ~~The department shall conduct a protective investigation of each report of institutional abuse, neglect, or exploitation. Upon receipt of a report which alleges that an employee or agent of the department acting in an official capacity has committed an act of abuse, neglect, or exploitation, the department shall immediately initiate a protective investigation and shall notify the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred.~~

(3) *Whenever the criminal justice agency and the department have conducted independent investigations, the criminal justice agency shall, within 5 working days after concluding its investigation, report its findings from its investigation to the state attorney and to the department.* ~~With respect to any case of reported abuse of an aged or disabled person, the department, when appropriate, shall transmit all reports received by it, which shall contain the results of the investigation, to the state attorney of the county where the incident occurred.~~

(4) Upon receipt of a report which alleges that an employee or agent of the department acting in an official capacity has committed an act of abuse, neglect, or exploitation, the department shall commence, or cause to be commenced within 24 hours, a protective services investigation and shall notify the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred.

(5) With respect to any case of reported abuse, neglect, or exploitation of an aged person or disabled adult, the department, when appropriate, shall transmit all reports received by it, which pertain to the investigation, to the state attorney of the circuit where the incident occurred.

(6) Within 15 days of completion of his investigation of cases reported to him pursuant to this section, the state attorney shall report his findings to the department and shall include a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 31. Section 415.105, Florida Statutes, is amended to read:

415.105 *Provision of* protective services *with consent of* ~~for~~ aged *person* or disabled *adult; withdrawal of consent; caregiver refusal* ~~persons.~~—

~~(1) The department shall provide protective services under any of the following conditions:~~

~~(a) The person demonstrates a need for, and requests, such services.~~

~~(b) An interested person requests such services on behalf of a person in need of services.~~

~~(c) The department determines a person is in need of such services.~~

~~(d) A court orders such services.~~

~~(2) An individual shall receive protective services voluntarily unless ordered by the court, requested by a guardian, or provided in accordance with subsection (3).~~

~~(3)(a) Every reasonable effort shall be made to secure the consent and participation of the aged or disabled person in the assessment and resolution of his own need for protective services.~~

~~(b) Upon probable cause to believe that an aged or disabled person is being abused, neglected, or exploited, a representative of the department, accompanied by a law enforcement officer, may enter a premises after obtaining a court order and announcing his authority and purpose. Forcible entry may be attained only after a court order has been obtained, unless there is probable cause to believe that the delay incident of such an order would cause the aged or disabled person to incur a substantial risk of life threatening physical harm.~~

~~(c) When, from the personal observations of a representative of the department and a law enforcement officer, it appears probable that the aged or disabled person is likely to incur a substantial risk of life-threatening physical harm or deterioration if such person is not immediately removed from the premises, the representative of the department may, when authorized by a court order, take into custody and transport the person to an appropriate medical or protective services facility or make arrangements for such transportation and payment therefor.~~

(1) WITH CONSENT OF AGED PERSON OR DISABLED ADULT.—If the department determines that an aged person or disabled adult demonstrates a need for protective services, the department shall immediately provide, or arrange for the provision of, protective services, provided that the aged person or disabled adult consents.

(2) WITHDRAWAL OF CONSENT.—If the aged person or disabled adult withdraws his consent to the receipt of protective services, the services shall not be provided, except pursuant to the provisions of subsection (3).

(3) LACKS CAPACITY TO CONSENT.—If the department has reasonable cause to believe that an aged person or disabled adult is being abused, neglected, or exploited, and is in need of protective services, and lacks the capacity to consent to protective services, then the department shall petition the court for an order authorizing the provision of protective services. The petition shall allege specific facts sufficient to show that the aged person or disabled adult is in need of protective services and lacks the capacity to consent to them. Notice of the filing of such petition shall be given to the aged person or disabled adult, to his spouse, to legal counsel representing the aged person or disabled adult, and, where known, to his adult children or next of kin.

(a) Hearing.—The court shall set the case for hearing within 14 days after the filing of the petition. The aged person or disabled adult shall receive at least 5 days' notice of any hearing held pursuant to this subsection. The aged person or disabled adult and any person given notice of the filing of the petition shall have the right to be present at any such hearing. The aged person or disabled adult shall have the right to be represented by legal counsel at any such hearing. The court shall appoint legal counsel to represent the aged person or disabled adult if he is without legal representation.

(b) Hearing findings.—If, at the hearing, the court finds clear and convincing evidence that the aged person or disabled adult is in need of protective services and lacks the capacity to consent to protective services, the court may issue an order authorizing the provision of protective services. If an order is issued, it shall include the designation of an individual or agency to be responsible for the performing or obtaining of essential services on behalf of the aged person or disabled adult, or otherwise consenting to protective services in his behalf. Within 60 days from the appointment of such an individual or agency, the court shall conduct a hearing to determine whether:

1. Protective services shall be provided with the consent of the aged person or disabled adult pursuant to subsection (1);

2. Protective services shall be discontinued; or

3. A petition should be filed pursuant to the provisions of chapter 744.

If it is decided to file a petition pursuant to the provisions of chapter 744, for good cause shown, the court may order continued protective services until a determination is made by the court regarding the aged person or disabled adult's competency.

(4) CAREGIVER REFUSAL.—When a caregiver of an aged person or disabled adult refuses to allow the provision of protective services to the aged person or disabled adult pursuant to this section, the department shall petition the court for an order enjoining the caregiver from interfering with the provision of protective services to the aged person or disabled adult. The petition shall allege specific facts sufficient to show that the aged person or disabled adult is in need of protective services and that the caregiver refuses to allow the provision of such services. If the court finds by clear and convincing evidence that the aged person or disabled adult is in need of protective services and that the caregiver refuses to allow the provision of such services, the court may issue an order enjoining the caregiver from interfering with the provision of protective services to the aged person or disabled adult.

(5) EMERGENCY PROTECTIVE SERVICES INTERVENTION.—If the department has reason to believe that an aged person or disabled adult is suffering from abuse or neglect which presents a substantial risk of death or immediate and serious physical harm to such aged person or disabled adult, the department may take action pursuant to this subsection.

(a) Emergency entry of premises.—If, upon arrival at the scene of the incident, consent is not obtained for access to the alleged victim for purposes of conducting a protective services investigation pursuant to this subsection, and the department has reason to believe that the situation presents a potential risk of death or immediate and serious physical harm, a representative of the department, accompanied by the appropriate law enforcement officer, may forcibly enter the premises. If, after obtaining access to the alleged victim, it is determined through a personal assessment of the situation that no emergency exists and there is no requirement for emergency intervention pursuant to this subsection, the department shall either terminate the provision of services or shall provide protective services pursuant to the provisions of s. 415.104 or s. 415.105.

(b) Emergency removal from premises.—When, from the personal observations of a representative of the department and law enforcement officer, it appears that the aged person or disabled adult is likely to incur a substantial risk of death or immediate and serious physical harm if such person is not immediately removed from the premises, the representative of the department shall transport or arrange for the transportation of the aged person or disabled adult to an appropriate medical or protective services facility. The department shall, within 24 hours of taking such action, petition the court for an emergency order authorizing protective services.

(c) Authorization for medical treatment.—If, immediately upon admission to a medical facility, a person who is legally authorized to give consent for the provision of medical treatment to an aged person or disabled adult has not given or has refused to give such consent, and it is the professional opinion of the medical staff of the facility that treatment is necessary to prevent serious physical harm or death, the medical facility may proceed with treatment to the aged person or disabled adult. The person who is authorized to give consent may petition an appropriate court to prevent or withdraw treatment.

(d) Contents of petition.—The petition filed pursuant to the provisions of paragraph (b) shall allege the name, age, and address of the aged person or disabled adult and the facts constituting the emergency intervention and subsequent removal, information relating to the capacity of the aged person or disabled adult to consent to services, and the efforts of the department to obtain consent, and the services needed.

(e)~~(d)~~ *Preliminary hearing.—*

1. When action is taken under this *subsection* ~~section~~, a preliminary hearing shall be held within 48 hours of the signing of the *emergency protective services* ~~court~~ order, excluding Saturday, Sunday, and legal holidays, to establish probable cause for grounds *to continue emergency* ~~for~~ protective *services. If the court finds that probable cause to continue emergency protective services does not exist, the provision of emergency protective services pursuant to this subsection shall be discontinued.* ~~placement. Upon a finding of probable cause, the court may order temporary placement for up to 4 days, pending the hearing for a need for continuing services.~~

2. In the event that probable cause for continued emergency protective services is determined to exist, the court may order temporary emergency protective services for up to 4 days. In issuing an emergency protective services order, the court shall adhere to the following limitations:

a. Only such protective services as are necessary to remove the conditions creating the emergency shall be ordered, and the court shall specifically designate the approved services in the order of the court.

b. Protective services authorized by an emergency protective services order shall not include a change of residence, unless the court specifically finds such action is necessary to remove the conditions creating the emergency and gives specific approval for such action in the order of the court. Emergency placement may be made to such facilities as adult foster homes, adult congregate living facilities, nursing homes, or other appropriate facilities. Emergency placement shall not be made to facilities for the acutely mentally ill, except as provided in chapter 394.

(f) Notice.—Notice of the filing of a petition pursuant to paragraph (g), and other relevant information, including the factual basis of the belief that emergency protective services are needed and a description of the exact services rendered, shall be given to the aged person or disabled adult, to his spouse, to his guardian, if any, to legal counsel representing the aged person or disabled adult, and, where known, to his adult children or next of kin. Such notice shall be given at least 24 hours prior to the hearing of the petition for emergency protective services pursuant to paragraph (g).

(g) Hearing.—A hearing shall be held at the end of 4 days to determine whether:

1. Protective services shall be provided with the consent of the aged person or disabled adult pursuant to subsection (1);

2. Protective services shall be discontinued; or

3. A petition shall be filed to provide protective services pursuant to the provisions of subsection (3).

(h) If at a hearing held under the provisions of this paragraph it is decided to file a petition pursuant to the provisions of subsection (3), the court may order continued protective services until a determination is made by the court regarding the aged person or disabled adult's capacity to consent.

(6) LIMITATIONS.—This section shall not be construed as limiting in any way the authority of the court, or a criminal justice officer, or any other duly appointed official, to intervene in emergency circumstances under existing statutes.

Section 32. Section 415.106, Florida Statutes, is amended to read:

415.106 Cooperation by *the department and criminal justice* ~~law enforcement~~ and other agencies with respect to *investigation of known or suspected* cases of abuse, neglect, or exploitation of aged *persons* or disabled *adults* ~~persons; use of county funds; purchase of services.—~~

~~(1) All state, county, and municipal law enforcement and public agencies have a duty to cooperate with the department and its employees; to transmit reports of abuse, neglect, and exploitation to the department; and to protect and enhance the welfare of aged or disabled persons who are potentially subject to abuse, neglect, or exploitation detected by a report made pursuant to s. 415.103.~~

~~(2) Any funds appropriated by a county for home health care or boarding home, foster home, or nursing home services may be matched by state and federal funds; such funds shall be utilized by the department for the benefit of aged or disabled persons in such county.~~

~~(3) The department may purchase services from any public or private institution, or institution or agency within the state which meets the standards and rules prescribed by the department for the proper care and supervision of abused, neglected, or exploited persons.~~

(1) To ensure coordination, communication, and cooperation with the investigation of abuse, neglect, or exploitation of aged persons or disabled adults, the Department of Health and Rehabilitative Services shall develop and maintain interprogram agreements or operational procedures among the Aging and Adult Services Program Office, those departmental programs which serve aged persons or disabled adults as defined in s. 415.102, and the State Nursing Home and Long Term Care Facility Ombudsman Council and Statewide Human Rights Advocacy Committee. These agreements or procedures shall cover such subjects as the appropriate roles and responsibilities of the department in identifying and responding to reports of abuse, neglect, or exploitation of aged persons or disabled adults, the provision of services, and related coordinated activities.

(2) Due to the particular vulnerability of persons served under the Adult Protective Services Act, the department shall develop regulations governing preservice and inservice training for protective services staff and, within available resources, shall provide appropriate preservice and inservice training to such staff. Within available resources, the department shall also cooperate with other appropriate agencies in developing and providing information and education programs designed to stimulate public awareness of the problem of abuse of aged persons and disabled adults and ways to report, prevent, and treat such problems.

(3) All criminal justice agencies shall have a duty and responsibility to cooperate fully with the department so as to enable the department to fulfill its responsibilities under ss. 415.101-415.113.

(4) To the fullest extent possible, the department shall cooperate with and seek cooperation from all appropriate public and private agencies, including health, education, social services, courts, organizations, or programs providing or concerned with human services related to the prevention, identification, or treatment of abuse, neglect, or exploitation of aged persons or disabled adults.

Section 33. Section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged *persons* or disabled *adults* ~~persons~~.—

(1) In order to protect the rights of the individual or other persons responsible for the welfare of an aged *person* or disabled *adult* ~~person~~, all records concerning reports of abuse, neglect, or exploitation of the aged *person* or disabled *adult* ~~person~~, including reports made to the *central* abuse registry and to *designated aging and adult services district* ~~local~~ offices of the department, and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by ss. 415.101-*415.113* ~~415.112~~.

(2) Access to such records, excluding the name of the *reporter* ~~person making the report~~, which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies for the following purposes:

(a) Employees or agents of the department responsible for carrying out *adult* protective *services* investigations, ongoing *adult* protective services, or licensure or approval of nursing homes, adult congregate living facilities, adult day care centers, *adult foster homes, home care for the elderly, hospice,* or other facilities used for the placement of aged *persons* or disabled *adults* ~~persons~~.

(b) A *criminal justice* ~~law enforcement~~ agency investigating a report of known or suspected abuse, neglect, or exploitation *of an aged person or disabled adult.*

(c) The state attorney of the judicial circuit in which the aged *person* or disabled *adult* ~~individual~~ resides or in which the alleged abuse, neglect, or exploitation occurred.

(d) Any aged *person* or disabled *adult* ~~person~~ or perpetrator who is the subject of a report or the subject's guardian, *caregiver* ~~custodian, guardian ad litem~~, or *legal* counsel.

(e) A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained in such records is necessary for the resolution of an issue then pending before it.

(f) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(g) Any appropriate official of the human rights advocacy committee or long-term care ombudsman council investigating a report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult.

(h)~~(g)~~ Any appropriate official of the department responsible for:

1. Administration or supervision of the *department's* program ~~of the department~~ for the prevention, investigation, or treatment of *adult* abuse, neglect, or exploitation when carrying out his official function; or

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional abuse, neglect, or exploitation *of an aged person or disabled adult.*

(i)~~(h)~~ Any person engaged in bona fide research or auditing. However, no information identifying the subjects of the report shall be made available to the researcher unless such information is absolutely essential to the research purpose, suitable provision is made to maintain the confidentiality of the data, and the department has given written approval.

(3) The department may release to any professional person such information as is necessary for the diagnosis and treatment of the *aged person or disabled adult* ~~victim~~ or the person perpetrating the abuse, *neglect, or exploitation.*

(4) The name of any person reporting *adult* abuse, neglect, or exploitation shall in no case be released to any person other than employees of the department responsible for *adult* protective services, the *central* abuse registry, or the appropriate state attorney without the written consent of the person reporting abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged *person* or disabled *adult* ~~person~~ who is the subject of a report, provided the fact that such person made the report is not disclosed. *This does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged person or disabled adult who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of adult abuse, neglect, or exploitation may, at the time he makes the report, request that the department notify him that a adult protective services investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 working days of the completion of the adult protective services investigation.* ~~The department shall, upon receipt of an application of a person applying for approval or licensure of a facility to care for aged or disabled persons, whether such care is for less than 24 hours or for more than 24 hours, search its abuse registry for the existence of an indicated report and the results of the adult protective assessment conducted pursuant thereto.~~

(5) The department shall, upon receipt of an application of a person applying for an initial license or renewal of a license for a facility to provide day or residential care for aged persons or disabled adults, search its central abuse registry for the existence of an indicated report of child or adult abuse, neglect, or exploitation as defined in ss. 415.102(1), (8), (10), and (12) and 415.503(3) and (8) and advise the licensing agent of any report found and the results of the investigation conducted pursuant thereto. Such a report shall disqualify an individual from licensure, but the department may grant an exemption from disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of aged persons or disabled adults. The decision of the department regarding an exemption may be contested through a hearing pursuant to chapter 120. A disqualified person may also request amendment or expungement of the report pursuant to s. 415.103(3)(d). For purposes of a licensure application, these remedies must be requested within 30 days of notification, or be deemed waived. The department shall notify any individual disqualified from licensure of the right to appeal that disqualification, of remedies available, and of the time limit for requesting such remedies pursuant to the provisions of this subsection. The department may issue no license until screening procedures, and, if necessary, administrative remedies, are complete. However, a conditional or provisional license may be issued in the case of an existing licensed facility, for only that time necessary to complete the above screening procedures and administrative remedies. No application for licensure shall be deemed complete until all requested screening information has been correctly submitted pursuant to department procedure.

Section 34. Section 415.1085, Florida Statutes, is created to read:

415.1085 Photographs, medical examinations, and X-rays of abused or neglected aged persons or disabled adults.—

(1) Any person authorized by law to investigate cases of alleged abuse or neglect of an aged person or disabled adult may take or cause to be taken photographs of the areas of trauma visible on the aged person or disabled adult who is the subject of a report, and photographs of the surrounding environment, with the consent of the subject or guardian or guardians. If the areas of trauma visible on the aged person or disabled adult indicate a need for medical examination, the department may, with the consent of the subject or guardian or guardians, cause the aged person or disabled adult to be referred to a licensed physician or any emergency department in a hospital or health care facility for medical examination and X-rays, if deemed necessary by the examining physician. Medical examinations performed and X-rays taken pursuant to this section shall be paid for by third-party reimbursement, if available, or by the subject or his guardian, if they are determined to be financially able to pay; or, if neither is available, the department shall pay the costs within available emergency services funds.

(2) Any photographs or report of examination made, or X-rays taken, pursuant to this section, or copies thereof, shall be sent to the department as soon as possible.

Section 35. Section 415.109, Florida Statutes, is amended to read:

415.109 Abrogation of privileged communications in cases involving abuse, neglect, or exploitation of aged *persons* or disabled *adults* ~~persons~~.—The privileged quality of communication between husband and wife and between any professional person and his patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates to both the competency of the witness and to the exclusion of confidential communications, does not apply to any situation involving known or suspected *adult* abuse, neglect, or exploitation and does not constitute a ground for failure to report as required by s. 415.103, for failure to cooperate with the department in its activities pursuant to ss. 415.101-*415.113* ~~415.112~~, or for failure to give evidence in any judicial proceeding relating to abuse, neglect, or exploitation of an aged *person* or disabled *adult* ~~person~~.

Section 36. Section 415.111, Florida Statutes, is amended to read:

415.111 Penalties for failing to report or preventing another person from reporting, or for disclosing confidential information relating to, a case of abuse, neglect, or exploitation of an aged *person* or disabled *adult* ~~person~~ *or for commission of a knowing or willful act of such abuse, neglect, or exploitation.*—

(1) Any person required by s. 415.103 to report a case of known or suspected abuse, neglect, or exploitation of an aged *person* or disabled *adult* ~~person~~ who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the *central* abuse registry, *or in other computer systems,* or in the records of any case of abuse, neglect, or exploitation *of an aged person or disabled adult,* except as provided in ss. 415.101-*415.113* ~~415.112~~, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who knowingly or willfully abuses, neglects, or exploits an aged person or disabled adult and, in so doing, causes great bodily harm, permanent disfigurement, or permanent disability to such person is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who knowingly or willfully abuses, neglects, or exploits an aged person or disabled adult is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 37. Section 415.112, Florida Statutes, is amended to read:

415.112 Rules for implementation of ss. 415.101-*415.113* ~~415.112~~.—The Department of Health and Rehabilitative Services shall promulgate rules for the implementation of ss. 415.101-*415.113* ~~415.112~~.

Section 38. Subsection (8) of section 400.304, Florida Statutes, is amended to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Council; duties; membership.—

(8) The state ombudsman council is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, including assistance from any adult protective services programs of the department as provided for under s. 409.026 and ss. 415.101-*415.113* ~~415.112~~.

Section 39. Paragraph (b) of subsection (2) of section 400.307, Florida Statutes, is amended to read:

400.307 District nursing home and long-term care facility ombudsman councils; duties; membership.—

(2) The duties of the district ombudsman council are:

(b) To discover, investigate, and determine the existence of abuse or neglect in any nursing home or long-term care facility and to use the procedures provided for in ss. 415.101-*415.113* ~~415.112~~ when applicable. Investigations may consist, in part, of one or more onsite administrative inspections.

Section 40. Sections 415.108 and 827.09, Florida Statutes, are hereby repealed.

Section 41. (1) Short title.—This section and the following seven sections of this act may be cited as the "Handicap Prevention Act of 1986."

(2) This section shall take effect July 1, 1986.

Section 42. *(1) Legislative intent.—The Legislature finds and declares that 50 percent of handicapping conditions in young children can be prevented and such conditions which are not prevented can be minimized by focusing prevention efforts on high risk pregnant women and high risk and handicapped young children, in the formative years from 0 to 5, and their families. The Legislature further finds that by preventing handicaps in young children, infant mortality and child abuse can be reduced and Florida can reap substantial savings in both human potential and state funds. The Legislature finds that a continuum of integrated services is needed to identify, diagnose, and treat high risk conditions in pregnant women and in young children between the ages of 0 to 5 years. The Legislature further finds that intra-agency and interagency coordination can enhance the framework of a continuum that is already in existence and that coordination of public and private sector prevention services can reduce infant mortality and handicapping conditions in young children and minimize the effects of handicapping conditions. It is the intent of the Legislature, therefore, that a continuum of efficient and cost-effective prevention services be identified, that a plan for interagency and intra-agency coordination be developed for the purpose of implementing such a continuum, and that the continuum of services be implemented as resources are made available for such implementation.*

(2) This section shall take effect July 1, 1986.

Section 43. *(1) Definitions.—As used in this act, the term:*

(a) "Handicapped child" means a preschool child who is developmentally disabled, mentally handicapped, speech-impaired, language-impaired, deaf or hard of hearing, blind or partially sighted, physically handicapped, health-impaired, emotionally handicapped, or who has a specific learning disability or any other child who has been classified under rules of the State Board of Education as eligible for preschool special education services.

(b) "High risk child" means a preschool child with one or more of the following characteristics:

1. A victim or a sibling of a victim in an indicated report of child abuse or neglect.

2. A graduate of a perinatal intensive care unit.

3. A mother under 18 years of age, unless the mother received necessary comprehensive maternity care and the mother and child currently receive necessary support services.

4. A developmental delay of one standard deviation below the mean in cognition, language, or physical development, whose family is below poverty level.

5. A child surviving a catastrophic infectious or traumatic illness known to be associated with developmental delay.

6. A child of a parent or guardian who is developmentally disabled, severely emotionally disturbed, drug or alcohol dependent, or incarcerated and who requires aid in meeting his child's developmental needs.

7. A child who has no parent or guardian.

(c) "Neonate" means a child from birth to 28 days of life.

(d) "Prenatal" means the time period from pregnancy to delivery.

(e) "Preschool child" means a child from 0 to 5 years of age.

(f) "Preventive health care" means periodic physical examinations, immunizations, and assessments for hearing, vision, nutritional deficiencies, and development of language, physical growth, small and large muscle skills, and emotional behavior, as well as age-appropriate laboratory tests.

(g) "Teen parent" means a person under the age of 18 years who is pregnant, who is the father of the unborn child, or who is the parent of a child.

(2) This section shall take effect July 1, 1986.

Section 44. *(1) Continuum of services.—The Department of Education and the Department of Health and Rehabilitative Services shall utilize the continuum of prevention services to high risk and handicapped children outlined in this section as a basis for the intra-agency and interagency program coordination, monitoring, and analysis as required in the Handicap Prevention Act of 1986. The continuum shall be considered to be a guide and may be expanded or reduced as determined by intra-agency or interagency findings and agreement, whichever is applicable. Implementation of the continuum shall be based upon interagency prioritization when programs impact both agencies or upon single agency prioritization when programs impact only one agency and shall be based upon availability of resources. The continuum shall include, but not be limited to:*

(a) FAMILY LIFE EDUCATION AND SUPPORT SERVICES PRIOR TO PREGNANCY.—

1. Education of the public on the causes of handicapping conditions, normal and abnormal child development, and parenting skills important to the healthy development of young children.

2. Family planning services to low income women on a voluntary basis.

(b) MATERNITY AND NEWBORN SERVICES.—

1. Comprehensive prenatal care, accessible to all pregnant women and provided for low income and high risk pregnant women.

2. Nutrition services for low income pregnant and lactating women and low income preschool children.

3. Delivery and postpartum care services for indigent pregnant women.

4. Perinatal intensive care.

5. Developmental training, parent training, and appropriate follow-through services for neonatal intensive care unit infants.

6. Metabolic screening for all newborns.

7. Registry of high risk newborns and newborns with birth defects which utilizes privacy safeguards for children and parents who are subjects of the registry.

8. A well-mother information program at the birth site to provide an informational brochure on immunizations, normal child development, and community services for all parents of newborns and to schedule Medicaid eligible infants for a health check-up.

(c) HEALTH SERVICES FOR PRESCHOOL CHILDREN.—

1. Preventive health care accessible for all preschool children.

2. Preventive health care provided for indigent preschool children.

3. Well-baby insurance for preschool children included in the family policy coverage.

4. Medical care for seriously impaired and spina bifida preschool children.

5. Cost-effective quality health care alternatives for medically involved infants and young children in or near their home.

(d) EDUCATION AND RELATED SERVICES FOR HANDICAPPED AND HIGH RISK PRESCHOOL CHILDREN.—

1. Special education and related services for handicapped children.

2. Education and related services for high risk children.

3. Local registry of preschool children with handicapping and high risk conditions which utilizes privacy safeguards for children and parents who are subjects of the registry.

4. Information sharing system between the Department of Health and Rehabilitative Services and the Department of Education on children eligible for services. Information may be shared when parental or guardian permission has been given for release.

(e) SUPPORT SERVICES FOR HIGH RISK AND HANDICAPPED CHILDREN AND THEIR FAMILIES.—

1. Child care, parent education, counseling, prenatal care, and transportation for teen parents.

2. Respite care, homemaker care, crisis management, and other services that allow families of high risk and handicapped children to maintain and provide quality care to their children at home.

3. Utilization of the elderly, either as volunteers or paid employees, to work with handicapped or high risk children.

(2) This section shall take effect July 1, 1986.

Section 45. *(1) Agency responsibilities; joint report.—*

(a) The Department of Health and Rehabilitative Services and the Department of Education shall prepare a joint report to be presented to the President of the Senate, the Speaker of the House of Representatives, and the Governor by March 1, 1987, which shall include, but not be limited to, the following:

1. Identification of the department which has the responsibility for each program area described in the continuum;

2. Identification of the unit within each department which has responsibility for each program area described in the continuum and the unit which has responsibility for coordination, monitoring, and implementation as described in paragraph (c);

3. Identification of existing continuum programs on an intra-agency and interagency basis;

4. Identification of methodology for reduction of duplication and coordination of services on both an intra-agency and interagency basis;

5. Identification of coordination and integration of prevention services with state agencies other than the Department of Education or the Department of Health and Rehabilitative Services;

6. Description of the progress of the reduction of duplication and coordination as described in subparagraphs 4. and 5.;

7. Prioritization of implementation of continuum components;

8. Identification of barriers impacting implementation of components of the continuum of services;

9. Proposed changes to the continuum of services;

10. Recommendations, if any, for legislative, administrative, or budgetary changes. Recommendations on budgetary changes shall include recommendations regarding the development by the Department of Health and Rehabilitative Services and the Department of Education of a unified program budget for all prevention services to high risk and handicapped children.

(b) At least biennially, the Department of Health and Rehabilitative Services and the Department of Education shall readdress the joint report submitted pursuant to this section and make necessary revisions. The revised report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than January 1, 1989, and by January 1 of alternate years thereafter.

(c) The Department of Health and Rehabilitative Services and the Department of Education shall identify a unit within each respective agency with intra-agency responsibilities for the development of the report, for ongoing monitoring and implementation of the continuum, and for interagency coordination in the analysis of and implementation of the continuum.

(d) The Florida Developmental Disabilities Planning Council shall serve as the interagency coordinator for the activities of the Department of Health and Rehabilitative Services, the Department of Education, and other state agencies and shall monitor the development of the joint reports required by this section. The council shall advise the substantive committees of the Senate and the House of Representatives and the Office of the Governor on the progress of activities required by the Handicap Prevention Act. For the purpose of carrying out their responsibilities, the council shall have access to statistical information, budget documents, and workpapers developed by the Department of Health and Rehabilitative Services and the Department of Education in pre-

paring the joint report. By March 1, 1989, the council shall recommend to the President of the Senate, the Speaker of the House of Representatives, and the Governor a permanent placement for the interagency coordination function.

(2) This section shall take effect July 1, 1986.

Section 46. *(1) Uniform standards.—*

(a) The Department of Health and Rehabilitative Services, in consultation with the Department of Education, shall establish a minimum set of procedures for each preschool child who receives preventive health care with state funds. Preventive health care services shall meet the minimum standards established by federal law for the Early Periodic Screening, Diagnosis and Treatment program and shall provide guidance on screening instruments which are appropriate for identifying health risks and handicapping conditions in preschool children.

(b) If funds are appropriated, the interagency coordinator shall contract for a study to determine the feasibility of a uniform system for diagnosis and eligibility for services to handicapped or high-risk children by district schools and the Department of Health and Rehabilitative Services. If determined feasible, the study shall also include recommendations of a uniform system for diagnosis and eligibility for services to handicapped or high-risk children. The study shall be completed by March 1, 1987. The uniform system, if recommended, shall be reviewed by both the Department of Education and the Department of Health and Rehabilitative Services to determine whether or not the system should be used by the diagnostic and learning resource system to assist school districts in diagnosing, evaluating, and determining multiple eligibility resources for handicapped or high-risk children pursuant to ss. 229 832-229 834, Florida Statutes, and by the Department of Health and Rehabilitative Services in determining multiple eligibility resources for its clients.

(c) Duplicative diagnostic and planning practices shall be eliminated to the extent possible. Diagnostic and other information necessary to provide quality services to high-risk or handicapped children shall be shared between the program offices of the Department of Health and Rehabilitative Services, pursuant to the provisions of s. 228.093, Florida Statutes.

(2) This section shall take effect July 1, 1986.

Section 47. *(1) Prenatal care.—The Department of Health and Rehabilitative Services shall:*

(a) Provide a statewide prenatal care program for low-income pregnant women which includes early, regular prenatal care by practitioners trained in prenatal care and delivery.

(b) Provide a risk factor analysis to identify women at risk for a preterm birth, or other high-risk conditions, and provide education on maintaining healthy birth conditions.

(c) Monitor the availability and accessibility of prenatal care services and the development of special outreach programs for medically underserved and rural areas.

(d) Establish by rule the eligibility criteria for prenatal care for indigent pregnant women when state funds are used for prenatal care.

(e) Develop guidelines for expediting the provision of prenatal care for eligible women and monitor the implementation of the guidelines to determine the need for further action.

(f) Expand, to the extent possible, training of state and local health providers in programs and practices pertaining to improved pregnancy outcomes.

(2) This section shall take effect July 1, 1986.

Section 48. *(1) The Department of Health and Rehabilitative Services and the State Board of Education shall adopt rules necessary for the implementation of the Handicap Prevention Act of 1986.*

(2) This section shall take effect July 1, 1986.

Section 49. Effective July 1, 1986, paragraphs (l), (m), (n), (o), and (p) are added to subsection (4) of section 415.5015, Florida Statutes, to read:

415.5015 Child abuse prevention training in the district school system.—

(4) PRIMARY PREVENTION AND TRAINING PROGRAM.—A primary prevention and training program shall include all of the following, as appropriate for the persons being trained:

(l) The relationship of child abuse to handicaps in young children.

(m) Parenting, including communication skills.

(n) Normal and abnormal child development.

(o) Information on recognizing and alleviating family stress caused by the demands required in caring for a high risk or handicapped child.

(p) Supports needed by school age parents in caring for a young child.

Section 50. Effective July 1, 1986, subsection (2) of section 741.01, Florida Statutes, is amended to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(2) The fee charged for each marriage license issued in the state shall be increased by the sum of *$20* ~~$10~~. This fee shall be collected upon receipt of the application for the issuance of a marriage license. The Executive Office of the Governor shall establish a trust fund for the purpose of collecting and disbursing funds generated from the increase in the marriage license fee. Such funds which are generated shall be directed to the Department of Health and Rehabilitative Services for the specific purpose of funding domestic violence centers, and the funds shall be appropriated in a "grants-in-aid" category to the Department of Health and Rehabilitative Services for the purpose of funding domestic violence centers.

Section 51. Subsection (1) of section 402.181, Florida Statutes, is amended to read:

402.181 State Institutions Claims Fund.—

(1) There is created a State Institutions Claims Fund, available for the purpose of making restitution for property damages and direct medical expenses for injuries caused by *shelter or foster children, or* escapees or inmates of state institutions under the Department of Health and Rehabilitative Services or the Department of Corrections. There shall be a separate fund in the State Treasury which shall be the depository of all funds used for this purpose by all institutions under the supervision and control of the Department of Health and Rehabilitative Services and the Department of Corrections.

Section 52. Effective July 1, 1986 paragraphs (b) and (c) of subsection (2) of section 401.113, Florida Statutes, are amended to read:

401.113 Department; powers and duties.—

(2) The department shall annually dispense funds contained in the Emergency Medical Services Trust Fund as follows:

(b) *Forty* ~~Fifty~~ percent of such moneys shall be used by the department for making matching grants to county governments, municipalities, and nonprofit trauma centers and emergency medical services organizations for the purpose of conducting research, increasing existing levels of emergency medical services, evaluation, community education, and training in cardiopulmonary resuscitation and other lifesaving and first-aid techniques. A grant made pursuant to this section shall be contingent upon the recipient providing a sum equal to the grant amount. The department shall develop procedures and standards for grant disbursement based on the need for emergency medical services, the requirements of the population to be served, and the objectives of the state emergency medical services plan.

(c) *Fifteen* ~~Five~~ percent of such moneys shall be used by the department for capital equipment outlay, personnel, community education, evaluation, and other costs associated with the administration of this *chapter* ~~section~~. Any moneys not annually used for this purpose shall be used for making additional grant funds available.

Section 53. Effective July 1, 1986 section 401.211, Florida Statutes, is amended to read:

401.211 Legislative intent.—Because emergency ~~and nonemergency~~ medical transportation services represent a constructive and essential investment in the state, it is the intent of the Legislature to provide for emergency ~~and nonemergency~~ medical transportation and nontran-

sportation services that are essential to the health and well-being of all citizens of the state. It is also the intent of the Legislature that the Department of Health and Rehabilitative Services contract with the Department of Professional Regulation for investigation, examination, licensing, technical assistance, and related support services. The purpose of this act is to protect and enhance the public health, welfare, and safety through the provision and overseeing of such services in a positive manner.

Section 54. Effective July 1, 1986 subsections (17) and (19) of section 401.23, Florida Statutes, are amended to read:

401.23 Definitions.—As used in this act, the term:

~~(17) "Nonemergency medical transportation service" means any privately or publicly owned service employing a land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated for, and which is used for, or intended to be used for, air, land, or water transportation of persons who are confined to wheelchairs or stretchers and whose conditions are such that they do not need and are not likely to need immediate medical attention during transport.~~

(18)~~(19)~~ "Permit" means any authorization issued pursuant to the provisions of this act for a vehicle to be operated as a basic life support or advanced life support transport vehicle or an advanced life support nontransport vehicle providing basic or advanced life support ~~or as a nonemergency medical transportation vehicle~~.

Section 55. Effective July 1, 1986 section 401.24, Florida Statutes, is amended to read:

401.24 Emergency ~~and nonemergency~~ medical services state plan.—The department is responsible for the improvement and regulation of basic and advanced life support programs ~~and nonemergency medical transportation services~~. The department shall develop and *biennially* ~~annually~~ revise a comprehensive state plan for basic and advanced life support services ~~and nonemergency medical transportation services~~. The state plan shall include, but need not be limited to:

(1) Emergency ~~and nonemergency~~ medical systems planning, including the prehospital and hospital phases of patient care, and unification of such services into a total delivery system to include air, water, and land services.

(2) Requirements for the operation and coordination of ambulances; ~~nonemergency medical transportation vehicles;~~ advanced life support vehicles, equipment, and supplies; communications; personnel; training; and other medical care components.

(3) The definition of areas of responsibility for regulating and planning the ongoing and developing delivery service requirements.

(4) A description of the contractual relationships between the Department of Health and Rehabilitative Services and the Department of Professional Regulation regarding general administration of the regulatory responsibilities of the department under this act.

Section 56. Effective July 1, 1986 section 401.245, Florida Statutes, is amended to read:

401.245 Emergency ~~and Nonemergency~~ Medical Services Advisory Council.—

(1) The provisions of s. 20.19(3)(b)3. notwithstanding, the secretary of the Department of Health and Rehabilitative Services may appoint an advisory council for the purpose of acting as the advisory body to the emergency medical services program. No more than 15 members may be appointed to this council. *Each district of the department shall be represented on the advisory council by July 1, 1989.* Initially, the secretary shall appoint one-half of the members for terms of 1 year each. Thereafter, members shall be appointed for 2-year terms. The chairman of the council shall be designated by the secretary and shall serve for a term of 1 year. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointment. Members shall receive no compensation, *but may* ~~nor shall they~~ be reimbursed for per diem and travel expenses.

(2) Representation on the Emergency ~~and Nonemergency~~ Medical Services Advisory Council shall include: two licensed physicians who are "medical directors" as defined in s. 401.23*(15)*~~(16)~~ or whose medical practice is closely related to emergency medical services; two emergency medical service administrators, one of whom is employed by a fire service; two certified paramedics, one of whom is employed by a fire service; two certified emergency medical technicians, one of whom is employed by a fire service; one emergency medical services educator; one emergency nurse; one hospital administrator; one representative of air ambulance services; one representative of *a commercial ambulance operator* ~~nonemergency medical transportation services~~; and two laypersons who are in no way connected with emergency medical services, one of whom is a representative of the elderly. Ex officio members of the advisory council from state agencies shall include, but shall not be limited to, representatives from the Department of Education, the Department of General Services, the Department of Insurance, the Department of Community Affairs, and the Department of Professional Regulation.

(3) The secretary shall remove from office any Emergency ~~and Nonemergency~~ Medical Services Advisory Council member for malfeasance; misfeasance; neglect of duty; incompetence; permanent inability to perform official duties; or pleading guilty or nolo contendere to, or being found guilty of, a felony.

(4) ~~The Emergency and Nonemergency Medical Services Advisory Council shall meet no more often than four times annually.~~ The council shall hold meetings at the call of the chairman, upon the written request of five members of the council, or at the call of the staff director of the emergency medical services program office. A majority of the members of the council shall constitute a quorum. Minutes shall be recorded for all meetings of the council and shall be maintained on file in the emergency medical services program office.

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

(6) The Department of Health and Rehabilitative Services shall adopt rules to implement this section, which rules shall serve as formal operating procedures for the Emergency ~~and Nonemergency~~ Medical Services Advisory Council.

Section 57. Effective July 1, 1986 subsection (1) of section 401.25, Florida Statutes, is amended to read:

401.25 Licensure as a basic life support or an advanced life support ground service.—

(1) Every person, firm, corporation, association, or governmental entity owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of providing prehospital advanced life support services or *basic life support transportation services* ~~of transporting persons who are sick, injured, handicapped, or otherwise incapacitated~~ on the *waterways,* streets, or highways of this state must be licensed as a basic life support service or an advanced life support service, whichever is applicable, before offering such service to the public. The application for such license shall be submitted to the department on forms provided for this purpose. The application shall provide documentation that the licensee meets the appropriate requirements for a basic life support service or an advanced life support service, whichever is applicable, as specified by rule of the department.

Section 58. Effective July 1, 1986 subsection (4) of section 401.26, Florida Statutes, is amended to read:

401.26 Vehicle permits for basic life support and advanced life support services.—

(4) A permit issued in accordance with the provisions of this section will expire automatically *concurrent with the service license* ~~2 years after the date of issuance~~.

Section 59. Effective July 1, 1986 subsections (1), (7), and (8), and paragraph (a) of subsection (6) of section 401.27, Florida Statutes, are amended to read:

401.27 Personnel; standards and certification.—

(1) Each permitted ambulance not specifically exempted from the provisions of this act, when transporting a person who is sick, injured, wounded, incapacitated, or helpless, shall be occupied by at least two per-

sons, one of whom shall be a certified emergency medical technician, certified paramedic, or licensed physician and one of whom shall be a driver who meets the requirements for ambulance drivers. This subsection does not apply to:

~~(a)~~ interhospital transfers governed by s. 401.252.~~; or~~

~~(b) Nonemergency medical transportation services.~~

(6)(a) The department shall establish by rule a procedure for biennial renewal certification of emergency medical technicians. Such rules shall require a United States Department of Transportation refresher training program of at least 30 hours as approved by the department ~~and shall require at least 10 contact hours in topics related to emergency medical technician services~~ every 2 years. The refresher program may be offered in multiple presentations spread over the 2-year period. The rules shall also provide that the refresher course requirement may be satisfied by passing a challenge examination.

(7) A registered nurse ~~or physician's assistant~~ may be certified as a paramedic if the registered nurse ~~or physician's assistant~~ is certified in this state as an emergency medical technician, has passed the required emergency medical technician curriculum, has successfully completed an advanced cardiac life support course, has passed the examination for certification as a paramedic, and has met other certification requirements as may be specified by rule of the department. A nurse ~~or physician's assistant~~ so certified shall be recertified pursuant to this section.

(8) Each emergency medical technician certificate and each paramedic certificate will expire automatically ~~2 years from the date of issuance~~ and may be renewed if the holder meets the qualifications for renewal as established by the department.

Section 60. Effective July 1, 1986 subsections (2) and (3) of section 401.281, Florida Statutes, are amended to read:

401.281 Drivers.—

~~(2) Each nonemergency medical transportation service is responsible for assuring that its vehicle drivers are in compliance with paragraphs (a), (b), (c), (d), and (e) of subsection (1) and have successfully completed a defensive driving course approved by the department.~~

(2)~~(3)~~ The department shall periodically inspect *licensed* ~~basic life support services, advanced life support services, and nonemergency medical transportation~~ services for verification of compliance with this section. Services that are unable to verify compliance are subject to disciplinary action as provided in this act.

Section 61. Effective July 1, 1986 subsection (1) of section 401.31, Florida Statutes, is amended to read:

401.31 Inspection and examination.—

(1) In order to carry out the requirements of this act, the department shall *periodically and randomly* inspect *licensees for compliance with the requirements of this chapter and departmental rules.* ~~each basic life support licensee, advanced life support licensee, and nonemergency medical transportation service licensee, at reasonable times and whenever such inspection is deemed necessary by the department, but in no event less frequently than two times a year for emergency services and once a year for nonemergency services.~~ The department shall conduct inspections without impeding patient care.

Section 62. Effective July 1, 1986 subsections (1), (3), and (5) of section 401.34, Florida Statutes, are amended to read:

401.34 Fees.—

(1) Each organization or person subject to this act shall pay to the department the following fees, which, *unless otherwise specified, may* ~~shall annually~~ be *amended* ~~set~~ by *rules of* the department ~~by rule within the ranges specified herein~~:

~~(a) Nonemergency medical transportation service license: not less than $425, or more than $600, to be paid biennially.~~

(a)~~(b)~~ Basic life support service license: ~~not less than $425, or more than~~ $600, to be paid biennially.

(b)~~(c)~~ Advanced life support service license: ~~not less than $850, or more than~~ $1,250, to be paid biennially.

(c)~~(d)~~ Original or renewal vehicle permit for basic or advanced life support: ~~not less than $10, or more than~~ $20, to be paid biennially.

