Journal of the Senate

Number 23 **Friday, June 5, 1987**

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	

Excused: Periodically, members of the various conference committees

PRAYER

The following prayer was offered by Joe Brown, Secretary of the Senate:

We ask your blessings, O Lord, on this body. Amen.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Deratany, by two-thirds vote CS for SB 226 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Barron, the following bills were placed on the special order calendar for June 5: CS for SB 2, CS for SB 463, HB 1029, CS for SB 1247, CS for HB 1467, CS for SB 1098, SB 1270, CS for SB 412, CS for SB's 174 and 98, CS for SB 411, CS for SB 652, CS for SB's 693 and 567, CS for SB's 426 and 364, CS for SB 764, SB 839, CS for SB 950, CS for SB 1008, CS for CS for SB 1148, SB 1232, SB 1246, CS for SB 833, CS for SB 598, SB 1225, CS for SB 893, CS for SB 1271, CS for SB 819, SB 810, SB 1144, CS for SB 988, HB 1336, CS for CS for SB 392, CS for SB 486, CS for SB 778, SB 857, CS for SB 563, SB 273, CS for SB 663, CS for SB 110 and CS for SB 226

On motions by Senator Scott, by two-thirds vote HB 1308, Senate Bills 139, 998, 1168, 1232, 1270, CS for SB 341 and CS for SB 226 were withdrawn from the Committee on Appropriations.

On motion by Senator D. Childers, by two-thirds vote CS for SB 499 was withdrawn from the Committee on Appropriations.

Motion

On motion by Senator Malchon, the House was requested to return CS for HB 383.

EXECUTIVE BUSINESS

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1987 regular session of the Legislature:

Office and Appointment		*For Term Ending*
Greater Orlando Aviation Authority, Members		
Appointees:	Handy, Gail S.	04/16/88
	Stuart, Jacob V.	04/16/90
Barbers' Board, Member		
Appointee:	Rhea, Rex R.	08/10/90
State Board of Community Colleges, Members		
Appointees:	Baker, Ida S.	09/30/91
	Justl, John W.	09/30/91
	Norris, Nan	09/30/87
	Sparber, Byron L.	09/30/91
Board of Trustees of Central Florida Community College, Members		
Appointees:	McKoy, Sandra C.	05/31/90
	Staton, Van E.	05/31/90
Board of Trustees of Edison Community College, Members		
Appointees:	Kelly, Ann J.	05/31/90
	Salley, Holland T.	05/31/90
	Stephens, James	05/31/90
	Wiley, Jr., Thomas M.	05/31/89
Board of Trustees of Florida Keys Community College, Members		
Appointees:	Monsalvatge, Stephanie T.	05/31/90
	Spottswood, Jr., John M.	05/31/90
Board of Trustees of Gulf Coast Community College, Member		
Appointee:	Tapper, Amelia G.	05/31/90
Board of Trustees of Lake-Sumter Community College, Members		
Appointees:	Burnsed, R. Dewey	05/31/87
	Edgerton, Richard	05/31/90
	Jackson, Terry W.	05/31/90
	Williams, Almeda F.	05/31/90
Board of Trustees of North Florida Junior College, Member		
Appointee:	Day, Lucile B.	05/31/90
Board of Trustees of Okaloosa-Walton Junior College, Members		
Appointees:	Blue, Jr., F. Lloyd	05/31/90
	Butler, Albert B.	05/31/90
Board of Trustees of Palm Beach Junior College, Members		
Appointees:	Abramson, Lawrence M.	05/31/87
	Wesley, Elizabeth J.	05/31/90
Board of Trustees of Tallahassee Community College, Member		
Appointee:	Versiga, William F.	05/31/89
Board of Trustees of Valencia Community College, Members		
Appointees:	Blanchard, III, Clifford Pierce	05/31/88
	Cowans, Alvin J.	05/31/90
	Shirah, Joseph B.	05/31/90
	Vickery, Robert M.	05/31/90
Construction Industry Licensing Board, Members		
Appointees:	Hagerstrom, Carl E.	02/18/91
	Lawson, Keith O.	02/18/91
Florida Elections Commission, Member		
Appointee:	Kennedy, Alison D.	12/10/87
Florida Housing Finance Agency, Members		
Appointees:	Bennett, Clark D.	11/13/90
	Horner, Duke C.	11/13/90
	Oliver, William G.	11/13/90
Florida Commission on Human Relations, Member		
Appointee:	Martin, G. E.	09/30/88
Board of Nursing Home Administrators, Member		
Appointee:	Huber, E. Jack	12/13/87

Office and Appointment		*For Term Ending*
Board of Osteopathic Medical Examiners, Member		
Appointee:	Huenink, Jeffrey C.	01/29/90
Postsecondary Education Planning Commission, Members		
Appointees:	DiCarlo, Angela	08/31/87
	Johnston, W. Richard	02/04/90
	Kibler, III, D. Burke	02/04/90
	Zeller, Ronald J.	02/04/90
Historic St. Augustine Preservation Board of Trustees, Member		
Appointee:	Tebault, A. H.	01/14/90
Board of Regents, Members		
Appointees:	Leonard, William F.	01/01/93
	Middlemas, John Robert	01/01/93

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, further amended and passed as amended CS for HB's 171 and 184 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Community Affairs and Representative Casas and others—

CS for HB's 171 and 184—A bill to be entitled An act relating to crime prevention assistance; amending s. 426.001, F.S.; deleting certain legislative findings relating to crimes against the elderly; amending ss. 426.002, 426.003, 426.007, 426.008, and 426.009, F.S.; updating references to subdivisions of the Department of Community Affairs; updating the definition of "housing project"; providing for matching security assistance grants to counties from the Department of Community Affairs; amending ss. 426.005 and 426.006, F.S.; deleting a restriction upon housing authorities which may apply for a security assistance grant under the Handicapped and Elderly Security Assistance Act; amending ss. 775.0836 and 939.015, F.S.; expanding the scope of provisions imposing a surcharge and certain costs upon fines for offenses against handicapped or elderly persons; increasing the surcharge and costs and providing for the disposition thereof; repealing s. 903.381, F.S.; deleting a surcharge on bail for such offenses; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; Commerce; and Appropriations.

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 754, HB 1488; has passed as amended House Bills 443, 657, 941; and has adopted HCR 1502 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Natural Resources and Representative Langton—

CS for HB 754—A bill to be entitled An act relating to environmental control; amending s. 403.0625, F.S., requiring that certain water quality testing results submitted to the Department of Environmental Regulation by a domestic wastewater facility be provided by a certified laboratory; providing an effective date.

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

By Representative Harden—

HB 1488—A bill to be entitled An act relating to the City of Destin, Okaloosa County; amending section 1.01 of chapter 84-422, Laws of Florida, the city charter of the City of Destin; providing for submission of the city's comprehensive plan by February 1, 1990; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Tourism and Cultural Affairs and Representative Arnold and others—

HB 443—A bill to be entitled An act relating to the arts; amending s. 265.285, F.S.; changing the prohibition of eligibility of appointed Florida Arts Council members for reappointment to apply after serving two terms instead of one; providing an exception to the Fine Arts Endowment Program; providing for a reallocation of moneys in the Fine Arts Endowment Trust Fund; providing for the creation of county aviation authorities; providing definitions; providing for a governing board and the membership thereof; prescribing the rights, duties, and authority and the method of budgetary approval of said aviation authority; authorizing said authority to construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair, and operate, within the territorial boundaries of the county, projects as defined in said act, consisting of airport or aviation facilities and related facilities of all kinds for land and sea planes, or any combination of two or more such projects; providing for the transfer to the jurisdiction, control, and supervision of the authority of all existing projects owned or controlled by the county; prescribing the powers and duties of the county commission of said county and of said authority; authorizing the issuance by said authority of revenue bonds of the authority, payable solely from revenues, to pay all or part of the cost of the acquisition, construction, extension, or enlargement of a project or projects; authorizing the issuance of revenue refunding bonds of said authority and the issuance of a single issue of revenue bonds of said authority for the purpose of paying all or part of the cost of acquiring, constructing, extending, or enlarging a project or projects and for the purpose of refunding any revenue bonds or revenue certificates which shall then be outstanding and shall be payable from the revenues of any existing project or projects; providing that no general debt of the county shall be incurred in the exercise of any of the powers granted by this act; authorizing said authority to fix, regulate, and collect rates and charges for the services and facilities furnished by any project under its control, and to pledge the revenue of any such project to the payment of such bonds; providing for the execution of a trust agreement or other similar agreements or arrangements securing the payment of such bonds without mortgaging or encumbering any such project; authorizing expenditures of funds by the county; providing for proposed changes to county comprehensive plan; providing for trust funds; providing for power of eminent domain; providing for effect of county ordinances and application of act to other laws; providing for execution of contracts, leases, and other legal instruments; providing for cooperation between municipalities, county, and authority; prohibiting conflict of interest; providing severability; providing an effective date.

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

By Representative Goode and others—

HB 657—A bill to be entitled An act relating to Brevard County; amending sections 1, 4, 6, 10, and 14 of chapter 83-375, Laws of Florida, relating to the South Brevard Water Authority; providing legislative intent; providing for appointments to fill vacancies on the governing board; authorizing the district to furnish water outside the district; granting powers and duties to the authority; authorizing acquisition and ownership of property outside the district; establishing a procedure to amend the authority budget and boundaries; providing exemptions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

By Representative Hawkins—

HB 941—A bill to be entitled An act relating to Collier County and the Collier County Water-Sewer District; providing legislative intent; reestablishing the Collier County Water-Sewer District and providing a supplement to chapter 78-489, Laws of Florida, relating to the County Water-Sewer District of Collier County; providing for jurisdiction, restrictions and boundaries as applied to the City of Naples, Everglades City, Pelican Bay Improvement District, Marco Water and Sewer District, Goodland Water District, Immokalee Water and Sewer District and other unincorporated areas; providing definitions; providing for powers and duties of district board; providing for adoption of rates, fees, and other charges; providing for issuance of bonds; providing for trust funds and trustees; providing for covenants of district board with bondholders; providing that unpaid fees constitute a lien; providing for publication of

notice of issuance of bonds; providing that bonds shall have the qualities of negotiable instruments and for the rights of holders; providing for annual reports of the district board; providing that district property is exempt from taxation; providing for district bonds as securities for public bodies; providing for bonds as payment for services; providing for contracts for construction of improvements and sealed bids; providing for special assessments; prohibiting free water and sewer services; providing for system development charges; providing for conveyance of property without consideration; providing for district approval of construction of water and sewage facilities; providing for construction of law; providing for penalties and enforcement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Wallace—

HCR 1502—A concurrent resolution supporting the appointment of Dr. Daniel C. Drucker to the National Science Board.

—was referred to the Committee on Rules and Calendar.

The Senate resumed consideration of—

CS for SB 144—A bill to be entitled An act relating to ad valorem taxation; amending s. 197.364, F.S.; allowing the Department of Revenue to refund railroad property tax overpayments directly to taxpayers; allowing the department to waive taxes and refunds in certain circumstances; providing for the distribution of certain excess collections for overpayments; amending s. 200.065, F.S.; providing additional notice to taxpayers in certain circumstances; providing for application of act; providing an effective date.

—which was considered and deferred June 4.

Senators Deratany and Dudley offered the following amendment to House Amendment 4 which was moved by Senator Deratany and adopted:

Amendment 1—On page 1, strike all of lines 11-15 and insert: amending ss. 192.001 and 192.037, F.S.; revising provisions relating to ad valorem taxes and special assessments on fee time-share real property; providing for payment; authorizing the managing entity to advance funds; providing for enforcement and collection of delinquent amounts; specifying the managing entity's liability to time-share owners; repealing s. 197.472(8), F.S., which provides an exemption from provisions relating to redemption of a portion of a tax certificate for collections made with respect to time-share property; providing effective dates.

On motion by Senator Deratany, the Senate concurred in House Amendment 4 as amended.

Senator Johnson moved that the Senate reconsider the vote by which the Senate concurred in House Amendment 3 as amended. The motion was adopted. The vote was:

Yeas—19

Barron	Frank	Jenne	Thomas
Beard	Girardeau	Johnson	Weinstein
Brown	Gordon	Malchon	Weinstock
Childers, D.	Grizzle	Margolis	Woodson
Childers, W. D.	Hollingsworth	Plummer	

Nays—17

Mr. President	Hair	Langley	Stuart
Crawford	Hill	McPherson	Thurman
Crenshaw	Jennings	Myers	
Deratany	Kirkpatrick	Peterson	
Dudley	Kiser	Scott	

Senator Johnson moved that the Senate reconsider the vote by which Amendment 1 to House Amendment 3 was adopted. The motion was adopted. The vote was:

Yeas—24

Barron	Brown	Crenshaw	Girardeau
Beard	Childers, D.	Frank	Gordon
Grant	Johnson	Plummer	Thurman
Grizzle	Malchon	Ros-Lehtinen	Weinstein
Hollingsworth	Margolis	Scott	Weinstock
Jenne	Myers	Thomas	Woodson

Nays—11

Mr. President	Dudley	Kirkpatrick	McPherson
Crawford	Hill	Kiser	Stuart
Deratany	Jennings	Langley	

Amendment 1 to House Amendment 3 failed. The vote was:

Yeas—19

Mr. President	Girardeau	Langley	Scott
Crawford	Hair	McPherson	Stuart
Crenshaw	Jennings	Myers	Thurman
Deratany	Kirkpatrick	Peterson	Weinstein
Dudley	Kiser	Plummer	

Nays—20

Barron	Frank	Hollingsworth	Meek
Beard	Gordon	Jenne	Ros-Lehtinen
Brown	Grant	Johnson	Thomas
Childers, D.	Grizzle	Malchon	Weinstock
Childers, W. D.	Hill	Margolis	Woodson

On motion by Senator Johnson, the Senate reconsidered the vote by which the Senate concurred in House Amendment 4 as amended.

On motion by Senator Johnson, the Senate reconsidered the vote by which Amendment 1 to House Amendment 4 was adopted. Amendment 1 to House Amendment 4 failed.

On motions by Senator Deratany, the Senate refused to concur in House Amendments 3 and 4 and requested the House to recede.

CS for SB 144 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Malchon	Stuart
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 283 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 283—A bill to be entitled An act relating to capital felonies; amending s. 775.082, F.S.; providing that persons convicted of specified capital felonies and sentenced to life imprisonment are ineligible for parole; amending s. 790.161, F.S.; prescribing penalties for persons convicted of a capital felony involving death as a result of making, possessing, throwing, placing, discharging, or attempting to discharge a destructive device; amending s. 921.141, F.S.; providing an additional aggravating circumstance for purposes of imposition of the death penalty; providing an effective date.

Amendment 1—On pages 1 and 2, strike Sections 1 and 2, and renumber subsequent sections.

Amendment 2—On page 1, in the title, lines 3-11, strike all of said language and insert: s. 921.141, F.S.;

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

SB 283 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	Dudley	Kirkpatrick	Plummer
Barron	Frank	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Malchon	Stuart
Childers, D.	Hill	Margolis	Thomas
Childers, W. D.	Hollingsworth	McPherson	Thurman
Crawford	Jennings	Myers	Weinstein
Crenshaw	Johnson	Peterson	Woodson

Nays—3

Gordon	Meek	Weinstock

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 348 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 348—A bill to be entitled An act relating to road contractors; amending s. 337.11, F.S.; requiring contracts let by the Department of Transportation to include provisions for registration of vehicles used by nonresident road contractors; defining nonresident road contractor; amending s. 337.141, F.S.; prohibiting payments by the department to such contractors who have not submitted proof of such registration; amending s. 337.16, F.S.; establishing the failure to register motor vehicles by such contractors as a ground for suspension or revocation of the contractors' certificates of qualification; providing an effective date.

Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 337.11, Florida Statutes, 1986 Supplement, to read:

337.11 Authority of department to contract; advertise for bids; make emergency repairs, supplemental agreements, and change orders; periodic payments; preservation of records*; requirements of vehicle registration.*—

(8) Each contract let by the department for the performance of road or bridge construction or maintenance work shall contain a provision requiring the contractor to provide proof to the department, in the form of a notarized affidavit from the contractor, that all motor vehicles that he operates or causes to be operated in this state are registered in compliance with chapter 320.

Section 2. Subsection (2) of section 337.141, Florida Statutes, is amended to read:

337.141 Payment of construction or maintenance contracts.—

(2) Each contract for construction or maintenance entered into pursuant to this chapter shall provide for final payment within 90 days of receipt and acceptance by the department of all documents which are required by the contract from the contractor, with the exception of the acceptance letter and a consent by the contractor's surety for release of payment of the retained percentage and final estimate to the contractor. Should the contractor, due to his own actions, fail to provide the department with the acceptance letter and the surety's consent to the department within 60 days of the above-established date, then payment shall be made within 30 days of receipt by the department of such documents. Final payment shall not be so made as to any amount which is in dispute or the subject of a pending claim, but shall be so made as to that portion of a contract or those amounts which are not in dispute or the subject of a pending claim. However, such partial payment shall not constitute any bar, admission, or estoppel or have any other effect as to those payments that are in dispute or the subject of a pending claim. *No payment may be made to a construction or maintenance contractor, until the department has on file proof, in the form of a notarized affidavit from the contractor, that all motor vehicles that he operates in this state are registered in compliance with chapter 320.*

Section 3. Subsection (2) of section 337.16, Florida Statutes, is amended to read:

337.16 Disqualification of delinquent contractors from bidding; suspension and revocation of certificates of qualification; grounds; hearing.—

(2) For reasons other than delinquency in progress, the department, for good cause, may suspend for a specified period of time or revoke any certificate of qualification. Good cause includes, but is not limited to, circumstances in which a contractor or his official representative:

(a) Makes or submits to the department false, deceptive, or fraudulent statements or materials in any bid proposal to the department, any application for a certificate of qualification, or any administrative or judicial proceeding;

(b) Becomes insolvent or is the subject of a bankruptcy petition;

(c) Fails to comply with contract requirements, in terms of payment or performance record, or to timely furnish contract documents as required by the contract or by any state or federal statute or regulation;

(d) Wrongfully employs or otherwise provides compensation to any employee or officer of the department, or willfully offers an employee or officer of the department any pecuniary or other benefit with the intent to influence the employee or officer's official action or judgment; ~~or~~

(e) Is an affiliate of a contractor whose certificate of qualification has been suspended or revoked and the affiliate is dependent upon such contractor for personnel, equipment, bonding capacity, or finances*; or*~~.~~

(f) Fails to register, pursuant to chapter 320, motor vehicles that he operates in this state.

Section 4. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, in the title, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to road contractors; amending s. 337.11, F.S.; requiring contracts let by the Department of Transportation to include provisions requiring a contractor to provide proof to the department that all motor vehicles operated or caused to be operated by such contractor are registered in compliance with chapter 320; amending s. 337.141, F.S.; prohibiting payments by the department to such contractors who have not submitted proof of such registration; amending s. 337.16, F.S.; establishing the failure to register motor vehicles by such contractors as a ground for suspension or revocation of the contractors' certificates of qualification; providing an effective date.

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

SB 348 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	Frank	Kiser	Scott
Beard	Girardeau	Malchon	Stuart
Brown	Grant	Margolis	Thomas
Childers, D.	Grizzle	McPherson	Thurman
Childers, W. D.	Hill	Meek	Weinstein
Crawford	Hollingsworth	Myers	Weinstock
Crenshaw	Jenne	Peterson	Woodson
Deratany	Johnson	Plummer	
Dudley	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Jennings

The Honorable John W. Vogt, 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 1350 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CONFERENCE COMMITTEE REPORT ON CS for HB 1350

June 4, 1987

The Honorable John W. Vogt
President of the Senate

The Honorable Jon Mills
Speaker, House of Representatives

Dear Sirs:

Your conference committee on the disagreeing votes of the two Houses on CS for HB 1350, same being:

An Act relating to natural resources;

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from the Senate amendments to CS for HB 1350.
2. That the House and Senate adopt the Conference Committee amendments to CS for HB 1350 attached hereto; and by reference made a part of this report.
3. That the House and Senate pass CS for HB 1350 as amended by said Conference Committee amendments.

s/Robert B. Crawford	*s/Sidney Martin*
s/Mattox Hair	*s/J. Keith Arnold*
s/Curt Kiser	*s/Peter M. Dunbar*
s/Tom McPherson	*s/Peter R. Wallace*
Managers on the part of the Senate	Managers on the part of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION:

Section 1. Sections 1-6 of this act are named the Surface Water Improvement and Management Act. Legislative intent is provided.

Section 2. Each water management district in cooperation with DER, Game and Fish, and DNR, shall prepare a list of priority water bodies in their district by March 1, 1988. The criteria for prioritizing the nominated water bodies would be based on the need of such water body for protection and restoration, and would address violations of water quality standards, the amount of nutrients entering the water body and the water body's trophic state, the existence of or need for aquatic weed control, the biological condition of the lake, reduced fish and wildlife values, and threats to water supplies and recreational opportunities. DER shall adopt the criteria by rule.

In developing priority lists: South Florida shall specifically consider Lake Okeechobee, Biscayne Bay, and the Indian River Lagoon system; Southwest Florida Water Management District shall consider Tampa Bay; and the St. Johns River Water Management District shall consider Lake Apopka, the Lower St. Johns River, and the Indian River Lagoon system.

The water management districts are required to develop plans for the water bodies on the priority lists. The plans must enumerate preventive measures needed to augment restoration efforts, among other things. These plans would include a description of the water body, adjacent land uses, sources of pollution, permitted discharge activities, potential restoration strategies, research needed, protection measures needed, identification of jurisdictional governmental units and an estimate of funding needed. Further, these plans will include a list of owners of point and nonpoint sources of water pollution that are discharged into each water body that adversely affect the public interest, including separate lists of sources operating without a permit, with a temporary operating permit and that are presently violating effluent limits or water quality standards. The plan shall also include a timetable for bringing all sources into compliance with state standards where not contrary to the public interest. Nothing in this subsection of the bill authorizes any existing or future violations of any applicable statute or regulation. DER shall establish the format for the plans. The districts shall review the plans annually and revise them as necessary. The districts shall be responsible for planning, implementing and coordinating restoration strategies for the water bodies. The governing boards of the water management districts shall hold at least one public hearing in the local area of the subject water body to obtain public input on the plan for that water body. A copy of the plan shall be sent to DER and the appropriate local government agencies. Beginning in 1988, and each September thereafter, the districts shall develop funding proposals for the coming year's restoration efforts.

The district governing boards are encouraged to appoint advisory committees which would include representatives of the Game and Fresh Water Fish Commission, DNR, DACS, local governments, existing advisory councils for the subject water body, and the public.

Section 3. Thirty days prior to any public hearing on a water body plan, the plan will be sent to DER, the Commission, the Department of Agriculture and Consumer Services, and DNR and a summary of the plan shall be submitted to the affected local government agencies.

DER shall review the plans to determine whether the costs are reasonable and the likelihood of the programs resulting in significant improvements in water quality. The Game and Fresh Water Fish Commission shall review the plans to determine the effects on wild animal life, freshwater aquatic life, and their habitats. DNR shall review the plans to determine the effects on state-owned lands, and on marine and estuarine aquatic life and their habitats. The Department of Agriculture and Consumer Services shall review the plans to determine the effects on the agricultural resources of the area and the state. These agencies would make recommendations for modifications or additions to the plan at the district's public hearing.

The water management districts, DER, DOT, DNR and HRS shall be required to review their rules as they relate to pollution of surface waters to determine where such rules could be strengthened. The agencies shall also review their enforcement programs for weaknesses in pursuing violations which result in surface water pollution. By March 1, 1988, the agencies shall report their findings to the Governor and the Legislature.

Section 4. The funds in the Surface Water Improvement and Management (SWIM) Trust Fund shall be available to the water management districts for detailed planning and implementation of the surface water plans and programs. Specific amounts of money shall be available for programs in the legislatively named priority water body areas, and further, specific projects and corresponding funding levels are recommended as follows:

Lake Okeechobee	$4,800,000
Biscayne Bay Miami River ($500,000) Stormwater cleanup ($1,500,000)	2,000,000
Indian River Lagoon System Marine Resource Council ($178,000) St. Johns River WMD (70 percent of funds) South Florida WMD (30 percent of funds)	1,500,000
Tampa Bay and its Estuaries Water Quality Assessment and Scientific Information Compilation ($850,000)	2,000,000
Lake Apopka	2,200,000
Lower St. Johns River Stormwater cleanup, provided that Duval County provides equal matching funds ($1,000,000)	2,500,000

The act does not prohibit a water management district from requesting and receiving funds from the Surface Water Improvement and Management Trust Fund prior to March 1, 1988 for activities described in Sections 1-6 of the act.

Section 5. The SWIM Trust Fund is created within DER to be used as a nonlapsing fund for the SWIM program. Money from the fund could not be used for planning, construction or expansion of treatment facilities for domestic or industrial waste disposal.

The Secretary of the DER shall authorize release of money from the SWIM Trust Fund thirty days after receiving a resolution from the district governing board certifying that the money is needed for detailed planning or implementation. Beginning in FY 1988-89, no water management district may receive more than 30% of the money in the SWIM Fund for that year. The districts must provide at least 20% of the money necessary for the programs, which will be matched with 80% from the SWIM Fund.

Section 6. The Lake Okeechobee program establishes a program to protect the water quality of the Lake. The program is to be based upon recommendations of the Lake Okeechobee Technical Advisory Committee and designed to reduce phosphorous loadings to the Lake in specific amounts, as designated in SFWMD's technical publication 81-2, by July 1, 1992.

This section outlines areas to which diversions are prohibited if adverse environmental impact were to occur, unless the receiving waters will benefit by the diversion. It also provides that the district may divert water to other areas provided that adverse environmental effects are monitored by the districts. This section further creates the Lake Okeechobee Technical Advisory Council, provides its purpose, membership, and general meeting schedule. The district shall provide staff to the Council.

Section 7. The St. Johns River Water Management District is authorized to conduct pilot studies for Lake Apopka in water bodies other than Lake Apopka if deemed scientifically and technically acceptable and economically advantageous. The SJRWMD shall assign a staff person to act as the executive director of the Lake Apopka Restoration Council.

Section 8. The SJRWMD would be governed by its laws and policies for selecting contractors for scientific and technical research projects.

Section 9. DER shall conduct a study and make a report evaluating the current surface water classification system to determine if the classifications are appropriate. The report would be submitted to the Governor and the Legislature by March 1, 1989.

Section 10. The maximum statutory millage rate for district and basin purposes in the St. Johns River Water Management District shall be 0.6 mill. The splits between the basin and the district taxes are adjusted for the South Florida WMD, the Southwest Florida WMD, and St. Johns WMD.

Section 11. Section 161.021, F.S., defines "access," or "public access" as used in ss. 161.041, 161.052, and 161.053, to mean the public's right to laterally transverse the sandy beaches of this state.

Section 12. Section 161.041, F.S., now provides that coastal construction permits are required prior to commencing any coastal construction, or construction or physical activity for shore protection purposes below the mean high-water line of any tidal waters of the state. In most instances, interior tidal waters not fronting on the open seas do not require regulation by the Department of Natural Resources for erosion control purposes. The bill would allow the department, in its discretion, to exempt such waters from the permitting process.

Section 161.041, F.S., allows development for shore protection purposes seaward of the mean high water mark to interfere with public use of the beach if the interference is unavoidable for purposes of protecting the beach or any endangered upland structure. The bill would require alternative access to the beach to be provided in such circumstances, as a condition to the granting of permits. Such alternate access may not be required to exceed the pre-existing access. Except for the deep-water ports identified in s. 403.021(9)(b), F.S., the department shall not issue any permit for construction of a coastal inlet jetty or the excavation or maintenance of a coastal inlet having a significant adverse impact on the beaches unless the department has approved a mitigation program for the beaches. In evaluating the mitigation program, the DNR must consider the benefits of the long-term sand management plan of the permittee and the overall public benefits of the inlet activity.

The bill specifies the facts and circumstances to be considered by the department in deciding whether to authorize an excavation or erection of a structure at any coastal location. These include:

1. Adequate engineering data concerning inlet and shoreline stability and storm tides related to shoreline topography;

2. Design features of the proposed structures or activities; and

3. Potential impacts of the location of such structures or activities, including potential cumulative effects upon the beach-dune system or coastal inlet, which, in the opinion of the department, clearly justify a permit.

The bill permits the department to require whatever engineer certifications it feels are necessary to assure the adequacy of the design and construction of permitted projects.

The bill provides that the department may require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contracts to best accomplish beach and shore preservation. The department may also require notice of the permit conditions required and the contractual agreements entered into to be filed in the public records of the county in which the permitted activity is located.

Section 13. Section 161.053(1), F.S., is amended to include the preservation of public access to the sandy beaches as a factor to be protected by the regulatory process.

Section 161.053(4), F.S., provides that local governments may be delegated the authority to manage coastal construction under certain circumstances. The bill provides clarification as to the scope of protection local codes must afford coastal lands, upland structures, adjacent properties, and beach access before delegation may occur.

Section 161.053(5)(b), F.S., allows the department, in its discretion, to permit construction seaward of the mean high-water line when a line of structures already exists seaward of the mean high-water line and such structures have not been unduly affected by erosion. The bill provides that, in such circumstances, the department retains authority to require structures to meet siting and design criteria pursuant to s. 161.053(1), s. 161.053(2), or s. 161.053(5)(a).

The bill provides that the department may require such engineer certifications as are necessary to assure the adequacy of the design and construction of permitted projects, and shall limit the construction of structures interfering with public access along the beach. When interference with such public access is unavoidable, the bill allows the department to require alternative access to be provided, prior to granting a permit. The width of such access may not be required to exceed the preexisting access.

The bill also provides that the department may require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contractual agreements to best assure compliance with permit conditions. The department may also require notice of the permit conditions and the contractual agreements entered into to be filed in the public records of the county in which the permitted activity is located.

Section 161.053(12), F.S., currently provides an exemption from coastal construction control and erosion projection requirements for modification, maintenance, or repair to an existing structure within the limits of the existing, unaltered, foundation. This section now provides that the department may, in its discretion, permit the repair or rebuilding of a major structure within the confines of the original foundation or a more landward relocation or rebuilding of an existing structure if such action would not further harm the beach-dune system and, in the case of rebuilding, complies with the provisions of s. 161.053(5), F.S.

The bill authorizes the department to permit the rebuilding of a damaged structure in the same respect as the landward relocation of an existing structure. In reviewing applications for relocation or rebuilding, the department shall consider changes to the shoreline, the availability of other relocation or rebuilding options, and design adequacy.

Section 14. Section 161.0535 is amended to provide that monies from fees assessed for the filing, processing, and issuance of permits shall be deposited into the Beach Management Trust Fund.

Section 15. Section 161.054(5) is created to provide that the department shall deny a permit for coastal construction activities if the applicant has a lien imposed upon the property for failure to pay administrative fines assessed for violation of the provisions of Chapter 161, F.S.

Section 16. This section retitles the Erosion Control Trust Fund as the Beach Management Trust Fund.

Section 17. Section 161.101, F.S., is amended to change the state funding share for the establishment and maintenance of feeder beach

projects and sand source studies from 100 percent to 75 percent, to be consistent with the share paid for other beach management activities. The bill also adds inlet sand transfer projects to the list of beach management projects to be partially funded from the Beach Management Trust Fund.

Section 18. Section 161.141, F.S., is amended to provide for boundary lines between sovereignty lands and adjacent upland properties to be fixed and determined for sovereignty lands bordering the Straits of Florida.

Section 19. Section 161.142, F.S., is amended to be consistent with other provisions authorizing the department to pay up to 75 percent of the costs of approved inlet sand transfer projects.

Section 20. Section 161.161, F.S., is amended to expand the required elements of the beach management plan. Additional elements include:

1. For inlets which are significant causes of beach erosion, the extent to which such inlets cause beach erosion, together with cost estimates required for corrective measures and recommendations regarding cost sharing among beneficiaries of such inlets.

2. Identification of causes of shoreline erosion and change, calculation of erosion rates, and projection of long-term erosion, by surveys and profiles, for all major beach and dune systems.

3. Identification of shoreline development and the degree of density. Assessment of the impacts of development and shoreline protective structures on shoreline change and erosion.

4. Identification of short and long-term economic costs and benefits of beaches, including recreational value, tax base, revenues generated, and acquisition and maintenance costs.

5. The study of dune and vegetation conditions.

6. Identification of alternative management responses to preserve undeveloped beach-dune systems, prevent inappropriate development and redevelopment on migrating beaches, and consideration of beach restoration and renourishment, armoring, relocation and abandonment, dune and vegetation restoration, and acquisition.

7. Establishment of criteria, including costs and specific implementation actions, for alternative management techniques.

8. Selection and recommendation of appropriate management measures for all the state's sandy beaches in a beach management program.

9. Identification of beach areas used by marine turtles and development of strategies for protection of the turtles, their nests, and nesting locations.

Also, the bill provides that district beach management plans shall be components of the statewide beach management plan and serve as the basis for state funding decisions. The Board of Trustees may only approve or disapprove such beach restoration or renourishment projects as affect sovereignty lands.

Section 21. Section 373.026(8), F.S., is amended to clarify that the Department of Environmental Regulation shall not approve a plan or project relating to a coastal inlet that the Department of Natural Resources determines will have a significant adverse impact on the sandy beaches unless the plan or project is revised to mitigate such impacts in the manner recommended by the Department of Natural Resources.

Section 22. The Department of Natural Resources is directed to study the problem of limited public access to beaches and submit a report to the 1988 Legislature.*

Section 23. Beginning in fiscal year 1988-89 and annually thereafter at least $35 million shall be available from the Infrastructure Trust Fund for the purposes provided in s. 161.091(1), Florida Statutes.

Section 24. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

*Section 22 requires a special vote of the Senate as this language was foreign substance to the bills before the conferees. (Rule 2.19)

Conference Committee Amendment 1—On pages 2-84, strike everything after the enacting clause and insert:

Section 1. Short title; legislative findings and intent.—

(1) Sections 1 through 6 of this act may be cited as the "Surface Water Improvement and Management Act."

(2) Legislative intent.—The Legislature finds that the water quality of many of the surface waters of the state has been degraded, or is in danger of becoming degraded, and that the natural systems associated with many surface waters have been altered so that these surface waters no longer perform the important functions that they once performed. These functions include:

(a) Providing aesthetic and recreational pleasure for the people of the state;

(b) Providing habitat for native plants, fish, and wildlife, including endangered and threatened species;

(c) Providing safe drinking water to the growing population of the state; and

(d) Attracting visitors and accruing other economic benefits.

(3) The Legislature finds that the declining quality of the state's surface waters has been detrimental to the public's right to enjoy these surface waters and that it is the duty of the state, through the state's agencies and subdivisions, to enhance the environmental and scenic value of surface waters.

(4) The Legislature finds that factors contributing to the decline in the ecological, aesthetic, recreational, and economic value of the state's surface waters include:

(a) Point and nonpoint source pollution; and

(b) Destruction of the natural systems which purify surface waters and provide habitats.

(5) The Legislature finds that surface water problems can be corrected and prevented through plans and programs for surface water improvement and management that are designed and implemented by the regional water management districts, with the participation and cooperation of the state's agencies and local governments.

(6) It is therefore the intent of the Legislature that each water management district design and implement plans and programs for the improvement and management of surface waters.

(7) It is also the intent of the Legislature that statewide research be conducted to provide a better scientific understanding of the causes and effects of surface water pollution and of the destruction of natural systems in order to improve and manage surface waters and associated natural systems.

Section 2. Surface water improvement and management plans and programs.—

(1) Each water management district, in cooperation with the Department of Environmental Regulation, the Game and Fresh Water Fish Commission, and the Department of Natural Resources, shall prepare a list, by March 1, 1988, which shall prioritize water bodies of regional or statewide significance within each water management district. The list shall be based on criteria adopted by rule of the Department of Environmental Regulation and shall assign priorities to the water bodies based on their need for protection and restoration. Criteria developed by the Department of Environmental Regulation shall include, but need not be limited to, consideration of violations of water quality standards occurring in the water body, the amounts of nutrients entering the water body and the water body's trophic state, the existence of or need for a continuous aquatic weed control program in the water body, the biological condition of the lake, reduced fish and wildlife values, and threats to agricultural and urban water supplies and recreational opportunities. The sum of $500,000 shall be available from the Surface Water Improvement and Management Trust Fund to the Department of Environmental Regulation for fiscal year 1987-1988 to be used cooperatively by the department and the water management districts to identify and prioritize water bodies within the district that are of regional and statewide significance and in need of restoration. In developing their respective priority lists, water management districts shall give consideration to the following priority areas:

(a) The South Florida Water Management District shall give priority to the restoration needs of Lake Okeechobee, Biscayne Bay, and the Indian River Lagoon system and their tributaries.

(b) The Southwest Florida Water Management District shall give priority to the restoration needs of Tampa Bay and its tributaries.

(c) The St. Johns River Water Management District shall give priority to the restoration needs of Lake Apopka, the Lower St. Johns River, and the Indian River Lagoon system and their tributaries.

(2) Once the priority lists are established, the water management districts, in cooperation with the Department of Environmental Regulation, the Game and Fresh Water Fish Commission, the Department of Natural Resources, and local governments, shall develop surface water improvement and management plans for the water bodies based on the priority lists approved by the Department of Environmental Regulation. Each plan shall include a schedule established by the water management district and agreed to by the Department of Environmental Regulation for restoring water bodies on the priority list. These plans shall also enumerate preventive measures which need to be taken to augment surface water improvement and management efforts. The Department of Environmental Regulation shall establish a uniform format for such plans. The plans shall be reviewed and, if necessary, revised annually by the water management districts. These plans shall include, but not be limited to:

(a) A description of the water body system, its historical and current uses, its hydrology, and a history of the conditions which have led to the need for restoration;

(b) An identification of all governmental units that have jurisdiction over the water body and the land within a 1-mile perimeter of the water body, including local, regional, state, and federal units;

(c) A description of adjacent land uses and those of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities;

(d) A list of the owners of point and nonpoint sources of water pollution that are discharged into each water body and tributary thereto and that adversely affect the public interest, including separate lists of those sources that are:

1. Operating without a permit;

2. Operating with a temporary operating permit; and

3. Presently violating effluent limits or water quality standards.

The plan shall also include a timetable for bringing all sources into compliance with state standards when not contrary to the public interest. This paragraph does not authorize any existing or future violation of any applicable statute or regulation and does not diminish the authority of the Department of Environmental Regulation;

(e) A description of strategies and potential strategies for restoring the water body to Class III or better;

(f) A listing of studies that are being or have been prepared for the surface water body;

(g) A description of the research and feasibility studies which will be performed to determine the particular strategy or strategies to restore the water body;

(h) A description of the measures needed to manage and maintain the water body once it has been restored and to prevent future degradation; and

(i) An estimate of the funding needed to carry out the restoration strategies.

(3) Each water management district shall be responsible for planning, implementing, and coordinating restoration strategies for the priority water bodies within the district which have been approved by the Department of Environmental Regulation as water bodies of regional and statewide significance in need of restoration. The governing board of the appropriate water management district shall hold at least one public hearing and public workshops in the vicinity of the water body under consideration as may be necessary for obtaining public input prior to finalizing the surface water improvement and management plans for the water bodies on the priority list. The water management district shall then forward a copy of the plans to the Department of Environmental Regulation and to appropriate local governmental units. By September of 1988 and each September thereafter, the water management districts, in cooperation with the Department of Environmental Regulation, shall develop a funding proposal for the next fiscal year's water restoration activities for priority water bodies which specifies the activities that need funding and the amounts of funding and fully describes the specific restoration activities proposed.

(4) The governing board of each water management district is encouraged to appoint advisory committees as necessary to assist in formulating and evaluating strategies for water body protection and restoration activities and to increase public awareness and intergovernmental cooperation. Such committees should include representatives of the Game and Fresh Water Fish Commission, the Department of Natural Resources, the Department of Agriculture and Consumer Services, appropriate local governments, federal agencies, existing advisory councils for the subject water body, and representatives of the public who use the water body.

(5) The water management districts may contract with appropriate state, local, and regional agencies to perform various tasks associated with implementation of the surface water improvement and management plans.

Section 3. Review of surface water improvement and management plans.—

(1) At least 30 days prior to any public hearing on its surface water improvement and management plan, a water management district shall transmit its proposed plan to the Department of Environmental Regulation, the Game and Fresh Water Fish Commission, the Department of Agriculture and Consumer Services, and the Department of Natural Resources and shall transmit a summary of the proposed plan to affected counties and municipalities. A copy of the proposed plan shall be provided to any affected county or municipality upon request.

(2) The Department of Environmental Regulation shall review each proposed surface water improvement and management plan for the purpose of determining:

(a) Whether the costs described in the plan, as projected by the water management districts, are reasonable estimates of the actual costs of the programs in the plan;

(b) The likelihood of the programs in the plan resulting in significant improvements in water quality in the priority surface waters designated in the plan; and

(c) The combination of programs which can be funded based on available revenues within the Surface Water Improvement and Management Trust Fund.

If the department determines that a plan or program does not meet these requirements, that the projected costs are not reasonable estimates of the actual costs of the programs in the plan, or that a program in the plan is not likely to result in significant water improvements in the priority surface water, the department shall recommend modifications of or additions to the plan, or a program thereof, to the district at the district's public hearing on the proposed plan.

(3) The Game and Fresh Water Fish Commission shall review each proposed surface water improvement and management plan for the purpose of determining the effects of the plan on wild animal life and freshwater aquatic life and their habitats. If the commission determines that the plan, or a program thereof, has adverse effects on these resources, and that such adverse effects exceed the beneficial effects on these resources, the commission shall recommend modifications of or additions to the plan, or a program thereof, to the district at the district's public hearing on the proposed plan. The commission shall also recommend to the district at the district's public hearing on the proposed plan any modification or addition to the plan, or a program thereof, which would result in additional beneficial effects on wild animal life or freshwater aquatic life or their habitats.

(4) The Department of Natural Resources shall review each proposed surface water improvement and management plan for the purpose of determining the effects of the plan on state-owned lands and on marine and estuarine aquatic life and their habitats. If the department determines that the plan, or a program thereof, has adverse effects on these resources, and that such adverse effects exceed the beneficial effects on these resources, the department shall recommend modifications of or additions to the plan, or a program thereof, to the district at the district's public hearing on the proposed plan. The department shall also recommend modifications of or additions to the plan, or a program thereof, to the district at the district's public hearing on the proposed plan.

(5) The Department of Agriculture and Consumer Services shall review each proposed surface water improvement and management plan for the purpose of determining the effects of the plan on the agricultural resources of the area and the state. If the department determines that the plan, or a program thereof, has adverse effects on these resources, and that such adverse effects exceed the beneficial effects on these resources, the department shall recommend modifications of or additions to the plan, or a program thereof, to the district at the district's public hearing on the proposed plan. The department shall also recommend modifications of or additions to the plan, or a program thereof, to the district at the district's public hearing on the proposed plan.

(6) The water management districts, the Department of Environmental Regulation, the Department of Transportation, the Department of Natural Resources, and the Department of Health and Rehabilitative Services shall review their rules as they pertain to pollution of surface waters to determine where such rules could be strengthened to protect surface waters. The agencies shall also review their enforcement programs for weaknesses in pursuing violations which result in surface water pollution. By March 1, 1988, the agencies shall report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House of Representatives and the Senate, and their findings and recommendations for remedies.

Section 4. Implementation of surface water improvement and management plans and programs.—

(1) The funds in the Surface Water Improvement and Management Trust Fund shall be available to the water management districts for detailed planning for and implementation of surface water improvement and management plans. However, sections 1-6 of this act do not prohibit a water management district from requesting and receiving funds from the Surface Water Improvement and Management Trust Fund prior to March 1, 1988, for surface water improvement and management activities.

(2) In developing implementing programs for their surface water improvement and management plans, the water management districts shall consider the following program recommendations for the use of funds for fiscal year 1987-1988 in the priority areas identified in Section 2 of this act:

(a) The sum of $4,800,000 shall be available for the South Florida Water Management District for Lake Okeechobee.

(b) The sum of $2,000,000 shall be available for the South Florida Water Management District for Biscayne Bay, of which up to $500,000 is recommended to clean up the Miami River. The remainder of the funds available are recommended for retrofitting the 55 stormwater outfalls already identified by the Environmental Resources Management Department of Metro-Dade County as posing the greatest threat to the Biscayne Bay area or for other projects or activities that will contribute to the restoration of Biscayne Bay.

(c) The sum of $1,500,000 shall be available for the Indian River Lagoon System, of which up to $178,000 is recommended for the Marine Resource Council. For the funds made available for this area and recommended to be used, 70 percent shall be available for programs of the St. Johns River Water Management District and 30 percent shall be available for programs of the South Florida Water Management District. The secretary of the Department of Environmental Regulation shall settle any dispute between the two districts relating to funding allocations.

(d) The sum of $2,000,000 shall be available for the Southwest Florida Water Management District for Tampa Bay and its estuaries, of which up to $850,000 is recommended for a water quality assessment and scientific information compilation.

(e) The sum of $2,200,000 shall be available for the St. Johns River Water Management District for Lake Apopka.

(f) The sum of $2,500,000 shall be available for the St. Johns River Water Management District for the Lower St. Johns River, of which up to $1,000,000 is recommended for stormwater cleanup based on Duval County's providing equal matching funds.

The amounts set forth in this subsection for the priority areas that are unencumbered at the end of fiscal year 1987-1988 shall remain in the Surface Water Improvement and Management Trust Fund and be available for the water bodies previously assigned.

(3) Each water management district shall prepare detailed plans for and shall implement the programs in its surface water improvement and management plan upon the release of funds by the Department of Environmental Regulation.

(4) Each water management district shall update annually, as necessary, its approved surface water improvement and management plan. If a district determines that modifications of or additions to its plan are necessary, such modifications or additions shall be subject to the review process established in section 3 of this act.

Section 5. Surface Water Improvement and Management Trust Fund.—

(1) There is created, within the Department of Environmental Regulation, the Surface Water Improvement and Management Trust Fund to be used as a nonlapsing fund for the deposit of funds appropriated by the Legislature for the purposes of sections 1-6 of this act. The department shall administer all funds appropriated to or received for the Surface Water Improvement and Management Trust Fund. The moneys in the Surface Water Improvement and Management Trust Fund are continually appropriated for the purposes of sections 1-6 of this act. Expenditure of the moneys shall be limited to the costs of detailed planning for and implementation of programs prepared for priority surface waters. Moneys from the fund shall not be expended for planning for, or construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(2) The secretary of the Department of Environmental Regulation shall authorize the release of money from the Surface Water Improvement and Management Trust Fund within 30 days after receipt of a resolution adopted by the governing board of a water management district certifying that the money is needed for detailed planning for or implementation of programs approved pursuant to section 2 of this act. Beginning with the state fiscal year 1988-1989 and annually thereafter, a water management district may not receive more than 30 percent of the moneys in the Surface Water Improvement and Management Trust Fund in any fiscal year unless otherwise provided by law.

(3) The amount of money that may be released to a water management district from the Surface Water Improvement and Management Trust Fund for approved programs, or continuations of approved programs, to improve and manage the surface waters described in sections 1-6 of this act is limited to not more than 80 percent of the amount of money necessary for the approved programs. The district shall provide at least 20 percent of the amount of money necessary for the programs.

(4) Moneys in the trust fund which are not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the trust fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the trust fund.

Section 6. Lake Okeechobee improvement and management.—

(1) LAKE OKEECHOBEE PROGRAM.—The South Florida Water Management District shall immediately design and implement a program to protect the water quality of Lake Okeechobee. Such program shall be based upon the recommendations of the Lake Okeechobee Technical Advisory Committee report entitled "Final Report: Lake Okeechobee Technical Committee" and dated August 1986, including the recommendations relating to the diversion of Taylor Creek-Nubbins Slough, but such program may include other projects. In addition, the program design shall be completed by December 1, 1988, and shall be designed to result, by July 1, 1992, in reductions of phosphorous loadings to the lake by the amount specified as excess in the South Florida Water Management District's Technical Publication 81-2.

(2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY COUNCIL.—

(a) The Legislature finds that efforts to reduce nutrient levels in Lake Okeechobee have resulted in diversions of nutrient-laden waters to other environmentally sensitive areas, which diversions have resulted in adverse environmental effects. The Legislature also finds that both the agriculture industry and the environmental community are committed to protecting Lake Okeechobee and these environmentally sensitive areas from further harm and that this crisis must be addressed immediately. Therefore:

1. The South Florida Water Management District shall not divert waters to the Indian River estuary, the Caloosahatchee River or its estuary, or the Everglades National Park, in such a way that the state water quality standards are violated, that the nutrients in such diverted waters adversely affect indigenous vegetation communities or wildlife, or that fresh waters diverted to the Caloosahatchee or Indian River estuaries adversely affect the estuarine vegetation or wildlife, unless the receiving waters will biologically benefit by the diversion. However, diversion is permitted when an emergency is declared by the water management district, if the secretary of the Department of Environmental Regulation concurs.

2. The South Florida Water Management district may divert waters to other areas, including Lake Hicpochee, unless otherwise provided by law. However, the district shall monitor the effects of such diversions to determine the extent of adverse or positive environmental effects on indigenous vegetation and wildlife. The results of the monitoring shall be reported to the Lake Okeechobee Technical Advisory Council. If the monitoring of such diversions reveals continuing adverse environmental effects, the district shall make recommendations to the Legislature by July 1, 1988, on how to cease the diversions.

(b)1. There is hereby created a Lake Okeechobee Technical Advisory Council. Council members shall be experts in the fields of botany, wildlife biology, aquatic biology, water quality chemistry, or hydrology and shall consist of:

a. Three members appointed by the Governor;

b. Three members appointed by the Speaker of the House of Representatives;

c. Three members appointed by the President of the Senate;

d. One member from the Institute of Food and Agricultural Sciences, University of Florida, appointed by the President of the University of Florida; and

e. One member from the College of Natural Sciences, University of South Florida, appointed by the President of the University of South Florida.

Members shall be appointed not later than July 15, 1987.

2. The purpose of the council shall be to investigate the adverse effects of past diversions of water and potential effects of future diversions on indigenous wildlife and vegetation and to report to the Legislature, no later than March 1, 1988, with findings and recommendations proposing permanent solutions to eliminate such adverse effects.

3. The South Florida Water Management District shall provide staff and assistance to the council. The Department of Environmental Regulation, the Game and Fresh Water Fish Commission, and the district shall cooperate with the council.

4. The council shall meet not less than once every 2 months at the call of the chairman, or at the call of four other members of the council. The council shall elect from its members a chairman and vice chairman and such other officers as the council deems necessary. The council may establish other procedures for the conduct of its business.

5. The members of the council are not entitled to compensation but are eligible for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

Section 7. Section 5 of chapter 85-148, Laws of Florida, is amended to read:

Section 5. The St. Johns River Water Management District governing board shall specify tasks which are to be undertaken by the district, the Department of Environmental Regulation, pertinent local governments, and the Game and Fresh Water Fish Commission in order to initiate the pilot project for Lake Apopka. The governing board shall:

(1) Conduct extensive water sampling of the lake and its associated tributaries to determine the existing water quality and to determine the long term effects of nutrient loading from agricultural activities.

(2) Evaluate the restoration of a portion of floodplain marsh between Lake Apopka and the Apopka-Beauclair Lock by allowing sheet-flow of waters prior to their entrance to the Apopka-Beauclair Canal.

(3) Develop a nutrient budget for the lake to ensure that appropriate regulatory efforts are instituted with respect to nutrient loading.

(4) Examine techniques which may be used to modify the existing physical and biological characteristics of the lake.

(5) Conduct a feasibility study to determine the effects of diking-off and restoring the littoral zone of the lake to enhance sportfish production.

(6) Implement and evaluate a program to demonstrate the feasibility of utilizing water hyacinths to extract excessive nitrogen and *phosphorous* ~~phosphorus~~ from the sediment and water columns of the lake.

(7) Implement and evaluate a program to demonstrate the feasibility of recreating a marsh along the lake shoreline using muck dredged from the lake bottom.~~, and~~

(8) From funds appropriated by this act, expend up to $100,000 to contract for a feasibility study on the recycling of muck from Lake Apopka.

(9) Conduct a study to determine the feasibility of using ichthyofauna reconstruction as a lake restoration method.

These tasks and other related pilot studies may be conducted in water bodies other than Lake Apopka if the St. Johns River Water Management District determines it would be scientifically and technically acceptable and economically advantageous. The St. Johns River Water Management District shall *assign a staff person to act as the executive director of the Lake Apopka Restoration Council and provide reasonable staff support for the* ~~provide the staff for the Lake Apopka Restoration~~ council while engaged in carrying out the provisions of this act.

Section 8. Section 7 of chapter 85-148, Laws of Florida, is amended to read:

Section 7. It is the intent of the Legislature that the St. Johns River Water Management District shall *encourage competition among contractors for projects*~~, through competitive bid, award contracts~~ to implement the provisions of this act. *Accordingly, the district shall be governed by its laws and policies for selecting contractors for scientific and technical research projects.*

Section 9. The Department of Environmental Regulation shall conduct a study and make a report evaluating the current surface water classification system. The report shall include a review of the relationship of this classification system to the classification system used for shellfish harvesting waters and specifically consider whether the classifications applied to artificially created or significantly altered water bodies are appropriate; provided, however, that consideration shall also be given to the impacts of artificially created or significantly altered water bodies on other water bodies that have fish and wildlife values. However, artificially created or significantly altered water bodies to be considered for reclassification in the report shall not include those water bodies that are:

(1) Determined to have viable or high potential for viable fish and wildlife populations;

(2) Located in high groundwater recharge areas; or

(3) Determined to have high recreational usage.

Prior to initiating the study, the department shall publish notice and invite participation from local governments, affected interest groups, and other state and federal agencies. The report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than March 1, 1989. In addition, the department shall notify the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 15, 1988, of the data needed to adopt and implement rules establishing limits for discharges of nitrogen and phosphorous into the waters of the state and the costs of obtaining the data.

Section 10. Subsection (3) of section 373.503, Florida Statutes, is amended to read:

373.503 Manner of taxation.—

(3)(a) The districts may levy ad valorem taxes on property within the district solely for the purposes of this chapter and of chapter 25270, Laws of Florida, 1949, as amended, and chapter 61-691, Laws of Florida, as amended. The authority to levy ad valorem taxes as provided in this act

shall commence with the year 1977. However, the taxes levied for 1977 by the governing boards pursuant to this section shall be prorated to ensure that no such taxes will be levied for the first 4 days of the tax year, which days will fall prior to the effective date of the amendment to s. 9(b), Art. VII of the Constitution of the State of Florida, which was approved March 9, 1976. When appropriate, taxes levied by each governing board may be separated by the governing board into a millage necessary for the purposes of the district and a millage necessary for financing basin functions specified in s. 373.0695. Beginning with the taxing year 1977, and notwithstanding the provisions of any other general or special law to the contrary, the maximum total millage rate for district and basin purposes shall be:

1. Northwest Florida Water Management District: 0.05 mill.

2. Suwannee River Water Management District: 0.75 mill.

3. St. Johns River Water Management District: *0.6* ~~0.375~~ mill~~, plus an additional .225 mill which may be used only for land acquisition and capital projects associated with such acquisition~~.

4. Southwest Florida Water Management District: 1.0 mill.

5. South Florida Water Management District: 0.80 mill.

(b) The maximum millage assessed for district purposes shall not exceed 25 percent of the total authorized millage when there are one or more basins in a district, and the maximum millage assessed for basin purposes shall not exceed 75 percent of the total authorized millage, except that:

1. The apportionment in the *South Florida Water Management District* ~~St. Johns River Water Management District~~ shall be a maximum of *40* ~~15~~ percent for district purposes and a maximum of *60* ~~85~~ percent for basin purposes, respectively.

2. Within the Southwest Florida Water Management District, the maximum millage assessed for district purposes shall not exceed *40* ~~30~~ percent of the total authorized millage when there are one or more basins in the district, and the maximum millage assessed for basin purposes shall not exceed *60* ~~70~~ percent of the total authorized millage.

Section 11. Present subsections (1) through (10) of section 161.021, Florida Statutes, 1986 Supplement, are renumbered as subsections (2) through (11), respectively, and a new subsection (1) is added to said section to read:

161.021 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(1) "Access" or "public access" as used in sections 161.041, 161.052, and 161.053 means the public's right to laterally traverse the sandy beaches of this state where such access exists on or after the effective date of this act.

Section 12. Section 161.041, Florida Statutes, is amended to read:

161.041 Permits required.—

(1) If any person, firm, corporation, county, municipality, township, special district, or any public agency desires to make any coastal construction or reconstruction or change of existing structures, or any construction or physical activity undertaken specifically for shore protection purposes, or other structures and physical activity including groins, jetties, moles, breakwaters, seawalls, revetments, artificial nourishment, inlet sediment bypassing, excavation or maintenance dredging of inlet channels, or other deposition or removal of beach material, or construction of other structures if of a solid or highly impermeable design, upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, a coastal construction permit must be obtained from the Department of Natural Resources prior to the commencement of such work. *The department may exempt interior tidal waters of the state from the permit requirements of this section.* No such development shall interfere, except during construction, with the use by the public of any area of a beach seaward of the mean high-water line unless the department determines such interference is unavoidable for purposes of protecting the beach or any endangered upland structure. *The department may require, as a condition to granting permits under this section, the provision of alternative access when interference with public access along the beach is unavoidable. The width of such alternate access may not be required to exceed the width of the access that will be obstructed as a result of the permit being granted.* Application for coastal construction permits as defined above shall be made to the department upon such terms and conditions as set forth by rule of the department. *Except for the deepwater ports identified in s. 403.021(9)(b), the department shall not issue any permit for the construction of a coastal inlet jetty or the excavation or maintenance of such an inlet if the activity authorized by the permit will have a significant adverse impact on the sandy beaches of this state without a mitigation program approved by the department. In evaluating the mitigation program, the department shall take into consideration the benefits of the long-term sand management plan of the permittee and the overall public benefits of the inlet activity.*

(2) The department may authorize an excavation or erection of a structure at any coastal location upon receipt of an application from a property or riparian owner and upon consideration of facts and circumstances, including:

(a) Adequate engineering data concerning inlet and shoreline stability and storm tides related to shoreline topography;

(b) Design features of the proposed structures or activities; and

(c) Potential impacts of the location of such structures or activities, including potential cumulative effects of any proposed structures or activities upon such beach-dune system or coastal inlet, which, in the opinion of the department, clearly justify such a permit.

(3) The department may require such engineer certifications as necessary to assure the adequacy of the design and construction of permitted projects.

(4) The department may, as a condition to the granting of a permit under this section, require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contractual agreements to best assure compliance with any permit conditions. The department may also require notice of the permit conditions required and the contractual agreements entered into pursuant to the provisions of this subsection to be filed in the public records of the county in which the permitted activity is located.

Section 13. Subsections (1), (4), (5), (12), (13), (14), and (15) and paragraph (b) of subsection (6) of section 161.053, Florida Statutes, 1986 Supplement, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(1) The Legislature finds and declares that the beaches in this state and the coastal barrier dunes adjacent to such beaches, by their nature, are subject to frequent and severe fluctuations and represent one of the most valuable natural resources of Florida and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, ~~and~~ endanger adjacent *properties, or interfere with public beach access* ~~property and the beach-dune system~~. In furtherance of these findings, it is the intent of the Legislature to provide that the department establish coastal construction control lines on a county basis along the sand beaches of the state fronting on the Atlantic Ocean, ~~or~~ the Gulf of Mexico, *or the Straits of Florida.* Such lines shall be established so as to define that portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. However, the department may establish a segment or segments of a coastal construction control line further landward than the impact zone of a 100-year storm surge, provided such segment or segments do not extend beyond the landward toe of the coastal barrier dune structure that intercepts the 100-year storm surge. Such segment or segments shall not be established if adequate dune protection is provided by a state-approved dune management plan. Special siting and design considerations shall be necessary seaward of established coastal construction control lines to ensure the protection of the beach-dune system, proposed or existing structures, and adjacent properties *and the preservation of public beach access.*

(4) Any coastal county or coastal municipality may establish coastal construction zoning and building codes in lieu of the provisions of this section, provided such zones and codes are approved by the department as being adequate to *preserve and protect the beaches and coastal barrier dunes adjacent to such beaches which are under the jurisdiction of the department from imprudent construction that will jeopardize the*

stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access ~~protect the shoreline from erosion and safeguard adjacent structures~~. Exceptions to locally established coastal construction zoning and building codes shall not be granted unless previously approved by the department. It is the intent of this subsection to provide for local administration of established coastal construction control lines through approved zoning and building codes where desired by local interests and where such local interests have, in the judgment of the department, sufficient funds and personnel to adequately administer the program. Should the department determine at any time that the program is inadequately administered, the department shall have authority to revoke the authority granted to the county or municipality.

(5) Except in those areas where local zoning and building codes have been established pursuant to subsection (4), a permit to alter, excavate, or construct on property seaward of established coastal construction control lines may be granted by the department as follows:

(a) The department may authorize an excavation or erection of a structure at any coastal location as described in subsection (1) upon receipt of an application from a property and/or riparian owner and upon the consideration of facts and circumstances, including:

1. Adequate engineering data concerning shoreline stability and storm tides related to shoreline topography;

2. Design features of the proposed structures or activities; and

3. Potential impacts of the location of such structures or activities, including potential cumulative effects of any proposed structures or activities upon such beach-dune system, which, in the opinion of the department, clearly justify such a permit.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if the existing structures have not been unduly affected by erosion, a proposed structure may, at the discretion of the department, be permitted along such line on written authorization from the department if such structure is also approved by the department. However, the department shall not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, those requirements provided herein. *This paragraph does not prohibit the department from requiring structures to meet design and siting criteria established in paragraph (a) or in subsection (1) or subsection (2).*

(c) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat, pursuant to s. 370.12, and to native salt-resistant vegetation and endangered plant communities.

(d) The department may require such engineer certifications as necessary to assure the adequacy of the design and construction of permitted projects.

(e) The department shall limit the construction of structures which interfere with public access along the beach. However, the department may require, as a condition to granting permits, the provision of alternative access when interference with public access along the beach is unavoidable. The width of such alternate access may not be required to exceed the width of the access that will be obstructed as a result of the permit being granted.

(f) The department may, as a condition to the granting of a permit under this section, require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contractual agreements to best assure compliance with any permit conditions. The department may also require notice of the permit conditions required and the contractual agreements entered into pursuant to the provisions of this subsection to be filed in the public records of the county in which the permitted activity is located.

(6)

(b) After October 1, 1985, and notwithstanding any other provision of this part, the department, or a local government to which the department has delegated permitting authority pursuant to subsections (4) and *(16)* ~~(15)~~, shall not issue any permit for any structure, other than a coastal or shore protection structure, minor structure, or pier, meeting the requirements of this part, or other than intake and discharge structures for a facility sited pursuant to part II of chapter 403, which is proposed for a location which, based on the department's projections of erosion in the area, will be seaward of the seasonal high-water line within 30 years after the date of application for such permit. The procedures for determining such erosion shall be established by rule. In determining the area which will be seaward of the seasonal high-water line in 30 years, the department shall not include any areas landward of a coastal construction control line.

(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. *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.*

(13)(a) Notwithstanding the coastal construction control requirements defined in subsection (1) or the erosion projection determined pursuant to subsection (6), 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). *Alternatively,* the department may also, at its discretion, issue a permit for a more landward relocation *or rebuilding of a damaged or* ~~of an~~ existing structure ~~rather than rebuilding within the confines of the original structure~~ if such relocation *or rebuilding* would not cause further harm to the beach-dune system, *and if in the case of rebuilding, such rebuilding complies with the provisions of subsection (5),* and otherwise complies with the provisions of this subsection.

(b) 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).

(c) ~~However,~~ In reviewing applications for *relocation or* rebuilding, the department shall specifically consider changes in shoreline conditions, the availability of other *relocation or* rebuilding options, and the design adequacy of the project sought to be rebuilt.

(d) 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.~~

(14)~~(13)~~ Concurrent with the establishment of a coastal construction control line and the ongoing administration of this chapter, the executive director of the department shall make recommendations to the Governor and Cabinet as head of the department concerning the purchase of the fee or any lesser interest in any lands seaward of the control line pursuant to the state's Save our Coast, Conservation and Recreation Lands, or Outdoor Recreation Land acquisition programs; and, with respect to those control lines established pursuant to this section prior to June 14, 1978, the executive director may make such recommendations.

(15)~~(14)~~ A coastal county or municipality fronting on the Gulf of Mexico, ~~or~~ the Atlantic Ocean, *or the Straits of Florida* shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located seaward of the line established by the department pursuant to the provisions of this section. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

(16)~~(15)~~ In keeping with the intent of subsection (4), and at the discretion of the department, authority for permitting certain types of activities which have been defined by the department may be delegated by the department to a coastal county or coastal municipality. Such partial delegation shall be narrowly construed to those particular activities specifically named in the delegation and agreed to by the affected county or municipality, and the delegation may be revoked by the department at any time if it is determined that the delegation is improperly or inadequately administered.

Section 14. Section 161.0535, Florida Statutes, is amended to read:

161.0535 Permits; fees, costs.—The department may establish by rule a fee schedule and may assess fees for the filing, processing, and issuance of permits issued pursuant to s. 161.041 and s. 161.053. The fee schedule shall contain categories of permits based on the varying costs of evaluating applications for different types of proposed construction. The fee schedule shall be based on the actual costs of administering these permitting programs. *Moneys from fees assessed pursuant to this section shall be deposited into the Beach Management Trust Fund.* The department may also assess the applicant for the costs of public notice by publication prior to the consideration of these permit applications.

Section 15. Subsection (5) is added to section 161.054, Florida Statutes, 1986 Supplement, to read:

161.054 Administrative fines; liability for damage; liens.—

(5) Any applicant for a permit pursuant to s. 161.041, s. 161.052, or s. 161.053 shall be denied a permit if a lien imposed upon the property pursuant to the provisions of this section is outstanding against the applicant; however, the department may authorize a permit after the fact in accordance with s. 161.041, s. 161.052, or s. 161.053, conditioned upon a resolution of the violation.

Section 16. Section 161.091, Florida Statutes, 1986 Supplement, is amended to read:

161.091 *Beach Management* ~~Erosion Control~~ Trust Fund.—

(1) There is created in the State Treasury an account to be known as the "*Beach Management* ~~Erosion Control~~ Trust Fund." Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from this account may be made by the division subject to the approval of the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide *beach* management plan for erosion control; beach preservation, beach restoration, and beach renourishment; and hurricane protection. The *Beach Management* ~~Erosion Control~~ Trust Fund 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) Notwithstanding the provisions of s. 216.292, the *Beach Management* ~~Erosion Control~~ Trust Fund shall not be available for transfer for any purpose other than those provided for in this section.

Section 17. Section 161.101, Florida Statutes, 1986 Supplement, is amended to read:

161.101 State and local participation in authorized projects and studies relating to beach *management and* 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 beach renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach 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 *Beach Management* ~~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) 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) 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) The department, for itself or on behalf of any and all duly established beach and shore preservation districts and local governments 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 *management* ~~and shore preservation~~ program.

(5) 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) The department is authorized to make application for federal participation in the cost of any beach and shore preservation *project* ~~program~~ under any Acts of Congress and all amendments thereto.

(7) The department is authorized to pay up to 100 percent of the construction and maintenance costs of projects authorized for construction pursuant to subsection (11), 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~~.

(8) With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from the *Beach Management* ~~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) Inlet sand transfer projects;

(d)~~(c)~~ Dune revegetation and stabilization;

(e) Restoration, renourishment, or feeder beach project costs;

(f)~~(d)~~ Construction easements, rights-of-way, public access easements, and vehicle parking spaces;

(g)~~(e)~~ Obtaining required permits;

(h)~~(f)~~ Establishing erosion control lines; ~~and~~

(i)~~(g)~~ Enhancement of marine turtle propagation*; and.*

(j) Sand-source studies.

(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 *Beach Management* ~~Erosion Control~~ Trust Fund to alleviate emergency conditions, upon a 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 18. Subsection (1) of section 161.141, Florida Statutes, 1986 Supplement, is amended to read:

161.141 Property rights of state and private upland owners in beach restoration project areas.—

(1) The Legislature hereby declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach renourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, *or the Straits of Florida,* 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 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 a beach restoration project, the board of trustees shall establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project shall remain 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 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 authorized beach restoration, beach renourishment, 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.

Section 19. Section 161.142, Florida Statutes, 1986 Supplement, is amended to read:

161.142 Declaration of public policy *relating to* ~~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 1 mile of the centerline of navigation channels or inlets, providing access to ports listed in s. 403.021(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 s. 161.053. 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 subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b).

Section 20. Subsections (1) and (6) of section 161.161, Florida Statutes, 1986 Supplement, are 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 *the extent to which such inlet causes beach erosion and* 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 beach renourishment *and shall include cost estimates necessary to take inlet corrective measures and recommendations regarding cost sharing among the beneficiaries of such inlet.*

(c) Specify design criteria for beach restoration and beach 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) Identify causes of shoreline erosion and change, calculate erosion rates, and project long-term erosion for all major beach and dune systems by surveys and profiles.

(f) Identify shoreline development and degree of density and assess impacts of development and shoreline protective structures on shoreline change and erosion.

(g) Identify short-term and long-term economic costs and benefits of beaches, including recreational value to user groups, tax base, revenues generated, and beach acquisition and maintenance costs.

(h) Study dune and vegetation conditions.

(i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles and their nests and nesting locations.

(j) Identify alternative management responses to preserve undeveloped beach and dune systems, to restore damaged beach and dune systems, and to prevent inappropriate development and redevelopment on migrating beaches, and consider beach restoration and renourishment, armoring, relocation and abandonment, dune and vegetation restoration, and acquisition.

(k) Establish criteria, including costs and specific implementation actions, for alternative management techniques.

(l) Select and recommend appropriate management measures for all of the state's sandy beaches in a beach management program.

(m)~~(e)~~ Establish a list of beach restoration and beach 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 *statewide beach management plan and shall serve as the basis for* state funding decisions upon approval in accordance with chapter 86-138, Laws of Florida. 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.

(6) The board of trustees shall approve or disapprove the beach restoration or beach renourishment project *as it affects sovereignty lands.* If

approval is granted, the head of the department shall authorize the expenditure from the *Beach Management* ~~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.

Section 21. Subsection (8) of section 373.026, Florida Statutes, 1986 Supplement, 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 *of Natural Resources* determines that the plan will have a significant adverse impact on the sandy beaches, the Department *of Environmental Regulation* shall not approve the plan or project unless it is revised to mitigate those impacts in accordance with the recommendations of the Department *of Natural Resources.*

(b) The department, subject to confirmation by the Legislature, shall act on behalf of the state in the negotiation and consummation of any agreement or compact with another state or states concerning waters of the state.

Section 22. The Department of Natural Resources is directed to study the problem of limited public access to Florida's sandy beaches and submit a report to the 1988 Legislature. The report shall include, but not be limited to:

(1) Development of proposed rules which will improve and enhance beach access and establish a more coordinated effort in providing beach access on a statewide basis;

(2) Development of legislative recommendations designed to codify common-law public use rights of the dry sandy beach; and

(3) Development of a beach-access initiative using Save Our Coast funds to provide for public beach access in areas that have a high population density and very limited availability of suitable and purchasable beachfront land. The purchase program shall be designed to acquire small, limited width, oceanfront parcels to be used solely for public access to major stretches of recreational beach.

Section 23. Beginning in fiscal year 1988-1989 and annually thereafter at least $35 million shall be available from the State Infrastructure Trust Fund for the purposes provided in s. 161.091(1), Florida Statutes.

Section 24. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Conference Committee Amendment 2—In Title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to natural resources; creating the "Surface Water Improvement and Management Act"; providing legislative findings and intent; providing for the developing of lists of prioritized water bodies of regional or statewide significance and for the design and implementation of surface water improvement and management plans and programs by the state's five regional water management districts; providing for participation by state agencies, local governments, and advisory committees; providing for the review of surface water improvement and management plans by certain state agencies and for the review of agency rules; providing for the implementation of surface water improvement and management plans and programs and making funds available; providing for the creation within the Department of Environmental Regulation of the Surface Water Improvement and Management Trust Fund and providing procedures for the administration of the Trust Fund; providing for a program to protect the water quality of Lake Okeechobee; creating the Lake Okeechobee Technical Advisory Council; providing for limitations on the diversion of specified waters; establishing a program for the improvement and management of the Lower St. Johns River; creating the Duval County Water Quality Council; establishing areas of jurisdiction and creating an approval process; amending section 5 of chapter 85-148, Laws of Florida; providing tasks for the pilot project for Like Apopka; amending section 7 of chapter 85-148, Laws of Florida; providing for competition among contractors for projects; directing the Department of Environmental Regulation to conduct a study to evaluate the existing classification systems for waters of the state; amending s. 373.503, F.S.; removing certain restrictions on the use of millage levied by the St. Johns Water Management District; changing the distribution of certain taxes for district and basin purposes; amending ss. 161.021, 161.041, 161.053, 161.054, 161.091, 161.101, 161.141, 161.161, 373.026, F.S.; providing definitions; prohibiting the Department of Natural Resources from issuing permits for certain construction or excavation except in specified circumstances; establishing criteria for local coastal construction zoning and building codes; providing for permits when liens are imposed on the property; establishing property rights of the state; renaming the Erosion Control Trust Fund; authorizing the department to use funds from the Beach Management Trust Fund to pay certain costs of specified beach management projects; providing procedures for approval of projects; providing for powers and duties of the Department of Environmental Regulation; providing for a report on public access to sandy beaches; making funds available from the State Infrastructure Trust Fund; providing an effective date.

The Conference Committee Report was read and on motion by Senator Crawford was adopted. CS for HB 1350 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Mr. President	Girardeau	Johnson	Plummer
Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, W. D.	Grizzle	Lehtinen	Stuart
Crawford	Hair	Malchon	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Jennings	Myers	Woodson

Nays—1

Langley

Vote after roll call:

Yea—D. Childers

Nay to Yea—Langley

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 3 to House Amendment 1; has amended Senate Amendment 4 to House Amendment 1 and Senate Amendment 1 to House Amendment 2, concurred in same as amended; and passed CS for SB 683, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 683—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 760.22, F.S.; expanding the definition of "handicap" for purposes of the protections against discrimination provided by the state Fair Housing Act, to include mental retardation and developmental disability; providing an effective date.

House Amendment 1 to Senate Amendment 4 to House Amendment 1—On page 11, line 17, insert:

Section 9. Section 420.621, Florida Statutes, is created to read:

420.621 Definitions.—As used in ss. 420.621-420.627, the following terms shall have the following meanings, unless the context otherwise requires:

(1) "AFDC" means Aid to Families with Dependent Children as administered under chapter 409.

(2) "Department" means the Department of Health and Rehabilitative Services.

(3) "District" means a service district of the Department of Health and Rehabilitative Services, as set forth in s. 20.19(5).

(4) "Homeless" means having a nighttime residence:

(a) In a public or private emergency shelter, such as an armory, school, church, government building, or where a temporary voucher is provided by a public or private agency, in a hotel, apartment, or boarding home.

(b) On the streets or under a bridge or aqueduct, in a park, subway, bus terminal, railroad station, airport, abandoned building, or vehicle, or in any other public or private space that is not designed for shelter.

(5) "Local coalition for the homeless" means a coalition established pursuant to s. 420.623.

(6) "New and temporary homeless" means those individuals or families who are homeless due to external factors, such as unemployment or other loss of income, personal or family-life crises, or the shortage of low-income housing.

(7) "Secretary" means the Secretary of the Department of Health and Rehabilitative Services.

Section 10. Section 420.623, Florida Statutes, is created to read:

420.623 Local coalitions for the homeless.—

(1) ESTABLISHMENT.—The department shall establish in each of its service districts one or more local coalitions to plan, network, coordinate, and oversee the delivery of services to the homeless in that district. Appropriate local groups and organizations involved in providing services for the homeless shall be given an opportunity to participate in such coalitions, including, but not limited to:

(a) Community mental health centers.

(b) County public health units.

(c) Organizations and agencies providing food, shelter, or other services targeted to the homeless.

(d) Local law enforcement agencies.

(e) Local offices of the Department of Labor and Employment Security.

(f) County and municipal governments.

(g) Local housing authorities.

(2) FUNCTIONS OF LOCAL COALITIONS.—Major functions of the local coalitions shall be to:

(a) Discuss local issues related to homelessness and the needs of the homeless.

(b) Inventory all local resources for the homeless, including, but not limited to, food assistance, clothing, emergency shelter, low-cost housing, emergency medical care, counseling, training, and employment.

(c) Review and assess all services and programs in support of the homeless and identify unmet needs of the homeless.

(d) Plan for the delivery of multiagency services for the homeless to eliminate duplication of services and to maximize the use of limited existing resources for the homeless.

(e) Develop new programs and services to fill critical service gaps, if necessary, through reallocation of existing resources for the homeless.

(f) Develop a community resource directory of services available to the homeless, for use by agencies, volunteers, information and referral systems, and homeless persons.

(g) Develop public education and outreach initiatives to make homeless persons aware of the services available to them through community agencies and organizations.

(h) Identify and explore new approaches to shelter care for the homeless, such as the use of vacant publicly owned buildings, vacant beds in adult congregate living facilities, and vacant beds in foster homes, as resources for emergency shelter care for homeless persons.

(i) Monitor and evaluate local homeless initiatives to assess their impact, to determine the adequacy of services available through such initiatives, and to identify additional unmet needs of homeless persons.

(j) Collect and compile information relating to the homeless population served and regularly report such information to the department.

(k) Develop an annual local plan of action which shall include:

1. The description, documentation, and priority ranking of local needs related to the problems of homelessness.

2. A plan outlining steps to be taken in meeting identified needs.

(3) DEPARTMENT GUIDELINES.—The department shall develop guidelines for coalition activities and for development of local plans of action.

Section 11. Section 420.627, Florida Statutes, is created to read:

420.627 Emergency financial assistance program.—

(1) LEGISLATIVE FINDINGS.—The Legislature hereby finds and declares that:

(a) Far too often, the homeless cycle begins with a family breakdown following a financial crisis—fathers or mothers desert or neglect their children because they cannot cope with their social and economic burdens; and teenagers quit school and leave home to drift into uncertain, often homeless, futures—resulting in growing numbers of new and temporary homeless.

(b) In Florida, there is no short-term emergency financial assistance program for needy families in immediate economic crisis. Because AFDC payments do not begin for 30 to 45 days after application for benefits, and because these benefits do not extend to families with both parents in the home, emergency financial assistance is needed to prevent severe family hardship, including homelessness, through early intervention to ameliorate the economic crisis.

(c) Numerous studies have shown that such short-term emergency financial assistance can often prevent long-term problems, including family disintegration and homelessness. Recognizing this, the Federal Government, in the Temporary Emergency Financial Assistance Program under Title IV of the United States Social Security Act, provides for reimbursement of states for up to one-half the cost of emergency assistance to needy families with children.

(d) It is incumbent upon the State of Florida to take advantage of this federal assistance to attempt to prevent family displacement, severe family hardship, and homelessness through early intervention, thereby avoiding longer-term problems which could be more costly to the state.

(2) DEFINITION.—For purposes of this section, the term "family in an emergency situation" means a family which is totally without shelter or which faces the loss of shelter due to any of the following:

(a) Nonpayment of rent or mortgage which resulted in eviction or legal notice of impending eviction;

(b) Household disaster, such as fire, flood, earthquake, or other accident, which renders the home uninhabitable; or

(c) Such other emergency situations as may be defined by rule of the department, subject to federal guidelines.

(3) ESTABLISHMENT OF PROGRAM.—The department is authorized to establish, subject to federal approval and financial participation, an emergency financial assistance program for families in an emergency situation. The department shall promulgate rules to implement said program in accordance with the guidelines established herein.

(4) CRITERIA.—The department shall develop criteria for implementation of the program in accordance with the following guidelines:

(a) Assistance under this program shall be limited to families with at least one child under the age of 18 who lives with one or both parents, with a relative or guardian, or in a foster home if the child would have been eligible for AFDC in the 6 months prior to entry into the foster home.

(b) The family shall have an intent to remain in Florida or shall be in this state for employment purposes.

(c) The family may not have liquid assets which could be made available to meet the emergency.

(d) Assistance under this program shall be limited to no more than 30 consecutive calendar days in any 12-month period for the same family.

(e) Assistance shall be in the form of a two-party payment and shall be limited to the amount of 1 month's rent, mortgage payment, or cost for emergency housing, and related expenses as defined by rule of the department. The amount of such payment shall be based upon demonstrated need, but may not exceed a maximum established by the Legislature.

(f) The family's adjusted gross income may not exceed the prevailing AFDC Consolidated Need Standard for the family's size.

(g) Loss of income may not be the result of a strike or the result of voluntary termination of employment, unless good cause can be shown for such voluntary termination.

(5) ADMINISTRATION OF PROGRAM.—

(a) In order to ensure that emergency assistance will be expeditiously provided to eligible families in an emergency situation, this program shall be administered at the district level in accordance with department criteria developed pursuant to subsection (4). All determinations as to eligibility and distribution of emergency assistance payments shall be made by the district offices and moneys disbursed under this program shall be disbursed through the district revolving funds.

(b) Pending federal approval, the department is encouraged to contract with county governments for administration of this program in accordance with the provisions of this section.

Section 12. Section 409.2351, Florida Statutes, is created to read:

409.2351 Short-term emergency financial assistance for housing.—In order to prevent family displacement, breakdown, or hardship due to homelessness, or the immediate threat thereof, the department is authorized to provide short-term emergency financial assistance to families in an emergency situation as defined in and pursuant to the provisions of s. 420.627.

Section 13. *Section 420.623, Florida Statutes is repealed on October 1, 1997, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 14. Part VIII of chapter 420, Florida Statutes, consisting of sections 420.801, 420.802, 420.803, 420.804, 420.805, 420.806, 420.808, and 420.809, is created to read:

PART VIII
POCKET OF POVERTY PROGRAM

420.801 Short title.—Sections 420.801-420.809 may be cited as the "Pocket of Poverty Program."

420.802 Legislative findings.—In addition to the findings and declarations in ss. 420.401, 420.502, 420.6015, 420.604, 420.608, 421.02, 422.02, 423.01, and 424.02, which are hereby reaffirmed, it is found by the Legislature that:

(1) The availability of safe, decent, sanitary, and affordable housing in many communities in this state is severely limited.

(2) This serious shortage of housing in these communities has contributed to overcrowded living conditions which constitute a menace to the health, safety, and welfare of farmworkers in this state.

(3) A large number of housing units in these communities lack complete interior plumbing, running water, and sufficient heat. Housing conditions in these economically distressed or declining areas are frequently substandard and are often unaffordable to farmworkers.

(4) Establishing and aggressively enforcing a minimum housing code in these communities will eliminate unsafe and often uninhabitable dwelling units but such forceful code enforcement may result in a reduction in the quantity of available shelter, unless rehabilitation and replacement efforts are undertaken.

(5) A disproportionately high percentage of farmworkers lives below the federal poverty level thereby reducing the ability to acquire decent, safe, and sanitary housing without federal, state, or local assistance.

420.803 Purpose.—The purpose of ss. 420.801-420.809 is to establish a pilot "pocket of poverty" program in the community of Belle Glade. State funds shall be expended in this community to stimulate a cooperative relationship and effort between local public bodies, the local industry, community-based organizations, nonprofit corporations, and private landowners in the rehabilitation, replacement, and construction of low-cost housing.

420.804 Definitions.—As used in this part, the following words and terms have the following meanings unless the context indicates another or different meaning or intent:

(1) "Agriculture industry" means any firm, association, business entity, employer, or corporation engaged, directly or indirectly, with farming operations which are normal and customary for the area, such as clearing, soil preparation, plowing, planting, harvesting, and packaging resulting in the production of agricultural goods.

(2) "Application" means a written request for a housing assistance grant to rehabilitate or construct farmworker housing.

(3) "Community-based organization" or "nonprofit organization" means a private corporation organized under chapter 617 to assist in the provision of housing or related services on a not-for-profit basis.

(4) "Department" means the Department of Community Affairs.

(5) "Farmworker" means any laborer who is employed in the planting, cultivating, harvesting, or processing of agricultural crops and who derives at least 50 percent of his income in the immediately preceding 12 months from such employment. "Farmworker" shall also include a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this part, a person must be 50 years of age or older and must be employed for a minimum of 5 years as a farmworker prior to retirement. In order to be considered retired as a farmworker due to disability or illness, it must be medically established that a person is unable to be employed as a farmworker due to disability or illness and had previously met the definition of a farmworker.

(6) "Farmworker housing" includes multi-family and single-family dwelling units and structures and facilities that are deemed necessary for such housing.

(7) "Housing assistance grant" means grant assistance by the state, from funds appropriated for this part, to be used by local public bodies or nonprofit organizations which seek to provide farmworker housing, such funds to be expended only for the purposes authorized in s. 420.806.

(8) "Fund" means the Pocket of Poverty Trust Fund as created in this part.

(9) "Local public body" means any county, municipality, or housing authority as provided in chapter 421, eligible to develop housing for citizens within its jurisdiction.

(10) "Pocket of poverty" means an area within a county composed of contiguous census tracts where 40 percent of the residents are at or below the federal poverty level and where the median income for the surrounding county exceeds the median income for the state as defined by the United States Department of Housing and Urban Development.

(11) "Project" means a specific work or improvement, including land, buildings, improvements, real and personal property, or any interest therein, acquired, owned, constructed, reconstructed, rehabilitated, or improved with the financial assistance of the state, intended for the construction of low-cost farmworker housing.

(12) "Sponsor" or "eligible sponsor" means a county commission or agency thereof; a municipal council or commission or agency thereof; a housing authority as provided by chapter 421; or a nonprofit organization chartered in the state under chapter 617, which makes application for a housing assistance grant.

(13) "Fiscal agent" means the board of county commissioners.

420.805 Pocket of Poverty Trust Fund.—There is established in the State Treasury a separate trust fund to be named the Pocket of Poverty Trust Fund, to be administered by the Department of Community Affairs, for the provision of low-cost housing in the community of Belle Glade. To this fund shall be credited all moneys appropriated by the Legislature, and other fees and charges accruing to the fund under this part. The funds shall be administered by the department according to the provisions of this part.

420.806 Pocket of Poverty Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—In addition to the legislative findings set forth in s. 420.802, the Legislature finds that low-cost housing in this community is most effectively provided by combining available public and private resources and stimulating cooperative efforts between local public bodies, the local industry, community-based organizations, and private landowners. It is the intent of the Legislature to encourage such combinations in order to demonstrate the benefits that may be afforded through the cooperation of the public and private sectors.

(2) PROGRAM CREATION; ADMINISTRATION.—There is created the pocket of poverty program, to be administered by the Department of Community Affairs. This special program is created as a 2-year pilot program to encourage the construction and rehabilitation of low-cost housing units in the community of Belle Glade. The department shall work with local governments, community-based organizations, and others interested in the development of local strategies, to facilitate the provisions of this part.

(3) PILOT COMMUNITY.—The City of Belle Glade shall be designated as the pocket of poverty for purposes of this part. The area within the limits of the City of Belle Glade shall serve as a legal description.

(4) LOCAL COMPREHENSIVE FARMWORKER HOUSING PLAN.—

(a) As soon as possible after the effective date of this part, the board of county commissioners, in direct consultation with the chief elected official of the local governing body in the pilot community, shall appoint a review committee for the purpose of preparing a local comprehensive farmworker housing plan. The review committee shall consist of nine members with the majority representing the pilot community. The members of the review committee shall include representation from the local public body, the board of county commissioners, the local industry, farmworkers, community-based organizations, bankers, developers, contractors, and others interested in establishing low-cost housing in the community.

(b) The local comprehensive farmworker housing plan shall represent the community's commitment to meeting its housing needs and shall include the following components:

1. Statement of farmworker housing needs;

2. Housing goals and objectives;

3. Existence of federal, state, local, or private housing assistance;

4. Method and authority of existing housing, building, and zoning code enforcement;

5. Plans for site improvement of available land;

6. Financing incentives for rehabilitation, replacement, and construction of housing;

7. Local commitment to expanding housing stock;

8. Cost estimates for implementing plan;

9. Identity of eligible sponsors as defined in s. 420.804; and

10. Maintenance of housing developments.

(c) There shall be written assurances from the appropriate units of local government that there will be no decrease in the current level of local funding and services to the identified pocket of poverty.

(d) It is the legislative intent that the review committee coordinate efforts with the local government comprehensive planning committee to ensure that the housing elements addressed in the plans are consistent with the goals and policies established.

(5) REVIEW OF PLANS.—By October 1, 1987, the local comprehensive farmworker housing plan shall be submitted to the department for review as to its applicability in meeting the housing needs of the community. Once the plan has been approved, the department shall notify the review committee of such approval.

(6) APPLICATION PROCEDURE.—

(a) The review committee shall develop an application form for use by each eligible sponsor. The form shall require at least the following information:

1. A description of the project citing the number of units, units size, proposed cost per unit;

2. The proposed sources of federal, state, or local governmental or private funding available for permanent financing and approximate percentage of such funds to be applied to the estimated final project cost;

3. A description of the proposed site and its purchase price;

4. A certificate of good standing from the Secretary of State evidencing good standing of the non-profit corporation;

5. A map indicating the location of the proposed development in relation to shopping centers, schools, recreation, transportation, and other facilities and services;

6. A written statement of the site's useability including information on zoning, access, availability of utilities and a description of adjoining property;

7. The projected timetable for completion of the project;

8. A property management program which shall include a provision for periodic inspection of multi-family projects; and

9. The projected amount of administrative expenses.

(b) Eligible sponsors shall submit an application for a housing assistance grant to the review committee. The review committee shall approve applications which best meet the demands for providing low-cost housing as established in the local comprehensive farmworker housing plan and which provide evidence of the sponsor's capability to carry out the project and evidence of a sound financial plan for the project. Special consideration shall be given to those eligible sponsors leveraging the greatest percentage of non-state dollars.

(c) A housing assistance grant shall be awarded for no more than 80 percent of the total cost of the project. No more than 10 percent of the amount of the grant shall be expended by the sponsors for administrative costs.

(d) The approved application shall be submitted to the department and funds equal to the amount approved by the review committee for the housing assistance grant shall be disbursed to the fiscal agent as defined pursuant to s. 420.804(13) within 21 days of receipt of the approved application.

(e) Prior to disbursement of funds to the sponsors, the fiscal agent shall execute a grant agreement with the sponsors detailing the terms and conditions of the housing assistance grant. Said agreement shall specify the timetable for completion of the project and the stages for disbursement of funds. An accountability provision shall be included in the grant agreement.

(f) The fiscal agent shall disburse funds to the sponsors in accordance with the project timetable as outlined in the application. The first payment to the sponsors shall be made by the fiscal agent within 21 days of receipt of the funds.

(7) ACCOUNTABILITY.—

(a) Every three months from receipt of the first payment and until completion of the project, the sponsors shall submit a progress report to the fiscal agent and review committee. It shall be the responsibility of the review committee to monitor the status of the project and advise the fiscal agent of any serious deviation from the grant agreement.

(b) Upon recommendation of a majority of the members of the review committee that a serious deviation exists, the fiscal agent shall withhold disbursement of funds until the sponsors can demonstrate to the satisfaction of the review committee that they are complying with the terms of the grant agreement.

(c) If such a recommendation is made and funds are withheld, the sponsors shall be entitled to appeal the recommendation. Such appeal shall be made to the fiscal agent who shall have final authority in determining the disbursement of funds.

420.808 Legislative findings.—The Legislature finds that:

(1) Farmworker communities have limited resources and are therefore unable to produce accurate demographic information.

(2) There is still a large segment of the farmworker population uncounted, a situation that should be helped by the present amnesty for illegal aliens; however, for accurate demographics, a comprehensive census is needed.

(3) Because of a lack of regular housing code enforcement in these communities, there is a need for a comprehensive survey to determine housing conditions.

(4) A comprehensive system of industry projections is necessary to determine future farm labor housing needs for each community.

420.809 Demographic study.—The State University System shall conduct a demographic study of all farmworkers in the state. The study shall be submitted to the Legislature no later than 1 year from the effective date of this part. The following information shall be obtained:

(1) A demographic profile of the farmworker population in the county.

(2) A survey of the agriculture industry to determine the current labor force and the projected labor needs to support the projected agricultural growth in the county.

(3) An identification of the housing conditions of the existing housing stock and project housing needs based on the future labor requirements.

Section 15. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

House Amendment 1 to Senate Amendment 1 to House Amendment 2—On page 2, in the title, line 3, after the semicolon (;) insert: creating s. 420.621, F.S.; providing definitions; creating s. 420.623, F.S.; providing for establishment of local coalitions for delivery of services to the homeless; providing functions; providing for development of guidelines by the Department of Health and Rehabilitative Services; creating s. 420.627, F.S.; providing legislative findings; providing a definition; providing for establishment of an emergency financial assistance program for needy families; providing for development of criteria; providing for administration of program; creating s. 409.2351, F.S.; providing for short-term emergency financial assistance for housing; providing for review and repeal; creating part VIII of chapter 420, F.S.; entitling part VIII as the "Pocket of Poverty Program"; providing legislative findings; providing purpose; providing definitions; creating the Pocket of Poverty Trust Fund; providing for the pocket of poverty program; providing legislative findings and intent, program creation and administration, pilot communities, local comprehensive housing plan, review of plans, application procedure and accountability; providing for legislative findings; providing for a demographic study; providing an effective date.

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

CS for SB 683 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	Deratany	Grizzle	Johnson
Beard	Dudley	Hair	Kirkpatrick
Brown	Frank	Hill	Langley
Childers, D.	Girardeau	Hollingsworth	Lehtinen
Childers, W. D.	Gordon	Jenne	Malchon
Crenshaw	Grant	Jennings	Margolis
McPherson	Plummer	Thomas	Woodson
Meek	Ros-Lehtinen	Thurman	
Myers	Scott	Weinstein	
Peterson	Stuart	Weinstock	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1293 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1293—A bill to be entitled An act relating to Lee County; amending chapter 63-1552, Laws of Florida, as amended by chapter 69-1235 and chapter 72-600, Laws of Florida; authorizing the Hospital Board of Directors of Lee County to establish additional hospitals and healthcare facilities; providing for the creation and regulation of medical staffs for said hospitals and facilities; providing for services to be furnished without charge under certain circumstances; authorizing the hospital board to establish charges for services; providing methods by which the hospital board may pay out and invest its funds; providing for a chief executive officer for the hospitals and facilities; authorizing the hospital board to sell and lease real and personal property and enter into arrangements with other organizations to further the purposes of the board; providing an effective date.