~~(e) Nonemergency medical transportation vehicle permit or renewal permit: not less than $10, or more than $20, to be paid biennially.~~

(d)~~(f)~~ Emergency medical technician certification examination: ~~not less than $15, or more than~~ $25.

(e)~~(g)~~ Emergency medical technician original certificate: not ~~less than $20, or~~ more than $30.

(f)~~(h)~~ Emergency medical technician renewal certificate: not ~~less than $10, or~~ more than $15, to be paid biennially.

(g)~~(i)~~ Paramedic certification examination: ~~not less than $15, or more than~~ $25.

(h)~~(j)~~ Paramedic original certificate: not ~~less than $55, or~~ more than *$40* ~~$80~~.

(i)~~(k)~~ Paramedic renewal certificate: not ~~less than $55, or~~ more than *$40* ~~$80~~, to be paid biennially.

(j)~~(l)~~ Air ambulance service: ~~not less than $850, or more than~~ $1,250, to be paid biennially.

(k)~~(m)~~ Original or renewal aircraft permit for air ambulance: ~~not less than $10, or more than~~ $20, to be paid biennially.

(3) *The department may prorate fees for certificates, licenses, and permits that are issued for less than a full biennial period.* ~~Until the department adopts rules establishing fees under subsection (1), the lower amount in each range will apply.~~

(5)~~(a) Neither the fire department of any county, municipality, or fire district nor any county or municipally operated emergency medical services provider licensed by the department is required to pay a fee for a service license or vehicle permit.~~

~~(b)~~ A volunteer emergency medical services provider licensed by the department *and persons actively serving with the provider without pay are* ~~is~~ not required to pay any of the fees set by the department for licensure, vehicle permits, and personnel certification. *No provider that charges any service fee may be considered eligible for this exemption. An emergency medical technician or paramedic certificate issued in accordance with this volunteer exemption provision is not valid whenever the holder of the certificate is performing his duties in a paid capacity.*

Section 63. Effective July 1, 1986 paragraphs (a), (e), and (f) of subsection (1), and the introductory paragraph and paragraphs (a) and (e) of subsection (2) of section 401.35, Florida Statutes, are amended to read:

401.35 Rules.—The department shall adopt rules necessary to carry out the purposes of this act.

(1) The rules shall provide at least minimum standards governing:

(a) Sanitation, safety, and maintenance of basic life support *and,* advanced life support~~, and nonemergency medical transportation~~ vehicles ~~, respectively.~~

(e) Staffing of basic life support *and,* advanced life support~~, and nonemergency medical transportation~~ vehicles.

(f) Two-way communications for basic life support services *and,* advanced life support services~~, and nonemergency medical transportation services~~.

(2) The rules shall establish application requirements for licensure and certification. Pursuant thereto, application forms shall be developed by the department for basic life support services *and,* advanced life support services~~, and nonemergency medical transportation services, respectively~~. An application for each respective service license must include, but is not limited to:

(a) The name and business address of the operator and owner of the ~~basic life support~~ service~~, advanced life support service, nonemergency medical transportation service,~~ or proposed service.

(e) The *service* location ~~and description of each place~~ from which the ~~basic life support service, advanced life support service, or nonemergency medical transportation~~ service will operate.

Section 64. Effective July 1, 1986 section 401.38, Florida Statutes, is amended to read:

401.38 Participation in federal programs.—The department shall develop federal funding proposals and apply for all federal funds available to carry out the purposes of this act. The department is authorized to participate in those federal programs aimed at the delivery of basic life support service *and*~~,~~ advanced life support service~~, and nonemergency medical transportation service~~ and shall include such programs in its comprehensive plan.

Section 65. Effective July 1, 1986 paragraph (a) of subsection (1) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(1) NOTICE.—

(a) When a physician enters into a formal supervisory relationship or standing orders with a physician's assistant pursuant to s. 458.347 or an emergency medical technician *or paramedic* licensed pursuant to s. 401.27, which relationship or orders contemplate the performance of medical acts, or when a physician enters into an established protocol with an advanced registered nurse practitioner, which protocol contemplates the performance of medical acts identified and approved by the joint committee pursuant to s. 464.003(3)(c) or acts set forth in s. 464.012(3) and (4), the physician shall submit notice to the board. The notice shall contain a statement in substantially the following form:

I, . . . (name and professional license number of physician) . . ., of . . . (address of physician) . . . have hereby entered into a formal supervisory relationship, standing orders, or an established protocol with . . . (number of persons) . . . physician's assistant(s), . . . (number of persons) . . . emergency medical technician(s), . . . *(number of persons)* . . . *paramedic(s)*, or . . . (number of persons) . . . advanced registered nurse practitioner(s).

Section 66. Effective July 1, 1986 subsection (1) of section 743.064, Florida Statutes, is amended to read:

743.064 Emergency medical care or treatment to minors without parental consent.—

(1) The absence of parental consent notwithstanding, a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459 may render emergency medical care or treatment to any minor who has been injured in an accident or who is suffering from an acute illness, disease, or condition if, within a reasonable degree of medical certainty, delay in initiation of emergency medical care or treatment would endanger the health of the minor, and provided such emergency medical care or treatment is administered in a hospital licensed by the state under chapter 395 or in a college health service. *Emergency medical care or treatment may also be rendered in the prehospital setting by paramedics, emergency medical technicians, and other emergency medical services personnel, provided such care is rendered consistent with the provisions of chapter 401. These persons shall follow the general guidelines and notification provisions of this section.*

Section 67. Sections 401.21 and 401.255, and subsections (6) and (7) of section 401.33, Florida Statutes, as amended by chapter 84-317, Laws of Florida, are hereby repealed.

Section 68. Section 402.24, Florida Statutes, is created to read:

402.24 Recovery of third-party payments for medical services.—

(1) As used in this section, "medical services" means medical or medically related institutional or noninstitutional services which are provided or paid for by the Department of Health and Rehabilitative Services, except for services provided or paid for pursuant to chapter 394, 396, or 397.

(2)(a) Third-party coverage for medical services shall be primary coverage.

(b) An applicant for or recipient of medical services shall inform the department of any rights an applicant or recipient has to third-party payments for medical services. The department shall automatically be subrogated to any rights the recipient has to third-party payments for medical services. The department shall recover for medical services directly from:

1. Any third party liable to make a medical benefit payment to the provider of the recipient's medical services or to the recipient under the terms of any contract, settlement, or award;

2. The recipient, if he has received third-party payment for medical services provided to him; or

3. The provider of the recipient's medical services if third-party payment for medical services has been recovered by the provider.

(c) An applicant for or recipient of medical services who receives medical services shall be deemed to have made an assignment to the department of any right such person has to any payments for such medical services from a third party.

(d) An applicant for or recipient of medical services who receives medical services shall be deemed to have provided the department the authority to release medical information with respect to such medical services for the sole purpose of obtaining reimbursement.

(e) The department may, in order to enforce its subrogation rights under this section, institute, intervene in, or join any legal proceeding against any third party against whom recovery rights arise. No action taken by the department shall operate to deny the recipient's recovery for that portion of his damages not subrogated to the department, and no action of the recipient shall prejudice the subrogation rights of the department.

(f) When the department provides, pays for, or becomes liable for medical services, it shall have a lien for the amount of medical services upon any and all causes of action which accrue to the person to whom care was furnished, or to his legal representatives, as a result of sickness, injury, disease, disability, or death, due to the liability of a third party which necessitated the medical services. The department shall have 1 year from the date when the last item of medical services relative to a specific accident or spell of illness was paid in which to file its verified lien statement, and the statement shall be filed with the clerk of the circuit court in the recipient's county of residence. The verified lien statement shall contain the name and address of the person to whom medical services were furnished; the date of injury; the name and address of the vendor or vendors furnishing medical services; the dates of the service; the amount claimed to be due for the care; and, to the best knowledge of the department, the names and addresses of all persons, firms, or corporations claimed to be liable for damages arising from the injuries. The department's failure to file a lien shall not affect the department's subrogation rights provided in paragraph (b).

(g) In recovering any payments in accordance with this subsection, the department is authorized to make appropriate settlements.

(h) The department shall promulgate rules to implement the provisions of this section.

Section 69. Paragraph (f) of subsection (3) and paragraphs (a) and (f) of subsection (9) of section 409.266, Florida Statutes, are amended, and subsection (14) is added to said section, to read:

409.266 Medical assistance.—

(3)(f) When the department provides, pays for, or becomes liable for medical care, it shall have a lien for the amount of medical assistance paid upon any and all causes of action which accrue to the person to whom care was furnished, or to his legal representatives, as a result of sickness, injury, disease, disability, or death, due to the liability of a third party which necessitated the medical care. The department shall have 1 year from the date when the last item of medical care relative to a specific accident or spell of illness was paid in which to file its verified lien statement, and the statement shall be filed with the clerk of the circuit court in the recipient's county of residence. The verified lien statement shall contain the name and address of the person to whom medical care was furnished; the date of injury; the name and address of the vendor or vendors furnishing medical care; the dates of the service; the amount claimed to be due for the care; and, to the best knowledge of the department, the names and addresses of all persons, firms, or corporations claimed to be liable for damages arising from the injuries. *The department's failure to file a lien shall not affect the department's subrogation rights provided in paragraph (b).*

Section 70. Subsection (3) of section 627.7372, Florida Statutes, is amended to read:

627.7372 Collateral sources of indemnity.—

(3) Notwithstanding any other provision of this section, benefits received under the Workers' Compensation Law, *Medicaid program of Title XIX of the Social Security Act, or from any medical services program administered by the Department of Health and Rehabilitative Services* shall not be considered a collateral source.

Section 71. Unless s. 768.50, Florida Statutes, is repealed by another act of the 1986 regular Session of the Legislature, paragraph (a) of subsection (2) of section 768.50, Florida Statutes, is amended to read:

768.50 Collateral sources of indemnity.—

(2) For purposes of this section:

(a) "Collateral sources" means any payments made to the claimant, or on his behalf, by or pursuant to:

1. The United States Social Security Act; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits.

2. Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits, except life insurance benefits available to the claimant, whether purchased by him or provided by others.

3. Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.

4. Any contractual or voluntary wage continuation plan provided by employers or any other system intended to provide wages during a period of disability.

5. Notwithstanding any other provision of this section, benefits received under the Medicaid program of Title XIX of the Social Security Act or from any medical services program administered by the Department of Health and Rehabilitative Services shall not be considered a collateral source.

Section 72. Sections 93-96 of this act shall take effect July 1, 1986, and shall apply to all claims filed, actions commenced, or settlements negotiated on or after said date, except that said sections shall not be applicable to those cases which have initiated or completed the jury selection process prior thereto.

Section 73. Effective July 1, 1986, subsections (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), and (37) are renumbered as subsections (26), (27), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), and (39) respectively, and new subsections (25) and (28) are added to said section to read:

39.01 Definitions.—When used in this chapter:

(25) "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physicians' assistant certified under chapter 458, or a dentist licensed under chapter 466.

(28) "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

Section 74. Effective July 1, 1986, section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical or mental examination of parent, guardian, or person requesting custody of child.—

(1) When any child is taken into custody and is to be detained in shelter care, the department is authorized to have a medical screening performed on the child without authorization from the court and without consent from a parent or guardian. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness, and communicable diseases. The department shall by rule establish the invasiveness of the medical procedures authorized to be performed under this subsection. In no case does this subsection authorize the department to consent to medical treatment for such children.

(2) When the department has performed the medical screening authorized by subsection (1), or when it is otherwise determined by a licensed health care professional that a child who is in the custody of the department, but who has not been committed to the department pursuant to s. 39.41, is in need of medical treatment, consent for medical treatment shall be obtained in the following manner:

(a)1. Consent to medical treatment shall be obtained from a parent or guardian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or guardian of the child is unavailable and his whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or guardian of the child is available but refuses to consent to the necessary treatment, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by a parent or guardian. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

(3)~~(1)(a)~~ *A* ~~After a petition for dependency has been filed, the~~ judge may order *a* ~~the~~ child *in the physical custody of the department* ~~named in the petition~~ to be examined by a *licensed health care professional* ~~physician~~. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. 230.2315(2).

(4)~~(b)~~ *A* ~~After a child has been adjudicated to be a dependent child, or before such adjudication with the consent of any parent or legal custodian of the child, the~~ judge may order *a* ~~the~~ child *in the physical custody of the department* to be treated by a *licensed health care professional* ~~physician~~. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. *A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable.*

~~(c) For the purpose of either examination or treatment, the judge may order the child to be placed for treatment. When any child is placed in a shelter pending a hearing, the shelter home parent or the appropriate agent of the department may provide or cause to be provided such medical or surgical services as may be deemed necessary by a physician.~~

(5)~~(d)~~ *When a child is in the physical custody of the department, a licensed health care professional* ~~A physician~~ shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care. ~~A child may be provided mental health or retardation services in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable. After a hearing, the court may order the parents, guardian, or custodian, if found able to do so, to reimburse the county for the expense involved in such emergency medical or surgical treatment.~~

(6)~~(e)~~ *Except as otherwise provided herein,* nothing in this *section* ~~subsection~~ shall be deemed to eliminate the right of *a* ~~the~~ parents, *guard-*

ian, or the child to consent to examination or treatment for the child; ~~except that the consent of a parent shall not be required if the physician determines there is a serious injury or illness requiring immediate treatment and the child consents to such treatment or an ex parte court order is obtained authorizing such treatment.~~

(7)~~(f)~~ Except as otherwise provided herein, nothing in this *section* ~~subsection~~ shall be deemed to alter the provisions of s. 743.064. ~~to eliminate the right of the child or his parents, guardian, or legal custodian to consent to diagnostic examination and medical or surgical treatment or care for the child; nor shall a court~~

(8) A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

(9)~~(g)~~ Nothing in this *section* ~~subsection~~ shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(10)~~(h)~~ For the purpose of obtaining an evaluation or examination or receiving treatment as authorized pursuant to this subsection, no child alleged to be or found to be dependent shall be placed in a detention home or other program used primarily for the care and custody of children alleged or found to have committed delinquent acts.

(11) The parents or guardian of a child in the physical custody of the department remain financially responsible for the cost of medical treatment provided to the child even if either one or both of the parents or if the guardian did not consent to the medical treatment. After a hearing, the court may order the parents or guardian, if found able to do so, to reimburse the department or other provider of medical services for treatment provided.

(12) Nothing in this section alters the authority of the department to consent to medical treatment for a dependent child when the child has been committed to the department pursuant to s. 39.41, and the department has become the legal custodian of the child.

(13)~~(2)~~ At any time after the filing of a petition for dependency, when the mental or physical condition, including the blood group, of a parent, guardian, or other person requesting custody of a child is in controversy, the court may order the person to submit to a physical or mental examination by a qualified professional. The order may be made only upon good cause shown and pursuant to notice and procedures as set forth by the Florida Rules of Juvenile Procedure.

Section 75. Effective July 1, 1986, subsections (2) and (3) of section 415.507, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to said section, to read:

415.507 Photographs, medical examinations, ~~and~~ X rays *, and medical treatment* of abused or neglected child.—

(2) Consent for any medical treatment shall be obtained in the following manner.

(a)1. Consent to medical treatment shall be obtained from a parent or guardian of the child; or

2. A court order for such treatment shall be obtained.

(b) If a parent or guardian of the child is unavailable and his whereabouts cannot be reasonably ascertained, and it is after normal working hours so that a court order cannot reasonably be obtained, an authorized agent of the department shall have the authority to consent to necessary medical treatment for the child. The authority of the department to consent to medical treatment in this circumstance shall be limited to the time reasonably necessary to obtain court authorization.

(c) If a parent or guardian of the child is available but refuses to consent to the necessary treatment, a court order shall be required unless the situation meets the definition of an emergency in s. 743.064 or the treatment needed is related to suspected abuse or neglect of the child by a parent or guardian. In such case, the department shall have the authority to consent to necessary medical treatment. This authority is limited to the time reasonably necessary to obtain court authorization.

In no case shall the department consent to sterilization, abortion, or termination of life support.

Section 76. *Effective July 1, 1986, the Department of Health and Rehabilitative Services shall adopt rules necessary for implementation of sections of this act relating to medical screening and medical treatment of children.*

Section 77. Paragraphs (a) and (f) of subsection (9) of section 409.266, Florida Statutes, are amended and subsection (14) is added to said section to read:

409.266 Medical assistance.—

(9) The department may impose administrative sanctions on a provider participating in the Medicaid program when:

(a) The provider has been convicted, *regardless of adjudication, or found guilty, whether based upon a plea of guilty, not guilty, or nolo contendere,* of fraud related to Medicaid or Medicare. Any sanction imposed for this reason shall be limited to termination from further participation in the Medicaid program.

(f) The provider has refused access to Medicaid records to authorized auditors or investigators acting as employees or agents of the Fraud and Abuse Unit or audit staff of the department, *the Medicaid fraud control unit or* the Division of Public Assistance Fraud of the Auditor General, a state attorney, or the Federal Government.

(14) If the department imposes an administrative sanction under this section for a violation of provisions of subsection (9) upon any provider who is regulated by any state agency other than the department, the department shall notify such agency of the imposition of the sanction. Such notification shall include the provider's name, license number and specific reasons for sanction.

Section 78. Effective July 1, 1986, present subsections (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), and (34) of section 39.01, Florida Statutes, are renumbered as subsections (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), and (35), respectively, and a new subsection (10) is added to said section; and present subsections (36) and (37) of said section are renumbered as subsections (37) and (38), respectively, and subsection (35) is renumbered as subsection (36) and amended to read:

39.01 Definitions.—When used in this chapter:

(10) "Child support" means a court ordered obligation enforced pursuant to ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(36)~~(35)~~ "Training school" means one of the following facilities: the Arthur G. Dozier School~~, the Alyce D. McPherson School,~~ or the Florida School for Boys at Okeechobee.

Section 79. Effective July 1, 1986, subsection (7) is added to section 39.032, Florida Statutes, to read:

39.032 Detention.—

(7) When any child is placed in detention or shelter care or a crisis home pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

Section 80. Effective July 1, 1986, subsection (1) of section 39.11, Florida Statutes, is amended, and present subsections (2), (3), (4), (5), (6), (7), and (8) are renumbered as subsections (3), (4), (5), (6), (7), (8), and (9), respectively, and a new subsection (2) is added to said section to read:

39.11 Powers of disposition.—

(1) When any child is adjudicated by the court to have committed a delinquent act, the court having jurisdiction of the child shall have the

power, by order in which is stated the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, to:

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

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

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

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

(b) Commit the child to a licensed child-caring agency willing to receive the child, but the court shall not commit the child to a jail or to a facility used primarily as a detention home or shelter.

(c) Commit the child to the department. Such commitment shall be for the purpose of exercising active control, including, but not limited to, custody, care, training, treatment, and furlough into the community. Notwithstanding the provisions of s. 743.07, the term of the commitment shall be until the child is discharged by the department or until he reaches the age of 19.

~~(d) Order the natural or adoptive parents of such child, the natural father of a child born out of wedlock who has acknowledged his paternity in writing before the court or whose paternity has been proven in court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay the person or institution having custody of the child reasonable sums of money at such intervals as the court may consider adequate and proper for the care, support, maintenance, training, and education of the child. The court, in making such order, shall consider the circumstances and ability of the parents to pay and the value of assets of the guardianship estate of the child; and when the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.~~

(d)~~(e)~~ Revoke or suspend the driver's license of the child.

(e)~~(f)~~ Require the child to render a public service in a public service program.

(f)~~(g)~~ As part of the community control program to be implemented by the department, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child or parent to make restitution for the damage or loss caused by his offense in a reasonable amount or manner to be determined by the court. The court may require the clerk of the circuit court to be the receiving and dispensing agent. In such case, the court shall order the child or parent to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The liability of a parent under this paragraph shall not exceed $2,500 for any one criminal episode. A finding by the court, after a hearing, that the parent has made diligent good faith efforts to prevent the child from engaging in delinquent acts shall absolve the parent of liability for restitution under this paragraph.

(g)~~(h)~~ Order the child to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or community control program.

(2) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the department, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the licensed child-caring agency or the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

Section 81. Effective July 1, 1986, subsections (5) and (6) of section 39.111, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to said section to read:

39.111 Community control or commitment of children prosecuted as adults.—

(5) When the court orders commitment of a child to the department for treatment in a youth program, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

Section 82. Effective July 1, 1986, subsection (14) is added to section 39.402, Florida Statutes, to read:

39.402 Placement in a shelter.—

(14) When any child is placed in a shelter pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

Section 83. Effective July 1, 1986, section 39.41, Florida Statutes, is amended to read:

39.41 Powers of disposition.—

(1) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child shall have the power, by order, to:

(a) Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the court may direct. Protective supervision shall continue until the court terminates it or until the child reaches the age of 18, whichever date is first.

(b) Place the child in the temporary legal custody of an adult relative willing to care for the child.

(c) Commit the child to a licensed child-caring agency willing to receive the child. Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, shall additionally be governed by s. 409.168.

(d) Commit the child to the temporary legal custody of the department. Such commitment shall invest in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment shall continue until terminated by the court or until the child reaches the age of 18. After the child is committed to the temporary custody of the department, all further proceedings under this section shall additionally be governed by s. 409.168.

(e) Change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing subsequent to the initial detention hearing, without the necessity of another adjudicatory hearing. A child who has been placed in his own home under the protective supervision of an authorized agent of the department, in the home of a relative, or in some other place may be brought before the court by the agent of the department who is supervising the placement or by any other interested person, upon the filing of a petition which alleges a need for a change in the conditions of protective supervision or the placement. If the parents or other custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered.

(f) Permanently commit the child to the department or a licensed child-placing agency willing to receive the child for subsequent adoption if the court finds that it is manifestly in the best interests of the child to do so, and:

1. If the persons served with notice under subsection *(5)* ~~(4)~~ fail to respond to the notice as provided in paragraph *(5)* ~~(4)~~(d); or

2. If the parent or parents have voluntarily executed a written surrender of the child before two witnesses and a notary public or other officer authorized to take acknowledgments; or

3. If the court finds by clear and convincing evidence, at a hearing applying the rules of evidence in use in civil cases, that:

a. The parent or legal custodian or, in the absence of the parent or legal custodian of the child, the person responsible for the child's welfare has abandoned the child for a period of 6 months or longer prior to the filing of the petition for permanent commitment or has abused or neglected the child; or

b. The parent or parents of the child have failed, upon the expiration of a performance agreement entered into or of a plan for permanent placement submitted to and approved by the court under s. 409.168, to comply substantially with such agreement or plan. If the court finds that the failure to comply with the performance agreement or plan is the result of conditions beyond the control of the parent or parents, such failure shall not be used as a ground for permanent commitment.

The department shall prescribe a written surrender form which shall be written in layman's terms in the principal language of the surrendering party and which shall clearly and unambiguously advise the surrendering party of the consequences of the surrender.

(2)(a)~~(g)~~ *When any child is adjudicated by the court to be dependent and temporary legal custody of the child has been placed with an adult relative willing to care for the child, a licensed child-caring agency, or the department, the court shall, unless a parent has voluntarily executed a written surrender for purposes of adoption,* order the natural or adoptive parents of such child or the natural father of *such* ~~a~~ child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay *child support to the adult relative caring for the child, the licensed child-caring agency, or the department.* ~~the person or institution having custody of such child reasonable sums of money at such intervals as the court may consider adequate and proper for the care, support, maintenance, training, and education of such child. The court, in making such order, shall consider the circumstances and ability of such parents, or the natural father of a child born out of wedlock, to pay and the value of assets of the guardianship estate of such child; and~~ When such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. ~~The court may from time to time, after considering the financial resources of the persons financially responsible for the child's care, order them, or any of them, to pay a reasonable amount for attorney's fees and the cost of the party maintaining any proceeding under this paragraph or for the care, support, and maintenance of such child, including enforcement and modification proceedings. The court may order the amount to be paid directly to the attorney, who may enforce the order in his name.~~

(b) Placement of the child pursuant to subsection (1) shall not be contingent upon issuance of a support order.

(3)~~(2)~~(a) If the court commits the child to the temporary legal custody of the department, the disposition order shall include a determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal of the child from his home. If the child has been removed prior to the disposition hearing, the order shall also include a determination as to whether, after removal, the department has made a reasonable effort to reunify the family. The department shall have the burden of demonstrating that it has made reasonable efforts pursuant to this subsection.

(b) For the purposes of this subsection, the term "reasonable effort" means the exercise of reasonable diligence and care by the department and assumes the availability of appropriate services to meet the needs of the child and family.

(c) In support of its determination as to whether reasonable efforts have been made, the court shall:

1. Enter findings as to whether or not prevention or reunification efforts were indicated;

2. If prevention or reunification efforts were indicated, include a brief description of what appropriate and available prevention and reunification efforts were made; and

3. Indicate why further efforts could or could not have prevented or shortened the separation of the family.

(d) When the first contact of the department with the family occurred during an emergency in which the child could not safely remain at home either because there were no preventive services which could ensure the safety of the child or because, even with appropriate and available services being provided, the safety of the child could not be ensured, the department shall be deemed to have made a reasonable effort to prevent or eliminate the need for removal.

(e) When the severity of the conditions of dependency is such that reunification efforts are inappropriate, the department shall be deemed to have made a reasonable effort for reunification of the family. The department shall have the burden of demonstrating to the court that reunification efforts were inappropriate.

(f) If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this part.

(4)~~(3)~~ An agency granted legal custody shall have the right to determine where and with whom the child shall live, but an individual granted legal custody shall exercise all rights and duties personally unless otherwise ordered by the court.

(5)~~(4)~~ Before the court may permanently commit a child who is dependent to a licensed child-placing agency or the department for subsequent adoption, in addition to the other requirements set forth in this part, the following requirements shall be met:

(a) Notice and a copy of the petition shall be personally served upon the following persons, or forwarded to their addresses by registered mail, specifically notifying them that a petition has been filed:

1. The mother of the child.

2. The father of the child, if:

a. The child was conceived or born while the father was married to the mother;

b. The child is his by adoption;

c. The child has been established by a court proceeding to be his child;

d. He has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the child and has filed such acknowledgment with the Office of Vital Statistics of the Department of Health and Rehabilitative Services; or

e. He has provided the child with support in a repetitive, customary manner.

3. The legal custodians or guardian of the child.

4. If the natural parents who would be entitled to notice are dead or unknown, a living relative of such child, unless upon diligent search and inquiry no such relative can be found.

(b) In the event a person required to be served with notice in the manner prescribed in paragraph (a) cannot be served, notice of hearings shall be given as prescribed by the rules of civil procedure, and service of process shall be made as specified by law for civil actions.

(c) Notice as prescribed by this section may be waived in the discretion of the judge, with regard to any person to whom notice must be given pursuant to this subsection, if such person executes, before two witnesses and a notary public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to respond within the time prescribed by the rules of civil procedure, the failure to respond shall constitute consent to permanent commitment on the part of the person given notice.

(6)~~(5)~~ A licensed child-placing agency or the department to which a child is permanently committed for subsequent adoption in accordance with this chapter may place the child in a family home for prospective subsequent adoption and may thereafter become a party to any proceeding for the legal adoption of the child and appear in any court where the adoption proceeding is pending and consent to the adoption; and that consent alone shall in all cases be sufficient. A permanent order of commitment, whether pursuant to consent or after notice served as herein prescribed, shall permanently deprive the parents and legal guardian of any right to the child. In any subsequent adoption proceeding, the parents and legal guardian shall not be entitled to any notice thereof, nor shall they be entitled to knowledge at any time after the permanent order of commitment is entered of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child; and in any habeas corpus or other proceeding involving the child brought by any parent or legal guardian of the child, no agent of the licensed child-placing agency or department shall be compelled to divulge that information, but may be compelled to produce the child before a court of competent jurisdiction if the child is still subject to the guardianship of the licensed child-placing agency or department. The entry of the permanent order of commitment shall not entitle the licensed child-placing agency or department to guardianship of the estate or property of the child, but the licensed child-placing agency or department shall be the guardian of the person of the child. The court shall retain jurisdiction over any child permanently committed to a licensed child-placing agency or to the department until the child is placed for adoption. After permanent commitment of a child for subsequent adoption, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement, pursuant to the provisions of s. 409.168, but this jurisdiction does not include the exercise of any power or influence by the court over the selection of an adoptive parent.

(7)~~(6)~~ In carrying out the provisions of this chapter, the court may order the natural parents or legal guardian of a child who is found to be dependent to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child.

(8)~~(7)~~ With respect to a child who is the subject of a performance agreement under s. 409.168, the court shall return the child to the custody of the natural parents upon expiration of the agreement if the parents have substantially complied with the agreement.

(9)~~(8)~~ The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to his parents pursuant to subsection *(8)* ~~(7)~~, the court shall not terminate its jurisdiction over the child until 6 months after the return. Based on a report of the department or agency and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in such a case; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 84. Effective July 1, 1986, subsection (2) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

(2) The department, in accordance with rules established by it, shall either charge, assess, or collect, or cause to be charged, assessed, or collected, fees for any service it may provide its clients either directly or through its agencies or contractors, except for:

(a) Diagnosis and evaluation procedures necessary to determine the client's eligibility and need for services provided by the department;

(b) Customary and routine information and referral services;

(c) Educational services provided in lieu of public education;

(d) Specific services exempted by an act of the Legislature from fee assessment;

(e) Emergency shelter or emergency detention care and custody *prior to a detention hearing pursuant to chapter 39*;

(f) Specific classes or types of services provided in programs funded by grants, donations, or contracts that prohibit charging fees; or

(g) Any type of service for which the department determines that the net estimated revenue from such fees after deducting any loss of funds from federal grants occasioned by such fees will be less than the estimated cost to charge and collect such fees.

Fees, other than third-party benefits and benefit payments, may not be charged for services provided to indigents whose only sources of income are from state and federal aid. In addition, fees may not be charged parents of a minor client for services requested by the minor without parental consent or for services provided a minor client who has been permanently committed to the care and custody of the department with parental rights permanently severed. *However, lack of parental consent does not preclude the charging of fees established pursuant to chapter 39.* The department may not require a client who is receiving wages which are below the minimum wage under the federal Fair Labor Standards Act to pay fees from such wages. Voluntary payments for services shall be encouraged.

Section 85. Effective July 1, 1986, paragraph (c) of subsection (3) of section 409.168, Florida Statutes, is amended to read:

409.168 Children in foster care; department report and court review of status.—

(3) PERFORMANCE AGREEMENT.—

(c) The performance agreement shall include, but need not be limited to:

1. The specific reasons for the placement of the child in foster care, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from his home, the remediation of which determines the return of the child to the parent or parents;

2. A description of the type of out-of-home placement in which the child is to be placed, including a discussion of the appropriateness of the placement;

3. A plan for addressing the needs of the child while in foster care, including a discussion of the services already provided;

4. The specific actions to be taken by the parent or parents of the child to eliminate or correct the identified problems or conditions and the period during which the actions are to be taken. The parties to the agreement may also include, but need not be limited to, other persons or agencies who shall agree and be responsible for the provision of social and other supportive services to the child or the parent, parents, or other custodian of the child;

5. The financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in foster care, pursuant to *s. 39.41(2)* ~~s. 402.33~~;

6. The visitation rights and obligations of the parent or parents and the social service agency during the period the child is in foster care;

7. The social and other supportive services to be provided to the parent or parents of the child, the child, and the foster parents during the period the child is in foster care. The purpose of such social and other supportive services shall be to promote the child's need for a continuous, stable, living environment, and such services should promote family autonomy and strengthen family life whenever possible;

8. The date on which the child is expected to be returned to the home of the parent or parents;

9. The specific description and the nature of the effort to be made by the social service agency responsible for the placement to reunite the family; and

10. Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights, but only after notice and a hearing as provided in s. 39.41; that, pursuant to s. 39.41*(8)* ~~(7)~~ and *(9)* ~~(8)~~, the court shall return the child to the custody of the natural parents upon expiration of the agreement if the parents have substantially complied with the agreement; and that the court cannot terminate its jurisdiction over the child until 6 months after return of the child to his parents, but at that time, based on a report of the social service agency and any other relevant factors, the court shall make a determination on whether its jurisdiction should be continued or terminated.

Section 86. Effective July 1, 1986, subsection (9) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in this act:

(9) "Support" means*:*

(a) Support for a child and spouse or former spouse who is living with the child or children, but only if a support obligation has been established for that spouse and the child support obligation is being enforced under Title IV-D of the Social Security Act*; or*

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to s. 39.41.

Section 87. Effective July 1, 1986, there is created a Dependency Child Support Trust Fund in the State Treasury to be used by the Department of Health and Rehabilitative Services for the purpose of funding care for children who are committed to the temporary legal custody of the Department of Health and Rehabilitative Services pursuant to s. 39.41(1)(d), Florida Statutes. There shall be deposited into the fund all child support payments made to the Department of Health and Rehabilitative Services pursuant to s. 39.41(2), Florida Statutes.

Section 88. *(1) There is hereby created within the Department of Health and Rehabilitative Services a statewide technical Organ Transplant Advisory Council consisting of eight members to represent the interests of the public and the clients of the department. The members shall be physicians licensed according to chapter 458 or chapter 459, Florida Statutes. In no case shall a person employed by the department be appointed as a member of the council.*

(2) All members of the council shall be appointed by the Secretary of Health and Rehabilitative Services to serve a term of 2 years, except that at the time of the initial appointments four members shall be appointed for a term of 1 year and four members shall be appointed for a term of 2 years.

(3) The Secretary of Health and Rehabilitative Services shall fill each vacancy on the council for the balance of the unexpired term. Priority consideration shall be given to the appointment of an individual whose primary interest, experience, or expertise lies with clients of the department. If an appointment is not made within 120 days after a vacancy occurs on the council, the vacancy shall be filled by the majority vote of the council.

(4) The members of the council shall elect a chairperson. The term of the chairperson shall be for 1 year, and no chairperson shall serve as chairperson for more than two consecutive terms.

(5) Members of the council shall receive no compensation, but shall be reimbursed for per diem and travel expenses by the department in accordance with the provisions of s. 112.061, Florida Statutes, while engaged in the performance of their duties.

(6) The responsibilities of the council shall be to recommend to the department indications for adult and pediatric organ transplants. The council shall also formulate guidelines and standards for organ transplants and for the development of End Stage Organ Disease and Tissue/Organ Transplant programs.

(7) The council shall meet at least annually or upon the call of the chairperson or the Secretary of Health and Rehabilitative Services.

Section 89. *Section 113 of this act is repealed on October 1, 1996, and the technical Organ Transplant Advisory Council shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 90. Sections 384.21, 384.22, 384.23, 384.24, 384.25, 384.26, 384.27, 384.28, 384.29, 384.30, 384.31, 384.32, 384.33, and 384.34, Florida Statutes, are created to read:

384.21 Short title.—This chapter may be cited as the Control of Sexually Transmissible Disease Act.

384.22 Findings; intent.—The Legislature finds and declares that sexually transmissible diseases constitute a serious and sometimes fatal threat to the public and individual health and welfare of the people of the state and visitors to the state. The Legislature finds that the incidence of sexually transmissible diseases is rising at an alarming rate and that these diseases result in significant social, health, and economic costs, including infant and maternal mortality, temporary and lifelong disability, and premature death. The Legislature finds that sexually transmissible diseases, by their nature, involve sensitive issues of privacy, and it is the intent of the Legislature that all programs designed to deal with these diseases afford patients privacy, confidentiality, and dignity. The Legislature finds that medical knowledge and information about sexually transmissible diseases are rapidly changing. The Legislature intends to provide a program that is sufficiently flexible to meet emerging needs, deals efficiently and effectively with reducing the incidence of sexually transmissible diseases, and provides patients with a secure knowledge that information they provide will remain private and confidential.

384.23 Definitions.—

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "County public health unit" means agencies and entities as designated in chapter 154.

(3) "Sexually transmissible disease" means a bacterial, viral, fungal, or parasitic disease, determined by rule of the department to be sexually transmissible, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. In considering which diseases are to be designated as sexually transmissible diseases, the department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, and human T-lymphotropic virus type III (HTLV-III) infection for designation, and shall consider the recommendations and classifications of the centers for disease control and other nationally recognized medical authorities. Not all diseases that are sexually transmissible need be designated for purposes of this act.

384.24 Unlawful acts.—It is unlawful for any person who has chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, or human T-lymphotropic virus type III (HTLV-III) infection, when such person knows he is infected with one or more of these diseases and when such person has been informed that he may communicate this disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmissible disease.

384.25 Reporting required.—

(1) Each person who makes a diagnosis of or treats a person with a sexually transmissible disease and each laboratory that performs a test

for a sexually transmissible disease which concludes with a positive result shall report such facts as may be required by the department by rule, within a time period as specified by rule of the department, but in no case to exceed two weeks.

(2) The department shall adopt rules specifying the information required in reporting a sexually transmissible disease and specifying a minimum time period for reporting. In adopting such rules, the department shall consider the need for information, protections for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. Rules pursuant to reporting of HTLV III infection shall be limited to physician reporting and shall include only physician diagnosed cases of Acquired Immune Deficiency Syndrome (AIDS) and AIDS Related Complex based upon diagnostic criteria from the Centers for Disease Control of the United States Public Health Service.

(3) Each person who violates the provisions of this section or the rules adopted hereunder may be fined by the department up to $500 for each offense. The department shall report each violation of this section to the regulatory agency responsible for licensing each health care professional and each laboratory to which these provisions apply.

384.26 Contact investigation.—

(1) The department and its authorized representatives may interview, or cause to be interviewed, all persons infected or suspected of being infected with a sexually transmissible disease for the purpose of investigating the source and spread of the disease and for the purpose of ordering a person to submit to examination and treatment as necessary.

(2) All information gathered in the course of contact investigation shall be considered confidential and subject to the provisions of s. 384.29. Such information is exempt from ss. 119.01 and 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(3) No person who is infected with a sexually transmissible disease, or suspected of an infection, who reveals the name or names of sexual contacts during the course of an investigation shall be held liable in a civil action for such revelation, unless the revelation is made falsely or with reckless disregard for the truth.

384.27 Physical examination and treatment.—

(1) Subject to the provisions of subsection (3), the department and its authorized representatives may examine or cause to be examined persons suspected of being infected with or exposed to a sexually transmissible disease.

(2) Subject to the provisions of subsection (3), persons with a sexually transmissible disease shall report for complete treatment to a physician licensed under the provisions of chapter 458 or chapter 459, or shall submit to treatment at a county public health unit or other public facility, until the disease is noncommunicable.

(3) No person shall be apprehended, examined or treated for a sexually transmissible disease against his will, except upon the presentation of a warrant duly authorized by a court of competent jurisdiction. In requesting the issuance of such a warrant, the department shall show by a preponderance of evidence that a threat to the public's health and welfare exists unless such warrant is issued and shall show that all other reasonable means of obtaining compliance have been exhausted and that no other less restrictive alternative is available.

384.28 Quarantine and isolation.—

(1) Subject to the provisions of subsection (2), the department may order a person to be isolated or a place to be quarantined and made off limits to the public as a result of the probable spread of a sexually transmissible disease, until such time as the condition can be corrected or the threat to the public's health eliminated or reduced in such a manner that a substantial threat to the public's health no longer exists.

(2) No person may be ordered to be isolated, and no place may be ordered to be quarantined, except upon the order of a court of competent jurisdiction and upon proof by the department, by clear and convincing evidence, that the public's health and welfare are significantly endangered by a person with a sexually transmissible disease or by a place where there is a significant amount of sexual activity likely to spread a sexually transmissible disease, and upon proof that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists.

(3) This section shall be considered supplemental to the existing authorities and powers of the department, and shall not be construed to restrain or restrict the department in protecting the public health under other sections of law.

384.29 Confidentiality.—

(1) All information and records held by the department and its authorized representatives relating to known or suspected cases of sexually transmissible diseases shall be strictly confidential and exempt from ss. 119.01 and 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Such information shall not be released or made public by the department or its authorized representatives, or by a court or parties to a lawsuit upon revelation by subpoena, except that release may be made under the following circumstances:

(a) When made with the consent of all persons to which the information applies;

(b) When made for statistical purposes, medical or epidemiologic information is summarized so that no person can be identified and no names are revealed;

(c) When made to medical personnel, appropriate state agencies, or courts of appropriate jurisdiction, to enforce the provisions of this chapter and related rules;

(d) When made in a medical emergency, but only to the extent necessary to protect the health or life of a named party; or

(e) When made to the proper authorities as required by chapter 415.

(2) When disclosure is made pursuant to a subpoena, such information shall be sealed by the court from further disclosure, except as deemed necessary by the court to reach a decision, unless otherwise agreed to by all parties.

(3) No employee of the department or its authorized representatives shall be examined in a civil, criminal, special, or other proceeding as to the existence or contents of pertinent records of a person examined or treated for a sexually transmissible disease by the department or its authorized representatives, or of the existence or contents of such reports received from a private physician or private health facility, without the consent of the person examined and treated for such diseases, except in proceedings under ss. 384.27 and 384.28.

384.30 Minors' consent to treatment.—

(1) The department and its authorized representatives, each physician licensed to practice medicine under the provisions of chapter 458 or chapter 459, each health care professional licensed under the provisions of chapter 464 who is acting pursuant to the scope of his license, and each public or private hospital, clinic, or other health facility, may examine and provide treatment for sexually transmissible diseases to any minor, if the physician, health care professional, or facility is qualified to provide such treatment. The consent of the parents or guardians of a minor is not a prerequisite for an examination or treatment.

(2) The fact of consultation, examination, and treatment of a minor for a sexually transmissible disease is confidential and shall not be divulged in any direct or indirect manner, such as sending a bill for services rendered to a parent or guardian, except as provided in s. 384.29. Such information is exempt from ss. 119.01 and 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

384.31 Serological testing of pregnant women; duty of the attendant.—Every person, including every physician licensed under chapter 458 or chapter 459 or midwife licensed under chapter 464 or chapter 467, attending a pregnant woman for conditions relating to pregnancy during the period of gestation and delivery shall take or cause to be taken a sample of venous blood at a time or times specified by the department. Each sample of blood shall be tested by a laboratory approved for such purposes under part I of chapter 483 for sexually transmissible diseases as required by rule of the department.

384.32 Prisoners.—

(1) The department and its authorized representatives may, at its discretion, enter any state, county, or municipal detention facility to interview, examine, and treat any prisoner for a sexually transmissible disease.

Any such state, county, or municipal detention facility shall cooperate with the department and its authorized representatives to provide such space as is necessary for the examination and treatment of all prisoners suffering from or suspected of having a sexually transmissible disease.

(2) Nothing in this section shall be construed as relieving the Department of Corrections, counties, or municipalities of their primary responsibility for providing medical treatment for prisoners, including treatment for sexually transmissible diseases.

384.33 Rules.—The department may adopt rules to carry out the provisions of this chapter.

384.34 Penalties.—

(1) Any person who violates the provisions of s. 384.24, s. 384.26, or s. 384.29 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who maliciously disseminates any false information or report concerning the existence of any sexually transmissible disease is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who violates the provisions of the department's rules pertaining to sexually transmissible diseases may be punished by a fine not to exceed $500 for each violation. Any penalties enforced under this subsection shall be in addition to other penalties provided by this act.

Section 91. Sections 383.08, 383.09, 384.01, 384.02, 384.03, 384.04, 384.05, 384.06, 384.061, 384.07, 384.08, 384.09, 384.10, 384.11, 384.12, 384.13, 384.14, 384.15, 384.16, 384.17, 384.18, 384.19, 741.051, 741.052, 741.053, 741.054, 741.055, 741.057, 741.058, 741.059, 741.0591, 741.0592, and 741.0593, Florida Statutes, are hereby repealed.

Section 92. Section 381.603, Florida Statutes, is created to read:

381.603 Short title.—Sections 381.603-381.605, Florida Statutes, may be cited as the Chronic Diseases Act.

Section 93. Section 381.6031, Florida Statutes, is created to read:

381.6031 Legislative intent.—It is the finding of the Legislature that:

(1) Chronic diseases exist in high proportions among the people of this state. These chronic diseases include, but are not limited to, heart disease, hypertension, diabetes, renal disease, cancer, and chronic obstructive lung disease. These diseases are often interrelated and they directly and indirectly account for a high rate of death and illness.