Amendment 1—On page 5, line 7, strike "accounts" and insert: *accounts* ~~account~~

Amendment 2—On page 6, line 11, strike ~~assistant~~ and insert: ~~assistants~~

Amendment 3—On page 6, line 26, and on page 7, line 15, after "chapter" insert: 63-1552, Laws of Florida, as amended by chapter

Amendment 4—On page 6, line 31, strike "*real property, and may* sue" and insert: *real property, and may* sue

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

SB 1293 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—39

Mr. President	Girardeau	Kirkpatrick	Plummer
Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1356 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1356—A bill to be entitled An act relating to the Florida Atlantic University West Palm Beach Center; amending s. 2, chapter 82-247, Laws of Florida, as amended by s. 18, chapter 86-145, Laws of Florida; eliminating the requirement of a minimum bid in the sale of 10 acres of the center; authorizing the rejection of all bids under certain circumstances; authorizing the Board of Trustees of the Internal Improvement Trust Fund to employ a real estate broker to arrange the sale of such property; providing an effective date.

Amendment 1—On page 2, line 11, insert:

Section 2. Paragraph (b) of section 3 of chapter 19133, Laws of Florida, 1939, as created 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 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 #C-13 subject to existing easements, rights of way, restrictions and reservations of record.

~~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:~~

~~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 section.)

Amendment 2—On page 1, in the title, lines 1-13, strike all of said lines and insert: A bill to be entitled An act relating to public lands; amending s. 2, chapter 82-247, Laws of Florida, as amended by s. 18, chapter 86-145, Laws of Florida, relating to the Florida Atlantic University West Palm Beach Center; eliminating the requirement of a minimum bid in the sale of 10 acres of the center; authorizing the rejection of all bids under certain circumstances; authorizing the Board of Trustees of the Internal Improvement Trust Fund to employ a real estate broker to arrange the sale of such property; amending s. 3(b), chapter 19133, Laws of Florida, 1939, as created by chapter 85-365, Laws of Florida; providing for the use of certain parcels of land for performing arts; providing an effective date.

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

SB 1356 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	Girardeau	Kirkpatrick	Ros-Lehtinen
Barron	Gordon	Kiser	Scott
Beard	Grant	Langley	Stuart
Brown	Grizzle	Lehtinen	Thomas
Childers, D.	Hair	Malchon	Thurman
Childers, W. D.	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1126 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1126—A bill to be entitled An act relating to Escambia County; amending section 4, chapter 83-405, Laws of Florida; revising the manner in which the funding for the civil service board is calculated; revising the manner in which such funding is allocated; providing for severability; providing an effective date.

On motions by Senator W. D. Childers, the Senate refused to recede from Amendments 1 and 2 and again requested the House to concur in the Senate amendments. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 780 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 780—A bill to be entitled An act relating to solicitation of funds; amending s. 496.02, F.S., revising definitions under the Solicitation of Charitable Contributions Act; amending s. 496.03, F.S., revising requirements relating to registration of charitable organizations; amending s. 496.04, F.S., relating to exemptions from provisions of said act; amending s. 496.045, F.S., revising requirements relating to registration of professional solicitors and their employees; authorizing acceptance of a surety other than bond; providing for the registration of fundraising consultants; amending s. 496.046, F.S., revising registration and renewal fees for charitable organizations and professional solicitor employees; providing additional administrative fees; amending s. 496.051, F.S., revising requirements relating to disclosure statements by charitable organizations; creating s. 496.052, F.S., requiring certain identification of charitable organizations, solicitors, and employees; amending s. 496.06, F.S., providing limitations on activities of charitable organizations and professional solicitors; creating s. 496.071, F.S., providing requirements for charitable sales promotions by a commercial coventurer; amending s. 496.09, F.S., relating to records of charitable organizations and professional solicitors; amending s. 496.11, F.S., revising prohibitions and requirements relating to the solicitation of charitable contributions; requiring written contracts with respect to solicitation or fundraising; requiring the filing of the contract with the department; providing penalties; amending s. 496.13, F.S., expanding enforcement authority of the Department of State; modifying the time period for certain notification to a complainant; including reference to fundraising consultants; amending s. 496.1315, F.S., relating to unlawfully solicited contributions; amending s. 496.21, F.S., revising definitions under the Law Enforcement and Emergency Service Solicitation of Contributions Act; amending s. 496.23, F.S., revising requirements relating to registration of sponsors; amending s. 496.236, F.S., relating to exemptions from provisions of said act; amending s. 496.24, F.S., revising requirements relating to professional solicitors and their employees; authorizing acceptance of a surety other than bond; amending s. 496.251, F.S., revising registration and renewal fees for sponsors, professional solicitors, and professional solicitor employees; providing additional administrative fees; amending s. 496.265, F.S., revising requirements relating to disclosure statements by sponsors; creating s. 496.266, F.S., requiring certain identification of sponsors, solicitors, and employees; creating s. 496.267, F.S., providing limitations on activities of sponsor and professional solicitors; amending

s. 496.29, F.S., providing for confidentiality of records of sponsors and professional solicitors; creating s. 496.295, F.S., providing requirements for sponsor sales promotions by a commercial coventurer; amending s. 496.31, F.S., revising prohibitions and requirements relating to solicitations; providing penalties; amending s. 496.33, F.S., expanding enforcement authority of the Department of State; modifying the time period for certain notification to a complainant; amending s. 496.335, F.S., relating to unlawfully solicited contributions; providing for review and repeal; providing an effective date.

On motions by Senator W. D. Childers, the Senate refused to recede from Amendment 1, and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 4 and 6; has refused to concur in Senate Amendments 2, 5 and 7 and requests the Senate to recede; has amended Senate Amendment 3, concurred in same as amended and passed HB 1415, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1415—A bill to be entitled An act relating to the boundaries of Santa Rosa County and Escambia County; amending ss. 7.17 and 7.55, F.S.; redefining the boundaries of Escambia and Santa Rosa Counties; providing that Navarre Beach shall be included in the boundary of Santa Rosa County; providing an effective date.

House Amendment 1 to Senate Amendment 3—On page 1, line 13, through page 2, line 4, strike all of subsection (2) and insert: If the district school boards are unable to reach an interlocal agreement within 60 days of the effective date of this act, the issue shall be submitted to, and the provisions of the interlocal agreement shall be determined by, binding arbitration. Arbitration shall be conducted by a panel of three arbitrators which shall be appointed within 90 days of the effective date of this act. One arbitrator each shall be appointed by the District School Board of Santa Rosa County and the District School Board of Escambia County, and the third arbitrator shall be appointed by the foregoing two arbitrators. Arbitration shall be conducted pursuant to the provisions of ch. 682. An award shall be made within 90 days of the appointment of the third arbitrator, provided that the school districts may, by written agreement, extend the time for the making of the award.

On motions by Senator W. D. Childers, the Senate refused to recede from Amendments 2, 5, and 7 and again requested that the House concur; and refused to concur in House Amendmemt 1 to Senate Amendment 3 and requested the House to recede. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to CS for HB 73 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 73—A bill to be entitled An act relating to mobile home and recreational vehicle dealers; amending s. 320.77, F.S., revising language with respect to the bond required of dealers to include reference to written contracts for improvements made to a mobile home or recreational vehicle; amending s. 723.061, F.S., relating to the method for determining compensation to mobile home owners evicted based upon change in land use; providing for the future repeal of a portion of the method for determining compensation to mobile home owners evicted based upon change in land use; repealing s. 723.061(2)(e), F.S., relating to eviction from a mobile home park based upon a change of land use to delete a repeal of procedures governing such evictions; providing an effective date.

On motions by Senator Thurman, the Senate receded from Amendments 1 and 2.

CS for HB 73 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Kiser	Ros-Lehtinen
Barron	Grant	Langley	Scott
Beard	Grizzle	Lehtinen	Stuart
Brown	Hair	Malchon	Thomas
Childers, D.	Hill	Margolis	Thurman
Childers, W. D.	Hollingsworth	McPherson	Weinstein
Crenshaw	Jenne	Meek	Weinstock
Deratany	Jennings	Myers	Woodson
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 259 and requests the Senate to recede.

John B. Phelps, Clerk

HB 259—A bill to be entitled An act relating to county officials; amending s. 145.19, F.S.; amending the definition of "annual factor" for purposes of calculating annual salary increases for county officers; providing an effective date.

On motions by Senator Grant, the Senate refused to recede from Amendments 1 and 2, and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1114 and again requests the Senate to recede.

John B. Phelps, Clerk

HB 1114—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending section 4 of chapter 81-376, Laws of Florida, as amended; revising the manner in which certain vacancies in the governing board of the authority are to be filled; requiring that any person filling such vacancy be a resident of the district served; providing an effective date.

On motions by Senator W. D. Childers, the Senate refused to recede from Amendments 1 and 2, and again requested the House to concur. The action of the Senate was certified to the House.

Senator Hair presiding

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1115 and again requests the Senate to recede.

John B. Phelps, Clerk

HB 1115—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 13 of chapter 80-579, Laws of Florida, as amended by chapter 83-501, Laws of Florida, relating to the Pensacola-Escambia Promotion and Development Commission; extending provisions relating to the funding of the commission by the city and county; providing an effective date.

On motions by Senator W. D. Childers, the Senate refused to recede from Amendments 1 and 2, and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 177 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 177—A bill to be entitled An act relating to motor vehicles; amending s. 272.161, F.S.; providing for loading zone permits and scramble parking permits and for the fees for such permits; amending s. 320.0848, F.S.; providing for the issuance of a placard that entitles a

handicapped person to park a rental car or a borrowed car in certain parking spaces; prescribing the format of the placard; setting a fee; providing that licensed podiatrists are authorized to certify persons as being eligible to receive an exemption entitlement parking permit; amending s. 316.1958, F.S.; providing reciprocity for holders of placards from other states; amending ss. 316.1955, 316.1956, 316.1964, F.S.; providing that a handicapped parking placard shall be treated as equivalent to a handicapped exemption entitlement parking permit; providing an effective date.

Amendment 1—On page 1, line 24, strike everything after the enacting clause and insert:

Section 1. Section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—No persons are permitted to use any toll facility operated by the department without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel *and handicapped persons* as defined in s. 347.19, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18.

Section 2. Subsection (3) of section 347.19, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to said section to read:

347.19 Militia, ~~and~~ clergymen *and certain handicapped persons* exempt from paying tolls.—

(3) Any handicapped person who has a valid driver's license, and who operates a specially equipped vehicle, and who is certified by a physician licensed under chapter 458 or chapter 459 or by a comparable licensing authority of another state or by the Adjudication Office of the Veterans Administration as being severely physically disabled and having permanent upper limb mobility or dexterity impairments which substantially impair his or her ability to deposit coins in toll baskets, shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state. Persons who meet the requirements of this subsection shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

Section 3. Paragraph (a) of subsection (6) of section 316.614, Florida Statutes, 1986 Supplement, is amended to read:

316.614 Safety belt usage.—

(6)(a) Neither a person who is certified by a physician as having a medical condition that causes the use of a safety belt to be inappropriate or dangerous nor an employee of a newspaper home delivery service while in the course of his employment delivering newspapers on home delivery routes is required to be restrained by a safety belt. *The provisions of this section shall not apply to a motor vehicle operated by a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier. The provisions of this section shall be optional for on-duty law enforcement officers.*

Section 4. Subsections (1) and (5) of section 316.1955, Florida Statutes, are amended to read:

316.1955 Parking spaces provided by governmental agencies for certain disabled persons.—

(1) Each state agency and political subdivision having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems that substantially impair their ability to ambulate and who have been issued *either* an exemption entitlement parking permit pursuant to s. 316.1958 or s. 320.0848 *or a license plate pursuant to s. 320.0842 or s. 320.0843.*

(5) It is unlawful for any person to stop, stand, or park a vehicle within any such specially designated and marked parking space provided in accordance with this section, unless such vehicle displays a parking permit issued pursuant to s. 316.1958 or s. 320.0848 *or a license plate issued pursuant to s. 320.0842 or 320.0843,* and such vehicle is transporting a person eligible for the parking permit *or license plate.* Whenever a law enforcement officer, ~~or a~~ parking enforcement specialist, *or a license inspector appointed pursuant to s. 320.58* finds a vehicle in violation of this subsection, that officer, *parking enforcement specialist, or license inspector* shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, *license inspector,* or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.

(b) Request the driver or any occupant of a vehicle parked in questionable violation of this subsection to show the identification card issued by the department pursuant to s. 320.0848(1)(a).

(c)~~(b)~~ Charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(2). However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit *or a special license plate,* momentary parking in any such parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

Section 5. Subsections (1), (3), and (4) of section 316.1956, Florida Statutes, are amended to read:

316.1956 Parking spaces provided by nongovernmental entities for certain disabled persons.—

(1) Any business, firm, or other person licensed to do business with the public may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued *either a* parking *permit* ~~permits~~ pursuant to s. 316.1958 or s. 320.0848 *or a license plate pursuant to s. 320.0842 or s. 320.0843.* The minimum number of such parking spaces shall be as provided in s. 316.1955(2)(c).

(3) Any person who parks a vehicle in any parking space designated with the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or with both such symbol and caption, is guilty of a traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(2), unless such vehicle displays a parking permit issued pursuant to s. 316.1958 or s. 320.0848 *or a license plate issued pursuant to s. 320.0842 or s. 320.0843,* and such vehicle is transporting a person eligible for such parking permit *or license plate.* However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit *or special license plate,* momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(4) Any law enforcement officer, ~~or~~ parking enforcement specialist, *or license inspector appointed pursuant to s. 320.58,* shall enforce the provisions of subsection (3), *and may request the driver or any occupant of a vehicle parked in questionable violation of subsection (3) to show the identification card issued by the department pursuant to s. 320.0848(1)(a).*

Section 6. Section 316.1964, Florida Statutes, is amended to read:

316.1964 Exemption of vehicles transporting certain disabled persons from payment of parking fees and penalties.—No state agency, county, municipality, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle which displays a parking permit issued pursuant to s. 320.0848 or a license plate issued pursuant to s. 320.084, ~~or~~ s. 320.0842, *or s. 320.0843* if such vehicle is transporting a person eligible for such parking permit or license plate; nor shall the driver of such a vehicle transporting such a person be penalized for parking, except in clearly defined bus loading zones, fire zones, or in areas posted as "No Parking" zones.

Section 7. Section 320.0842, Florida Statutes, is amended to read:

320.0842 Free motor vehicle license plates to veterans *with permanent mobility impairment or legally blind* ~~confined to wheelchairs~~.—

(1) Upon application by any person who owns or leases a motor vehicle and who is qualified under subsection (2), the department shall issue

to such person a free motor vehicle license plate, *together with an identification card,* similar in all respects to the plate issued under s. 320.084, *with the exception that the designation "DV" shall be replaced by a series designation which shall be the international* ~~internationally accepted wheelchair~~ symbol. The *international* ~~internationally accepted wheelchair~~ symbol *of accessibility is as follows:*
(Wheelchair symbol)

(2) In order to be eligible for the motor vehicle license plate described in subsection (1), a person must comply with the following provisions:

(a) The veteran must be eligible for the license plate issued under s. 320.084 and must apply for the license plate issued under this section in lieu of or in exchange for the motor vehicle license number plate authorized by s. 320.084; and

(b) The veteran must offer, in addition to the proof required by s. 320.084(1), proof that due to a service-connected disability *the veteran is severely physically disabled and has permanent mobility problems which substantially impair his ability to ambulate, or that he is legally blind* ~~he is a paraplegic~~.

(3) Upon request, the department shall issue, to a person who has received a motor vehicle license plate under subsection (2), a designation plate containing only the *international* ~~internationally accepted wheelchair~~ symbol *of accessibility,* to be displayed on the front of a vehicle.

(4) No county or municipality, or any agency thereof, may exact from any person who is issued a designated "DV" license plate under s. 320.084 or a license plate bearing the *international* ~~internationally accepted wheelchair~~ symbol *of accessibility* under this section any fee for parking on the roads of this state or in any metered parking space.

(5) No penalty for parking on the roads of this state or in a metered space, except in a clearly defined bus loading zone or an area posted as a "NO PARKING" zone, may be imposed upon any person who is issued a designated "DV" license plate under s. 320.084 or a license plate bearing the *international* ~~internationally accepted wheelchair~~ symbol *of accessibility* under this section.

(6) The provisions of subsections (3) and (4) of s. 320.084 apply to license plates issued under this section.

(7) Any person who is issued a license plate under this section has the same rights and duties with regard to parking in spaces specially designated for use by disabled individuals as do persons issued a parking permit pursuant to s. 316.1958 or s. 320.0848. However, this paragraph does not abrogate the duty of a person to annually renew his vehicle registration.

Section 8. Section 320.0843, Florida Statutes, is amended to read:

320.0843 License plates for *handicapped persons* ~~wheelchair users~~.—

(1) Any owner or lessee of a motor vehicle who resides in this state and is *physically disabled with permanent mobility problems which substantially impair his ability to ambulate or is certified legally blind* ~~permanently confined to a wheelchair~~, upon application to the department accompanied by competent and appropriate proof of disability, and upon payment of the license tax for a motor vehicle registered under s. 320.08(2), (3)(a), (b), (c), or (f), (6)(a), or (9)(c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international ~~wheelchair user~~ symbol *of accessibility* after the serial number of the license plate.

(2) All applications for such license plates shall be made to the department.

(3) Registration under this section shall be renewed annually during the applicable renewal period on forms prescribed by the department, which shall include, in addition to any other information required by the department, a certified statement as to the continued eligibility of the applicant to receive the special license plate. Any applicant who falsely or fraudulently submits to the department the certified statement required by this paragraph is guilty of a noncriminal violation and is subject to a civil penalty of $50.

(4) Any person who is issued a license plate under this section has the same rights and duties with regard to parking in spaces designated for use by disabled individuals as do persons issued a parking permit pursuant to s. 316.1958 or s. 320.0848. However, this paragraph does not abrogate the duty of a person to annually renew his vehicle registration.

Section 9. Paragraphs (a) and (b) of subsection (1) and subsection (2) of section 320.0848, Florida Statutes, 1986 Supplement, are amended to read:

320.0848 Handicapped persons; issuance of exemption entitlement parking permits; *exceptions;* permits for certain providers of transportation services to physically disabled persons.—

(1)(a) The Department of Highway Safety and Motor Vehicles shall, upon application, issue an exemption entitlement parking permit, *together with an identification card,* to any handicapped person who is currently certified by a physician licensed under chapter 458 or chapter 459 or comparable licensing in another state, by the Division of Blind Services of the Department of Education, ~~or by~~ the Adjudication Office of the Veterans Administration, *or any branch of the United States Armed Services* as being severely physically disabled and having permanent mobility problems which substantially impair his ability to ambulate or who is certified as legally blind.

(b) The Department of Highway Safety and Motor Vehicles shall *biennially* ~~annually~~, upon application, renew the exemption entitlement parking permit of any handicapped person upon presentation of the certification required by paragraph (a) or the identification card issued by the department with the previous permit together with proper identification and an affidavit of the department signed by the applicant which attests to the applicant's continued disability.

(2)*(a)* The parking permit shall be a metal taglet and shall be renewed by issuance of a validation decal *biennially* ~~annually~~ in conjunction with renewal of motor vehicle registration license plates or the date of birth of the applicant. The parking permit shall have the words "PARKING PERMIT" across the upper portion, the international symbol of accessibility in a contrasting color in the center so as to be visible, and a sequential audit number across the lower portion. The parking permit shall be affixed to the lower left corner of the rear license plate of any vehicle used to transport the applicant *and may be transferred from one vehicle to another.* The department may issue one additional exemption entitlement parking permit to any applicant who demonstrates that an additional permit is needed.

(b) Any veteran who is issued a license plate pursuant to s. 320.0842 and any owner or lessee of a motor vehicle who resides in this state and is issued a license plate pursuant to s. 320.0843 shall be fully entitled to exemption entitlement parking privileges pursuant to this section without being required to apply for, display, or pay any fee for, any exemption entitlement parking permit.

(3) The department shall set the fee to be paid by the applicant for the parking permit, which shall be *$3* ~~$5~~ for the initial parking permit and $1 for each additional parking permit. The Department of Highway Safety and Motor Vehicles shall ~~red~~ receive *$1.50* ~~$3.50~~ from the moneys derived from the proceeds of the exemption entitlement parking fee, and the tax collector of the county in which the fee was generated shall receive $1.50 to defray the expenses of administering this section.

Section 10. *Any handicapped person who possesses a valid unexpired exemption entitlement parking permit on the effective date of this act shall be entitled to continue such permit for 1 year beyond its present expiration date, at no charge, upon presentation thereof to the Department of Highway Safety and Motor Vehicles.*

Section 11. Paragraph (a) of subsection (1) and subsection (2) of section 320.58, Florida Statutes, are amended to read:

320.58 License inspectors; powers, appointment.—

(1)(a) The department shall appoint as many license inspectors and supervisors as it deems necessary to enforce the provisions of chapters 319, 320, 322, and 324 *and ss. 316.1955, 316.1956, 316.1958, and 316.1964.* In order to enforce the provisions of these laws, the inspectors are empowered to enter on both publicly owned and privately owned property and to issue uniform traffic citations to persons found in violation thereof. The department is further empowered to delegate the power to issue uniform traffic citations to persons acting as its agents for the purpose of enforcing the registration provisions of chapter 320 *and the parking provisions of ss. 316.1955, 316.1956, 316.1958, and 316.1964.*

(2)*(a)* Any person who fails or refuses to surrender his driver's license, registration certificate, and license plate upon lawful demand of an inspector, supervisor, or authorized agent of the department is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person in violation of the provisions of s. 316.1955, s. 316.1956, s. 316.1958, or s. 316.1964 is guilty of a nonmoving traffic violation, punishable as provided in ss. 316.008(4) and 318.18(2).

Section 12. This act shall take effect July 1, 1987.

Amendment 2—On page 1, in the title, lines 2-20, strike all of said lines and insert: An act relating to motor vehicles; amending ss. 338.155 and 347.19, F.S.; exempting certain handicapped persons from payment of tolls on bridges, ferries, and toll facilities; amending s. 316.614, F.S., exempting motor vehicles operated by rural letter carriers of the United States Postal Service and law enforcement officers under certain circumstances; amending ss. 316.1955, 316.1956, 316.1964, 320.0842, 320.0843, and 320.0848, F.S.; providing that certain handicapped persons with permanent mobility problems impairing the ability to ambulate, whose motor vehicles display a license plate designating that disability, may park such vehicles in parking spaces specially designated for disabled persons and shall not be required to apply for, display, or pay any fee for exemption entitlement parking permits; providing for biennial renewal of the exemption entitlement parking permit for handicapped persons; providing for identification cards; providing enforcement officers authority to request identification cards; continuing certain existing permits; amending s. 320.58, F.S.; providing license inspectors enforcement authority; providing a penalty; providing an effective date.

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

Amendment 1—On page 3, lines 20-30, all of pages 4-12 of the House amendment, strike all of said lines and pages and insert:

Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this subsection, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.

(b) Charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(2). However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit *or a special license plate*, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

Section 5. Subsections (1) and (3) of section 316.1956, Florida Statutes, are amended to read:

316.1956 Parking spaces provided by nongovernmental entities for certain disabled persons.—

(1) Any business, firm, or other person licensed to do business with the public may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued *either a* parking *permit* ~~permits~~ pursuant to s. 316.1958 or s. 320.0848 *or a license plate pursuant to s. 320.0842 or s. 320.0843.* The minimum number of such parking spaces shall be as provided in s. 316.1955(2)(c).

(3) Any person who parks a vehicle in any parking space designated with the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or with both such symbol and caption, is guilty of a traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(2), unless such vehicle displays a parking permit issued pursuant to s. 316.1958 or s. 320.0848 *or a license plate issued pursuant to s. 320.0842 or s. 320.0843*, and such vehicle is transporting a person eligible for such parking permit *or license plate*. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit *or special license plate*, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

Section 6. Section 316.1964, Florida Statutes, is amended to read:

316.1964 Exemption of vehicles transporting certain disabled persons from payment of parking fees and penalties.—No state agency, county, municipality, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle which displays a parking permit issued pursuant to s. 320.0848 or a license plate issued pursuant to s. 320.084, ~~or~~ s. 320.0842, *or s. 320.0843* if such vehicle is transporting a person eligible for such parking permit or license plate; nor shall the driver of such a vehicle transporting such a person be penalized for parking, except in clearly defined bus loading zones, fire zones, or in areas posted as "No Parking" zones.

Section 7. Subsection (7) is added to section 320.0842, Florida Statutes, to read:

320.0842 Free motor vehicle license plates to veterans confined to wheelchairs.—

(7) Any person who is issued a license plate under this section has the same rights and duties with regard to parking in spaces specially designated for use by disabled individuals as do persons issued a parking permit pursuant to s. 316.1958 or s. 320.0848. However, this paragraph does not abrogate the duty of a person to annually renew his vehicle registration.

Section 8. Subsection (4) is added to section 320.0843, Florida Statutes, to read:

320.0843 License plates for wheelchair users.—

(4) Any person who is issued a license plate under this section has the same rights and duties with regard to parking in spaces designated for use by disabled individuals as do persons issued a parking permit pursuant to s. 316.1958 or s. 320.0848. However, this paragraph does not abrogate the duty of a person to annually renew his vehicle registration.

Section 9. Subsection (5) of section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces.—

(5) The Department of General Services shall establish fees on all state-owned reserved parking spaces, except those assigned to qualified state employee car pools, under the jurisdiction of the department. *The department shall also issue loading zone permits for a fee sufficient to cover the cost of administration of the permits and maintenance of the loading zone areas and scramble parking permits for a fee sufficient to cover the cost of administration of the permits and maintenance of the scramble parking areas.*

Section 10. This act shall take effect July 1, 1987.

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

CS for SB 177 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	
Gordon	Kiser	Ros-Lehtinen	

Nays—None

SPECIAL ORDER

Consideration of CS for SB 2 and CS for SB 463 was deferred.

The Senate resumed consideration of—

HB 1029—A bill to be entitled An act relating to uninsured motorist insurance; amending s. 627.727, F.S.; providing that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances; requiring notice of coverage options to be attached to the notice of premium and specifying that receipt thereof does not constitute waiver of coverage; providing an effective date.

—having been considered June 4.

On motion by Senator Langley, HB 1029 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

CS for SB 829 was laid on the table.

Consideration of CS for SB 1247 was deferred.

The Senate resumed consideration of—

CS for HB 1467—A bill to be entitled An act relating to crime prevention; providing for state crime prevention information systems; providing legislative findings and intent; creating the Risk Assessment Information System Coordinating Council to provide information about the causes of crime; providing for membership and duties; requiring a report to the Legislature; providing for future review and repeal of the council; providing for a uniform sentencing policy; adopting Rules 3.701 and 3.988, Florida Rules of Criminal Procedure; amending s. 921.001, F.S.; providing a deadline for revisions to sentencing guidelines; widening range of sentences; lowering standards of review on appeals; amending s. 924.06, F.S.; limiting appeals by defendants; amending s. 924.07, F.S.; limiting appeals by the state; amending s. 775.084, F.S.; changing the standards for sentencing habitual offenders; amending s. 951.21, F.S.; changing the method of commuting time for good conduct of county prisoners; providing children and youth components; amending s. 233.067, F.S.; changing the comprehensive health education program in the public schools to the comprehensive health education and substance abuse prevention program; providing for establishment of a Prevention Resource Center as a clearinghouse; creating an advisory council to the center; providing for inservice training in substance abuse identification and prevention; providing for management training programs; providing for instruction in substance abuse prevention; providing for district contact persons to coordinate the program; requiring each district school board, laboratory school, or consortia thereof, to submit a proposed program; revising proposal contents; providing for model programs; providing for evaluation and dissemination of effective programs; amending s. 232.245, F.S.; requiring specification of the minimum number of hours of instruction for each grade level; amending s. 230.23, F.S.; requiring the district code of student conduct to include disciplinary action that may be imposed; amending s. 236.0811, F.S.; requiring training in substance abuse prevention education to be included as a component in the master plan for service training; amending s. 231.603, F.S.; requiring inservice training programs of teacher education centers to include substance abuse prevention education; creating s. 230.2318, F.S.; creating a statewide school resource officer program; providing for proposed program plans by school districts; providing contents; providing for approval of plans and provision of funding by the Commissioner of Education; providing duties of school resource officers; authorizing application for federal funds; providing for funding through the General Appropriations Act; providing for review and repeal; providing a guardian ad litem program for juveniles; providing legislative findings and intent; requiring the appointment of guardians ad litem for all juveniles alleged to be dependent; providing definitions; providing for reimbursement; providing for administrative and technical support by the office of the State Courts Administrator; providing for supervision by the chief judge of each circuit, along with a juvenile judge; providing immunity from liability; providing neighborhood and community components; creating the Safe Neighborhoods Act; providing legislative findings and purpose; providing definitions; providing for the creation of safe neighborhood improvement districts; providing for adoption of local planning ordinances; providing for the creation of property owners' association neighborhood improvement districts; providing for the creation of special neighborhood residential or business improvement districts; providing for ad valorem tax referenda; providing election procedures; providing ballots; providing for establishment, organization, management, funding, and powers and duties for each type of neighborhood improvement district; providing goals and methods for reducing crime through neighborhood improvement programs; providing for fiscal management and budget preparation; providing for development of safe neighborhood improvement plans; providing for notice and public hearings; providing for conformity with local government comprehensive plans; creating the Safe Neighborhoods Trust Fund within the Department of Community Affairs; providing methods for allocations; establishing a "crime prevention through environmental design" program; providing duties; providing duties of the Department of Community Affairs; directing local governments which have approved enterprise zones to consider creation of neighborhood improvement districts within such zones; amending s. 290.007, F.S., to add use of neighborhood improvement districts to listing of local programs to encourage revitalization of enterprise zones; amending s. 163.340, F.S., to add neighborhood improvement districts to list of special districts excluded from definition of "public body" or "taxing authority"; amending s. 220.183, F.S., to make neighborhood improvement districts eligible for purposes of community contribution tax credit; amending s. 624.5105, F.S., to authorize eligibility of neighborhood improvement districts for community contribution tax credit; creating s. 177.086, F.S.; providing that discontinuance of rights-of-way caused by installation of cul-de-sacs shall not operate as abandonment of right-of-way; creating s. 16.55, F.S.; requiring that the Department of Law Enforcement develop and disseminate model crime prevention training materials for use by the localities; providing adult substance abuse control components; amending s. 893.03, F.S.; adding a substance to the list of Schedule I controlled substances; clarifying the meaning of a substance listed in Schedule II; amending s. 893.03, F.S.; including anabolic steroids, among Schedule III controlled substances; creating s. 893.0356, F.S.; requiring the treatment of certain new substances as controlled substances; amending s. 893.13, F.S.; making it a felony to utilize or involve a minor in the sale or delivery of a controlled substance, or to sell, or possess with intent to sell, a controlled substance within a specified distance of a school; providing minimum mandatory sentences; amending s. 893.135, F.S.; decreasing the amount of cocaine required for the offense of trafficking; providing a definition of "knowingly"; providing that any person who knowingly purchases one of the specified controlled substances in one of the specified amounts shall be guilty of trafficking in such substance and shall be punished accordingly; providing penalties; authorizing a court, upon the motion of the state attorney or defense attorney, to reduce or suspend the sentence of certain persons who provide substantial assistance in the identification, arrest, or conviction of a person engaged in trafficking in controlled substances; creating s. 893.137, F.S.; providing a minimum mandatory sentence for a second or subsequent drug-related felony offense; creating s. 322.055, F.S.; providing for revocation or suspension of or delay of eligibility for a person's driver's license upon conviction of certain offenses; amending s. 782.04, F.S.; defining as murder a death caused by the distribution of any cocaine, morphine, phenylcyclidine, or methaqualone; amending s. 60.05, F.S.; expanding use of abatement of nuisance proceedings; amending s. 932.704, F.S.; allowing proceeds from contraband forfeiture sales to be expended for school resource officer, crime prevention, or drug abuse education programs; providing for quarterly reports to the Department of Law Enforcement; providing that proceeds from forfeiture of contraband articles seized by certain state agencies be deposited in the Drug Abuse Trust Fund of the Department of Health and Rehabilitative Services; creating s. 895.055, F.S.; providing for the distribution of residual funds derived from the sale of property forfeited under the RICO Act, to the Department of Health and Rehabilitative Services; specifying uses of such funds; amending s. 319.33, F.S., which provides offenses involving vehicle identification numbers or indicia of ownership of vehicles; providing that any vehicle to which such an offense relates shall constitute contraband subject to seizure and forfeiture proceedings; clarifying that any motor vehicle or mobile home the real identity of which cannot be determined shall constitute contraband; providing penalties; amending s. 329.10, F.S., relating to aircraft registration; authorizing seizure and forfeiture proceedings against aircraft in violation of any aircraft registration or information requirements; amending s. 329.11, F.S., relating to aircraft identification numbers; authorizing seizure and forfeiture proceedings against aircraft in violation of identification requirements; providing penalties; amending s. 330.40, F.S., relating to aircraft fuel tanks; authorizing seizure and forfeiture proceedings against aircraft in violation of any aircraft fuel tank requirements or restrictions; providing penalties; amending s. 328.05, F.S.; providing that specified unlawful acts relating to certificates of title or other indicia of ownership shall constitute any vessel to which they relate as contraband subject to seizure and forfeiture

proceedings; amending s. 843.18, F.S.; providing that any vessel used to flee or attempt to elude a law enforcement officer shall be contraband subject to seizure and forfeiture proceedings; providing penalties; creating the "Florida Money Laundering Act"; providing for the filing of information with the Department of Revenue relating to specified trade or business cash transactions; defining the offense of money laundering; providing fines and penalties; providing for notification of the reporting requirements by local governing authorities to all trades and businesses which they license; authorizing the Department of Revenue to enforce compliance and to be custodian of the information submitted; providing that such information shall be confidential; providing an exception for law enforcement agencies; providing changes in the law relating to pawnbrokers; amending s. 715.041, F.S.; making records available to the local police chief or sheriff or the delegate thereof; providing for recovery of stolen property; creating s. 715.0415, F.S.; requiring verification of ownership; providing penalties; creating s. 790.165, F.S.; prohibiting hoax bombs; providing definitions; providing penalties; creating the Crime Prevention and Law Enforcement Study Commission; providing membership and duties of such commission; providing for per diem and travel expenses; providing effective dates.

—with pending Amendment 2, having been considered June 4.

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

Amendment 2A—On pages 1, 2, 3, and 4, strike all of Section 2 of the bill and renumber subsequent sections.

Senator Johnson moved the following amendment to Amendment 2 which failed:

Amendment 2B—On pages 25, 26, and 27, strike all of Section 12 of the bill and renumber subsequent sections.

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

Amendment 2C—On pages 56 and 57, strike all of Section 46 of the bill and renumber subsequent sections.

Senator Johnson moved the following amendments to Amendment 2 which failed:

Amendment 2D—On page 39, lines 20-31; on page 40, lines 1-31; on page 41, lines 1-30; and on page 42, lines 1-25, strike all of said lines.

Amendment 2E—On page 46, lines 5-31 and on page 47, lines 1-25, strike all of said lines.

Senator Gordon moved the following amendments to Amendment 2 which were adopted:

Amendment 2F—On page 103, between lines 2 and 3, insert:

Section 77. Section 499.03, Florida Statutes, is amended to read:

499.03 Possession of new drugs or medicinal drugs without prescriptions unlawful; exemptions and exceptions.—

(1) No person shall possess, *or possess with intent to sell, dispense, or deliver,* any habit-forming, toxic, harmful, or new legend drug subject to s. 499.003(17), or medicinal drug as defined in s. 465.003(7), unless the possession of such drug has been obtained by a valid prescription of a practitioner licensed by law to prescribe such drug. However, the provisions of this section are not applicable to the delivery of such drugs to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their businesses or practices or in the performance of their official duties, as the case may be; nor are the provisions of this section applicable to the possession of such drugs by such persons or their agents or employees for such use:

(a) Pharmacists;

(b) Practitioners;

(c) Persons who procure such drugs for disposition by or under the supervision of pharmacists or practitioners employed by them or for the purpose of lawful research, teaching, or testing, and not for resale;

(d) Hospitals and other institutions which procure such drugs for lawful administration by practitioners;

(e) Officers or employees of federal, state, or local governments;

(f) Manufacturers, repackagers, or wholesalers who hold valid permits issued pursuant to s. 499.028 and who are lawfully engaged in selling such drugs to authorized persons; and

(g) Common carriers and warehousemen while engaged in lawfully transporting or storing such drugs for authorized persons.

(2) The possession of a drug under subsection (1) by any person not exempted under this section, which drug is not properly labeled to indicate that possession is by a valid prescription of a practitioner licensed by law to prescribe such drug, is prima facie evidence that such possession is unlawful.

(3) Violation of *subsection (1)* ~~this section~~ is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, *except that possession with the intent to sell, dispense, or deliver is a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(Renumber subsequent section.)

Amendment 2G—On page 25, strike all of lines 13-15 and insert: *A student may be entitled to*

Senator Hair offered the following amendment to Amendment 2 which was moved by Senator Johnson and adopted:

Amendment 2H—On page 53, line 29, strike all of Section 41 and insert a new Section 41:

Section 41. Section 715.041, Florida Statutes, is amended to read:

715.041 Recovery of stolen property from pawnbrokers.—

(1) Any person who sells property to a pawnbroker or pledges the property as security for a loan shall present either a driver's license or other comparable identification to the pawnbroker. The pawnbroker shall record the date of the transaction, the type of identification, the name and address as it appears on the item of identification, and the identifying number appearing thereon and have the record signed by the person from whom he receives the property. *Such record shall be on a form 8.5 inches wide by 7 inches long.* This record shall be made available to *the local sheriff or chief of police or their delegate or any law enforcement officer having statewide jurisdiction, acting in his official capacity* ~~any law enforcement agency or officer having jurisdiction~~, upon request.

(2) The lawful owner of any stolen property in the possession of a pawnbroker may recover such property by informing any law enforcement agency of the location of such property and providing the agency with proof of ownership of the property provided a timely report of the theft of the property was made to the proper authorities. Upon the receipt of such proof, any law enforcement officer ~~is~~ authorized *by the police chief or sheriff, or the delegate thereof, in the jurisdiction where the property is found, may* ~~to~~ recover the property from the pawnbroker, without expense to the lawful owner thereof, unless the pawnbroker presents evidence of having received proof of ownership of such property by the person who sold it to the pawnbroker or pledged the property as security for a loan. Any property recovered from a pawnbroker pursuant to this section shall be returned to the lawful owner subject to its use as evidence in any criminal proceeding.

(3) When the lawful owner recovers stolen property and the person who sold or pledged the stolen property to the pawnbroker is convicted of theft, the court *shall* ~~may~~ order the defendant to make restitution pursuant to s. 775.089.

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

Amendment 2I—On page 1, between lines 13 and 14, insert:

Section 2. Subsection (4) of section 893.03, Florida Statutes, 1986 Supplement, is amended to read:

893.03 Standards and schedules.—The substances enumerated herein are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this act shall not be construed to include within any of the schedules herein contained any excluded nonprescription drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances."

(4) SCHEDULE IV.—A substance in Schedule IV has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III *or, in the case of anabolic steroids, human chorionic gonadotropins, or other gonadotropins, may lead to physical damage.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, are controlled in Schedule IV:

(a) Alprazolam.

(b) Anabolic steroids, including testosterone and its analogs, human chorionic gonadotropins, and other gonadotropins, but not including patent or proprietary preparations containing anabolic steroids and labeled for animal use.

(c)~~(b)~~ Barbital.

(d)~~(c)~~ Bromazepam.

(e)~~(d)~~ Camazepam.

(f)~~(e)~~ Chloral betaine.

(g)~~(f)~~ Chloral hydrate.

(h)~~(g)~~ Chlordiazepoxide.

(i)~~(h)~~ Clobazam.

(j)~~(i)~~ Clonazepam.

(k)~~(j)~~ Clorazepate.

(l)~~(k)~~ Clotiazepam.

(m)~~(l)~~ Cloxazolam.

(n)~~(m)~~ Delorazepam.

(o)~~(n)~~ Dextropropoxyphene (dosage forms).

(p)~~(o)~~ Diazepam.

(q)~~(p)~~ Diethylpropion.

(r)~~(q)~~ Estazolam.

(s)~~(r)~~ Ethchlorvynol.

(t)~~(s)~~ Ethinamate.

(u)~~(t)~~ Ethyl loflazepate.

(v)~~(u)~~ Fenfluramine.

(w)~~(v)~~ Fludiazepam.

(x)~~(w)~~ Flunitrazepam.

(y)~~(x)~~ Flurazepam.

(z)~~(y)~~ Halazepam.

(aa)~~(z)~~ Haloxazolam.

(bb)~~(aa)~~ Ketazolam.

(cc)~~(bb)~~ Loprazolam.

(dd)~~(cc)~~ Lorazepam.

(ee)~~(dd)~~ Lormetazepam.

(ff)~~(ee)~~ Mazindol.

(gg)~~(ff)~~ Mebutamate.

(hh)~~(gg)~~ Medazepam.

(ii)~~(hh)~~ Meprobamate.

(jj)~~(ii)~~ Methohexital.

(kk)~~(jj)~~ Methylphenobarbital.

(ll)~~(kk)~~ Midazolam.

(mm)~~(ll)~~ Nimetazepam.

(nn)~~(mm)~~ Nitrazepam.

(oo)~~(nn)~~ Nordiazepam.

(pp)~~(oo)~~ Oxazepam.

(qq)~~(pp)~~ Oxazolam.

(rr)~~(qq)~~ Paraldehyde.

(ss)~~(rr)~~ Pemoline.

(tt)~~(ss)~~ Pentazocine.

(uu)~~(tt)~~ Petrichloral.

(vv)~~(uu)~~ Phenobarbital.

(ww)~~(vv)~~ Phentermine.

(xx)~~(ww)~~ Pinazepam.

(yy)~~(xx)~~ Pipradrol.

(zz)~~(yy)~~ Prazepam.

(aaa)~~(zz)~~ Quazepam.

(bbb)~~(aaa)~~ Tetrazepam.

(ccc)~~(bbb)~~ SPA[(-)-1 dimethylamino-1, 2 diphenylethane].

(ddd)~~(ccc)~~ Temazepam.

(eee)~~(ddd)~~ Triazolam.

Senator Frank moved the following amendment to Amendment 2 which failed:

Amendment 2J—On page 35, lines 8-11, strike all underlined language

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

Amendment 2K—On page 52, strike all of lines 13-21 and insert: required by this section is guilty of a noncriminal violation, punishable by a fine not exceeding $250.

(Renumber subsequent sections.)

Amendment 2 as amended was adopted.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Johnson:

Amendment 3—In title, on page 1, line 1, strike everything through page 10, line 2 and insert: A bill to be entitled An act relating to crime prevention; providing for legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; amending ss. 775.084, 921.001, F.S.; providing that persons sentenced as habitual felony offenders are not subject to the statewide sentencing guidelines; requiring judges to consider psychological injury to the victim in sentencing certain persons; reducing the level of proof necessary to establish the facts supporting a departure; providing that one clear and convincing reason is sufficient to support a departure sentence on appeal; providing for departures from sentencing guidelines in cases of excessive trauma to the victim or where the defendant's record demonstrates an escalating pattern of criminal conduct involving violence; amending ss. 924.06, 924.07, 958.04, F.S.; providing for appeals of sentences imposed outside the range recommended or permitted by the guidelines under certain circumstances; providing an additional ground for appeals by the state; requiring the court to rule upon a question raised by the state on cross-appeal regardless of its disposition of the appeal; amending ss. 893.03, 893.13, 893.135, 782.04, F.S.; adding a substance to the list of Schedule I controlled substances; revising the description of a substance listed as a Schedule II controlled substance; reclassifying cocaine and ecgonine as Schedule I controlled substances; providing penalties; including anabolic steroids, HCG, and growth hormone among Schedule III controlled substances; providing penalties; prohibiting the purchase, or possession with intent to purchase, of a controlled substance; prohibiting delivery of controlled substances to persons under the age of 18 or the use of persons under the age of 18 in the sale or delivery of such substances under certain circumstances; pro-

viding penalties for sale, purchase, or delivery of, or possession of with intent to sell, purchase, or deliver, controlled substances within a specified distance of a school; including purchasing of controlled substances within the penalty provisions for trafficking; providing that knowledge essential to establish trafficking exists regardless of which controlled substance the person thinks is involved in the trafficking; authorizing a court to reduce or suspend the sentence of certain persons who provide assistance in the identification, arrest, or conviction of a person engaged in trafficking in controlled substances; providing that the killing of a human being resulting from the unlawful distribution of Schedule I controlled substances constitutes murder in the first degree; providing penalties; providing for mandatory minimum probation for drug felonies; providing for local administrative proceedings for abatement of drug-related nuisances; creating s. 817.565, F.S.; prohibiting acts designed to defraud lawfully administered urine tests; providing a penalty; amending ss. 232.26, 240.133, F.S., relating to public schools, community colleges, and state universities, to provide mandatory expulsion of students who commit violations of chapter 893, F.S.; providing waivers from discipline under certain circumstances; authorizing public employers to dismiss employees found to be unlawfully using Schedule I controlled substances; requiring the Department of Corrections to present a report to the Legislature; amending s. 39.10, F.S.; requiring the surrender of drivers' licenses for all minors violating certain laws relating to alcoholic beverages and drugs; amending s. 322.05, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license to certain persons; amending s. 322.26, F.S.; providing for the mandatory revocation of drivers' licenses by the department with respect to minors who violate certain laws relating to alcoholic beverages and drugs; amending s. 932.704, F.S.; providing that proceeds from forfeiture of contraband articles seized by certain state agencies be deposited in the Drug Abuse Trust Fund of the Department of Health and Rehabilitative Services; allowing proceeds from contraband forfeiture sales to be expended for drug abuse education and treatment purposes; creating s. 895.055, F.S.; providing for the distribution of residual funds derived from the sale of property forfeited under the RICO Act to the Department of Health and Rehabilitative Services; specifying uses of such funds; amending s. 233.067, F.S.; changing the comprehensive health education program in the public schools to the comprehensive health education and substance abuse prevention program; providing for establishment of a Prevention Resource Center as a clearinghouse; creating an advisory council to the center; providing for inservice training in substance abuse identification and prevention; providing for management training programs; providing for instruction in substance abuse prevention; providing for district contact persons to coordinate the program; requiring each district school board, laboratory school, or consortia thereof, to submit a proposed program; revising proposal contents; providing for evaluation and dissemination of effective programs; amending s. 230.23, F.S.; requiring the district code of student conduct to include disciplinary action that may be imposed; amending s. 236.0811, F.S.; requiring training in substance abuse prevention education to be included as a component in the master plan for inservice training; amending s. 231.603, F.S.; requiring inservice training programs of teacher education centers to include substance abuse prevention education; creating s. 230.2318, F.S.; creating the School Resource Officer Program; providing for a contract; establishing eligibility criteria; authorizing application for federal funds; providing for funding through the General Appropriations Act; providing for review and repeal; amending s. 319.33, F.S., which provides offenses involving vehicle identification numbers or indicia of ownership of vehicles; providing that any vehicle to which such an offense relates shall constitute contraband subject to seizure and forfeiture proceedings; clarifying that any motor vehicle or mobile home the real identity of which cannot be determined shall constitute contraband; providing penalties; amending s. 329.10, F.S., relating to aircraft registration; authorizing seizure and forfeiture proceedings against aircraft in violation of any aircraft registration or information requirements; amending s. 330.40, F.S., relating to aircraft fuel tanks; authorizing seizure and forfeiture proceedings against aircraft in violation or any aircraft fuel tank requirements or restrictions; providing penalties; amending s. 329.11, F.S.; providing for seizure and forfeiture proceedings against certain unidentifiable aircraft; prohibiting the counterfeiting of manufacturer's identification plates or decals for aircraft; amending s. 327.30, F.S.; requiring the operator of a vessel involved in an accident to report the accident to certain agencies as soon as practicable; providing penalties for operators of vessels involved in certain types of accidents who leave the scene without taking certain actions; amending s. 327.25, F.S.; providing for vessel classification, registration, fees, and disposition of fees; amending s. 327.351, F.S.; providing punishment for operation of vessels while intoxicated; amending s. 327.353, F.S.; requiring an operator of a vessel to submit, under specified circumstances, to certain tests for physical impairment; creating s. 327.36, F.S.; prohibiting trial courts from withholding adjudication of guilt, suspending sentence, or accepting pleas to lesser offenses for certain specified offenses; amending s. 327.73, F.S.; providing for noncriminal infractions; creating s. 327.74, F.S.; providing for uniform boating citations; amending s. 328.05, F.S.; providing that specified unlawful acts relating to certificates of title or other indicia of ownership shall constitute any vessel to which they relate as contraband subject to seizure and forfeiture proceedings; amending s. 843.18, F.S.; providing that any vessel used to flee or attempt to elude a law enforcement officer shall be contraband subject to seizure and forfeiture proceedings; providing penalties; creating s. 790.165, F.S.; prohibiting the manufacture, possession, sale, or delivery of a hoax bomb; prohibiting the use of a hoax bomb during the commission of a felony; providing penalties; providing exceptions to the act; creating s. 16.55, F.S.; providing for the development of crime prevention training materials for the localities; providing an appropriation; amending s. 187.201, F.S.; establishing as part of the state comprehensive plan the goal of reducing commercial crime exposure through applied tangible and structural crime prevention techniques and technology; defining entrapment; providing for acquittal of a person prosecuted if he proves by a preponderance of evidence that his criminal conduct occurred as a result of entrapment; amending s. 810.07, F.S.; providing that, in a trial for attempted burglary, proof of the attempt to enter a structure or conveyance under specified circumstances is prima facie evidence of attempting to enter with the intent to commit an offense; amending s. 812.13, F.S.; redefining the offense of "robbery"; defining the term "in the course of the taking"; amending s. 914.23, F.S.; making it a felony of the third degree to threaten or attempt retaliation against a witness or informant in a criminal proceeding; providing penalties; providing an effective date.

WHEREAS, Florida is facing a crisis of dramatic proportions due to a rapidly increasing crime rate, which crisis demands urgent and creative remedial action, and

WHEREAS, Florida's crime rate crisis affects, and is affected by, numerous social, educational, economic, demographic, and geographic factors, and

WHEREAS, the crime rate crisis throughout the state has ramifications which reach far beyond the confines of the traditional criminal justice system and cause deterioration and disintegration of businesses, schools, communities, and families, and

WHEREAS, the Joint Executive/Legislative Task Force on Drug Abuse and Prevention strongly recommends legislation to combat Florida's substance abuse and crime problems, and asserts that the crime rate crisis must be the highest priority of every department of government within the state whose functions touch upon the issue, so that a comprehensive battle can be waged against this most insidious enemy, and

WHEREAS, this crucial battle requires a major commitment of resources and a nonpartisan, nonpolitical, cohesive, well-planned approach, and

WHEREAS, it is imperative to utilize a proactive stance in order to provide comprehensive and systematic legislation to address Florida's crime rate crisis, focusing on crime prevention throughout the societal strata of the state, and

WHEREAS, in striving to eliminate the fragmentation, duplication, and poor planning which would doom this fight against crime, it is necessary to coordinate all efforts toward a unified attack on the common enemy, crime, NOW, THEREFORE,

Senator Johnson moved the following substitute amendment:

Amendment 4—In title, on page 1, line 1 strike everything before the enacting clause and insert: A bill to be entitled An act relating to crime prevention and control; creating s. 893.0356, F.S.; requiring the treatment of certain new substances as controlled substances; amending ss. 893.03, 893.13, 893.135, 782.04, F.S.; adding a substance to the list of Schedule I controlled substances; revising the description of a substance listed as a Schedule II controlled substance; providing penalties; prohibiting the purchase, or possession with intent to purchase, of a controlled substance; providing penalties; prohibiting delivery of controlled substances to persons under the age of 18 or the use or hiring of persons under the age of 18 in the sale or delivery of such substances under certain circumstances or for certain purposes; providing penalties for sale, purchase, or delivery of, or possession of with intent to sell, purchase, or deliver, controlled

substances within a specified distance of a school; including purchasing of controlled substances within the penalty provisions for trafficking; providing that knowledge essential to establish trafficking exists regardless of which controlled substance the person thinks is involved in the trafficking; authorizing a court to reduce or suspend the sentence of certain persons who provide assistance in the identification, arrest, or conviction of a person engaged in trafficking in controlled substances; providing that the killing of a human being resulting from the unlawful distribution of Schedule I controlled substances or cocaine constitutes murder in the first degree; providing penalties; providing for local administrative proceedings for abatement of drug-related nuisances; amending s. 60.05, F.S.; authorizing city or county attorneys to bring suit for nuisance abatement; creating s. 817.565, F.S.; prohibiting acts designed to defraud lawfully administered urine tests; providing a penalty; amending ss. 232.26, 240.133, F.S., relating to public schools, community colleges, and state universities, to provide mandatory expulsion of students who commit violations of chapter 893, F.S.; providing waivers from discipline under certain circumstances; creating s. 322.055, F.S.; providing for revocation or suspension of or delay of eligibility for a person's driver's license upon conviction of drug offenses; amending s. 233.067, F.S.; changing the comprehensive health education program in the public schools to the comprehensive health education and substance abuse prevention program; providing for establishment of a Prevention Resource Center as a clearinghouse; creating an advisory council to the center; providing for inservice training in substance abuse identification and prevention; providing for management training programs; providing for instruction in substance abuse prevention; providing for district contact persons to coordinate the program; requiring each district school board, laboratory school, or consortium thereof, to submit a proposed program; revising proposal contents; providing for model programs; providing for evaluation and dissemination of effective programs; amending s. 232.245, F.S.; requiring specification of the minimum number of hours of instruction for each grade level; amending s. 230.23, F.S.; requiring the district code of student conduct to include disciplinary action that may be imposed; amending s. 236.0811, F.S.; requiring training in substance abuse prevention education to be included as a component in the master plan for inservice training; amending s. 231.603, F.S.; requiring inservice training programs of teacher education centers to include substance abuse prevention education; providing for funding of the Florida Comprehensive Health Education and Substance Abuse Prevention Program through the General Appropriations Act; providing for the program's review and repeal; amending s. 319.33, F.S., which provides offenses involving vehicle identification numbers or indicia of ownership of vehicles; providing that any vehicle to which such an offense relates shall constitute contraband subject to seizure and forfeiture proceedings; clarifying that any motor vehicle or mobile home the real identity of which cannot be determined shall constitute contraband; providing penalties; amending s. 329.10, F.S., relating to aircraft registration; authorizing seizure and forfeiture proceedings against aircraft in violation of any aircraft registration or information requirements; amending s. 330.40, F.S., relating to aircraft fuel tanks; authorizing seizure and forfeiture proceedings against aircraft in violation or any aircraft fuel tank requirements or restrictions; providing penalties; amending s. 329.11, F.S.; providing for seizure and forfeiture proceedings against certain unidentifiable aircraft; prohibiting the counterfeiting of manufacturer's identification plates or decals for aircraft; amending s. 327.30, F.S.; requiring the operator of a vessel involved in an accident to report the accident to certain agencies as soon as practicable; providing penalties for operators of vessels involved in certain types of accidents who leave the scene without taking certain actions; amending s. 327.351, F.S.; providing punishment for operation of vessels while intoxicated; amending s. 327.353, F.S.; requiring an operator of a vessel to submit, under specified circumstances, to certain tests for physical impairment; creating s. 327.36, F.S.; prohibiting trial courts from withholding adjudication of guilt, suspending sentence, or accepting pleas to lesser offenses for certain specified offenses; amending s. 328.05, F.S.; providing that specified unlawful acts relating to certificates of title or other indicia of ownership shall constitute any vessel to which they relate as contraband subject to seizure and forfeiture proceedings; amending s. 843.18, F.S.; providing that any vessel used to flee or attempt to elude a law enforcement officer shall be contraband subject to seizure and forfeiture proceedings; providing penalties; creating the "Money Laundering Control Act; providing for the filing of information with the Department of Revenue relating to specified trade or business currency transactions; providing fines and penalties for failure to report specified transactions; authorizing the Department of Revenue to enforce compliance and maintain information submitted; providing for confidentiality of information; providing exceptions to confidentiality for certain agencies; prohibiting persons from conducting financial transactions involving proceeds from specified unlawful activities under certain conditions or circumstances; prohibiting the transport of funds or monetary instruments for certain purposes under certain circumstances; providing penalties; providing definitions; requiring logs containing certain information to be retained by the seller of specified money orders; providing definitions; providing penalties for use of a money order in furtherance of any criminal activity or for failure to maintain a log; creating s. 790.165, F.S.; prohibiting the manufacture, possession, sale, or delivery of a hoax bomb; prohibiting the use of a hoax bomb during the commission of a felony; providing penalties; providing exceptions to the act; providing changes in the law relating to pawnbrokers; amending s. 715.041, F.S.; making records available to the local police chief or sheriff or the delegate thereof; providing for recovery of stolen property; creating s. 715.0415, F.S.; requiring verification of ownership; providing penalties; creating s. 790.165, F.S.; defining entrapment; providing for acquittal of a person prosecuted if he proves by a preponderance of evidence that his criminal conduct occurred as a result of entrapment; amending s. 810.07, F.S.; providing that, in a trial for attempted burglary, proof of the attempt to enter a structure or conveyance under specified circumstances is prima facie evidence of attempting to enter with the intent to commit an offense; amending s. 812.13, F.S.; redefining the offense of "robbery"; defining the term "in the course of the taking"; amending s. 914.23, F.S.; making it a felony of the third degree to threaten or attempt retaliation against a witness or informant in a criminal proceeding; providing penalties; amending s. 924.07, F.S.; providing an additional ground for appeals by the state; requiring the court to rule upon a question raised by the state on cross-appeal regardless of its disposition of the appeal; amending s. 939.01, F.S.; requiring inclusion of law enforcement and arson investigative costs in costs rendered in criminal judgments; requiring the court to state reasons for not entering costs; requiring defendant to pay the costs in specified period or installments; specifying periods in which payments must be made; allowing consideration of costs incurred; allowing consideration of financial needs and earning ability and financial resources of defendant; specifying burdens of proof on state attorney and defendant; providing for default and collection; providing for return of investigative costs recovered to the investigative agency incurring the expense; amending s. 849.25, F.S.; providing an expanded definition of the term "bookmaking"; creating s. 812.16, F.S; providing definitions; providing that operation of a chop shop is a felony of the third degree; requiring restitution to victims; providing for seizure and forfeiture of property involved; providing for state crime prevention information systems; providing legislative findings and intent; creating the Risk Assessment Information System Coordinating Council to provide information about the causes of crime; providing for membership and duties; requiring a report to the Legislature; providing for future review and repeal of the council; creating s. 16.55, F. S.; requiring that the Department of Legal Affairs develop and disseminate model crime prevention training materials for use by the localities; creating the Crime Prevention and Law Enforcement Study Commission; providing membership and duties of such commission; providing for per diem and travel expenses; creating the Safe Neighborhoods Act; providing legislative findings and purpose; providing definitions; providing for the creation of safe neighborhood improvement districts; providing for adoption of local planning ordinances; providing for the creation of property owners' association neighborhood improvement districts; providing for the creation of special neighborhood residential or business improvement districts; providing for ad valorem tax referenda; providing election procedures; providing ballots; providing for establishment, organization, management, funding, and powers and duties for each type of neighborhood improvement district; providing goals and methods for reducing crime through neighborhood improvement programs; providing for fiscal management and budget preparation; providing for development of safe neighborhood improvement plans; providing for notice and public hearings; providing for conformity with local government comprehensive plans; creating the Safe Neighborhoods Trust Fund within the Department of Community Affairs; providing methods for allocations; establishing a "crime prevention through environmental design" program; providing duties; providing duties of the Department of Community Affairs; directing local governments which have approved enterprise zones to consider creation of neighborhood improvement districts within such zones; amending s. 290.007, F.S., to add use of neighborhood improvement districts to listing of local programs to encourage revitalization of enterprise zones; amending s. 163.340, F.S., to add neighborhood improvement districts to list of special districts excluded from definition of "public body" or "taxing authority"; creating s. 177.086, F.S.; providing that discontinuance of rights-of-way caused by installation of cul-de-sacs shall not operate as abandonment of right-of-way; providing for funding of the Safe Neighborhoods Act through the General Appropriations Act; providing an effective date.

WHEREAS, Florida is facing a crisis of dramatic proportions due to a rapidly increasing crime rate, which crisis demands urgent and creative remedial action, and

WHEREAS, Florida's crime rate crisis affects, and is affected by, numerous social, educational, economic, demographic, and geographic factors, and

WHEREAS, the crime rate crisis throughout the state has ramifications which reach far beyond the confines of the traditional criminal justice system and cause deterioration and disintegration of businesses, schools, communities, and families, and

WHEREAS, the Joint Executive/Legislative Task Force on Drug Abuse and Prevention strongly recommends legislation to combat Florida's substance abuse and crime problems, and asserts that the crime rate crisis must be the highest priority of every department of government within the state whose functions touch upon the issue, so that a comprehensive battle can be waged against this most insidious enemy, and

WHEREAS, this crucial battle requires a major commitment of resources and a nonpartisan, nonpolitical, cohesive, well-planned approach, and

WHEREAS, it is imperative to utilize a proactive stance in order to provide comprehensive and systematic legislation to address Florida's crime rate crisis, focusing on crime prevention throughout the societal strata of the state, and

WHEREAS, in striving to eliminate the fragmentation, duplication, and poor planning which would doom this fight against crime, it is necessary to coordinate all efforts toward a unified attack on the common enemy, crime, NOW, THEREFORE,

Senator Johnson moved the following amendments to Amendment 4 which were adopted:

Amendment 4A—In title, on page 1, lines 18-22, after the semicolon (;) strike all of said lines and insert: providing penalties; prohibiting the

Amendment 4B—In title, on page 7, lines 7-9, after "an offense;" strike all of said lines

Senator Gordon moved the following amendments to Amendment 4 which were adopted:

Amendment 4C—In title, on page 2, strike all of lines 25-29 and insert: amending s. 232.26, F.S., relating to public schools; clarifying language providing waivers from discipline or expulsion under

Amendment 4D—In title, on page 10, line 6, after the semicolon (;) insert: amending s. 499.03, F.S.; prohibiting the possession with intent to sell, dispense, or deliver certain drugs; providing a penalty;

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

Amendment 4E—In title, on page 1, line 22, after the first semicolon (;) insert: including certain anabolic steroids and certain gonadotropins among Schedule IV controlled substances;

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

Amendment 4F—On page 6, strike all of lines 13-16 and insert: orders; providing a penalty; creating s. 790.165,

Amendment 4 as amended was adopted.

On motion by Senator Johnson, by two-thirds vote CS for HB 1467 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Childers, W. D.	Frank	Grizzle
Beard	Crenshaw	Girardeau	Hair
Brown	Deratany	Gordon	Hill
Childers, D.	Dudley	Grant	Hollingsworth
Jenne	Malchon	Plummer	Weinstein
Johnson	Margolis	Ros-Lehtinen	Weinstock
Kirkpatrick	McPherson	Scott	Woodson
Kiser	Meek	Stuart	
Langley	Myers	Thomas	
Lehtinen	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Jennings

On motions by Senator Myers, by two-thirds vote CS for HB 1428 was withdrawn from the Committees on Health and Rehabilitative Services; Commerce; and Appropriations.

On motion by Senator Myers—

CS for HB 1428—A bill to be entitled An act relating to employment opportunities for public assistance applicants and recipients; creating s. 409.029, F.S., the "Florida Employment Opportunity Act;" providing legislative findings and intent; providing definitions; providing interagency service integration requirements; requiring the development of an employment and training plan; providing for specified employment and training program; providing for support services for participants; providing for case management, assessment, and employment plan contracts; providing registration of public assistance applicants and recipients and participation requirements; providing procedures for sanctioning mandatory participants for program noncompliance; requiring contracts, subcontracts, and agreements to include specific performance criteria; requiring a program evaluation and reports; providing rulemaking authority to the department; amending s. 228.074, F.S., requiring representation of the Department of Health and Rehabilitative Services on the regional coordinating councils in vocational education planning regions; repealing s. 409.027, F.S., relating to the Public Assistance Productivity Act; repealing s. 409.028, F.S., relating to workfare policy; providing an effective date.

—a companion measure, was substituted for CS for SB 1247 and read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB 1428 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Langley	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	McPherson	Thurman
Childers, W. D.	Hill	Meek	Weinstein
Crenshaw	Hollingsworth	Myers	Weinstock
Deratany	Jenne	Peterson	Woodson
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	
Gordon	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Dudley, Jennings

CS for SB 1247 was laid on the table.

CS for SB's 1098 and 296—A bill to be entitled An act relating to hospitals; amending s. 119.07, F.S.; providing exemptions from public records act; amending s. 395.017, F.S.; granting access to patient records; amending s. 395.031, F.S.; relating to trauma centers and pediatric trauma referral centers; providing definitions; requiring local and regional trauma agencies to develop a trauma medical services system plan for review and approval by the Department of Health and Rehabilitative Services; providing plan components; requiring a public hearing prior to submission of such plan to the department for approval; requiring trauma centers to accept all trauma victims; prohibiting a facility that is not verified as a trauma center from holding itself out as such; providing for a county ordinance; requiring an annual update of the plan; providing for verification of hospital trauma centers; creating s. 395.032, F.S.; authorizing the department to define trauma regions for the state; providing criteria; requiring the department to develop regional trauma systems plans and specifying components; providing standards for the verification of trauma centers; requiring hospitals to request verification as a trauma center; prescribing contents of the application; providing for

renewal of verification; establishing requirements for the operation of a trauma center; providing for the collection and deposit of fees; requiring trauma victims be identified and transported according to department-approved protocol; requiring hospitals to furnish certain trauma registry data; providing for reverification as a trauma center; creating s. 320.0801, F.S.; providing an additional vehicle license fee; providing for deposits into the Emergency Medical Services Trust Fund; requiring the Hospital Cost Containment Board and the department to make studies and reports on trauma care; requiring the department to develop a plan for air medical evacuation services; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 14, strike all of lines 26 and 27, and insert:

Section 6. Each trauma center shall furnish and all hospitals shall allow for department review of trauma registry data as prescribed by rule of the department for the purpose of monitoring patient outcome and ensuring compliance with the standards of verification. Other hospitals may participate in the registry at their option. Patient care quality assurance proceedings, records, or reports made pursuant to this act shall be held confidential within the hospital and the department and shall not be available to the public pursuant to s. 119.07 or any other law providing access to public records, or be discoverable or admissible in any civil or administrative action. A person in attendance at such proceedings may not be required to testify as to what transpired at the meeting.

Amendment 2—On page 16, strike all of lines 21-23, and insert:

Section 11. For the 1987-1988 fiscal year, there is hereby appropriated $1,203,373 from the Emergency Medical Services Trust Fund within the Department of Health and Rehabilitative Services, and 12 positions within the Department of Health and Rehabilitative Services are hereby authorized, to implement the provisions of this act.

Amendment 3—On page 13, lines 30 and 31, and on page 14, lines 1-7, strike all of said language.

Amendment 4—On page 2, between line 18 and 19, insert:

Section 1. This act may be cited as the "Trauma Care Act."

(Renumber subsequent sections.)

Senator Langley moved the following amendment which was adopted:

Amendment 5—On page 15, strike all of line 12, and insert: and moped, as defined in

Senator Myers moved the following amendments which were adopted:

Amendment 6—In title, on page 2, line 5, before "hospitals" insert: certain

Amendment 7—In title, on page 2, line 14, after "services;" insert: enabling the department to utilize the Emergency Medical Services Trust Fund for the purposes of this act;

On motion by Senator Myers, by two-thirds vote CS for SB's 1098 and 296 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

Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Kiser	Ros-Lehtinen
Childers, D.	Grizzle	Langley	Scott
Childers, W. D.	Hair	Lehtinen	Stuart
Crenshaw	Hill	Malchon	Thomas
Deratany	Hollingsworth	Margolis	Thurman
Dudley	Jenne	McPherson	Weinstein
Frank	Jennings	Meek	Weinstock
Girardeau	Johnson	Myers	Woodson

Nays—None

RECESS

On motion by Senator Langley, the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:30 p.m. A quorum present—40:

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 99 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 99—A bill to be entitled An act relating to the Medical Examiners Commission; amending s. 406.02, F.S., providing for staggered terms of members and removal of members for non-attendance; reviving and readopting ss. 406.02, 406.03, 406.04, 406.05, F.S., relating to the commission and its duties, notwithstanding scheduled repeals; providing for future review and repeal of said sections; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 406.02, Florida Statutes, 1986 Supplement, are 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:

(a) The Governor shall appoint:

1. Two members who are physicians licensed pursuant to chapter 458 or chapter 459 and who are *active district medical examiners* ~~actively engaged in the practice of pathology~~;

2. One member who is a funeral director licensed pursuant to chapter 470;

3. One member who is a state attorney;

4. One member who is a public defender;

5. One member who is a sheriff; and

6. One member who is a county commissioner.

(b) One member shall be the Attorney General, or his designated representative.

(c) One member shall be the Deputy Assistant Secretary for Health of the Department of Health and Rehabilitative Services, or his designated representative.

(2) The term of office of the physicians appointed to the commission shall be 4 years. The term of office of the state attorney, public defender, sheriff, and county commissioner each shall be 4 years unless he leaves that office sooner, in which case his appointment will terminate. The term of office of the funeral director shall be 4 years. *Upon the expiration of the present terms of office, the Governor shall appoint two members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and one member for a term of 1 year.* An appointment to fill a vacancy shall be for the unexpired portion of the term.

Section 2. Section 406.06, Florida Statutes, is amended to read:

406.06 District medical examiners; associates.—

(1)(a) A district medical examiner shall be appointed by the Governor for each medical examiner district from nominees who are practicing physicians in pathology, whose nominations are submitted to the Governor by the Medical Examiners Commission. The term of office of each

district medical examiner shall be 3 years. ~~On July 1, 1982, the term of office of any person serving as a district medical examiner in districts one through seven shall expire, with respective appointments being made on the same date. On July 1, 1983, the term of office of any person serving as a district medical examiner in districts eight through fourteen shall expire, with respective appointments being made on the same date. On July 1, 1984, the term of office of any person serving as a district medical examiner in each of the remaining districts shall expire, with respective appointments being made on the same date.~~ An appointment to fill a vacancy shall be for the unexpired portion of the term.

(b) A physician member of the Medical Examiners Commission shall be eligible to serve as a district medical examiner upon approval by the Governor.

~~(c) A district medical examiner may be removed or suspended by the Medical Examiners Commission for any of the following acts:~~

~~1. Failure to comply with the provisions of this chapter or with the rules of the commission.~~

~~2. Misuse or misappropriation of public funds or property.~~

~~3. Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the duties of the district medical examiner or the ability to perform the duties of the medical examiner.~~

(2) The district medical examiner may appoint as many physicians as associate medical examiners as may be necessary to provide service at all times and all places within the district. Associate medical examiners shall serve at the pleasure of the district medical examiner.

(3) District medical examiners and associate medical examiners shall be entitled to compensation and such reasonable salary and fees as are established by the board of county commissioners in the respective districts.

(4)~~(3)~~ District medical examiners and associate medical examiners may engage in the private practice of medicine or surgery, *if licensed pursuant to chapter 458 or chapter 459,* insofar as such private practice does not interfere with their duties as prescribed herein.

Section 3. Section 406.075, Florida Statutes, is created to read:

406.075 Grounds for discipline; disciplinary proceedings.—

(1) A district or associate medical examiner may be removed or suspended by the Medical Examiners Commission for any of the following:

(a) Failure to comply with the provisions of this chapter or with the rules of the commission.

(b) Misuse or misappropriation of public funds or property.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the duties of the district medical examiner or the ability to perform the duties of the medical examiner.

(d) Disciplinary action against him by any state board licensing him as a physician.

(e) Having a financial interest in any funeral or direct disposal establishment or transportation service which does business, directly or indirectly, with the office of the district medical examiner.

(f) A material misrepresentation of his education, training, experience, or expertise while in his capacity as a medical examiner.

(g) A material misrepresentation of data upon which an opinion or conclusion as a medical examiner is based.

(2) The commission shall cause to be investigated any complaint which is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts which show a violation of this chapter or of any rule promulgated by the commission. The commission may investigate and take action on a complaint even though the complainant withdraws the complaint. The commission may investigate a complaint from a confidential informant if the complaint is substantial; if the alleged violation is substantial; if the complaint is legally sufficient; and if the commission has reason to believe, after inquiry, that the allegations are true. When an investigation of any district medical examiner or associate medical examiner is commenced, the commission shall notify the person against whom the complaint was made of the substance of the investigation, unless the commission chairman agrees in writing that such notification would be detrimental to the investigation. The commission may conduct an investigation without notification to any person if the act under investigation is a criminal offense. The commission chairman shall direct the commission staff to perform an expeditious investigation into the facts of the case, with the assistance of the Florida Department of Law Enforcement, if needed. The staff report shall contain investigative findings and recommendations as to probable cause.

(3)(a) The commission chairman shall appoint a probable cause panel of three members from among the commission membership, one of whom shall be a medical examiner. The probable cause panel may request staff to perform additional investigations as it sees fit. The determination as to whether or not probable cause exists shall be made by a majority vote of the probable cause panel within 30 working days of its receipt of staff investigative findings and recommendations. The commission chairman may grant 30-day extensions of the 30-day time limit. All proceedings and findings of the probable cause panel are exempt from the provisions of s. 286.011 until probable cause has been found or until the subject of the investigation waives his privilege of confidentiality, provided that this exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The complaint, all investigative findings, and the recommendations of the probable cause panel are exempt from the provisions of s. 119.07 until 10 days after probable cause has been found or until the subject of the investigation waives his privilege of confidentiality, provided that this exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The commission may provide such information at any time to any law enforcement agency or to any regulatory agency.

(b) If the probable cause panel finds that probable cause exists, it shall direct the commission to file a formal complaint against the subject of the investigation. The commission shall file a formal complaint pursuant to the provisions of chapter 120. The probable cause panel may also direct the commission to suspend a district medical examiner from office immediately, under the provisions of s. 120.60(8), if a danger to public health, safety, or welfare so requires.

(c) A formal hearing before a hearing officer from the Division of Administrative Hearings of the Department of Administration shall be held pursuant to chapter 120 unless all parties agree in writing that there is no disputed issue of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(d) The commission, with those members of the probable cause panel who reviewed the case being excused from voting, shall determine and issue the final order in each disciplinary case, and such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the commission.

(e) The commission shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(4) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished during any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

Section 4. Subsection (5) is added to section 406.08, Florida Statutes, to read:

406.08 Payment of fees, salaries, and expenses; transportation costs; *facilities.—*

(5) Autopsy and laboratory facilities utilized by the district medical examiner or his associates may be provided on a permanent or contractual basis by the counties within the district.

Section 5. Section 406.17, Florida Statutes, is amended to read:

406.17 Application and construction of chapter.—

~~(1)~~ This chapter supersedes all parts of statutes, general law, and special acts, with which it may be in conflict. *Nothing in this chapter shall* ~~Anything herein contained shall not~~ be construed to repeal or amend s. 925.09 or to affect the right of prosecutors to investigate and determine causes of death which, in their opinion, may have been criminally caused. In home rule counties which have established medical examiners under provisions of a home rule charter or code or ordinance enacted pursuant to the charter, the medical examiner shall also serve as the district medical examiner who would otherwise be appointed under this chapter.

~~(2) All special or local laws providing for the office of medical examiner or in conflict with this chapter are hereby repealed.~~

Section 6. *Sections 406.07 and 406.10, Florida Statutes, are hereby repealed.*

Section 7. *Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, sections 406.02, 406.03, 406.04, and 406.05, Florida Statutes, shall not stand repealed on October 1, 1987, and shall continue in full force and effect as amended herein.*

Section 8. *Sections 406.02, 406.03, 406.04, and 406.05, Florida Statutes, are repealed on October 1, 1997, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 9. This act shall take effect October 1, 1987.

Amendment 2—On page 1 in the title, lines 2-10, strike all of said lines and insert: An act relating to medical examiners; amending s. 406.02, F.S., relating to the Medical Examiners Commission; restricting physician membership; providing for staggered terms; amending s. 406.06, F.S., relating to district medical examiners; removing obsolete language; deleting provisions relating to removal or suspension; authorizing compensation; clarifying authority to engage in private practice; creating s. 406.075, F.S., providing disciplinary grounds and proceedings; amending s. 406.08, F.S., providing for autopsy and laboratory facilities; amending s. 406.17, F.S., deleting provisions relating to conflicting laws; repealing s. 406.07, F.S., relating to compensation of medical examiners; repealing s. 406.10, F.S., relating to autopsy and laboratory facilities; saving ss. 406.02, 406.03, 406.04, and 406.05, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

On motion by Senator Johnson, the Senate concurred in the House amendments.

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—34

Mr. President	Gordon	Kiser	Plummer
Barron	Grant	Langley	Ros-Lehtinen
Beard	Grizzle	Lehtinen	Stuart
Brown	Hair	Malchon	Thurman
Childers, D.	Hill	Margolis	Weinstein
Childers, W. D.	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	
Frank	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Girardeau, Kirkpatrick

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 227 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 227—A bill to be entitled An act relating to the Florida Governor's Council on Physical Fitness and Sports; renaming the council and transferring it to the Board of Regents; amending, transferring, and renumbering s. 14.22, F.S.; clarifying the role of the council and its direct-support organization; providing for the adoption of rules; modifying terms of council members; providing for contracts between the Board of Regents and a direct-support organization; providing for audits; reviving and reenacting said section, notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future repeal; amending s. 20.55, F.S.; changing the time limitation for a response to certain agency audit findings; providing an effective date.

Amendment 1—On pages 1-8, strike everything after the enacting clause and insert:

Section 1. Section 14.22, Florida Statutes, 1986 Supplement, is and amended to read:

14.22 *Florida* Governor's Council on Physical Fitness and *Amateur* 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 *Amateur* 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 *4* ~~3~~ years expiring on July 1 in the appropriate year. The Governor may reappoint any person who has served or is serving as a member of the council.

(b) The *council* ~~Governor~~ shall *elect one of its members* ~~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 *Amateur* Sports shall ~~have the power and duty to~~:

(a) Develop, foster, and coordinate services and programs of physical fitness and *amateur* sports for the people of Florida.

(b) Sponsor physical fitness and *amateur* sports workshops, clinics, conferences, and other similar activities.

(c) Give recognition to outstanding developments and achievements in, and contributions to, physical fitness and *amateur* sports.

(d) Stimulate physical fitness research.

(e) Collect and disseminate physical fitness and sports information and initiate advertising campaigns promoting physical fitness and *amateur* 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 *amateur* 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.~~

(j)~~(l)~~ Promote the development of a program of statewide amateur athletic competition to be known as the "Sunshine State Games."

(k)~~(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.

(l)~~(n)~~ Promote national and international amateur athletic competitions.

(m) Recommend rules for adoption and establish policies for the operation of the Sunshine State Games, the promotion of national and international amateur athletic competitions, and the development of Olympic training centers.

(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. *The Governor may authorize a direct-support organization to assist in the operation of the* ~~Authority is hereby granted to create~~ Sunshine State Games, *the promotion of* national and international amateur athletic competitions, and *the development of* Olympic training centers ~~direct-support organizations~~. *The direct-support organization shall operate under contract with the Governor.* Such a 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 *amateur* sports competition; and

c. *Approved by the Governor and the council to be operating for the benefit of the council* ~~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 contract shall provide for:

a. Approval of the articles of incorporation of the direct-support organization by the Governor and the council, and for the governance of the direct-support organization by members appointed by the council and approved by the Governor.

b. Submission of an annual budget for the approval of the council and the Governor. The budget shall be in accordance with rules adopted by the Governor upon the recommendation of the council.

c. Certification by the Governor or his designee, after conducting an annual financial and performance review, that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals of the council and in the best interest of the state. Such certification shall be made to the council annually and reported in the official minutes of a meeting of the council.

d. The release and conditions for the expenditure of any state revenues.

e. The reversion to the state of funds held in trust by the direct-support organization if the contract is terminated.

f. The fiscal year of the direct-support organization as beginning on July 1 and ending on June 30 in each and every year.

3.~~2.~~ The Executive Office of the Governor is authorized to permit the use of property, facilities, and personal service of or at any *State University System* ~~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.

4.~~3.~~ *The* ~~Each~~ Sunshine State Games direct-support organization shall make provisions for an annual *financial and compliance audit* ~~post-audit~~ of its financial accounts *and records* by an independent certified public accountant *in accordance with rules established by the Governor.* The annual audit report shall be submitted to the *Governor* ~~Executive Office of the Governor~~ *and the council* for review *and approval. Upon approval, the Governor and the council shall certify the audit report to the Auditor General for review and approval.* 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, and that anonymity shall be maintained in the auditor's report. Such 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 2. Notwithstanding the provisions of chapter 82-46, Laws of Florida, or chapter 83-265, Laws of Florida, section 14.22, Florida Statutes, shall not stand repealed on October 1, 1987, as scheduled by such acts, but said section, as amended, is hereby revived and readopted.

Section 3. Section 14.22, Florida Statutes, is repealed on October 1, 1997, and shall be reviewed by the Legislature prior to that date pursuant to the Sundown Act, section 11.611, Florida Statutes.

Section 4. This act shall take effect October 1, 1987.

Amendment 2—On page 1 in the title, lines 1-18, strike the entire title and insert: A bill to be entitled An act relating to the Florida Governor's Council on Physical Fitness and Sports; renaming the council; amending s. 14.22, F.S.; clarifying the role of the council and its direct-support organization; providing for the adoption of rules; modifying terms of council members; providing for contracts between the Governor and a direct-support organization; providing for audits; reviving and reenacting said section, notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future repeal; amending s. 20.55, F.S.; changing the time limitation for a response to certain agency audit findings; providing an effective date.

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

CS for SB 227 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	Girardeau	Johnson	Ros-Lehtinen
Barron	Gordon	Kiser	Stuart
Beard	Grant	Langley	Thomas
Brown	Grizzle	Malchon	Thurman
Childers, D.	Hair	Margolis	Weinstein
Crawford	Hill	McPherson	Weinstock
Deratany	Hollingsworth	Meek	Woodson
Dudley	Jenne	Myers	
Frank	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1, 2 and 3, further amended, and passed as further amended CS for SB 593 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 593—A bill to be entitled An act relating to counties and municipalities; creating the "Florida Governmental Cooperation Act"; requiring counties and municipalities to attempt to settle disputes before resorting to litigation, except in cases of immediate danger to the health, safety, or welfare of the public; providing penalties for failure to follow prescribed procedures; providing for tolling of statutes of limitations; providing for a public hearing prior to settlement; providing an effective date.

Amendment 4—On page 2, line 27, after the period (.) insert:

Section 7. *A local government may settle a case at a public meeting subject to s. 286.011 where it states into the record the reasons for which an emergency exists which preclude the local government from holding a public hearing on the settlement.*

(Renumber subsequent section)

Amendment 5—On page 1 in the title, line 11, after the semicolon (;) insert: allowing local governments to settle cases at a public meeting under certain circumstances;

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

CS for SB 593 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	Langley	Ros-Lehtinen
Barron	Grant	Lehtinen	Stuart
Beard	Grizzle	Malchon	Thomas
Brown	Hair	Margolis	Thurman
Childers, D.	Hill	McPherson	Weinstein
Deratany	Hollingsworth	Meek	Weinstock
Dudley	Jenne	Myers	Woodson
Frank	Jennings	Peterson	
Girardeau	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 2, concurred in same as amended and passed HB 428, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 428—A bill to be entitled An act relating to insurance; amending s. 624.155, F.S., requiring additional information to be included in a notice of an alleged violation by an insurer as a condition to bringing a civil remedy action; specifying authority of the Department of Insurance relative to such notices; requiring insurers to report on the disposition of the violation; providing an effective date.

House Amendment 1 to Senate Amendment 2—On page 2, line 3 of the Senate Amendment insert: creating s. 627.6698, F.S.; providing for award of attorney's fees in any action against an insurer under a group health insurance policy under certain circumstances; providing for expiration of section and for review pursuant to s. 11.61, F.S., in advance of expiration;

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

HB 428 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Kiser	Plummer
Barron	Grant	Langley	Ros-Lehtinen
Beard	Grizzle	Lehtinen	Scott
Brown	Hair	Malchon	Stuart
Childers, D.	Hill	Margolis	Thomas
Deratany	Hollingsworth	McPherson	Thurman
Dudley	Jenne	Meek	Weinstein
Frank	Jennings	Myers	Weinstock
Girardeau	Johnson	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick

SPECIAL ORDER, continued

Consideration of SB 1270 was deferred.

On motions by Senator McPherson, by two-thirds vote HB 1472 was withdrawn from the Committees on Natural Resources and Conservation; Governmental Operations; and Appropriations.

On motion by Senator McPherson—

HB 1472—A bill to be entitled An act relating to Indian reservations and affairs; amending s. 285.061, F.S.; providing for the transfer of certain lands to the United States in trust for the Seminole Tribe of Indians of Florida; ratifying and approving a compact between the State of Florida and the South Florida Water Management District and the Seminole Tribe of Indians of Florida relating to water rights; directing state agencies to assist the district in implementing the compact; providing an appropriation to settle litigation with the tribe; providing an effective date.

—a companion measure, was substituted for CS for SB 412 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 1472 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Girardeau	Kirkpatrick	Plummer
Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

Nays—None

CS for SB 412 was laid on the table.

On motions by Senator McPherson, by two-thirds vote HB 36 was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator McPherson—

HB 36—A bill to be entitled An act relating to youth; creating the Florida Youth Conservation Corps Act of 1987; providing intent; providing definitions; establishing the Office of Civilian Conservation within the Department of Natural Resources to administer the Florida Youth Conservation Corps program; providing conservation and public service components of the program; 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 severability; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB's 174 and 98 and read the second time by title.

Senator McPherson moved the following amendment which was adopted:

Amendment 1—On page 8, strike all of lines 8-12 and insert:

(6) MEMBERSHIP; DUTIES.—

(a) All persons between the ages of 16 and 20 years,

(Renumber subsequent subsection.)

Senator Meek moved the following amendment which was adopted:

Amendment 2—On page 9, line 17, strike *"$2,000,000"* and insert: *$1,000,000*

On motion by Senator McPherson, by two-thirds vote HB 36 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kiser	Ros-Lehtinen
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Jennings	Myers	
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

CS for SB's 174 and 98 was laid on the table.

Motion to Reconsider

Senator Thomas moved that the Senate reconsider the vote by which CS for SB 144 passed this day.

CS for SB 411—A bill to be entitled An act relating to health care; amending s. 641.19, F.S.; redefining the terms "health maintenance organization" and "minimum services"; specifying physician care as care provided by physicians licensed under chapters 458, 459, 460, and 461, F.S.; specifying the conditions for providing such services when requested; repealing s. 641.31(7), F.S., relating to certain physician services for health maintenance contracts; providing an effective date.

—was read the second time by title.

Three amendments were adopted to CS for SB 411 to conform the bill to CS for HB 121.

Pending further consideration of CS for SB 411 as amended, on motion by Senator Grant, by two-thirds vote CS for HB 121 was withdrawn from the Committee on Commerce.

On motion by Senator Grant—

CS for HB 121—A bill to be entitled An act relating to health care; amending s. 641.19, F.S., redefining the terms "health maintenance organization" and "minimum services" with respect to the Health Maintenance Organization Act; specifying physician services as services provided by physicians licensed under certain chapters; repealing s. 641.31(7), F.S., relating to certain physician services for health maintenance contracts; providing an effective date.

—a companion measure, was substituted for CS for SB 411 and read the second time by title. On motion by Senator Grant, by two-thirds vote CS for HB 121 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crawford	Grizzle	Kirkpatrick
Barron	Deratany	Hair	Kiser
Beard	Dudley	Hill	Langley
Brown	Frank	Hollingsworth	Lehtinen
Childers, D.	Girardeau	Jenne	Margolis
Childers, W. D.	Grant	Jennings	McPherson
Meek	Plummer	Stuart	Weinstein
Myers	Ros-Lehtinen	Thomas	Weinstock
Peterson	Scott	Thurman	Woodson

Nays—None

CS for SB 411 was laid on the table.

CS for SB 652—A bill to be entitled An act relating to health facilities; amending s. 154.401, F.S.; renaming the "State Health Facilities Authority Law" as the "State of Florida Health Facilities Authority Law"; amending s. 154.402, F.S.; providing findings and declaration of necessity; amending s. 154.403, F.S.; providing definitions; amending s. 154.404, F.S.; creating the State of Florida Health Facilities Authority as a separate body; amending s. 154.405, F.S.; revising the powers of the authority; amending s. 154.407, F.S.; providing requirements for financing agreements; amending s. 154.408, F.S.; providing for construction contracts; amending s. 154.409, F.S., to conform to the act; amending s. 154.41, F.S., relating to revenue bonds; amending s. 154.412, F.S.; providing for payment of bonds; amending s. 154.413, F.S.; providing for revenues; amending s. 154.415, F.S., relating to remedies; amending s. 154.42, F.S.; providing that bonds issued pursuant to the act may be validated as provided in ch. 75, F.S.; amending s. 154.422, F.S.; providing an exemption to certain certificate-of-need requirements with respect to issuance of bonds; amending s. 154.425, F.S., relating to tax exemption; creating s. 154.427, F.S.; providing for liberal construction; creating s. 154.428, F.S.; providing severability; saving part V of ch. 154 from future review and repeal in accordance with the Sundown Act; amending s. 154.205, F.S.; providing definitions with respect to local health facilities authorities; amending s. 154.209, F.S.; revising the powers of the authorities; amending s. 154.213, F.S.; providing for financing agreements; amending s. 154.215, F.S.; providing for construction contracts; amending s. 154.219, F.S., relating to revenue bonds; amending s. 154.223, F.S., relating to the payment of bonds; amending s. 154.225, F.S.; providing for revenues; amending s. 154.229, F.S., relating to remedies; amending s. 154.2331, F.S., relating to tax exemption; amending s. 154.241, F.S.; providing that bonds issued pursuant to the act may be validated as provided in ch. 75, F.S.; amending s. 154.245, F.S.; providing an exemption to certain certificate-of-need requirements with respect to issuance of bonds; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of lines 24 and 25

Amendment 2—On page 6, line 4, strike "(a)"

Amendment 3—On page 8, after line 30, insert:

(10) To contract with the Division of Bond Finance of the Department of General Services for services in connection with the issuance of bonds.

Amendment 4—On page 8, line 7, after "amended" insert: , subsections (10) through (15) are renumbered as subsections (11) through (16), respectively, and a new subsection (10) is added to said section

Amendment 5—On page 9, line 25, after "herewith." insert: *Prior to a health facility entering into any financing agreement with respect to any project pursuant to this part, if the geographical area in which such project shall be located is included within the area of a local health facilities authority created under s. 154.207 and such local health facilities authority has a requirement that a fee be paid for specified purposes, other than administrative fees of the local health facilities authority, for any project financed through such local health facilities authority, the health facility shall pay such fee to such local health facilities authority as if such project had been financed through the local health facilities authority.*

Amendment 6—On page 11, between lines 27 and 28, insert:

Section 7. Section 154.4075, Florida Statutes, is created to read:

154.4075 Financing request to local health facilities authority.—Prior to entering into any finance agreement pursuant to this part and prior to the issuance of any bonds with respect to any project under this part, a health facility shall first be required to submit an application or request in writing, together with a proposed time schedule, to finance such project through any local health facilities authority created under s. 154.207 which is in existence and operates in the geographical area in which the

project is proposed to be located. If such local health facilities authority is not in existence or does not respond affirmatively within 30 days after such application is submitted, the health facility may proceed to finance such project through the state health facilities authority. Bonds to be issued for a pooled financing in which projects will be located in more than one county shall not be required to submit an application to any local health facilities authority.

(Renumber subsequent sections.)

Amendment 7—On page 16, strike all of lines 12 and 13 and insert: *or immunity thereof.*

Amendment 8—On page 28, line 6, after "others" insert: *All costs of issuance, fees and expenses of trustees, paying agents, attorneys, consultants and others paid with respect to any project financed under this section shall be disclosed to the Division of Bond Finance of the Department of General Services as provided in s. 218.38.*

Amendment 9—On page 10, line 20, after "*part*" insert: *All costs of issuance, fees and expenses of trustees, paying agents, attorneys, consultants and others paid with respect to any project financed under this section shall be disclosed to the Division of Bond Finance of the Department of General Services as provided in s. 218.38.*

Amendment 10—On page 20, line 17, after "*law*" insert: *, provided the issuance of a certificate of need for a project to be financed pursuant to this part shall be evidence of a commitment by the applicant to furnish indigent care at a level required by applicable law*

Amendment 11—On page 37, line 19, after "*law*" insert: *, provided the issuance of a certificate of need for a project to be financed pursuant to this part shall be evidence of a commitment by the applicant to furnish indigent care at a level required by applicable law*

Senator Stuart moved the following amendment which was adopted:

Amendment 12—On page 38, between lines 4 and 5, insert:

Section 30. Sections 30-34 of this act shall be known as the "Florida Fire Sprinkler Trust Fund Act."

Section 31. The sum of $500,000 is appropriated from the funds in the Insurance Commissioner's Regulatory Trust Fund to be deposited in the Florida Fire Sprinkler Trust Fund, which is hereby created, for implementation of the Florida Fire Sprinkler Trust Fund Act.

Section 32. The State Fire Marshal's Office of the Department of Insurance is authorized to draw the funds appropriated pursuant to section 31 to provide loans to adult congregate living facilities and developmental services group homes currently licensed by the Department of Health and Rehabilitative Services, for the purpose of purchasing and installing automatic sprinkler systems. Prior to the award of any such loan, the State Fire Marshal's Office shall review all plans for the installation of automatic sprinkler systems to ensure that the fire sprinkler system design meets minimum fire safety codes, but does not exceed the minimum codes. After approval of the plans by the State Fire Marshal's Office, the facility shall execute a loan agreement which shall contain, at a minimum:

(1) A provision for at least 3 percent interest;

(2) A repayment schedule not to exceed 10 years;

(3) A promissory note secured by collateral acceptable to the Department of Health and Rehabilitative Services; and

(4) A requirement that all construction plans be reviewed and approved by the State Fire Marshal's Office.

The State Fire Marshal's Office is authorized to adopt a model loan agreement by rule which shall contain the minimum provisions listed in this section and any other provisions deemed reasonable, proper, or necessary by the State Fire Marshal's Office for the just and equitable operation of this act. The State Fire Marshal's Office is also authorized to adopt by rule any other procedures reasonable, proper, or necessary for the implementation of sections 30-34 of this act.

Section 33. Should the moneys allocated by sections 30-34 of this act prove insufficient to provide loans to every licensed adult congregate living facility and developmental services group home seeking such moneys, the State Fire Marshal's Office shall give preference to those facilities less able to secure funds in the normal commercial market, taking into account the following factors: the condition and size of the structure, the number of Department of Health and Rehabilitative Services clients being served, the cost of an automatic sprinkler system in the facility's local area, and such other factors as will reasonably and equitably implement the purpose of sections 30-34 of this act.