(2) Advances in medical knowledge and technology have assisted in the prevention of chronic diseases. Comprehensive approaches stressing application of current treatment, continuing research, professional training, and patient education should be encouraged.

(3) A comprehensive program dealing with the early detection and prevention of chronic diseases is required to make knowledge and therapy available to all people of this state. The mobilization of scientific, medical, and educational resources under one comprehensive chronic disease act will facilitate the prevention and treatment of these diseases and their symptoms, and result in a decline in death and illness among the people of this state.

Section 94. Subsection (2) of section 381.605, Florida Statutes, is amended to read:

381.605 Chronic disease control program.—

(2) *OPERATION OF COMPREHENSIVE HEALTH IMPROVEMENT PROJECTS* ~~DEMONSTRATION PROJECT AND EVALUATION STUDY~~.—

(a) *The department shall assist the county public health units in developing and operating comprehensive health improvement projects throughout the state. At a minimum, the comprehensive health improvement projects shall address the chronic diseases of cancer, diabetes, heart disease, hypertension, renal disease, and chronic obstructive lung disease.* ~~The department shall conduct a demonstration project and an evaluation study to determine the desirability of establishing chronic disease control programs, community health education programs, and comprehensive health improvement programs throughout the state. In carrying out the demonstration project, the department, in at least three districts, shall establish or cause to be established pilot programs or contract with existing pilot programs.~~

(b) Existing community resources, when available, shall be used to support the programs. The department shall seek funding for the programs from federal and state financial assistance programs which presently exist or which may be hereafter created. Additional services, as appropriate, may be incorporated into a program to the extent that resources are available. The department may accept gifts and grants in order to carry out a program.

(c) Volunteers shall be used to the maximum extent possible in carrying out the programs. The department shall contract, pursuant to s. *286 28* ~~455.06~~, for the necessary insurance coverage to protect volunteers from personal liability while acting within the scope of their volunteer assignments under a program.

(d) The department may contract for the provision of all or any portion of the services required by a program, and shall so contract whenever the requirements of s. 20.19(14) are met.

~~(e) Each entity contracting with the department to conduct a pilot program shall provide at least 25 percent of the funding necessary for the support of the operation of the program. Contributions in kind, whether of materials, commodities, transportation, office space, other types of facilities, or personal services, may be valuated and counted as part or all of such required local funding.~~

(e)~~(f)~~ If the department determines that it is necessary for clients to help pay for services provided by a program, the department may require clients to make contribution therefor in either money or personal services. The amount of money or value of the personal services shall be fixed according to a fee schedule established by the department or by the entity developing the program. In establishing the fee schedule, the department or the entity developing the program shall take into account the expenses and resources of a client and his overall ability to pay for the services.

(f)~~(g)~~ The department shall adopt rules governing the operation of the *community health improvement projects* ~~pilot programs~~. These rules shall include guidelines for intake and enrollment of clients into the *projects* ~~programs~~.

Section 95. Section 381.3712, Florida Statutes, is renumbered as section 385.13, Florida Statutes, and paragraphs (a), (m), and (q) of subsection (4) are amended to read:

385.13 ~~381.3712~~ Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY BOARD; CREATION; COMPOSITION.—

(a) There is created within the Department of Health and Rehabilitative Services the "Florida Cancer Control and Research Advisory Board." The board shall consist of 26 members, *which includes the* ~~and a~~ chairperson, all of whom must be residents of this state. All members except those appointed by the Speaker of the House of Representatives and the President of the Senate shall be appointed by the Governor. One member shall be a representative of the American Cancer Society; ~~one member shall be a representative of the Association of Florida Tumor Programs Directors;~~ one member shall be a representative of the Florida Tumor Registrars Association; one member shall be a representative of the *Papanicolaou* Comprehensive Cancer Center of the State of Florida; one member shall be a representative of the Department of Health and Rehabilitative Services; one member shall be a representative of the Florida Nurses Association; one member shall be a representative of the Florida Osteopathic Association; one member shall be a representative of the American College of Surgeons; one member shall be a representative of the School of Medicine of the University of Miami; one member shall be a representative of the College of Medicine of the University of Florida; one member shall be a representative of Southeastern College of Osteopathic Medicine; one member shall be a representative of the College of Medicine of the University of South Florida; one member shall be a representative of the Florida Society of Clinical Oncology; *one member shall be a representative of the Florida Obstetric and Gynecologic Society who has had training in the specialty of gynecologic oncology;* one member shall be a representative of the Florida Medical Association; one member shall be a member of the Florida Pediatric Society; one member shall be a representative of the Florida Radiological Society; three members shall be representatives of the general public acting as consumer advocates; one member shall be a member of the House of Representatives appointed by the Speaker of the House; one member shall be a member of the Senate appointed by the President of the Senate; one

member shall be a representative of the Department of Education; one member shall be a representative of the Florida Dental Association; one member shall be a representative of the Florida Hospital Association; one member shall be a representative of the Association of Community Cancer Centers; ~~one member shall be a representative of the Papanicolaou Cancer Research Institute;~~ and one member shall be a representative of the Florida Association of Pediatric Tumor Programs, Inc.

(m) ~~By January 1, 1985,~~ The board shall develop and prepare a standardized written summary, written in layman's terms and in language easily understood by the average adult patient, informing actual and high-risk breast cancer patients of the medically viable treatment alternatives available to them in the effective management of breast cancer; describing such treatment alternatives; and explaining the relative advantages, disadvantages, and risks associated therewith. Such summary, upon its completion, shall be printed in the form of a pamphlet or booklet and made *continuously* available to physicians and surgeons in this state for their use in accordance with s. 458.324 and to osteopathic physicians in this state for their use in accordance with s. 459.0125. *The board shall periodically update the pamphlet to reflect current standards of medical practice in the treatment of breast cancer.* The board shall develop and implement an educational program, including distribution of the pamphlet or booklet developed under this paragraph, to inform citizen groups, associations, and voluntary organizations about early detection and treatment of breast cancer.

(q) On *February* ~~January~~ 15 of each year, the board shall report to the Governor and to the Legislature.

Section 96. Section 381.3812, Florida Statutes, is renumbered as section 385.14, Florida Statutes, and subsection (3) is amended to read:

385.14 ~~381.3812~~ Statewide cancer registry.—

(3) The department or a contractual designee operating the statewide cancer registry program required by this act shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released for general publication. In all events, the identity of any person whose condition or treatment has been reported and studied shall be confidential *except that:*

(a) Release may be made with the written consent of all persons to whom the information applies;

(b) The department or a contractual designee may contact individuals for the purpose of epidemiologic investigation and monitoring; or

(c) The department may exchange personal data with any other governmental agency for the purpose of medical or scientific research, provided such governmental agency shall not further disclose such personal data ~~and shall not be revealed under any circumstances~~.

All information, interviews, reports, statements, memoranda, or other data furnished by reason of this act and any findings or conclusions resulting from such studies are hereby declared to be privileged.

Section 97. Section 381.345, Florida Statutes, is renumbered as section 385.15, Florida Statutes.

Section 98. Section 381.341 and subsection (4) of section 381.411, Florida Statutes, are renumbered as section 385.16, Florida Statutes, and amended to read:

385.16 ~~381.341~~ Insulin; purchase, distribution.—

(1) The Department of Health and Rehabilitative Services shall purchase and distribute insulin through its agents or other appropriate agent of the state or Federal Government in any county or municipality in the state to any bona fide resident of Florida suffering from diabetes or kindred disease requiring insulin in its treatment who makes application for and furnishes proof of his financial inability to purchase in accordance with the rules ~~and regulations~~ promulgated by the department concerning the distribution of insulin.

(2)~~(4)~~ Any person who makes fraudulent application for and obtains insulin under the provisions of this chapter is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 99. Section 402.21, Florida Statutes, is renumbered as section 385.17, Florida Statutes, and amended to read:

385.17 ~~402.21~~ Care and assistance of persons suffering from chronic renal diseases; establishment of programs in kidney disease control.—

(1) The Department of Health and Rehabilitative Services shall:

(a) Establish a program for the assistance of persons suffering from chronic renal disease and assist in the development and expansion of programs for the care and treatment of persons suffering from chronic renal diseases, including dialysis and other medical procedures and techniques which will have a lifesaving effect in the care and treatment of persons suffering from these diseases.

(b) Develop standards for determining eligibility for care and treatment under this program.

(c) Assist in the development of programs for the prevention of chronic renal diseases.

(d) Assist in the establishment of screening programs and early diagnostic facilities.

~~(e) Make use of available funds and programs of the department to obtain financial assistance for persons qualified for such assistance who are suffering from chronic renal diseases.~~

~~(f) Assist in equipping dialysis centers.~~

(e)~~(g)~~ Institute and carry on an educational program among physicians, hospitals, county health departments, and the public concerning chronic renal diseases, including the dissemination of information and the conducting of educational programs concerning the prevention of chronic renal diseases and the methods for the care and treatment of persons suffering from these diseases.

(f)~~(h)~~ Contract with existing facilities for the provision of care as outlined.

(g) Develop cooperative programs and services designed to enhance the vocational rehabilitation of renal dialysis and transplant patients. The Department of Health and Rehabilitative Services shall keep and make available to the Governor and the Legislature information regarding the number of clients served, the outcome reached, and the expense incurred by these programs and services.

(h) Monitor participating facilities for program compliance with the terms contained in the letters of agreement.

(2) Nothing in this section shall be construed to commit the state to provide direct financial assistance to patients requiring chronic dialysis therapy.

Section 100. Section 402.212, Florida Statutes, is renumbered as section 385.18, Florida Statutes.

Section 101. Sections 385.01, 385.02, 385.03, 385.04, and 385.05, Florida Statutes, are hereby repealed.

Section 102. Subsection (7) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7)(a) He has probable cause to believe that the person has committed a battery upon the person's spouse *or has committed child abuse as defined in s. 827.04(2) and (3)* and:

1. Finds evidence of bodily harm; or

2. Reasonably believes that there is danger of violence unless the person alleged to have committed the battery *or child abuse* is arrested without delay.

(b) A law enforcement officer who acts in good faith and exercises due care in making an arrest pursuant to this subsection is immune from civil liability that otherwise might result by reason of his action.

Section 103. Effective July 1, 1986, section 28.101, Florida Statutes, is amended to read:

28.101 *Petitions and* records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, the clerk shall collect and receive a charge of $5 in addition to the filing charges

in s. 28.241. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this subsection to the Department of Health and Rehabilitative Services for deposit in the Child Welfare Training Trust Fund created in s. 402.40.

(2) Upon receipt of a final judgment of dissolution of marriage for filing, and in addition to the filing charges in s. 28.241, the clerk shall collect and receive a service charge of $3 for the recording and reporting of such final judgment of dissolution of marriage to the vital statistics office of the Department of Health and Rehabilitative Services.

Section 104. Effective July 1, 1986, subsection (9) of section 382.35, Florida Statutes, is amended to read:

382.35 Disclosure of information in birth records; certified copies of birth records and other records; copies as evidence; searches of records; fees; disposition of fees.—

(9) The fee charged for each request for a certified birth certificate or birth record as issued by the State Registrar or by the local registrar shall be subject to a nonrefundable additional fee of *$4* ~~$2.50~~, due and payable at the time the request is made. The state and local registrars shall collect the additional fee and deposit it in the appropriate Department of Health and Rehabilitative Services trust funds. On a quarterly basis, the department shall transfer $2 of each additional fee collected by the state and local registrars to the Crimes Against Children Criminal Profiling Trust Fund created in s. 943.26 *and $1.50 to the Child Welfare Training Trust Fund created in s. 402.40.* Fifty cents of the fee shall be available for appropriation to the department for administration of this chapter.

Section 105. Effective July 1, 1986, section 402.40, Florida Statutes, is created to read:

402.40 Child welfare training academies established; Child Welfare Standards and Training Council created; responsibilities of council; Child Welfare Training Trust Fund created.—

(1) LEGISLATIVE INTENT.—In order to enable the state to provide a systematic approach to staff development and training for dependency program staff that will meet the needs of such staff in their discharge of duties, it is the intent of the Legislature that the Department of Health and Rehabilitative Services establish, maintain, and oversee the operation of child welfare training academies in the state. The Legislature further intends that the staff development and training programs that are established will aid in the reduction of poor staff morale and of staff turnover; will positively impact on the quality of decisions made regarding children and families who require assistance from dependency programs; and will afford better quality care of children who must be removed from their families.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Dependency program" means any intake, preprotective services, protective services, foster care, shelter and group care, and adoption and related services program, whether operated by or contracted by the department, providing intake, counseling, supervision, or custody and care of children who are alleged to be or who have been found to be dependent pursuant to chapter 39 or who have been identified as being at risk of becoming dependent.

(b) "Dependency program staff" means supervisory and direct care staff of a dependency program as well as support staff who have direct contact with children in a dependency program.

(3) CHILD WELFARE STANDARDS AND TRAINING COUNCIL.—

(a) There is created within the Department of Health and Rehabilitative Services the Child Welfare Training Council, hereinafter referred to as the council. The 21-member council shall consist of the Commissioner of Education or his designee, a member of the judiciary who has experience in the area of dependency and has served at least 3 years in the Juvenile Division of the circuit court, to be appointed by the Chief Justice of the Supreme Court, and 19 members to be appointed by the Secretary of Health and Rehabilitative Services as follows:

1. Nine members shall be dependency program staff:

a. An intake supervisor or counselor; a protective services supervisor or counselor; a foster care supervisor or counselor; and an adoption and related services supervisor or counselor. Each such member shall have at least 5 years' experience working with children and families, at least two shall have a master's degree in social work, and any member not having a master's degree in social work shall have at least a bachelor's degree in social work, child development, behavioral psychology, or any other discipline directly related to providing care or counseling for families.

b. A representative from a licensed residential child-caring agency contracted with by the state; a representative from a runaway shelter or similar program primarily serving adolescents, either of which must be contracted with by the state; and a representative from a licensed child-placing agency contracted with by the state. At least two of these members shall have a master's degree in social work and any member not having a master's degree in social work shall have a degree as cited in subparagraph a. All three members shall have at least 5 years' experience working with children and families.

c. A family foster home parent and an emergency shelter home parent. Both shall have been providing such care for at least 5 years and shall have participated in training for foster parents or shelter parents on an ongoing basis.

2. One member shall be a supervisor or counselor from an Aid to Families with Dependent Children program.

3. Two members shall be educators from the state's university and community college programs of social work, child development, psychology, sociology, or other field of study pertinent to the training of dependency program staff.

4. One member shall be a pediatrician with expertise in the area of child abuse and neglect.

5. One member shall be a psychiatrist or licensed clinical psychologist with extensive experience in counseling children and families.

6. One member shall be an attorney with extensive experience in the practice of family law.

7. One member shall be a guardian ad litem or a child welfare attorney, either of whom shall have extensive experience in the representation of children.

8. One member shall be a state attorney with experience and expertise in the area of dependency and family law.

9. One member shall be a representative from a local law enforcement unit specializing in child abuse and neglect.

10. One member shall be a lay citizen who is a member of a child advocacy organization.

The initial members of the council shall be appointed within 30 days of the effective date of this section. Of the initial appointments, the member appointed by the Chief Justice of the Supreme Court, three members appointed pursuant to subparagraph 1., one member appointed pursuant to subparagraph 3., and the members specified in subparagraphs 4. and 5. shall be appointed to terms of 3 years each; three members appointed pursuant to subparagraph 1., one of the members appointed pursuant to subparagraph 3., and the members specified in subparagraphs 2., 6., and 7. shall be appointed for terms of 2 years each; and three members appointed pursuant to subparagraph 1., and the members specified in subparagraphs 8., 9., and 10. shall be appointed to terms of 1 year each. Thereafter, all appointed members shall serve terms of 3 years each. No person shall serve more than two consecutive terms.

(b) The functions of the council shall be to:

1. Advise the department on the overall comprehensive system for both preservice and inservice child welfare competency-based training and the components of such training; curriculum to be used in the training of dependency programs staff; targeting of areas of training and prioritization of dependency program staff to be trained; methods of delivery of the training; time-frames for participation in and completion of training by dependency program staff; location of training academies; types and frequencies of evaluations of the training academies; the budget for the child welfare training academies; and the contractor or contractors to be selected to organize and operate the training academies and to provide the training curriculum.

2. Advise the department on staffing for the council, including the securing of national consultants with expertise in the development of

child welfare competency-based training and the securing of Florida professionals to assist in the development of the comprehensive system for training.

3. Review, evaluate, and advise the department concerning revisions, if needed, in both rules and law affecting standards and training for dependency programs.

4. Recommend improvements, if needed, in the administration of dependency programs as it relates to standards and training for dependency program staff, including, but not limited to, the qualifications, recruitment, and retention of such staff.

5. Report annually to the Secretary of Health and Rehabilitative Services, the President of the Senate, and the Speaker of the House of Representatives.

(c) The Secretary of Health and Rehabilitative Services shall respond to the recommendations of the council in writing. The response shall be forwarded to the council, the President of the Senate, and the Speaker of the House of Representatives.

(d) The department shall provide the council with staff necessary to assist in the performance of its duties.

(e) Members of the council shall receive no compensation, but shall be reimbursed for expenses as provided for in s. 112.061.

(4) CHILD WELFARE TRAINING PROGRAM.—The department shall establish a program for training pursuant to the provisions of this section and all dependency program staff shall be required to participate in and successfully complete the program of training pertinent to their areas of responsibility.

(5) CHILD WELFARE TRAINING TRUST FUND.—

(a) There is created within the State Treasury a Child Welfare Training Trust Fund to be used by the Department of Health and Rehabilitative Services for the purpose of funding a comprehensive system of child welfare training, including the securing of consultants to develop the system, the staff of the council, the expenses of the council members, the child welfare training academies and the participation of dependency program staff in the training.

(b) All courts created by Article V of the State Constitution shall, in addition to any fine or other penalty, assess $1 as a court cost against every person convicted for violation of a municipal or county ordinance. In addition, $1 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the State Treasury for deposit into the Child Welfare Training Trust Fund for disbursement to the Department of Health and Rehabilitative Services for the purposes described in paragraph (a).

(c) In addition to the funds generated by paragraph (b), the trust fund shall receive funds generated from an additional fee on birth certificates and dissolution of marriage filings as specified in ss. 382.35 and 28.101, respectively, and may receive funds from any other public or private source.

(d) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.

(6) TIME-FRAME FOR ESTABLISHMENT OF TRAINING ACADEMIES.—By June 30, 1987, the department shall have established and have operational at least one training academy, which shall be located in subdistrict IIB. The department shall contract for the operation of the academy with Tallahassee Community College. The number, location, and time-frame for establishment of additional training academies shall be according to the recommendation of the council as approved by the Secretary of Health and Rehabilitative Services.

(7) ADOPTION OF RULES.—The Department of Health and Rehabilitative Services shall adopt rules necessary to carry out the provisions of this section.

Section 106. *Effective July 1, 1986, subsection (3) of s. 402.40, Florida Statutes, as created by this act is repealed on October 1, 1996, and the Child Welfare Standards and Training Council shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 107. Effective July 1, 1986, section 959.29, Florida Statutes, is created to read:

959.29 Juvenile justice training academies established; Juvenile Justice Standards and Training Council created; responsibilities of council; Juvenile Justice Training Trust Fund created.—

(1) LEGISLATIVE INTENT.—In order to enable the state to provide a systematic approach to staff development and training for delinquency program staff that will meet the needs of such staff in their discharge of duties while at the same time meeting the requirements for the American Correction Association accreditation by the Commission on Accreditation for Corrections, it is the intent of the Legislature that the Department of Health and Rehabilitative Services establish, maintain, and oversee the operation of juvenile justice training academies in the state. The Legislature further intends that the staff development and training programs that are established will aid in the reduction of poor staff morale which leads to excessive mistreatment and aggressive and abusive behavior in delinquency programs; will positively impact the recidivism of children in the juvenile justice system; and will afford greater protection of the public through an improved level of services delivered to children who are alleged to be or who have been found to be delinquent by a professionally trained delinquency program staff.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Delinquency program" means any intake, community control and furlough or similar program, regional juvenile detention center, community-based program, whether owned and operated by or contracted by the department, or any institution owned and operated by the department, providing intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to chapter 39.

(b) "Delinquency program staff" means supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program.

(3) JUVENILE JUSTICE STANDARDS AND TRAINING COUNCIL.—

(a) There is created within the Department of Health and Rehabilitative Services the Juvenile Justice Standards and Training Council, hereinafter referred to as the council. The 17-member council shall consist of the Attorney General or his designee, the Commissioner of Education or his designee, a member of the judiciary to be appointed by the Chief Justice of the Supreme Court, and 14 members to be appointed by the Secretary of Health and Rehabilitative Services as follows:

1. Eight members of the council shall be delinquency program staff: a superintendent and a direct care staff member from a state owned and operated institution; a superintendent, director, or a direct care staff member from both a contracted and state-operated community-based program; a superintendent and a direct care staff member from a regional juvenile detention center; an intake supervisor or intake counselor; and a community control and furlough supervisor or counselor.

2. Two members of the council shall be representatives of local law enforcement.

3. Two members of the council shall be educators from the state's university and community college programs of criminology, criminal justice administration, social work, psychology, sociology, or other field of study pertinent to the training of delinquency program staff.

4. Two members of the council shall be members of the public.

The initial members of the council shall be appointed within 30 days of the effective date of this section. All appointed members shall be appointed to serve a term of 2 years.

(b) The functions of the council shall be to:

1. Advise the department on the location of the training academies, curriculum to be used in the training of delinquency program staff, time frames for participation in and completion of training by delinquency program staff, types and frequencies of evaluations of the training academies, the budget for the juvenile justice training academies, and the contractor to be selected to organize and operate the training academies and to provide the training curriculum.

2. Advise the department on staffing for the council.

3. Review, evaluate, and advise the department concerning revisions, if needed, in both rules and law affecting standards and training for delinquency programs.

4. Recommend improvements, if needed, in the administration of delinquency programs.

5. Report annually to the Secretary of Health and Rehabilitative Services, the President of the Senate, and the Speaker of the House of Representatives.

(c) The Secretary of Health and Rehabilitative Services shall respond to the recommendations of the council in writing. The response shall be forwarded to the council, the President of the Senate, and the Speaker of the House of Representatives.

(d) The department shall provide the council with staff necessary to assist in the performance of its duties.

(e) Members of the council shall receive no compensation, but shall be reimbursed for expenses as provided for in s. 112.061.

(4) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall establish a program for juvenile justice training pursuant to the provisions of this section and all delinquency program staff shall be required to participate in and successfully complete the program of training pertinent to their areas of responsibility.

(5) JUVENILE JUSTICE TRAINING TRUST FUND.—

(a) There is created within the State Treasury a Juvenile Justice Training Trust Fund to be used by the Department of Health and Rehabilitative Services for the purpose of funding a system of juvenile justice training academies, the participation of delinquency program staff in the academies, the staff for the Juvenile Justice Standards and Training Council, and reimbursement for expenses as provided in s. 112.061 for members of the council.

(b) All courts created by Article V of the State Constitution shall, in addition to any fine or other penalty, assess $1 as a court cost against every person convicted for violation of a municipal or county ordinance. In addition, $1 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the State Treasury for deposit into the Juvenile Justice Training Trust Fund for disbursement to the Department of Health and Rehabilitative Services for the purposes described in paragraph (a).

(c) In addition to the funds generated by paragraph (b), the trust fund may receive funds from any other public or private source.

(d) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.

(6) TIME FRAME FOR ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—By January 1, 1987, the department shall have established and have operational at least one juvenile justice training academy with two additional academies to be established and operational within 6 months of that date. The department shall locate at least one training academy in subdistrict IIB and shall contract for the operation of the academy with Tallahassee Community College. The number, location, and time frame for establishment of any additional training academies shall be according to the recommendation of the council as approved by the Secretary of Health and Rehabilitative Services.

(7) ADOPTION OF RULES.—The Department of Health and Rehabilitative Services shall adopt rules necessary to carry out the provisions of this section.

(8) PARTICIPATION OF CERTAIN YOUTH SERVICES PROGRAMS IN THE FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of Risk Management of the Department of Insurance is authorized to insure a private agency, individual or corporation operating a state owned training school under a contract to carry out the purposes and responsibilities of any youth services program of the department. The coverage authorized herein shall be under the same general terms and conditions as the department is insured for its responsibilities under chapter 284.

Section 108. *Effective July 1, 1986, for fiscal year 1986-1987, and except as provided in s. 959.29(6), F.S., the Department of Health and Rehabilitative Services shall contract with the Florida Mental Health Institute to organize and operate the training academies and to provide the training curriculum as required by s. 959.29, Florida Statutes, as created by this act.*

Section 109. *Effective July 1, 1986, subsection (3) of s. 959.29, Florida Statutes, is repealed on October 1, 1996, and the Juvenile Justice Standards and Training Council shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 110. Section 402.3197, Florida Statutes, is hereby repealed.

House Amendment 1 to Senate Amendment 2—On pages 2 and 3, lines 29-31 on page 2, and lines 1-20, page 3, strike all of said lines and insert: relating to the operation of central depositories for the collection, reporting, monitoring and distribution of child support payments; creating s. 61.183, F.S.;

House Amendment 2 to Senate Amendment 2—On page 2, lines 15-20, strike all of said lines and insert: 61.1352, F.S.; providing liens against real and personal property when an obligor is delinquent in support; providing procedures; creating s. 61.1354, F.S.; providing

House Amendment 3 to Senate Amendment 2—On page 1, line 2, strike "domestic relations" and insert: health, welfare, and social services; amending s. 20.19, F.S., providing for reorganization of the department; providing for appointment of a Deputy Secretary for Operations, rather than an Assistant Secretary for Operations; providing responsibilities; providing for an Assistant Secretary for Programs; renaming the Deputy Assistant Secretary for State Health Planning and Development as the Deputy Assistant Secretary for Regulation and Health Planning; providing responsibilities; providing for the appointment of a Deputy Assistant Secretary for Health; modifying responsibility of the Assistant Secretary for Program Planning with respect to uniform program quality among districts; deleting the restrictions on the number of staff; eliminating the Health Program Office and the Vocational Rehabilitation Program Office; clarifying responsibilities of the Economic Services Program Office, the Developmental Services Program Office, and the Children, Youth, and Families Program Office; specifying responsibility of the Alcohol, Drug Abuse, and Mental Health Program Office for adult forensic programs; providing a limitation on the number of representatives of certain provider groups serving on department advisory councils; eliminating the advisory council to the Health Program Office; providing for periodic review and update of the 5-year state plan for children and youth services; providing responsibility of the Deputy Assistant Secretary for Regulation and Health Planning with respect to certain licensure and certification; designating the Deputy Assistant Secretary for Health as the State Health Officer; providing qualifications; providing responsibilities; providing for appointment of Assistant Health Officers for Public Health and Primary Care, Disease Control, and Interprogram Development and Technical Assistance; providing for appointment of an advisory council for public health and primary care; providing that the Assistant Secretary for Administration shall serve as the chief budget officer of the department; mandating children, youth, and family services programs at the district level; providing that district administrators shall have the same standing as assistant secretaries; removing a restriction on salaries of district administrators; providing that the district manager for administrative services shall be the chief budget officer of the district; revising budget entities; providing for periodic review of budget entity designations and authority to transfer funds between entities; removing a restriction on the authority of the secretary to transfer funds between districts; removing authority of the district administrator to transfer funds between programs within a district; providing for selection of management fellows; providing for consultation with counties with respect to programs which mandate county financial participation; amending ss. 154.02, 154.04, 232.032, 381.272, 381.345, 383.14, 383.144, 403.771, 406.02, and 415.501, F.S., conforming to the reorganization of the department provisions relating to public health unit trust funds; personnel of the public health units; declaration of a communicable disease emergency; the Advisory Review Variance Board for onsite sewage disposal systems; the Diabetes Advisory Council; the Infant Screening Advisory Council; the Council for the Infant Hearing Impairment Program; dissemination of information relating to accidental release of toxic or hazardous substances; the Medical Examiners Commission; and the interprogram task force for the prevention of abuse and neglect of children; amending ss. 381.605, 393.066, 393.068, 394.67, 400.304, 401.245, 410.023, and 410.024, F.S., correcting cross references; amending s. 20.171, F.S., creating the

Division of Vocational Rehabilitation within the Department of Labor and Employment Security; amending s. 413.20, F.S., providing a definition; providing that changes in terminology in the Florida Statutes be made; amending ss. 110.215, 229.8361, and 553.49, F.S., to conform to the act; transferring powers and duties relating to vocational rehabilitation from the Department of Health and Rehabilitative Services to the Division of Vocational Rehabilitation of the Department of Labor and Employment Security by a type four transfer; amending s. 415.101, F.S., creating the "Adult Protective Services Act"; clarifying legislative intent with respect to such protection for aged persons and disabled adults; amending s. 415.102, F.S., modifying definitions and providing additional definitions; amending s. 415.103, F.S., claritying language; specifying additional persons who are required to report known or suspected abuse, neglect, or exploitation of aged persons or disabled adults; specifying contents of and modifying procedures with respect to reports; providing for expunction of records under certain circumstances; providing the tollfree number for the central abuse registry; providing immunity to persons making reports; amending s. 415.104, F.S., requiring on-site investigation of reports by the Department of Health and Rehabilitative Services; providing a time limit; requiring report of criminal justice agency investigations; requiring certain notification to the state attorney; requiring monthly reports from the state attorney; amending s. 415.105, F.S., providing departmental procedures with respect to provision of protective services when consent is given, when consent is withdrawn, when the person involved lacks capacity to consent, or when a caregiver refuses to allow services; providing for hearings; authorizing emergency protective services intervention, emergency entry of and removal from premises, and medical treatment, under certain circumstances; providing for petition, hearing, and notice; amending s. 415.106, F.S., requiring certain interprogram agreements or procedures; providing for interagency cooperation; amending s. 415.107, F.S., permitting access to confidential reports to certain additional persons; providing for notification of investigation upon request of the person making the initial report of abuse, neglect, or exploitation; providing for investigation of applicants for licensure of certain facilities; disqualifying certain persons from licensure; providing for exemptions; creating s. 415.1085, F.S., authorizing use of photographs, medical examinations, and X-rays in investigations of abused or neglected aged persons or disabled adults; providing for recovery of costs; providing procedures with respect to medical treatments; amending ss. 415.109, 415.112. 400.304, and 400.307, F.S., to conform to the act; amending s. 415.111, F.S., providing penalties for abusing, neglecting, or exploiting an aged person or disabled adult; repealing s. 415.108, F.S., relating to immunity from liability in reporting abuse, neglect or exploitation of aged or disabled persons; repealing s. 827.09, F.S., relating to penalties for abuse, neglect, or exploitation of aged or disabled persons; creating the "Handicap Prevention Act of 1986"; providing legislative intent; providing definitions; providing a continuum of prevention services to high risk and handicapped preschool children; requiring a joint report by the Department of Health and Rehabilitative Services and Department of Education; providing for interagency coordination in the Developmental Disabilities Planning Council; providing for the development of uniform standards; requiring a study; requiring the Department of Health and Rehabilitative Services to provide a prenatal care program; requiring rules; amending s. 415.5015, F.S., expanding the child abuse primary prevention and training program; amending s. 741.01, F.S., increasing the additional marriage license fee for funding domestic violence centers; amending s. 402.181, F.S., providing for restitution under the State Institutions Claims Fund for damages caused by shelter or foster children; amending s. 401.113, F.S.; revising the formula for expenditures from the Emergency Medical Services Trust Fund; amending ss. 401.211, 401.23, 401.281, 401.35, and 401.38, F.S.; removing provisions relating to nonemergency medical transportation services; amending s. 401.24, F.S.; providing for biennial revision of the comprehensive state plan for emergency medical services; amending s. 401.245, F.S., providing for representation on the Emergency Medical Services Advisory Council from each district of the Department of Health and Rehabilitative Services and a commercial ambulance operator; authorizing certain reimbursement for council members; removing a restriction on meetings; amending s. 401.25, F.S.; extending the service area for basic and advanced life support services to include waterways; amending s. 401.26, F.S.; providing for concurrent expiration of vehicle permits and service licenses; amending s. 401.27, F.S.; modifying renewal certification requirements for emergency medical technicians; removing provisions which authorize certification of physician's assistants as emergency medical technicians; modifying certificate expiration dates; amending s. 401.31, F.S.; revising provisions relating to inspection of licensees; amending s. 401.34, F.S.; revising a fee schedule; authorizing the department to amend fees by rule and prorate certain fees; eliminating fee exemptions for certain government-operated services; revising provisions relating to fee exemptions for volunteer service providers; amending s. 458.348, F.S.; requiring certain notice when a physician enters into a formal supervisory relationship, standing orders, or established protocol with a paramedic; amending s. 743.064, F.S.; authorizing prehospital care of minors by emergency medical services personnel; repealing s. 401.21, F.S., relating to short title; repealing s. 401.255, F.S., relating to licensure of nonemergency medical transportation services; repealing s. 401.33(6) and (7), F.S., relating to exemptions for certain nonemergency transportation services; creating s. 402.24, F.S., requiring exhaustion of third-party coverage prior to payment of funds authorized by law for payment of medical services provided by the department; providing subrogation rights of the department; specifying parties from whom payment shall be collected; authorizing release of medical records for reimbursement purposes; providing for endorsement of recovery rights; providing for leins; authorizing the department to make settlements; providing for rules; amending ss. 627.7372 and 768.50, F.S., relating to collateral sources of indemnity in certain actions; providing that medical assistance payments paid on behalf of a Medicaid recipient shall not be considered a collateral source; amending s. 409.266, F.S., providing that failure to file a lien shall not affect subrogation rights of the Department of Health and Rehabilitative Services to third-party payment for medical care; amending s. 39.01, F.S., providing definitions; amending s. 39.407, F.S., relating to medical treatment for dependent children; authorizing medical screening by the Department of Health and Rehabilitative Services when a child is to be detained in shelter care; requiring certain consent to medical treatment; authorizing consent by the department under certain circumstances; providing for court orders for medical examination or treatment; providing for mental health or retardation services in emergency situations; deleting conflicting language; providing financial responsibilities of the child's parents or guardian; clarifying provisions relating to authority of the department as legal custodian of a child; amending s. 415.507, F.S., to conform provisions relating to investigation of child abuse or neglect; authorizing adoption of rules; amending s. 409.266, F.S.; expanding the authority of the Department of Health and Rehabilitative Services to impose sanctions upon providers for Medicaid or Medicare fraud; authorizing such sanctions for refusal of a provider to allow access to Medicaid records to the Medicaid fraud control unit of the Auditor General; requiring the department to notify certain agencies of the imposition of sanctions, amending s. 39.01, F.S.; defining "child support"; amending ss. 39.032, 39.11, 39.111, 39.41, 39.402, 402.33, F.S.; requiring a court, under certain circumstances, to order fees or support payments be made to the Department of Health and Rehabilitative Services, a child-caring agency, a youth treatment program, an adult relative providing care, or an emergency shelter or detention center; amending ss. 409.168, 409.2554, 409.2564, F.S.; providing clarifying language; creating a Delinquency and Dependency Child Support Trust Fund; creating a statewide technical Organ Transplant Advisory Council; providing for the membership, terms, filling of vacancies, chairperson, responsibilities, and meetings thereof; authorizing reimbursement for travel expenses and per diem; providing for review and repeal; creating chapter 384, F.S., the "Control of Sexually Transmissible Disease Act"; providing definitions; prohibiting persons with certain diseases from engaging in sexual intercourse under certain circumstances; requiring certain reporting of persons with such diseases to the Department of Health and Rehabilitative Services; authorizing the department to interview such persons; providing for confidentiality; providing for examinations of such persons; authorizing quarantines and isolation under certain circumstances; providing for minors' consent to treatment; providing for certain serological testing of pregnant women; providing for examination and treatment of prisoners; providing for rules; providing penalties for certain acts; repealing ss. 383.08 and 383.09, F.S., relating to serological testing of pregnant women; repealing ss. 384.01-384.19, F.S., relating to veneral diseases; repealing ss. 741.051-741.0593, F.S., relating to serological testing prior to marriage; creating ss. 385.10 and 385.11, F.S.; creating the "Florida Chronic Diseases Act"; amending s. 381.605, F.S.; providing for comprehensive health improvement projects; amending s. 381.3712, F.S.; changing the membership of the Florida Cancer Control and Research Advisory Board; amending s. 381.3812, F.S.; authorizing certain disclosure of information from the statewide cancer registry; amending s. 381.341 and 381.411, F.S., relating to insulin; amending s. 402.21, F.S.; changing duties of the Department of Health and Rehabilitative Services with respect to chronic renal diseases; repealing ss. 385.01-385.05, F.S., relating to the sanitary inspection of hotels and boarding houses; amending s. 901.15, F.S., authorizing a law enforcement officer to make a warrantless arrest if the officer has probable cause to believe that a person has committed a battery upon a child

or child abuse and finds evidence of bodily harm or reasonably believes that there is dange of violence; providing certain immunity; amending s. 28.101, F.S.; requiring an additional charge upon petitions for dissolution of marriage for deposit in the Child Welfare Training Trust Fund; amending s. 382.35, F.S.; requiring an increased in fees for certified birth certificates or birth records and providing for deposit in the Child Welfare Training Trust Fund; creating s. 402.40, F.S.; providing legislative intent; providing definitions; providing for the establishment of child welfare training academies; establishing the Child Welfare Standards and Training Council; providing for membership of the council and terms of office; providing functions; providing for annual reports; providing for expenses; requiring the Department of Health and Rehabilitative Services to establish a child welfare training program; creating a Child Welfare Training Trust Fund; requiring an assessment on court costs of persons convicted of certain law violations and on certain bond estreature or forfeited bail bonds; providing for receipt of other funding; providing for reversion of unexpended funds to the trust fund; providing for review and repeal; creating s. 959.29, F.S., providing legislative intent; providing definitions; providing for the establishment of juvenile justice training academies; establishing a Juvenile Justice Standards and Training Council; providing for membership of the council and terms of office; providing functions; providing for annual reports; providing for expenses; requiring the Department of Health and Rehabilitative Services to establish a juvenile justice training program; creating a Juvenile Justice Training Trust Fund; requiring an assessment on court costs of persons convicted of certain law violations and on certain bond estreature or forfeited bail bonds; providing for receipt of other funding; providing for reversion of unexpended funds to the trust fund; providing for participation of certain youth services programs in the Florida Casualty Insurance Risk Management Trust Fund; specifying the entity to organize and operate such academies and to establish training curriculum for fiscal year 1986-1987; providing for review and repeal;

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

CS for HB 1313 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Fox	Mann	Stuart
Castor	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Jenne	Meek	Weinstein
Crenshaw	Jennings	Myers	
Deratany	Kirkpatrick	Neal	
Dunn	Malchon	Scott	

Nays—12

Beard	Girardeau	Johnson	Peterson
Childers, D.	Gordon	Kiser	Plummer
Gersten	Grant	Langley	Vogt

Vote after roll call:

Yea—Hill

Nay to Yea—Grant

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 CS for SB 978—A bill to be entitled An act relating to growth management; amending ss. 161.053, 161.054, 161.055, 161.56, 161.58, 163.3167, 163.3177, 163.3178, 163.3184, 163.3187, 163.3191, 163.3202, 186.508, 186.511, 380.06, 380.07, 380.0651, 380.061, 627.351, F.S.; providing definitions relating to coastal zone protection; providing requirements for coastal zone construction; providing for local enforcement; providing for approval of vehicular traffic on certain coastal beaches; providing requirements for local government comprehensive plans; providing requirements for land development regulations; providing requirements for development orders; providing requirements and statewide guidelines and standards for developments of regional impact; providing for the Florida Land and Water Adjudicatory Commission; providing membership of the Quality Development Review; providing for plan amendments relating to Florida's Quality Developments; authorizing development agreements between local governments and developers; providing a short title and legislative intent; providing for legislative intent of the rule regarding minimum criteria for the review and determination of compliance; providing definitions; providing for applicability; requiring public hearings prior to entering into a development agreement; providing requirements for development agreements; specifying the duration of development agreements; providing for consistency with the comprehensive plan and land development regulations; providing for the application of subsequently adopted laws and policies to a development agreement; providing that a development agreement shall constitute an administrative act by a local government; providing for periodic review of a development agreement; providing for amendment or cancellation of a development agreement; requiring a development agreement to be recorded; providing for modification or revocation of a development agreement to comply with subsequently enacted state and federal laws; providing for enforcement; providing windstorm risk apportionment; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 20, strike everything after the enacting clause and insert:

Section 1. Subsection (12) of section 161.053, Florida Statutes, is amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(12) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections pursuant to subsection (6) do not apply to any modification, maintenance, or repair to any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. The department may, however, at its discretion, issue a permit for the repair or rebuilding within the confines of the original foundation of a major structure pursuant to the provisions of subsection (5). *The department may also, at its discretion, issue a permit for a more landward relocation of an existing structure rather than rebuilding within the confines of the original structure if such relocation would not cause further harm to the beach-dune system and otherwise complies with the provisions of this subsection.* Under no circumstances shall the department permit such repairs or rebuilding that expand the capacity of the original structure seaward of the 30-year erosion projection established pursuant to subsection (6). However, in reviewing applications for rebuilding, the department shall specifically consider changes in shoreline conditions, the availability of other rebuilding options, and the design adequacy of the project sought to be rebuilt. Permits issued under this subsection shall not be considered precedential as to the issuance of subsequent permits. Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.

Section 2. Section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(1) "Coastal building zone" means the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or *Straits* ~~Strait~~ of Florida and not included under s. 161.053, *the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps* ~~a line 3,000 feet landward from the mean high-water line~~.

(2) "Coastal barrier islands" means geological features which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico, Atlantic Ocean, Florida Bay, or *Straits* ~~Strait~~ of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including spoil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

(3) "Beach" means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore."

(4) "Dune" means a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

(5) "Construction" means the carrying out of any building, clearing, filling, ~~or~~ excavation, or *substantial improvement* ~~the making of any material change~~ in the size or use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

(6)(a) "Major structure" means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.

(b) "Minor structure" means pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported, elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

(c) "Nonhabitable major structure" means swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

(d) "Coastal or shore protection structure" means shore-hardening structures, such as seawalls, bulkheads, revetments, rubble mound structures, groins, breakwaters, and aggregates of materials other than beach sand used for shoreline protection; beach and dune restoration; and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

The enumeration of types of structures in this subsection shall not be construed as excluding from the operation of ss. 161.52-161.58 any other structure which by its usage, design, dimensions, or structural configuration would require engineering consideration similar to the listed structures.

(7) "Building support structure" means any structure which supports floor, wall, or column loads and transmits such loads to the foundation, and includes beams, grade beams, or joists and the lowest horizontal structural member exclusive of piles, columns, or footings.

(8) "Breakaway wall" or "frangible wall" means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave, and runup forces associated with the design storm surge. Under such conditions, the wall will fail in a manner such that it dissolves or breaks up into components that will not act as potentially damaging missiles.

(9) "Department" means the Department of Natural Resources.

(10) "State land planning agency" means the Department of Community Affairs.

(11) *"State minimum building codes" means the recognized model building construction codes as identified in s. 553.73.* ~~The "Standard Building Code" means the Standard Building Code as applied to the Florida Keys, except that the wind velocity factor shall be in accordance with s. 161.55(1)(c), or any local building code which has adopted the requirements of s. 161.55 and has been certified by the Board of Building Codes and Standards for compliance.~~

(12) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

(13)~~(12)~~ When used in ss. 161.52-161.58, the terms defined in s. 177.27(1)-(31) shall have the same meaning as provided in that section.

Section 3. Section 161.55, Florida Statutes, is amended to read:

161.55 Requirements for activities or construction within the coastal building zone.—The following requirements shall apply beginning March 1, 1986, to construction within the coastal building zone and shall be minimum standards for construction in this area:

(1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.—

(a) Major structures shall conform to the *state minimum building code in effect in the jurisdiction* ~~Standard Building Code~~.