Section 34. There is hereby appropriated from the Florida Fire Sprinkler Trust Fund to the State Fire Marshal's Office the sum of $55,793 for the purpose of employing administrative personnel to manage the fund. This amount shall become available on the effective date of this act.

(Renumber subsequent section.)

Senator Myers moved the following amendment which was adopted:

Amendment 13—In title, on page 1, line 14, after "agreements;" insert: creating s. 154.4075, F.S.; providing for applications to be submitted to local health facilities authorities except in certain cases;

Senator Stuart moved the following amendment which was adopted:

Amendment 14—In title, on page 2, line 19, following the semicolon (;) insert: creating the Florida Fire Sprinkler Trust Fund and providing an appropriation thereto from the Insurance Commissioner's Regulatory Trust Fund; authorizing the State Fire Marshal's Office to draw upon such funds to provide loans to licensed adult congregate living facilities and developmental services group homes for purchase and installation of automatic sprinkler systems; providing for approval of such systems; providing for loan agreements; giving preference to certain facilities; providing an appropriation for employment of personnel to manage the Florida Fire Sprinkler Trust Fund;

On motion by Senator Myers, by two-thirds vote CS for SB 652 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	Dudley	Jennings	Plummer
Barron	Frank	Johnson	Ros-Lehtinen
Beard	Girardeau	Kirkpatrick	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson

Nays—None

SB 1270—A bill to be entitled An act relating to corrections; creating s. 944.053, F.S.; providing for a system of environmental detention units for inmate work programs; providing for inmates to perform services for state agencies, political subdivisions, and nonprofit corporations; providing certain restrictions on inmate placement with an environmental detention unit; renumbering and amending ss. 946.01, 946.02, 946.03, 946.035, 946.041, 946.042, 946.044, 946.081, 946.11, 946.14, 946.15, 946.20, F.S.; amending s. 946.21, F.S.; providing conforming language; amending s. 946.40, F.S.; providing for an increase in the number of inmates available for a public works project without supervision by the Department of Corrections; renumbering ss. 946.055, 946.082, 946.083, 946.09, 946.10, 946.18, 946.19, 946.22, F.S.; creating part I of ch. 946, F.S., relating to correctional work programs generally; creating part II of ch. 946, F.S., relating to leased or managed work programs; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 1270 to conform the bill to HB 1251.

Pending further consideration of SB 1270 as amended, on motion by Senator Hill, by two-thirds vote HB 1251 was withdrawn from the Committees on Corrections, Probation and Parole; and Appropriations.

On motion by Senator Hill—

HB 1251—A bill to be entitled An act relating to corrections; creating s. 944.053, F.S.; providing for the establishment and purpose of Forestry Work Camps; providing for availability of inmate services to political subdivisions; providing for a restriction on inmate placement; providing a legislative declaration for emergency construction; creating part I of chapter 946, F.S., consisting of ss. 946.002, 946.006, 946.007, 946.008,

946.009, 946.21, 946.24, 946.31, 946.32, 946.33, and 946.40, F.S., relating to correctional work programs, generally; renumbering and transferring ss. 946.005, 946.01, 946.02, 946.03, 946.035, 946.041, 946.042, 946.044, 946.081, 946.083, 946.09, 946.10, 946.11, 946.14, 946.15, 946.18, 946.19, 946.20, and 946.22, F.S.; creating part II of chapter 946, F.S., relating to correctional work programs leased to or managed by a nonprofit corporation; amending s. 946.40, F.S.; providing for an increase in the number of inmates available for supervision; amending ss. 946.01, 946.02, 946.03, 946.035, 946.041, 946.042, 946.044, 946.081, 946.14, 946.15, 946.20 and 946.21, F.S.; conforming to the act; correcting cross-references; providing an effective date.

—a companion measure, was substituted for SB 1270 and read the second time by title.

Senator Hollingsworth moved the following amendment which was adopted:

Amendment 1—On page 3, line 16, strike *"Forestry Work"*

On motion by Senator Hill, by two-thirds vote HB 1251 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Kirkpatrick	Ros-Lehtinen
Barron	Girardeau	Langley	Scott
Beard	Gordon	Lehtinen	Stuart
Brown	Grant	Malchon	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Weinstein
Crawford	Hill	Meek	Woodson
Crenshaw	Jenne	Myers	
Deratany	Jennings	Peterson	
Dudley	Johnson	Plummer	

Nays—1

Hollingsworth

Vote after roll call:

Yea—Kiser, Weinstock

SB 1270 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote HB 657 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

Reconsideration

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

CS for SB 177—A bill to be entitled An act relating to motor vehicles; amending s. 272.161, F.S.; providing for loading zone permits and scramble parking permits and for the fees for such permits; amending s. 320.0848, F.S.; providing for the issuance of a placard that entitles a handicapped person to park a rental car or a borrowed car in certain parking spaces; prescribing the format of the placard; setting a fee; providing that licensed podiatrists are authorized to certify persons as being eligible to receive an exemption entitlement parking permit; amending s. 316.1958, F.S.; providing reciprocity for holders of placards from other states; amending ss. 316.1955, 316.1956, 316.1964, F.S.; providing that a handicapped parking placard shall be treated as equivalent to a handicapped exemption entitlement parking permit; providing an effective date.

—as amended passed this day.

On motion by Senator Woodson, the Senate reconsidered the vote by which the Senate concurred in House Amendment 2.

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

Amendment 1—In title, on page 1, lines 14-31, page 2, lines 1-9, strike all of said lines of House Amendment 2 and insert: An act relating to motor vehicles; amending s. 338.155 and s. 347.19, F.S.; exempting certain handicapped persons from payment of tolls on bridges, ferries, and toll facilities; amending s. 316.614, F.S., exempting motor vehicles operated by rural letter carriers of the United States Postal Service and law enforcement officers under certain circumstances; amending ss. 316.1955, 316.1956, 316.1964, 320.0842, and 320.0843, F.S.; providing that handicapped persons who are confined to wheelchairs, and whose motor vehicles display a license plate designating that disability, may park such vehicles in parking spaces specially designated for disabled persons and shall not be required to apply for, display, or pay any fee for exemption entitlement parking permits; amending s. 272.161, F.S.; providing procedures for the issuance of loading zone permits and scramble parking permits; providing an effective date.

On motion by Senator Woodson, the Senate concurred in House Amendment 2 as amended and the House was requested to concur in the Senate amendment to the House amendment.

CS for SB 177 passed as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	

Nays—None

SPECIAL ORDER, continued

CS for SB's 693 and 561—A bill to be entitled An act relating to vital statistics; creating ss. 382.001, 382.002, F.S., relating to vital statistics; providing definitions; amending and renumbering ss. 382.01, 382.031, 382.04, 382.37, 382.32, 382.38, F.S.; consolidating provisions relating to vital statistics, the State Registrar, and local registrars of vital statistics; providing for reports; amending and renumbering s. 382.50, F.S., relating to the microfilming and destruction of vital records; amending and renumbering ss. 382.36, 382.33, 382.05, F.S.; consolidating provisions relating to local registrars, deputy registrars, and subregistrars; amending and renumbering s. 382.061, F.S.; changing procedures regarding burial-transit permits; amending s. 382.14, F.S.; revising procedure relating to final disposition of bodies; amending and renumbering ss. 382.081, 382.091, F.S.; clarifying the applicability of certain provisions to fetal deaths; changing certain procedures relating to death registrations; renumbering s. 382.085, F.S.; amending and renumbering s. 382.10, F.S.; changing procedures with respect to certain deaths; creating s. 382.012, F.S.; providing for presumptive death certificates; amending and renumbering s. 382.16, F.S.; changing provisions relating to selection of surnames for birth certificates; amending and renumbering s. 382.17, F.S.; changing birth certificate information which is confidential; amending and renumbering ss. 382.21, 382.22, 382.49, F.S.; changing provisions relating to corrections and substitutions of birth records; amending and renumbering s. 382.215, F.S., relating to new birth certificates for alien children; amending and renumbering ss. 382.40, 382.44, 382.45, 382.48, F.S., relating to delayed birth certificates; amending and renumbering ss. 382.19, 382.20, F.S., relating to filings of birth and death certificates; amending and renumbering ss. 382.23, 382.24, 382.25, F.S., relating to marriage licenses and records of dissolutions of marriage; increasing the filing charge for judgment of dissolution of marriage; amending and renumbering s. 382.29, F.S., relating to records of the Department of Health and Rehabilitative Services; amending and renumbering s. 382.35, F.S.; providing for computer certification of certain records; changing confidentiality requirements; increasing certain fees; providing for the release of certain data to specified persons; authorizing the issuance of special birth and marriage certificates; providing a fee and for the use thereof; amending and renumbering s. 382.39, F.S.; providing for administrative fines for certain violations; amending and renumbering s. 382.51, F.S., relating to adoption information; amending ss. 28.101, 68.07, 383.04, F.S., to conform; repealing ss. 382.02, 382.071, 382.15, 382.26, 382.28,

382.30, 382.321, 382.34, 382.41, 382.42, 382.43, 383.10, F.S., relating to vital records, to conform; amending ss. 63.165, 383.327, 741.02, 943.26, F.S.; correcting cross-references, to conform; providing for review and repeal of s. 382.025(16), F.S.; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 33, strike all of lines 4-29 and insert:

382.021 ~~382.23~~ Department to receive marriage licenses.—

(1) Upon the return of each marriage license to the issuing county court judge *or clerk of the circuit court*, as provided and issued under chapter 741, the issuing county court judge *or clerk of the circuit court* shall forthwith record the same, and shall, on or before the *5th* ~~fifth~~ day of each month, transmit all the original licenses, with endorsements thereon, received by him during the preceding calendar month, to ~~the vital statistics office of~~ the department ~~of Health and Rehabilitative Services. As to~~ Any marriage licenses issued and not returned to the issuing county court judge *or clerk of the circuit court* or any marriage licenses returned to the issuing county court judge *or clerk of the circuit court* and not recorded by him so as to be transmitted to the department~~, as in this section provided, such issuing county court judge~~ shall *be reported by the issuing county court judge or clerk of the circuit court* ~~report the same~~ to the department at the time of transmitting the recorded licenses on the forms to be prescribed and furnished by the department. If *during any month* no marriage licenses are issued or returned to *a county court judge or clerk of the circuit court*, the ~~issuing county court judge to be transmitted or reported to the department, as by this section provided, said issuing~~ county court judge *or clerk of the circuit court* shall report such fact to the department upon forms prescribed and furnished by *the department* ~~it~~.

(2) From and after the effective date of this law, marriage licenses shall be valid only for a period of 60 days after issuance, and no person shall perform any ceremony of marriange after the expiration date of such license. The county court judge or clerk of the circuit court shall recite on each marriage license the final date that such is so valid.

Amendment 2—In title, on page 2, line 13, after "licenses" insert: and their effective dates

On motion by Senator Myers, by two-thirds vote CS for SB's 693 and 561 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	

Nays—None

The Senate resumed consideration of—

CS for HB 364—A bill to be entitled An act relating to driving under the influence; amending s. 316.192, F.S., providing an additional penalty for reckless driving under certain circumstances; amending s. 316.193, F.S., providing clarifying language with respect to convictions for driving under the influence with a certain blood alcohol level; providing clarifying language with respect to substance abuse education, evaluation, and treatment for a violation of law relating to driving under the influence; deleting reference to time periods for subsequent violation penalties; amending s. 316.1932, F.S., deleting reference to a prearrest breath test; amending s. 316.1933, F.S., authorizing blood testing of certain persons under certain circumstances; deleting a restriction on certified paramedics withdrawing blood for the purpose of determining alcohol content; amending s. 322.264, F.S., reducing, under certain circumstances, the number of convictions for moving traffic offenses before a person is considered a "habitual traffic offender"; amending s. 322.28, F.S., deleting reference to time periods for subsequent violation penalties for the suspension or revocation of a driver's license; amending s. 958.04, F.S., providing that adjudication of guilt with respect to a youthful offender shall not be withheld with respect to violations for driving under the influence; providing an effective date.

—which was amended June 4.

On motion by Senator Johnson, the Senate reconsidered the vote by which Amendments 2 and 12 were adopted. By permission, Amendments 2 and 12 were withdrawn.

On motion by Senator Johnson, CS for HB 364 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Woodson

Reconsideration

The motion by Senator Thomas that the Senate reconsider the vote by which—

CS for SB 144—A bill to be entitled An act relating to ad valorem taxation; amending s. 197.364, F.S.; allowing the Department of Revenue to refund railroad property tax overpayments directly to taxpayers; allowing the department to waive taxes and refunds in certain circumstances; providing for the distribution of certain excess collections for overpayments; amending s. 200.065, F.S.; providing additional notice to taxpayers in certain circumstances; providing for application of act; providing an effective date.

—as amended passed this day, was taken up and adopted; and the Senate reconsidered.

Senator Deratany moved that the Senate reconsider the vote by which the Senate refused to concur in House Amendment 3. The motion was adopted.

Further consideration of CS for SB 144 was deferred.

Senator Hair presiding

SPECIAL ORDER, continued

CS for SB 764—A bill to be entitled An act relating to continuing care contracts; amending s. 651.015, F.S.; providing for an application and renewal fee for provisional certificates of authority; amending s. 651.022, F.S.; providing time frames with respect to state action on provisional certificates of authority; amending s. 651.023, F.S.; modifying feasibility study requirements; creating criteria to assess the financial soundness of a provider; providing for administrative hearings under certain circumstances and resident notice with regard to the release of escrow funds; providing time frames for the review of applications for certificates of authority and the release of escrow funds; prohibiting the department from issuing a certificate of authority to facilities which do not offer certain services; transferring renewal requirements for a certificate of authority to a new section; creating s. 651.0235, F.S.; providing for the annual renewal of provisional certificates of authority and certificates of authority; amending s. 651.026, F.S., relating to filing annual statements; amending s. 651.033, F.S., relating to escrow accounts; amending s. 651.035, F.S.; providing a procedure for computing minimum liquid reserves with respect to certain providers; amending s. 651.055, F.S.; revising criteria with respect to a resident's right to rescind; providing for review and repeal; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for SB 764 to conform the bill to CS for HB 660.

Pending further consideration of CS for SB 764 as amended, on motion by Senator Peterson, by two-thirds vote CS for HB 660 was withdrawn from the Committees on Commerce; Health and Rehabilitative Services; and Appropriations.

On motion by Senator Peterson—

CS for HB 660—A bill to be entitled An act relating to continuing care contracts; amending s. 651.015, F.S.; providing for an application and renewal fee for provisional certificates of authority; amending s. 651.022, F.S.; providing time frames with respect to state action on provisional certificates of authority; amending s. 651.023, F.S.; modifying feasibility study requirements; creating criteria to assess the financial soundness of a provider; providing for administrative hearings under certain circumstances and resident notice with regard to the release of escrow funds; providing time frames for the review of applications for certificates of authority and the release of escrow funds; prohibiting the department from issuing a certificate of authority to facilities which do not offer certain services; transferring renewal requirements for a certificate of authority to a new section; creating s. 651.0235, F.S.; providing for the annual renewal of provisional certificates of authority and certificates of authority; amending s. 651.026, F.S., relating to filing annual statements; amending s. 651.033, F.S., relating to escrow accounts; amending s. 651.035, F.S.; providing a procedure for computing minimum liquid reserves with respect to certain providers; amending s. 651.055, F.S.; revising criteria with respect to a resident's right to rescind; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 764 and read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for HB 660 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

Nays—None

CS for SB 764 was laid on the table.

On motions by Senator Myers, by two-thirds vote CS for HB 603 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Myers—

CS for HB 603—A bill to be entitled An act relating to the financing of district alcohol, drug abuse, and mental health plans; amending s. 394.76, F.S.; prohibiting the use of certain funds as local matching funds, providing that the state and federal financial participation portion of Medicaid earnings pursuant to Title XIX of the Social Security Act shall not require local matching funds, and shall not be used as local matching funds; providing an effective date.

—a companion measure, was substituted for SB 839 and read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB 603 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Childers, W. D.	Frank	Grizzle
Beard	Crenshaw	Girardeau	Hair
Brown	Deratany	Gordon	Hill
Childers, D.	Dudley	Grant	Hollingsworth
Jenne	Lehtinen	Peterson	Weinstein
Jennings	Malchon	Ros-Lehtinen	Weinstock
Johnson	Margolis	Scott	Woodson
Kirkpatrick	McPherson	Stuart	
Kiser	Meek	Thomas	
Langley	Myers	Thurman	

Nays—None

SB 839 was laid on the table.

Consideration of CS for SB 950 was deferred.

On motions by Senator Woodson, by two-thirds vote HB 1453 was withdrawn from the Committees on Health and Rehabilitative Services and Appropriations.

On motion by Senator Woodson—

HB 1453—A bill to be entitled An act relating to pediatric health care; providing for the establishment and licensure of prescribed pediatric extended care centers; providing legislative intent; providing definitions; providing exemptions; requiring licensure; providing a license fee; providing a penalty; prescribing requirements for license applications; providing grounds for the Department of Health and Rehabilitative Services to deny, revoke, or suspend a license or impose an administrative fine; providing for disposition of fines and fees; establishing the Prescribed Pediatric Extended Care Center Trust Fund; providing for license expiration and renewal and for a conditional license; authorizing injunctions; prescribing prerequisites to voluntarily closing a center; providing the department with a right of entry and inspection; providing for the adoption of rules and enforcement of standards; establishing requirements for constructing or renovating a center; prohibiting certain acts; providing penalties; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1008 and read the second time by title.

Senator Stuart moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 12, between lines 27 and 28, insert:

Section 18. Paragraph (e) of subsection (2) of section 411.104, Florida Statutes, 1986 Supplement, is amended to read:

411.104 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 ss. 411.101-411.108. 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 availability of resources and shall be based upon interagency prioritization when programs impact both agencies or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

(2) MATERNITY AND NEWBORN SERVICES.—

(e) *Developmental intervention programs, parent support and training programs, and appropriate follow-up intervention services for handicapped and high-risk infants and their families* ~~Developmental training, parent training, and appropriate follow-through services for neonatal intensive care unit infants~~.

Section 19. Section 411.1071, Florida Statutes, is created to read:

411.1071 Developmental intervention and parent support and training programs.—

(1) The Legislature finds that the high risk and handicapped newborns in this state are in need of in-hospital developmental intervention and monitoring and that their families need training and support services. The Legislature further finds that there is an identifiable increasing number of infants who need developmental intervention and family support due to the fact that increased numbers of low-birth-weight and sick full-term newborns are now surviving due to the advances in neonatal intensive care medicine; increased numbers of medically involved infants are remaining inappropriately in hospitals because their parents

lack the confidence or skills to care for these infants without support; and increased numbers of infants are at risk due to parent risk factors such as substance abuse, teenage pregnancy and other high-risk conditions.

(2) It is the intent of the Legislature to establish developmental intervention and parent support and training programs at all Level III regional perinatal intensive care centers and step down perinatal intensive care centers in order that families with high-risk or handicapped infants may gain the services and skills they need to support their infant.

(3) As used in this section:

(a) "Developmental intervention" means individualized therapies and services needed to enhance both the infant's growth and development and family functioning.

(b) "In-hospital intervention services" means the provision of assessments; individualized therapies; monitoring and modifying the delivery of medical interventions; and enhancing the environment for the high-risk or handicapped infant in order to achieve optimum growth and development.

(c) "Parent support and training" means a range of services to families of high-risk or handicapped infants, including family counseling; financial planning; agency referral; development of parent to parent support groups; education on growth, development, and developmental interventions; training of parents to advocate for their child; and bereavement counseling.

(d) "Individual and family service plan" means a written plan describing the developmental status of the infant and the therapies and services needed to enhance both the infant's growth and development and family functioning.

(e) "Discharge planning" means the modification of the written individual and family services plan at the time of discharge from the hospital which identifies for the family of a high-risk or handicapped infant a prescription of needed medical treatments or medications, specialized evaluation needs, and necessary intervention services.

(f) "Interdisciplinary team" means the neonatologist, psychologist, social worker, nursing staff, physical or occupational therapist, parents, developmental intervention and parent support and training program director, and others who are involved with the in-hospital and post-hospital discharge individual and family service plan.

(g) "Post-hospital intervention services" means the provision of assessment, individual and family service planning, developmental intervention, counseling, parent education, and referrals, which are delivered as needed in a home or nonhome setting by a professional or paraprofessional trained for this purpose.

(4) The developmental intervention and family support and training programs shall be established in conjunction with the Level III regional perinatal intensive care centers. Additional programs may be established at step down centers based on geographic location and population. Each program shall have a program director and the necessary staff. The program director shall establish and coordinate the developmental intervention and family support and training program. The program shall include:

(a) In-hospital intervention services; parent support and training; and individual and family services planning.

(b) Interdisciplinary team meetings on a regular basis to develop and update the individual and family service plan.

(c) Discharge planning by the interdisciplinary team.

(d) Education and training for neonatal intensive care unit staff, volunteers, and others as needed, in order to expand the services provided to high-risk or handicapped infants and their families.

(e) Follow-up intervention services after hospital discharge to aid the family and high-risk or handicapped infant's transition into the community. These shall include home intervention services and nonhome based intervention services, both contractual and voluntary.

(f) Coordination of services with community providers.

(g) Educational materials on infant care, infant growth and development, community resources, medical conditions and treatments, and family advocacy.

(5) The Department of Health and Rehabilitative Services shall:

(a) Coordinate with the Department of Education and the Interagency Prevention Unit in the planning and implementing of this act.

(b) Develop, in conjunction with the developmental intervention and family support and training program directors, an evaluation system to examine the impact of the programs. Instruments shall be developed or adapted to effectively monitor the impacts of the program on families and infants served.

Section 20. Sections 18 and 19 of this act shall be implemented to the extent of available resources.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 25, following the semicolon (;) insert: providing for developmental intervention, parent support and training programs, and follow-up intervention services for high-risk and handicapped infants and their families; amending s. 411.104, F.S.; revising the Handicap Prevention Act continuum of services; creating s. 411.1071, F.S.; providing for developmental intervention and parent support and training programs; providing definitions; providing program guidelines; providing for evaluation; requiring the act to be implemented to the extent of available resources;

On motion by Senator Woodson, by two-thirds vote HB 1453 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Hill	McPherson	Thurman
Crenshaw	Jenne	Meek	Weinstein
Deratany	Jennings	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kirkpatrick	Plummer	

Nays—None

CS for SB 1008 was laid on the table.

CS for CS for SB 1148—A bill to be entitled An act relating to insurance; amending s. 641.201, F.S.; providing for the application of certain provisions of law to HMO's; amending s. 641.21, F.S.; prohibiting the Department of Insurance from issuing a certificate of authority to certain HMO's; providing clarifying language; amending s. 641.22, F.S., relating to the issuance of certificates of authority; providing criteria; amending s. 641.23, F.S.; providing for the revocation or cancellation of certificates of authority; providing for suspension of enrollment of new subscribers; providing terms of suspension; amending s. 641.25, F.S.; providing for administrative penalty in lieu of suspension or revocation; amending s. 641.26, F.S.; providing for reports by HMO's; providing fines for failure to meet reporting requirements; amending s. 641.27, F.S., relating to examination by the Department of Insurance, to delete reference to the Department of Health and Rehabilitative Services; repealing s. 641.24, relating to denial and revocation proceedings of the Department of Health and Rehabilitative Services; amending s. 641.29, F.S.; deleting distribution of application and annual report fees; repealing s. 641.226, F.S., relating to providers of service and interference with physician's judgment; repealing s. 641.30(4), F.S.; deleting language with respect to construction and relationship to other laws with respect to the Health Maintenance Organization Act; repealing s. 641.31(17), F.S., relating to HMO contract provisions; amending s. 641.36, F.S.; providing that the Department of Insurance shall promulgate rules with respect to HMO's; amending s. 641.403, F.S.; providing that the Department of Insurance shall promulgate rules with respect to the "Prepaid Health Clinic Act"; amending s. 641.405, F.S.; prohibiting the Department of Insurance from issuing a certificate of authority to operate a prepaid health clinic to certain applicants; amending s. 641.406, F.S.; providing conditions for the issuance of a certificate of authority; repealing s. 641.41(1)(d), F.S., relating to the annual report of the prepaid health clinic to delete certain requirements; amending s. 641.418, F.S., relating to examination of prepaid health clinics by the Department of Insurance; amending s. 641.45, F.S.; providing for the revocation or cancellation of certificates of authority; providing for suspension of authority to enroll new subscribers; providing terms of suspension; repealing s. 641.451, F.S., relating to disci-

plinary proceedings, to delete reference to the Department of Health and Rehabilitative Services; amending s. 641.452, F.S.; providing for administrative penalty in lieu of suspension or revocation; creating part IV of chapter 641, F.S.; providing definitions; providing for the purpose and application of the part; providing exemptions; providing an application procedure for the certification of HMO's and prepaid health clinics as health care providers; providing fees; providing requirements for issuance and maintenance of certificates; providing for a quality assurance program and a second medical opinion requirement; providing for examination; providing for suspension or revocation of a certificate; providing penalties; amending and renumbering s. 641.3109, F.S.; providing for hospital and physician information disclosure; amending and renumbering s. 641.395, F.S., relating to the internal risk management program; creating s. 641.56, F.S.; providing for rulemaking authority; creating s. 641.57, F.S., providing for disposition of certain moneys; creating s. 641.58, F.S.; providing an assessment for health maintenance organizations and prepaid health clinics; providing methodology for determining level of assessment; providing for use of funds generated by assessment; amending s. 458.337, F.S.; providing for reporting of disciplinary actions by health maintenance organizations and prepaid health clinics; providing for review and repeal; providing an appropriation; providing provisions of assessment; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for CS for SB 1148 to conform the bill to CS for HB 1385.

Pending further consideration of CS for CS for SB 1148 as amended, on motion by Senator Myers, by two-thirds vote CS for HB 1385 was withdrawn from the Committees on Health and Rehabilitative Services; Commerce; and Appropriations.

On motion by Senator Myers—

CS for HB 1385—A bill to be entitled An act relating to insurance; amending s. 641.19, F.S., redefining the terms "health maintenance organization" and "minimum services"; repealing s. 641.31(7), F.S., relating to certain physician services for health maintenance contracts; amending s. 641.201, F.S., providing for the application of certain provisions of law to HMO's; amending s. 641.21, F.S., prohibiting the Department of Insurance from issuing a certificate of authority to certain HMO's; providing clarifying language; amending s. 641.22, F.S., relating to the issuance of certificates of authority; providing criteria; amending s. 641.23, F.S., providing for the revocation or cancellation of certificates of authority; providing for suspension of enrollment of new subscribers; providing terms of suspension; amending s. 641.25, F.S., providing for administrative penalty in lieu of suspension or revocation; amending s. 641.26, F.S.; providing for reports by HMOs; providing fines for failure to meet reporting requirements; amending s. 641.27, F.S., relating to examination by the Department of Insurance, to delete reference to the Department of Health and Rehabilitative Services; repealing s. 641.24, relating to denial and revocation proceedings of the Department of Health and Rehabilitative Services; amending s. 641.29, F.S., deleting distribution of application and annual report fees; repealing s. 641.226, F.S., relating to providers of service and interference with physician's judgment; repealing s. 641.30(4), F.S., deleting language with respect to construction and relationship to other laws with respect to the Health Maintenance Organization Act; repealing s. 641.31(17), F.S., relating to HMO contract provisions; amending s. 641.36, F.S., providing that the Department of Insurance shall promulgate rules with respect to HMO's; amending s. 641.403, F.S., providing that the Department of Insurance shall promulgate rules with respect to the "Prepaid Health Clinic Act"; amending s. 641.405, F.S., prohibiting the Department of Insurance from issuing a certificate of authority to operate a prepaid health clinic to certain applicants; amending s. 641.406, F.S., providing conditions for the issuance of a certificate of authority; repealing s. 641.41(1)(d), F.S., relating to the annual report of the prepaid health clinic to delete certain requirements; amending s. 641.418, F.S., relating to examination of prepaid health clinics by the Department of Insurance; amending s. 641.45, F.S., providing for the revocation or cancellation of certificates of authority; providing for suspension of authority to enroll new subscribers; providing terms of suspension; repealing s. 641.451, F.S., relating to disciplinary proceedings, to delete reference to the Department of Health and Rehabilitative Services; amending s. 641.452, F.S., providing for administrative penalty in lieu of suspension or revocation; creating part IV of chapter 641, F.S., providing definitions; providing for the purpose and application of the part; providing exemptions; providing an application procedure for the certification of HMO's and prepaid health clinics as health care providers; providing fees; providing requirements for issuance and maintenance of certificates; providing for a quality assurance program and a second medical opinion requirement; providing for examination; providing for suspension or revocation of a certificate; providing penalties; amending and renumbering s. 641.3109, F.S., providing for hospital and physician information disclosure; amending and renumbering s. 641.395, F.S., relating to the internal risk management program; creating s. 641.56, F.S., providing for rulemaking authority; creating s. 641.57, F.S., providing for disposition of certain moneys; creating s. 641.58, F.S., providing for regulatory assessments with respect to health maintenance organizations and prepaid health clinics; providing for levy and amount, use of funds, tax returns and penalties; amending s. 458.337, F.S., providing for reporting of disciplinary actions by health maintenance organizations and prepaid health clinics; providing for review and repeal; providing an appropriations; providing provisions for assessment; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1148 and read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB 1385 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	

Nays—None

CS for CS for SB 1148 was laid on the table.

Consideration of SB 1232, SB 1246, CS for SB 833 and CS for SB 598 was deferred.

On motion by Senator Crawford, by two-thirds vote CS for HB 344 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Crawford—

CS for HB 344—A bill to be entitled An act relating to the Uniform Commercial Code; revising chapter 678, F.S., relating to investment securities; expanding the scope of said chapter to provide rules regulating the rights, duties, and obligations of the issuers of, and other persons dealing with, uncertificated investment securities; revising definitions; creating s. 678.108, F.S.; specifying general provisions relating to registration of pledge and release of uncertificated securities; providing for transfer by registration of uncertificated securities; expanding provisions relating to transfer by delivery of certificated securities; providing requirements regarding instructions; providing for creation of security interests in uncertificated securities; providing for registration of pledge; providing additional methods of transfer of security interests; creating s. 678.321, F.S.; providing for enforceability, attachment, perfection, and termination of security interests; specifying rights and obligations of buyers and sellers of securities; providing for warranties; providing for guarantees; providing for treatment of adverse claims with respect to uncertificated securities; providing for creditors' rights; creating s. 678.407, F.S.; providing for exchangeability of securities; creating s. 678.408, F.S.; requiring certain statements with respect to uncertificated securities; amending s. 671.201, F.S.; relating to definitions applicable to the code, to conform; amending s. 675.114, F.S., relating to issuer's duty and privilege to honor, to conform; amending ss. 679.103, 679.105, 679.203, 679.302, 679.304, 679.309, and 679.312, F.S., relating to secured transactions, to conform; providing an effective date.

—a companion measure, was substituted for SB 1225 and read the second time by title. On motion by Senator Crawford, by two-thirds vote CS for HB 344 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	
Frank	Johnson	Peterson	
Gordon	Kirkpatrick	Plummer	

Nays—None

SB 1225 was laid on the table.

Consideration of CS for SB 893 was deferred.

On motions by Senator Thurman, by two-thirds vote HB 1337 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Commerce; and Appropriations.

On motion by Senator Thurman—

HB 1337—A bill to be entitled An act relating to fire prevention and control; amending s. 553.73, F.S., relating to the State Minimum Building Codes; providing for resolution of conflicts between a building code and a minimum firesafety code; providing for appeal to a local administrative board; amending s. 553.79, F.S., relating to application of said codes; requiring compliance with firesafety standards as a condition for issuance of building permits; providing application of said section to part IV of chapter 553; amending s. 633.01, F.S.; providing powers and duties of the State Fire Marshal; providing rulemaking authority; providing for certain joint rule promulgation by the State Fire Marshal and the Department of Education; providing intent with respect to effect of rules on mobile homes and child care facilities; amending s. 633.021, F.S.; providing definitions; creating s. 633.022, F.S.; providing for establishment of uniform firesafety standards and specifying the structures to which they apply; providing effect on standards required by local authorities; providing for alternative standards; providing for local enforcement; specifying considerations applicable to said standards and certain minimum standards; creating s. 633.025, F.S.; requiring adoption of specified minimum firesafety standards by municipalities, counties, and certain special districts; specifying application of such standards; providing for application to existing buildings; repealing ss. 633.05 and 633.051, F.S., which provide for promulgation of rules and regulations by the State Fire Marshal and provide procedures for adoption thereof; amending s. 633.061, F.S.; revising provisions relating to rules with respect to fire extinguishers and preengineered systems; amending s. 633.081, F.S.; providing for inspections by the State Fire Marshal and his agents; providing for employment of firesafety inspectors by counties, municipalities, and certain special districts; providing for fees; providing qualifications of certified inspectors; providing requirements for renewal of certification; deleting provisions relating to inservice company inspections and to suspension or revocation of certificates held by employees of district school boards or community college boards of trustees; amending s. 633.15, F.S.; specifying force and effect of chapter 633 and rules thereunder; amending s. 633.161, F.S.; providing for issuance of specified orders for specified violations; providing that orders to vacate a building are immediate final orders; deleting provisions relating to application of the Administrative Procedure Act; amending s. 633.162, F.S.; revising time periods for suspension or revocation of licenses or permits; repealing s. 633.40, F.S., relating to a study by the State Fire Marshal of firesafety enforcement; amending ss. 633.171 and 633.549, F.S., relating to penalties and injunctions, to remove references to regulations; amending s. 633.554, F.S.; including references to chapter 633; creating s. 633.70, F.S.; creating a Florida Fire Code Advisory Council; providing for review and repeal; amending ss. 381.472 and 513.05, F.S.; correcting references; providing for severability; providing an effective date.

—a companion measure, was substituted for CS for SB 1271 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1337 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Plummer
Brown	Grant	Langley	Ros-Lehtinen
Childers, D.	Grizzle	Lehtinen	Scott
Childers, W. D.	Hair	Malchon	Stuart
Crawford	Hill	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Kirkpatrick	Peterson	

Nays—None

CS for SB 1271 was laid on the table.

On motions by Senator Jennings, by two-thirds vote HB 649 was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jennings—

HB 649—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S., providing conditions under which a personal injury insurer may withdraw payment of a treating physician without consent of the injured person covered by insurance; creating part XIX of chapter 627, F.S., consisting of ss. 627.941-627.954, F.S.; providing legislative purpose; providing definitions; providing for the certification of risk retention groups in Florida; providing requirements for risk retention groups not certified in Florida; providing for participation by risk retention groups in the state's joint underwriting associations; providing that a policy of insurance issued to a risk retention group need not be countersigned; exempting purchasing groups from certain group insurer requirements; providing for notice and registration requirements of purchasing groups; providing for restrictions on insurance purchased by purchasing groups; providing for administrative and procedural authority regarding risk retention and purchasing groups; providing penalties; providing for cease and desist orders and injunctions; providing requirements with respect to risk retention and purchasing group agents; providing for the binding effect of orders issued in U.S. District Court; providing for rules; amending s. 626.041, F.S., redefining the term "general lines agent"; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 819 and read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 649 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

CS for SB 819 was laid on the table.

SB 810—A bill to be entitled An act relating to insurance; amending s. 284.01, F.S.; providing for theft insurance coverage by the Florida Fire Insurance Trust Fund; amending ss. 284.31, 284.34, F.S.; specifying the coverage provided by the Florida Casualty Insurance Risk Management Trust Fund; creating s. 284.375, F.S.; providing for an appropriation to such fund from the General Revenue Fund if a deficit occurs; amending ss. 284.38, 111.07, 111.071, F.S.; providing a standard of proof for certain liability claims; amending ss. 284.39, 768.28, F.S.; providing conforming language; providing for application; providing an effective date.

—was read the second time by title.

Senator Barron moved the following amendment which was adopted:

Amendment 1—On page 2, line 20, strike "*legislative,*"

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 2—On page 2, line 22, after "volunteers" insert: and coordinated community transportation providers or their subcontractors as designated pursuant to Chapter 427 F.S.

Senator Stuart moved the following amendments which were adopted:

Amendment 3—On page 1, before line 19, insert:

Section 1. Sections 1 through 5 of this act shall be known as the "Florida Fire Sprinkler Trust Fund Act."

Section 2. The sum of $500,000 is appropriated from the funds in the Insurance Commissioner's Regulatory Trust Fund to be deposited in the Florida Fire Sprinkler Trust Fund, which is hereby created, for implementation of the Florida Fire Sprinkler Trust Fund Act.

Section 3. The State Fire Marshal's Office of the Department of Insurance is authorized to draw the funds appropriated pursuant to section 2 to provide loans to adult congregate living facilities and developmental services group homes currently licensed by the Department of Health and Rehabilitative Services, for the purpose of purchasing and installing automatic sprinkler systems. Prior to the award of any such loan, the State Fire Marshal's Office shall review all plans for the installation of automatic sprinkler systems to ensure that the fire sprinkler system design meets minimum fire safety codes, but does not exceed the minimum codes. After approval of the plans by the State Fire Marshal's Office, the facility shall execute a loan agreement which shall contain, at a minimum:

(1) A provision for at least 3 percent interest;

(2) A repayment schedule not to exceed 10 years;

(3) A promissory note secured by collateral acceptable to the Department of Health and Rehabilitative Services; and

(4) A requirement that all construction plans be reviewed and approved by the State Fire Marshal's Office.

The State Fire Marshal's Office is authorized to adopt a model loan agreement by rule which shall contain the minimum provisions listed in this section and any other provisions deemed reasonable, proper, or necessary by the State Fire Marshal's Office for the just and equitable operation of this act. The State Fire Marshal's Office is also authorized to adopt by rule any other procedures reasonable, proper, or necessary for the implementation of sections 1-5 of this act.

Section 4. Should the moneys allocated by this act prove insufficient to provide loans to every licensed adult congregate living facility and developmental services group home seeking such moneys, the State Fire Marshal's Office shall give preference to those facilities less able to secure funds in the normal commercial market, taking into account the following factors: the condition and size of the structure, the number of Department of Health and Rehabilitative Services clients being served, the cost of an automatic sprinkler system in the facility's local area, and such other factors as will reasonably and equitably implement the purpose of sections 1-5 of this act.

Section 5. There is hereby appropriated from the Florida Fire Sprinkler Trust Fund to the State Fire Marshal's Office the sum of $55,793 for the purpose of employing administrative personnel to manage the fund. This amount shall become available on the effective date of this act.

(Renumber subsequent sections.)

Amendment 4—On page 1, strike all of line 2 and insert: An act relating to the Department of Insurance creating the Florida Fire Sprinkler Trust Fund and providing an appropriation thereto from the Insurance Commissioner's Regulatory Trust Fund; authorizing the State Fire Marshal's Office to draw upon such funds to provide loans to licensed adult congregate living facilities and developmental services group homes for purchase and installation of automatic sprinkler systems; providing for approval of such systems; providing for loan agreements; giving preference to certain facilities; providing an appropriation for employment of personnel to manage the Florida Fire Sprinkler Trust Fund; amending s.

On motion by Senator Crawford, by two-thirds vote SB 810 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

Beard	Girardeau	Kirkpatrick	Plummer
Brown	Gordon	Langley	Ros-Lehtinen
Childers, D.	Grant	Lehtinen	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Crawford	Hair	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson

Nays—None

SB 1144—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; providing additional authorized uses for tax revenues; providing an effective date.

—was read the second time by title.

Five amendments were adopted to SB 1144 to conform the bill to CS for HB 624.

Pending further consideration of SB 1144 as amended, on motions by Senator Jennings, by two-thirds vote CS for HB 624 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

On motion by Senator Jennings—

CS for HB 624—A bill to be entitled An act relating to tourist taxes; creating the "Florida Area of Critical State Concern Restoration Trust Fund Act"; providing definitions; providing legislative findings and purposes; creating the Florida Area of Critical State Concern Restoration Trust Fund in the Department of Natural Resources and providing for deposit of certain damages recovered by the state therein; prescribing purposes and procedures for expenditures from the fund; repealing s. 370.116, F.S., relating to the Coral Reefs Restoration Trust Fund; providing for the transfer of unencumbered funds into the Florida Area of Critical State Concern Trust Fund; amending s. 125.0108, F.S.; redefining the taxable privileges subject to tourist impact taxes in areas of critical state concern; revising the requirement for approval by referendum; providing for repeal of the tax after the area of critical state concern designation is removed; amending s. 125.0104, F.S.; providing additional authorized uses for local option tourist development tax revenues; providing effective dates.

—a companion measure, was substituted for SB 1144 and read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 624 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Beard	Girardeau	Kirkpatrick	Plummer
Brown	Gordon	Langley	Ros-Lehtinen
Childers, D.	Grizzle	Lehtinen	Scott
Childers, W. D.	Hair	Malchon	Stuart
Crawford	Hill	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Grant

SB 1144 was laid on the table.

On motion by Senator D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator D. Childers, by two-thirds vote CS for SB 603 and CS for SB 446 were withdrawn from the Committee on Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 3 and 4 to CS for HB 282 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 282—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; providing powers and duties of district school boards relating to recruitment of instructional personnel; providing an effective date.

On motions by Senator D. Childers, the Senate receded from Senate Amendments 3 and 4.

Senator D. Childers moved the following amendments which were adopted:

Amendment 5—On page 1, between lines 25 and 26, insert:

Section 2. Section 233.051, Florida Statutes, is amended to read:

233.051 Programs of remediation.—

(1) By August 1, 1990, programs of remediation shall primarily be the responsibility of the district school boards through their schools. This remediation shall provide students with enhancement or improvement of any basic skills in which the students are deficient and shall assist students in moving from one grade or level to another~~, including moving from secondary education to postsecondary education,~~ and assist residents of the district who request remedial assistance, including those residents with high school diplomas.

(2) Each district school board shall use the regular periodic report of academic progress for students in kindergarten through grade 8 to notify parents when a student is working at a skill level below that of his assigned grade placement.

(3)~~(2)~~ The district school boards shall work with the community colleges in their districts in order to assure that the community college students have access to remedial education.

(4)~~(3)~~ Beginning October 1, 1984, the Department of Education shall submit an annual report to the Legislature outlining the progress being made in the school districts, community colleges, and state universities toward fulfilling the objectives of this section and s. 240.117.

(Renumber subsequent section.)

Amendment 6—In title, on page 1, line 5, after the semicolon (;) insert: amending s. 233.051, F.S.; requiring parent notification when a student's academic progress is below grade level;

CS for HB 282 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Beard	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hair	Malchon	Stuart
Childers, W. D.	Hill	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Johnson	Myers	Weinstock
Frank	Kirkpatrick	Peterson	Woodson
Gordon	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Girardeau, Jennings

SPECIAL ORDER, continued

SB 1232—A bill to be entitled An act relating to dependent children; amending s. 39.01, F.S.; providing definitions; amending ss. 39.015, 39.40, 39.402, 39.403, F.S.; conforming cross-references; amending s. 39.404, F.S.; providing requirements for filing of petition for termination of parental rights; amending s. 39.41, F.S.; conforming cross-references; deleting provisions relating to termination of parental rights; creating a new part IV of chapter 39, F.S.; relating to children in foster care; providing legislative findings and intent; requiring performance agreements; delineating contents of the agreements; providing procedures for preparation and amendment; requiring initial court review and hearing; requiring permanent placement plans under specified circumstances; providing requirements for content, preparation, amendment, and review; requiring notice of potential result of placement of child in care; providing for judicial review; providing for hearing; providing for petition and notices; requiring a social study report to include specified items; requiring the court to make certain determinations in its deliberation; providing for disposition; providing for initiation of termination of parental rights proceedings under certain circumstances; providing immunity from liability; providing exemptions; creating new part V of chapter 39, F.S.; relating to termination of parental rights proceedings; providing procedures and jurisdiction; providing for filing of a petition for termination of parental rights; providing for process and service; providing for waiver of notice; providing consequences for failure to respond; providing for answer; providing procedure for voluntary termination of parental rights; providing extraordinary procedures for termination of parental rights; providing right to counsel and guardian ad litem; providing for hearings; providing for orders of adjudication; providing the court's powers of disposition; providing for oaths, records, and confidential information; providing for court and witness fees; providing for appeals; limiting compensation for appointed counsel; repealing s. 409.168, F.S., relating to permanency planning and judicial review of children in foster care; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 1232 to conform the bill to HB 1408.

Pending further consideration of SB 1232 as amended, on motions by Senator Weinstein, by two-thirds vote HB 1408 was withdrawn from the Committees on Judiciary-Civil; Health and Rehabilitative Services; and Appropriations.

On motion by Senator Weinstein—

HB 1408—A bill to be entitled An act relating to dependent children; amending s. 39.01, F.S.; providing definitions; creating s. 39.012, F.S., providing rulemaking authority; amending ss. 39.015, 39.40, 39.402, and 39.403, F.S.; conforming cross references; amending s. 39.404, F.S.; providing requirements for filing of petition for termination of parental rights; amending s. 39.41, F.S.; conforming cross references; deleting provisions relating to termination of parental rights; creating a new part IV of chapter 39, F.S., relating to children in foster care; providing legislative findings and intent; requiring performance agreements; delineating contents of the agreements; providing procedures for preparation and amendment; requiring initial court review and hearing; requiring permanent placement plans under specified circumstances; providing requirements for content, preparation, amendment, and review; requiring notice of potential result of placement of child in care; providing for judicial review; providing for hearing; providing for petition and notices; requiring a social study report to include specified items; requiring the court to make certain determinations in its deliberation; providing for disposition; providing for initiation of termination of parental rights proceedings under certain circumstances; providing immunity from liability; providing exemptions; creating a new part V of chapter 39, F.S., relating to termination of parental rights proceedings; providing procedures and jurisdiction; providing for filing of a petition for termination of parental rights; providing for process and service; providing for waiver of notice; providing consequences for failure to respond; providing for answer; providing elements for termination of parental rights; providing right to counsel and guardian ad litem; providing for hearings; providing for orders of adjudication; providing the court's powers of disposition; providing post disposition relief; providing for oaths, records, and confidential information; providing for court and witness fees; providing for appeals; limiting compensation for appointed counsel; amending s. 409.1685, F.S., to conform; repealing s. 409.168, F.S., relating to permanency planning and judicial review of children in foster care; providing an effective date.

—a companion measure, was substituted for SB 1232 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 1408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	

Nays—1

Langley

SB 1232 was laid on the table.

CS for SB 833—A bill to be entitled An act relating to the Florida Racketeer Influenced and Corrupt Organization Act; amending s. 895.02, F.S.; providing additional predicate crime constituting "racketeering activity"; deleting references to repealed statutes; clarifying the definition of "RICO lien notice"; amending s. 27.34, F.S.; authorizing counties and municipalities to pay the salary of assistant state attorneys in specified circumstances; amending s. 895.05, F.S.; authorizing the Office of Statewide Prosecution or a state attorney to apply for a RICO lien; providing that, once a RICO lien is filed, it constitutes notice of the unlawful activity for purposes of subsequent proceedings; amending s. 895.06, F.S.; including the Office of Statewide Prosecution as an "investigative agency" for purpose of civil investigative subpoenas; providing an effective date.

—was read the second time by title.

Five amendments were adopted to CS for SB 833 to conform the bill to CS for HB 945.

Pending further consideration of CS for SB 833 as amended, on motions by Senator Lehtinen, by two-thirds vote CS for HB 945 was withdrawn from the Committees on Judiciary-Criminal, Judiciary-Civil and Appropriations.

On motion by Senator Lehtinen—

CS for HB 945—A bill to be entitled An act relating to the Florida Racketeer Influenced and Corrupt Organization Act; amending s. 895.02, F.S.; providing additional predicate crime constituting "racketeering activity"; deleting references to repealed statutes; clarifying the definition of "RICO lien notice"; including the Office of Statewide Prosecution as an "investigative agency"; amending s. 27.34, F.S.; authorizing counties and municipalities to pay the salary of assistant state attorneys specializing in RICO actions; amending s. 895.05, F.S.; authorizing the Office of Statewide Prosecution or a state attorney to apply for a RICO lien; providing that, once a RICO lien is filed, it constitutes notice of the unlawful activity for purposes of subsequent proceedings; amending s. 895.06, F.S.; including the Office of Statewide Prosecution as an "investigative agency" for purpose of civil investigative subpoenas; creating s. 895.055, F.S., providing for the distribution of residual funds derived from the sale of property forfeited under the RICO Act, to the Department of Health and Rehabilitative Services; specifying uses of such funds; providing an effective date.

—a companion measure, was substituted for CS for SB 833 and read the second time by title. On motion by Senator Lehtinen, by two-thirds vote CS for HB 945 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Beard	Frank	Hollingsworth	Lehtinen
Brown	Girardeau	Jenne	Malchon
Childers, D.	Gordon	Jennings	Margolis
Childers, W. D.	Grant	Johnson	McPherson
Crenshaw	Grizzle	Kirkpatrick	Meek
Deratany	Hair	Kiser	Myers
Dudley	Hill	Langley	Peterson
Plummer	Stuart	Weinstein	
Ros-Lehtinen	Thomas	Weinstock	
Scott	Thurman	Woodson	

Nays—None

CS for SB 833 was laid on the table.

The President presiding

CS for SB 950—A bill to be entitled An act relating to medical practice; amending s. 395.017, F.S., providing access to confidential patient records for certain proceedings of the Department of Professional Regulation; limiting public access thereto; amending s. 395.041, F.S., expanding internal risk management training requirements; requiring certain incident reports relating to surgical procedures; requiring report of certain incidents to the department; limiting public access; providing for department investigation of incidents which may involve grounds for physician discipline; amending s. 455.241, F.S., providing for reports on certain psychiatric patient records; amending s. 458.307, F.S., expanding membership of the Board of Medicine; modifying membership requirements; specifying composition of probable cause panels; providing for a training program; amending s. 458.311, F.S., relating to licensure by examination; amending s. 458.313, F.S., correcting cross-references; amending s. 458.315, F.S., prohibiting issuance of temporary certificates for practice in areas of critical need to certain persons by endorsement; amending s. 458.3165, F.S., providing for biennial renewal of public psychiatry certificates; amending s. 458.331, F.S., clarifying grounds for disciplinary action due to malpractice; amending s. 458.345, F.S., establishing requirements for registration of resident physicians and interns; providing a fee; restricting renewal or extension; prohibiting registration of certain persons; increasing a penalty; deleting requirement that hospitals annually list their employees; requiring reports; amending s. 627.912, F.S., requiring insurers to report certain claims against dentists; requiring the Department of Insurance to send certain closed claims to the department; providing for department investigations; requiring provision of investigation reports to licensees upon request; amending s. 768.57, F.S., requiring notice to the department prior to filing certain malpractice claims; specifying contents; protecting claimants' legal rights; providing for department investigation; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendment:

Amendment 1—On page 16, between lines 27 and 28, insert:

Section 13. Subsection (2) of section 768.13, Florida Statutes, 1986 Supplement, 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 hospital licensed under chapter 395, any employee of such facility working in a clinical area and providing patient care, and* any person licensed to practice medicine who ~~gratuitously and~~ in good faith renders *medical* ~~emergency~~ care or treatment in response to *an* ~~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 *care or* treatment, *unless such care or treatment is provided in a grossly negligent manner* ~~where the person acts as a reasonably prudent person licensed to practice medicine who would have acted under the same or similar circumstances~~. *For purposes of this paragraph:*

1. An "emergency" is a situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate medical attention.

2. The provision of medical care or treatment in a grossly negligent manner is the failure to provide medical care or treatment, or the provision of medical care or treatment, in a manner manifesting conscious indifference to the consequences so as to affect the life or health of another.

Section 14. Section 458.320, Florida Statutes, as amended by chapters 86-160 and 86-245, Laws of Florida, and section 459.0085, Florida Statutes, as amended by chapters 86-160 and 86-290, Laws of Florida, are hereby repealed.

(Renumber subsequent section.)

Senator Weinstein moved the following substitute amendment:

Amendment 2—On page 2, line 22, strike everything after the enacting clause and insert:

Section 1. *Legislative intent.—The Legislature recognizes as an important public objective the necessity to stabilize the cost of medical malpractice insurance without abrogating the right of the public to recover reasonable damages for injuries resulting from negligent medical care. The Legislature further recognizes the overwhelming public necessity to ensure the availability of medical malpractice insurance and emergency medical services. Therefore, it is the intent of the Legislature to ensure the availability and affordability of medical malpractice insurance through the premium stabilization plan established in this act. Further, it is the intent of the Legislature that existing medical malpractice insurers be utilized to service insurance contracts issued under the premium stabilization plan.*

Section 2. Paragraphs (c), (d) and (e) of subsection (4) of section 627.351, Florida Statutes, 1986 Supplement, are amended, and paragraph (k) is added to said subsection, to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(c) The Joint Underwriting Association shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the Joint Underwriting Association, an attorney to be named by The Florida Bar, a physician to be named by The Florida Medical Association, *a physician to be named by the Insurance Commissioner, a dentist who is a member of the Florida Dental Association to be named by the Insurance Commissioner,* ~~and~~ a hospital representative to be named by the Florida Hospital Association, *and a representative of the general public to be named by the Insurance Commissioner. Effective June 15, 1987, or upon the effective date of this act, whichever is later, the Insurance Commissioner shall appoint three of the five representatives of insurers, the physician, the dentist, and the representative of the general public. Also effective June 15, 1987, or upon the effective date of this act, whichever is later, The Florida Bar, the Florida Medical Association and The Florida Hospital Association shall either appoint new representatives or reappoint existing representatives. Effective July 1, 1988, the Insurance Commissioner shall appoint the other two representatives of insurers. All representatives shall serve 2-year terms and may be reappointed to subsequent terms.* The board of governors shall choose, during the first meeting of the board after June *15* ~~30~~ of each year, one of its members to serve as chairman of the board and another member to serve as vice chairman of the board. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, self-insurer, or its agents or employees, the Joint Underwriting Association or its agents or employees, members of the board of governors, or the department or its representatives for any action taken by them in the performance of their powers and duties under this subsection.

(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 non-renew and shall further notify the insured of any action which must be taken to be in compliance with the risk management program.

6. A premium stabilization plan, which shall provide coverage to physicians as provided herein.

a. Physicians with hospital staff privileges shall obtain coverage under the premium stabilization plan in an amount equal to at least $250,000 per claim and $750,000 annual aggregate. All other physicians shall obtain coverage under the premium stabilization plan in an amount equal to at least $100,000 per claim and $300,000 annual aggregate. The requirements of this subparagraph shall not apply to:

(I) Any physician who elects to meet the financial responsibility requirements of s. 458.320 or s. 459.0085 by any authorized method other than obtaining professional liability coverage from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), or through a plan of self-insurance as provided in s. 627.357.

(II) Any physician who is exempt from the financial responsibility requirements of s. 458.320 or s. 459.0085 and who chooses not to obtain professional liability coverage from any type of insurance or self-insurance organization.

(III) Any physician who meets the financial responsibility requirements of s. 458.320 or s. 459.0085 by being provided professional liability coverage by a hospital or hospitals at which the physician has staff privileges.

However, any physician electing to purchase professional liability insurance shall purchase the amounts required by this sub-subparagraph from the premium stabilization plan.

b. Each physician who is covered under a professional liability insurance policy in effect on June 30, 1987, which is issued by an insurer or self-insurance trust fund and which meets the financial responsibility requirements of s. 458.320 or s. 459.0085, shall obtain coverage under the premium stabilization plan upon the termination date of the policy, but in no event later than July 1, 1988. All other physicians shall obtain coverage beginning on July 1, 1987.

c. The premium stabilization plan shall make coverage available to physicians in amounts up to $1 million per claim with a $3 million annual aggregate limit. Such amounts of coverage shall be inclusive of any amounts of coverage required to be obtained pursuant to sub-subparagraph a.

d. The premium stabilization plan shall provide coverage on a claims-made basis. In order to eliminate gaps in coverage, the initial policies issued by the premium stabilization plan to physicians who make timely application therefor shall include a retroactive date for covering prior acts, which date coincides with the coverage of any professional liability policy issued by an authorized insurer or authorized self-insurance trust fund covering the physician immediately prior to obtaining coverage through the premium stabilization plan. Coverage under the premium stabilization plan shall include tail coverage without an additional premium for retirement, death, and disability, if a physician is covered by the premium stabilization plan immediately prior to retirement, death, or disability and subject to such other reasonable conditions as provided in the plan of operation.

e. The initial rates to be charged by the association for coverage provided under the premium stabilization plan shall be established by the department based on the considerations set forth in subparagraphs 1., 2., and 3., and taking into account the rates charged for similar coverage by the five largest medical malpractice insurers operating in the state on the effective date of this act. After January 31, 1988, the association may establish new rates for the premium stabilization plan in the manner provided in subparagraph 1.

f. Rates for any class of physician within a rating territory shall not exceed five times the rates for any other class of physician in the same rating territory, provided that total premiums projected under the plan shall be sufficient to maintain actuarial soundness. The provisions of this sub-subparagraph shall apply only to the minimum levels of coverage required under sub-subparagraph a.

g. Notwithstanding any other provisions of this subparagraph, any physician who has incurred two or more claims resulting in indemnities exceeding $125,000 each in the preceding 5 years or who has incurred three or more claims resulting in indemnities exceeding $10,000 each in the preceding 5 years shall not obtain coverage under the premium stabilization plan. Payment of a claim or judgment by an uninsured physician shall be considered a claim resulting in indemnity. Any physician who cannot obtain coverage under the premium stabilization plan may obtain coverage from the Joint Underwriting Association or from any other authorized insurer or self-insurance trust fund.

h. In the event an underwriting deficit exists for any policy year the premium stabilization 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 of claims in the year the surplus arose shall be used to offset the deficit to the extent available. If there is any remaining deficit under the premium stabilization plan, such deficit shall be recovered from the companies participating in the joint underwriting plan in the proportion that the net direct premiums of each such member written during the calendar year immediately preceding the end of the policy year for which there is a deficit assessment bears to the aggregate net direct premiums written in this state by all members of the association. The term "premiums" as used herein means premiums for the lines of insurance defined in s. 624.605(1)(b), (k), and (q), including premiums for such coverage issued under package policies.

i. The association shall market the policies issued under the premium stabilization plan directly to physicians and is hereby prohibited from paying sales commissions. However, the association may contract with existing medical malpractice insurers or self-insurance trust funds to service the insurance contracts issued by the association, in exchange for a reasonable fee. The fee paid by the association may include amounts for field underwriting, but shall not include marketing costs, and may include amounts based on any underwriting profits generated by the contracts serviced by the insurer or trust.

j. The requirements of this subparagraph shall be continuous conditions of a physician's licensure under chapters 458 and 459. Prior to the issuance or renewal of an active license or reactivation of an inactive license for the practice of medicine under either of such chapters, the applicant shall demonstrate to the Department of Professional Regulation and the appropriate regulatory board that the requirements of this subparagraph have been met. If any physician fails to comply with the requirements of this subparagraph, the agency issuing the license to practice for such physician shall immediately suspend the license of such physician. The suspension shall remain in effect until such time as the physician complies with the provisions of this subparagraph.

k. Effective October 1, 1990, the association shall not issue policies, other than policies providing only tail coverage, to physicians under the premium stabilization plan and no physician shall be required to obtain coverage from the plan on or after such date. However, the association shall continue to provide for the administration of claims and collection of such fees and assessments as authorized by this subparagraph.

l. As used in this subparagraph:

(I) "Physician" means any physician licensed under chapter 458 and any osteopathic physician licensed under chapter 459.

(II) "Termination date" means the last day of the policy period, the date of renewal, or the date the policy is canceled by the insurer or insured.

m. It shall be a violation of the Florida Insurance Code for an insurer or self-insurance trust fund to provide professional liability coverage to a physician when the insurer or trust knew or should have known that the physician was required by this subparagraph to obtain such coverage from the premium stabilization plan.

(e) 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 of claims in the year the surplus arose shall be used to offset the deficit to the extent available.

1. As to remaining deficit, except those relating to deficit assessment coverage, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the premium payment paid by such policyholder to the association for that policy year. The association shall pay no further claims on any policy for the policyholder who fails to pay the premium contingency assessment.

2. If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the calendar year immediately preceding the end of the policy year for which there is a deficit assessment bears to the aggregate net direct premiums written in this state by all members of the association. The term "premiums" as used herein means premiums for the lines of insurance defined in s. 624.605(1)(b), (k), and (q), including premiums for such coverage issued under package policies.

3. This paragraph shall not apply to the premium stabilization plan described in subparagraph (d)6.

(k) The premiums collected by the Joint Underwriting Association under this subsection are exempt from the premium tax imposed under s. 624.509.

Section 3. Section 768.606, Florida Statutes, is created to read:

768.606 Medical emergency standard of care.—

(1) Any hospital licensed under chapter 395, any employee of such hospital working in a clinical area and providing patient care, and any person licensed to practice medicine who renders medical care or treatment in response to a medical emergency 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 care or treatment if such care or treatment is provided in good faith and with due regard for the prevailing professional standard of care. For the purposes of this subsection, a "medical emergency" is a sudden or unexpected situation or occurrence resulting in a serious medical condition demanding immediate medical attention for which the patient enters the hospital through the emergency room or trauma center. This subsection shall not apply to any act or omission of medical care provided after the patient has been stabilized, except that if surgery is required, this subsection shall apply to any act or omission of medical care provided prior to post-surgical stabilization.

(2) The provisions of subsection (1) shall apply to the acts or omissions of a physician licensed under chapter 458 or 459 only if the physician is:

(a) Certified as a specialist for the medical procedures performed, either by one of the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association, or by one of the appropriate specialty boards of the American Osteopathic Association;

(b) Possesses the education, training, and experience required as a prerequisite for examination by one of such specialty boards, or

(c) Is certified by the credentialing committee or equivalent hospital committee as having a level of skill, training, and experience which is equivalent to certification by one of such boards.

Section 4. *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 5. This act shall take effect upon becoming a law.

Point of Order

Senator Deratany raised a point of order that the amendment was, as described in Rule 7.1, "substantially the same and identical as to specific intent and purpose" as a bill which was reported unfavorably or was not reported favorably by the committees of reference.

Ruling on Point of Order

The President ruled the point well taken and the amendment out of order.

Senator Frank moved the following substitute amendment:

Amendment 3—On page 1, strike everything after the enacting clause and insert:

Section 1. Paragraphs (c), (d) and (e) of subsection (4) of section 627.351, Florida Statutes, 1986 Supplement, are amended, and paragraph (k) is added to said subsection, to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(c) The Joint Underwriting Association shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the Joint Underwriting Association, an attorney to be named by The Florida Bar, a physician to be named by The Florida Medical Association, *a physician to be named by the Insurance Commissioner, a dentist who is a member of the Florida Dental Association to be named by the Insurance Commissioner,* ~~and~~ a hospital representative to be named by the Florida Hospital Association, *and a representative of the general public to be named by the Insurance Commissioner. Effective June 15, 1987, or upon the effective date of this act, whichever is later, the Insurance Commissioner shall appoint three of the five representatives of insurers, the physician, the dentist, and the representative of the general public. Also effective June 15, 1987, or upon the effective date of this act, whichever is later, The Florida Bar, the Florida Medical Association and The Florida Hospital Association shall either appoint new representatives or reappoint existing representatives. Effective July 1, 1988, the Insurance Commissioner shall appoint the other two representatives of insurers. All representatives shall serve 2-year terms and may be reappointed to subsequent terms.* The board of governors shall choose, during the first meeting of the board after June *15* ~~30~~ of each year, one of its members to serve as chairman of the board and another member to serve as vice chairman of the board. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, self-insurer, or its agents or employees, the Joint Underwriting Association or its agents or employees, members of the board of governors, or the department or its representatives for any action taken by them in the performance of their powers and duties under this subsection.

(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 non-renew and shall further notify the insured of any action which must be taken to be in compliance with the risk management program.

6. A premium assurance plan, which shall provide coverage to physicians as provided herein.

a. The premium assurance plan shall make coverage available to physicians in amounts up to $1 million per claim with a $3 million annual aggregate limit.

b. The premium assurance plan shall provide coverage on a claims-made basis. In order to eliminate gaps in coverage, the initial policies issued by the premium assurance plan to physicians who make timely application therefor shall include a retroactive date for covering prior acts, which date coincides with the coverage of any professional liability policy issued by an authorized insurer or authorized self-insurance trust fund covering the physician immediately prior to obtaining coverage through the premium assurance plan. Coverage under the premium assurance plan shall include tail coverage without an additional premium for retirement, death, and disability, if a physician is covered by the premium assurance plan immediately prior to retirement, death, or disability and subject to such other reasonable conditions as provided in the plan of operation.

c. The initial rates to be charged by the association for coverage provided under the premium assurance plan shall be established by the department based on the considerations set forth in subparagraphs 1., 2., and 3., and taking into account the rates charged for similar coverage by the five largest medical malpractice insurers operating in the state on the effective date of this act. After January 31, 1988, the association may establish new rates for the premium assurance plan in the manner provided in subparagraph 1.

d. Notwithstanding any other provisions of this subparagraph, any physician who has incurred two or more claims resulting in indemnities

exceeding $125,000 each in the preceding 5 years or who has incurred three or more claims resulting in indemnities exceeding $10,000 each in the preceding 5 years shall not obtain coverage under the premium assurance plan. Payment of a claim or judgment by an uninsured physician shall be considered a claim resulting in indemnity. Any physician who cannot obtain coverage under the premium assurance plan may obtain coverage from the Joint Underwriting Association or from any other authorized insurer or self-insurance trust fund.

e. In the event an underwriting deficit exists for any policy year the premium assurance 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 of claims in the year the surplus arose shall be used to offset the deficit to the extent available. If there is any remaining deficit under the premium assurance plan, such deficit shall be recovered from the companies participating in the joint underwriting plan in the proportion that the net direct premiums of each such member written during the calendar year immediately preceding the end of the policy year for which there is a deficit assessment bears to the aggregate net direct premiums written in this state by all members of the association. The term "premiums" as used herein means premiums for the lines of insurance defined in s. 624.605(1)(b), (k), and (q), including premiums for such coverage issued under package policies. Any assessment may be offset, in an amount equal to the assessment paid to the association, against the state corporate income tax or the premium tax payable by that member insurer for the year in which the assessment is levied or the four years subsequent to that year.

f. The association shall market the policies issued under the premium assurance plan directly to physicians and is hereby prohibited from paying sales commissions. However, the association may contract with existing medical malpractice insurers or self-insurance trust funds to service the insurance contracts issued by the association, in exchange for a reasonable fee. The fee paid by the association may include amounts for field underwriting, but shall not include marketing costs, and may include amounts based on any underwriting profits generated by the contracts serviced by the insurer or trust.

g. Effective October 1, 1990, the association shall not issue policies, other than policies providing only tail coverage, to physicians under the premium assurance plan and no physician shall be required to obtain coverage from the plan on or after such date. However, the association shall continue to provide for the administration of claims and collection of such fees and assessments as authorized by this subparagraph.

h. As used in this subparagraph "physician" means any physician licensed under chapter 458 and any osteopathic physician licensed under chapter 459.

(e) 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 of claims in the year the surplus arose shall be used to offset the deficit to the extent available.

1. As to remaining deficit, except those relating to deficit assessment coverage, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the premium payment paid by such policyholder to the association for that policy year. The association shall pay no further claims on any policy for the policyholder who fails to pay the premium contingency assessment.

2. If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the calendar year immediately preceding the end of the policy year for which there is a deficit assessment bears to the aggregate net direct premiums written in this state by all members of the association. The term "premiums" as used herein means premiums for the lines of insurance defined in s. 624.605(1)(b), (k), and (q), including premiums for such coverage issued under package policies.

3. This paragraph shall not apply to the premium assurance plan described in subparagraph (d)6.

(i) The premiums collected by the Joint Underwriting Association under this subsection are exempt from the premium tax imposed under s. 624.509.

Section 2. Section 768.606, Florida Statutes, is created to read:

768.606 Medical emergency standard of care.—

(1) Any hospital licensed under chapter 395, any employee of such hospital working in a clinical area and providing patient care, and any person licensed to practice medicine who renders medical care or treatment in response to a medical emergency 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 care or treatment if such care or treatment is provided in good faith and with due regard for the prevailing professional standard of care. For the purposes of this subsection, a "medical emergency" is a sudden or unexpected situation or occurrence resulting in a serious medical condition demanding immediate medical attention for which the patient enters the hospital through the emergency room or trauma center. This subsection shall not apply to any act or omission of medical care provided after the patient has been stabilized, except that if surgery is required, this subsection shall apply to any act or omission of medical care provided prior to post-surgical stabilization.

(2) The provisions of subsection (1) shall apply to the acts or omissions of a physician licensed under chapter 458 or 459 only if the physician is:

(a) Certified as a specialist for the medical procedures performed, either by one of the appropriate American specialty boards accredited by the Council on Medical Education of the American Medical Association, or by one of the appropriate specialty boards of the American Osteopathic Association;

(b) Possesses the education, training, and experience required as a prerequisite for examination by one of such specialty boards, or

(c) Is certified by the credentialing committee or equivalent hospital committee as having a level of skill, training, and experience which is equivalent to certification by one of such boards.

Section 3. *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 4. This act shall take effect upon becoming a law.

Point of Order

Senator Myers raised a point of order, citing Rule 7.1.

Further consideration of CS for SB 950 was deferred.

The Senate resumed consideration of—

CS for SB 144—A bill to be entitled An act relating to ad valorem taxation; amending s. 197.364, F.S.; allowing the Department of Revenue to refund railroad property tax overpayments directly to taxpayers; allowing the department to waive taxes and refunds in certain circumstances; providing for the distribution of certain excess collections for overpayments; amending s. 200.065, F.S.; providing additional notice to taxpayers in certain circumstances; providing for application of act; providing an effective date.

Senators Deratany and Dudley offered the following amendment to House Amendment 3 which was moved by Senator Deratany and adopted:

Amendment 2—On page 1, line 11 through page 2, line 9, strike all of said lines and insert:

Section 3. Effective January 1, 1988, subsections (13), (14), and (15) of section 192.001, Florida Statutes, are amended to read:

192.001 Definitions.—All definitions set out in chapter 1 and chapter 200 that are applicable to this part are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(13) "Taxpayer" means the person or other legal entity in whose name property is assessed, including an agent of a time-share *owner* ~~period titleholder~~.

(14) "Fee time-share real property" means the land and buildings and other improvements to land that are subject to time-share interests which are sold as a fee interest in real property. *A "fee time-share unit" means a time-share unit as defined in s. 721.05(30) in which time-share estates as defined in s. 721.05(24) have been created, together with the share of*

common elements or facilities, if any, appurtenant to such time-share unit.

(15) "Time-share *owner* ~~period titleholder~~" means the *owner of* ~~purchaser of a time-share period sold as~~ a fee interest in *a fee time-share unit* ~~real property, whether organized under chapter 718 or chapter 721~~.

Section 4. Effective January 1, 1988, section 192.037, Florida Statutes, 1986 Supplement, is amended to read:

192.037 Fee time-share real property; taxes and assessments.—

(1) For the purposes of ad valorem taxation and special assessments, the managing entity responsible for operating and maintaining fee time-share real property *pursuant to s. 721.13* shall be considered the taxpayer as *the* ~~an~~ agent of *each* ~~the~~ time-share *owner* ~~period titleholder~~.

(2) *Each* fee time-share *unit* ~~real property~~ shall be listed on the assessment rolls as a *separate* ~~single~~ entry ~~for each time-share development~~. The assessed value of each time-share development shall be the value of the combined individual time-share periods or time-share estates contained therein.

(3) The property appraiser shall annually notify the managing entity of the proportions to be used in allocating the valuation, taxes, and special assessments on time-share property among the various time-share *estates* ~~periods~~. Such notice shall be provided on or before the mailing of notices pursuant to s. 194.011. Ad valorem taxes and special assessments shall be allocated by the managing entity based upon the proportions provided by the property appraiser pursuant to this subsection.

(4) All rights and privileges afforded property owners by chapter 194 with respect to contesting or appealing assessments shall apply both to the managing entity responsible for operating and maintaining the time-sharing plan and to each ~~person having a fee interest in a~~ time-share *owner* ~~unit or time share period~~.

(5) The managing entity, as an agent of the time-share *owners* ~~period titleholders~~, shall collect and remit the taxes and special assessments due on *each* ~~the~~ fee time-share *unit* ~~real property~~. In allocating taxes, special assessments, and common expenses to individual time-share *estates* ~~period titleholders~~, the managing entity must clearly label the portion of any amounts due which are attributable to ad valorem taxes and special assessments.

(6)(a) Funds received by a managing entity or its successors or assigns from time-share *owners* ~~titleholders~~ for ad valorem taxes or special assessments shall be placed in escrow as provided in this section for release as provided herein.

(b) The escrow account shall be placed with an independent escrow agent who shall comply with the provisions of chapter 721 relating to escrow agents.

(c) The principal of such escrow account shall be paid only to the tax collector of the county in which the *fee* time-share *real property* ~~development~~ is located or to his deputy.

(d) Interest earned upon any sum of money placed in escrow under the provisions of this section shall be paid to the managing entity or its successors or assigns for the benefit of the owners of *fee* time-share units~~; however, no interest may be paid unless all taxes on the time-share development have been paid~~.

(e) On or before May 1 of each year, a statement of receipts and disbursements of the escrow account shall be forwarded to the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation appropriately showing the amount of principal and interest in such account.

(7) *For each fee time-share unit, the managing entity shall, prior to the date ad valorem taxes become delinquent, remit to the tax collector a single payment of such taxes and special assessments. If this payment does not include the full amount of taxes due with respect to the unit, the payment shall be accompanied by a certificate of the managing entity on a form prescribed by the Department of Revenue. The certificate shall separately identify each time-share estate for which the full allocation of taxes and special assessments determined in accordance with subsections (3) and (5) is included in the payment. The tax collector shall furnish the managing entity a receipt for the payment and certificate, and the time-share estates for which taxes and special assessments are included in the payment shall thereupon be released from the lien of taxes and from the lien of special assessments. Proceedings to enforce or collect delinquent taxes or special assessments shall be limited to the aggregate of the remaining interests in the unit.* ~~The tax collector shall accept only full payment of the taxes and special assessments due on the time-share development.~~

(8) *The managing entity may advance funds for the purpose of effecting any payment remitted to the tax collector pursuant to subsection (7). The managing entity shall thereafter have a lien and right of action for recovery of the amount advanced with respect to any time-share estate. Proceedings to enforce collection of such amounts shall be governed by the provisions of s. 721.16. Nothing in this subsection shall be construed to impose a duty on the managing entity to advance funds to pay ad valorem taxes or special assessments, and the managing entity shall not be held liable for failing or refusing to do so.* ~~The managing entity shall have a lien pursuant to s. 718.121 or s. 721.16 on the time-share periods for the taxes and special assessments.~~

(9) *Except as otherwise provided in subsection (7),* all provisions of law relating to enforcement and collection of delinquent taxes shall be administered with respect to *each fee* ~~the~~ time-share *unit* ~~development as a whole~~ and the managing entity as *the* ~~an~~ agent of *each* ~~the~~ time-share *owner* ~~period titleholders~~; if, however, *a tax certificate is sold or issued* ~~an application is made~~ pursuant to s. *197.432* ~~197.502~~, the time-share *owners* ~~period titleholders~~ shall receive the *rights and* protections afforded by chapter 197. *This subsection shall not be construed to require the tax collector to notify each individual time-share owner of the fact that a tax certificate is outstanding. Such notices shall be sent to the managing entity as agent for the individual time-share owner.*

(10) The managing entity's liability to any time-share owner in connection with the performance of duties prescribed in this section shall be limited to actual damages caused by negligence or willful misconduct of the managing entity.

Section 5. Effective January 1, 1988, subsection (8) of section 197.472, Florida Statutes, as created by chapter 85-342, Laws of Florida, and amended by chapter 86-141, Laws of Florida, is hereby repealed.

Senator Kiser moved the following amendment to House Amendment 3 which failed:

Amendment 3—On page 2, strike all of line 10 and insert:

Section 5. The determinations of a public official which are the subject of an administrative or judicial proceeding brought pursuant to chapter 194, F.S., are presumed to be correct only if the public official has complied with the essential requirements of law and employed professionally recognized appraisal practices. The person initiating such proceeding has the burden of overcoming the presumption of correctness by a preponderance of the evidence and shall not be required to exclude every reasonable hypothesis of value in the administrative or judicial determination of just value.

(Renumber subsequent sections.)

The vote was:

Yeas—16

Mr. President	Dudley	Jennings	Lehtinen
Crawford	Hair	Kirkpatrick	Myers
Crenshaw	Hill	Kiser	Ros-Lehtinen
Deratany	Hollingsworth	Langley	Thurman

Nays—20

Beard	Gordon	Malchon	Stuart
Brown	Grant	Margolis	Thomas
Childers, W. D.	Grizzle	McPherson	Weinstein
Frank	Jenne	Meek	Weinstock
Girardeau	Johnson	Peterson	Woodson

Senators Peterson, Thomas and Langley offered the following amendment to House Amendment 3 which was moved by Senator Peterson and adopted:

Amendment 4—On page 2, strike line 10 of House amendment 3 and insert:

Section 5. Subsections (2), (3), (7), (8), and (9) of section 195.096, Florida Statutes, are amended to read:

195.096 Review of assessment rolls.—

(2) Beginning with the 1982 assessment rolls, the Division of Ad Valorem Tax shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. Such reviews need not include personal property tax rolls ~~until 1983; however, such reviews shall include the 1982 personal property tax rolls if positions are provided therefor in the 1982-1983 budget~~. The Division of Ad Valorem Tax need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the property appraisal adjustment board.

(a) The Division of Ad Valorem Tax shall, at least 30 days prior to the beginning of an in-depth review in any county, notify the property appraiser in the county of the pending review. At the request of the property appraiser, the Division of Ad Valorem Tax shall consult with the property appraiser regarding the classifications and strata to be studied, in order that the review will be useful to the property appraiser in evaluating his procedures.

(b) Every property appraiser whose upcoming roll is subject to an in-depth review shall, if requested by the department on or before January 1, deliver upon completion of the assessment roll a list of the parcel numbers of all parcels that did not appear on the assessment roll of the previous year, indicating the parcel number of the parent parcel from which each new parcel was created or "cut out."

(c) In the conduct of assessment ratio studies, the Division of Ad Valorem Tax shall utilize a statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

(d) In the conduct of these reviews, the Division of Ad Valorem Tax shall adhere to all standards to which the property appraisers are required to adhere.

(e) The Division of Ad Valorem Tax and each property appraiser shall cooperate in the conduct of these reviews, and each shall make available to the other all matters and records bearing on the preparation and computation of the reviews. The property appraisers shall provide any and all data requested by the Division of Ad Valorem Tax in the conduct of the studies, including electronic data processing tapes. The Division of Ad Valorem Tax shall provide any and all data requested by a property appraiser developed or obtained in the conduct of the studies, including tapes. Direct reimbursable costs of providing the data shall be borne by the party who requested it. Copies of existing data or records, whether maintained or required pursuant to law or rule, or data or records otherwise maintained, shall be submitted within 30 days from the date requested, in the case of written or printed information, and within 14 days from the date requested, in the case of computerized information.

(f) Within 120 days following the receipt of a county assessment roll by the executive director of the department pursuant to s. 193.1142(1), or within 10 days of approval of the assessment roll, whichever is later, the Division of Ad Valorem Tax shall complete the review for that county and forward its findings, including a statement of the confidence interval for the median and such other measures as may be appropriate for each classification or subclassification studied and for the roll as a whole, employing a 95-percent level of confidence, and related statistical and analytical details to the Senate Ways and Means Committee, the House Finance and Taxation Committee, and the appropriate property appraiser.

(3)(a) Upon completion of review pursuant to paragraph (2)(f), the Division of Ad Valorem Tax shall publish the results of reviews conducted pursuant to this section. The results shall include all statistical and analytical measures computed pursuant to this section for the real property assessment roll as a whole~~, the personal property assessment roll as a whole,~~ and independently for the following real property classes:

1. Single-family, condominium, cooperative, mobile home, and other owner-occupied residential property.

2. Residential income property.

3. Agricultural and other use-valued property.

4. Vacant lots.

5. Nonagricultural acreage and other undeveloped parcels.

6. Taxable institutional and governmental property.

7. Improved commercial property.

8. Improved industrial, utility, locally assessed railroad, oil, gas and mineral lands, subsurface rights, and other real property.

The division shall also publish such results for any subclassifications of the above classes or assessment rolls it may have chosen to study. For each improved subclassification or property class and for the real property roll as a whole, the division shall also publish separate assessment ratio statistics for land valuations and for improvement valuations.

(b) When necessary for compliance with s. 236.081, and for those counties not being studied in the current year, the Division of Ad Valorem Tax shall project value-weighted mean levels of assessment for each county. The Division of Ad Valorem Tax shall make its projection based upon the best information available, utilizing professionally accepted methodology, and shall separately allocate changes in total assessed value to:

1. New construction, additions, and deletions.

2. Changes in the value of the dollar.

3. Changes in the market value of property other than those attributable to changes in the value of the dollar.

4. Changes in the level of assessment.

In lieu of the statistical and analytical measures published pursuant to paragraph (a), the department shall publish details concerning the computation of estimated assessment levels and the allocation of changes in assessed value for those counties not subject to an in-depth review.

~~(7) The Auditor General shall have the responsibility to perform performance audits of the administration of ad valorem tax laws by the department pursuant to the general authority granted in chapter 11. Such performance audits shall be conducted biennially following completion of reviews pursuant to this section. The first performance audit conducted pursuant to this subsection shall be formally submitted to the Legislature no later than April 1, 1984, reporting on the activities of the Division of Ad Valorem Tax related to the 1982 and 1983 ad valorem tax rolls, and biennially thereafter. The Auditor General shall include, for at least four counties so reviewed, findings as to the accuracy of assessment procedures, projections, and computations made by the division, utilizing the same generally accepted appraisal standards and procedures to which the division and the property appraisers are required to adhere. However, the report shall not include any findings or statistics related to any ad valorem tax roll which is in litigation between the state and county officials at the time the report is to be issued.~~

(7)~~(8)~~ When a roll is prepared as an interim roll pursuant to s. 193.1145, the department shall compute assessment levels for both the interim roll and the final approved roll.

(8)~~(9)~~ Chapter 120 shall not apply to this section.

(Renumber subsequent section.)

On motion by Senator Deratany, the Senate reconsidered the vote by which the Senate refused to concur in House Amendment 4.

Senators Deratany and Dudley offered the following amendment to House Amendment 4 which was moved by Senator Deratany and adopted:

Amendment 2—On page 1, strike all of lines 11-15, and insert: amending ss. 192.001 and 192.037, F.S.; revising provisions relating to ad valorem taxes and special assessments on fee time-share real property; providing for payment; authorizing the managing entity to advance funds; providing for enforcement and collection of delinquent amounts; specifying the managing entity's liability to time-share owners; repealing s. 197.472(8), F.S., which provides an exemption from provisions relating to redemption of a portion of a tax certificate for collections made with respect to time-share property; providing effective dates.

Senators Peterson, Thomas and Langley offered the following amendment to House Amendment 4 which was moved by Senator Peterson and adopted:

Amendment 3—In House title amendment 4, on page 1, line 15, following the semicolon (;) insert: amending s. 195.096, F.S.; removing obsolete language; deleting a requirement for statistical analysis; deleting provisions requiring audits by the Auditor General;

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

CS for SB 144 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Grizzle	Langley	Stuart
Beard	Hair	Lehtinen	Thomas
Childers, W. D.	Hill	Malchon	Thurman
Crawford	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Jennings	Myers	
Dudley	Kirkpatrick	Peterson	
Girardeau	Kiser	Ros-Lehtinen	

Nays—6

Brown	Frank	Johnson
Childers, D.	Gordon	Margolis

Vote after roll call:

Yea—Grant

Yea to Nay—Jenne, Weinstock

CS for SB 988—A bill to be entitled An act relating to Department of Environmental Regulation contracts; providing authority for the department to establish rules relating to contract bidding, awarding contracts, payment of contracts, and contract negotiations; requiring adherence to certain Department of General Services criteria; providing for certain exemptions; amending ss. 403.806, 403.807, 403.808, 403.8081, F.S.; specifying powers and duties of divisions within the Department of Environmental Regulation; providing an effective date.

—was read the second time by title.

Senator Crawford moved the following amendments which were adopted:

Amendment 1—On page 3, line 2, insert:

Section 2. Polyethylene mulch plastic used in agricultural operations may be disposed of by open burning provided no public nuisance or any condition affecting the public health is created thereby and that state or federal national ambient air quality standards are not violated.

Section 3. Section 403.805, Florida Statutes, is amended to read:

403.805 Secretary; powers and duties.—The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the power to adopt rules under chapter 253, chapter 373, and this chapter, except that the Environmental Regulation Commission shall exercise the exclusive standard-setting authority of the department pursuant to s. 403.804. The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts. *The secretary is specifically authorized to reassign the duties authorized by ss. 403.806, 403.807, 403.808, and 403.8081 among the Divisions of Administrative Services, Environmental Operations, Environmental Programs, and Environmental Permitting.*

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 9, after the semicolon (;) insert: providing for open burning of certain material under certain conditions; amending s. 403.805, F.S.; authorizing reassignment of certain duties;

On motion by Senator McPherson, by two-thirds vote CS for SB 988 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	Girardeau	Johnson	Peterson
Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Jennings	Myers	Woodson

Nays—None

On motions by Senator Weinstein, by two-thirds vote HB 1403 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Weinstein—

HB 1403—A bill to be entitled An act relating to sheriffs; amending s. 30.14, F.S., providing procedures for transferring duties upon death or expiration of term of sheriff; amending s. 30.56, F.S., providing that a person arrested on a traffic violation charge and released on recognizance who fails to appear to answer the traffic charge shall be guilty of a noncriminal traffic infraction and subject to a fine for the nonappearance; providing a penalty; repealing s. 26.50, F.S., relating to the purchase of articles for court by sheriffs; repealing s. 30.13, F.S., relating to disposition of papers of deceased sheriff; repealing s. 30.19, F.S., relating to failure to execute process; repealing s. 30.25, F.S., relating to compensation for feeding prisoners; repealing s. 30.26, F.S., relating to fees for services in lunacy proceedings; repealing s. 30.28, F.S., relating to delivery of prisoners to successor; repealing s. 30.31, F.S., relating to fingerprinting of persons charged with crimes; repealing s. 30.32, F.S., relating to duties of the sheriff as timber agent; repealing s. 30.33, F.S., relating to proceedings on claims to timber; repealing s. 30.34, F.S., relating to certificate of reasonable cause for timber seizure; repealing s. 30.35, F.S., relating to compensation of the sheriff as timber agent; providing an effective date.

—a companion measure, was substituted for SB 1246 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 1403 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	Langley	Ros-Lehtinen
Brown	Hair	Lehtinen	Scott
Childers, W. D.	Hill	Malchon	Stuart
Crenshaw	Hollingsworth	Margolis	Thomas
Deratany	Jenne	McPherson	Thurman
Dudley	Jennings	Meek	Weinstein
Frank	Johnson	Myers	Weinstock
Girardeau	Kirkpatrick	Peterson	Woodson
Grant	Kiser	Plummer	

Nays—None

SB 1246 was laid on the table.

The Senate resumed consideration of—

HB 1336—A bill to be entitled An act relating to public meetings and records; amending s. 286.011, F.S.; exempting certain meetings of governmental agencies from the requirement that they be open to the public; establishing criteria for such meetings; providing an effective date.

—which was read the second time June 4.

Senators Plummer and Lehtinen offered the following amendment which was moved by Senator Plummer and failed:

Amendment 1—On page 1, line 29, and on page 2, line 1, strike "tape recording" and insert: video tape recording

Senator Lehtinen moved the following amendment:

Amendment 2—On page 1, line 28, strike "*is*" and insert: *and transcript are*

Further consideration of HB 1336 was deferred.

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 399 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 399—A bill to be entitled An act relating to retired public officers and employees; amending s. 112.0801, F.S.; requiring state agencies to allow retired employees or their dependents to participate in the agency's group insurance programs or self-insurance plans; requiring such retirees or their dependents to be offered the same health insurance coverage that is offered to active employees and at the same cost; requiring commingling of claims experience under certain circumstances; providing an exception; providing for notification; providing a date certain to accept or reject health insurance program participation; creating s. 112.363, F.S.; providing for a monthly health insurance subsidy payment for all persons retired under a state-supported retirement system; providing for eligibility; specifying health insurance subsidy amount; creating the Retiree Health Insurance Subsidy Trust Fund; providing for investment of the trust fund; providing for administration of the health insurance subsidy payments by the Division of Retirement of the Department of Administration; providing an appropriation; providing for administration of the health insurance subsidy payments by the Division of Retirement of the Department of Administration; providing payment of benefits; amending ss. 121.052, 121.055, and 121.071, F.S.; increasing the employer contributions for members of the Florida Retirement System; amending s. 121.35, F.S.; providing the contribution for the health insurance subsidy shall be paid to the annuity company for members of the optional retirement program for the State University System; providing an effective date.

Amendment 1—On page 5, strike lines 9-30; strike all of pages 6-15; and on page 16, strike lines 1-12, and insert:

(3) RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.—Beginning January 1, 1988, each eligible retiree or a beneficiary who is a spouse or financial dependent shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by $1; however, no retiree may receive a subsidy payment of more than $30 or less than $10. Beginning January 1, 1989, each eligible retiree or a beneficiary who is a spouse or financial dependent shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by $2; however, no retiree may receive a subsidy payment of more than $60 or less than $20.

(4) PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.—Beginning January 1, 1988, any monthly retiree health insurance subsidy amount due and payable under this section shall be paid to retired members by the Division of Retirement of the Department of Administration or under the direction and control of the division.

(5) TRUST FUND ESTABLISHED.—There is hereby established a trust fund in the state treasury to be entitled the Retiree Health Insurance Subsidy Trust Fund. Said trust fund shall be used to account for all moneys received and disbursed pursuant to this section. Should funding for the retiree health insurance subsidy program fail to provide full benefits for all participants, the benefits may be reduced or canceled at any time.

(6) INVESTMENTS OF THE TRUST FUND.—The State Board of Administration created by the authority of the State Constitution shall invest and reinvest the funds of the trust fund in accordance with ss. 215.44-215.53. Costs incurred by the Board of Administration incurring from the provisions of this section shall be deducted from the interest earnings accruing to the trust fund.

(7) ADMINISTRATION OF SYSTEM.—The Division of Retirement of the Department of Administration may adopt such rules and regulations as are necessary for the effective and efficient administration of this section. The cost of administration shall be appropriated from the trust fund.

(8) CONTRIBUTIONS.—For purposes of funding the insurance subsidy provided by this section:

(a) Beginning October 1, 1987, the employer of each member of a state-administered retirement plan shall contribute 0.24 percent of gross compensation each pay period.

(b) Beginning October 1, 1988, the employer of each member of a state-administered retirement plan shall contribute 0.48 percent of gross compensation each pay period.

Such contributions shall be submitted to the Division of Retirement and deposited in the Retiree Health Insurance Subsidy Trust Fund.

(9) BENEFITS.—Subsidy payments shall be payable under the retiree health insurance subsidy program only to participants in the program or their beneficiaries. Such subsidy payments shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

Section 5. Subsection (29) of section 121.021, Florida Statutes, 1986 Supplement, is reenacted and 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:

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

(a) Completes 10 or more years of creditable service and attains age 62;

(b) Completes 30 years of creditable service, which may include a maximum of 4 years of military service credit, so long as such credit is not claimed under any other system, regardless of age; ~~or~~

(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.

"Normal retirement age" is attained on the "normal retirement date."

Section 6. Paragraphs (a), (b), (d), (e), and (g) of subsection (4) of section 121.052, Florida Statutes, 1986 Supplement, 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. *Effective October 1, 1987, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 11.74 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. Effective October 1, 1988, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 11.98 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. *Effective October 1, 1987, 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 11.74 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. Effective October 1, 1988, 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 11.98 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. *Effective October 1, 1987, 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 21.18 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1988, 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 21.42 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.

(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. *Effective October 1, 1987, 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 11.74 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1988, 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 11.98 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. *Effective October 1, 1987, 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 17.43 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. Effective October 1, 1988, 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 17.67 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 7. Subsection (3) and paragraph (d) of subsection (6) of section 121.055, Florida Statutes, 1986 Supplement, are amended 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.

(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. *Effective October 1, 1987, the employing agency shall contribute each pay period an amount equal to 14.12 percent of each member's gross salary, which shall constitute the entire retirement contribution with respect to such member. Effective October 1, 1988, the employing agency shall contribute each pay period an amount equal to 14.36 percent of each member's gross salary, which shall constitute the entire retirement contribution with respect to such member.*

(6)

(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, *plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund,* 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.

Section 8. Subsection (2) of section 121.071, Florida Statutes, 1986 Supplement, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(2)(a) 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 October 1, 1987, each employer shall contribute 13.38 percent of gross compensation each pay period for each of its regular members and 15.35 percent of gross compensation each pay period for each of its special risk members. Effective October 1, 1988, each employer shall contribute 13.62 percent of gross compensation each pay period for each of its regular members and 15.59 percent of gross compensation each pay period for each of its special risk members.*

(b) 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 s. 121.0515(7). 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 s. 121.0515(7). 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). *Effective October 1, 1987, each employer shall contribute 15.68 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). Effective October 1, 1988, each employer shall contribute 15.92 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 9. Paragraph (a) of subsection (4) of section 121.35, Florida Statutes, 1986 Supplement, is amended to read:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a) Each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System, *plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund,* 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 paragraph 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.

Section 10. This act shall take effect October 1, 1987, except that this section and sections 2 and 5 shall take effect upon becoming a law.

Amendment 2—On page 1, in the title between lines 29 and 30, insert: reenacting and amending s. 121.021, F.S., relating to the definition of "normal retirement date" under the Florida Retirement System to restore language erroneously omitted;

On motions by Senator W. D. Childers, the Senate concurred in the House amendments.

CS for CS for SB 399 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—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

Consideration of Resolutions

On motion by Senator Barron, by unanimous consent—

By Senators Barron and W. D. Childers—

SR 1369—A resolution recognizing the contributions of Fay Kirtland to the advancement of education and to the promotion of the welfare of educators in this state.

WHEREAS, Fay Kirtland began her remarkable and long teaching career in 1923, and

WHEREAS, she joined the faculty of the Florida State University in 1952, where she brought great honor to the university through her teaching abilities and scholarly writings, and

WHEREAS, Fay Kirtland retired from the Florida State University as Professor Emeritus in 1976, and

WHEREAS, since her retirement from teaching, Fay Kirtland has dedicated herself to the advancement of education and the promotion of the welfare of educators and retired educators of this state and is presently serving as Legislative Co-chairperson of the Florida Retired Educators' Association, and

WHEREAS, numerous legislators and members of legislator's families have been fortunate to have been students of "Aunt Fay" and regard her dearly, and

WHEREAS, Fay Kirtland is highly respected among all Senators who have had associations with her, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Fay Kirtland is hereby commended, on behalf of all students, educators, and retired educators of this state as well as the members of the Florida Senate, for her 53 years of teaching and for her 10 years of advocacy before the Legislature for the advancement of education and the promotion of the welfare of educators and retired educators.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be presented to Fay Kirtland as a tangible token of the esteem and admiration in which she is held by the members of the Florida Senate.