(b) Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI book A-119.1, pursuant to s. 320.823, *and to the requirements of paragraph (c)* ~~in addition to the other major structure requirements contained within this section~~.

(c) Major structures shall ~~also~~ be designed, *constructed, and located in compliance with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60 or the local flood damage prevention ordinance, whichever is more restrictive.* ~~and constructed to resist the anticipated wave, hydrostatic, and hydrodynamic loads accompanying a 100-year storm event.~~

~~(d) Major structures shall be securely fastened to their foundations and the foundation adequately braced and anchored in such a manner as to prevent flotation, collapse, or lateral displacement during a 100-year storm event.~~

(d)~~(e)~~ Major structures, except those conforming to the standards of paragraph (b), shall, *at a minimum* ~~also~~ be designed and constructed *in accordance with section 1205 of the 1986 revisions to the 1985 Standard Building Code. This does not preclude use of a locally adopted building code which is more restrictive.* ~~to withstand a wind velocity of no less than 140 miles per hour up to a height of 30 feet above the average surrounding ground level. Appropriate shape factors shall be applied in accordance with standard building code practice. Internal pressures on internal walls, ceilings, and floors resulting from damaged windows or doors shall also be considered in design.~~

~~(f) Major structures shall be elevated in such a manner as to locate the building support structure above the design breaking wave crests or wave uprush as superimposed on the storm surge of a 100-year storm. The storm surge of a 100-year storm shall be the elevation determined by the department either by model studies associated with coastal construction control line establishment or by acceptance of comparable data obtained by the Federal Emergency Management Agency. If a federal base flood elevation or a department elevation has not been established in an area, the appropriate local government, after consultation with the department, shall establish a base flood elevation based on the best available scientific and engineering data.~~

(e)~~(g)~~ Foundation design and construction of a major structure shall consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, *and* hydrodynamic~~, and wind~~ loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade *as a result of localized scour. The erosion computations required by this paragraph do not apply landward of coastal construction control lines which have been established or updated since June 30, 1980. Upon request, the Department of Natural*

Resources may provide information and guidance as to those areas within the coastal building zone where the erosion and scour of a 100-year storm event is applicable.

~~(h) No substantial walls or partitions shall be constructed below the level of the building support structure of a major structure. This does not preclude stairways; shearwalls perpendicular to the shoreline; shearwalls parallel to the shoreline, which are limited to a maximum of 20 percent of the building length; wind or sand screens constructed of fiber or wire mesh; light, open lattice partitions with wooden lattice strips not greater than three-fourths of an inch thick and 3 inches wide; elevator shafts; breakaway or frangible walls; or substantial walls constructed above the wave action and storm surge of a 100-year storm event where the building support structure is above the minimum permittable elevation.~~

(2) STRUCTURAL REQUIREMENTS; MINOR STRUCTURES.—Minor structures need not meet specific structural requirements provided in subsection (1), except *for the requirements of paragraph (c) and except for applicable provisions of the state minimum building code in effect in the jurisdiction.* ~~that~~ Such structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties and to reduce the potential for water or wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

(3) STRUCTURAL REQUIREMENTS; NONHABITABLE MAJOR STRUCTURES.—Nonhabitable major structures need not meet specific structural requirements provided in subsection (1), except *for the requirements of paragraph (c) and except for applicable provisions of the state minimum building code in effect in the jurisdiction.* ~~that~~ Such structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with any applicable state and local standards not found in this section. All sewage treatment plants and public water supply systems shall be flood proofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be flood proofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event.

(4) LOCATION OF CONSTRUCTION.—Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.

(5) APPLICATION TO COASTAL BARRIER ISLANDS.—All building requirements applicable to the coastal building zone shall also apply to coastal barrier islands. *The coastal building zone on coastal barrier islands shall be the land area from the seasonal high-water line to a line 1,500 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. For coastal barrier islands on which a coastal construction control line has not been established pursuant to s. 161.053, the coastal building zone shall be the land area seaward of the most landward velocity zone (V zone) boundary line fronting upon the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida. All land area in the Florida Keys located within Monroe County shall be included in the coastal building zone.* ~~No areas landward of a line that is 5,000 feet from the coastal construction control line shall be included in the coastal building zone unless the local government elects to include such areas under the requirements of the coastal building zone.~~

(6) PUBLIC ACCESS.—Where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of public access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as the accessways provided by the developer are:

(a) Of substantially similar quality and convenience to the public;

(b) Approved by the local government*; and approved by the department whenever improvements are involved seaward of the coastal construction control line*; and

(c) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to s. 163.3178.

Section 4. Section 161.56, Florida Statutes, is amended to read:

161.56 Establishment of local enforcement.—

(1) Each local government which is required to adopt a building code by s. 553.73 and which has a coastal building zone or some portion of a coastal zone within its territorial boundaries shall adopt, not later than *January 1, 1987* ~~March 1, 1986~~, as part of its building code, the requirements established in s. 161.55, and such requirements shall be enforced by the local enforcement agency as defined in s. 553.71.

(2) Each local government shall provide evidence to the state land planning agency that it has adopted a building code pursuant to this section. Within 90 days after *January 1, 1987* ~~March 1, 1986~~, the state land planning agency shall submit to the Administration Commission a list of those local governments which have not submitted such evidence of adoption. The sole issue before the Administration Commission shall be whether or not to impose sanctions pursuant to s. 163.3184(8).

(3) Nothing in ss. 161.52-161.58 shall be construed to limit or abrogate the right and power of the department to require permits or to adopt and enforce standards pursuant to s. 161.041 or s. 161.053 for construction seaward of the coastal construction control line *that are as restrictive as, or more restrictive than, the requirements provided in s. 161.55* or the rights or powers of local governments to enact and enforce setback requirements or zoning or building codes that are as restrictive as, or more restrictive than, the requirements provided in s. 161.55.

Section 5. Subsection (2) of section 161.58, Florida Statutes, is amended to read:

161.58 Vehicular traffic on coastal beaches.—

(2) Vehicular traffic, except that which is necessary for cleanup, repair, or public safety, or for the purpose of maintaining existing authorized public accessways, is prohibited on coastal beaches. Notwithstanding the provisions of this subsection, the local government with jurisdiction over a coastal beach or part of a coastal beach, by a three-fifths vote of its governing body, may authorize vehicular traffic on all or portions of the beaches under its jurisdiction. Any such local government shall be authorized by a three-fifths vote of its governing body to charge a reasonable fee for vehicular traffic access. The revenues from any such fees shall be used only for beach maintenance*; beach-related traffic management and parking; beach-related law enforcement and liability insurance; or beach-related sanitation, lifeguards, or other staff* purposes. Except where authorized by the local government, any person driving any vehicle on, over, or across the beach shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(1) The several incorporated municipalities and counties shall have power and responsibility:

(a) To plan for their future development and growth.

(b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.

(c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.

(d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

The powers and authority set out in this act may be employed by municipalities and counties individually or jointly by mutual agreement in accord with the provisions of this act and in such combinations as their common interests may dictate and require.

(2) *Each local government shall prepare a comprehensive plan of the type and in the manner set out in this act or amendments to its existing comprehensive plan to conform it to the requirements of this part in the manner set out in this part. Each local government, in accordance with the procedures in s. 163.3184, shall submit its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended to the state land planning agency by the date specified in the rule adopted by the state land planning agency pursu-*

ant to this subsection. The state land planning agency shall, prior to October 1, 1986, adopt a schedule of local governments required to submit complete proposed comprehensive plans or comprehensive plans as proposed to be amended. Such schedule shall specify the exact date of submission for each local government and shall be consistent with the following time periods:

(a) Beginning on July 1, 1988 and on or before July 1, 1990, each county that is required to include a coastal management element in its comprehensive plan and each municipality in such a county, and ~~Beginning on 1 July 1987 and on or before 1 December 1987 each county,~~

(b) Beginning on July 1, 1989 and on or before July 1, 1990, all other counties or municipalities. ~~beginning on 1 January 1988 and on or before 1 December 1988 each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and Beginning on 1 January 1989 and on or before 1 December 1989 each other municipality in this state shall prepare a comprehensive plan of the type and in the manner set out in this act or shall amend its existing plan to meet the requirements of this act.~~

Nothing herein shall preclude the state land planning agency from permitting by rule a county together with each municipality in the county from submitting a proposed comprehensive plan earlier than the dates established in paragraphs (a) and (b). Any county or municipality that fails to meet the schedule set for submission of its proposed comprehensive plan by more than 90 days, shall be subject to the sanctions described in s. 163.3184(11)(a) and imposed by the Administration Commission. Notwithstanding the time periods established in this subsection, the state land planning agency may establish later deadlines for the submission of proposed comprehensive plans or comprehensive plans as proposed to be amended for a county or municipality which has all or a part of a designated area of critical state concern within its boundaries; however, such deadlines shall not be extended to a date later than July 1, 1990, or the time of de-designation, whichever is earlier. ~~The time limits established in this subsection may be extended by the state land planning agency for a period of not longer than 6 months upon application to the state land planning agency by the governing body involved and based on a demonstration that the local government cannot meet the time limits established in this subsection. The state land planning agency shall, prior to 1 July 1986 adopt by rule a schedule of local governments required to submit revised comprehensive plans for review and rules regarding the extension of time.~~

~~(3) Each local government shall submit its complete comprehensive plan to the state land planning agency and the appropriate regional planning agency when it completes its amendment or adoption pursuant to subsection (2).~~

(3)~~(4)~~ When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by ~~1~~ July *1, 1989* ~~1988~~ or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required by this subsection to prepare, prior to initiating the planning process. At least *90* ~~60~~ days before the adoption by the regional planning agency of a comprehensive plan, or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan, or element or portion thereof, in accordance with s. 163.3184*(6)*~~(4)~~. Subsections *(6), (7), and (8)* ~~(5), (6), and (7)~~ of s. 163.3184 shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2) or this subsection *or s. 163.3187.*

(4)~~(5)~~ A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with the provisions of this act. If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.

(5)~~(6)~~ Any comprehensive plan, or element or portion thereof, adopted pursuant to the provisions of this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

(6)~~(7)~~ When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections *(3)*~~(4)~~ and *(4)*~~(5)~~, the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections *(3)*~~(4)~~ and *(4)*~~(5)~~ or by the time the plan or element, or portion thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the State Comptroller, request payment by the State Comptroller from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the State Comptroller shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.

(7)~~(8)~~ A local government that is being requested to pay costs may seek an administrative hearing pursuant to s. 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.

(8)~~(9)~~ Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order~~,~~ and development has commenced and is continuing in good faith.

(9)~~(10)~~ The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municipalities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.

(10)~~(11)~~ Nothing in this part shall supersede any provision of ss. 341.321-341.386.

Section 7. Subsection (3), paragraphs (a) and (c) of subsection (6), and paragraph (c) of subsection (9) of section 163.3177, Florida Statutes, are amended, and subsection (10) is added to said section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

~~4. For areas served by septic tanks, soil surveys which indicate the suitability of soils for septic tanks.~~

(b) The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187, except that corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction of any facility enu-

merated in the capital improvements element may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. All public facilities shall be consistent with the capital improvements element.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by ~~measurable~~ goals, *policies, and measurable* objectives~~, and policies~~. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; and the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. *For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.*

(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements required by this act. Such rules shall not be subject to rule challenges under s. 120.54(4) or to drawout proceedings under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:

(c) The local government comprehensive plan elements are consistent with the state comprehensive plan and the appropriate regional policy plan ~~within 12 months after such plans become effective~~ pursuant to s. 186.508.

The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances and, upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plans. The review and comment provisions applicable prior to October 1, 1985, shall continue in effect until the criteria for review and determination are adopted pursuant to this subsection and the comprehensive plans required by s. 163.3167(2) are due.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, F.A.C., the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, F.A.C., and to reject, modify, or take no action relative to this rule. Therefore, pursuant to s. 163.3177(9), the Legislature hereby has reviewed chapter 9J-5, F.A.C., and expresses the following legislative intent:

(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of determining whether local comprehensive plans are consistent with the State Comprehensive Plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the State Comprehensive Plan or appropriate regional policy plan. The term "furthers" means, to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the State Comprehensive Plan or the appropriate regional policy plan the state or regional plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.

(b) Each local government shall review all the State Comprehensive Plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular State Comprehensive Plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Intergovernmental coordination as set forth in s. 163.3177(6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, F.A.C.

(c) The Legislature declares that if any portion of chapter 9J-5, F.A.C., is found to be in conflict with chapter 163, part II, the appropriate statutory provision shall prevail.

(d) Chapter 9J-5, F.A.C., does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.

(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not evaluate whether one accepted methodology is better than another. Chapter 9J-5, F.A.C., shall not be construed to require original data collection by local government; however, local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.

(f) The Legislature recognizes that under s. 163.3177, local governments are charged with setting levels of service for public facilities in their comprehensive plans in accordance with which development orders and permits will be issued pursuant to s. 163.3202(2)(g). Nothing herein shall supersede the authority of state, regional, or local agencies as otherwise provided by law.

(g) Definitions contained in chapter 9J-5, F.A.C., are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of chapter 163, and chapter 9J-5, F.A.C.

(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are

deemed necessary by the local government to operate the facilities necessitated by that development, are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by s. 163.3177(3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to chapter 163 or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it deems necessary.

(i) The department shall take into account the factors delineated in rule 9J-5.002(2), F.A.C., as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.

(j) Chapter 9J-5, F.A.C., has become effective pursuant to s. 163.3177(9). The Legislature hereby directs the department to adopt amendments as necessary which conform chapter 9J-5, F.A.C., with the requirements of this legislative intent by October 1, 1986.

(k) It is the intent of the Legislature that there should be no doubt as to the legal standing of chapter 9J-5, F.A.C., at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5, F.A.C., prior to October 1, 1986, shall not be subject to rule challenges under s. 120.54(4), or to drawout proceedings under s. 120.54(17). The entire chapter 9J-5, F.A.C., as amended, shall be subject to rule challenges under s. 120.56, as nothing herein shall be construed to indicate approval or disapproval of any portion of chapter 9J-5, F.A.C., not specifically addressed herein. No challenge pursuant to s. 120.56 may be filed after July 1, 1987. Any subsequent amendments to chapter 9J-5, F.A.C., exclusive of the amendments adopted prior to October 1, 1986 pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.

Section 8. Paragraph (k) of subsection (2) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 403.021(9), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port. Such component shall be submitted to the appropriate local government *at least 6 months prior to the due date of the local plan* and shall be integrated with, and shall meet all criteria specified in, the coastal management element. *"The appropriate local government" means the municipality having the responsibility for the area in which the deepwater port lies, except that where no municipality or two or more municipalities each have responsibility for the area in which the deepwater port lies, "the appropriate local government" means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3184 and 163.3167. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.*

Section 9. Section 163.3184, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 163.3184, F.S., for present text.)

163.3184 Process for adoption of comprehensive plan or amendment thereto.—

(1) DEFINITIONS.—As used in this section.

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; and adjoining local governments that can demonstrate that adoption of the plan as proposed would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written objections during the local government review and adoption proceedings.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, and 163.3191.

(2) COORDINATION.—Each comprehensive plan or plan amendment proposed to be adopted pursuant to this part shall be transmitted, adopted, and reviewed in the manner prescribed in this section. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this section, to the local governing body responsible for the comprehensive plan.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall, immediately following a public hearing pursuant to subsection (15), transmit 10 copies of the complete proposed comprehensive plan or plan amendment to the state land planning agency for written comment. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for such plan, element, or plan amendment.

(b) A local governing body shall not transmit portions of a plan or plan amendment. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency only the elements proposed to be amended along with the complete amendment and in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption times during the calendar year pursuant to s. 163.3187.

(4) INTERGOVERNMENTAL REVIEW.—The state land planning agency, upon receipt of a local government's complete proposed comprehensive plan or plan amendment shall transmit, within 5 working days after such receipt, a copy of the plan or plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Regulation, the Department of Natural Resources, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. The governmental agencies shall provide comments to the state land planning agency within 45 days after receipt of the plan or plan amendments. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 45 days after receipt of the plan or plan amendments and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the plan.

(5) REGIONAL AND COUNTY REVIEW.—The review of the regional planning council pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the locally submitted plan or plan amendments on any regional policy plan developed pursuant to s. 186.507. A regional planning council shall not, however, review and comment on a comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. The review of the county land planning agency pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the locally submitted plan or plan amendment on any county comprehensive plan element.

(6) STATE LAND PLANNING AGENCY REVIEW.—The state land planning agency, upon receipt of comments from the various government agencies, shall have 45 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning

agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply thereto shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 60 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit 5 copies of the adopted comprehensive plan, or in the case of plan amendments, 5 copies of the element amended and the text of the amendment, to the state land planning agency within 5 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of such plan, element, or plan amendment.

(8) NOTICE OF INTENT.—

(a) The state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act. The state land planning agency may not find a local plan to be not in compliance unless the state land planning agency has participated in the public hearing pursuant to subsection (7) if requested to do so by the applicable local government. The agency's determination of compliance shall be only based upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); and

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the 45-day period provided for in this subsection, the state land planning agency shall issue, through a senior administrator other than the secretary, as specified in the agency's procedural rules, a notice of intent to find that the local action is in compliance or not in compliance. A notice of intent shall be issued by publication of notice in the manner required by paragraph (15)(c) and by mailing a copy to the local government and persons who request notice. Notwithstanding the content requirements of paragraph (15)(c), the content of the notice shall be sufficient to inform the public of the action taken.

(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan transmitted pursuant to s. 163.3167 or s. 163.3191 is in compliance with this act, any affected person, within 21 days after the publication of notice, may file a petition with the agency pursuant to s. 120.57. In this proceeding the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

(b) The hearing shall be conducted by a hearing officer of the Division of Administrative Hearings of the Department of Administration, who shall hold the hearing in the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow 10 days for the filing of exceptions to the recommended order and shall issue a final order within 30 days after receipt of the recommended order if the state land planning agency determines that the plan is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit, within 30 days after receipt, the recommended order to the Administration Commission for final agency action.

(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Administration, which shall conduct a proceeding under s. 120.57 in the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

(b) The hearing officer assigned by the division shall submit a recommended order to the Administration Commission for final agency action.

(11) ADMINISTRATION COMMISSION.—

(a) If the Administration Commission, upon a hearing pursuant to subsection (9) or subsection (10), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government shall not be eligible for grants administered under the following programs:

1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.

3. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and part I of chapter 212, to the extent not pledged to pay back bonds.

(b) If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the Department of Natural Resources considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

(12) GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the hearing officer, upon motion or his own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(13) EXCLUSIVE PROCEEDINGS.—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

(14) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment which is applicable to a designated area of critical state concern shall be effective until it has been reviewed and approved as provided in s. 380.05.

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3), and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7), shall be by affirmative vote of not less than a majority of the total membership of the governing body, in the manner prescribed by this subsection. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday approximately 7 days after the day that the first advertisement is published. The intention to hold and advertise a second public hearing shall be announced at the first public hearing.

2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday approximately 5 days after the day that the second advertisement is published.

Except as provided in paragraph (c), the advertisement shall state the date, time, place of the meeting, the subject of the meeting, and the place or places within the boundaries of local governmental entity where the proposed comprehensive plan or plan amendment may be inspected by the public. The advertisement shall also advise that interested parties may appear at the meeting and be heard regarding the transmittal or adoption of the comprehensive plan or plan amendment.

(c) If the proposed comprehensive plan or plan amendment changes the permitted uses of land or changes land-use categories, the required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF CHANGE OF LAND USE

The . . . (name of local governmental unit) . . . proposes to change the use of land within the area shown in the map in this advertisement.

A public hearing on the proposal will be held on . . . (date and time) . . . at . . . (meeting place) . . ..

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

Section 10. Section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:~~;~~

(a) In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

(b) ~~Additionally,~~ Any local government comprehensive plan amendments directly related to a proposed development of regional impact, *including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061,* may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this subsection shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact.

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan under the following conditions:

1. The proposed amendment is a residential land use of 5 acres or less and a density of 5 units per acre or less or involves other land use categories, singularly or in combination with residential use, of 3 acres or less and:

a. The cumulative effect of the above condition shall not exceed 30 acres annually; and

b. The proposed amendment does not involve the same property more than once a year; and

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within a period of 12 months;

2. The local government shall provide a semiannual report to the state land planning agency by July 1 and by December 31 of each calendar year summarizing the type and frequency of use of the exemptions and the action taken on each by the local government; and

3. A local government is not required to comply with the requirements of s. 163.3184(15)(c), for plan amendments pursuant to this paragraph if the local government substantially complies with the provisions in s. 163.3184(15)(c) in a legal advertisement in a newspaper of general circulation within the local government's jurisdiction.

Plan amendments adopted pursuant to paragraph (1)(c) shall not be subject to a review and determination of compliance by the state land planning agency until the local government has adopted a comprehensive plan pursuant to s. 163.3184. The state land planning agency shall prepare a report to the Legislature by January 1, 1988, setting forth its findings relating to the type and frequency of use of these exemptions and its recommendations.

(2) The procedure for amendment of an adopted comprehensive plan ~~,~~ or element ~~or portion thereof,~~ shall be as for the original adoption of the comprehensive plan~~,~~ or element ~~or portion thereof,~~ set forth in s. 163.3184. Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2). Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

(3)~~(2)~~ Each governing body shall transmit to the state land planning agency a current copy of its comprehensive plan not later than December 1, 1985. Each governing body shall also transmit copies of any amendments it adopts to its comprehensive plan so as to continually update the plans on file with the state land planning agency.

Section 11. Subsections (1) and (4) of section 163.3191, Florida Statutes, are amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. The local planning agency shall prepare periodic reports on the comprehensive plan, which shall be sent to the governing body *and to the state land planning agency* at least once every 5 years after the adoption of the comprehensive plan~~, or element or portion thereof~~. Reports may be transmitted at lesser intervals as may be required or upon request of the governing body. It is the intent of this act that adopted comprehensive plans be periodically updated through the evaluation and appraisal report.

(4) The governing body shall adopt, or adopt with changes, the report or portions thereof *within 90 days after receiving it from the local planning agency*. The governing body shall amend its comprehensive plan based on the recommendations contained in the adopted evaluation and appraisal report, pursuant to the procedures in *ss. 163.3184 and* ~~s.~~

163.3187. Amendments to the plan and the adoption of the report may be simultaneous. When amendments to the plan do not occur simultaneously with the adoption of the evaluation and appraisal report, the report shall contain a schedule for adoption of proposed amendments within 1 year after the report is adopted. The report ~~and a complete copy of the comprehensive plan as it is amended as a result of the report~~ shall be transmitted to the state land planning agency, *with the related amendments when the amendments are transmitted pursuant to s. 163.3184* ~~to the regional agency having responsibility over the area, and, for municipalities, to the county planning agency~~.

Section 12. Paragraph (g) of subsection (2) and subsection (5) of section 163.3202, Florida Statutes, are amended to read:

163.3202 Land development regulations.—

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:

(g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. *Not later than 1 year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2), a local government shall not issue a development order or permit* ~~No development order or permit may be issued~~ which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.

(5) The state land planning agency shall adopt rules ~~by February 15, 1987,~~ for review of land development regulations. ~~pursuant to this subsection. These rules shall not be subject to a rule challenge under s. 120.54(4) or to a drawout proceeding under s. 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review, the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature; if no action was taken, the agency rules may become effective.~~

Section 13. Section 186.508, Florida Statutes, is amended to read:

186.508 Comprehensive regional policy plan adoption; consistency with state comprehensive plan.—

(1) Within 18 months of the adoption of the state comprehensive plan, each regional planning council shall submit to the Executive Office of the Governor its proposed comprehensive regional policy plan. The Executive Office of the Governor, or its designee, shall review the proposed comprehensive regional policy plan for consistency with the adopted state comprehensive plan and shall, within 90 days, return the proposed comprehensive regional policy plan to the council, together with any revisions recommended by the Governor. The rules adopting the regional policy plan shall not be subject to rule challenge under s. 120.54(4) or to drawout proceedings under s. 120.54(17), *but once adopted, shall be subject to an invalidity challenge under s. 120.56 by substantially affected persons, including the Executive Office of the Governor. The rules shall be adopted by the regional planning councils by July 1, 1987, and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13).* ~~Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review, the Legislature may reject, modify, or take no action relative to the adopted rules. The regional planning council shall conform the rules to the changes made by the Legislature; if no action was taken by the Legislature, the rules may become effective.~~

(2) If a local government within the jurisdiction of a regional planning council challenges a portion of the council's regional policy plan pursuant to s. 120.56, the applicable portion of that local government's comprehensive plan shall not be required to be consistent with the challenged portion of the regional policy plan until 12 months after the challenge has been resolved by a hearing officer.

(3) All amendments to the adopted regional policy plan shall be subject to all challenges pursuant to chapter 120.

Section 14. Section 186.511, Florida Statutes, is amended to read:

186.511 Evaluation of comprehensive regional policy plan; changes in plan.—

~~(1)~~ The regional planning process shall be a continuous and ongoing process. Each regional planning council shall prepare an evaluation report on its comprehensive regional policy plan at least once every 3 years; assess the successes or failures of the plan; and prepare *and adopt by rule* amendments, revisions, or updates to the plan *as needed.*

~~(2) All amendments, revisions, or updates to a comprehensive regional policy plan shall be adopted in the same manner as the original comprehensive regional policy plan was adopted and shall be prepared as needed because of changes in the state comprehensive plan or on the basis of the evaluation report required by this section.~~

Section 15. Subsections (5), (8), (9), (13), (15), (19), (21), and (25) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(5) AUTHORIZATION TO DEVELOP.—A developer who is required to undergo development-of-regional-impact review may undertake a development of regional impact if:

(a) The development has been approved under the requirements of this section; and

(b) *If* the land on which the development is proposed is within an area of critical state concern, *the development must also be* ~~and the development has been~~ approved under the requirements of s. 380.05.

State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development-of-regional-impact review. If a project is undergoing or will be required to undergo development-of-regional-impact review, any state or regional permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), any state or regional agency permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development-of-regional-impact review or after the developer obtains a development order pursuant to this section.

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.

2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.

3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area and shall specifically describe the preliminary development in terms

of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.

4. The preliminary development shall be limited to lands that the state land planning agency agrees are suitable for development and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.

5. The preliminary development agreement may allow development of more than 25 percent of any applicable threshold only if the developer demonstrates that such development is in the best interest of the state and local government and is essential to the ultimate viability of the proposed total development and that development will not result in material adverse impacts to existing resources or planned facilities.

6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development or to particular conditions in a final development order.

7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.

8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.

9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.

10. *A notice of* the preliminary development agreement shall be recorded by the developer *in accordance with s. 28.222, with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreements.* ~~in the public records of the county where the land is located.~~ The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.

(b) The state land planning agency may enter into other types of agreements to effectuate the provisions of this act as provided in s. 380.032.

(c) The provisions of this subsection shall also be available to a developer who chooses to seek development approval of a Florida Quality Development, pursuant to s. 380.061.

(9) CONCEPTUAL AGENCY REVIEW.—

(a)1. In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits, a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (7).

2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.

3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.62(2) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (10)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under s. 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under s. 120.57 on the proposed development by any parties to the prior proceeding.

4. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.

(b) By July 1, 1986, the Department of Environmental Regulation, each water management district, and other state or regional agencies that require construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their respective regulatory jurisdictions:

1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.

2. Dredging and filling activities.

3. The management and storage of surface waters.

4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph *(b)3* ~~(a)3~~.

Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.

(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.

2. Each agency shall cooperate with the state land planning agency to standardize, to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.

(d) At the conclusion of the conceptual agency review, the agency shall give notice of its proposed agency action as required by s. 120.60(3) and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development impacts and stating whether the agency intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefor. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.

(e) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency's standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:

1. That an applicant or his agent has submitted materially false or inaccurate information in the application for conceptual approval;

2. That the developer has violated a condition of the conceptual approval; or

3. That the development will cause a violation of the agency's applicable laws or rules.

(f) Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.

(g) Nothing contained in this subsection shall be construed to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.

(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN.—If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section. *The provisions of s. 380.06 shall not apply to developments in areas of critical state concern which had pending applications and had been noticed or agendaed by local government after September 1, 1985 and before October 1, 1985, for development order approval. In all such cases, the state land planning agency may consider and address applicable regional issues contained in s. 380.06(12) as part of its area-of-critical-state-concern review pursuant to ss. 380.05, 380.07, and 380 11.*

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(a) The appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer.

(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed development.

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a termination date that reasonably reflects the time required to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the annual report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination under subsection (19).

6. Shall include a legal description of the property.

(d) Conditions of a development order that require a developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:

1. The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.

3. Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.

(e)1. Effective July 1, 1986, a local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Community Affairs and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government ~~and technical advisory committees provided for in s. 163.3207~~ in preparing and adopting local impact fee and other contribution ordinances.

(f)~~1.~~ Notice of the adoption of a development order or the subsequent modification of an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any modifications to the development order, the location where the adopted order with any modifications may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property, nor actual nor constructive notice of any such lien, cloud, or encumbrance. This paragraph applies only to developments initially approved under this section after July 1, 1980.

~~2. The state land planning agency may record a notice of adoption of any agreement entered into pursuant to subsection (8), in accordance with s. 28.222, with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement may constitute a land development regulation applicable to portions of the land covered by the agreement.~~

(g) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order.

(19) SUBSTANTIAL DEVIATIONS.—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review.

(b) A proposed change to a previously approved development of regional impact or development order condition which meets or exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 10-percent expansion to an existing runway, or a 20-percent increase in the floor area of an existing terminal.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by 6 acres of land area, or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or 5 percent, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. *A proposed increase to an approved multi-use development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.* ~~Net changes to two or more types of development which cumulatively meet or exceed 100 percent of the criteria set forth herein.~~

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. A change proposed for 15 percent or more of the acreage of an approved development of regional impact to a land use not previously approved in the development order.

17. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other such special areas.

18. *A proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multi-use development of regional impact, which was originally approved with three or four of the types of uses specified in paragraphs 380.0651(3)(c), (d), (f), and (g), only if the regional impacts of the change exceed the adverse regional impacts of the originally authorized development or the project as changed creates regional impacts which were not previously reviewed by the regional planning agency.* ~~A proposed change involving simultaneous increases and decreases of the uses set forth in subparagraphs 4., 6., 10., and 11., only if regional impacts of the change exceed the adverse regional impacts of the originally authorized development or the project as changed creates regional impacts which were not reviewed by the regional planning agency.~~

(c) An extension of the date of buildout of a development by 5 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government. For the purpose of calculating when a buildout date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits.

(d)1. A proposed change which does not meet or exceed any of the criteria listed in paragraph (b) shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

2. A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e) Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact. At a minimum, the standard form shall require the developer to provide the precise language which the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government. *A change which is subject to the substantial deviation criteria specified in subparagraph 380.06(19)(b)18. shall not be subject to this requirement.*

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, neither the regional planning agency nor the state land planning agency may appeal the local government decision if neither participated at the local hearing, *unless the approved change is subject to the substantial deviation criteria specified in subparagraph 380.06(19)(b)18.*

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change as it relates to the entire development should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

(21) COMPREHENSIVE APPLICATION; MASTER PLAN DEVELOPMENT ORDER.—

(a) If a development project includes two or more developments of regional impact, a developer may file a comprehensive development-of-regional-impact application.

(b) If a proposed development is planned for development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement shall be entered into by the developer, the regional planning agency, and the appropriate local government having jurisdiction. The provisions of subsection (9) do not apply to this subsection, *except that a developer may elect to utilize the review process established in subsection (9) for review of the increments of a master plan.*

1. Prior to adoption of the master plan development order, the developer, the landowner, the appropriate regional planning agency, and the local government having jurisdiction shall review the draft of the development order to ensure that anticipated regional impacts have been adequately addressed and that information requirements for subsequent incremental application review are clearly defined. The development order for a master application shall specify the information which must be submitted with an incremental application and shall identify those issues which can result in the denial of an incremental application.

2. The review of subsequent incremental applications shall be limited to that information specifically required and those issues specifically raised by the master development order, unless substantial changes in the conditions underlying the approval of the master plan development order are demonstrated or the master development order is shown to have been based on substantially inaccurate information.

(c) The state land planning agency, by rule, shall establish uniform procedures to implement this subsection.

(25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

(a) An authorized developer may submit an areawide development of regional impact to be reviewed pursuant to the procedures and standards set forth in this section. The areawide development-of-regional-impact review shall include an areawide development plan in addition to any other information required by rule pursuant to this section. After review and approval of an areawide development of regional impact under this section, all development within the defined planning area shall conform to the approved areawide development plan and development order. Individual developments that conform to the approved areawide development plan shall not be required to undergo further development-of-regional-impact review, unless otherwise provided in the development order. As used in this subsection, the term:

1. "Areawide development plan" means a plan of development that, at a minimum:

a. Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;

b. Maps and defines the land uses proposed, including the amount of development by use and development phasing;

c. Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;

d. Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and

e. Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.

2. "Developer" means any person or association of persons, including a governmental agency as defined in s. 380.031(6), that petitions for authorization to file an application for development approval for an areawide development plan.

(b) The state land planning agency shall establish by rule procedures and criteria for a developer to petition for authorization to submit a proposed areawide development of regional impact for a defined planning area. At a minimum, the rules shall provide for:

1. A petition that shall be submitted to the local government, the regional planning agency, and the state land planning agency. ~~Such petition shall include proof that timely, actual notice has been provided by the petitioner to each person owning land within the proposed areawide development plan. This notice shall be in addition to other notice of public hearings as required by this act.~~

2. A public hearing or joint public hearing if required by paragraph (e), with appropriate notice, before the affected local government.

3. Criteria for evaluating a petition, including, but not limited to:

a. Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.

b. Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. The rules shall specify that any public interest determination under this criterion is preliminary and not binding on the state land planning agency, regional planning agency, or local government.

4. Standard forms for petitions and applications for development approval for use under this subsection.

(c) Any person may submit a petition to a local government having jurisdiction over an area to be developed, requesting that government to approve that person as a developer, whether or not any or all development will be undertaken by that person, and to approve the area as appropriate for an areawide development of regional impact.

(d) A general purpose local government with jurisdiction over an area to be considered in an areawide development of regional impact shall not have to petition itself for authorization to prepare and consider an application for development approval for an areawide development plan. However, such a local government shall initiate the preparation of an application only after:

1. Scheduling and conducting a public hearing as specified in paragraph (e); and

2. After conducting such hearing, finding that the planning area meets the standards and criteria established by the state land planning agency pursuant to subparagraph (b)3. for determining that an areawide development plan will be in the public interest.

(e) The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. *In addition to the public hearing notice by the local government, the petitioner shall provide actual notice to each person owning land within the proposed areawide development plan at least 30 days prior to the hearing.* The local government shall specifically notify in writing the regional planning agency and the state land planning agency at least 30 days prior to the public hearing. At the public hearing, all interested parties may testify and submit evidence regarding the petitioner's qualifications, the need for and benefits of an areawide development of regional impact, and such other issues relevant to a full consideration of the petition. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. Such hearing shall address, at a minimum, the need to resolve conflicting ordinances or comprehensive plans, if any. The local government holding the joint hearing shall comply with the following additional requirements:

1. The notice of the hearing shall be published at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.

2. The notice shall be given to the state land planning agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

(f) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. It shall approve the petitioner as the developer if it finds that the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, established by the state land planning agency.

(g) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency within 30 days after the order becomes effective.

(h) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.

(i) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact for land within the defined planning area, pursuant to subsection (6). Development undertaken in conformance with an areawide development order issued under this section shall not require further development-of-regional-impact review.

(j) In reviewing an application for a proposed areawide development of regional impact, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:

1. Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.

2. Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.

3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans, except as provided for in paragraph (k).

(k) In addition to the requirements of subsection (14), a development order approving, or approving with conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of development approved within each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive plan, except that a local government may amend its comprehensive plan pursuant to paragraph (6)(b).

(l) Any owner of property within the defined planning area may withdraw his consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, the areawide development order, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued, a landowner may withdraw his consent only with the approval of the local government.

(m) If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:

1. Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and

2. The option to withdraw consent does not apply, and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.

(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).

Section 16. Subsections (1) and (2) and paragraphs (a) and (d) of subsection (3) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(1) The statewide guidelines and standards for developments required to undergo development-of-regional-impact review provided in this section supersede the statewide guidelines and standards previously adopted by the Administration Commission that address the same development. *Other standards and guidelines previously adopted by the Administration Commission, including the residential standards and guidelines, shall not be superseded.* The guidelines and standards shall be applied in the manner described in s. 380.06(2)(a).

(2) The Administration Commission shall publish the statewide guidelines and standards established in this section in its administrative rule in place of the guidelines and standards that are superseded by this act, without the proceedings required by s. 120.54 and notwithstanding the provisions of s. 120.545(1)(c). The Administration Commission shall initiate rulemaking proceedings pursuant to s. 120.54 to make all other technical revisions necessary to conform the rules to this act. Rule amendments made pursuant to this subsection shall not be subject to the requirement for legislative approval pursuant to s. 380.06(2)~~(d)~~.

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be presumed to be a development of regional impact:

a. A new *commercial service or general aviation* airport with paved runways.

b. A new *commercial service or general aviation* paved runway.

c. A new passenger terminal facility.

2.a. Expansion of an existing runway or terminal facility by 25 percent or more on a commercial service airport or a general aviation airport with regularly scheduled flights shall be presumed to be a development of regional impact.

b. For the purpose of this section, runway expansion shall include strengthening the runway when the strengthening will result in an increase in aircraft size or the addition of jet aircraft utilizing the airport.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity shall not be presumed to be a development of regional impact.

(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; *or*

2. Has a total site size of 30 or more acres; or

3. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the comprehensive regional policy plan.

Section 17. Paragraph (a) of subsection (3) and paragraph (a) of subsection (6) of section 380.061, Florida Statutes, are amended and a new subsection (8) is added to said section to read:

380.061 Florida's Quality Developments program.—

(3)(a) *To be eligible* ~~As a condition precedent~~ for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment with the Board of Trustees of the Internal Improvement Trust Fund, or to the appropriate water management district created pursuant to chapter 373, to donate the fee or a lesser interest sufficient to protect in perpetuity the natural attributes of the following types of lands:

a. Wetlands and waterbodies within the jurisdiction of the Department of Environmental Regulation pursuant to s. 403.8171. This requirement may be waived where the department asserts jurisdiction over man-made canals or other artificially created waterbodies and the developer proposes a plan to redesign them in a manner which will more nearly approach a naturally functioning system. The developer may use such areas for the purpose of stormwater or domestic sewage management to the extent that such use is permitted pursuant to chapter 403.

b. Active beach or primary and secondary dunes and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Archives, History and Records Management of the Department of State.

d. Habitat known to be significant to one or more endangered or threatened plant and animal species designated by the United States Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission or the Department of Agriculture and Consumer Services.

2. In lieu of the requirement in subparagraph 1., the developer may enter into a binding commitment which runs with the land to set aside such areas on the property as open space to be retained in a natural condition in perpetuity.

3. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental Regulation or the Department of Agriculture and Consumer Services.

4. Participation in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

5. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or outstanding Florida waters.

6. Include open space, recreation areas, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

7. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded infrastructure and phase the development to ensure that public infrastructure will be operational when needed.

8. Enter into a binding commitment with the state land planning agency to design and construct the development in a manner which is consistent with the adopted state plan, the state land development plan, and the applicable adopted local government comprehensive plan.

(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the secretary of the Department of Environmental Regulation, *the secretary of the Department of Transportation,* the executive director of the Florida Game and Fresh Water Fish Commission, the executive director of the Department of Natural Resources, the executive director of the appropriate water management district created pursuant to chapter 373, the executive director of the appropriate regional planning agency, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development which is appealed to the board, the director of the Division of Archives, History and Records Management of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.

(8) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval, using the procedures provided for local plan amendment in s. 163.3187 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.

Section 18. Subsection (2) of section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to any development of regional impact, copies of such orders as prescribed by rule by the state land planning agency shall be transmitted to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order. Within 45 days after the order is rendered, the owner, the developer, an appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. *The 45-day appeal period for a development of regional impact within the jurisdiction of more than one local government shall not commence until after all the local governments having jurisdiction over the proposed development of regional impact have rendered their development orders.* The appellant shall furnish a copy of the notice of appeal to the opposing party, as the case may be, and to the local government which issued the order. The filing of the notice of appeal shall stay the effectiveness of the order and shall stay any judicial proceedings in relation to the development order, until after the completion of the appeal process.

Section 19. *Short title; legislative intent.—*

(1) Sections 19-31 of this act may be cited as the "Florida Local Government Development Agreement Act."

(2) The Legislature finds and declares that:

(a) The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.

(b) Assurance to a developer that upon receipt of his development permit he may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

(3) In conformity with, in furtherance of, and to implement the Local Government Comprehensive Planning and Land Development Regulation Act, and the Florida State Comprehensive Planning Act of

1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

(4) This intent is effected by authorizing local governments to enter into development agreements with developers, subject to the procedures and requirements of sections 19-31.

(5) Sections 19-31 of this act shall be regarded as supplemental and additional to the powers conferred upon local governments by other laws, and shall not be regarded as in derogation of any powers now existing.

Section 20. *Definitions.—As used in sections 19-31 of this act:*

(1) "Comprehensive plan" means a plan adopted pursuant to the "Local Government Comprehensive Planning and Land Development Regulation Act."

(2) "Developer" means any person, including a governmental agency, undertaking any development.

(3) "Development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(a) The following activities or uses shall be taken for the purposes of this act to involve "development":

1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021, Florida Statutes.

4. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

5. Demolition of a structure.

6. Clearing of land as an adjunct of construction.

7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(b) The following operations or uses shall not be taken for the purpose of this act to involve "development":

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

2. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like.

3. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

5. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

6. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

7. A change in the ownership or form of ownership of any parcel or structure.

8. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(c) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this subsection.

(4) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(5) "Governing body" means the board of county commissioners of a county or the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated.

(6) "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(7) "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

(8) "Laws" means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, and rules adopted by a local government affecting the development of land.

(9) "Local government" means any county or municipality or any special district or local governmental entity established pursuant to law which exercises regulatory authority over, and grants development permits for land development.

(10) "Local planning agency" means the agency designated to prepare a comprehensive plan pursuant to the "Florida Local Government Comprehensive Planning and Land Development Regulation Act."

(11) "Person" means any individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, state agency, or any legal entity.

(12) "Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

(13) "State land planning agency" means the Department of Community Affairs.

Section 21. *Applicability.—Any local government may, by ordinance, establish procedures and requirements, as provided in sections 19-31, to consider and enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction.*

Section 22. *Public hearings.—*

(1) Before entering into, amending, or revoking a development agreement, a local government shall conduct at least two public hearings. At the option of the governing body, one of the public hearings may be held by the local planning agency.

(2) Notice of intent to consider a development agreement shall be advertised in a newspaper of general circulation and readership in the county where the local government is located, approximately 7 days before each public hearing. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

(3) Notice shall specify the location of the land subject to the development agreement; the development uses proposed on the property; the proposed population densities; the proposed building intensities and height; and shall specify a place where a copy of the proposed agreement can be obtained.

Section 23. *Requirements of a development agreement.—*

(1) A development agreement shall include the following:

(a) A legal description of the land subject to the agreement and its legal and equitable owners;

(b) The duration of the agreement;

(c) The development uses permitted on the land, including population densities and building intensities and height;

(d) A description of public facilities that will service the development, including who shall provide such facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development;

(e) A description of any reservation or dedication of land for public purposes;

(f) A description of all local development permits approved or needed to be approved for the development of the land;

(g) A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;

(h) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and

(i) A statement indicating that the failure of the agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

(2) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.

Section 24. *Duration of a development agreement.—The duration of a development agreement shall not exceed 5 years. It may be extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with section 20.*

Section 25. *Consistency with the comprehensive plan and land development regulations.—A development agreement and authorized development shall be consistent with the local government's comprehensive plan and land development regulations.*

Section 26. *Local laws and policies governing a development agreement.—*

(1) The local government's laws and policies governing the development of the land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.

(2) A local government may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the local government has held a public hearing and determined:

(a) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;

(b) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;

(c) They are specifically anticipated and provided for in the development agreement;

(d) The local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or

(e) The development agreement is based on substantially inaccurate information supplied by the developer.

(3) This section does not abrogate any rights that may vest pursuant to common law.

Section 27. *Periodic review of a development agreement.—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.*

Section 28. *Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement, or their successors in interest.*

Section 29. *Recording of a development agreement.—Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.*

Section 30. *Modification or revocation of a development agreement to comply with subsequently enacted state and federal law.—If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked, as is necessary to comply with the relevant state or federal laws.*

Section 31. *Enforcement.—Any party, any aggrieved or adversely affected person as defined in s. 163.3215(2), Florida Statutes, or the state land planning agency may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development agreement, or to challenge compliance of the agreement with the provisions of sections 19-31.*

Section 32. Subsection (1) of section 190.007, Florida Statutes, is amended to read:

190.007 Board of supervisors; general duties.—

(1) The board shall employ, and fix the compensation of, a district manager. The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for *a board member*, the district manager or other employee of the district to be a stockholder, officer, or employee of a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.

Section 33. Subsection (2) of section 553.73, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

553.73 State Minimum Building Codes.—

(2) There is created the State Minimum Building Codes which shall consist of the following nationally recognized model codes:

(a) Standard Building Codes, *1985* ~~1982~~ edition, with *1986* ~~1984~~ accumulated *revisions* ~~amendments~~, pertaining to building, plumbing, mechanical, and gas, and excluding fire prevention;

~~(b) National Building Code, 1976 edition;~~

(b)~~(c)~~ EPCOT Code, 1982 edition;

(c)~~(d)~~ One and Two Family Dwelling Code, 1983 edition, with 1984 accumulated amendments; and

(d)~~(e)~~ The South Florida Building Code, 1983 edition, with 1984 accumulated amendments.

Each local government and state agency with building construction regulation responsibilities shall adopt one of the State Minimum Building Codes as its building code, which shall govern the construction, erection,

alteration, repair, or demolition of any building for which the local government or state agency has building construction regulation responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures.

(8) The fire safety standards as enumerated in the State Minimum Building Codes adopted pursuant to this section shall not be superseded or supplemented except as enumerated in subsection (3) and s. 633.05(8).

Section 34. Subsection (2) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(a) Agreements may be made among property insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but are unable to procure, such insurance through ordinary methods; and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance. Such agreements and rate modifications shall be subject to the applicable provisions of this chapter.

~~(b) It is the finding of the Legislature that:~~

~~1. Due to the lack of windstorm insurance coverage in certain areas, economic growth and development is being deterred or otherwise stifled in such areas, mortgages are in default, and financial institutions are unable to make loans.~~

~~2. Other areas of the state may be similarly affected in the future.~~

(b)~~(c)~~ The department shall require all insurers licensed to transact property insurance on a direct basis in this state to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph *(c)* ~~(d)~~ who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage. The commissioner shall promulgate rules which provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties.

2. All insurers required to be members of such plan shall participate in its writings, expenses, profits, and losses. Such gross participation shall be in the proportion that the net direct premiums of each member written on property in this state during the preceding calendar year bears to the aggregate net direct premiums of all members of the plan written on property in this state during the preceding calendar year. The commissioner, after review of annual statements, other reports, and any other statistics which he deems necessary, shall certify to the plan the aggregate net direct premiums written on property in this state by all members. The plan of operation shall provide that one additional domestic member of the board of directors be elected by the domestic companies of this state on the basis of cumulative weighted voting based on the net written premiums of domestic companies in this state. Any such plan shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment. A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

3. The plan shall also provide that any member with a surplus as to policyholders of $10,000,000 or less writing 25 percent of its total countrywide property insurance premiums in this state may petition the department, within 90 days of the effective date of chapter 76-96, Laws of Florida, and thereafter within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses in the aggregate which exceeds $50,000,000 after payment of available plan funds in any calendar year. The plan shall provide that, if the department determines that any assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred.

4. The plan shall provide for the deferment, in whole or in part, of the assessment of a member insurer if, in the opinion of the commissioner, payment of the assessment would endanger or impair the solvency of the member insurer. In the event an assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in subparagraph 2.

5. The plan may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

6. The plan may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, or a nonprofit mutual company which may be empowered, among other things, to borrow money and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, Laws of Florida, and as subsequently modified consistent with chapter 76-96, Laws of Florida. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96, Laws of Florida, shall be construed to be the assets and obligations of the successor plan created herein.

7. On such coverage, an agent's remuneration shall be that amount of money payable to him by the terms of his contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

(c)~~(d)~~ The provisions of paragraph *(b)* ~~(c)~~ are applicable only with respect to any county or area which the department has heretofore designated or as to which the department, after public hearing, finds that the following criteria exist:

1. Due to the lack of windstorm insurance coverage in the county or area so affected, economic growth and development is being deterred or otherwise stifled in such county or area, mortgages are in default, and financial institutions are unable to make loans; ~~and~~

2. The county or area so affected has adopted and is enforcing the structural requirements of the Southern Standard Building Code, or its equivalent, for new construction and has included adequate minimum floor elevation requirements for structures in areas subject to inundation ~~.~~*; and*

3. Extending windstorm insurance coverage to such county or area is consistent with and will implement and further the policies and objectives set forth in applicable state laws, rules, and regulations governing coastal management, coastal construction, comprehensive planning, beach and shore preservation, barrier island preservation, coastal zone protection, and the Coastal Zone Protection Act of 1985

Any time after the department has determined that the criteria referred to in this section do not exist with respect to any county or area of the state, it may, after a subsequent public hearing, declare that such county or area is no longer eligible for windstorm coverage through the plan.

Section 35. *(1) This section may be cited as the "Environmental Efficiency Act of 1986."*

(2) There is created the Environmental Efficiency Study Commission consisting of 15 members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint five members.

(3) Each member shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out official business of the commission.

(4) The commission shall be staffed by an executive director and other personnel who shall be appointed by the commission and who shall be exempt from the provisions of part II of chapter 110, Florida Statutes, relating to the Career Service System.

(5) The commission shall be assigned, for administrative purposes, to the Joint Legislative Management Committee. The Joint Legislative Management Committee and each state agency shall provide assistance when requested by the commission. Additionally, the commission is authorized to employ staff and consultants as necessary to fulfill its responsibilities.

(6) Appointments shall be made as soon as possible after the effective date of this act and the commission shall continue to exist until July 31, 1987. A chairperson shall be elected by majority vote of the other members.

(7) The Environmental Efficiency Study Commission shall:

(a) Hold a minimum of five public hearings in various locations around the state where public comment and input shall be received relative to the operation and administration of state environmental and public health laws and rules.

(b) Submit to the Legislature by February 1, 1987, a report that clearly identifies duplication in the administration of state environmental and public health laws and rules, and which makes specific recommendations that would eliminate the duplication and promote the efficient enforcement and administration of environmental and public health laws.

(8) The Department of Environmental Regulation, the Department of Natural Resources, the Department of Community Affairs, the Department of Agriculture and Consumer Services, the Department of Health and Rehabilitative Services, the Florida Game and Fresh Water Fish Commission, and each of the water management districts and regional planning councils shall:

(a) By September 1, 1986, submit a written report to the Environmental Efficiency Study Commission which identifies the specific programs, activities, or regulations the agency administers which duplicate the programs, activities, and regulations of another state or regional agency. The report shall also address the sufficiency of enforcement programs and point out weaknesses and needs as well as unnecessary duplications in enforcement practices. The report shall also contain an identification of any program, activity, or regulation which is administered by more than one division, bureau, section, subsection, office, or program office of such agency.

(b) By December 1, 1986, submit a written report to the commission making specific recommendations as to how the duplication can be eliminated.

Section 36. This act shall take effect July 1, 1986, or upon becoming a law, whichever occurs later.

House Amendment 1 to House Amendment 1—On page 5, line 15, after "exceeds" insert: *a cumulative total of*

House Amendment 2 to House Amendment 1—On page 7, line 4, after "code" insert: *using a fastest mile-wind velocity of 110 miles per hour except for the Florida Keys which shall use a fastest mile-wind velocity of 115 miles per hour.*

House Amendment 3 to House Amendment 1—On page 11, line 31, insert new subsection (4):

(4) To assist local governments in the implementation and enforcement of s. 161.55, the state land planning agency shall develop and maintain a biennial coastal building zone construction training program for the local enforcement agencies specified in subsection (1). The state land planning agency shall provide an initial training program not later than April 1, 1987, and on a recurring biennial basis shall provide a continuing education program beginning July 1, 1989. In addition to providing such programs at no registration cost to local enforcement agency participants, the state land planning agency shall provide a grant to each participating local government enforcement agency in the amount of $100 for each attendee representing and employed by such local enforcement agency. No later than December 1, 1986, the state land planning agency shall further develop a deemed-to-comply manual which contains, as determined appropriate by the state land planning agency, methods, materials, connections, applicability, and other associated information for use by the local enforcement agency in complying with subsection (1).

House Amendment 4 to House Amendment 1—On page 27, line 25, insert: *, the state comprehensive plan, the appropriate regional policy plan, and rule 9J-5, F.A.C., where such rule is not inconsistent with Chapter 163, Part II*

House Amendment 5 to House Amendment 1—On page 42, line 21, after "governor" insert: *The Governor's recommended revisions shall be included in the plans in a comment section. Provided, however, that nothing herein shall preclude a regional planning council from adopting or rejecting any or all of the revisions as a part of its plan prior to the effective date of the plan.*

House Amendment 6 to House Amendment 1—On page 9, line 31, strike "1,500" and insert: 5,000

House Amendment 7 to House Amendment 1—On page 10, line 10, after the period insert: *The coastal building zone on coastal barrier islands may be reduced in size upon approval of the Land and Water Adjudicatory Commission, if it determines that the local government with jurisdiction has provided adequate protection for the barrier island. In no case, however, shall the coastal building zone be reduced to an area less than a line 2,500 feet landward of the coastal construction control line. In determining whether the local government with jurisdiction has provided adequate protection, the Land and Water Adjudicatory Commission shall determine that the local government has adopted the 1986 Standard Building Code for the entire barrier island. The Land and Water Adjudicatory Commission shall withdraw its approval for a reduced coastal building zone if it determines that 6 months after a local government comprehensive plan is due for submission to the state land planning agency pursuant to s. 163.3167, the local government with jurisdiction has not adopted a coastal management element which is in compliance with s. 163.3178.*

House Amendment 8 to House Amendment 1—On page 87, line 29, after the period insert:

Section 34. Subsection (9) of section 633.021, Florida Statutes, is amended to read:

633.021 Definitions.—

(9) For the purposes of s. 633.085(1), the term "high-hazard occupancy" means any building or structure:

(a) That contains combustible or explosive matter or flammable conditions dangerous to the safety of life or property.

(b) In which persons receive educational instruction.

(c) In which persons reside, excluding private dwellings.

(d) Containing three or more floor levels.

Such buildings or structures include, but are not limited to, all hospitals and residential health care facilities, nursing homes and other adult care facilities, correctional or detention facilities, public schools, public lodging establishments, migrant labor camps, residential child care facilities, and self-service gasoline stations.

For the purposes of this subsection the term "high-hazard occupancy" does not include any residential condominium where the declaration of condominium or the bylaws provide that the rental of units shall not be permitted for less than 90 days.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, lines 1-31 and on page 2, lines 1-18, strike all of said lines and insert: A bill to be entitled An act relating to growth management; amending ss. 161.053, 161.54, 161.55, 161.56, 161.58, 163.3167, 163.3177, 163.3178, 163.3184, 163.3187, 163.3191, 163.3202, 186.508, 186.511, 380.06, 380.07, 380.0651, and 380.061, F.S.; providing definitions relating to coastal zone protection; providing requirements for coastal zone construction; providing for local enforcement; providing for use of fees for vehicular traffic access to certain coastal beaches; providing requirements for local government comprehensive plans; providing for legislative intent of the rule regarding minimum criteria for the review and determination of compliance; providing requirements for land development regulations; providing requirements

for development orders; providing requirements and statewide guidelines and standards for developments of regional impact; revising provisions relating to appeals to the Florida Land and Water Adjudicatory Commission; providing membership of the Quality Developments Review Board; providing for plan amendments relating to Florida's Quality Developments; authorizing development agreements between local governments and developers; providing a short title and legislative intent; providing definitions; providing for applicability; requiring public hearings prior to entering into a development agreement; providing requirements for development agreements; specifying the duration of development agreements; providing for consistency with the comprehensive plan and land development regulations; providing for the application of subsequently adopted laws and policies to a development agreement; providing that a development agreement shall constitute an administrative act by a local government; providing for periodic review of a development agreement; providing for amendment or cancellation of a development agreement; requiring a development agreement to be recorded; providing for modification or revocation of a development agreement to comply with subsequently enacted state and federal laws; providing for enforcement; amending s. 190.007, F.S.; providing that a member of a board of supervisors of a community development district may be a stockholder, officer, or employee of a landowner; amending s. 553.73, F.S.; providing for the update of the Standard Building Codes which is included in the State Minimum Building Codes; providing that fire safety standards shall not be superseded; amending s. 627.351, F.S.; providing windstorm risk apportionment; creating an Environmental Efficiency Study Commission; providing for public hearings and a report to the Legislature; requiring specified state and regional environmental agencies to submit reports; providing an effective date.

House Amendment 3 to House Amendment 2—In title, on page 1, line 10, strike "enforcement;" and insert: enforcement and training program;

House Amendment 4 to House Amendment 2—In title, on page 1, line 9, after the semicolon insert: providing that the coastal building zone on coastal barrier islands may be reduced under certain circumstances;

House Amendment 5 to House Amendment 2—In title, on page 1, line 5, after the semicolon insert: amending s. 633.021, F.S., redefining the term high-hazard occupancy;

Senator Stuart moved the following amendment to House Amendment 7 to House Amendment 1 which was adopted:

Amendment 1—Strike all of line 1 and insert: *The coastal building zone on any coastal barrier island between Sebastian Inlet and Fort Pierce Inlet may be*

On motions by Senator Stuart, the Senate concurred in House Amendment 7 to House Amendment 1 as amended; concurred in the House amendments to House Amendments 1 and 2; concurred in House Amendments 1 and 2 as amended; and the House was requested to concur in the Senate amendment to the House amendment.

CS for CS for SB 978 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gordon	Margolis	Stuart
Beard	Grizzle	McPherson	Thomas
Castor	Hair	Meek	Thurman
Childers, D.	Jennings	Myers	Vogt
Childers, W. D.	Johnson	Neal	Weinstein
Crawford	Kiser	Peterson	
Crenshaw	Langley	Plummer	
Deratany	Malchon	Scott	

Nays—None

Vote after roll call:

Yea—Gersten, Jenne, Kirkpatrick

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 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, 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; defining "urban rivers"; establishing the Urban Rivers Study Committee; requiring the committee to undertake a study and to make recommendations to the Legislature regarding urban rivers; providing an appropriation to the Department of Community Affairs for such study; 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; amending s. 403.523, F.S.; providing powers and duties for the Department of Environmental Regulation; amending s. 403.803, F.S.; providing definitions; amending s. 403.931, F.S.; providing for alteration of mangroves; amending s. 501.122, F.S.; providing for control of nonionizing radiations; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 3-42, strike everything after the enacting clause and insert:

Section 1. Paragraph (d) is added to subsection (2) of section 20.261, Florida Statutes, to read:

20.261 Department of Environmental Regulation.—There is created a Department of Environmental Regulation.

(2) The following divisions of the Department of Environmental Regulation are established:

(d) Division of Environmental Operations.

Section 2. Section 403.8081, Florida Statutes, is created to read:

403.8081 Division of Environmental Operations; powers and duties.—The Division of Environmental Operations shall perform duties including, but not limited to, the following:

(1) Administration of department programs governing leaking aboveground or belowground storage tanks.

(2) Remedial, cleanup, and restoration activities related to contamination of surface or groundwater supplies.

(3) Administration of state and federal financial aid programs to assist with construction of pollution control facilities.

Section 3. *Paragraph (d) of subsection (2) of section 20.261, Florida Statutes, and section 403.8081, Florida Statutes, as created by this act, shall be repealed on October 1, 1992, and shall be reviewed by the Legislature during the 1992 regular legislative session.*

Section 4. The introductory paragraph of section 258.39, Florida Statutes, is amended, and subsection (32) is added to said section, to read:

258.39 Boundaries of preserves.—The submerged lands included within the boundaries of Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte, Pinellas, Martin, Palm Beach, Dade, Monroe, Collier, Lee, Citrus, Franklin, Gulf, Bay, Okaloosa, *Marion*, Santa Rosa, Hernando, and Escambia Counties, as hereinafter described, with the exception of privately held submerged lands lying landward of established bulkheads and of privately held submerged lands within Monroe County where the establishment of bulkhead lines is not required, are hereby declared to be aquatic preserves. Such aquatic preserve areas include:

(32) Rainbow Springs Aquatic Preserve, the boundaries of which are generally: Commencing at the intersection of Blue Run with the Withlacoochee River in Section 35, Township 16 South, Range 18 East; thence run southeasterly and easterly along said Blue Run to the east boundary of said Section 35; thence continue easterly and northerly along said Blue Run through Section 36, Township 16 South, Range 18 East, to the north boundary of said Section 36; thence continue northerly and northeasterly along said Blue Run in Section 25, Township 16 South, Range 18 East, to the north boundary of the city limits of Dunnellon, Florida; thence from the north boundary of the city limits of Dunnellon, Florida, in Section 25, Township 16 South, Range 18 East; thence run easterly along said Blue Run to its intersection with the east boundary line of said Section 25; thence continue easterly along said Rainbow River (Blue Run) into Section 30, Township 16 South, Range 19 East, thence northerly along said Rainbow River (Blue Run) through Sections 30 and 19, Township 16 South, Range 19 East, to a point on the north boundary of the northwest 1/4 of Section 18; thence continue to run northwesterly to the head of Rainbow Springs in Section 12, Township 16 South, Range 18 East.

Any and all submerged lands theretofore conveyed by the Trustees of the Internal Improvement Trust Fund and any and all uplands now in private ownership are specifically exempted from this dedication.

Section 5. Paragraph (e) of subsection (3) of section 258.42, Florida Statutes, is amended to read:

258.42 Maintenance of preserves.—The Board of Trustees of the Internal Improvement Trust Fund shall maintain such aquatic preserves subject to the following provisions:

(3)

(e) There shall be no erection of structures within the preserve, except:

1. Private docks, *including multislip docks that are non-revenue generating or non-income producing*, for reasonable ingress or egress of riparian owners.~~;~~

2. Commercial docking facilities shown to be consistent with the use or management criteria of the preserve.~~; and~~

3. Structures for shore protection, approved navigational aids, or public utility crossings authorized under subsection (3)(a).

4. No structure under this paragraph or chapter 253 shall be prohibited solely because the local government fails to adopt a marina plan or other policies dealing with the siting of such structures in its local comprehensive plan.

Section 6. Section 373.407, Florida Statutes, is created to read:

373.407 Authority of district to delegate to local governments.—

(1) Upon reaching a written agreement with the governing body of a local government, each water management district may delegate all or part of its authority to issue general permits for water management systems promulgated under s. 373.118 to the local government. In order to delegate a surface water management program, the district must determine that the local government requirements are not inconsistent with the district requirements and adequately protect the water resources of the district, and that the local government has the legal, financial, and technical capability to implement and enforce the delegation.

(2) Water management districts may delegate a coordinated program of surface water management under this chapter and stormwater permitting under chapter 403 with the approval of the secretary of the department.

(3) The district shall evaluate the performance of the local government on a regular basis to ensure compliance with the applicable rules of the district and the department and to ensure that the local government's program is not inconsistent with the objectives of the district and the written agreement. If the district determines, and the department verifies for those programs under chapter 403, that a transfer of authority is not being carried out in accordance with the applicable district or department rules, the transfer of authority may be rescinded by the governing board of the district.

(4) Pursuant to the written agreement provided for by subsection (1), either the district or the local government may relinquish the delegated authority upon 30 days' written notice.

Section 7. Subsection (3) of section 403.021, Florida Statutes, is amended to read:

403.021 Legislative declaration; public policy.—

(3) It is declared to be the public policy of this state and the purpose of this act to achieve and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state, and facilitate the enjoyment of the natural attractions of this state. In accordance with the public policy established herein, the Legislature further declares that the citizens of this state should be afforded reasonable protection from the dangers inherent in the ~~accidental~~ release of toxic or otherwise hazardous vapors, gases, or highly volatile liquids into the environment.

Section 8. Subsection (1) of section 403.0861, Florida Statutes, is amended to read:

403.0861 Scallop processing; discharge standards.—

(1) In furtherance of public policy established in s. 403.021, the department shall, not later than *July* ~~December~~ 1, *1987* ~~1986~~, adopt rules establishing technology-based effluent limitations for waste resulting from the processing of scallops (Family: Pectinidae) which is discharged into waters of the state. The rules shall contain technology-based effluent limitations for biochemical oxygen demand and total suspended solids and for any other contaminant that the department deems appropriate. This section does not prohibit the department from establishing stricter effluent limitations based on the quality of receiving waters.

Section 9. Section 403.0862, Florida Statutes, is created to read:

403.0862 Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.—

(1) Upon agreement between a local governmental agency and the department, treated waste resulting from the department's cleanup or restoration of contaminated groundwater may be discharged to a publicly owned treatment works under the jurisdiction of the local governmental agency.

(2) Upon a demonstration by the local government that it incurred damages and costs, including attorney's fees, as a result of the discharge from the department's cleanup operations, the department shall pay for all actual damages and costs, including, but not limited to, the cost of bringing the facility into compliance with any state or federal requirements.

(3) Should the discharge from the department's cleanup operations exceed agreed upon pretreatment limits, the department shall pay the local government an agreed upon sum for each occasion that the discharge exceeds pretreatment limits without proof of damages as required by subsection (2).

(4) The limitation on damages provided by s. 768.28(5) shall not apply to any obligation or payment which may become due under this section.

Section 10. Paragraph (a) of subsection (5) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(5)(a) The department may require *a processing* ~~an application~~ fee in an amount sufficient to cover the costs of reviewing and acting upon any

application *for a permit or request for site-specific alternative criteria or for an exemption from water quality criteria* and the costs of surveillance and other field services associated with any permit issued *pursuant to this chapter; however, when an application is received without the required fee, the department shall acknowledge receipt of the application and shall immediately return the unprocessed application to the applicant and shall take no further action until the application is received with the appropriate fee.* ~~, but~~ The amount *of the fee* in no case shall exceed $100, except that:

1. The permit fee for any of the following permits shall not exceed $500:

a. Air pollution, operation permit.

b. Industrial waste, construction permit.

c. Domestic waste, temporary operation permit.

d. Industrial waste, temporary operation permit.

e. Stormwater, temporary operation permit.

2. The permit fee for any of the following permits shall not exceed $1,000:

a. Air pollution, construction permit.

b. Dredge and fill, standard form permit.

c. Deep well injection, construction permit.

d. Deep well injection, operation permit.

e. Hazardous waste permit.

3. The fee for a permit issued pursuant to s. 403.816 is $5,000, and the fee for any modification of such permit requested by the applicant is $1,000.

Section 11. Section 403.0871, Florida Statutes, is amended to read:

403.0871 Florida Permit Fee Trust Fund.—There is established within the Department of Environmental Regulation a nonlapsing trust fund to be known as the "Florida Permit Fee Trust Fund." All funds received from applicants for permits pursuant to *ss.* ~~chapter 253 and s.~~ 403.087(5) *and 403.861(7)* shall be deposited in the Florida Permit Fee Trust Fund and shall be used by the department with the advice and consent of the Legislature to supplement appropriations and other funds received by the department for the administration of its responsibilities under this chapter ~~and chapter 253~~. In no case shall funds from the Florida Permit Fee Trust Fund be used for salary increases without the approval of the Legislature.

Section 12. Section 403.0876, Florida Statutes, is amended to read:

403.0876 Permits; processing.—

(1) Within 30 days after receipt of an application for a permit under this chapter, the department shall review the application and shall request submittal of all additional information the department is permitted by law to require. If the applicant believes any departmental request for additional information is not authorized by law or departmental rule, the applicant may request a hearing pursuant to s. 120.57. Within 30 days after receipt of such additional information, the department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information. If the applicant believes the request of the department for such additional information is not authorized by law or departmental rule, the department, at the applicant's request, shall proceed to process the permit application.

(2)(a) A permit shall be approved or denied within 90 days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the permit application.

(b) The failure of the department to approve or deny a permit for an underground injection well within the 90-day time period shall not result in the automatic approval or denial of the permit and shall not prevent the inclusion of specific permit conditions which are necessary to ensure compliance with applicable statutes and rules. If the department fails to approve or deny such a permit within the 90-day period, the applicant may petition for a writ of mandamus to compel the department to act consistently with applicable regulatory requirements.

(3)(a) The department shall establish a special unit for permit coordination and processing in the Division of Environmental Permitting to provide expeditious processing of department permits which the district offices are unable to process expeditiously, and to provide accelerated processing of certain permits or renewals for economic and operating stability. The ability of the department to process applications pursuant to this subsection in a more timely manner than allowed by subsections (1) and (2) is dependent upon the timely exchange of information between the applicant and the department and the intervention of outside parties as allowed by law. An applicant may request the processing of its permit application by the special unit if the application is from an area of high unemployment or low per capita income, is from a business or industry that is the primary employer within an area's labor market, or is in an industry with respect to which the complexities involved in the review of the application require special skills uniquely available in the headquarters office. The department may require the applicant to waive the 90-day time limitation for department issuance or denial of the permit once for a period not to exceed 90 days. The department may require a special fee to cover the direct cost of processing special applications in addition to normal permit fees and costs. The special fee may not exceed $10,000 per permit required. Applications for renewal permits, but not applications for initial permits, required for facilities pursuant to the Electrical Power Plant Siting Act or the Transmission Line Siting Act may be processed under this subsection. Personnel staffing the special unit shall have lengthy experience in permit processing.

(b) At the applicant's discretion and notwithstanding any other provisions of chapter 120, a permit processed under this subsection is subject to an expedited administrative hearing pursuant to s. 120.57. To request such hearing, the applicant must notify the Division of Administrative Hearings, the department, and all other parties in writing within 15 days after his receipt of notice of assignment of a hearing officer from the division. The division shall conduct a hearing within 45 days after receipt of the request for such expedited hearing.

Section 13. Subsection (5) is added to section 403.088, Florida Statutes, to read:

403.088 Water pollution operation permits; temporary permits; conditions.—

(5) Notwithstanding any act to the contrary, if the discharge from any sewage disposal or treatment plant is permitted pursuant to this chapter and by a local pollution control program, the discharge shall be deemed lawful. Further, any person, firm, corporation, or public body that constructs, reconstructs, extends, or increases the capacity or volume of any sewage disposal or treatment plant pursuant to permits or authorizations under this chapter and through any local pollution control program shall not be subject to an action by the state attorney to restrain, enjoin, or otherwise prevent such construction, reconstruction, extension, or increase.

Section 14. Section 403.0891, Florida Statutes, is created to read:

403.0891 Assessment of stormwater management systems.—

(1) The department, in coordination and cooperation with water management districts and local governments, shall perform an assessment of the impacts of existing stormwater management systems on water quality and the estimated cost of treatment. The assessment shall be used to establish a prioritization of watersheds and existing stormwater systems which require better management and treatment of stormwater, and shall specify applicable performance standards.

(2) The results of the stormwater assessment shall be presented in a report to be submitted to the Speaker of the House of Representatives and the President of the Senate by no later than March 1, 1987.

Section 15. Section 403.0893, Florida Statutes, is created to read:

403.0893 Stormwater utility.—In addition to any other funding mechanism legally available to local government to construct, operate, or maintain stormwater systems, a county or municipality may:

(1) Adopt a stormwater utility fee; or

(2) Create a stormwater facility benefit area. All property owners within said area may be assessed a per acreage fee to fund the construction, operation, maintenance, and administration of a public stormwater facility which serves the benefited area. Any facility benefit area

containing different land uses which receive substantially different levels of stormwater benefits shall include facility benefit subareas which shall be assessed different per acreage fees from subarea to subarea based upon a reasonable relationship to benefits received.

Section 16. Subsection (3) of section 403.101, Florida Statutes, is amended to read:

403.101 Classification and reporting; regulation of operators of water purification plants and wastewater treatment plants.—

(3) The department is authorized to establish qualifications for, and to examine and certify, water and wastewater treatment plant operators; to issue, deny, revoke, and suspend operator certificates pursuant to its rules and chapter 120; and to charge a fee not in excess of $15 for certification, and to charge a fee not in excess of $30 for application processing and renewal of certification. In assessing fees authorized by this subsection, the department is directed to adjust the fees as needed within the established limits to ensure that generated revenues from the certification program will equal or exceed the cost of operation. Certificate renewal shall be biennial, effective January 1, 1980. A fee not to exceed $5 may be charged for the issuance of a duplicate certificate. Such fees shall be nonrefundable. *Renewals of certification, issued as requested by the applicant pursuant to this section, shall be exempt from the provisions of s. 120.60(3), if the department provides each applicant with written notice either personally or by mail of the certification or renewal.*

Section 17. Section 403.165, Florida Statutes, is amended to read:

403.165 Use of pollution awards; pollution recovery fund.—

(1) Any moneys recovered by the state in an action against any person who has polluted the air, soil, or water of the state in violation of this chapter shall be used to restore the polluted area which was the subject of suit to its former condition, *or to otherwise enhance pollution control activities in the polluted area.*

(2) There is hereby created a Pollution Recovery Fund which is to be supervised and used by the department to restore polluted areas of the state, as defined by the department, to the condition they were in before pollution occurred, *or to otherwise enhance pollution control activities in the polluted area.* The fund shall consist of all moneys specified in subsection (1). The moneys shall be disbursed first to pay all amounts necessary to restore the respective polluted areas which were the subjects of state actions *or to otherwise enhance pollution control activities in such areas.* Any moneys remaining in the fund shall then be used by the department, as it sees fit, to pay for any work needed to restore areas which required more money than the state was able to obtain by court action or otherwise or to restore areas in which the state brought suit but was unable to recover any moneys from the alleged violators. *An amount up to 10 percent of the average annual balance of the fund shall be disbursed for monitoring past restoration of polluted areas.*

Section 18. Subsection (1) of section 403.1834, Florida Statutes, is amended to read:

403.1834 State bonds to finance or refinance facilities; exemption from taxation.—

(1) The issuance of state bonds to finance or refinance the construction of water supply and distribution facilities, *stormwater control and treatment facilities,* and air and water pollution control and abatement and solid waste disposal facilities, payable primarily from the pledged revenues provided for by s. 14, Art. VII of the State Constitution or from such pledged revenues and the full faith and credit of any county, municipality, district, authority, or any agency thereof, and pledging the full faith and credit of the state as additional security, is authorized, subject and pursuant to the provisions of s. 14, Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

Section 19. Section 403.1835, Florida Statutes, is amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(1) The purpose of this section is to assist in implementing the legislative declaration of public policy as contained in s. 403.021 by establishing a loan program to accelerate construction of sewage treatment facilities by local governmental agencies.

(2) For the purposes of this section, the following terms, unless the context otherwise indicates, shall have the meanings ascribed them in this subsection:

(a) "Local governmental agencies" means local governmental agencies as defined in s. 403.1822(3).

(b) "Sewage treatment facilities" means all facilities necessary, including land, for the collection, treatment, and disposal of *wastewater* ~~sewage and other water pollutants~~.

(3) The *department* ~~Department of Environmental Regulation~~ is authorized to make loans to local governmental agencies to assist said agencies in the planning, designing, and *construction of* ~~preparation of environmental assessment studies for~~ sewage treatment facilities *and in the acquisition of land necessary for such construction. The department is authorized to use the funds to provide loan quarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department.* ~~Loans may be made to local governmental agencies for interim financing for constructing, modifying, upgrading, and acquiring lands for sewage treatment facilities if the department has approved a permanent financing plan for said agencies through participation in the state pollution bonds program pursuant to s. 14, Art. VII, State Constitution, or through the issuance of local bonds, evidences of indebtedness, or other acceptable methods of repayment.~~ Local governmental agencies are authorized to borrow funds made available pursuant to this section and may pledge any revenue available to them to repay any funds borrowed.

(4) The term of loans made pursuant to this section shall not exceed *30* ~~three~~ years. The interest rate on loans shall be *no greater than* ~~the same as~~ that paid on the last bonds sold pursuant to s. 14, Art. VII, State Constitution~~, or 5 percent, whichever is less, except that the interest rate during the first twelve months of any loan shall be one half of the above determined rate~~.

(5) The department is authorized to make rules ~~and regulations on or before February 1, 1973,~~ necessary to carry out the purpose of this section *. The department shall prepare* ~~and shall include in~~ an annual report *detailing* ~~complete details of~~ the amount loaned, interest earned, and loans outstanding at the end of each fiscal year.

(6) Prior to approval of a loan, the local government shall:

(a) Provide a repayment schedule.

(b) Submit plans and specifications for sewage treatment facilities.

(c) Provide assurance that records will be kept using accepted government accounting standards and that the department, the Auditor General, or their agents will have access to all records pertaining to the loan.

(d) Provide assurance that the facility will be properly operated and maintained.

(e) Document that the revenues generated will be sufficient to ensure that the facilities will be self-supporting.

(7) Eligible projects shall be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health.

(8)~~(6) Each loan agreement made pursuant to this section shall provide for the repayment schedule and interest rate.~~ In the event a local governmental agency becomes delinquent on its loan, the department shall so certify to the Comptroller who shall forward the amount delinquent to the department from any *unobligated* funds due to the local governmental agency under any revenue sharing or tax sharing fund established by the state, except as otherwise provided by the State Constitution. *Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan. The department may impose a penalty for delinquent loan payments in the amount of 6 percent of the amount due in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the thirtieth day following the date upon which payment is due.*

(9)~~(7)~~ A trust fund *with revolving loan provisions* to be known as the "Sewage Treatment Loan Fund" is hereby established in the State Treasury to be used as a revolving fund by the department to *carry out the purpose of this section* ~~make loans to local governmental agencies~~. Any

funds therein not needed *on an immediate basis* for loans may be invested pursuant to s. 215.49. ~~All interest earned shall be deposited in the General Revenue Fund, unallocated for appropriation as the Legislature authorizes.~~ The cost of administering this program shall be paid by the department from funds ~~otherwise~~ appropriated to it. *Grants awarded by the Federal Government to fund revolving loans for local governmental agencies' sewage treatment facilities shall be deposited in the Sewage Treatment Loan Fund.* All funds available in the sewage treatment loan fund are hereby *designated* ~~appropriated~~ to carry out the purpose of this section, and the principal of all loans repaid or investments made shall be deposited into this fund.

~~(8) On July 1, 1975, the cash balance in the Sewage Treatment Loan Fund shall revert and be transferred to the General Revenue Fund, unallocated. Loan repayments received in the Sewage Treatment Loan Fund after July 1, 1975, shall immediately revert and be transferred to the General Revenue Fund, unallocated.~~

Section 20. Subsection (2) of section 403.201, Florida Statutes, is renumbered as subsection (3), a new subsection (2) is added to said section, and subsection (3) is renumbered and amended, to read:

403.201 Variances.—

(2) No variance shall be granted from any provision or requirement concerning hazardous waste management which would result in the provision or requirement being less stringent than a comparable federal provision or requirement, except as provided in s. 403.7221.

(4)~~(3)~~ The department may *require, by rule, a processing fee for and may* prescribe such time limits and other conditions to the granting of a variance as it deems appropriate.

Section 21. Subsections (2) and (7) of section 403.503, Florida Statutes, are amended, and subsection (17) is added to said section, to read:

403.503 Definitions.—

(2) "Application" means the documents required by the department to be filed to initiate a certification proceeding, *and shall include the documents necessary for the department to render a decision on any permit required pursuant to any federally delegated or approved permit program.*

(7) "Electrical power plant" means, for the purpose of certification, any steam or solar electrical generating facility using any process or fuel, including nuclear materials, and includes associated facilities and those directly associated transmission lines required to connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect, except that this term does not include any steam or solar electrical generating facility of less than *75* ~~50~~ megawatts in capacity unless the applicant for such a facility elects to apply for certification under this act.

(17) "Federally delegated or approved permit program" means any environmental regulatory program approved by an agency of the Federal Government so as to authorize the department to administer and issue permits pursuant to federal law, including, but not limited to, new source review and prevention of significant determination permits under the Clean Air Act (42 U.S.C. s. 7401 et seq.), permits under sections 402 and 404 of the Clean Water Act (33 U.S.C. s. 1251 et seq.), and permits under the Resource Conservation and Recovery Act (42 U.S.C. s. 6901 et seq.).

Section 22. Subsection (9) of section 403.504, Florida Statutes, is amended, paragraph (h) is added to subsection (8), and subsection (14) is added to said section, to read:

403.504 Department of Environmental Regulation; powers and duties enumerated.—The Department of Environmental Regulation shall have the following powers and duties in relation to this act:

(8) To prepare a written analysis which shall be filed with the designated hearing officer and served on all parties no later than 8 months after the complete application is filed with the department, and which shall include:

(h) Any notice of proposed department action regarding any permit required pursuant to a federally delegated or approved permit program.

(9) To provide adequate public notice of the filing of the application and of the proceedings conducted pursuant to this part, *including the notice requirements applicable under any federally delegated or approved permit program.*

(14) To issue, simultaneously with the electrical power plant certification, any permit required pursuant to any federally delegated or approved permit program.

Section 23. Subsection (1) of section 403.506, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

403.506 Applicability and certification.—

(1) The provisions of this chapter shall apply to any electrical power plant as defined herein, except that the provisions of the Power Plant Siting Act shall not apply to any electrical power plant or steam generating plant of less than *75* ~~50~~ megawatts in capacity unless the applicant has elected to apply for certification under this act. No construction of any new electrical power plant or expansion in steam generating capacity of any existing electrical power plant may be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such electrical power plant which is presently operating or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

(3) The application for any related department permit which is required pursuant to any federally delegated or approved permit program shall be processed within the time periods allowed by this act, in lieu of those specified in s. 120.60.

Section 24. Paragraph (i) is added to subsection (2) of section 403.507, Florida Statutes, to read:

403.507 Reports and studies.—

(2) As needed to verify or supplement the studies made by the applicant in support of the application, it shall be the duty of the department to conduct, or contract for, studies of the proposed electrical power plant and site, including, but not limited to, the following:

(i) Requirements applicable under any federally delegated or approved permit program.

Section 25. Subsection (3) of section 403.508, Florida Statutes, is amended to read:

403.508 Proceedings, parties, participants.—

(3) A certification hearing shall be held by the designated hearing officer no later than 10 months after the complete application is filed with the department; however, an affirmative determination of need by the Public Service Commission pursuant to s. 403.519 shall be a condition precedent to the conduct of the certification hearing. *The certification hearing shall also constitute the sole hearing allowed by chapter 120 to determine the substantial interest of a party regarding any related permit required pursuant to any federally delegated or approved permit program.* At the conclusion of the certification hearing, the designated hearing officer shall, after consideration of all evidence of record, submit to the board a recommended order no later than 12 months after receipt of the complete application by the department.

Section 26. Section 403.509, Florida Statutes, is amended to read:

403.509 Final disposition of application.—

(1) Within 60 days of receipt of the designated hearing officer's recommended order, the board shall act upon the application by written order, approving in whole, approving with *modifications* ~~such modification as the board shall deem appropriate~~, or denying the issuance of a certificate, *in accordance with the terms of this act,* and stating the reasons for issuance or denial. If the certificate is denied, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application.

(2) Simultaneously with the board's action on the application, the department shall issue or deny any permit required pursuant to any federally delegated or approved permit program. The department's decision to issue or deny the permit shall be based upon the record and recommended order of the certification hearing. Unless the federally delegated or approved permit program provides otherwise, permits issued by the department under this subsection shall be effective for the term of the certification issued by the board. If renewal of any permit issued by the department pursuant to a federally delegated or approved permit program is required, such renewal shall not affect the certification issued by the board.

(3)~~(2)~~ In regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority to decide issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and site and to direct any such agency to execute, within 30 days of the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

(4)~~(3)~~ The issuance or denial of the certification by the board *and the issuance or denial of any related department permit required pursuant to any federally delegated or approved permit program* shall be the final administrative action required as to that application.

Section 27. Subsections (1) and (2) of section 403.511, Florida Statutes, are amended to read:

403.511 Effect of certification.—

(1) Subject to the conditions set forth therein, any certification signed by the Governor shall constitute the sole license of the state and any agency as to the approval of the site and the construction and operation of the proposed electrical power plant, *except for the issuance of department permits required under any federally delegated or approved permit program, and* except as otherwise provided in subsection (4).

(2) The certification shall authorize the electric utility named therein to construct and operate the proposed electrical power plant, subject only to the conditions of certification set forth in such certification, *and except for the issuance of department permits required under any federally delegated or approved permit program.* Except as provided in subsection (4), the certification agreement may include conditions which constitute variances from nonprocedural standards or regulations of the department or any other standards or regulations of any other agency which were expressly considered during the proceeding and which otherwise would be applicable to the construction and operation of the proposed electrical power plant. *However, no variance shall be granted from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.*

Section 28. Section 403.513, Florida Statutes, is amended to read:

403.513 Review.—Proceedings under this part shall be subject to judicial review as provided in chapter 120. *Separate appeals of the certification order issued by the board and any department permit issued pursuant to a federally delegated or approved permit program shall be consolidated for purposes of judicial review.*

Section 29. Section 403.516, Florida Statutes, is amended to read:

403.516 Modification of certification.—A certification may be modified after issuance in any one of the following ways:

(1) The board may delegate to the department the authority to modify specific conditions in the certification.

(2) The parties to the certification proceeding may modify the terms and conditions of the certification by mutual written agreement. Upon execution of the agreement by the parties, the provisions of s. 120.57 shall apply to the proceedings for approval or denial of the agreement by the board.

(3) If the parties to the certification proceeding are unable to reach a mutual written agreement on modification of the terms and conditions of the certification, a petition for modification setting forth:

(a) The proposed modification,

(b) The factual reasons asserted for the modification, and

(c) The anticipated effects of the proposed modification on the applicant, the public, and the environment

shall be filed with the Division of Administrative Hearings. The provisions of s. 120.57 shall apply to the proceedings for approval or denial of the petition by the board.

(4) As required by s. 403.511(5).

Any agreement or modification under this section must be in accordance with the terms of this act. No modification to a certification shall be granted that constitutes a variance from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

Section 30. Subsections (30) and (31) are added to section 403.703, Florida Statutes, to read:

403.703 Definitions.—As used in this act, the term:

(30) "Guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this act.

(31) "Land disposal" means any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt bed formation, salt dome formation, or underground mine or cave.

Section 31. Subsection (28) is added to section 403.704, Florida Statutes, to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(28) Promulgate rules necessary to accept delegation of the hazardous waste management program from the Environmental Protection Agency under the Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616.

Section 32. Paragraph (f) of subsection (3) of section 403.721, Florida Statutes, is amended, paragraphs (h), (i), (j) and (k) are added to subsection (6), and subsection (7) is added to said section, to read:

403.721 Standards, requirements, and procedures for generators and transporters of hazardous waste and owners and operators of hazardous waste facilities.—

(3) The department, with respect to generators of hazardous waste identified or listed pursuant to this act, shall adopt rules governing:

(f) Submission of reports *and inspection of manifests* to *describe* ~~the department describing~~ the quantities of hazardous waste which are identified or listed pursuant to this act and which have been generated *or transported* during a particular time period *to show* ~~and~~ their disposition *and certification of the generator's efforts to reduce their amount and toxicity.*

(6) The department, with respect to owners and operators of hazardous waste disposal, storage, or treatment facilities, and with respect to such facilities, shall adopt rules governing:

(h) Corrective action at a hazardous waste facility which shall be taken beyond a facility boundary where necessary to protect human health and the environment, unless the owner or operator demonstrates that despite his best efforts he was unable to obtain the necessary permission to undertake such action.