—was introduced out of order and read the first time by title. On motion by Senator Barron, SR 1369 was read the second time in full and adopted. The vote on adoption was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

All senators were shown as co-introducers of SR 1369.

Upon request of the President, Senators Barron, Thomas and W. D. Childers escorted Fay Kirtland to the rostrum where she was presented a copy of the resolution and addressed the Senate briefly.

On motion by Senator Kirkpatrick, by two-thirds vote HCR 1502 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kirkpatrick, by unanimous consent—

HCR 1502—A concurrent resolution supporting the appointment of Dr. Daniel C. Drucker to the National Science Board.

—was taken up out of order and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Kiser	Plummer
Barron	Gordon	Langley	Ros-Lehtinen
Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Stuart
Childers, D.	Hill	Margolis	Thomas
Childers, W. D.	Jenne	McPherson	Thurman
Crenshaw	Jennings	Meek	Weinstein
Deratany	Johnson	Myers	Weinstock
Dudley	Kirkpatrick	Peterson	Woodson

Nays—None

Recess

On motion by Senator Barron, the Senate recessed at 5:14 p.m. to reconvene at 6:15 p.m.

Call to Order

The Senate was called to order by the President at 6:30 p.m. A quorum present—38:

Mr. President	Girardeau	Kiser	Ros-Lehtinen
Barron	Gordon	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Weinstock
Crenshaw	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1336—A bill to be entitled An act relating to public meetings and records; amending s. 286.011, F.S.; exempting certain meetings of governmental agencies from the requirement that they be open to the public; establishing criteria for such meetings; providing an effective date.

—with pending Amendment 2, which failed. The vote was:

Yeas—16

Brown	Gordon	Lehtinen	Ros-Lehtinen
Crenshaw	Grizzle	Malchon	Weinstein
Frank	Hill	Meek	Weinstock
Girardeau	Johnson	Plummer	Woodson

Nays—16

Mr. President	Childers, W. D.	Hollingsworth	McPherson
Barron	Dudley	Kirkpatrick	Myers
Beard	Grant	Kiser	Stuart
Childers, D.	Hair	Langley	Thomas

Senator Gordon moved the following amendment which failed:

Amendment 3—On page 1, line 20, after "pending" insert: *eminent domain or personal injury*

On motion by Senator Grant, HB 1336 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Dudley	Langley	Stuart
Barron	Grant	Margolis	Thomas
Beard	Hill	McPherson	Thurman
Childers, W. D.	Johnson	Myers	
Crawford	Kirkpatrick	Peterson	
Deratany	Kiser	Scott	

Nays—17

Brown	Grizzle	Malchon	Weinstock
Crenshaw	Hair	Meek	Woodson
Frank	Hollingsworth	Plummer	
Girardeau	Jenne	Ros-Lehtinen	
Gordon	Lehtinen	Weinstein	

Vote after roll call:

Yea—Jennings

SB 490 was laid on the table.

Explanation of Vote

I find it particularly offensive that HB 1336 suggests that a tape released after litigation takes the place of government in the sunshine.

Have we not learned from past experience that tape recordings are easily altered or eliminated?

Lawrence H. Plummer, 39th District

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1221 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Regulatory Reform and Representative Tobin and others—

CS for HB 1221—A bill to be entitled An act relating to medical services; amending s. 458.313, F.S.; providing additional alternative qualifications for medical licensure by endorsement; specifying requirements for validity of licensure by endorsement pursuant to alternative qualifications; amending s. 617.01, F.S.; authorizing certain additional corporations to incorporate as a corporation not for profit to conduct the practice of medicine, medical education, and medical research; authorizing certain corporations not for profit to conduct such activities; specifying requirements applicable to certain such corporations not for profit; repealing s. 458.313(1)(c), F.S., which provides additional alternative qualifications for medical licensure by endorsement; repealing s. 617.01(3) and (4), F.S., which authorize certain corporations to incorporate as a corporation not for profit to conduct the practice of medicine, medical education, and medical research; providing an effective date.

On motion by Senator Scott, by unanimous consent CS for HB 1221 was taken up out of order. On motions by Senator Scott, by two-thirds vote CS for HB 1221 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	Grizzle	Langley	Stuart
Barron	Hair	Lehtinen	Thomas
Beard	Hill	Margolis	Weinstein
Childers, W. D.	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Dudley	Johnson	Myers	
Gordon	Kirkpatrick	Ros-Lehtinen	
Grant	Kiser	Scott	

Nays—7

Brown	Girardeau	Peterson	Thurman
Frank	Malchon	Plummer	

Vote after roll call:

Yea—Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 143 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 143—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; changing the date upon which tourist development taxes take effect; authorizing any county levying the local option tourist development tax to elect to collect and administer the tax on a local basis; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the governing body of a county or subcounty district levying a local option tax which the department administers; providing for application of confidentiality and penalty provisions to the governing body and its officers and employees; amending s. 212.0505, F.S.; providing for taxing of certain transactions involving medicinal drugs; amending s. 212.05, F.S.; revising the apportionment formula for taxing certain interstate private line charges; amending s. 212.055, F.S.; providing that proceeds of a charter county transit system surtax may be remitted to an expressway authority or transportation authority for specified purposes; providing for the reduction of the surtax in specified circumstances; amending s. 212.08, F.S.; exempting food and drinks purchased with food stamps from taxation; amending s. 212.06, F.S.; specifying the basis for the sales tax on the fabrication of certain tangible personal property; amending s. 212.0305, F.S., relating to convention development taxes; providing an exemption; providing for local administration; providing an effective date.

Amendment 1—On page 2, line 7, strike everything after the enacting clause and insert:

Section 1. Subsection (3) of section 212.059, Florida Statutes, as created by Chapter 87-6, Laws of Florida, is amended to read:

212.059 Sales and use tax on services.—It is hereby declared to be the legislative intent to levy an excise tax on the sale of services in this state as hereinafter provided. It is further declared to be the legislative intent to levy a complementary excise tax on the use of services in this state as hereinafter provided.

(3)(a) The sales and use tax on services imposed by this section shall be collected by the dealer as defined in this part and remitted by him to the state at the time and in the manner as provided in this part.

(b) If the ~~seller of the service is a multistate business and the~~ sale *of a service* is outside this state, any applicable use tax shall be remitted by the purchaser of the service, *if the purchaser of the service has nexus for tax purposes with this state*. However, this paragraph shall not apply to interstate or international transportation services.

Section 2. Subsection (10) is added to Section 212.0591, Florida Statutes, as created by Chapter 87-6, Laws of Florida, to read:

212.0591 Rules of construction.—For purposes of the sales and use tax on services, the following rules of construction shall apply:

(10) It is the intent of the Legislature to exempt from the tax on services only those services for which exemptions are expressly provided. Therefore, if any exemption is declared facially unconstitutional by a court of competent jurisdiction, it is the intent of the Legislature that the exemption be deemed inoperative as to all persons and not expanded to encompass services or persons not expressly exempted from the tax.

Section 3. Section 212.0595, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

212.0595 Advertising; special provisions.—~~Notwithstanding the provisions of ss. 212.059-212.0593,~~ The following special provisions shall be applicable to the sales and use tax on advertising:

(1) A tax is hereby imposed on advertising sold or used in this state. The tax shall be at the rate of 5 percent of the sales price or cost price of the advertising.

(2) Advertising shall be deemed to have been sold in this state if the greater proportion of the advertising is performed within this state based on costs of performance as defined in s. 212.02.

(3) Advertising shall be deemed to have been used in this state if it was sold outside this state for consumption in this state. Advertising shall be presumed to be consumed in this state to the extent the cost price is apportioned to this state pursuant to subsection (4).

(4)(a) The sales price of the sale of advertising, or the cost price of the use of advertising, shall be apportioned to the state as provided in this subsection. There shall be included in the measure of the tax imposed by this section that proportion of the sales price or cost price which is equal to the proportion of market coverage within Florida to the total ~~United States~~ market coverage for the most recently completed accounting year of the service provider. However, in the case of new or restructured service providers, the department may prescribe by rule another time period or proportion that fairly reflects Florida market coverage.

(b) For purposes of this subsection, "market coverage" means average circulation *within the geographic area of distribution for the publication in which the advertisement appears*, in the case of print media, and means population within the signal reception area of the broadcaster, in the case of broadcast media, measured as prescribed by the department by rule.

(c) For advertising other than print or broadcast media, the department shall establish by rule a method for fairly apportioning advertising sold or used in this state.

(5) If advertising is sold in this state, the sales tax imposed by this section shall be collected and remitted by the advertising media provider,

unless the advertising is purchased pursuant to a resale permit, in which case the person reselling the advertising shall collect and remit the tax.

(6) If advertising is not sold in this state, but is used in this state, the advertiser shall self-accrue the use tax imposed by this section and remit the tax directly to the department, *if the advertiser has nexus for tax purposes with this state, unless the advertising is sold to a registered dealer for resale, in which case the registered dealer shall collect and remit the tax when the advertising is resold.*

(7)*(a) When advertising is sold or resold, the seller or reseller shall state the sales price of the advertising and the applicable apportionment factor, if any, separately from any other charges which may be included in the invoice, charge slip or other tangible evidence of sale.*

(b) When the tax on advertising is not collected by the seller of the advertising, it is the responsibility of the purchaser to secure the apportionment factor pursuant to subsection (4) from the advertising media. ~~When advertising is purchased and resold, the person reselling the advertising may deduct the consideration paid for the advertising from his charges for purposes of calculating any tax due under this part.~~

(8) Nothing herein shall be construed to require the advertising media to furnish to the department a listing of persons placing advertising with the advertising media.

(9) Consideration paid pursuant to a written contract for a term in excess of two years, entered into prior to April 1, 1987, and which involves a transaction taxable under this section, shall be exempt from the tax imposed by this section until the expiration of such contract. This exemption shall not apply to advertising provided pursuant to any extension or renewal of such contract.

(10) For purposes of this part, the term "advertising" means the service of conveying the advertiser's message, and shall include any mark-up charged by an advertising agency or any other person for the service of brokering the medium. However, the term "advertising" shall not include creative services of a type customarily performed by an advertising agency.

(11) The following provisions of this part shall not apply to the sale or use of advertising:

(a) Section 212.059(3), regarding collection of the tax on services; and

(b) Section 212.0593, regarding administration of s. 212.0592(1).

Section 4. Paragraphs (n) and (o) of subsection (7) of section 212.08, Florida Statutes, 1986 Supplement, as amended by chapter 87-6, Laws of Florida, 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.

(7) MISCELLANEOUS EXEMPTIONS.—

(n) Organizations providing special educational, cultural, recreational, and social benefits to minors.—There shall be exempt from the tax imposed by this part nonprofit organizations which are incorporated pursuant to chapter 617 or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the Internal Revenue Code the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development of minors ~~in this state~~. This exemption is extended only to that level of the organization ~~located in this state~~ that has a salaried executive officer or an elected nonsalaried executive officer.

(o) 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 or services 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 institutions" 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 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 universi-

ties ~~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 institutions" 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.

Section 4. This act shall take effect July 1, 1987.

Amendment 2—On page 1, lines 3-31, and on page 2, lines 1-4, strike all of said lines and insert: 212.059(3), F.S.; clarifying application of the use tax on services; creating s. 212.0591(1), F.S.; providing legislative intent with regard to exemptions; amending s. 212.0595, F.S.; amending provisions applicable to the tax on advertising; amending s. 212.08(7)(n) and (o), F.S.; deleting limitations on the ability to qualify as an exempt organization; providing an effective date.

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

CS for SB 143 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—39

Mr. President	Frank	Kirkpatrick	Plummer
Barron	Girardeau	Kiser	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Hollingsworth	McPherson	Weinstein
Crenshaw	Jenne	Meek	Weinstock
Deratany	Jennings	Myers	Woodson
Dudley	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea to Nay—Langley

SPECIAL ORDER, continued

On motions by Senator Peterson, by two-thirds vote CS for CS for HB 1008 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Peterson—

CS for CS for HB 1008—A bill to be entitled An act relating to postsecondary education; amending s. 240.257, F.S.; revising allocations from the Florida Endowment Trust Fund for Eminent Scholars; deleting obsolete language; creating s. 240.499, F.S.; creating the Good-Gulfstream Trust Fund for Higher Education; providing for scholarships; providing for agreement to determine university and college beneficiaries; authorizing the transfer of funds from the General Revenue Fund; providing for the allocation of funds; amending s. 240.402, F.S.; revising criteria for Florida Undergraduate Scholars' award eligibility; increasing the value of awards from the fund; amending s. 240.4025, F.S.; requiring United States residency for award eligibility from the Florida Graduate Scholars' Fund; providing for distribution of new awards; amending s. 240.401, F.S., relating to state tuition vouchers; providing specific accreditation criteria for institutional eligibility; amending s. 240.4067, F.S.; revising the program from loan reimbursement to tuition reimbursement for medical professionals practicing in underserved locations in the state; expanding the program to include nurse practitioners and physicians' assistants; providing for an increased tuition reimbursement maximum; revising budget requests; providing an effective date.

—a companion measure, was substituted for CS for SB 893 and read the second time by title.

Senator Johnson moved the following amendment which was adopted:

Amendment 1—On page 2, lines 3-31, on page 3, lines 1-31, on page 4, lines 1-18, strike all of said lines and insert:

Section 1. Paragraphs (a) and (b) of subsection (4) and subsections (5) and (7) of section 240.257, Florida Statutes, 1986 Supplement, are amended to read:

240.257 Florida Endowment Trust Fund for Eminent Scholars Act.—

(4) ALLOCATION AND ADMINISTRATION OF THE TRUST FUND.—

(a) For the duration of the program, each university shall be eligible to match one-ninth of the funds provided in s. 124, chapter 79-222, Laws of Florida. Any university which has matched one-ninth of the fund previously provided shall be eligible to match the additional funds appropriated herein. The amount appropriated to the trust shall be allocated by the Board of Regents to each university *in the following manner:* ~~on the basis of one $400,000 challenge grant for each $600,000 raised from private sources.~~

1. Each university that raises a contribution of at least $600,000, but no more than $1,000,000, from private sources shall receive a matching grant equal to 70 percent of the private contribution.

2. Each university that raises a contribution in excess of $1,000,000, but no more than $1,500,000, from private sources shall receive a matching grant equal to 75 percent of the private contribution.

3. Each university that raises a contribution in excess of $1,500,000, but no more than $2,000,000, from private sources shall receive a matching grant equal to 80 percent of the private contribution.

4. Each university that raises a contribution in excess of $2,000,000 from private sources shall receive a matching grant equal to 100 percent of the private contribution.

If a university chooses to pursue the use of the allocated challenge grant funds, such funds shall be matched *as provided in this section* ~~on a 1½ to 1 basis~~. Matching funds shall come from contributions made after July 1, 1979, and pledged for the purposes of the act. *For the purpose of determining the amount of the state matching grant, multiple contributions from a single individual, corporation, or foundation within a 12-month period shall be matched at the total amount of the contribution in accordance with the schedule provided in this section.* ~~To be eligible, such contributions must be in excess of the total average annual level of contributions made to the foundation in the 3 fiscal years prior to July 1, 1979.~~ Each university foundation *and the New College Foundation* shall establish its own Eminent Scholars Trust Fund for each challenge grant as a depository for private contributions and state matching funds as provided herein. State matching funds ~~in the amount of $400,000~~ shall be transferred to a university foundation upon notification that the university has received and deposited *the proportionate amount specified in this section* ~~$600,000~~ in its own Eminent Scholars Trust Fund. Contributions may also be eligible for matching if there is a commitment to make a donation of at least $600,000 and an initial payment of $100,000 accompanied by a written pledge to provide the balance within 5 years after the date of such initial payment. Payments on the balance must be at least $100,000 per year and shall be made on or before the anniversary date of the initial payment. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds. Once the income from the endowment can be effectively utilized pursuant to subsection (5), the university shall proceed to implement plans for establishing an endowed chair. *During the first half of each fiscal year, no university shall encumber more than 25 percent of the amount appropriated to the fund for that fiscal year. Each university shall have an amount reserved in the trust fund to permit at least one chair to be encumbered during each fiscal year.* ~~Any funds which remain unmatched by contribution or pledge of contribution as outlined above on June 30, 1983, shall be available for matching by any university.~~

(b) The foundation serving a university, *and the New College Foundation,* shall have the responsibility for the maintenance and investment of its trust fund and for the administration of the program at that university. The governing board of each foundation shall be responsible for soliciting and receiving gifts to be used as matching funds to be deposited

and matched with the challenge grants for the establishment of the endowments for the specified university. Once an endowment is established *and operating, there may be further challenge grants to be matched for the establishment of more chairs. Each foundation shall include in its annual report to the Board of Regents information concerning collection and investment of matching gifts and donations and investment of the trust fund.*

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

(7) NEW COLLEGE FOUNDATION.—*In addition to* ~~Notwithstanding~~ the provisions of subsections (4), (5), and (6), the New College Foundation shall establish an endowment trust account into which shall be deposited private, voluntary contributions and state moneys appropriated thereto. Only the income from the endowment trust account may be used by the foundation, and such income shall be used only to enhance programs and improve facilities at New College. The foundation shall annually report to the board the amount of funds actually transferred to New College for programs and facilities. The foundation shall also annually report on the status of major gifts of property or buildings donated to the college. Private, voluntary contributions to the foundation, for which matching funds may be received, may include cash, negotiable securities, or gifts of similar liquidity; any irrevocable instrument in the estate of a donor or any irrevocable trust agreement; or any real property, building, facility, or major one-time gift designed to enhance New College programs. Deferred contributions shall be given a present-day value discounted at 6 percent under the Commissioner's Standard Rate Longevity Tables (1958) of the Internal Revenue Service. Real estate shall be valued at its current assessed value. Buildings or facilities shall be valued at their current replacement cost. Private moneys received will be matched by state funds in the proportion of 1½ to 1, private funds to state funds. Contributions used for matching purposes pursuant to chapter 79-104, Laws of Florida, shall not be matched pursuant to the provisions of this section.

Senator Peterson moved the following amendments which were adopted:

Amendment 2—On page 10, between lines 15 and 16, insert:

Section 7. Subsection (2) of section 240.527, Florida Statutes, is amended to read:

240.527 St. Petersburg branch, University of South Florida.—

(2) The City of St. Petersburg, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Regents in establishing this institution. The acquisition and donation of lands, buildings, and equipment for use of the St. Petersburg branch of the University of South Florida are hereby authorized and shall be deemed to be for a public purpose. *The City of St. Petersburg is authorized to exercise the power of eminent domain to acquire lands, buildings, and equipment for use of the St. Petersburg branch of the University of South Florida, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.*

(Renumber subsequent section.)

Amendment 3—On page 4, line 3, after the period (.) insert: *During the first half of each fiscal year, no university shall encumber more than 25 percent of the amount appropriated to the fund for that fiscal year. Each university shall have an amount reserved in the trust fund to permit at least one chair to be encumbered during each fiscal year.*

Amendment 4—On page 3, lines 13-15, after the period (.) on line 13 through the period (.) on line 15, strike all of said language

Amendment 5—On page 4, line 25, strike "of $5,000"

Amendment 6—On page 8, lines 4-18, strike all of said lines and renumber subsequent sections.

Amendment 7—In title, on page 1, line 31, after the semicolon (;) insert: amending s. 240.527, F.S.;

Amendment 8—In title, on page 1, lines 19-22, after the semicolon (;) on line 19 through the semicolon (;) on line 22, strike all of said language.

Amendment 9—In title, on page 1, line 31, after the semicolon (;) insert: amending s. 230.645, F.S.; exempting dual enrollment and early admission students from certain postsecondary fees; creating s. 233.63, F.S.; assigning certain instructional materials to district school boards or community college boards of trustees; requiring free instructional materials for dual enrollment students; amending s. 236.081, F.S., relating to the Florida Education Finance Program; establishing funding formulas for dual enrollment students; amending s. 240.115, F.S.; adding an acceleration mechanism; requiring community colleges to offer credit by examination; creating s. 240.116, F.S.; establishing legislative intent for articulated acceleration; providing requirements for acceleration mechanisms; creating s. 240.1161, F.S.; requiring that superintendents of schools and community college presidents establish articulation agreements; prescribing agreement contents; requiring the inclusion of dual enrollment courses in pupil progression plans; providing for amended agreements; authorizing agreements with universities; providing for Department of Education approval of dual enrollment courses; creating s. 240.1163, F.S.; authorizing joint dual enrollment and advanced placement courses; providing guidelines; providing for funding; providing for the award of postsecondary credit; amending s. 240.117, F.S.; requiring entry-level examinations for dual enrollment students; amending s. 240.233, F.S., relating to university admission; revising a cross-reference, to conform; amending s. 240.235, F.S.; exempting dual enrollment and early admission students from certain university fees; providing for funding of students; amending s. 240.321, F.S.; exempting certain secondary students from certain community college admission requirements; amending s. 240.35, F.S.; exempting dual enrollment and early admission students from certain community college fees; directing the Postsecondary Education Planning Commission to study funding formulas for certain articulated acceleration programs; directing the State Board of Education to study exemptions for mathematics and writing skills requirements; directing the State Board of Education to study articulated acceleration opportunities for certain students; amending s. 232.2462, F.S.; deleting specific requirements for credit equivalence; establishing credit equivalence for instruction provided pursuant to s. 240.116; amending s. 240.233, F.S.; authorizing the Board of Regents to adopt different admission requirements for certain students; amending s. 246.013, F.S.; deleting the requirement that the State Board of Education specify acceptable accrediting agencies for institutional participation in the common course numbering system; providing for differentiated fee schedules; providing an exemption; providing prohibitions against institutional use of common course numbers; providing for penalties; amending s. 240.115, F.S.; requiring the award of credit for certain students; requiring that vocational-technical centers maintain student academic transcripts; providing for contents; repealing chapter 72-313, Laws of Florida, relating to accelerated articulation;

On motion by Senator Peterson, by two-thirds vote CS for CS for HB 1008 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Girardeau	Langley	Ros-Lehtinen
Barron	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Beard, Jennings, Kirkpatrick

CS for SB 893 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote HB 1466 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Barron, the following bills were placed on the local bill calendar: House Bills 657, 831 and 1488.

On motion by Senator Barron, the following bills were added to the special order calendar: CS for SB 778, HB 1308, SB 811, CS for HB 417, SB 139, SB 1064, SB 638, SB 351, HB 1466, CS for SB 15, CS for SB 1211, CS for SB 446 and SB 603.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB's 468, 549, and 648 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 468, 549 and 648—A bill to be entitled An act relating to family attendance at horseraces; creating s. 550.041, F.S.; permitting minors to attend horseraces under certain circumstances; prohibiting minors from placing wagers; amending ss. 550.04, 550.41, F.S.; conforming language; providing an effective date.

Amendment 1—On pages 1-3, strike everything after the enacting clause and insert:

Section 1. Section 550.2635, Florida Statutes, is created to read:

550.2635 Breeders' Cup Meet.—

(1) Notwithstanding any provision of this chapter to the contrary, there is hereby created a special thoroughbred race meet which shall be designated the "Breeders' Cup Meet" and which shall be hosted by the Florida thoroughbred permitholder selected by Breeders' Cup, Ltd., to conduct such meet. The meet shall consist of 3 days: The day on which the Breeders' cup races are actually conducted, the preceding day, and the subsequent day. Upon the selection of a Florida host for the meet and upon application by the selected permitholder, the Division of Pari-mutuel Wagering shall issue a 3-day license to the selected permitholder to operate the meet. The meet may be conducted during a racing season in which the permitholder selected by Breeders' Cup, Ltd., is not otherwise authorized to conduct a racing meet.

(2) If the permitholder licensed to conduct the Breeders' Cup Meet is located within 35 miles of another permitholder licensed to conduct a thoroughbred race meet on any of the 3 days of the Breeders' Cup Meet, the division shall amend the operating license of such permitholder to prohibit the conduct of a thoroughbred race meet during the Breeders' Cup Meet. As compensation for the loss of racing days caused thereby, such operating permitholder shall receive a credit against the taxes otherwise due and payable by it to the State of Florida under s. 550.09. This credit shall be in an amount equal to the operating loss determined to have been suffered by the operating permitholder as a result of not operating on the prohibited racing days, but shall not exceed $500,000. The determination of the amount to be credited shall be made by the Florida Pari-mutuel Commission upon application by the operating permitholder. Such tax credit shall be in lieu of any other compensation or consideration for the loss of racing days. There shall be no replacement or make-up of any lost racing days.

(3) Notwithstanding any provision of s. 550.09, the permitholder licensed to conduct the Breeders' Cup Meet shall pay no taxes on the handle generated during the meet.

(4) The Breeders' Cup Meet permitholder shall receive a credit against the taxes otherwise due and payable to the State of Florida under s. 550.09 generated during said permitholder's next ensuing regular thoroughbred racing meet. This credit shall be in an amount not to exceed $800,000, and shall be utilized by the permitholder to supplement purses during the Breeders' Cup Meet. The determination of the amount to be credited shall be made by the commission upon application of said permitholder.

(5) In addition to the credit authorized in subsection (4), the Breeders' Cup Meet permitholder shall receive a credit against the taxes otherwise due and payable to the State of Florida under s. 550.09 generated during said permitholder's next ensuing regular thoroughbred racing meet. This credit shall be in an amount not to exceed $800,000, and shall be utilized by the permitholder for such capital improvements and extraordinary expenses as may be necessary for operation of the meet. The determination of the amount to be credited shall be made by the commission upon application of said permitholder.

(6) The Breeders' Cup Meet permitholder shall be exempt from the purse requirements of s. 550.262 for all races in which the purse is paid or supplied by Breeders' Cup, Ltd.

(7) Notwithstanding any provision of s. 550.35 which may be construed as an impediment to the implementation of this section, the permitholder licensed to conduct the Breeders' Cup Meet shall be exempt from the purse requirements of s. 550.35 (2)(a) for all races simulcast during the Breeders' Cup Meet.

(8) The provisions of this section shall prevail over any conflicting provisions of this chapter.

Section 2. Section 550.041, Florida Statutes, is created to read:

550.041 Minors attending the Breeders' Cup Meet; restrictions.—

(1) A minor, when accompanied by one or both parents or by his natural guardian, may be permitted to attend the Breeders' Cup Meet, under the conditions and at the times specified by the host permitholder conducting the 3-day meet.

(2) No person under the age of 18 attending the Breeders' Cup Meet shall be permitted to place a wager, and the presence of minors within wagering areas is prohibited.

Section 3. Section 550.04, Florida Statutes, 1986 Supplement, is amended to read:

550.04 Racing meetings authorized; restrictions.—Any person desiring to operate a racetrack in this state may, subject to the provisions of this chapter, hold and conduct one or more racing meetings at such track each year. Horse racetrack meetings shall be held only from and including the period extending from December 1 of each year to and including April 20 of the year following, which period shall be known as the horse-racing season, and the dog racetrack meetings shall be held only during the period extending from and including November 1 of each year to and including May 31 of the year following, which period shall be known as winter dogracing season; provided, however, that summer dog track meetings shall be held only during the period beginning with and including June 1 and up to and including September 30, in counties lying wholly east of the St. Johns River, south of an east-west line from the Matanzas Inlet to said river, and north of latitude 28 degrees 35 minutes; and provided further that both horserace meetings and dograce meetings shall be limited to the aggregate number of racing days as provided in s. 550.08. No minors except jockey apprentices, exercise boys, and grooms shall be permitted to attend said races or to be employed in any manner by the track *except as provided by this chapter*. No dogracing shall be permitted on Sunday, provided, however, nothing in this chapter shall be construed to prohibit the use of any dogracing plant or facility for the conducting of "hound dog derbies" or "mutt derbies" from being used on one Sunday during each racing season by any charitable, civic, or nonprofit organization for the purpose of conducting "hound dog derbies" or "mutt derbies" where only dogs other than those usually used in dogracing (greyhounds) are permitted to race and where adults and minors may participate as dog owners or spectators; *however,* ~~and provided further that~~ during such racing events betting and gambling and the sale or use of alcoholic beverages shall be strictly and absolutely prohibited.

Section 4. 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 divi-

sion 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 5. 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 determing 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 6. *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 7. *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 8. *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.*

Section 9. This act shall take effect October 1, 1987.

Amendment 2—In title, on page 1, lines 1-8, strike the entire title and insert: A bill to be entitled An act relating to thoroughbred horseracing; creating s. 550.2635, F.S.; providing for a Breeders' Cup Meet; creating s. 550.041, F.S.; permitting minors to attend the Breeders' Cup Meet; prohibiting minors from placing wagers; amending s. 550.04, F.S.; conforming language; relating to pari-mutuel wagering; 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 and appropriation; providing an effective date.

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

CS for SB's 468, 549 and 648 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	Gordon	Kiser	Plummer
Barron	Grant	Langley	Ros-Lehtinen
Beard	Grizzle	Lehtinen	Scott
Brown	Hair	Malchon	Stuart
Childers, W. D.	Hill	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Dudley	Jenne	Meek	Weinstein
Frank	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Jennings, Weinstock

SPECIAL ORDER, continued

CS for CS for SB 392—A bill to be entitled An act relating to saltwater fisheries; amending s. 327.28, F.S.; changing distribution of certain moneys in the Motorboat Revolving Trust Fund; amending s. 370.01, F.S.; defining "restricted species"; amending s. 370.06, F.S.; specifying persons who must have a saltwater products license; requiring a restricted species endorsement on a saltwater products license, for certain purposes; providing restrictions on issuance of such endorsement; providing exemptions; limiting persons to whom saltwater products may be sold; prohibiting certain purchase of restricted species; requiring a saltwater products license for certain harvest levels; amending s. 370.14, F.S.; providing a fee for certain harvest by any other method; changing fee disposition; requiring a saltwater products license for certain harvest of crawfish; authorizing the Department of Natural Resources to implement a trap retrieval program; providing a retrieval fee; conditioning renewal of a trap number upon payment of such fees; providing for waiver under certain circumstances; providing that this act does not affect the scheduled repeal of certain provisions of the Florida Statutes or Laws of Florida; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment:

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

Section 1. Subsection (20) is added to section 370.01, Florida Statutes, to read:

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase or term:

(20) "Restricted species" means any species of saltwater products for which the state by law, or the Marine Fisheries Commission by rule, has found it necessary to so designate. Designation as a restricted species does not confer the authority to sell a species pursuant to s. 370.06 if the law or rule prohibits the sale of the species.

Section 2. Paragraph (a) of subsection (2) of section 370.06, Florida Statutes, 1986 Supplement, is amended, and paragraph (c) is added to said subsection, to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation which sells, offers for sale, barters, or exchanges for merchandise any saltwater products, ~~including saltwater products sold for bait,~~ or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. *A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement shall be issued only to those persons, firms, or corporations certifying that over 10 percent of their earned income or $2,500, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. Such income attribution must apply to at least 1 year out of the last 3 years.*

1. The department is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;

b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;

c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;

d. Crew share statements verifying income earned from the sale of saltwater products; or

e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

2. Exemptions from income requirements shall be as follows:

a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.

b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.

c. Upon the sale of a commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for, in fiscal year 1987-1988, a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or s. 370.07(1)(b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 327.11(7) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of $25 for a saltwater products license issued in the name of an individual or $50 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of $100 for a saltwater products license issued in the name of an individual or $200 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of $150 for a saltwater products license issued in the name of an individual or $300 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products ~~for human consumption~~ pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the Department of Natural Resources not in conflict with s. 370.07*(5)*~~(6)~~. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. *It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted*

species" from any person, firm, or corporation not possessing a restricted species endorsement on his saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The Department of Natural Resources shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

(c) A saltwater products license is required to harvest commercial quantities of saltwater products. Commercial quantities of saltwater products shall be defined as:

1. With respect to those species for which no bag limit has been established, more than 250 pounds per person per day, provided that the harvesting of two fish or less per person per day shall not be considered commercial quantities regardless of aggregate weight; and

2. With respect to those species for which a bag limit has been established, more than the bag limit allowed by law or rule.

Section 3. Paragraphs (b) and (g) of subsection (3) of section 370.14, Florida Statutes, 1986 Supplement, are amended and paragraph (j) is added to said subsection to read:

370.14 Crawfish; regulation.—

(3) TRAPS; BUOYS; *TRAP* ~~LICENSE~~ NUMBERS; SUSPENSION OR REVOCATION OF LICENSES.—

(b) A buoy shall be attached to each trap with a timed release mechanism if desired and must be of sufficient strength and buoyancy to float, except when intentionally submerged by a timed float release device, and must be of such color, hue, and brilliancy as to be easily distinguished, seen, and located. Such color shall also be permanently and conspicuously displayed on the boat used for setting and collecting said traps and buoys in such a manner as to be readily identifiable from the air and water. Each trap, can, drum, and similar device used for taking or attempting to take crawfish must have a *trap* ~~license~~ number permanently attached to the device and the buoy. No numbers shall be permitted other than the current *trap* ~~licenseholder~~ numbers. The licenseholder may, at his option and in lieu of individual trap buoys, attach the individual traps to a trotline; however, such a trotline must have attached at each end a permanently floating or timed release buoy. This *trap* ~~license~~ number may be issued by the Division of Law Enforcement upon the receipt of application by the owner of the traps, cans, drums, buoys, or similar devices and accompanied by the payment of a fee of $50. The design of the applications and of the *trap* ~~license~~ number shall be determined by the division. The trap ~~license~~ number shall be painted or affixed in legible figures at least 3 inches high on each buoy, drum, can, trap, or similar device. Any trap, drum, can, buoy, or similar device used in the taking or in attempting to take crawfish, other than the devices listed and described in subparagraphs 1. and 2. of paragraph (a) with *trap* ~~license~~ number attached as prescribed in this paragraph, shall be seized and destroyed by the division. The proceeds of the *fees* ~~fee~~ imposed by this *subsection* ~~paragraph~~ shall be used by the Department of Natural Resources for the purposes of enforcing the provisions of this *subsection* ~~section~~ through aerial and other surveillance *and trap retrieval.* ~~It shall be unlawful to sell crawfish without possession of a valid crawfish license or for a licensed wholesale dealer to buy crawfish from anyone other than the holder of a valid crawfish license. However, a licensed dealer may buy crawfish from a licensed wholesale dealer. The above shall not prohibit retail sales of crawfish by a licensed retail dealer.~~ The Department of Natural Resources is authorized to promulgate rules and regulations to carry out the intent of this section.

(g) *Any person who uses traps, cans, drums, or similar devices to harvest crawfish must purchase a saltwater products license issued in the name of an individual or to a valid boat registration pursuant to s. 370.06.* It is unlawful for any person ~~who is not a licenseholder~~ or any boat, without a current *trap number* ~~license~~ prominently displayed as required by this section *and a valid saltwater products license issued pursuant to s. 370.06,* ~~in or on the waters of this state,~~ to possess, have on board, or remove from the waters of the state, within any 24-hour period, more than 24 crawfish.

(j) A person who takes more than 24 crawfish per boat or 6 per person, whichever is greater, within any 24-hour period by any method other than with traps, cans, drums, or similar devices must also pay a fee of $50 and obtain a trap number to be displayed on his boat.

Section 4. (1) The Department of Natural Resources is authorized to implement a trap retrieval program for retrieval of lobster and stone crab traps remaining in the water during the closed season for each species. The department is authorized to contract with outside agents for the program operation.

(2) A retrieval fee of $10 per trap retrieved shall be assessed trap owners. Traps recovered under this program shall become the property of the department or its contract agent and shall be either destroyed or resold to the original owner. Revenue from retrieval fees shall be deposited in the Motorboat Revolving Trust Fund and used for operation of the trap retrieval program.

(3) Payment of the assessed retrieval fee shall be required prior to renewal of the trap owner's trap number as a condition of number renewal. Retrieval fees assessed under this program shall stand in lieu of other penalties imposed for such trap violations.

(4) In the event of a major natural disaster, such as hurricane or major storm causing massive trap losses, the department shall waive the trap retrieval fee.

Section 5. Paragraph (f) is added to subsection (2) of section 370.021, Florida Statutes, 1986 Supplement, to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(2) PENALTY FOR VIOLATION.—Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, any rule of the department adopted pursuant to this chapter, or any rule of the Marine Fisheries Commission, shall be punished:

(f)1. In cases involving the intentional or unintentional killing of any species of tarpon, snook in excess of five fish per person, sailfish, or bonefish during a fishing operation wherein the targeted species is legal to harvest, the method of fishing and type of gear used are legal, and the fish are killed as a direct result of such otherwise legal fishing operations, the department shall assess a civil penalty of $100 for each snook killed in excess of five fish per person, or tarpon, sailfish, or bonefish killed in excess of any bag limit. In collecting penalties, the department shall assess an equal share of the applicable penalty to each fisherman actually involved in the fishing operation.

2. The civil penalty shall be paid in full to the department within 30 calendar days of official notification. The department may suspend the saltwater products license or other saltwater fishing license of any person or boat not paying the required civil penalty within the specified time period. Persons contesting the assessment of any civil penalties or any license suspension pursuant to this section shall be entitled to a hearing pursuant to the provisions of chapter 120.

3. All moneys collected by the department pursuant to this paragraph shall be deposited into the Marine Biological Research Trust Fund.

Section 6. The amendment or republication in this act of any section, subsection, or paragraph of the Florida Statutes or Laws of Florida scheduled for repeal by chapter 83-134, Laws of Florida, as amended by section 2 of chapter 84-121, Laws of Florida, and as amended by section 19 of chapter 86-240, Laws of Florida, shall not affect the repeal of such section, subsection, or paragraph.

Section 7. This act shall take effect July 1, 1987, except that Section 5. shall take effect October 1, 1987.

Senator McPherson moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 1, line 26, through page 6, line 14, strike all of sections 1 and 2, and renumber subsequent sections.

The vote was:

Yeas—14

Barron	Grizzle	Langley	Thomas
Childers, D.	Hill	Malchon	Weinstein
Childers, W. D.	Hollingsworth	McPherson	
Gordon	Kiser	Ros-Lehtinen	

Nays—20

Mr. President	Girardeau	Lehtinen	Scott
Beard	Hair	Margolis	Stuart
Brown	Jenne	Meek	Thurman
Dudley	Johnson	Myers	Weinstock
Frank	Kirkpatrick	Peterson	Woodson

Amendment 1 was adopted.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—In title, on page 1, lines 1-29, strike all of said lines and insert: A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining "restricted species"; amending s. 370.06, F.S.; specifying persons who must have a saltwater products license; requiring a restricted species endorsement on a saltwater products license, for certain purposes; providing restrictions on issuance of such endorsement; providing exemptions; limiting persons to whom saltwater products may be sold; prohibiting certain purchase of restricted species; requiring a saltwater products license for certain harvest levels; amending s. 370.14, F.S.; providing a fee for certain harvest by any other method; changing fee disposition; requiring a saltwater products license for certain harvest of crawfish; authorizing the Department of Natural Resources to implement a trap retrieval program; providing a retrieval fee; conditioning renewal of a trap number upon payment of such fees; providing for waiver under certain circumstances; amending s. 370.021, F.S., authorizing the Department of Natural Resources to assess civil penalties, for the unintentional killing of certain protected species of fish during legal fishing operations; providing for the collection of civil penalties; authorizing license suspension for nonpayment; providing for administrative hearings; providing the amount of such civil penalties; providing that such civil penalties be deposited into the Marine Biological Research Trust Fund; providing that this act does not affect the scheduled repeal of certain provisions of the Florida Statutes or Laws of Florida; providing an effective date.

On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 392 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	Grizzle	Malchon	Stuart
Barron	Hill	Margolis	Thomas
Beard	Jenne	Meek	Thurman
Brown	Johnson	Myers	Weinstein
Crenshaw	Kirkpatrick	Peterson	Weinstock
Dudley	Kiser	Plummer	Woodson
Frank	Langley	Ros-Lehtinen	
Gordon	Lehtinen	Scott	

Nays—3

Childers, W. D.	Hollingsworth	McPherson

Vote after roll call:

Yea—Jennings

Yea to Nay—Barron

On motions by Senator Kirkpatrick, by two-thirds vote CS for HB 763 was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Kirkpatrick—

CS for HB 763—A bill to be entitled An act relating to alligators; amending s. 372.664, F.S., providing an exception to state law relative to prima facie evidence of intent to violate laws protecting alligators; creating s. 372.6671, F.S., providing definitions; creating s. 372.6672, F.S., providing for the authority of the Game and Fresh Water Fish Commission with respect to an alligator management and trapping program; prohibiting acts constituting a conflict of interest; requiring notice of state-sanctioned sales; authorizing marketing of certain alligator hides or products; creating s. 372.6673, F.S., prohibiting the issuance of certain licenses for persons convicted of certain violations; providing for trapping licenses for the taking or possession of alligators; providing fees; creating s. 372.6674, F.S., providing for required tagging of alligators and alligator hides; providing for fees and revenues; creating s. 372.6678, F.S., providing for alligator study requirements; amending s. 372.6645, F.S., relating to the license required to sell alligator products; providing an appropriations; providing an effective date.

—a companion measure, was substituted for CS for SB 486 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 763 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Kiser	Ros-Lehtinen
Barron	Girardeau	Langley	Scott
Beard	Gordon	Lehtinen	Stuart
Brown	Grant	Malchon	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Weinstock
Crenshaw	Jenne	Myers	Woodson
Deratany	Johnson	Peterson	
Dudley	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

CS for SB 486 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote Senate Bills 1129 and 595 and CS for SB 421 were withdrawn from the Committee on Appropriations.

On motions by Senator Kiser, by two-thirds vote CS for HB 226 was withdrawn from the Committee on Finance, Taxation and Claims and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

CS for SB 778—A bill to be entitled An act relating to recreational trails; amending s. 260.012, F.S.; providing legislative intent; amending s. 260.013, F.S.; providing a definition; creating s. 260.0141, F.S.; establishing the Florida Rails to Trails Program; amending s. 260.015, F.S.; prescribing powers of the Department of Natural Resources with respect to certain land acquisition; authorizing the Board of Trustees of the Internal Improvement Trust Fund to accept title to abandoned railroad rights-of-way, as specified; amending s. 260.016, F.S.; providing powers of the Division of Recreation and Parks; providing for appointment of the Florida Recreational Trails Council; providing for reimbursement; creating s. 260.0161, F.S.; providing for duties of the Department of Transportation and for coordination between that department and the Department of Natural Resources; requiring a memorandum of understanding; providing guidelines for leasing rights-of-way to a public agency or a private organization for use as a public recreational trail; amending s. 375.251, F.S.; providing for certain limitations on liability; providing for future repeal and review of the council; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 10, lines 7-17, strike all of said lines and insert:

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 28, strike "providing an appropriation"

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 778 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	Dudley	Kirkpatrick	Ros-Lehtinen
Barron	Frank	Kiser	Scott
Beard	Girardeau	Lehtinen	Stuart
Brown	Gordon	Malchon	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Woodson
Crenshaw	Jenne	Myers	
Deratany	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

On motions by Senator Plummer, by two-thirds vote CS for HB 562 was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator Plummer—

CS for HB 562—A bill to be entitled An act relating to natural resources; creating the "Florida Area of Critical State Concern Restoration Trust Fund Act"; providing definitions; providing legislative findings and purposes; creating the Florida Area of Critical State Concern Restoration Trust Fund in the Department of Natural Resources and providing for deposit of certain damages recovered by the state therein; prescribing purposes and procedures for expenditures from the fund; repealing s. 370.116, F.S., relating to the Coral Reefs Restoration Trust Fund; providing for the transfer of unencumbered funds into the Florida Area of Critical State Concern Trust Fund; providing an effective date.

—a companion measure, was substituted for SB 857 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 562 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	Kirkpatrick	Ros-Lehtinen
Barron	Girardeau	Kiser	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thurman
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	Weinstock
Crenshaw	Hill	Meek	Woodson
Deratany	Hollingsworth	Peterson	
Dudley	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

SB 857 was laid on the table.

On motions by Senator McPherson, by two-thirds vote CS for HB 537 was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator McPherson—

CS for HB 537—A bill to be entitled An act relating to regulation of oil and gas resources; amending s. 377.22, F.S.; providing for forms of security other than a bond as a condition to perform certain activities; creating s. 377.2409, F.S.; requiring that information about geophysical activities be furnished to the Division of Resource Management of the Department of Natural Resources; providing for confidentiality of information; providing penalty for wrongful disclosure; amending s. 377.24, F.S.; changing fee-setting standards; requiring division approval for abandonment of wells; amending s. 377.2424, F.S.; providing for confidentiality of permit information given to counties and municipalities, for which there are penalties for failure to comply; providing an effective date.

—a companion measure, was substituted for CS for SB 563 and read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for HB 537 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kiser	Ros-Lehtinen
Barron	Gordon	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thurman
Childers, D.	Hair	Margolis	Weinstein
Childers, W. D.	Hill	McPherson	Weinstock
Crenshaw	Hollingsworth	Meek	Woodson
Deratany	Jenne	Myers	
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

CS for SB 563 was laid on the table.

SB 273—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 273 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Girardeau	Kiser	Myers
Barron	Grant	Langley	Peterson
Childers, W. D.	Hair	Lehtinen	Plummer
Crenshaw	Hill	Margolis	Scott
Dudley	Hollingsworth	McPherson	Thurman
Frank	Johnson	Meek	

Nays—11

Brown	Grizzle	Ros-Lehtinen	Weinstock
Childers, D.	Jenne	Stuart	Woodson
Gordon	Malchon	Weinstein	

Consideration of CS for SB 663 was deferred.

On motions by Senator McPherson, by two-thirds vote HB 1471 was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator McPherson—

HB 1471—A bill to be entitled An act relating to vessels; amending s. 328.03, F.S.; providing for an additional fee for late title transfer application; amending s. 328.11, F.S.; increasing fee for issuing a duplicate title certificate; providing for expedited service for issuing a duplicate title certificate; providing an effective date.

—a companion measure, was substituted for CS for SB 110 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 1471 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dudley	Johnson	Ros-Lehtinen
Barron	Frank	Kirkpatrick	Scott
Beard	Girardeau	Kiser	Stuart
Brown	Gordon	Langley	Thomas
Childers, D.	Grant	Lehtinen	Weinstein
Childers, W. D.	Hair	Malchon	Weinstock
Crawford	Hill	Margolis	Woodson
Crenshaw	Hollingsworth	McPherson	
Deratany	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Jennings, Meek, Peterson, Thurman

CS for SB 110 was laid on the table.

On motions by Senator Kiser, by two-thirds vote CS for CS for HB 279 was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Kiser—

CS for CS for HB 279—A bill to be entitled An act relating to motor vehicle inspection; creating the Motor Vehicle Safety and Emissions Study Commission; providing for membership; requiring public meetings; providing for a report of its findings and recommendations to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing an appropriation; providing for expiration; providing an effective date.

—a companion measure, was substituted for CS for SB 226 and read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. There is hereby created an independent commission, designated as the Motor Vehicle Emissions Study Commission. The commission shall consist of 13 members: two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, the Insurance Commissioner or his designee, the Attorney General or his designee, the Secretary of the Department of Environmental Regulation or his designee, the Executive Director of the Department of Highway Safety and Motor Vehicles or his designee, and five members appointed by the Governor. Of the commission members appointed by the Governor, one member shall be an elected official of a county government.