(i) Conditions on a permit which require cleanup of releases of hazardous waste from any solid waste management unit, regardless of when the waste was placed in the unit.

(j) Groundwater monitoring, unsaturated zone monitoring, and corrective action requirements for land disposal facilities accepting hazardous waste after July 26, 1982.

(k) The prohibition of the land disposal and storage of certain hazardous waste based on the requirements and criteria set forth in s. 201(g) through (j) of the Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616.

(7) The department shall adopt rules governing the production, burning, marketing, sale, and distribution of hazardous waste fuel. The department may provide for exemptions to such rules so long as the exemptions are no less stringent than those provided by federal law or regulation.

Section 33. Subsections (3) and (5) of section 403.722, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(3) Permit applicants shall provide any information which will enable the department to determine that the proposed construction, modification, operation, or closure will comply with this act and any applicable

rules. In no instance shall any person construct, modify, operate, or close a facility in contravention of the standards, requirements, or criteria for a hazardous waste facility. *Permits issued under this section may include any permit conditions necessary to achieve compliance with applicable hazardous waste rules and necessary to protect human health and the environment.*

(5) A permit issued pursuant to this section is not a vested right. The department may revoke or modify any such permit.

(a) Permits may be revoked for failure of the holder to comply with the provisions of this act, the terms of the permit, the standards, requirements, or criteria adopted pursuant to this act, or an order of the department; for refusal by the holder to allow lawful inspection; ~~or~~ for submission by the holder of false or inaccurate information in the permit application*; or if necessary to protect the public health or the environment.*

(b) Permits may be modified, upon request of the permittee, if such modification is not in violation of this act or department rules or if the department finds the modification necessary to enable the facility to remain in compliance with this act and department rules.

(c) A land disposal facility operating with a temporary operation permit on the effective date of this act must certify compliance with groundwater monitoring and financial responsibility requirements and submit an application for an operation permit by November 8, 1986, or the temporary operation permit will be terminated.

(d) A temporary operation permit for a hazardous waste facility in existence on the date the department began permitting facilities shall automatically terminate November 8, 1988.

(e) An owner or operator of a hazardous waste facility in existence on the effective date of a department rule changing an exemption or listing and identifying the hazardous wastes which require that facility to be permitted who notifies the department pursuant to s. 403.72, and who has applied for a permit, may continue to be issued a temporary operation permit.

(11) Hazardous waste facility operation permits shall be issued for no more than 5 years.

Section 34. Section 403.7221, Florida Statutes, is created to read:

403.7221 Research, development, and demonstration permits.—

(1) The department may issue a research, development, and demonstration permit to the owner or operator of any hazardous waste treatment facility who proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards have not been promulgated. Permits shall:

(a) Provide for construction and operation of the facility for not longer than 1 year, renewable no more than 3 times.

(b) Provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the department deems necessary for purposes of determining the performance capabilities of the technology or process and the effects of such technology or process on human health and the environment.

(c) Include requirements regarding monitoring, operation, testing, financial responsibility, closure, and remedial action.

(2) The department may apply the criteria set forth in this section in establishing the conditions of each permit without separate establishment of rules implementing such criteria.

(3) For the purpose of expediting review and issuance of permits under this section, the department may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements, except that there shall be no modification or waiver of regulations regarding financial responsibility or of procedures established regarding public participation.

(4) The department may order an immediate termination of all operations at the facility at any time upon a determination that termination is necessary to protect human health and the environment.

Section 35. Subsection (3) is added to section 403.7222, Florida Statutes, to read:

403.7222 Prohibition of hazardous waste landfills.—

(3) Nothing in this section shall prohibit the department from banning the disposal of hazardous waste in other types of waste management units in a manner consistent with federal requirements, except as provided under s. 403.804(2).

Section 36. Subsection (2) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification program.—

(2) Within 30 days of receipt of the letter, each small quantity generator identified in the county assessment shall disclose its management practices and the types and quantities of waste to the county government. Annually, each county shall verify the management practices of at least 20 percent of the small quantity generators. The procedure for verification used by the county shall be developed by rule by the department within 6 months of July 1, 1983. The Department of Environmental Regulation may also *regulate the waste* ~~verify~~ management practices of small quantity generators in order to ensure proper management of hazardous waste *in a manner consistent with federal requirements, except as provided under s. 403.804(2).*

Section 37. Subsection (8) is added to section 403.724, Florida Statutes, to read:

403.724 Financial responsibility.—

(8) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any state court or any of the federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator. The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this act. Nothing in this subsection shall be construed to limit any other state or federal statutory, contractual, or common law liability of a guarantor to its owner or operator, including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under s. 107 or s. 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

Section 38. Paragraph (c) of subsection (3) of section 403.7264, Florida Statutes, is amended to read:

403.7264 Amnesty days for purging small quantities of hazardous wastes.—Amnesty days are authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies, and small businesses. These entities have no appropriate economically feasible mechanism for disposing of their hazardous wastes at the present time. In order to raise public awareness on this issue, provide an educational process, accommodate those entities which have a need to dispose of small quantities of hazardous waste, and preserve the waters of the state, amnesty days shall be carried out in the following manner:

(3) The state shall have 6 amnesty days. The schedule for these amnesty days is as follows:

(c) In counties specified in s. 403.7225(10)(c), amnesty days shall be held between May 1, 1986, and June 30, 1986, ~~and~~ between October 1, 1986, and November 30, 1986, *and between May 1, 1987, and May 31, 1987.*

Section 39. Subsection (4) of section 403.7265, Florida Statutes, is amended to read:

403.7265 Local hazardous waste collection program.—

(4) The department may establish a grant program for local governments which desire to provide, through a private entity, a local or

regional hazardous waste collection center. Grants shall be authorized *to cover collection center costs associated with* ~~exclusively for~~ capital outlay *for* ~~costs associated with~~ preparing a facility or site to safely serve as a collection center, *and costs of administration, public awareness, and local amnesty day programs. The total cost for administration and public awareness shall not exceed 10 percent of the grant award, nor shall the cost for a local amnesty day program exceed 10 percent of the grant award.* Grants shall be available on a competitive basis to local governments which:

(a) Comply with the provisions of ss. 403.7225 and 403.7264;

(b) Design a collection center which is approved by the department; and

(c) Provide up to 33 percent of the capital outlay money needed for the facility as matching money.

Section 40. Paragraph (b) of subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(b) Any person who knowingly:

1. Transports *or causes to be transported* any hazardous waste listed pursuant to this act to a facility which does not have a permit *when such a permit is required* under s. 403.722;

2. Disposes of, treats, or stores hazardous waste*:*

a. At any place but a hazardous waste facility which has a current and valid permit pursuant to s. 403.722; ~~or~~

b. In knowing violation of any material condition or requirement of such permit; or

c. In knowing violation of any material condition or requirement of any applicable rule or standard;

3. Makes any false statement or representation *or knowingly omits material information* in any hazardous waste application, label, manifest, record, report, permit, or other document required by this act*;*

4. Generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste and who knowingly destroys, alters, conceals or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with this act; or

5. Transports without a manifest, or causes to be transported without a manifest, any hazardous waste required by rules adopted by the department to be accompanied by a manifest

is, upon conviction, guilty of a felony of the third degree, punishable for the first such conviction by a fine of not more than $50,000 for each day of violation or imprisonment not to exceed 5 years, or both, and for any subsequent conviction by a fine of not more than $100,000 per day of violation or imprisonment of not more than 10 years, or both.

Section 41. Section 403.7545, Florida Statutes, is created to read:

403.7545 Regulation of used oil as hazardous waste.—Nothing in ss. 403.75-403.759 and s. 526.01, as amended by chapter 84-338, Laws of Florida, shall prohibit the department from regulating used oil as a hazardous waste in a manner consistent with s. 241 of the Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616.

Section 42. Section 403.806, Florida Statutes, is amended to read:

403.806 Division of Administrative Services; powers and duties.—The Division of Administrative Services shall perform duties including, but not limited to, personnel, fiscal, *and* purchasing~~, education, and information~~.

Section 43. Subsections (2) and (3) of section 403.813, Florida Statutes, are amended to read:

403.813 Permits issued at district centers; exceptions.—

(2) No permit under this chapter, chapter 373, ~~or chapter 253,~~ chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by *the Board of Trustees of the Internal Improvement Trust Fund or* any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(a) The installation of overhead transmission lines, with support structures which are not constructed in waters of the state and which do not create a navigational hazard.

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities and the installation of private docks, any of which docks:

1. Has 500 square feet or less of over-water surface area~~, or 1,000 square feet or less of over-water surface area~~ for a dock which is ~~not~~ located in an area designated as Outstanding Florida Waters *or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters* ~~and which is used for recreational, noncommercial activities~~;

2. Is constructed on *or held in place by* pilings *or is a floating dock which is constructed* so as not to involve filling or dredging other than that necessary to install the pilings; ~~and~~

3. Shall not substantially impede the flow of water or create a navigational hazard~~.~~;

4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

5. Is the sole dock constructed pursuant to this exemption along the shoreline for a distance of 65 feet, unless the parcel of land is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

(c) The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists or the installation of boat ramps open to the public in any waters of the state where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the waters of the state, and the maintenance to design specifications of such ramps; however, the material to be removed shall be placed upon a self-contained upland site so as to prevent the escape of the spoil material into the waters of the state.

(d) The replacement or repair of existing docks, except that no fill material is to be used and provided that the replacement or repaired dock is in the same location and of the same configuration and dimensions as the dock being replaced or repaired.

(e) The restoration of seawalls at their previous locations or upland of, or within 1 foot waterward of, their previous locations. However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(f) The performance of maintenance dredging of existing manmade canals, channels, and intake and discharge structures where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications and provided that control devices are utilized to prevent turbidity and prevent toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption applies to all canals constructed prior to April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the

United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

(g) The maintenance of existing insect control structures, dikes, and irrigation and drainage ditches, provided that spoil material is deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into waters of the state. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive, as determined by the Department of Health and Rehabilitative Services, pursuant to s. 403.088(1), that it will inhibit proposed insect control, then existing spoil sites or dikes may be used, upon notification to the department. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as shellfish harvesting waters, or functions as a habitat for commercially or recreationally important shellfish or finfish. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

(h) The repair of existing pipes for the purpose of discharging storm water runoff.

(i) The construction of private docks and seawalls in artificially created waterways where such construction will not violate existing water quality standards, impede navigation, or affect flood control.

(j) The construction and maintenance of swales.

(k) The installation of aids to navigation and buoys associated with such aids, provided the devices are marked pursuant to s. 327.40.

(l) The replacement or repair of existing open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width, provided that no more dredging or filling of submerged lands is performed other than that which is necessary to replace or repair pilings and that the structure to be replaced or repaired is the same length, the same configuration, and in the same location as the original bridge. No debris from the original bridge shall be allowed to remain in the waters of the state.

(m) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters in the state, except in Class I and Class II waters and aquatic preserves, provided no dredging or filling is necessary.

(n) The replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state.

(o) The construction of private seawalls in waters of the state where such construction is between and adjoins at both ends existing seawalls, follows a continuous and uniform seawall construction line with the existing seawalls, is no more than 150 feet in length, and does not violate existing water quality standards, impede navigation, or affect flood control. However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(p) The restoration of existing insect control impoundment dikes which are less than 100 feet in length. Such impoundments shall be connected to tidally influenced waters for 6 months each year beginning September 1 and ending February 28 if feasible or operated in accordance with an impoundment management plan approved by the department. A dike restoration may involve no more dredging than is necessary to restore the dike to its original design specifications. For the purposes of this paragraph, restoration does not include maintenance of impoundment dikes of operating insect control impoundments.

(q) The construction, operation or maintenance of stormwater management facilities which are designed to serve single family residential projects, including duplexes, triplexes and quadruplexes, if they are less than 10 acres total land and have less than 2 acres of impervious surface and if the facilities:

1. Comply with all regulations or ordinances applicable to stormwater management and adopted by a city or county;

2. Are not part of a larger common plan of development or sale; and

3. Discharge into a stormwater discharge facility exempted or permitted by the department under this chapter which has sufficient capacity and treatment capability as specified in this chapter and is owned, maintained, or operated by a city, county, special district with drainage responsibility, or water management district; however, this exemption does not authorize discharge to a facility without the facility owner's prior written consent.

(3) The provisions of subsection (2) are superseded by general permits established pursuant to *ss.* ~~s.~~ 403.814 *and 373.118* which include the same activities. Until such time as general permits are established, or should general permits be suspended or repealed, the exemptions under subsection (2) shall remain or shall be reestablished in full force and effect.

Section 44. Paragraph (b) of subsection (1) of section 403.853, Florida Statutes, is amended to read:

403.853 Drinking water standards.—

(1) The department shall adopt and enforce:

(b) Primary and secondary drinking water regulations for noncommunity water systems, which shall be no more stringent than the corresponding national primary or secondary drinking water regulations in effect at such time, *except that systems that serve schools and systems that serve seasonal recreational vehicle parks or mobile home parks that serve 50 or more persons at least 4 consecutive months during the year shall monitor and comply with additional primary drinking water regulations as determined by the department.*

Section 45. Subsection (7) of section 403.861, Florida Statutes, is amended to read:

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(7) Require *a* ~~an application~~ fee *in an amount sufficient to cover the costs of viewing and acting upon any application for the construction and operation of a public water supply system and the costs of surveillance and other field services associated with any permit issued, but the amount in no case shall exceed $1,000. The fee schedule shall be adopted by rule based on a sliding scale relating to the size or type of treatment which is proposed by the applicant.* ~~of not more than $20 for department review and approval of public water system plans and specifications.~~

Section 46. Subsections (1) and (2) of section 403.916, Florida Statutes, are amended to read:

403.916 Local participation in permitting process.—

(1) Within 10 days after the receipt of an application for a permit pursuant to ss. 403.91-403.929, the department shall transmit a copy of the application ~~by certified mail~~ to the chief executive officer *or his designee in* ~~of~~ each county and each municipality which has jurisdiction over the area for which the permit is requested.

(2) The county and municipality shall have the opportunity to file objections to a short-form dredge and fill permit application within *20* ~~14~~ days after *mailing* ~~receipt~~ of the application *to the county or municipality* ~~from the department~~, but shall have up to 60 days *after mailing* to file objections to any other dredge and fill permit application. The county and municipality shall have the opportunity to participate as a party to the proceeding and may request a hearing pursuant to s. 120.57 within 14 days after a notice of *intended agency action* ~~intent to issue a permit~~ has been *received by* ~~sent to~~ the county and municipality ~~by the department~~.

Section 47. Section 403.919, Florida Statutes, is amended to read:

403.919 *Equitable distribution* ~~Considerations in granting or denying permit for activity that will affect waters.~~—The department, in deciding whether to grant or deny a permit for an activity which will affect waters, shall consider:

(1) The impact of the project for which the permit is sought.

(2) The impact of projects which are existing or under construction or for which permits or jurisdictional determinations have been sought.

(3) The impact of projects which are under review, approved, or vested pursuant to s. 380.06, or other projects which may reasonably be expected to be located within the jurisdictional extent of waters, based upon land use restrictions and regulations.

Section 48. Subsection (3) of section 403.931, Florida Statutes, is amended to read:

403.931 Alteration of mangroves; permit procedure.—

(3) The department, *on or before September 30, 1986,* shall adopt a general permit in accordance with s. 403.814, which permit authorizes the alteration of mangroves in accordance with procedures designed to protect the integrity of mangrove trees. *The department, on or before September 30, 1986, shall establish a special general permit to allow for alteration of mangroves in manmade canals constructed after January 1, 1957, which were upland of waters of the state as defined in s. 403.817, and are not directly connected to a Class II water body or to Outstanding Florida Waters.*

Section 49. Subsection (1) of section 403.932, Florida Statutes, is amended to read:

403.932 Exceptions and authorized alterations of mangroves.—The provisions of this act do not apply to:

(1) The alteration of mangrove trees by a duly constituted communication, water, sewerage, electrical, or other utility company or a federal, state, ~~or~~ county, *or municipal* agency, or engineers or surveyors working under a contract with such utility company or agency, when such alteration is done as a governmental function of such agency.

Section 50. Subsection (8) of section 9 of chapter 84-79, Laws of Florida, is amended to read:

Section 9. Pursuant to s. 403.817, Florida Statutes, the Legislature hereby ratifies the rule adopted on January 25, 1984, by the Environmental Regulation Commission with the following changes:

(8) There is created a Vegetative Index Review Committee composed of nine members. Three members shall be appointed by the President of the Senate, three members shall be appointed by the Speaker of the House, and three members shall be appointed by the Governor. Membership shall be representative of, but not limited to, interested groups as well as individuals possessing technical knowledge concerning agriculture, real estate, local government, the environment, the construction industry, and manufacturing and shall include lay citizens. The members shall be appointed by October 1, 1985, and their terms shall expire March 31, *1987* ~~1986~~. The Governor shall appoint the chairman. The members shall serve without compensation but shall be paid travel and per diem as provided in s. 112.061, Florida Statutes, while in the performance of their official duties. Administrative, personnel, and other support services necessary for the committee shall be furnished by the Department of Environmental Regulation. The Vegetative Index Review Committee shall review the operation of a vegetative index Rule 17-4.022, Florida Administrative Code, as amended by this part. The committee shall also review the operation of the 10-year floodplain and soils limitation on jurisdiction, *including any soils reports prepared by or for the department,* and recommend any changes necessary to ensure that the jurisdiction of the department under the vegetative list previously in effect has not been lessened. The committee shall prepare a report to be submitted to the Governor, Speaker of the House, and President of the Senate. The report shall be submitted by March 1, 1986, after public hearings, and shall contain information and data on jurisdictional determinations and other relevant information which may aid the Legislature in evaluating the scope and impact of the vegetative index. The report shall contain recommendations on modifications which the committee feels should be made to the vegetative index.

Section 51. Paragraph (b) of subsection (27) of section 403.061, Florida Statutes, is amended, and subsection (30) is added to said section, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(27)

(b) Waters within *the following* aquatic preserves *which have not been designated as Outstanding Florida Waters as of June 1, 1986,* may be designated as Outstanding Florida Waters only where the Environmental Regulation Commission determines that the natural attributes of such waters are of exceptional recreational or ecological significance pursuant to the procedures established by rules for designating special waters as Outstanding Florida Waters.~~:~~

1. Guana River Marsh Aquatic Preserve.

2. Big Bend Aquatic Preserve.

3. Terra Ceia Aquatic Preserve.

4. Rookery Bay Aquatic Preserve.

5. Banana River Aquatic Preserve.

6. Wekiva River Aquatic Preserve.

7. Indian River-Malabar to Vero Beach Aquatic Preserve.

8. Loxahatchee River-Lake Worth Creek Aquatic Preserve.

(30) Establish requirements by rule that reasonably protect the public health and welfare from electric and magnetic fields associated with existing 230 kV or greater electrical transmission lines, new 230 kV and greater electrical transmission lines for which an application for certification under the Transmission Line Siting Act, ss. 403.52-403.536, is not filed, new or existing electrical transmission or distribution lines with voltage less than 230 kV, and substation facilities. Notwithstanding any other provision in chapter 403, or other law of this state or political subdivision thereof, the department shall have exclusive jurisdiction in the regulation of electric and magnetic fields associated with all electrical transmission and distribution lines and substation facilities. However, nothing herein shall be construed as superseding or repealing the provisions of s. 403.523(1) and (14).

Section 52. *There is hereby appropriated from the Regulatory Trust Fund of the Florida Public Service Commission the sum of $170,000 to be transferred, pursuant to a mutually agreed upon interagency agreement, to the Grants and Donations Trust Fund of the Department of Environmental Regulation from which is hereby appropriated for the purpose of funding the determination and establishment of standards for electric and magnetic fields as required in ss. 403.061(30) and 403.523(14), Florida Statutes. The Florida Public Service Commission shall ensure, pursuant to the interagency agreement, that the appropriated funds are used only for this stated purpose.*

Section 53. Subsection (2) of section 501.122, Florida Statutes, is amended to read:

501.122 Control of nonionizing radiations; laser; penalties.—

(2) AUTHORITY TO ISSUE REGULATIONS.—*Except for electrical transmission and distribution lines and substation facilities subject to regulation by the Department of Environmental Regulation pursuant to chapter 403,* the department shall promulgate such rules and regulations as it may determine to be necessary to protect the health and safety of persons exposed to laser devices and other nonionizing radiation, including the user or any others who might come in contact with such radiation. The department is further authorized:

(a) To develop a program for registration of laser devices and uses and of identifying and controlling sources and uses of other nonionizing radiations.

(b) To maintain liaison with, and receive information from, industry, industry associations, and other organizations or individuals relating to present or future radiation-producing products or devices.

(c) To study and evaluate the degree of hazard associated with the use of laser devices or other sources of radiation.

(d) To establish and prescribe performance standards for laser and other radiation control if it determines that such standards are necessary for the protection of the public health.

(e) To amend or revoke any performance standard established under the provisions of this section.

Section 54. Subsection (14) of section 403.523, Florida Statutes, is amended to read:

403.523 Department of Environmental Regulation; powers and duties.—The department shall have the following powers and duties:

(14) To set requirements that reasonably protect the public health~~, safety,~~ and welfare from the electric and magnetic fields of transmission lines for which an application is filed after the effective date of this act.

Section 55. Subsection (13) of section 403.803, Florida Statutes, is amended to read:

403.803 Definitions.—When used in this act, the term, phrase, or word:

(13) "Standard" means any rule of the Department of Environmental Regulation relating to air and water quality, noise, and solid-waste management, *and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities.* The term "standard" does not include rules of the department which relate exclusively to the internal management of the department, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.

Section 56. *The creation of s. 403.061(30) and the amendments to ss. 403.523, 403.803, and 501.122, Florida Statutes, as provided in this act, are not intended to reflect the prior legislative intent of ss. 403.52-403.539, Florida Statutes, or imply in any manner what procedures were proper prior to the effective date of this act.*

Section 57. *The channel at the mouth of the Suwannee River is hereby named the "Perry C. McGriff Channel." The Department of Natural Resources or the Suwannee River Water Management District is authorized to erect appropriate markers reflecting the designation made by this section.*

Section 58. Effective July 1, 1986, subsections (3), (6), and (7) of section 258.397, Florida Statutes, are amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the Internal Improvement Trust Fund is authorized and directed to maintain the aquatic preserve hereby created pursuant and subject to the following provisions:

(a) No further sale, transfer, or lease of sovereignty submerged lands in the preserve shall be approved or consummated by the board of trustees, except upon a showing of extreme hardship on the part of the applicant and a determination by the board of trustees that such sale, transfer, or lease is in the public interest.

(b) No further dredging or filling of submerged lands of the preserve shall be approved or tolerated by the board of trustees except:

1. Such minimum dredging and spoiling as may be authorized for public navigation projects or for such minimum dredging and spoiling as may be constituted as a public necessity or for preservation of the bay according to the expressed intent of this section.

2. Such other alteration of physical conditions, *including the placement of riprap,* as may be necessary to enhance the quality *and* ~~or~~ utility of the preserve.

3. Such minimum dredging and filling as may be authorized for the creation and maintenance of marinas, piers, and docks and their attendant navigation channels and access roads. Such projects may only be authorized upon a specific finding by the board of trustees that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality *and utility* of the preserve. This subparagraph shall not *authorize* ~~approve~~ the connection of upland canals to the waters of the preserve.

4. Such dredging as is necessary for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, ~~unsightly mud flats,~~ islands, and spoil banks, the dredging of which would enhance the aesthetic *and environmental* quality and utility of the preserve and be clearly in the public interest as determined by the board of trustees.

Any dredging or filling under this subsection or improvements under subsection (5) shall be approved only after public notice and, *upon the request of any person, a public hearing in the area affected; provided, however, that the public notice and meeting requirements of this subsection shall not apply to general permits issued under s. 403.814. Nothing herein shall be construed to abrogate the rights of any person under the provisions of* ~~hearings in the area affected, pursuant to~~ chapter 120. *In addition to any public notice otherwise required by law, public notice pursuant to this subsection shall be provided by United States mail to any person who requests, in writing, to have his name placed on a mailing list by the Department of Environmental Regulation.*

(c) There shall be no drilling of wells, excavation for shell or minerals, or erection of structures other than docks within the preserve unless such activity is associated with activity authorized by this section.

(d) The board of trustees shall not approve any seaward relocation of bulkhead lines or further establishment of bulkhead lines except when a proposed bulkhead line is located at the line of mean high water along the shoreline. Construction, replacement, or relocation of seawalls shall be prohibited without the approval of the board of trustees, which approval may be granted only if riprap construction is used in the seawall. *The board may grant approval under this paragraph by a letter of consent.*

(e) Notwithstanding other provisions of this section, the board of trustees may, respecting lands lying within Biscayne Bay:

1. Enter into agreements for and establish lines delineating sovereignty and privately owned lands.

2. Enter into agreements for the exchange of, and exchange, sovereignty lands for privately owned lands.

3. Accept gifts of land within or contiguous to the preserve.

4. Negotiate for, and enter into agreements with owners of lands contiguous to sovereignty lands for, any public and private use of any of such lands.

5. Take any and all actions convenient for, or necessary to, the accomplishment of any and all of the acts and matters authorized by this paragraph.

6. Conduct restoration and enhancement efforts in Biscayne Bay and its tributaries.

7. Stabilize eroding shorelines of Biscayne Bay and its tributaries that are contributing to turbidity by planting natural vegetation to the greatest extent feasible and by the placement of riprap, as determined by Dade County in conjunction with the Department of Environmental Regulation.

8. Request the South Florida Water Management District to enter into a memorandum of understanding with the Department of Natural Resources, the Department of Environmental Regulation, the Biscayne National Park Service, the Metro-Dade County Department of Environmental Resources Management and, at their option, the Corps of Engineers to include enhanced marine productivity in Biscayne Bay as an objective when operating the Central and Southern Florida Flood Control projects consistent with the goals of the water management district, including flood protection, water supply, and environmental protection.

(6) DISCHARGE OF WASTES PROHIBITED.—No wastes or effluents which substantially inhibit the accomplishment of the purposes of this section shall be discharged into the preserve. *In order to ensure that these objectives are met, the following shall be required:*

(a) The Department of Environmental Regulation, in cooperation with the South Florida Water Management District and Dade County, shall investigate stormwater management practices within the watershed and shall develop a corrective plan for management and treatment of stormwater. The plan shall provide for retrofitting of stormwater outfalls causing the greatest environmental damage to the bay.

(b) The Department of Environmental Regulation, in cooperation with the Department of Natural Resources and Dade County, shall develop a program to regulate the use of pumpout facilities in the Biscayne Bay area and along the Miami River.

(c) The Department of Natural Resources, in cooperation with the Department of Environmental Regulation and Dade County, shall develop a program to eliminate, to the greatest extent possible, the discharge of oil and other pollutants from ships, and to remove derelict vessels from the Miami River and the Biscayne Bay area.

(7) ENFORCEMENT.—The provisions of this section may be enforced in accordance with the provisions of s. 403.412. In addition, the Department of Legal Affairs is authorized to bring an action for civil penalties of $5,000 per day against any person, natural or corporate, who violates the provisions of this section or any rule or regulation issued hereunder. *Enforcement of applicable state regulations shall be supplemented by the Metro-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.*

Section 59. Effective July 1, 1986, section 403.814, Florida Statutes, is amended to read:

403.814 General permits; delegation.—

(1) The secretary is authorized to adopt rules establishing and providing for a program of general permits under chapters 253 and 403 for projects, or categories of projects, which have, either singly or cumulatively, a minimal adverse environmental effect. Such rules shall specify design or performance criteria which, if applied, would result in compliance with appropriate standards adopted by the commission. Except as provided for in subsection *(3)*~~(2)~~, any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the department without any agency action by the department.

(2) After giving public notice and, upon the request of any person, holding a public hearing in the area affected, the department may issue a general permit in the Biscayne Bay Aquatic Preserve for the placement of riprap waterward of vertical seawalls or as replacement for vertical seawalls, for the purpose of enhancing the water quality and fish and wildlife habitats of the Biscayne Bay area. No other general permits shall be issued within the preserve. Nothing herein shall be construed to abrogate the rights of any person under the provisions of chapter 120. In addition to the public notice required by this subsection, public notice shall be provided by United States mail to any person who requests, in writing, to have his name placed on a mailing list by the department. Notice of activities allowed pursuant to such general permit shall also be mailed, at least monthly, to all persons on the list.

(3)~~(2)~~ The department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of application for a general permit. If published, such public notice of application shall be published within 14 days after the applicant notifies the department; and, within 21 days after publication of notice, any person whose substantial interests are affected may request a hearing in accordance with s. 120.57. The failure to request a hearing within 21 days after publication of notice constitutes a waiver of any right to a hearing under s. 120.57. If notice is published, no person shall begin work pursuant to a general permit until after the time for requesting a hearing has passed or until after a hearing is held and a decision is rendered.

(4)~~(3)~~ The department is authorized to delegate any of its general permit authority to the district offices of the department or to water management districts.

(5)~~(4)~~ Notwithstanding the procedures set forth in subsections (1) and *(3)*~~(2)~~, the department may specify by rule alternative notice procedures for certain activities which are of a routine and repetitive nature and which are an integral part of agricultural activities or silvicultural activities or are activities of another state agency.

Section 60. *(1) There is hereby appropriated from the General Revenue Fund to the Department of Environmental Regulation $100,000 which shall be distributed by the department as follows: an amount up to 20 percent of the $100,000 to Metro-Dade County for the purpose of identifying and prioritizing stormwater outfalls causing the greatest environmental damage to the Miami River and Biscayne Bay area, in consultation with the affected municipalities and the Department of Transportation; an amount of at least 50 percent to retrofit stormwater outfalls located along the Miami River, identified and prioritized as causing the greatest environmental damage to the Miami River. The remainder shall be distributed, on a priority basis as determined by the identification and prioritization, as provided herein, for the purpose of retrofitting stormwater outfalls identified and prioritized as causing the greatest environmental damage to the Miami River and Biscayne Bay.*

(2) There is hereby appropriated from the General Revenue Fund to the Department of Environmental Regulation $35,000 for the purpose of providing administrative expenses for the Miami River Coordinating Committee.

(3) There is hereby appropriated from the General Revenue Fund to the Department of Natural Resources $50,000 and one additional Career Service position and equipment to provide for increased law enforcement on the Miami River and in the Biscayne Bay area.

(4) There is hereby appropriated from the General Revenue Fund to the Department of Environmental Regulation $50,000 and one additional Career Service position and equipment for the purpose of providing enforcement personnel for state environmental laws and regulations which affect water quality in the Miami River and Biscayne Bay area.

(5) This section shall take effect July 1, 1986, except that if appropriations substantially similar to those contained in this section become law pursuant to House Bill 1282 or similar legislation, this section shall not take effect and the provisions thereof shall be null and void.

Section 61. *(1) This section may be cited as the "Environmental Efficiency Act of 1986."*

(2) There is created the Environmental Efficiency Study Commission consisting of 15 members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint five members.

(3) Each member shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out official business of the commission.

(4) The commission shall be staffed by an executive director and other personnel who shall be appointed by the commission and who shall be exempt from the provisions of part II of chapter 110, Florida Statutes, relating to the Career Service System.

(5) The commission shall be assigned, for administrative purposes, to the Joint Legislative Management Committee. The Joint Legislative Management Committee and each state agency shall provide assistance when requested by the commission. Additionally, the commission is authorized to employ staff and consultants as necessary to fulfill its responsibilities.

(6) Appointments shall be made as soon as possible after the effective date of this act and the commission shall continue to exist until July 31, 1987. A chairperson shall be elected by majority vote of the other members.

(7) The Environmental Efficiency Study Commission shall:

(a) Hold a minimum of five public hearings in various locations around the state where public comment and input shall be received relative to the operation and administration of state environmental and public health laws and rules.

(b) Submit to the Legislature by February 1, 1987, a report that clearly identifies duplication in the administration of state environmental and public health laws and rules, and which makes specific recommendations that would eliminate the duplication and promote the efficient enforcement and administration of environmental and public health laws.

(8) The Department of Environmental Regulation, the Department of Natural Resources, the Department of Community Affairs, the Department of Agriculture and Consumer Services, the Department of Health and Rehabilitative Services, the Florida Game and Fresh Water Fish Commission, and each of the water management districts and regional planning councils shall:

(a) By September 1, 1986, submit a written report to the Environmental Efficiency Study Commission which identifies the specific programs, activities, or regulations the agency administers which duplicate the programs, activities, and regulations of another state or regional agency. The report shall also address the sufficiency of enforcement programs and point out weaknesses and needs as well as unnecessary duplications in enforcement practices. The report shall also contain an identification of any program, activity, or regulation which is administered by more than one division, bureau, section, subsection, office, or program office of such agency.

(b) By December 1, 1986, submit a written report to the commission making specific recommendations as to how the duplication can be eliminated.

(9) This section shall take effect upon this act becoming a law.

Section 62. *(1) There is appropriated from the General Revenue Fund to the Department of Environmental Regulation the sum of $764,652 to be used for 26 positions. Six of these positions are authorized for the new permit processing unit authorized by s. 403.0876(3), Florida Statutes, as created by this act, and the remaining positions are authorized to carry out the department's enforcement responsibilities.*

(2) This section shall take effect upon becoming a law.

Section 63. Except as otherwise provided herein, this act shall take effect October 1, 1986.

House Amendment 1 to House Amendment 1—On page 59, between lines 17 and 18 insert:

Section 63. Subsection (10) of section 253.025, Florida Statutes, is amended, subsections (11) and (12) are renumbered as subsections (12) and (13) respectively, and a new subsection (11) is added to said section, to read:

253.025 Acquisition of state lands.—

(10) Any conveyance to the board of trustees of fee title shall be made by no less than a special warranty deed, unless the conveyance is from the Federal Government, *county government, or another state agency or, in the event of a gift or donation by quitclaim deed, if the board of trustees, or its designee, determines that the acceptance of such quitclaim deed is in the best interest of the public. A quitclaim deed may also be accepted to aid in clearing title or boundary questions.* ~~or another state agency.~~ The title to lands acquired pursuant to this section shall vest in the board of trustees as provided in s. 253.03(1). All such lands, title to which is vested in the board pursuant to this section, shall be administered pursuant to the provisions of s. 253.03.

(11) The board of trustees may purchase tax certificates or tax deeds, issued in accordance with chapter 197, relating to property eligible for purchase under this section.

Section 64. Subsection (5) is added to section 253.115, Florida Statutes, to read:

253.115 Public notice and hearings.—

(5) In the disposition of state-owned uplands 5 acres or less in size, the Board of Trustees of the Internal Improvement Trust Fund is authorized to procure, through open listings, real estate sales services to facilitate the sale of such lands.

Section 65. Section 253.53, Florida Statutes, is amended to read:

253.53 Sealed bids required.—All lands subject to this law shall be leased upon sealed bids. All bids shall be directed to the Board of Trustees of the Internal Improvement Trust Fund. *Said bids shall not be opened until the day, time, and place designated by the board of trustees and provided in said notice, at which time all bids shall be opened and at which time any person so desiring may be present.* The board shall determine in advance the amount of royalty, never less than one-eighth in kind, or in value, and a definite rental, increasing annually after the first 2 years, upon lands not developed for oil or gas, or upon which no well has been commenced in good faith to secure production in paying quantities of gas or oil. The board may, in its discretion, incorporate within the terms of any lease provisions for pooling or unitizing the leased premises, in whole or in part, with other lands or leases; and provisions for payments that may be made in lieu of royalty on wells which have been completed as gas wells and are capable of producing gas in paying quantities but are shut in pending development of a satisfactory market outlet, provided this shut-in period pending development of a satisfactory market outlet shall not exceed 48 months from the date of completion of such gas well or wells as herein described, if the lease is not being otherwise maintained by drilling or reworking or by production, which, if made, shall operate to cause the lease to be considered as producing in paying quantities for all purposes thereof. In addition to such fixed charges for said lease, there shall be a cash consideration. The bids shall be for this cash consideration, offered for said lease, in addition to such fixed charges for royalty, rental, and payments in lieu of royalty, and shall be payable upon acceptance of said bid. All bids shall be accompanied by a cashier's check, or certified check, for the amount of such cash consideration and shall be payable to the state board, department, or agency which holds title to or controls the land offered for lease. No bid filed subsequent to the date and hour of sale specified in the advertisement of sale shall be considered.

Section 66. Section 253.54, Florida Statutes, is amended to read:

253.54 Competitive bidding.—On the date ~~and at the hour~~ specified in the advertisement of sale, the Board of Trustees of the Internal Improvement Trust Fund shall at a public meeting, ~~open and~~ consider any and all bids submitted prior to such date ~~and hour~~ for the leasing of the land, or lands, so advertised, and, in the discretion of the board, award the lease to the highest and best bidder submitting a bid therefor; provided, that if, in the judgment of the board, the bids submitted do not represent the fair value of such lease, or leases, or the execution of same is contrary to the public welfare, or the responsibility of the bidder offering the highest amount has not been established to its satisfaction, or for any other reason, it may in its discretion reject said bids, give notice and call for new or other bids, or withdraw said land from the market. If several distinct blocks, parcels, or tracts of land can be separately considered, then, and in that event, the board may so consider them, but, if they cannot be so considered, then the rejection for any cause of the highest and best bid shall result in the rejection of all bids.

Section 67. (1) *The Board of Trustees of the Internal Improvement Trust Fund, as successor in title, shall convey to the City of Wildwood that parcel of land that was conveyed by the city to the State of Florida Board of Commissioners of State Institutions on December 15, 1965, by deed recorded in Book 73, Page 33, Public Records of Sumter County, which parcel is described as follows:*

From the northeast corner of the NW 1/4 of the NE 1/4 of Section 7, Township 19 South, Range 23 East, run west for 210 feet to the Point of Beginning; thence run south to the northeasterly right-of-way of S.A.L. Railroad; thence northwesterly along said right-of-way to the north line of said section; thence east to the Point of Beginning, in the City of Wildwood, Sumter County, Florida.

(2) This section shall take effect upon this act becoming a law.

Section 68. Subsection (1) of section 258.007, Florida Statutes, is amended to read:

258.007 Powers of division.—

(1) The Division of Recreation and Parks shall have power to acquire, in the name of the state, any property real or personal, by purchase, grant, devise, condemnation, donation, or otherwise, in which in its judgment may be necessary or proper toward the administration of the purposes of this chapter, provided, however, that no property of any nature may be acquired by purchase, lease, grant, donation, devise, or otherwise, under conditions which shall pledge the credit of, or obligate in any manner whatsoever the state to pay any sum of money; provided, that the power of condemnation as herein granted is limited to the acquisition of property or property rights which may be required for *state* park purposes *for parks* ~~and which are contiguous to areas~~ under the jurisdiction of the *Division of Recreation and Parks* ~~Board of Parks and Historic Memorials~~ on July 1, *1980* ~~1949~~. *Acquisition of such property or property rights shall not exceed an aggregate of 40 acres or 10 percent of the total acreage of the respective park as it existed on July 1, 1980, whichever is less, and shall be restricted to properties wholly surrounded by state park property at the time of acquisition.* Express legislative approval is required for the acquisition by condemnation of any new area or memorial which the division may desire for the purposes set forth in this chapter, except that the division may maintain and insure with the Florida fire insurance trust fund buildings on property owned by the state or any of its agencies.

Section 69. *The Department of Natural Resources is authorized to acquire by the exercise of the power of eminent domain, in accordance with the provisions of chapter 73 or 74, Florida Statutes, the following specific parcels of land and any or all rights, title, and interest in such land, provided that the owners of such parcels have been offered compensation for such parcels pursuant to s. 253.025, Florida Statutes, and provided that the department files before September 1, 1988, a petition to exercise such power with respect to any parcel to be acquired:*

(1) North Shore Open Space - All privately owned land within the "Save Our Coast" land acquisition project known as North Shore Open Space, located generally in Section 2 of Township 53 South, Range 42 East, Dade County, Florida; and more particularly located easterly of Collins Avenue, south of 79th Street and north of 76th Street within the City of Miami Beach, Florida.

(2) Collins Avenue Tract - All those privately owned lands, described as:

Lot 13, Block 1, AMENDED PLAT OF SECOND OCEAN SUBDIVISION, according to the plat thereof as recorded in Plat Book 28 at Page 28 of the Public Records of Dade County, Florida.

(3) PIER-2nd Street Parks Addition.—All those privately owned lands, described as:

Lots 1 through 8 inclusive, Block 113, Ocean Beach Addition No. 4, Plat Book 3, Public Records of Dade County, Florida.

Section 70. Paragraph (a) of subsection (3) of section 286.23, Florida Statutes, is amended to read:

286.23 Real property conveyed to public agency; disclosure of beneficial interests; notice; exemptions.—

(3)(a) The beneficial interest which is represented by stock in corporations registered with the Federal Securities Exchange Commission or in corporations registered pursuant to chapter 517, whose stock is for sale to the general public, is hereby exempt from the provisions of this section. When disclosure of persons having beneficial interests in *non-public corporations or* trust is required, the *corporation or* person shall not be required by the provisions of this section to disclose persons *holding less than five percent of the stock or* having less than a five percent vested non-contingent, beneficial interest in the trust.

Section 71. Paragraph (e) of subsection (3) of section 258.42, Florida Statutes is amended to read:

258.42 Maintenance of preserves.—The Board of Trustees of the Internal Improvement Trust Fund shall maintain such aquatic preserves subject to the following provisions:

(3)

(e) There shall be no erection of structures within the preserve, except:

1. Private docks *including multislip docks that are non revenue generating or income producing* for reasonable ingress or egress of riparian owners;

2. Commercial docking facilities shown to be consistent with the use or management criteria of the preserve; ~~and~~

3. Structures for shore protection, approved navigational aids, or public utility crossings authorized under subsection (3)(a)~~.~~*; and*

4. No structure under this paragraph or Chapter 253 shall be prohibited solely because the local government fails to adopt a marina plan or other policies dealing with the siting of such structure in their local comprehensive plan.

House Amendment 2 to House Amendment 1—On page 59, between lines 5 and 6, insert:

Section 29. Subsection (10) is added to section 380.055; Florida Statutes, to read:

(10) Acquisition of Big Cypress National Preserve and Addition by Alternate Methods.—For purposes of acquisition in the Big Cypress Area and Addition, the acquisition procedures provided in Chapter 337, Florida Statutes, may be utilized in lieu of Chapter 253, Florida Statutes, where appropriate. The Governor and Cabinet, as trustees of the Internal Improvement Trust Fund, are authorized to enter into an interagency agreement with the Department of Transportation wherein the Department of Transportation may acquire lands in the Big Cypress Area and Addition on behalf of the Governor and Cabinet and be reimbursed therefore in a share proportionate to the value of the interest acquired. Such acquired property shall be titled in the name of the Trustees of the Internal Improvement Trust Fund except that DOT shall retain title to that portion of the property needed for highway right of way.

(Renumber subsequent section.)

House Amendment 3 to House Amendment 1—On page 3, line 14, strike the comma (,) and insert: *and are located within 1,000 feet of the maintained channel of the Atlantic Intracoastal Waterway,*

House Amendment 4 to House Amendment 1—On page 3, lines 26-31 and on page 4, lines 1-27, strike all of said lines.

(Renumber subsequent sections.)

House Amendment 5 to House Amendment 1—On page 57, line 18, insert:

Section 1. Section 258.3925, Florida Statutes, is created to read:

258.3925 Lemon Bay Aquatic Preserve.—The following described area in Charlotte County and Sarasota County is designated by the Legislature for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975. Such area, to be known as the Lemon Bay Aquatic Preserve, shall be included in the aquatic preserve system and shall include the following described property: Those state-owned sovereignty submerged lands comprising the Lemon Bay estuarine system bounded on the south by the Boca Grande, in Charlotte County, and on the north by the east line of Section 31, Township 39 South, Range 19 East, in Sarasota County, and including: Section 32, Township 39 South, Range 19 East, and Sections 4, 5, 9, 15, 16, 22, 23, 25, 26, 27, 35, and 36, of Township 40 South, Range 19 East, all lying within the defined boundaries of Sarasota County; and Sections 1, 2, 12, and 13 of Township 41 South, Range 19 East, and Sections 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, and 33 of Township 41 South, Range 20 East, and Sections 2, 3, 4, 10, 11, 12, 13, 14, 22, and 27 of Township 42 South, Range 20 East, all lying within the defined boundaries of Charlotte County; including Placida Harbor, Gasparilla Pass, Kettle Harbor, Bocilla Lagoon, Bocilla Pass, Knight Pass, Stump Pass, Lemon Bay, Buck Creek upstream to County Road 775, Oyster Creek upstream to County Road 775, Ainger (Rock) Creek upstream to County Road 775, and Godfrey (Godfried, Gottfried) Creek upstream to County Road 775.

(Renumber subsequent sections.)

House Amendment 6 to House Amendment 1—On page 36, lines 18-21, strike all of said lines and insert: *exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.*

House Amendment 7 to House Amendment 1—On page 59, between lines 18-19, insert new section:

Section 63. Sections 21, 23, 51, 52, 53, 54, 55 and 56 of this bill shall take effect upon becoming law.

House Amendment 8 to House Amendment 1—On page 1, line 25, insert:

Section 7. Section 373.414, Florida Statutes, is created to read:

373.414 Wetlands.—

(1) By March 31, 1987, for those water management districts to which the department has delegated the responsibility for administration of its stormwater rule, each district shall adopt a rule which establishes specific permitting criteria for certain small isolated wetlands which are not within the jurisdiction of the department for purposes of regulation of dredging and filling. The rule shall include:

(a) One or more size thresholds of isolated wetlands below which impacts on fish and wildlife and their habitats will not be considered. These thresholds shall be based on biological and hydrological evidence that shows the fish and wildlife values of such areas to be minimal;

(b) Criteria for review of fish and wildlife and their habitats for isolated wetlands larger than the minimum size;

(c) Criteria for the protection of threatened and endangered species in isolated wetlands regardless of size and land use; and

(d) Provisions for consideration of the cumulative and offsite impacts of a project or projects.

(2) This section does not affect the authority of the water management districts to regulate impacts on water quality and water quantity.

(3) Until a water management district has adopted a rule to implement the provisions of subsection (1), review of fish and wildlife impacts in small isolated wetlands shall be limited to:

(a) Wetlands that are 5 acres in size or larger, or

(b) Wetlands that are used by a Federal or State designated threatened or endangered species, or

(c) Wetlands located within an area of critical state concern designated pursuant to Ch. 380; or

(d) Wetlands that are less than 5 acres in size having a cumulative total acreage greater than 30 percent of the total acreage proposed for development, within a development project greater than 40 acres in size.

Section 2. The provisions of s. 373.414(3), Florida Statutes, shall stand repealed effective March 31, 1987.

(Renumber subsequent sections.)

House Amendment 2—In title, on pages 1-3, strike everything before the enacting clause and insert: A bill to be entitled An act relating to environmental protection; amending s. 20.261, F.S., and creating s. 403.8081, F.S.; creating a Division of Environmental Operations within the Department of Environmental Regulation and providing its duties; providing for review and repeal; amending s. 258.39, F.S., relating to the boundaries of aquatic preserves; adding the submerged lands in Marion County in such boundaries; including the Rainbow Springs Aquatic Preserve; amending s. 258.42, F.S.; revising provisions relating to prohibition against structures within aquatic preserves; creating s. 373.407, F.S.; providing for delegation by water management districts of certain authority to local governments; amending s. 403.021, F.S., relating to the purpose of the Florida Air and Water Pollution Control Act; amending s. 403.0861, F.S.; revising the date for adoption of rules establishing effluent limitations for waste resulting from processing scallops; creating s. 403.0862, F.S.; providing for discharge of waste from state groundwater cleanup operations to publicly owned treatment works; providing for payment of certain damages and costs to local governments; amending s. 403.087, F.S.; revising provisions relating to fees for permitting of installations which will be a source of pollution; amending s. 403.0871, F.S., relating to funds deposited in the Florida Permit Fee Trust Fund; amending s. 403.0876, F.S.; providing for establishment of a special unit in the Division of Environmental Permitting for processing of certain permits and renewals; providing for fees; providing for expedited administrative hearings; amending s. 403.088, F.S.; specifying that certain discharges from sewage disposal or treatment plants shall be deemed lawful and that certain construction or extension of such plants shall not be subject to restraining action; creating s. 403.0891, F.S.; providing for the assessment of stormwater management systems by the department; providing for reports; creating s. 403.0893, F.S.; authorizing local governments to adopt stormwater utility fees or create stormwater facility benefit areas and subareas; amending s. 403.101, F.S., relating to certification of water and wastewater treatment plant operators; providing an exemption from certain notice requirements under the Administrative Procedure Act for certification renewal; amending s. 403.165, F.S.; revising authorized uses of pollution awards; amending s. 403.1834, F.S.; providing for issuance of state bonds for stormwater control and treatment facilities; amending s. 403.1835, F.S.; revising provisions relating to the authority of the department to make loans to local government agencies for the construction of sewage treatment facilities and the acquisition of land therefor, the length and interest rate of such loans, the requirements for participation by local governments, the priority of projects, the handling of delinquent loans and penalties therefor, and the funding of the Sewage Treatment Loan Fund; amending s. 403.201, F.S.; prohibiting certain variances from hazardous waste management requirements; authorizing imposition of a fee for granting of variances by the department; amending ss. 403.503, 403.504, 403.506, 403.507, 403.508, 403.509, 403.511, 403.513, and 403.516, F.S.; revising the capacity of facilities exempt from certification requirements under the Florida Electrical Power Plant Siting Act; revising provisions relating to approval of applications under said act; revising definitions, procedures, and requirements under said act to include permits required pursuant to any federally delegated or approved permit program; amending s. 403.703, F.S.; providing definitions under the Florida Resource Recovery and Management Act; amending s. 403.704, F.S.; authorizing the department to accept certain delegation of a federal hazardous waste management program; amending s. 403.721, F.S.; revising provisions relating to reports by generators of hazardous waste and requirements imposed on owners and operators of hazardous waste facilities; providing for requirements for solid waste management units and land disposal facilities and prohibition of certain land disposal and storage; providing for regulation of hazardous waste fuel; amending s. 403.722, F.S.; providing for hazardous waste facility permit conditions; providing additional criteria for permit revocation; providing requirements for certain land disposal facilities operating with a temporary operation permit; providing for termination of certain temporary permits; providing for continued temporary permits for certain hazardous waste facilities; providing time limitation for hazardous waste facility operation permits; creating s. 403.7221, F.S.; providing for research, development and demonstration permits for certain facilities; amending ss. 403.7222 and 403.7234, F.S.; specifying departmental powers relating to disposal of hazardous waste and regulation of waste management practices of small quantity generators; amending s. 403.724, F.S.; providing for claims against guarantors who provide evidence of financial responsibility for owners or operators; amending s. 403.7264, F.S.; providing additional hazardous waste amnesty days; amending s. 403.7265, F.S.; providing additional uses for hazardous waste grants; amending s. 403.727, F.S.; specifying additional violations with respect to hazardous waste; creating s. 403.7545, F.S.; specifying departmental power with respect to regulation of used oil as a hazardous waste; amending s. 403.806, F.S.; revising duties of the Division of Administrative Services of the department; amending s. 403.813, F.S.; revising provisions relating to activities exempt from certain permitting requirements; revising exemption requirements for private docks; providing construction; exempting certain stormwater management facilities; providing that exemption provisions are superseded by certain water use general permits; amending s. 403.853, F.S.; revising requirements relating to regulations for noncommunity water systems serving schools and certain seasonal recreational vehicle or mobile home parks; amending s. 403.861, F.S.; revising application fees for construction and operation of a public water supply system; amending s. 403.916, F.S.; revising provisions relating to notice to local governments of permit applications under the Warren S. Henderson Wetlands Protection Act of 1984 and opportunity to object thereto; amending s. 403.919, F.S., which lists impacts to be considered by the department in granting or denying permits under said act, to revise the heading of said section; amending s. 403.931, F.S.; specifying a date for adoption of a general permit for alteration of mangroves; providing for a special permit for alteration of mangroves in certain manmade canals; amending s. 403.932, F.S.; exempting municipal agencies from permitting requirements relating to alteration of mangroves under certain circumstances; amending section 9 of chapter 84-79, Laws of Florida; continuing the existence of the Vegetative Index Review Committee and revising its duties; amending s. 403.061, F.S.; revising provisions relating to designation of Outstanding Florida Waters; providing that the Department of Environmental Regulation shall have exclusive jurisdiction to adopt rules to protect the public health and welfare from electric and magnetic fields associated with electrical transmission and distribution lines and substations; providing an appropriation from the Regulatory Trust Fund of the Florida Public Service Commission to the Department of Environmental Regulation for funding establishment of electric and magnetic field standards; amending s. 501.122, F.S.; deleting the authority of the Department of Health and Rehabilitative Services to regulate electric and magnetic fields from transmission and distribution lines and substations; amending s. 403.523, F.S.; deleting the authority of the Department of Environmental Regulation to regulate safety of transmission lines; amending s. 403.803, F.S.; providing that standards under the Florida Environmental Reorganization Act of 1975 include rules pertaining to electric and magnetic fields associated with electrical transmission and distribution lines and substations; providing legislative intent; designating the channel at the mouth of the Suwannee River as the "Perry C. McGriff Channel"; amending s. 258.397, F.S.; providing for further protection and improvement of water quality in Biscayne Bay and its major tributaries; providing for further protection and management of resources of the bay; modifying the dredge and fill permitting process in the bay area; amending s. 403.814, F.S., to conform; providing appropriations; creating an Environmental Efficiency Study Commission; providing for public hearings and a report to the Legislature; requiring specified state and regional environmental agencies to submit reports; providing an appropriation; providing effective dates.

House Amendment 3 to House Amendment 2—In title, on page 1, line 7, insert: amending s. 253.025, F.S.; providing for the purchase of tax certificates or tax deeds relating to the purchase of property eligible for purchase under that section; providing for the conveyance of land from county governments; authorizing certain acquisition of state land by quitclaim deed; amending s. 253.115, F.S.; authorizing the use of open real estate listings for the sale of certain state-owned lands; amending ss. 253.53, 253.54, F.S.; providing for opening of bids for oil and gas leases; providing for reconveyance to the City of Wildwood of a parcel of land that the city donated to the state Board of Commissioners of State Institutions in 1965; amending s. 258.007, F.S., authorizing the Division of Recreation and Parks of the Department of Natural Resources to use the

power of condemnation to acquire property or property rights of parcels surrounded by parks under the jurisdiction of the division; providing a size limitation; specifying certain enumerated lands for eminent domain proceedings; amending s. 286.23, F.S., relating to the disclosure of beneficial interest in certain corporations; amending s. 258.42, F.S., exempting certain activities in aquatic preserves;

House Amendment 4 to House Amendment 2—In title, on page 1, lines 15-17, strike all of said lines.

House Amendment 5 to House Amendment 2—In title, on page 7, line 19, insert: amending s. 380.055, F.S.; providing land acquisition procedures of the Department of Transportation may be used in acquiring lands in the Big Cypress Preserve and Addition;

House Amendment 6 to House Amendment 2—In title, on page 1, line 15, after the semicolon insert: creating s. 373.414, F.S., relating to wetlands; repealing certain provisions relating to wetlands effective March 31, 1987;

House Amendment 7 to House Amendment 2—In title, on page 7, line 19, insert: creating s. 258.3925, F.S.; describing the boundaries of the Lemon Bay Aquatic Preserve and designating such preserve for inclusion in the aquatic preserve system;

On motions by Senator Stuart, the Senate concurred in the House amendments to House Amendments 1 and 2; and concurred in House Amendments 1 and 2 as amended.

CS for CS for SB 607 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 1405 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations, Finance and Taxation, Community Affairs and Representatives Martin and Allen—

CS for CS for HB 1405—A bill to be entitled An act relating to areas of critical state concern; creating ss. 380.0661-380.0675, F.S.; authorizing certain counties to create a land authority by ordinance; providing for membership thereof; providing for an executive director and employees; providing powers of the land authority; providing for an advisory committee to establish priorities for acquisition of land; authorizing the issuance of bonds and providing requirements and procedures; requiring disclosure with respect to finder's fees; providing a penalty; limiting state and local government liability for bonds; requiring an annual report; prohibiting certain conflicts of interest by financial advisers; specifying tax exempt status of the land authority; creating s. 125.0108, F.S.; authorizing counties that create a land authority to levy a tourist impact tax in areas of critical state concern on certain transient rentals, food and beverage sales, and admissions; requiring a referendum; authorizing repeal of the tax; providing for collection and administration; providing uses of tax revenue; providing penalties; providing for liens; requiring development of a solid waste management facility and authorizing pledging of revenues by a land authority; directing the Department of Natural Resources to levy surcharges on certain admission to and overnight visits to state parks in areas of critical state concern in counties that create a land authority; providing for use of proceeds; amending s. 380.0552, F.S.; creating the Florida Keys Area Protection Act; ratifying the designation of an area of Monroe County as an area of critical state concern; providing for removal of such designation; providing for the application of certain land and water management laws; providing for the appointment and duties of a resource planning and management committee; providing principles for guiding development; providing for comprehensive plan elements and land development regulations; providing for modifications thereto; creating s. 380.051, F.S.; providing for coordinated agency review with respect to certain projects in the Florida Keys area of critical state concern; providing appropriations; providing an effective date.

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

On motion by Senator Stuart, by two-thirds vote CS for CS for HB 1405 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator McPherson, by unanimous consent CS for CS for HB 1405 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—3

Frank	Mann	McPherson

Vote after roll call:

Nay to Yea—Frank

The President presiding

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for SB 1096—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.262, F.S., providing for the payment of a sum equal to the breaks plus a certain percent of all pari-mutuel pools conducted for the general promotion of owning and breeding racing quarter horses; authorizing the Florida Quarter Horse Breeders and Owners Association to receive payments and make awards; providing for use of funds; providing for awards; providing for required records; providing procedures with respect to the failure of the association to comply with the provisions of the act; providing for the establishment of an annual plan for supplementing purses and prizes and general promotion approved by the Florida Pari-Mutuel Commission; amending s. 550.263, F.S., providing for the payment of certain funds to the association; amending s. 550.265, F.S., deleting certain powers and duties of the Department of Agriculture and Consumer Services with respect to quarter horse racing; deleting certain provisions with respect to fraudulent acts and misrepresentations; eliminating registration fees; providing an effective date.

—with pending Amendment 1 which failed. The vote was:

Yeas—16

Mr. President	Deratany	Grant	McPherson
Barron	Fox	Hill	Stuart
Beard	Gersten	Kirkpatrick	Thurman
Childers, D.	Girardeau	Mann	Weinstein

Nays—17

Childers, W. D.	Grizzle	Malchon	Plummer
Crawford	Jennings	Margolis	Vogt
Crenshaw	Johnson	Myers	
Frank	Kiser	Neal	
Gordon	Langley	Peterson	

Senator Thurman moved the following amendments which were adopted:

Amendment 2—On page 9, between lines 13 and 14, insert:

Section . . . . Subsection (1) of section 550.10, Florida Statutes, is amended to read:

550.10 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(1) Every person connected with a racetrack shall purchase from the Division of Pari-mutuel Wagering an annual occupational license for each specified job performed, which license shall be valid for 1 year. *The first $200,000 collected pursuant to this section each fiscal year shall be deposited into the Pari-mutuel Wagering Trust Fund.* The division shall deposit *all other* collections for occupational licenses into the Pari-mutuel Tax Collection Trust Fund. The license shall expire on July 1 of each year. In the event that the division determines that it is in the best interest of the division and persons connected with racetracks, the division may issue a license valid for one season at one racetrack, but may not make that determination apply to any person who objects to such determination. In any event, the season license fee shall be equal to the annual occupational license fee. Any person may, at his option and pursuant to the rules promulgated by the division, purchase an occupational license valid for a period of 3 years, provided the purchaser of the license pays the full occupational license fee for each of the years for which the license is purchased at the time the 3-year license is requested. The occupational license shall be valid during its specified term at any pari-mutuel facility. The scheduled annual license fees are as follows:

(a) Contractual concessionaires with permitholders, *$150* ~~$100~~.

(b) Professional persons such as owners, trainers, veterinarians, doctors, nurses, officials, and supervisors of all departments, *$40* ~~$25~~.

(c) Jockeys, apprentice jockeys, jockey agents, harness drivers, and jai alai players, *$40* ~~$10~~.

(d) Permitholder employees, concession employees, grooms, exercise *persons* ~~boys~~, hot-walkers, miscellaneous stable help, platers, and all others not specifically provided, $10.

Section . . . . Section 550.2405, Florida Statutes, is created to read:

550.2405 Use of controlled substances or alcohol prohibited; testing of certain occupational licensees; penalty.—

(1) The use of a controlled substance as defined in chapter 893 or of alcohol by any occupational licensees officiating at or participating in a race or jai alai game is prohibited.

(2) The aforementioned occupational licensees, by applying for and holding such licenses, shall be deemed to have given their consent to submit to an approved chemical test of their breath for the purpose of determining the alcoholic content of their blood, and to a urine or blood test for the purpose of detecting the presence of controlled substances. Such tests shall only be conducted upon reasonable cause that a violation has occurred as shall be determined solely by the stewards at a horseracing meeting, or the judges or board of judges at a dogtrack or jai alai meet. The failure to submit to such test may result in a suspension of such person's occupational license for a period of 10 days, or until such time as the provisions of this section are complied with, whichever period of time shall be the longest.

(a) If there was at the time of the giving of such test 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcoholic beverages to the extent that their normal faculties were impaired, and no action of any sort shall be taken by the stewards, judges or board of judges, or the division.

(b) If there was at the time of taking the test an excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that their normal faculties were impaired, but the stewards, judges or board of judges may consider such factor in determining whether or not such person shall be allowed to officiate or participate in any given race or jai alai game.

(c) If there was at the time of the taking of the test 0.10 percent or more by weight of alcohol in the person's blood, that fact shall be prima facia evidence that the person was under the influence of alcoholic beverages to the extent that their normal faculties were impaired and the stewards or judges may take action as set forth herein, provided that no person shall officiate at or participate in any race or jai alai game on the day of such test.

All tests relating to alcohol shall be performed in a manner substantially similar, or identical, to the provisions of s. 316.1934(3) and rules promulgated pursuant to such section. Following a test of the urine or blood to determine the presence of a controlled substance as defined in chapter 893, if a controlled substance is found to exist, the stewards, judges or board of judges may take such action as is permitted herein.

(3) Any violations of subsection (2) shall be subject to the following penalties:

(a) On the first violation, the stewards, judges or board of judges may suspend a licensee for up to 10 days or in the alternative may impose a civil fine of up to $500 in lieu of a suspension.

(b) For a second violation within 1 year of the first violation the stewards, judges or board of judges may suspend a licensee for up to 30 days and in addition to or in lieu of may impose a civil fine of up to $2,000.

In lieu of or in addition to the penalties set forth above, the stewards, judges or board of judges may require the licensee to participate in a drug or alcoholic rehabilitation program and to be retested.

(c) In the event a second violation has occurred within 1 year of the first violation, then upon the finding of a third violation of this section within 1 year of the second violation the stewards, judges or board of judges may suspend the licensee for up to 120 days; and the stewards, judges or board of judges shall forward the results of the tests under paragraphs (a) and (b) and this violation to the Division of Pari-mutuel Wagering. In addition to the action taken by the stewards, judges or board of judges, the division, after a hearing, may deny, suspend, or revoke the occupational license of the licensee and may impose a civil penalty of up to $5,000 in addition to, or in lieu of a suspension or revocation, it being the intent of the Legislature that the division shall have no authority over the enforcement of this section until a licensee has committed the third violation within 2 years of the first violation.

(4) The provisions of s. 120.633 shall be applicable to all actions taken by the stewards, judges or board of judges pursuant to this section without regard to the limitation contained therein.

(5) This act shall not apply to the possession and use of controlled or chemical substances which are prescribed as part of the care and treatment of a disease or injury by a practitioner licensed under chapter 458, chapter 459, chapter 464, or chapter 466.

Section . . . . The Division of Pari-mutuel Wagering shall have the authority to make reasonable rules for the implementation of this act and to ensure that the provisions of this act are carried out, provided that such rules shall be for the purpose of establishing procedures for the testing of a controlled substance and of alcohol; and to prescribe procedural matters, not in conflict with s. 120.633.

Section . . . . No evidence of any test or actions taken by the stewards, judges or board of judges, or the division pursuant to this section shall be admissible for any purposes in any court for criminal prosecution, it being the intent of the Legislature to provide a method and means by which the health, safety and welfare of those officiating at or participating in a race meet or a jai alai game be sufficiently protected. However, nothing contained herein shall prohibit any persons so authorized from pursuing an independent investigation as a result of the rulings made by the stewards, judges or board of judges, or the division.

Section . . . . There is hereby appropriated to the Division of Pari-mutuel Wagering of the Department of Business Regulation from the Pari-mutuel Wagering Trust Fund the sum of $200,000 and the division is authorized to create one position to implement the provisions of this act. From the sum of $200,000 or any funds later appropriated for this purpose, shall be paid the cost of all tests required by this section. The division may contract with private firms to conduct the testing required by this act.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 26, after the semicolon (;) insert: amending s. 550.10, F.S.; increasing certain license fees; providing for allocation; creating s. 550.2405, F.S.; prohibiting the use of controlled substances or alcohol by certain occupational licensees during performances; providing for enforcement by the stewards, judges or board of judges; providing penalties to be imposed by the stewards, judges or board of judges and the Division of Pari-mutuel Wagering; providing for use of tests; providing for rulemaking; providing for the legal effect of certain tests or actions; providing an appropriation;

On motion by Senator Thurman, by two-thirds vote CS for SB 1096 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Hair, Jenne

The President declared the Senate in informal recess at 2:37 a.m.

The Senate was called to order by the President at 2:52 a.m. A quorum present—25:

Mr. President	Frank	Jennings	Scott
Barron	Gersten	Kiser	Thomas
Beard	Gordon	Malchon	Vogt
Childers, D.	Grant	Margolis	Weinstein
Crawford	Hair	Myers	
Deratany	Hill	Peterson	
Fox	Jenne	Plummer	

Senator Langley presiding

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to House Amendment 1 to House Substitute 1; concurred in Senate Amendment 2 to House Amendment 3 to House Substitute 1; concurred in Senate Amendment 1 to House Amendment 3 to House Substitute 1; refused to concur in Senate Amendment 2 to House Amendment 3 to House Substitute 2; concurred in Senate Amendment 1 to House amendment 3 to House Substitute 2; further amended and passed as further amended.

CS for SB 313—A bill to be entitled An act relating to taxation; amending s. 199.042, F.S.; providing due dates for early payment discounts on certain taxes; amending s. 199.062, F.S.; requiring certain annual tax information reports; amending s. 199.232, F.S.; providing criteria for an audit or assessment of the annual intangible tax; amending s. 199.282, F.S.; providing criminal and civil penalties; providing for personal liability of corporate officers and directors under certain circumstances with respect to intangible taxes; providing for an amnesty program for annual intangible taxes; providing appropriations to the Department of Revenue to implement source reporting requirements and an amnesty program for intangible taxes; providing an appropriation; amending s. 199.103, F.S.; providing a method for valuing shares of regulated investment companies; amending s. 201.02, F.S.; providing for taxing certain partnership conveyances; amending s. 206.44, F.S.; providing a date certain from which to calculate interest on delinquent tax; amending s. 206.45, F.S.; requiring the Department of Revenue maintain a certain balance in the Gas Tax Collection Trust Fund; amending s. 213.06, F.S.; authorizing certain emergency rules on behalf of the Department of Revenue under certain circumstances; amending ss. 211.33, 213.21, 220.34, F.S.; authorizing the Department of Revenue to settle or compromise certain tax penalties; amending s. 213.22, F.S.; authorizing the Department of Revenue to collect certain fees; amending s. 215.26, F.S.; authorizing the denial of certain tax refunds; amending ss. 159.15, 159.31, 159.50, 150.621, 159.708, F.S.; exempting certain security instruments from all taxation; declaring certain governmental obligations to be legal investments for certain public funds; amending s. 214.23, F.S.; providing procedures for issuing notice to certain taxpayers; amending s. 324.26, F.S.; limiting the liability of the Department of Revenue under certain circumstances; amending s. 197.502, F.S.; providing for certain lands to escheat to a county under certain circumstances; amending s. 206.27, F.S.; providing for confidentiality of certain audits or records of the Department of Revenue; amending s. 213.53, F.S.; providing for confidentiality of letters of technical advice; amending s. 213.24, F.S.; providing for thresholds for billings of deficiencies of tax, penalties, and interest; requiring the Inspector General of the department to conduct certain annual studies; amending ss. 206.404, 206.877, 212.67, 336.021, 336.026, 72.041, 206.47, 206.41, 206.60, 206.605, 206.59, 212.66, 336.025, F.S.; requiring monthly reports and remittances; providing penalties; removing an exemption for certain vehicles powered by alternative fuels; providing for partial payment of certain fees; correcting and clarifying cross references; revising provisions relating to levy and collection of various local option fuel taxes; providing for enforcement of out-of-state tax liabilities; revising distribution formula for constitutional gas tax; specifying applicability of constitutional gas tax, county tax on motor fuels, and municipal tax on motor fuels; providing for investigations and audits; providing for taxation of fuel that is unaccounted for; specifying liability for differences between taxes collected and taxes paid; providing transitional provisions; specifying applicability; amending s. 212.67, F.S.; removes certain minimum gallonage criteria for purposes of refunds; amending s. 213.27, F.S.; authorizing the Department of Revenue to contract with certain agencies for activities related to mail-order businesses; providing a limitation; amending s. 199.143, F.S.; excluding from the intangible tax future borrowing on certain lines of credit; amending s. 206.9825, F.S.; exempting aviation fuel from certain local option motor fuel or special fuel taxes; providing for application of certain sections; providing an effective date.

Allen Morris, Clerk

House Amendment 1A to House Substitute Amendment 1—On page 48, lines 14-15, strike all of said lines and insert:

Section 53. Paragraph (a) of subsection (2), paragraphs (a) and (c) of subsection (3), paragraph (h) of subsection (6), subsection (9), and subsection (12) of section 212.02, Florida Statutes, as amended by section 1 of chapter 85-310, Laws of Florida, are amended, and paragraph (i) is added to subsection (6) of said section to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(2) "Sale" means and includes:

(a) Any transfer of title or possession, or both, exchange, barter, *license*, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

(3)(a) "Retail sale" or a "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property and includes all such transactions that may be made in lieu of retail sales or sales at retail. ~~A resale must be in strict compliance with the rules and regulations, and any dealer making a sale for resale which is not in strict compliance with the rules and regulations shall himself be liable for and pay the tax. A dealer may, through the informal protest provided for in s. 213.21 and the rules of the Department of Revenue, provide the department with evidence of the exempt status of a sale. The department shall adopt rules to implement this act which shall provide that valid resale certificates and consumer certificates of exemption executed by those dealers or exempt entities which were registered with the department at the time of sales shall be accepted by the department when submitted during the protest period but shall not be accepted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72.~~

(c) ~~The terms~~ "Retail sales," "sale at retail," "use," "storage," and "consumption" do not include materials, containers, labels, sacks, or bags intended to be used one time only for packaging tangible personal property for sale and do not include the sale, use, storage, or consumption of industrial materials, *including chemicals and fuels except as provided herein*, for future processing, manufacture, or conversion into articles of tangible personal property for resale when such industrial materials, *including chemicals and fuels except as provided herein*, become a component or ingredient of the finished product. However, said terms include the sale, use, storage, or consumption of tangible personal property, including *machinery and equipment or parts thereof, purchased electricity, and fuels used to power machinery, when said items are* ~~fuels,~~ used and dissipated in fabricating, converting, or processing tangible personal property for sale, *even though they may become ingredients or components of the tangible personal property for sale through accident, wear, tear, erosion, corrosion or similar means.*

(6) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(h) "Real property" means any interest in the surface of real property unless the property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium *when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units* ~~to the extent provided in s. 212.031(1)~~. *However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.*

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8. Property used at a port authority as defined in s. 315.02(2) exclusively for the purpose of ocean going vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels.

(i) "License," as used in this chapter with reference to the use of real property, means the granting of a privilege to use or occupy a building or a parcel of real property for any purpose.

(9) "Business" means any activity engaged in by any person, or caused to be engaged in by him, with the object of private or public gain, benefit, or advantage, either direct or indirect. Except for the sales of any aircraft, boat, mobile home, or motor vehicle, the term "business" shall not be construed in this chapter to include occasional or isolated sales or transactions involving tangible personal property by a person who does not hold himself out as engaged in business, but includes other charges for the sale or rental of tangible personal property, sales of or charges of admission, communication services, all rentals and leases of living quarters, other than low-rent housing operated under chapter 421, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, and all rentals of *or licenses in* real property, other than low-rent housing operated under chapter 421, all leases or rentals of *or licenses in* parking lots or garages for motor vehicles, docking or storage spaces for boats in boat docks or marinas as defined in this chapter and made subject to a tax imposed by this chapter. Any tax on such sales, charges, rentals, admissions, or other transactions made subject to the tax imposed by this chapter shall be collected by the state, county, municipality, any political subdivision, agency, bureau, or department, or other state or local governmental instrumentality in the same manner as other dealers, unless specifically exempted by this chapter.

(12) "Tangible personal property" means and includes personal property which may be seen, weighed, measured, or touched or is in any manner perceptible to the senses, including electric power or energy, boats, motor vehicles and mobile homes as defined in s. 320.01(1) and (2), aircraft as defined in *s. 330.27* ~~s. 330.01~~, and all other types of vehicles. The term "tangible personal property" does not include stocks, bonds, notes, insurance, or other obligations or securities; intangibles as defined by the intangible tax law of the state; or pari-mutuel tickets sold or issued under the racing laws of the state.

Section 54. Subsections (1), (2), and (9) of section 212.07, Florida Statutes, are amended to read:

212.07 Sales, storage, use tax; tax added to purchase price; dealer not to absorb; liability of purchasers who cannot prove payment of the tax; penalties; general exemptions.—

(1)*(a)* The privilege tax herein levied measured by retail sales shall be collected by the dealers from the purchaser or consumer.

(b) A resale must be in strict compliance with the rules and regulations, and any dealer who makes a sale for resale which is not in strict compliance with the rules and regulations shall himself be liable for and pay the tax. A dealer may, through the informal protest provided for in s. 213.21 and the rules of the Department of Revenue, provide the department with evidence of the exempt status of a sale. The Department of Revenue shall adopt rules which shall provide that valid resale certificates and consumer certificates of exemption executed by those dealers or exempt entities which were registered with the department at the time of sale shall be accepted by the department when submitted during the protest period but may not be accepted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72.

(2) A dealer shall, as far as practicable, add the amount of the tax imposed under this chapter to the sale price, and the amount of the tax shall be separately stated as Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale; and such tax shall constitute a part of such price, charge, or proof of sale which shall be a debt from the purchaser or consumer to the dealer, until paid, and shall be recoverable at law in the same manner as other debts. *Where it is impracticable, due to the nature of the business practices within an industry, to separately state Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, the department may establish an effective tax rate for such industry. The department may also amend this effective tax rate as the industry's pricing or practices change.* Any dealer who neglects, fails, or refuses to collect the tax herein provided upon any, every, and all retail sales made by him or his agents or employees of tangible personal property which is subject to the tax imposed by this chapter shall be liable for and pay the tax himself.

(9) Any person who has purchased at retail, used, consumed, distributed, or stored for use or consumption in this state tangible personal property, admissions, communication services, or leased tangible personal property, or who has leased, *occupied, or used or was entitled to use* any ~~commercial offices or buildings,~~ real property, space or spaces in parking lots or garages for motor vehicles or docking or storage space, or spaces for boats in boat docks or marinas and cannot prove that the tax levied by this chapter has been paid to his vendor, ~~or~~ lessor, *or other person* is directly liable to the state for any tax, interest, or penalty due on any such taxable transactions.

Section 55. Section 212.031, Florida Statutes, as amended by section 2 of chapter 85-310, Laws of Florida, is amended to read:

212.031 Lease or rental of *or license in* real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, ~~or~~ letting, *or granting a license for the use of* any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8. Property used at a port authority as defined in s. 315.02(2) exclusively for the purpose of ocean going vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels.

(b) When a lease involves multiple use of real property wherein a part of the real property is subject to the ~~commercial rental~~ tax herein, and a part of the property would be excluded from the tax under subparagraphs 1., 2., or 3. of paragraph (a), the department shall determine, from the lease *or license* and such other information as may be available, that portion of the total rental charge which is exempt from the tax imposed by this section.

(c) For the exercise of such privilege, a tax is levied in an amount equal to 5 percent of and on the total rent *or license fee* charged for such real property by the person charging or collecting the rental *or license fee.*

(d) When the rental *or license fee* of any such real property is paid by way of property, goods, wares, merchandise, services, or other thing of value, the tax shall be at the rate of 5 percent of the value of the property, goods, wares, merchandise, services, or other thing of value.

(2)(a) The tenant *or person* actually occupying, using, or entitled to the use of any property the rental *or license fee* from which is subject to taxation under this section shall pay the tax to his immediate landlord or other person granting the right to such tenant *or person* to occupy or use such real property.

(b) It is the further intent of this Legislature that only one tax be collected on the rental *or license fee* payable for the occupancy or use of any such property and that the tax so collected shall not be pyramided by a progression of transactions and further that the amount of the tax due the state shall not be decreased by any such progression of transactions.

(3) The tax imposed by this section shall be in addition to the total amount of the rental *or license fee* and shall be charged by the lessor or person receiving the rent *or payment* in and by a rental *or license fee* arrangement with the lessee or person paying the rental *or license fee* and shall be due and payable at the time of the receipt of such rental *or license fee* payment by the lessor or other person who receives the rental or payment. The owner, lessor, or person receiving the rent *or license fee* shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage any leases or operate real property, hotels, apartment houses, roominghouses, or tourist and trailer camps and all persons who collect or receive rents *or license fees* taxable under this chapter on behalf of owners or lessors.

(4) The tax imposed by this section shall constitute a lien on the property of the lessee *or licensee* of any real estate in the same manner as, and shall be collectible as are, liens authorized and imposed by ss. 713.68 and 713.69.

(5) No money paid to a merchants' association by a lessee *or licensee* shall be considered rent for the purposes of this section, whether or not the payment of the money to the association is a condition of the lease *or license*. As used in this subsection, "merchants' association" means a corporation not for profit organized and existing for the sole and exclusive purpose of promoting the businesses of a group of merchants.

(6) When space is subleased to a convention or industry trade show in a convention hall, exhibition hall, or auditorium, whether publicly or privately owned, the sponsor who holds the prime lease is subject to tax on the prime lease and the sublease is exempt.

(7) The lease or rental of land or a hall or other facilities by a fair association subject to the provisions of chapter 616 to a show promoter or prime operator of a carnival or midway attraction is exempt from the tax imposed by this section; however, the sublease of land or a hall or other facilities by the show promoter or prime operator is not exempt from the provisions of this section.

(8) The lease, sublease, or rental of space by a movie theater owner or operator to a person providing food and drink concessionaire services within the premises of such theater is exempt from the tax imposed by this section.

Section 56. Section 212.0505, Florida Statutes, is created to read:

212.0505 Taxation of unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances.—

(1) Every person is exercising a taxable privilege who engages in this state in the unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, or storage of any medicinal drug, as defined in chapter 465, cannabis, as defined in s. 893.02, or controlled substance enumerated in s. 893.03. For the exercise of such privilege, a tax is levied on each taxable transaction or incident, including each occasional or isolated unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, or storage, at the rate of 20 percent of the estimated retail price of the medicinal drug, cannabis, or controlled substance involved in the transaction or incident.

(2) The sale, use, consumption, distribution, manufacture, derivation, production, transportation, or storage of any medicinal drug, as defined in chapter 465, cannabis, as defined in s. 893.02, or controlled substance enumerated in s. 893.03 by a federal, state, or local government officer or employee, or his agent, acting in his official capacity is exempt from the tax imposed by this section.

(3) The taxes imposed under this section are subject to the same interest and penalties and the same procedures for collection and enforcement as other taxes imposed under this part, except that a dealer's credit under s. 212.12(1) is not allowed. The department may adopt rules for administering the taxes imposed by this section.

(4) Neither this section nor the assessment or collection of taxes under this section shall be construed as making lawful the transaction or incident which is the subject of the tax.

(5) Any assessment made pursuant to this section shall be deemed prima facie correct in any judicial or administrative proceeding in this state. The suppression of evidence on any ground by a court in a criminal case involving a transaction or incident taxable under this section or the dismissal of criminal charges in such a case shall not affect any assessment made under this section.

(6) The department shall notify the state attorney of the appropriate circuit of an assessment made under this section. The department or executive director may settle or compromise any tax, penalty, or interest imposed under this section only when requested by the state attorney, in writing, to do so and only when the department or executive director finds that it is in the best interest of the state to do so. A request by the state attorney under this subsection shall specify the reasons for the request. The request and all information and documents furnished by the state attorney in support of such request are confidential and exempt from the provisions of chapter 119 and are subject to the provisions of s. 213.053.

Section 57. Subsections (3) and (4) of section 212.054, Florida Statutes, are amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(a) The dealer is located in the county and the sale includes tangible personal property, except as provided in paragraph (c);

(b) The event for which an admission is charged is located in the county;

(c) The consumer of utility or wired television services is located in the county, or the telecommunication services are provided to a location within the county;

(d) The user of any aircraft, boat, motor vehicle, or mobile home of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government imported into the county for use, consumption, distribution, or storage to be used or consumed in the county is located in the county; however, it shall be presumed that such items used outside the county for 6 months or longer before being imported into the county were not purchased for use in the county. The provisions of this paragraph shall not apply to the use or consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county;

(e) The real property which is leased or rented is located in the county;

(f) The transient rental transaction occurs in the county; ~~or~~

(g) The delivery of any aircraft, boat, motor vehicle, or mobile home of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is to a location in the county; however, the provisions of this paragraph shall not apply to the use or consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county; *or*~~.~~

(h) The dealer owing a use tax on purchases or leases is located in the county.

(4) The department shall administer, collect, and enforce the tax authorized under s. 212.055 pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under the provisions of this chapter, except as provided in this section. The provisions of this chapter regarding interest and penalties on delinquent taxes shall apply to the surtax. Discretionary sales surtaxes shall not be included in the computation of estimated taxes pursuant to s. 212.11(1)(a)~~, and the provisions of s. 212.07(1), (2), and (4) shall not apply~~. *Notwithstanding any other provision of law, a dealer need not separately state the amount of the surtax on the charge ticket, sales slip, invoice, or other tangible evidence of sale.* For the purposes of this section and s. 212.055, the "proceeds" of any surtax shall be construed to mean all funds collected and received by the department pursuant to a specific authorization and levy under s. 212.055, including any interest and penalties on delinquent surtaxes. Notwithstanding the provisions of s. 212.20, the proceeds of each discretionary sales surtax imposed by each county, less the costs of administration, shall be transferred to a discretionary sales surtax trust fund. A separate trust fund shall be established in the State Treasury for each county imposing a discretionary surtax. The amount deducted for the costs of administration shall not exceed 3 percent of the total revenue generated for all counties levying a surtax authorized in s. 212.055. The amount deducted for the costs of administration shall be used only for those costs which are solely and directly attributable to the surtax. The total cost of administration shall be prorated among those counties levying the surtax on the basis of the amount collected for a particular county to the total amount collected for all counties. No later than March 1 of each year, the department shall submit a written report which details the expenses and amounts deducted for the costs of administration to the President of the Senate, the Speaker of the House of Representatives, and the governing authority of each county levying a surtax. Proceeds shall be distributed monthly to the appropriate counties, unless otherwise provided in s. 212.055.

Section 58. *Notwithstanding any other provision of law, any transportation authority created by chapter 349, Florida Statutes, shall have all the powers conferred by part VI of chapter 163, Florida Statutes, and s. 212.055(1). The revenues provided by this section shall be used to pay principal and interest on bonds for which tolls have been pledged, the powers provided by this section shall expire when all such bonds in existence on the effective date of this act have been retired.*

Section 59. Effective January 1, 1987, section 212.0305, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 212.0305, F.S., for present text.)

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(1) TITLE.—This section may be cited as the "Convention Development Tax Act."

(2) LEGISLATIVE INTENT.—No convention development tax on transient rentals shall be imposed by the governing body of any county unless specifically authorized herein. Any tax authorized pursuant to this section shall be administered and collected exclusively as provided herein and may consist of one or more component levies as enumerated in subsection (4). It is the legislative intent that any authorization for imposition of a convention development tax shall be published in the Florida Statutes as a paragraph of subsection (4), irrespective of the duration of the levy. Each enactment shall specify the types of local governments authorized to levy; the rate or rates which may be imposed; the maximum length of time the tax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide.

(3) APPLICATION; ADMINISTRATION; PENALTIES.—

(a) The convention development tax on transient rentals imposed by the governing body of any county authorized to so levy shall apply to the amount of any payment made by any person to rent, lease, or use for a period of 6 months or less any living quarters or accommodations in a hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, tourist or trailer camp, mobile home park, recreational vehicle park or condominium. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary consideration. Any payment made by a person to rent, lease, or use any living quarters or accommodations which are exempt from the tax imposed under s. 212.03 shall likewise be exempt from any tax imposed under this section.

(b) The tax shall be charged by the person receiving the consideration for the lease or rental, and the tax shall be collected from the lessee, tenant, or customer at the time of payment of the consideration for such lease or rental.

(c) The person receiving the consideration for such rental or lease shall receive, account for, and remit the tax to the department at the time and in the manner provided for persons who collect and remit taxes under s. 212.03. The same duties and privileges imposed by this part upon dealers in tangible property respecting the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and compliance with the rules of the department in the administration of this part apply to and are binding upon all persons who are subject to the provisions of this section. However, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed $25.

(d) The department shall keep records showing the amount of taxes collected, which records shall disclose the taxes collected from each county in which a local government resort tax is levied. These records shall be open for inspection during the regular office hours of the department, subject to the provisions of s. 213.053.

(e) The collections received by the department from the tax, less costs of administration, shall be paid and returned monthly to the county which imposed the tax, for use by the county as provided in this section. Such receipts shall be placed in a specific trust fund or funds created by the county.

(f) The department shall promulgate such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The department is authorized to establish audit procedures and to assess for delinquent taxes.

(g) The department, under applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(h) The estimated tax provisions contained in s. 212.11(1) do not apply to the administration of any tax levied under this section.

(i) Any person taxable under this section who, either by himself or through his agents or employees, fails or refuses to charge and collect the taxes herein provided from the person paying any rental or lease is, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(j) No person shall advertise or hold out to the public in any manner, directly or indirectly, that he will absorb all or any part of the tax; that he will relieve the person paying the rental of the payment of all or any part of the tax; or that the tax will not be added to the rental or lease consideration or, if added, that the tax or any part thereof will be refunded or refused, either directly or indirectly, by any method whatsoever. Any person who willfully violates any provision of this paragraph is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k) The tax shall constitute a lien on the property of the lessee, customer, or tenant in the same manner as, and shall be collectible as are, liens authorized and imposed by ss. 713.67, 713.68, and 713.69.

(l) Any tax levied pursuant to this section shall be in addition to any other tax imposed pursuant to this part and in addition to all other taxes and fees and the consideration for the rental or lease.

(m) The Department shall administer the taxes levied herein as increases in the rate of the tax authorized in s. 125.0104. The Department shall collect and enforce the provisions of this section and s. 125.0104 in conjunction with each other in those counties authorized to levy the taxes authorized herein. The Department shall distribute the proceeds received from the taxes levied pursuant to this section and s. 125.0104 in proportion to the rates of the taxes authorized to the appropriate trust funds as provided by law. In the event of underpayment of the total amount due by a taxpayer pursuant to this section and s. 125.0104, the department shall distribute the amount received in proportion to the rates of the taxes authorized to the appropriate trust funds as provided by law and the penalties and interest due on both of said taxes shall be applicable.

(4) Authorization to levy; use of proceeds; other requirements.

(a) Consolidated government levy for convention development.—

1. Each county which operates under a government consolidated with that of one or more municipalities in the county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 2 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. The proceeds of this levy shall be known as the consolidated county convention development tax.

2. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month which is at least 60 days after enactment of the ordinance.

3. All consolidated county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. To extend, enlarge, and improve existing publicly owned convention centers in the county;

b. To construct a multipurpose convention/coliseum/exhibition center or the maximum components thereof as funds permit in the county; and

c. To acquire, construct, extend, enlarge, remodel, repair, improve, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums.

4. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

a. As collateral, pledged or hypothecated, for projects authorized by this paragraph, including bonds issued in connection therewith; or

b. As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between the county and one or more business entities for projects authorized by this paragraph.

5.a. The county may designate or appoint an authority to administer and disburse such proceeds and any other related source of revenue. However, the annual budget of such authority shall be subject to approval of the governing body of the county.

b. Except as otherwise provided by law, one-half of the proceeds of the tax which is collected within a municipality the government of which is not consolidated with that of the county shall, at the request of the governing body of the municipality be remitted to the municipality. The revenue remitted to a municipality pursuant to this sub-subparagraph may be used by the municipality only for the purposes and in the manner authorized in this paragraph, but the municipality may enter into an interlocal agreement with the county or any other municipality in the county to use such revenue to jointly finance any project authorized by this paragraph. The provisions of this sub-subparagraph do not apply to the distribution to the county of any convention development tax revenues necessary to repay the principal of or the interest on any bonds issued pursuant to sub-subparagraph 4.a. before May 29, 1984.

6. The consolidated county convention development tax shall be in addition to any other levy imposed pursuant to this section.

7. Revenues collected and returned to the county shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a. or sub-subparagraph b., the tax revenues and interest accrued may be used to acquire, construct, extend, enlarge, remodel, repair, improve, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums.

d. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated, for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4. Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a. or sub-subparagraph 2.b. The governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue. The members of each such authority shall be selected from the tourism and hospitality industry that does business within such municipality and shall serve at the pleasure of the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

(c) Special district levy for convention development.—

1. Each county which was chartered under Art. VIII of the Florida Constitution and which on January 1, 1984, levied a tourist advertising ad valorem tax within a special taxing district in that county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy within the boundaries of such special taxing district on the exercise of the taxable privilege of leasing or letting transient rental accommoda-

tions described in subsection (3) at a rate of 1 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. The proceeds of this levy shall be known as the special district convention development tax.

2. The county shall designate or appoint an authority to administer and disburse the proceeds of such levy and any revenue related to the levy authorized by this paragraph. The members of such authority shall be selected from persons involved in the tourism and lodging industries doing business within such special district. Not less than a majority of the members shall be selected from persons doing business in the lodging industry. Members shall serve at the pleasure of the governing body of such county and shall serve without compensation. The annual budget of such authority shall be subject to approval of the governing body of the county. The authority shall consist of 11 members, who shall annually select a chairman from among their members.

3. The county shall have no power to levy and impose the tourist advertising ad valorem tax in such district on or after January 1 of the year following the date of the adoption of the levy authorized in this paragraph. All special district convention development moneys, including any interest accrued thereon, received by a county imposing the special district convention development levy shall be used for the following purposes only:

a. To promote and advertise tourism;

b. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus.

4. The special district convention development tax shall be in addition to any other levy imposed pursuant to this section.

5. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

6. Revenues collected and returned to the county shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

Section 60. (1) Effective January 1, 1987, section 212.057, Florida Statutes, as amended by chapter 84-67, Laws of Florida, section 5 of chapter 84-67, Laws of Florida, section 8 of chapter 84-324, Laws of Florida, and section 2 of chapter 84-373, Laws of Florida, are hereby repealed.

(2) It is the legislative intent that the amendment of s. 212.0305, Florida Statutes, by this act be construed as a reenactment, recodification, and consolidation in said section of the provisions repealed in subsection (1). No county imposing a tax under any of the provisions amended or repealed by this act shall be required to amend or reenact its original ordinance imposing the tax. All provisions of the ordinance shall remain in effect as though adopted pursuant to s. 212.0305, Florida Statutes, as amended herein.

Section 61. Section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; ~~s. 125.0165, discretionary sales tax;~~ chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 207, tax on operation of commercial motor vehicles; chapter 208, tax on generation of hazardous wastes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 214, administration of designated nonproperty taxes; chapter 220, income tax code; s. 376.11, pollutant spill prevention and control; and ss. 624.509-624.514, insurance code; administration and general provisions.

Section 62. Paragraph (j) of subsection (2) and subsection (10) of section 212.06, Florida Statutes, are amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(2)

(j) The term "dealer" is further defined to mean *any person who leases, or grants a license to use, occupy, or enter upon, living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, real property, space or spaces in parking lots or garages for motor vehicles, or docking or storage space or spaces for boats in boat docks or marinas, or tie down or storage space or spaces for aircraft at airports. The term "dealer" also means* any person who has leased, *occupied, or used or was entitled to use any* living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, real property, space or spaces in parking lots or garages for motor vehicles or docking or storage space or spaces for boats in boat docks or marinas, or who has purchased communication services or electric power or energy, and who cannot prove that the tax levied by this chapter has been paid to the vendor or lessor on any such transactions.

(10) No title certificate may be issued on any boat, *mobile home, motor vehicle,* or *other* ~~any~~ vehicle, or, if no title is required by law, no license or registration may be issued for any boat, *mobile home, motor vehicle,* or *other* vehicle, unless there is filed with such application for title certificate or license or registration certificate a receipt issued by an authorized dealer or a designated agent of the Department of Revenue, evidencing the payment of the tax imposed by this chapter where the same is payable. For the purpose of enforcing this provision, all county tax collectors and all persons or firms authorized to sell or issue boat, *mobile home,* and *motor* vehicle licenses are hereby designated agents of the department and are required to perform such duty in the same manner and under the same conditions prescribed for their other duties by the constitution or any statute of this state. All transfers of title to boats, *mobile homes,* motor vehicles, and ~~all~~ other vehicles are ~~presumed to be~~ taxable transactions, *unless expressly exempt under this chapter* ~~until otherwise shown~~.

Section 63. Subsection (2) and paragraphs (a) and (m) of subsection (7) of section 212.08, Florida Statutes, are amended, and paragraph (v) is added to subsection (7), to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(2) EXEMPTIONS; MEDICAL.—

(a) There shall be exempt from the tax imposed by this chapter any product, supply, or medicine dispensed in a retail establishment by a pharmacist licensed by the state, according to an individual prescription or prescriptions written by a *prescriber authorized by law to prescribe medicinal drugs* ~~practitioner of the healing arts licensed by the state~~; hypodermic needles; hypodermic syringes; chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury; and common household remedies recommended and generally sold for internal or external use, in the cure, mitigation, treatment, or prevention of illness or disease in human beings, but not including cosmetics or toilet articles, notwithstanding the presence of medicinal ingredients therein, according to a list prescribed and approved by the Department of Health and Rehabilitative Services, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue. There shall also be exempt from the tax imposed by this chapter artificial eyes and limbs; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing aids; crutches; prosthetic and orthopedic appliances; feminine hygiene products, including, but not limited to, sanitary panties, sanitary belts, sanitary napkins, and tampons; and funerals. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(b) For the purposes of this subsection:

1. "Prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body, to alleviate the malfunction of any part of the body, or to assist any disabled person in leading a normal life by facilitat-

ing such person's mobility. Such apparatus, instrument, device, or equipment shall be exempted according to an individual prescription or prescriptions written by a *prescriber authorized by law to prescribe medicinal drugs* ~~practitioner of the healing arts who is licensed by the state~~ or according to a list prescribed and approved by the Department of Health and Rehabilitative Services, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue.

2. "Cosmetics" means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance and articles intended for use as a compound of any such articles, including, but not limited to, cold creams, suntan lotions, makeup, and body lotions.

3. "Toilet articles" means any article advertised or held out for sale for grooming purposes and those articles which are customarily used for grooming purposes, regardless of the name by which they may be known, including, but not limited to, soap, toothpaste, hair spray, shaving products, colognes, perfumes, shampoo, deodorant, and mouthwash.

(c) This subsection shall be strictly construed and enforced.

(7) MISCELLANEOUS EXEMPTIONS.—

(a) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by part I of this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, *synagogues,* and established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. *The term "religious institution" also includes state, district or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members within the state or district organization.*

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

I. Medical aid for the relief of disease, injury, or disability;

II. Regular provision of physical necessities such as food, clothing, or shelter;

III. Services for the prevention of, or rehabilitation of persons from, alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

IV. Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

V. Medical research for the relief of disease, injury, or disability;

VI. Legal services; or

VII. Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer manpower to organizations designated as charitable institutions hereunder.

c. "Scientific organizations" means scientific organizations in this state which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality in this state or the purpose of which is to protect wildlife in this state and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and ~~Secondary~~ Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc. or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association or the American Dental Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities located in this state. The term "educational institutions" includes any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. *The term "educational institution" also includes state, district or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members within the state or district organization.*

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., and Jewish War Veterans of the U.S.A. and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

(m) Boiler fuels.—*When purchased for use as a combustible fuel,* purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material ~~for use as a fuel~~, coal, *sulfur,* ~~or~~ wood, wood residues~~,~~ or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter*; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein.* This exemption does not apply *to the use of boiler fuels that are not used in manufacturing, processing, compounding or producing items of tangible personal property for sale, or* to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation.

(v) Also exempt are sales to nonprofit corporations which hold current exemptions from federal corporate income tax pursuant to s. 501(c)(3), U.S. Internal Revenue Code, 1954, as amended, and whose primary purpose is to raise money for military museums.

Section 64. Notwithstanding the provisions of section 37 of chapter 85-120, Laws of Florida, no provision of s. 212.11, Florida Statutes, as amended by chapter 85-120, Laws of Florida, shall expire on July 1, 1986, but said section, as amended by chapter 85-120, Laws of Florida, is hereby revived and readopted.

Section 65. Subsection (1), paragraphs (a), (b) and (c) of subsection (6), and subsections (8), (9), and (13) of section 212.12, Florida Statutes, are amended to read:

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

(1) For the purpose of compensating *persons granting licenses for and* the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property *for the purpose of compensating dealers providing communication services*, and for the purpose of compensating owners of places where admissions are collected, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, *person*, lessor, dealer, and owner shall be allowed 3 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; and the department shall allow such deduction of 3 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds $1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify.

(6)(a) The department is given the power to prescribe the records to be kept by all persons subject to taxes imposed by this chapter; and it shall be the duty of every person required to make a report and pay any tax under this chapter, every person receiving rentals *or license fees*, and owners of places of admission, to keep and preserve suitable records of the sales, leases, rentals, *license fees*, admissions, or purchases, as the case may be, taxable under this chapter; such other books of account as may be necessary to determine the amount of the tax due hereunder; and other information as may be required by the department. It shall be the duty of every such person so charged with such duty, moreover, to keep and preserve for a period of 3 years all invoices and other records of goods, wares and merchandise, records of admissions, leases, *license fees* and rentals and all other subjects of taxation under this chapter; and all such books, invoices, and other records shall be open to examination at all reasonable hours to the department or any of its duly authorized agents.

(b) For the purpose of this subsection, if a dealer does not have adequate records of his retail sales *or purchases*, the department may, upon the basis of a test or sampling of the dealer's available records or other information relating to the sales *or purchases* made by such dealer, for a representative period, determine the proportion that taxable retail sales bear to total retail sales *or the proportion that taxable purchases bear to total purchases*. This subsection does not affect the duty of the dealer to collect, or the liability of any consumer to pay, any tax imposed by or pursuant to this *part* ~~chapter~~.

(c) If the records of a dealer are adequate but voluminous in nature and substance, the department may statistically sample such records, *except for fixed assets*, and project the audit findings derived therefrom over the entire audit period to determine the proportion that taxable retail sales bear to total retail sales *or the proportion that taxable purchases bear to total purchases*. In order to conduct such a sample, the department must first make a good faith effort to reach an agreement with the dealer, which agreement provides for the means and methods to be used in the sampling process. In the event that no agreement is reached, the dealer is entitled to a review by the executive director.

(8) In the case of the lease or rental of tangible personal property, or other rentals *or license fees* as herein defined and taxed, if the consideration given or reported by the lessor, person receiving rental *or license fee* , or dealer does not, in the judgment of the department, represent the true or actual consideration, then the department is authorized to ascertain the same and assess and collect the tax thereon in the same manner as above provided, with respect to imported tangible property, together with interest, plus penalties, if such have accrued.

(9) Taxes imposed by this chapter upon the privilege of the use, consumption, storage for consumption, or sale of tangible personal property, admissions, *license fees*, ~~and~~ rentals, and communication services as herein taxed shall be collected upon the basis of an addition of the tax imposed by this chapter to the total price of such admissions, *license fees*, rentals, communication services, or sale price of such article or articles that are purchased, sold, or leased at any one time by or to a customer or buyer; and the dealer, or person charged herein, is required to pay a privilege tax in the amount of the tax imposed by this chapter on the total of his gross sales of tangible personal property, admissions, *license fees*, ~~and~~ rentals, *and* communication services, and such person or dealer shall add the tax imposed by this chapter to the price, *license fee*, rental, or admissions, and communication services and collect the total sum from the purchaser, admittee, *licensee*, lessee, or consumer. Notwithstanding the rate of taxes imposed upon the privilege of sales, admissions, *license fees*, rentals, and communication services, the following brackets shall be applicable to all transactions taxable at the rate of 5 percent:

(a) On single sales of less than 10 cents, no tax shall be added.

(b) On single sales in amounts from 10 cents to 20 cents, both inclusive, 1 cent shall be added for taxes.

(c) On sales in amounts from 21 cents to 40 cents, both inclusive, 2 cents shall be added for taxes.

(d) On sales in amounts from 41 cents to 60 cents, both inclusive, 3 cents shall be added for taxes.

(e) On sales in amounts from 61 cents to 80 cents, both inclusive, 4 cents shall be added for taxes.

(f) On sales in amounts from 81 cents to $1, both inclusive, 5 cents shall be added for taxes.

(g) On sales in amounts of more than $1, 5 percent shall be charged upon each dollar of price, plus the appropriate bracket charge upon any fractional part of a dollar.

(13) In order to aid the administration and enforcement of the provisions of this chapter with respect to the rentals *and license fees*, each lessor *or person granting the use* of any hotel, apartment house, roominghouse, tourist or trailer camp, *real property*, or any interest therein, or any portion thereof, inclusive of owners, property managers, lessors, landlords, hotel, apartment house, and roominghouse operators and all licensed real estate agents within the state leasing, *granting the use of* or renting such property, shall be required to keep a record of each and every such lease, *license* or rental transaction which is taxable under this chapter, in such a manner and upon such forms as the department may prescribe, and to report such transaction to the department or its designated agents, and to maintain such records for a period of not less than 3 years, subject to the inspection of the department and its agents; and, upon the failure by such owner, property manager, lessor, landlord, hotel, apartment house, roominghouse, tourist or trailer camp operator, or real estate agent to keep and maintain such records and to make such reports upon the forms and in the manner prescribed, such owner, property manager, lessor, landlord, hotel, apartment house, roominghouse, tourist or trailer camp operator, receiver of rent *or license fees*, or real estate agent is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for the first offense; and for subsequent offenses, they are each guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 66. Subsection (1) of section 212.14, Florida Statutes, is amended to read:

212.14 Departmental powers; hearings, subpoena; distress warrants; time for assessments.—

(1) Any person required to pay a tax imposed under this chapter, or to make a return, either or both, and who renders a return or makes a

payment of a tax with intent to deceive or defraud the state, and to prevent the state from collecting the amount of taxes imposed by this chapter, or otherwise fails to comply with the provisions of this chapter for the taxable period for which any return is made, or any tax is paid, or any report is made to the department, may be required by the department to show cause at a time and place to be set by the department, after 10 days' notice in writing requiring such books, records or papers as the department may require relating to the business of such person for such tax period, and the department may require such person, or persons, or their employee or employees to give testimony under oath and answer interrogatories by the department, or an assistant, respecting the sale, use, consumption, distribution or storage rental *or license for use* of real or personal property within the state, or admissions collected therein, or the failure to make a true report thereof, as provided by this chapter, or failure to pay the true amount of the tax required to be paid under this chapter. At said hearing, in the event such person fails to produce such books, records or papers, or to appear and answer questions within the scope and investigation relating to matters concerning taxes to be imposed under this chapter, or prevents or impedes his or her agents or employees from giving testimony, then the department is authorized under this chapter to estimate any unpaid deficiencies in taxes to be assessed against such person upon such information as may be available to it and to issue a distress warrant for the collection of such taxes, interest or penalties estimated by him to be due and payable, and such assessment shall be deemed prima facie correct. In such cases said warrant shall be issued to any sheriff in the state where such person owns or possesses any property and such property as may be required to satisfy any such taxes, interest or penalties shall be by such sheriff seized and sold under said distress warrant in the same manner as property is permitted to be seized and sold under distress warrants issued to secure the payments of delinquent taxes as hereinafter provided, and the department shall also have the right to writ of garnishment to subject any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels or effects of the delinquent dealer in the hands, possession or control of the third person in the manner provided by law. Respecting the place for the holding of a hearing, by the department or its agents, as provided in this section, the person whose tax return or report being investigated may by written request to the department require the hearing be set at a place within the judicial circuit of Florida wherein the person's business is located, or within the judicial circuit of Florida wherein such person's books and records are kept.

Section 67. Subsection (7) of section 212.17, Florida Statutes, is amended to read:

212.17 Credits for returned goods, rentals or admissions; additional powers of department.—

(7) The department, where admissions, *license fees,* or rental payments are made and thereafter returned to the payers, after the taxes thereon have been paid, shall return or credit the taxpayer for taxes so paid on the moneys returned in the same manner as is provided for returns or credits of taxes where purchases or tangible personal property are returnable to a dealer.

Section 68. Subsection (3) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; rules and regulations.—

(3) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent, or let *or grant licenses in* living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, ~~or~~ tourist or trailer camps, *or real property,* as defined in this chapter, and every person who sells or receives anything of value by way of admissions, shall file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership, or corporation may engage in such business; and it shall be accompanied by a registration fee of $5. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with any of the provisions of this chapter. The certificate shall not be assignable and shall be valid only for the person, firm, copartnership, or corporation to which issued; and such certificate shall be placed in a conspicuous place in the business or businesses for which it is issued and shall be so displayed at all times. No person shall engage in business as a dealer or in leasing, renting, or letting of *or granting licenses in* living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, ~~or~~ tourist or trailer camps, *or real property* as hereinbefore defined, nor shall any person sell or receive anything of value by way of admissions, without first having obtained such a certificate or after such certificate has been canceled; and no person shall receive any license from any authority within the state to engage in any such business without first having obtained such a certificate or after such certificate has been canceled. The engaging in the business of selling or leasing tangible personal property or as a dealer, as defined in this chapter, or the engaging in leasing, renting, or letting of *or granting licenses in* living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, ~~or~~ tourist or trailer camps, *or real property* as hereinbefore defined, or the engaging in the business of selling or receiving anything of value by way of admissions, without such certificate first being obtained or after such certificate has been canceled by the department is prohibited. The failure or refusal of any person, firm, copartnership, or corporation to so qualify when required hereunder is a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or subject to injunctive proceedings as provided by law.

Section 69. Paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 5 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall, by rule, adopt the NADA Official Used Car Guide as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (f) or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed, plus a ~~mandatory~~ penalty *equal to twice the amount of the additional tax owed* ~~of not less than $500 or an amount equal to 100 percent of the tax, whichever is greater~~. For purposes of this sub-subparagraph, an occasional or isolated sale is one in which the seller is not a motor vehicle dealer as defined in s. 320.27(1)(c).

2. This paragraph does not apply to the sale of a boat by or through a registered dealer under this chapter to a purchaser who removes such boat from this state within 10 days after the date of purchase or, when the boat is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat remain in this state more than 90 days after the date of purchase. This exemption shall not be allowed unless the seller:

a. Obtains from the purchaser within 90 days from the date of sale written proof that the purchaser licensed, registered, or documented the boat outside the state;

b. Requires the purchaser to sign an affidavit that he has read the provisions of this section; and

c. Makes the affidavit a part of his permanent record.

In the event the purchaser fails to remove the boat from this state within 10 days after purchase or, when the boat is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat to return to this state within 6 months from the date of departure, the purchaser shall be liable for use tax on the cost price of the boat and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department.

Section 70. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed after July 1, 1985 pursuant to s. 212.05(1)(a)1.b.

Section 71. Except as otherwise provided herein, this act shall take effect July 1, 1986, or upon becoming a law, whichever occurs later.

House Amendment 1B to House Substitute Amendment 2— In title, on page 6, line 22, insert: amending s. 212.02, F.S.; providing definitions; specifying conditions for taxing certain materials and property used to manufacture tangible personal property; amending s. 212.07, F.S.; providing criteria for "resale"; authorizing the Department of Revenue to establish effective tax rates for certain industries under certain circumstances; providing tax liability for certain taxable transactions; amending s. 212.031, F.S.; applying the sales tax to certain licenses in real property; providing exemptions; creating s. 212.0505, F.S.; providing for taxing of unlawful transactions involving certain drugs, cannabis, or controlled substances; providing exemptions; providing for administration; amending s. 212.054, F.S.; providing criteria for collecting, and indicating the amount of, certain surtaxes; granting the Jacksonville Transportation Authority additional powers; amending s. 212.0305, F.S.; relating to levy of a convention development tax by certain counties operating under a consolidated government; designating said section the "Convention Development Tax Act" and incorporating the provisions of said repealed sections therein; requiring that the levy of any convention development tax on transient rentals be authorized under said section; providing uniform application, administrative, collection, penalty, and lien provisions; redesignating said taxes as the charter county convention development tax, the special district convention development tax, and the consolidated county convention development tax, respectively; providing procedures and requirements for levy of such taxes and providing for use of the proceeds; providing legislative intent with respect to said repeals and recodification; amending s. 213.05, F.S.; deleting references to conform; amending s. 212.06, F.S.; providing a definition; applying certain title certificate restrictions to mobile homes and motor vehicles; amending s. 212.08, F.S.; requiring certain prescriptions to be written by certain persons; correcting a reference to a certain educational institution for tax-exemption purposes; limiting the exemption for boiler fuels; defining educational institutions and religious institutions; providing and exemption for nonprofit corporations which raise money for military museums; reviving and readopting s. 212.11, F.S., relating to tax returns and regulations; amending s. 212.12, F.S.; providing a tax collection credit for certain dealers; authorizing the Department of Revenue, under certain circumstances, to use certain sampling procedures in estimating sales taxes due; amending ss. 212.14 and 212.17, F.S.; including persons engaged in certain licensing activities and provisions relating to department powers regarding hearings and warrants and credits for returned goods; amending s. 212.18, F.S.; providing registration requirements for certain businesses; providing legislative intent; preserving certain ordinances; repealing s. 212.057, F.S., relating to levy of a convention development tax by certain home rule charter counties, and s. 5, chapter 84-67, Laws of Florida, s. 8, chapter 84-324, Laws of Florida, s. 2, chapter 84-373, Laws of Florida, relating to levy of a convention development tax by certain counties levying a tourist advertising ad valorem tax; amending s. 212.05, F.S., providing a penalty; providing an effective date.

House Amendment 2A to House Substitute Amendment 1— On page 1, line 1, insert:

Section 1. Subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) "Economic development agency" means the Division of Economic Development of the Department of Commerce, any industrial development authority created in accordance with part III of chapter 159 or by special law, *the public economic development agency which advises the county commission on the issuance of industrial revenue bonds of a county which does not have an industrial development authority created in accordance with part III chapter 159 or by special law* or any research and development authority created in accordance with part V of chapter 159.

(5) Any person who is an employee of an economic development agency who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. *Florida Equity Exchange.—*

(1) There may be created one or more Florida Equity Exchanges, with one or more offices each, upon a determination by the Comptroller that each such exchange has a reasonable promise of successful operation, will promote economic development, will produce net economic benefits in the state, and will not expose the public to undue risk of financial loss. This determination shall be based on the results of a feasibility study concerning the possible structure, operation, and regulation of each such exchange, to be carried out under the supervision of the Comptroller. The Secretary of Commerce shall provide the Comptroller any needed advice on economic development aspects of the feasibility study. Said feasibility study shall evaluate to what extent securities laws may limit the transferability of investments in which any exchange would deal; to what extent companies financed through securities in which the exchange would deal would prefer a stable group of investors; to what extent the particular investment objectives of potential participants in any exchange might be inconsistent with an exchange operation; and the possiblity that the frequency of investment opportunities of the type in which an exchange would deal would be too low to economically operate any exchange. The determination of the Comptroller shall constitute an "order" as defined in s. 120.52(10), Florida Statutes, and shall be subject to the provisions of chapter 120, Florida Statutes. Nothing in this section, however, shall be construed to require the expenditure of state funds for the purpose of conducting any such feasibility study. For the purposes of this section, the term "exchange" shall apply to any such Florida equity exchange proposed or created under this section.

(2) The purpose of the exchange shall be to provide a marketplace for the negotiation, arrangement, exchange, sale, purchase, brokerage, syndication, underwriting, and all activities incidental thereto, of investment opportunities, in an institutionalized, and, to the maximum extent possible, self-regulated fashion.

(3) Within 30 days following such determination, a committee shall be appointed to write the constitution and bylaws of the exchange. The Comptroller may provide technical assistance to the committee on the development of the constitution and bylaws of the exchange. The committee shall consist of 15 members, 11 members to be appointed by the Governor, 2 members to be appointed by the Speaker of the House of Representatives, and 2 members to be appointed by the President of the Senate. The chairman shall be elected by a majority of the committee. The committee shall transmit such proposed constitution, bylaws, and other recommendations for the approval of the Comptroller no later than 90 days following the first meeting of the committee. In reviewing the constitution and the bylaws of the exchange, as well as any other recommendations made to the Comptroller by the committee, the Comptroller shall consider whether such constitution, bylaws, and recommendations are reasonably consistent with the public interest and the efficient functioning of the exchange. The Comptroller shall approve the constitution and bylaws of the exchange if he finds that they specifically describe the types of business that the exchange will conduct, that such business activities are not inconsistent with state or federal law, that the form of business organization of the exchange complies with statutory requirements, and that the interest of owners or members of the exchange would be adequately protected. The submission of the proposed constitution and bylaws to the Comptroller shall be deemed an application for a license and shall be subject to the provisions of s. 120.60(4), Florida Statutes.

(4) The exchange shall have full authority to function 60 days after its constitution and bylaws are approved by the Comptroller. The initial Board of Governors of the exchange shall consist of the members of the

committee who shall serve until the first election pursuant to the constitution and bylaws. If the constitution and bylaws are disapproved by the Comptroller, the committee, in consultation with the Comptroller, shall have 60 days from the date of such disapproval within which to submit an acceptable constitution and bylaws.

(5) The constitution and bylaws of the exchange shall include provision that:

(a) There shall be no less than nine nor more than fifteen governors of the exchange, at least one-third of whom shall not be members of the exchange.

(b) The principal offices of each exchange and the principal offices of its members shall be located within this state for the purpose of conducting the type of business described in subsection (2). Any exchange may have such other offices around the state as it deems necessary from time to time, subject to a determination by the Comptroller that such additional offices will be necessary for the efficient operation of the exchange and will be in the public interest.

(c) All members and applicants for membership on the exchange shall submit all financial information reasonably required by the Comptroller.

(d) The exchange shall establish or participate in a security fund which shall be capitalized or underwritten in such form and amount as will reasonably protect persons transacting business through the exchange from any harm or loss occasioned by the insolvency of any member of the exchange. The formation of such security fund and the adequacy of the financial security provided thereby shall be subject to the approval of the Department of Banking and Finance based upon the types and amounts of transactions effected through the facilities of the exchange.

(e) Rules shall be adopted prescribing eligibility for membership and the voting power, duties, and rights to participate in the conduct and management of the affairs of the exchange by the members thereof, such rights and duties to include, without limitation, the manner and form of conducting business, financial stability requirements, dues, membership fees, resolution of dispute mechanisms, and all other matters necessary or appropriate to conduct any business permitted herein, provided, however, that such rules shall not impose any limit on the number of members of any such exchange. Any amendments to the constitution and bylaws shall be subject to the approval of the Comptroller.

(f) Elections to the Board of Governors of the exchange shall be held once every 2 years, with those persons receiving the greatest number of votes cast being elected thereto.

(6) If the exchange contemplated by this section is established, the Comptroller shall furnish the chairmen of the finance and taxation committees of the Legislature with copies of its constitution and bylaws. Upon receipt of the constitution and bylaws, the Legislature shall consider what tax policy and tax exemptions are needed to facilitate successful operation of the exchange.

(7) If the exchange contemplated by this section is finally established, the Comptroller shall forthwith adopt rules providing for the reimbursement by the exchange or any member thereof of the actual costs incurred by the Comptroller in connection with the regulation and supervision of the exchange. As used in this section, "actual costs" means all direct and indirect costs and expenses incurred by the Comptroller in connection with the exchange including, without limitation, general administrative costs, travel expenses, salaries, and other benefits given to persons involved in the regulation and supervision of the exchange. The Comptroller shall have the power to make any allocations that are deemed reasonable and necessary and may require the exchange or any members to pay interim assessments related to estimated final assessments.

(8) The Florida securities laws and rules shall apply to the exchange and to its members.

(9) The Comptroller may establish limitations on investments in members of the exchange by any person or company, consistent with the public interest and the efficient functioning of the exchange.

(Renumber subsequent sections.)

House Amendment 2B to House Substitute Amendment 2—In title, on page 1, line 3, after the semicolon insert: amending s. 288.075, F.S.; redefining the term "economic development agency"; providing a penalty; providing for the creation of one or more Florida Equity Exchanges for certain purposes, contingent upon a feasibility study; providing for a committee to write a constitution and bylaws for the exchange; providing requirements with respect to the self-regulation thereof; providing for a members' security fund; providing for legislative consideration of tax policy for the exchange; providing for the applicability of securities laws; providing for reimbursement of administrative costs; providing for limitations on investments in exchange members;

On motions by Senator Crawford, the Senate concurred in the House amendments as amended; and receded from Senate Amendment 1 to House Amendment 1 to House Substitute Amendment 1 and from Senate Amendment 2 to House Amendment 3 to House Substitute Amendment 2.

CS for SB 313 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Barron	Frank	Jennings	Peterson
Childers, D.	Gersten	Kirkpatrick	Plummer
Childers, W. D.	Girardeau	Kiser	Scott
Crawford	Grant	Langley	Stuart
Crenshaw	Hair	Malchon	Thomas
Dunn	Hill	Margolis	Vogt
Fox	Jenne	Myers	Weinstein

Nays—3

Beard	Gordon	Johnson

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 and requests the Senate to recede; has further amended, concurred in same as amended and passed HB 1088, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Nergard and others—

HB 1088—A bill to be entitled An act relating to St. Lucie County and the city of Port St. Lucie; providing definitions; granting authority to the Board of County Commissioners of St. Lucie and the city of Port St. Lucie to enact ordinances relating to animal control or cruelty; providing for certain minimum provisions in animal control or cruelty ordinances; creating "animal control officers" to issue citations; requiring the issuance of citations for violation of animal control or cruelty ordinances; providing authority for the Board of County Commissioners of St. Lucie County and the City of Port St. Lucie to enact animal control or cruelty ordinances not in conflict with state law; providing a penalty for the willful refusal to sign and accept a citation; providing an effective date.

Amendment 1—On pages 1-4, strike everything after the enacting clause and insert:

Section 1. St. Lucie County and the City of Port St. Lucie animal control or cruelty ordinances; penalty.—

(1) DEFINITIONS.—In this act:

(a) "Animal" means any living dumb creature.

(b) "Animal control officer" means any person employed or appointed by St. Lucie County or the city of Port St. Lucie who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this act. An animal control officer is not authorized to bear arms or make arrests.

(c) "Control" means the regulation of the possession, ownership, care, and custody of animals.

(d) "Cruelty" means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

(e) "Officer" means any law enforcement officer defined in s. 943.10, Florida Statutes, any veterinarian defined in s. 474.202, Florida Statutes, or any animal control officer.

(f) "Citation" means a written notice issued to a person by an officer that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance, and that the county court will hear the charge. The citation shall contain:

1. The date and time of issuance.

2. The name and address of the person.

3. The date and time the civil infraction was committed.

4. The facts constituting probable cause.

5. The ordinance violated.

6. The name and authority of the officer.

7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.

8. The applicable civil penalty if the person elects to contest the citation.

9. The applicable civil penalty if the person elects not to contest the citation.

10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, then he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(g) "Ordinance" means any ordinance enacted by the Board of County Commissioners of St. Lucie County or the governing body of the city of Port St. Lucie that is a civil infraction relating to the control of or cruelty to animals.

(2) The Board of County Commissioners of St. Lucie County and the governing authority of the city of Port St. Lucie are authorized to enact ordinances relating to animal control or cruelty, which ordinances shall provide:

(a) That a violation of such an ordinance is a civil infraction.

(b) A maximum civil penalty not to exceed $500.

(c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(d) For the issuance of a citation by an officer who has probable cause to believe that a person has committed an act in violation of an ordinance.

(e) For the contesting of a citation in the county court.

(f) Such procedures and provisions necessary to implement any ordinances enacted under the authority of this act.

(3) Any person who willfully refuses to sign and accept a citation issued by an officer is declared to be guilty of a criminal offense and misdemeanor within the meaning of s. 775.08, Florida Statutes, and shall be punishable as provided by law.

(4) Nothing contained in this act shall prevent the Board of County Commissioners of St. Lucie County or the governing authority of the city of Port St. Lucie from enacting any ordinance relating to animal control or cruelty which is identical to the provisions of chapter 828, Florida Statutes, or any other state law, except as to penalty. However, such ordinance relating to animal control or cruelty shall not conflict with the provisions of chapter 828, Florida Statutes, or any other state law.

Section 1. This act shall take effect July 1, 1986.

Amendment 2—In title, on page 1, strike lines 1-12, and insert: A bill to be entitled An act relating to St. Lucie County and the city of Port St. Lucie; providing definitions; granting authority to the Board of County Commissioners of St. Lucie County and the city of Port St. Lucie to enact ordinances relating to animal control or cruelty; providing for certain minimum provisions in animal control or cruelty ordinances; creating "animal control officers" to issue citations; requiring the issuance of citations for violation of animal control or cruelty ordinances; providing authority for the Board of County Commissioners of St. Lucie County and the city of Port St. Lucie to enact animal control or cruelty ordinances not in conflict with state law; providing a penalty for the willful refusal to sign and accept a citation; providing an effective date.

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

HB 1088 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Jenne	Neal
Barron	Fox	Jennings	Peterson
Beard	Gersten	Johnson	Plummer
Childers, D.	Girardeau	Kirkpatrick	Scott
Childers, W. D.	Gordon	Kiser	Stuart
Crawford	Grant	Malchon	Thomas
Crenshaw	Hair	Margolis	Vogt
Deratany	Hill	Myers	Weinstein

Nays—None

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1360 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representative Martin and others.—

HB 1360—A bill to be entitled An act relating to local government; authorizing each county and municipality to establish a Visions 2000 Committee; providing powers and duties of such committees; providing for grants to committees administered by the Department of State; providing for reports; providing an effective date.

On motion by Senator Kirkpatrick, by unanimous consent HB 1360 was taken up out of order. On motions by Senator Kirkpatrick, by two-thirds vote HB 1360 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—29

Mr. President	Frank	Kirkpatrick	Plummer
Barron	Gersten	Kiser	Scott
Beard	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Weinstein
Crawford	Hill	Myers	
Crenshaw	Jennings	Neal	
Dunn	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Vogt

RECONSIDERATION

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

HB 1088—A bill to be entitled An act relating to St. Lucie County and the city of Port St. Lucie; providing definitions; granting authority to the Board of County Commissioners of St. Lucie and the city of Port St. Lucie to enact ordinances relating to animal control or cruelty; providing for certain minimum provisions in animal control or cruelty ordinances; creating "animal control officers" to issue citations; requiring the issuance of citations for violation of animal control or cruelty ordinances; providing authority for the Board of County Commissioners of St. Lucie County and the City of Port St. Lucie to enact animal control or cruelty ordinances not in conflict with state law; providing a penalty for the willful refusal to sign and accept a citation; providing an effective date.

—passed.

On motions by Senator Myers, the Senate receded from Senate Amendment 1 and concurred in the House amendments.

HB 1088 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Vogt

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 39, SB 43, CS for SB 81, CS for SB's 101 and 288, CS for SB 115, CS for CS for CS for SB 122, SB 334, CS for SB 460, CS for SB 511, CS for CS for SB 730, SB 762, CS for SB's 854 and 1050, CS for SB 864, CS for SB 892, CS for SB 922, SB 1036, CS for CS for SB 1118, CS for SB 1149, CS for SB 1175, Senate Bills 1272, 1302, 1309, 1323, 1326, 1327, 1335, 1338; and has adopted SCR 943, SCR 944 and SCR 1333.

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 receded from House Amendments 1, 2, 3, 4, 5 and 6 and passed SB 575; has receded from House Amendments 1, 2, 3 and 4 and passed CS for SB 776.

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 concurred in Senate amendments to House amendments and passed SB 45 and CS for SB 626 as amended; has concurred in Senate amendments to House Amendments 1 and 2 and passed CS for SB 726 as amended; has concurred in Senate Amendment 1 to House Amendment 7 to House Amendment 1 and passed CS for CS for SB 978 as further amended; has concurred in Senate Amendments 1, 2, 3, and 4 to House Amendment 1; receded from House Amendments 2, 4, and 8 to House Amendment 1 and House Amendments 3 and 5 to House Amendment 2, and passed CS for SB 450 as further amended; and has receded from House Amendments 1, 2, 3, 4 and 5 and passed CS for SB's 415 and 418.

Allen Morris, Clerk

The bills contained in the foregoing message were 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 accepted the Conference Committee Report as an entirety and passed CS for CS for SB's 465, 349, 592, 698, 699, 700, 701, 702, 956, 977 and 1120 as amended by the Conference Committee Report.

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 concurred in Senate amendments and passed as amended HB 219, CS for HB 274, CS for HB 276, House Bills 357, 361, CS for HB 389, CS for HB 396, House Bills 547, 558, CS for HB 619, House Bills 696, 819, 996, 1003, 1028, 1061, 1062, CS for HB 1104, House Bills 1147, 1148, 1183, 1209, CS for HB 1240, House Bills 1293, 1331, 1342, 1373, 1383; has concurred in Senate Amendments 1 and 3 to CS for HB 1296, and passed as further amended.

Allen Morris, Clerk

EXECUTIVE BUSINESS

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1986 regular session of the Legislature:

Frances I. Carter, Board of Building Codes and Standards

R. Dewey Burnsed, Board of Trustees of Lake-Sumter Community College

Karen S. Matteson, Commission on Ethics

Vernon Townes Grizzard, Public Employees Relations Commission

Giovanna A. Welch, Board of Regents, Student Member

Jim Davis, State Retirement Commission

James P. Taft, Governing Board of the Southwest Florida Water Management District.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 5 was corrected and approved as follows:

Page 701, first roll call in column 1, strike "Crawford" and insert: Crenshaw

Page 702, column 1, strike lines 7 and 8 and insert: missioners; amending s. 388.141, F.S.; increasing the amount of salary which may be paid to district boards of commissioners; amending s. 388.201, F.S.; modifying the time

Page 702, column 2, and page 703, column 1, strike title of CS for SB 460 and insert:

CS for SB 460—A bill to be entitled An act relating to health insurance; creating the "Child Health Assurance Act"; creating ss. 627.6416, 627.6579, F.S.; requiring certain individual and group, blanket, or franchise health insurance policies and health care services plan contracts to provide coverage for child health supervision services; providing definitions; providing exceptions; amending s. 627.651, F.S.; requiring compliance by multiple-employer welfare arrangements; amending s. 627.6515, F.S.; providing a cross reference with respect to out-of-state groups; providing for review and repeal; providing an effective date.

Page 721, column 2, line 1, strike "consent HB 1352 was" and insert: consent—

HB 1352—A bill to be entitled An act relating to nursing; amending s. 464.002, F.S., clarifying purpose; amending s. 464.003, F.S., clarifying definitions; amending s. 464.004, F.S., providing for diverse membership on the Board of Nursing; amending s. 464.006, F.S., clarifying authority to make rules; amending s. 464.008, F.S., permitting examination for licensure upon completion of program requirements; amending s. 464.009, F.S., modifying requirements for licensure by endorsement; amending s. 464.012, F.S., clarifying provisions relating to certification of advanced registered nurse practitioners; amending s. 464.013, F.S., clarifying provisions relating to license or certificate renewal; amending s. 464.014, F.S., revising procedures for inactive status; revising requirements for license reactivation; providing for fees; providing for license expiration; amending s. 464.015, F.S., relating to titles and abbreviations with respect to professional nurses; amending s. 464.016, F.S., increasing the penalty for obtaining a license or certificate through misrepresentation; amending s. 464.018, F.S., revising procedures with respect to compelling a licensee to submit to a physical or mental examination; amending s. 464.0185, F.S., providing for impaired program; amending s. 464.022, F.S., expanding and clarifying exceptions to the act; repealing s. 464.007, F.S., relating to expenditures and disposition of fees; repealing s. 464.023, F.S., relating to saving clauses; saving chapter 464, F.S., from

Sunset repeal; providing for future review and repeal; providing an effective date.

—was

The Journal of June 4 was further corrected and approved as follows:

Page 622, column 2, from bottom, strike lines 8 and 9 and insert: missioners; amending s. 388.141, F.S.; increasing the amount of salary which may be paid to district boards of commissioners; amending s. 388.201, F.S.; modifying the time

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

Page 476, column 1, line 24, strike "SB" and insert: HB

The Journal of May 20 was further corrected and approved as follows:

Page 336, column 1, line 17, strike "878" and insert: 768

The Journal of May 14 was further corrected and approved as follows:

Page 270, column 1, from bottom, between lines 13 and 14 insert: SB 52 as amended passed and

VOTES RECORDED

Senator Crawford was recorded as voting yea on the following which were considered June 4: CS for SB's 1005 and 121, CS for HB 610, CS for SB 685, SB 950, CS for SB 809, CS for CS for SB 1090 and CS for SB 754.

Senator Crawford was recorded as voting yea on the following which were considered June 5: HM 13, SB 1036, CS for SB 460, SB 442, CS for SB 353, CS for SB 758, CS for SB 665, CS for SB 533, HB 1331, CS for HB 813, SB 396 and HB 679.

Senator Hair was recorded as voting yea on SR 1343, SCR 943, CS for CS for SB 1090 and CS for HB 389 which were considered June 4; and CS for SB 192, CS for SB 99, CS for SB 39, Senate Bills 1036, 925 and 966, CS for SB 460, SCR 944, CS for SB 369, CS for SB 758, CS for SB 665, CS for SB 533, CS for SB 626, CS for HB 396, House Bills 1239, 619, 987, 357, 738, 679 and 1039, HCR 471, CS for HB's 579 and 844, CS for CS for HB 320 and CS for CS for HB 175 which were considered June 5.

ADJOURNMENT

On motion by Senator Don Childers, the Senate adjourned sine die at 3:00 a.m., June 7.