(1) The Governor shall appoint the chairman of the commission from among the commission members. The commission is assigned to the Department of Highway Safety and Motor Vehicles for administrative purposes. The chairman shall select a staff director and other staff as necessary. The commission shall meet as soon as possible after July 1, 1987, and may elect a vice chairman and such other officers as may be deemed necessary by the commission.

(2) Commission members shall serve without compensation but shall be reimbursed for all expenses necessary in the performance of their duties, including travel, in accordance with the provisions of s. 112.061, Florida Statutes.

(3) The commission shall hold at least three regular meetings and shall conduct at least three public meetings during the year to consider the impact of exhaust emissions on the environment. The commission may also hear testimony from experts in the field of emissions testing and from officials representing the Federal Government and other state and local agencies.

(4) No later than March 1, 1988, the commission shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include, at a minimum, an assessment of recent United States Environmental Protection Agency findings relating to Florida's air-quality nonattainment areas and recommendations for bringing Florida into compliance with federal standards prior to the imposition of any sanction by the Federal Government. The report shall contain an overview and assessment of the effectiveness of other states' efforts to maintain air-quality standards.

(5) There is hereby appropriated $125,000 to the commission from the Motor Vehicle License Plate Replacement Trust Fund of the Department of Highway Safety and Motor Vehicles, and two positions are authorized. The funds shall be used to provide professional and staff support services to the commission and all other related expenses associated with operation of the commission.

Section 2. This act shall expire December 31, 1988.

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

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to motor vehicles; creating the Motor Vehicle Emissions Study Commission; providing for membership; requiring public meetings; providing for a report of its findings and recommendations to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing an appropriation; providing for expiration; providing an effective date.

WHEREAS, the United States Environmental Protection Agency has designated six counties in Florida as air-quality nonattainment areas, and WHEREAS, the United States Environmental Protection Agency has both discretionary and nondiscretionary authority to impose sanctions against states which have air-quality nonattainment areas. Such sanctions may include the withholding of federal highway funds, sewage treatment facility funds, and environmental program support funds. The United States Environmental Protection Agency may also impose sanctions against the construction of any new industrial or commercial sources of air pollution, NOW, THEREFORE,

On motion by Senator Kiser, by two-thirds vote CS for CS for HB 279 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—1

Childers, D.

Vote after roll call:

Yea—Jennings

CS for SB 226 was laid on the table.

HB 1308—A bill to be entitled An act relating to agriculture; creating the Agricultural Economic Development Policy Act; providing legislative purpose; establishing the Agricultural Economic Development Program within the Department of Agriculture and Consumer Services; providing for a 2-year pilot program; providing for duties of the department and Commissioner of Agriculture; requiring reports to the Legislature; providing for interagency and local community cooperation and involvement; providing an appropriation; providing for repeal; providing an effective date.

—was read the second time by title.

Senator Hollingsworth moved the following amendments which were adopted:

Amendment 1—On page 5, lines 30-31, and on page 6, line 1, strike all of said lines and insert: *funding.—Funds appropriated to the Department of Agriculture and Consumer Services for fiscal year 1987-1988 for the Agricultural and Rural Economic Development Program shall be used for the purpose of*

Amendment 2—In title, on page 1, line 12, strike "an appropriation" and insert: funding purposes

On motion by Senator Hollingsworth, by two-thirds vote HB 1308 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Girardeau	Kiser	Ros-Lehtinen
Barron	Gordon	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

On motions by Senator Crawford, by two-thirds vote CS for HB 26 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Crawford—

CS for HB 26—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S., providing a minimum retirement benefit for disabled retirees after return to employment and subsequent retirement; providing retroactive coverage; providing an effective date.

—a companion measure, was substituted for SB 811 and read the second time by title. On motion by Senator Crawford, 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—38

Mr. President	Girardeau	Kiser	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

SB 811 was laid on the table.

CS for HB 417—A bill to be entitled An act relating to educational institutions; amending s. 877.13, F.S.; clarifying that the misdemeanor offense of disruption of educational institutions is applicable to disruption of all school board functions and activity on school board property; providing an effective date.

—was read the second time by title. On motion by Senator Woodson, by two-thirds vote CS for HB 417 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Langley	Scott
Beard	Gordon	Lehtinen	Stuart
Brown	Grant	Malchon	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Weinstein
Crawford	Hill	Meek	Weinstock
Crenshaw	Hollingsworth	Myers	Woodson
Deratany	Jenne	Peterson	
Dudley	Johnson	Plummer	
Frank	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Jennings

On motions by Senator Margolis, by two-thirds vote HB 79 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Governmental Operations; and Appropriations.

On motion by Senator Margolis—

HB 79—A bill to be entitled An act relating to former Inter-American Center Authority property; amending s. 253.033, F.S.; providing that certain portions of such property may be used for any purpose in accordance with local building and zoning regulations; providing an effective date.

—a companion measure, was substituted for SB 139 and read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 79 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Langley	Scott
Barron	Grant	Lehtinen	Stuart
Beard	Grizzle	Malchon	Thomas
Brown	Hair	Margolis	Thurman
Childers, D.	Hill	McPherson	Weinstein
Childers, W. D.	Hollingsworth	Meek	Weinstock
Crenshaw	Jenne	Myers	Woodson
Deratany	Johnson	Peterson	
Dudley	Kirkpatrick	Plummer	
Frank	Kiser	Ros-Lehtinen	

Nays—1

Gordon

Vote after roll call:

Yea—Jennings

SB 139 was laid on the table.

Consideration of SB 1064 was deferred.

On motions by Senator Hill, by two-thirds vote CS for HB 245 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Hill—

CS for HB 245—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 care practitioner 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. 468.364, F.S.; increasing the examination fee cap; amending s. 468.368, F.S.; providing exemptions for certain persons; providing an effective date.

—a companion measure, was substituted for SB 638 and read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 2, line 29, strike "2 years" and insert: *four years*

Amendment 2—On page 3, line 9, strike "2 years" and insert: *5 years*

On motion by Senator Hill, by two-thirds vote CS for HB 245 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kiser	Scott
Barron	Gordon	Lehtinen	Stuart
Beard	Grant	Malchon	Thomas
Brown	Grizzle	Margolis	Thurman
Childers, D.	Hair	McPherson	Weinstein
Childers, W. D.	Hill	Meek	Weinstock
Crenshaw	Hollingsworth	Myers	Woodson
Deratany	Jenne	Peterson	
Dudley	Johnson	Plummer	
Frank	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Jennings, Langley

SB 638 was laid on the table.

Motion to Reconsider

Senator Thomas moved that the Senate reconsider the vote by which CS for CS for SB 392 passed as amended this day.

On motions by Senator Weinstein, by two-thirds vote CS for HB's 244 and 558 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

On motion by Senator Weinstein—

CS for HB's 244 and 558—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.401 and 719.401, F.S., providing for the application of certain options available to condominium and cooperative leases governing recreational facilities or other common elements; prohibiting escalation clauses in certain condominium and cooperative leases; providing an effective date.

—a companion measure, was substituted for SB 351 and read the second time by title.

Senator Weinstein moved the following amendment which was adopted:

Amendment 1—On page 7, lines 4-5, strike all of said lines and insert:

Section 3. This act shall take effect July 1, 1988.

On motion by Senator Weinstein, by two-thirds vote CS for HB's 244 and 558 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Girardeau	Kirkpatrick	Peterson
Barron	Gordon	Kiser	Plummer
Beard	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hair	Malchon	Stuart
Childers, W. D.	Hill	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Frank	Johnson	Myers	Woodson

Nays—2

Dudley	Thurman

Vote after roll call:

Yea—Jennings

Yea to Nay—Langley, Stuart

SB 351 was laid on the table.

HB 1466—A bill to be entitled An act relating to environmental and public health administration; amending section 62 of chapter 86-186, Laws of Florida; specifying duties of the Environmental Efficiency Study Commission; extending the time for activities of the Environmental Efficiency Study Commission; providing for a final report; specifying content of the report; repealing s. 16, ch. 86-138, Laws of Florida, and s. 36, ch. 86-191, Laws of Florida, relating to the Environmental Efficiency Study Commission; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Crawford moved the following amendment which was adopted:

Amendment 1—On page 5, line 11, strike *"$125,000"* and insert: *$60,000*

On motion by Senator McPherson, by two-thirds vote HB 1466 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, W. D.	Girardeau	Hill
Barron	Crenshaw	Gordon	Hollingsworth
Beard	Deratany	Grant	Jenne
Brown	Dudley	Grizzle	Johnson
Childers, D.	Frank	Hair	Kirkpatrick
Kiser	Margolis	Peterson	Thomas
Langley	McPherson	Ros-Lehtinen	Thurman
Lehtinen	Meek	Scott	Weinstock
Malchon	Myers	Stuart	Woodson

Nays—None

Vote after roll call:

Yea—Jennings

On motions by Senator Kirkpatrick, by two-thirds vote HB 1457 was withdrawn from the Committees on Commerce; Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Kirkpatrick—

HB 1457—A bill to be entitled An act relating to energy conservation standards; creating part VIII of chapter 553, F.S., the Florida Energy Conservation Standards Act; providing powers of the Department of Community Affairs; specifying products covered by the act; providing for such standards and requiring compliance therewith; providing for test methods; providing for exemptions; providing for revision of standards; requiring manufacturers to submit certification statements; providing for enforcement and penalties; requiring reports to the Governor and Legislature by the Public Service Commission; providing an effective date.

—a companion measure, was substituted for CS for SB 15 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1457 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Girardeau	Kiser	Ros-Lehtinen
Barron	Gordon	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Jenne	Meek	Weinstock
Deratany	Johnson	Myers	Woodson
Frank	Kirkpatrick	Peterson	

Nays—1

Dudley

Vote after roll call:

Yea—Jennings

Nay—Hollingsworth

CS for SB 15 was laid on the table.

On motions by Senator Langley, by two-thirds vote CS for HB 172 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Langley—

CS for HB 172—A bill to be entitled An act relating to investigative and security services; amending s. 493.30, F.S., providing a definition; amending s. 493.304, F.S., requiring any person who bears a firearm to have a Class "G" license; amending s. 493.306, F.S., providing training requirements for a Class "D" license; creating s. 493.3061, F.S., providing for approval of schools, training facilities, and instructors; amending s. 493.307, F.S., relating to notice of change in the officers of a security agency; amending s. 493.308, F.S., conforming provisions relating to possession of a concealed weapon; creating s. 493.3095, F.S., providing license reciprocity; amending s. 493.31, F.S., authorizing temporary bond or surety in lieu of insurance for certain licensees or applicants; amending s. 493.315, F.S., authorizing possession of a concealed weapon under certain circumstances; amending s. 493.319, F.S., providing disciplinary actions; modifying grounds for disciplinary action; amending s. 493.322, F.S., relating to department investigations; amending s. 493.3284, F.S., prohibiting certain use of the state seal; reenacting s. 493.568, F.S., relating to insurance for detection deception examiners, to incorporate amendment to s. 493.31, F.S., in a reference; reenacting s. 493.575, F.S., relating to disciplinary proceedings for detection deception examiners, to incorporate amendment to s. 493.319, F.S., in a reference; amending s. 790.25, F.S., correcting cross references; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1211 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 172 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Langley	Scott
Beard	Grant	Malchon	Stuart
Brown	Grizzle	Margolis	Thomas
Childers, D.	Hill	McPherson	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Crenshaw	Jenne	Myers	Weinstock
Deratany	Johnson	Peterson	Woodson
Dudley	Kirkpatrick	Plummer	
Frank	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Hair, Jennings

CS for SB 1211 was laid on the table.

On motion by Senator Kiser, by unanimous consent—

CS for HB 226—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Vincent James Mazzilli and Charles Story, to compensate them for injuries suffered in connection with an assault and battery upon them by a City of Hialeah police officer, for which the city was responsible through the doctrine of respondeat superior; providing an effective date.

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

Senator Kiser moved the following amendment which was adopted:

Amendment 1—On page 2, lines 16 and 17, strike all of said lines and insert: appropriated and to draw warrants in the sum of $200,000, payable to Vincent James Mazzilli, and in the sum of $200,000,

On motion by Senator Kiser, by two-thirds vote CS for HB 226 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Langley	Scott
Barron	Gordon	Lehtinen	Stuart
Beard	Grant	Malchon	Thomas
Brown	Grizzle	Margolis	Thurman
Childers, D.	Hair	McPherson	Weinstein
Childers, W. D.	Hill	Meek	Weinstock
Crenshaw	Hollingsworth	Myers	Woodson
Deratany	Jenne	Peterson	
Dudley	Johnson	Plummer	
Frank	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Jennings, Kirkpatrick

Motion

The motion by Senator Thomas that the Senate reconsider the vote by which CS for CS for SB 392 passed as amended this day was withdrawn.

On motion by Senator Weinstein, by two-thirds vote HB 1165 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Weinstein—

HB 1165—A bill to be entitled An act relating to arrest; amending s. 901.15, F.S.; allowing warrantless arrest by an officer when the officer has probable cause to believe the person has committed a battery and reasonably believes there is danger of violence, and finds evidence either of bodily harm or of eyewitness corroboration; providing an effective date.

—a companion measure, was substituted for SB 1064 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 1165 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Beard	Gordon	Malchon	Ros-Lehtinen
Brown	Grizzle	Margolis	Stuart
Childers, D.	Hair	Meek	Thomas
Crenshaw	Hill	Myers	Weinstein
Frank	Jenne	Peterson	Weinstock
Girardeau	Johnson	Plummer	

Nays—9

Mr. President	Grant	Lehtinen
Childers, W. D.	Hollingsworth	Thurman
Dudley	Langley	Woodson

Vote after roll call:

Nay to Yea—Woodson

SB 1064 was laid on the table.

Explanation of Vote

After reviewing the House version of SB 1064, I changed my vote. I have served on the Board of Directors of a spouse abuse shelter and realize that this act will enable shelters to assist women who cannot currently be served.

Marlene Woodson, 24th District

CS for SB 446—A bill to be entitled An act relating to elections; amending ss. 97.011, 97.012, F.S.; providing technical changes; amending s. 97.021, F.S.; providing definitions; amending s. 99.061, F.S.; providing technical changes; prohibiting the certification of a candidate's name under certain conditions; providing rulemaking authority; amending ss. 99.0955, 99.096, F.S.; providing technical changes; amending s. 102.131, F.S.; providing that certain protests may be considered when determining the true vote; amending s. 102.166, F.S.; providing technical changes; providing that the Department of State may investigate and protest election problems; providing procedure and judicial jurisdiction; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; providing technical changes; requiring candidates for certain offices to file the names and addresses of their treasurers with the supervisor of elections in the county in which the candidate resides; providing for in-kind contributions; amending s. 106.025, F.S.; providing technical changes; deleting the requirement that candidates file a notice of intent to hold a fund raiser; providing for reimbursement of fund raising expenses; deleting reporting requirements for certain fund raisers; amending s. 106.03, F.S.; providing technical changes; changing the time for political committees to file certain information; providing additional requirements for the statement of organization; providing when copies of the statement of organization must be filed with supervisors of elections; providing for notification of organizations as to whether they meet requirements for political committees; providing rulemaking authority; creating s. 106.035, F.S.; providing reporting requirements for political committees; providing for fines and limitations and waivers thereof; providing a penalty; providing an exception; amending s. 106.04, F.S.; providing technical changes; providing reporting requirements; providing for fine limitations and waivers; amending s. 106.05, F.S.; providing technical changes; providing for deposits by payroll deduction for political committees; providing that funds be deposited in a depository in this state unless deposited in a national depository; amending s. 106.055, F.S.; providing clarifying language; amending s. 106.06, F.S.; providing technical changes; amending s. 106.07, F.S.; providing reporting requirements for candidates; providing procedures for notifying candidates when reports are not received; providing fine limitations; providing for the disposition of certain fees collected; amending s. 106.071, F.S.; providing technical changes; amending s. 106.08, F.S.; providing technical changes and clarifying language; providing contribution limitations prohibiting contributions received by political committees 5 days prior to an election from being obligated or spent until after the election; providing for return of political contributions in certain circumstances; amending s. 106.09, F.S.; providing technical changes; providing limitations on credit card purchases; providing when funds may be expended after a candidacy ends; amending s. 106.11, F.S.; providing clarifying language; restricting how certain former candidates may expend funds in their campaign accounts; modifying reporting requirements for campaign fund raisers; amending s. 106.12, F.S.; providing technical changes; amending s. 106.125, F.S.; providing technical changes; providing that all candidates and political committees may use credit cards; exempting political advertising from credit card purchases;

amending s. 106.14, F.S.; providing clarifying language; amending s. 106.141, F.S.; providing clarifying language; changing the amount of funds that an elected candidate may transfer from his campaign account to his office account; amending s. 106.143, F.S.; providing that political advertisements state the candidate's party or that the candidate is an independent; amending s. 106.1435, F.S.; providing technical changes; amending s. 106.144, F.S.; providing technical changes and clarifying language; amending s. 106.15, F.S.; providing technical changes; amending s. 106.16, F.S.; providing technical changes and clarifying language; amending ss. 106.17, 106.18, 106.19, 106.21, 106.22, 106.23, 106.24, F.S.; providing technical changes; amending s. 106.25, F.S.; providing technical changes and clarifying language; amending s. 106.26, F.S.; providing technical changes; providing that the Florida Elections Commission may delegate authority to the Division of Elections; amending ss. 106.265, 106.27, F.S.; providing technical changes; amending s. 106.28, F.S.; providing clarifying language; amending s. 106.29, F.S.; providing technical changes; repealing s. 106.142, F.S.; deleting a definition of political advertisement; providing that prior or pending causes of action shall not be affected; providing for waiving of fines or refunding of fines for political committees or committees of continuous existence in certain circumstances; providing that the filing officer and the Florida Elections Commission notify committees of rights; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 33, lines 19-24, strike all of said lines and insert: campaign expenditures. *With respect to in-kind contributions of $50 or less for the cost of a campaign fund raiser for a candidate for statewide office and $25 or less for a candidate for other office, only the name of the person, committee, or corporation and the nature of the expenditure need to be reported.*

Amendment 2—On page 45, line 18, strike the period (.) and insert: *; provided a committee may make contributions in a total amount not to exceed 10% of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s. 106.03, F.S., formed to support or oppose issues.*

Amendment 3—On page 59, lines 18-19, strike *may not* ~~, or committee of continuous existence shall~~ and insert: ; or committee of continuous existence *may not* ~~shall~~

Amendment 4—On page 66, lines 22-24, strike all of said lines and insert:

(5) With respect to an expenditure for a campaign fund raiser which expenditure is not made or reimbursed from the campaign account, expenditures of $50 or less for a candidate for statewide office or $25 or less for a candidate for any other office, only the name of the person, committee or corporation and the nature of the expenditure need to be reported.

Amendment 5—On page 99, between lines 19 and 20, insert:

Section 46. Subsection (2) of section 582.18, Florida Statutes, is amended to read:

582.18 Election of supervisors of each district.—

(2) After the issuance of a certificate of organization of a soil and water conservation district by the Department of State, or in the event of a vacancy resulting from death, resignation, removal, or otherwise, each vacancy shall be filled by appointment by the remaining supervisors of the district until the next regular election. *No person appointed to fill such a vacancy shall serve in such position beyond the next regular election, except upon qualification for and election to the office of supervisor of the district in accordance with the provisions of subsection (1).*

(Renumber subsequent sections.)

Amendment 6—On page 100, lines 3-6, strike all of said lines and insert: have its fine waived or not be subject to a fine.

Amendment 7—On page 100, lines 9-10, strike all of said lines and insert: rights under this section.

Amendment 8—On page 99, between lines 19 and 20, insert:

Section 46. Section 15.21, Florida Statutes, is created to read:

15.21 Initiative petitions.—The Secretary of State shall immediately submit an initiative petition to the Attorney General if the sponsor has:

(a) Registered as a political committee pursuant to s. 106.03;

(b) Submitted the ballot title, substance and text of the proposed revision or amendment to the Secretary of State pursuant to ss. 100.371 and 101.161; and

(c) Obtained a letter from the Division of Elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, signed and dated forms equal to 10 percent of the number of electors statewide and in at least one fourth of the congressional districts required by s. 3, Art. XI of the State Constitution.

Section 47. Section 16.061, Florida Statutes, is created to read: .

16.061 Initiative petitions.—

(1) The Attorney General shall, within 30 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, petition the Supreme Court, requesting an advisory opinion regarding the compliance of the text of the proposed amendment or revision with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with s. 101.161. The petition may enumerate any specific factual issues which the Attorney General believes would require a judicial determination.

(2) A copy of the petition shall be provided to the Secretary of State and the principal officer of the sponsor.

(Renumber subsequent sections.)

Senators Langley and Scott offered the following amendment which was moved by Senator Langley and adopted:

Amendment 9—On page 99, line 23 through page 100, line 10, strike all of said lines and insert:

Section 47. Paragraph (e) is added to subsection (9) of section 106.07, F.S., 1986 Supplement, to read:

106.07 Reports; certification and filing.—

(9)

(e) If a political committee is unable to pay a fine imposed under this subsection, the commission may, in lieu of the fine, require the committee to perform one hour of public service for each day fined. This paragraph applies to all causes of action, whether accruing on, before, or after October 1, 1987.

(Renumber subsequent sections.)

Senator Deratany moved the following amendment which was adopted:

Amendment 10—On page 100, between lines 10 and 11, insert:

Section 48. Paragraph (b) of subsection (9) of section 106.07, Florida Statutes, 1986 Supplement, is amended to read:

106.07 Reports; certification and filing.—

(9)

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chairman of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $10 per day for each late day for any candidate who receives or expends $200 or less during the reporting period; in all other instances the fine shall be $50 per day for each late day. *However, a fine may not be assessed under this paragraph against any candidate with respect to any report due at a time at which the candidate is unopposed for election or nomination.* Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chairman. The filing officer shall determine the amount of the fine due based on when the report is actually received by such officer. Such fine shall be paid to the filing officer within 15 days of receipt of notice of the payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate.

(Renumber subsequent section.)

Senator Frank moved the following amendment which was adopted:

Amendment 11—On page 90, lines 14-31, and page 91, lines 1-14, strike all of said lines and insert:

(5)(a) Except as provided in paragraph (a), every sworn complaint filed pursuant to this chapter with the Division of Elections or the Florida Elections Commission, every division investigation and investigative report or other paper of the division or commission with respect to a violation of this chapter, and every proceeding of the commission with respect to a violation of this chapter is confidential *until the commission has made a determination on whether probable cause exists to believe a violation of this chapter has occurred, notwithstanding any provision of chapter 119, chapter 120, or chapter 286*~~, is exempt from the provisions of s. 119.07(1) and chapter 286, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation~~ unless confidentiality is waived in writing by the person against whom the complaint has been filed. Upon *the determination of the commission regarding probable cause* ~~the entry of an order by the commission disposing of a case before it~~, the entire proceedings and records relating to such case become a public record, except that if *such determination is made* ~~an order disposing of a case is entered~~ within 7 ~~30~~ days prior to the date of the election with respect to which the alleged violation occurred, ~~such order and~~ the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter, *the proceedings shall not become public until all probable cause determinations relating to the case have been made by the commission* ~~the commission may not publicly enter an order disposing of the findings of the case until the disposition of the entire case has been determined~~. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter shall be exempt from the confidentiality provisions of paragraph (a).

Senator Lehtinen moved the following amendment which was adopted:

Amendment 12—On page 100, between lines 10-11, insert:

Section 48. Subsection (1) of section 112.322, Florida Statutes, is amended to read:

112.322 Duties and powers of commission.—

(1)*(a)* It is the duty of the Commission on Ethics to receive and investigate sworn complaints of violation of the code of ethics as established in this part *and of any other breach of the public trust, as provided in s. 8(f), Art. II of the State Constitution,* including investigation of all facts and parties materially related to the complaint at issue.

(b)1. Notwithstanding the provisions of paragraph (a) requiring the receipt of a sworn complaint or of s. 112.324, the commission is empowered to assess a civil penalty not to exceed $2,500 for violations of s. 112.3144 or s. 112.3145 based on the lists of persons who have failed to file on time financial disclosure as certified to the commission by the Secretary of State or the supervisors of elections in accordance with s. 112.3147. Proceedings conducted under this paragraph shall be exempt from the confidentiality provisions of s. 112.324.

2. Upon receipt of the certified lists of persons who have failed to file financial disclosure on time as required by s. 112.3144 or s. 112.3145, the commission shall notify immediately by certified mail each person named on the lists of the failure to file financial disclosure and that a civil penalty of up to $2,500 may be assessed for failure to file financial disclosure, if the required financial disclosure is not filed within 30 days. The commission by rule shall adopt a graduated standard for imposition of civil penalties, with the amount being based on when the disclosure form actually is received by the Secretary of State or the supervisor of elections, as appropriate, in relation to the date which is 30 days subsequent to the date on which notice by certified mail was received under this subparagraph. The civil penalty shall be paid to the commission for deposit in the General Revenue Fund within 15 days of the filing of the disclosure form, unless an appeal is made to the commission pursuant to subparagraph 3.

3. Any person who has been notified as provided in subparagraph 2. of his failure to file the financial disclosure required by s. 112.3144 or s. 112.3145 may appeal or dispute such failure to file or the civil penalty imposed by requesting a hearing before the commission. The request shall be made in writing to the commission within 30 days of receipt of the notice provided for in subparagraph 2. and shall state the grounds relied upon for the appeal or dispute of the failure to file or the civil penalty.

4. In any case in which the commission assesses a civil penalty which is not paid in full within 30 days from the date of the commission's order imposing the penalty, the Attorney General shall bring a civil action to recover the penalty. No defense may be raised in the civil action to enforce the civil penalty that could have been raised in a requested hearing before the commission or by judicial review of the administrative order of the commission by appeal to the district court of appeal.

Section 49. *Any person in violation of s. 112.3145, Florida Statutes, prior to the effective date of this act shall not be subject to the penalty provisions of section 48 of this act.*

(Renumber subsequent section.)

Senator Langley moved the following amendments which were adopted:

Amendment 13—In title, on page 1, lines 29 and 30, strike "deleting reporting requirements for certain fund raisers;" and insert: modifying reporting requirements for certain in-kind contributions;

Amendment 14—In title, on page 2, line 16, after "waivers;" insert: authorizing certain expenditures of funds;

Amendment 15—In title, on page 4, line 18, after "advertisement;" insert: amending s. 582.18, F.S.; limiting service of persons appointed to fill vacancies;

Amendment 16—In title, on page 4, lines 20 and 21, strike "or refunding of fines"

Amendment 17—In title, on page 4, line 18, after "advertisement;" insert: creating s. 15.21, F.S.; requiring to the Secretary of State to submit to the Attorney General revisions or amendments to the State Constitution proposed by initiative petition; creating s. 16.061, F.S.; requiring the Attorney General to request an advisory opinion of the justices of the Supreme Court;

Senator Deratany moved the following amendment which was adopted:

Amendment 18—In title, on page 4, line 25, after the semicolon (;) insert: amending s. 106.07, F.S.; providing an exemption from fines for late submission of campaign financing reports in specified circumstances;

Senator Frank moved the following amendment which was adopted:

Amendment 19—In title, on page 1, line 30, after the semicolon (;) insert: requiring confidentiality of certain hearings unless there is a finding of probable cause that a violation of chapter 106 exists;

Senator Lehtinen moved the following amendment which was adopted:

Amendment 20—In title, on page 4, line 25, after the semicolon (;) insert: amending s. 112.322, F.S.; prescribing the duty of the commission to investigate violations of constitutional provisions relating to ethics in government; empowering the commission to impose penalties for violations of certain statutes; providing applicability;

On motion by Senator Langley, by two-thirds vote CS for SB 446 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Childers, W. D.	Girardeau	Hill
Barron	Crenshaw	Gordon	Hollingsworth
Beard	Deratany	Grant	Jenne
Brown	Dudley	Grizzle	Jennings
Childers, D.	Frank	Hair	Johnson

Kirkpatrick	Margolis	Plummer	Thurman
Kiser	McPherson	Ros-Lehtinen	Weinstein
Langley	Meek	Scott	Weinstock
Lehtinen	Myers	Stuart	Woodson
Malchon	Peterson	Thomas	

Nays—None

On motions by Senator Meek, by two-thirds vote HB 416 was withdrawn from the Committees on Education; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Meek—

HB 416—A bill to be entitled An act relating to postsecondary education; amending s. 240.343, F.S., relating to community college employees; revising provisions with respect to terminal pay for accumulated sick leave; providing an effective date.

—a companion measure, was substituted for SB 603 and read the second time by title. On motion by Senator Meek, by two-thirds vote HB 416 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hair	Malchon	Stuart
Childers, W. D.	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

Vote after roll call:

Yea to Nay—Langley

SB 603 was laid on the table.

On motions by Senator Peterson, by two-thirds vote CS for HB 926 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Peterson—

CS for HB 926—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; establishing developmental research schools; providing mission; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School Educational Facility Trust Fund and a Developmental Research School Trust Fund, and providing purposes thereof; providing for developmental research schools to be designated as teacher education centers for inservice training; providing for the use of funds from the Developmental Research School Trust Fund for inservice activities; providing for implementation; providing for audits; creating s. 230.015, F.S.; designating developmental research schools as special school districts; providing accountability to the Department of Education; amending s. 236.0817, F.S.,-relating to funding for developmental research schools; providing assent to the Morrill Land-Grant Act; creating the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 663 and read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 2, line 3, strike everything after the enacting clause and insert:

Section 1. Developmental research schools; academic matters.—There is established a category of public schools to be known as "developmental research schools." The responsibility for administering each such school is assigned to the district school board of the school district in which the school is located.

(1) For purposes of this act, the term "developmental research school" means a university school or developmental research or laboratory school for kindergarten, elementary, middle, or high school students which is associated with a university within the State University System.

(2) Each developmental research school shall specialize in either mathematics, science, computer science, performing arts, foreign languages, or special education. The primary goal of a developmental research school is to enhance instruction and research in the specialized subjects by using the resources available on a state university campus, while providing an adequate education in nonspecialized subjects.

(3) Each developmental research school shall provide sequential elementary and secondary instruction. A developmental research school may not provide instruction at grade levels higher than grade 12, without authorization from the district school board.

(4) The following developmental research schools shall specialize in designated subject areas, as follows:

(a) The developmental research school located on the campus of Florida Agricultural and Mechanical University shall specialize in mathematics, science, computer science, and learning disabilities.

1. The mathematics and science programs shall have access to research materials, appropriate lectures, and other resources of the the joint Florida Agricultural and Mechanical University - Florida State University School of Engineering.

2. The computer science program shall have access to resources available through the computer centers located on the campuses of Florida Agricultural and Mechanical University and Florida State University.

(b) The developmental research school located on the campus of Florida State University shall specialize in the performing arts, and foreign languages and in a developmental integrated elementary curriculum which shall primarily use a child centered, whole language, multi-grade approach.

1. The performing arts program shall have access to performances and other activities conducted at the School of Performing Arts at Florida State University.

2. The foreign languages program shall have access to any resources specifically allocated for this purpose from the General Revenue Fund.

3. For the elementary school, within existing resources, the school shall appoint or hire an elementary school program director with expertise in this approach to teaching and with prior teacher training experience for this approach to instruction.

(c) The developmental research school located on the campus of Florida Atlantic University shall specialize in special education, giving specific emphasis to educating gifted students and students with learning disabilities.

(d) The developmental research school located on the campus of the University of Florida shall specialize in mathematics, science, and foreign languages.

1. The mathematics and science programs shall have access to research materials, resources, and other appropriate activities of the College of Engineering at the University of Florida.

2. The foreign languages program shall have access to any resources specifically allocated for this purpose from the General Revenue Fund.

(5) The criteria for admission to a developmental research school must include, but is not limited to, socio-economic background, race, sex, and levels of ability.

(6) Developmental research schools shall comply with the provisions of ss. 228.093 and 229.57, Florida Statutes.

(7) The developmental research schools' enrollment goals shall represent the composition of the student body in the school districts in the counties where they are located.

Section 2. Developmental research schools; financial matters.—

(1) Developmental research schools shall receive funding for the 1987-1988 school year at the level identified in the budget of the Board of Regents. The funds shall be transferred from the budgets of the Flor-

ida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, and the University of Florida into the budget of the Commissioner of Education. The Commissioner of Education is authorized to further transfer such funds to the district school boards of the school districts in which the developmental research schools are located.

(2) The district school boards shall use these funds to operate the developmental research schools pursuant to this act.

(3) Beginning with the 1988-1989 school year, each developmental research school shall be allocated its proportional share of funds from the Florida Education Finance Program based on its full-time equivalent enrollments within each cost factor pursuant to s. 236.081, Florida Statutes. Each developmental research school shall receive its proportional share of categorical funds based on full-time equivalent enrollments, pursuant to ss. 230.2312, 230.2313, 230.2314, 233.34, 233.39, 236.012, 236.02, 236.078, 236.081, 236.0811, 236.0815, 236.088, 236.089, 236.1223, 236.1225, and 236.24, Florida Statutes, and any other categorical fund enacted for the purpose of elementary or secondary academic program enhancement. Developmental research schools may also participate in the funding allocated for s. 236.25, Florida Statutes. The total funds available as provided in this subsection shall be specified annually in the General Appropriations Act.

(4)(a) Developmental research schools shall be phased into the school districts in which they are located over a 3-year period subject to a legislative review during fiscal year 1990. The phase-in period shall begin with the 1987-1988 school year.

(b) Developmental research schools may receive specific funding during the 3-year phase-in period as specified in the General Appropriations Act for upgrading science laboratories and for renovating, maintenance and repair, and remodeling.

(c) Until the beginning of the 1989-1990 school year the developmental research schools shall be considered special school districts. Such districts shall be accountable to the Department of Education for budget requests and reports on expenditures.

(d) There is created a Developmental Research School Educational Facility Trust Fund to be administered by the Commissioner of Education. The Commissioner shall administer the fund in accordance with ss. 235.41-235.435, Florida Statutes.

(e) All operating funds provided under this section shall be deposited in a Developmental Research School Trust Fund in the State Treasury and shall be expended for the purposes of this section. The university assigned a developmental research school shall be the fiscal agent for these funds during the phase-in period and all rules of the university governing the budgeting and expenditures of state funds shall apply to the funds unless otherwise provided by law or rule of the Department of Education. The universities where the developmental research schools are located must use the funds appropriated for the developmental research schools for the purposes of this act. The Board of Regents shall continue to be the public employer of developmental research school personnel for collective bargaining purposes during the 3-year phase-in period.

(f) The Auditor General shall conduct an annual financial audit of each developmental research school subject to this section. The Auditor General shall further conduct a compliance audit and a program audit of such schools during the 1989-1990 school year.

(g) All properties presently occupied by the developmental research schools, including but not limited to, educational facilities, athletic fields, playground areas, and relocatable facilities shall be transferred from the universities where each developmental research school is located to the school districts where each developmental research school is located. The school districts where each developmental research school is located shall take control of such properties under s. 230.23, Florida Statutes, at the end of the third year of the phase-in period.

(5) Each developmental research school may charge a student activity and service fee. Any school that elects to charge such a fee shall provide information regarding the use of the fee as well as an annual report that documents the manner in which the revenues from such fees were expended. The annual report prescribed in this subsection must be distributed to the parents or guardian of each student. No additional fee may be charged a student.

(6) Each developmental research school may accept financial support from voluntary support organizations, including, but not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each voluntary support organization may direct the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures are contingent upon the approval of the director of the developmental research school. The director of a developmental research school may decline any expenditure proposed by a voluntary support organization which would violate state law or the rules or policies of the school district or which would violate sound educational management practice.

Section 3. Developmental research schools; personnel.—

(1) Each developmental research school shall employ a director and a principal. The duties of the director and principal shall be as follows:

(a) Each director shall be the chief executive officer of the school and shall oversee the educational missions of the school. The director shall be accountable for the financial resources of the school. The director shall meet the provisions of section 231.085, Florida Statutes.

(b) Each principal shall be the chief educational officer of the school and shall oversee the educational program of the school. The principal shall be accountable for the daily operation and administration of the school. The principal shall be selected pursuant to the provisions of section 231.0861, Florida Statutes.

(c) The elementary school director at the developmental research school on the campus of Florida State University shall have prior experience in teacher training for the specialized approach to instruction, expertise in the developmental, child centered, whole language, multigrade approach to instruction and may also serve as a teacher in the elementary school without meeting the requirements to be a regular classroom teacher. The elementary school director shall have primary responsibility for the K through 6 curriculum, elementary teacher in-service activities, coordination with university elementary teacher training programs and for making sure the elementary school program achieves its goals. This shall include significant input into the hiring of elementary school teachers and the development of the elementary school budget.

(2) Teachers employed to teach in developmental research schools are subject to the qualifications specified in sections 231.02, 231.17, and 231.172, Florida Statutes.

Section 4. Developmental research school advisory boards.—

(1) Each developmental research school shall have an advisory board to provide general oversight and guidance. The advisory board shall be comprised of seven members, appointed to 4-year terms. Three members shall be appointed by the president of the university where each developmental research school is located and four members shall be appointed by the director of the school.

(2) An advisory board may organize under the general procedures of Robert's Rules of Order. The board may:

(a) Meet monthly.

(b) Monitor the operations of the school and the distribution of moneys allocated for such operations.

(c) Recommend necessary modifications to school policies, programs, and administration to the president of the university and the Board of Regents during the phase-in period and to the district school superintendent, the district school board, and the Commissioner of Education after their transfer to the school districts.

(d) The district school boards shall not make changes in the mission or the instructional programs in the developmental research schools that are inconsistent with the provisions of this act without prior approval from the Legislature.

(e) Prepare and submit an annual report of the accomplishment of the school's primary areas of responsibility to the president of the university and Board of Regents during the phase-in period and to the district school superintendent, the district school board, and the Commissioner of Education after their transfer to the school districts.

Section 5. Designation as teaching education centers.—Each developmental research school is designated a teacher education center and may provide inservice training to school district personnel.

Section 6. Paragraph (a) of subsection (1) of section 228.041, Florida Statutes, 1986 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) STATE SYSTEM OF PUBLIC EDUCATION.—The state system of public education shall consist of such publicly supported and controlled schools, institutions of higher education, other educational institutions, and other educational services as may be provided or authorized by the Constitution and laws of this state.

(a) Public schools.—The public schools shall consist of kindergarten classes; elementary and secondary school grades and special classes; *developmental research schools;* and adult, part-time, vocational, and evening schools, courses, or classes authorized by law to be operated under the control of school boards.

Section 7. Section 228.088, Florida Statutes, is amended to read:

228.088 High schools and secondary schools utilization of security programs.—Each district high school, ~~and~~ secondary school, *and developmental research school* shall develop and implement programs for security purposes to be in effect during school operating hours. Such programs may consist of teachers, volunteers, neighborhood watch programs, school resource officers, security guards, or any combination thereof. The State Board of Education shall adopt rules to implement the provisions of this section.

Section 8. Subsection (2) of section 230.03, Florida Statutes, is amended to read:

230.03 Management, control, operation, administration, and supervision.—The district school system shall be managed, controlled, operated, administered, and supervised as follows:

(2) SCHOOL BOARD.—In accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools *and developmental research schools* in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.

Section 9. Subsection (4) of section 238.01, Florida Statutes, is amended to read:

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

(4) "Teacher" *includes* ~~means~~ any member of the teaching or professional staff and any certificated employee of any public free school, of any district school system and vocational school, any member of the teaching or professional staff of the Florida School for the Deaf and Blind, child training schools of the Department of Health and Rehabilitative Services, the Department of Corrections, *a developmental research school, or a* ~~and any~~ tax-supported institution of higher learning of the state, and any member and any certified employee of the Department of Education, any certified employee of the retirement system, any full-time employee of any nonprofit professional association or corporation of teachers functioning in Florida on a statewide basis, which seeks to protect and improve public school opportunities for children and advance the professional and welfare status of its members, any person now serving as superintendent, or who was serving as county superintendent of public instruction on July 1, 1939, and any hereafter duly elected or appointed superintendent, who holds a valid Florida teachers' certificate. In all cases of doubt, the division shall determine whether any person is a teacher as defined herein.

Section 10. This act shall take effect October 1, 1987.

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

Amendment 1A—On page 5, line 15, after the period (.) insert:

The developmental research schools shall receive $2,000,000 from general revenue for purposes of remodeling, renovation, and maintenance and repair for fiscal year 1987-1988.

Amendment 1 as amended was adopted.

Further consideration of CS for HB 926 was deferred.

LOCAL CALENDAR

HB 657—A bill to be entitled An act relating to Brevard County; amending sections 1, 4, 6, 10, and 14 of chapter 83-375, Laws of Florida, relating to the South Brevard Water Authority; providing legislative intent; providing for appointments to fill vacancies on the governing board; authorizing the district to furnish water outside the district; granting powers and duties to the authority; authorizing acquisition and ownership of property outside the district; establishing a procedure to amend the authority budget and boundaries; providing exemptions; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 657 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	

Nays—None

Consideration of HB 831 was deferred.

On motion by Senator Barron, by two-thirds vote—

HB 1488—A bill to be entitled An act relating to the City of Destin, Okaloosa County; amending section 1.01 of chapter 84-422, Laws of Florida, the city charter of the City of Destin; providing for submission of the city's comprehensive plan by February 1, 1990; 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—39

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	

Nays—None

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1114 and again requests the Senate to recede.

John B. Phelps, Clerk

HB 1114—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending section 4 of chapter 81-376, Laws of Florida, as amended; revising the manner in which certain vacancies in the governing board of the authority are to be filled; requiring that any person filling such vacancy be a resident of the district served; providing an effective date.

On motions by Senator W. D. Childers, the Senate refused to recede from Senate Amendments 1 and 2 and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1115 and again requests the Senate to recede.

John B. Phelps, Clerk

HB 1115—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 13 of chapter 80-579, Laws of Florida, as amended by chapter 83-501, Laws of Florida, relating to the Pensacola-Escambia Promotion and Development Commission; extending provisions relating to the funding of the commission by the city and county; providing an effective date.

On motions by Senator W. D. Childers, the Senate refused to recede from Senate Amendments 1 and 2 and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 1126 and again requests the Senate to recede.

John B. Phelps, Clerk

HB 1126—A bill to be entitled An act relating to Escambia County; amending section 4, chapter 83-405, Laws of Florida; revising the manner in which the funding for the civil service board is calculated; revising the manner in which such funding is allocated; providing for severability; providing an effective date.

On motions by Senator W. D. Childers, the Senate refused to recede from Senate Amendments 1 and 2 and again requested the House to concur. The action of the Senate was certified to the House.

Recess

On motion by Senator Barron, the Senate recessed at 9:02 p.m., awaiting the call of the President.

Call to Order

The Senate was called to order by the President at 11:06 p.m. A quorum present—37

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Thomas
Brown	Grant	Langley	Thurman
Childers, D.	Grizzle	Lehtinen	Weinstein
Childers, W. D.	Hair	Malchon	Weinstock
Crawford	Hill	Margolis	Woodson
Crenshaw	Hollingsworth	McPherson	
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	

Motion

On motion by Senator Barron, by two-thirds vote a special order calendar was established as follows: CS for SB 421, CS for CS for SB 834, CS for SB 369, SB 998, SB 336, SB 544, SB 416 and SB 595.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 546 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 546—A bill to be entitled An act relating to hazardous waste management; amending s. 403.7225, F.S.; providing alternative procedure for updating assessments; amending s. 403.7264, F.S.; continuing amnesty days for collecting small quantities of hazardous waste from homeowners, farmers, schools, state agencies, and small businesses; requiring participation by the regional planning councils; setting a schedule for amnesty days; amending s. 403.7265, F.S.; providing for revisions of the plan for collecting small quantities of hazardous waste from homeowners, farmers, and businesses; defining regional collection center; requiring the Department of Environmental Regulation to establish a grant program for local governments to provide, through private entities, for regional hazardous waste collection centers; deleting the matching requirement; increasing the maximum amount of a regional collection center grant; requiring the department to submit a strategy for a local hazardous waste collection center network by 1990; requiring the department to recommend a multipurpose hazardous waste facility site by 1988; requiring review of regional planning council regional storage facility site designations; providing appropriations from the Water Quality Assurance Trust Fund and the General Revenue Fund; providing an effective date.

Amendment 1—On page 2, line 11, strike everything after the enacting clause and insert:

Section 1. Subsection (16) of section 403.7225, Florida Statutes, is amended to read:

403.7225 Local hazardous waste management assessments.—

(16) Local, regional, and state assessments shall be brought up to date by sending letters to each small quantity generator at 5-year intervals, based on the schedule for the initial local assessments. More frequent complete mail surveys shall not be required by the state. However, at their option, local and regional governing authorities may update such assessments at more frequent intervals. *Alternatively, the assessment rolls shall be brought up to date before the end of the 5-year interval by including the applicable names from occupational licenses, building permits, and from not less than one complete survey of the business pages of the county local telephone systems. The roll shall be updated continuously thereafter in the same manner.*

Section 2. Section 403.7234, Florida Statutes, 1986 Supplement, is amended to read:

403.7234 Small quantity generator notification program.—

(1) Each county specified in s. 403.7225(10)(a), (b), and (c) shall send by mail a letter to each small quantity generator, as defined pursuant to federal regulations in 40 C.F.R. s. 261.5, on the January 1 preceding the date specified in such paragraphs for completion of its hazardous waste assessment; and the United States Postal Service certificate of mailing shall be retained as proof of mailing. In addition, within 14 days after a county completes its hazardous waste assessment, the county shall send such letter to each small quantity generator not notified on the preceding January 1. Thereafter, each county shall annually send such letter on July 1. The letter shall:

(a) Detail the legal responsibilities of the small quantity generator with regard to proper waste management practices, including penalties for noncompliance.

(b) Include a list of hazardous waste management alternatives which are available to the small quantity generator.

(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 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).

(3) Any small quantity generator who does not comply with the requirements of subsection (2) and who has received two subsequent certified letters from the county is subject to a fine of between $25 and $100 per day for a maximum of 100 days. *The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the verification procedure established in subsection (2). If there are excess funds after the verification procedure has been completed, such funds shall be used for hazardous and solid waste management purposes only.*

(4) A pilot small quantity hazardous waste verification program is hereby established for the counties within the geographic area of the East Central Florida Planning Council. The pilot verification program shall consist of on-site inspections to verify the waste management practices of at least 20 percent of the small quantity generators in each county.

(a) Generators shall be selected for on-site inspections according to the following priority:

1. Generators known or suspected to have mismanaged their waste through the improper use of septic tanks, sewers, landfills, or dumping;

2. Generators of waste solvents and wastes containing heavy metals;

3. All other generators not previously inspected, including generators of used oil and lead-acid batteries; and

4. Generators which have been inspected for verification of waste management practices between January 1, 1984, and the implementation of the pilot verification program.

(b) All on-site verification inspections shall be completed by July 1, 1988.

(c) The regional planning council shall coordinate the pilot verification program within its region. The regional planning council and the counties shall negotiate the proportionate share for each county from the sum appropriated to the region. The standards and criteria set forth in s. 403.7225(3) shall apply to such negotiations.

(d) The regional planning council shall submit an interim report by March 1, 1988, to the department and a regional summary of the findings of the pilot verification program by September 1, 1988.

(e) Counties shall make every effort to correct any mismanagement of hazardous waste discovered pursuant to this verification procedure through the enforcement of all applicable local ordinances and requirements. If a county finds that a generator is mismanaging its hazardous wastes, the county shall notify the department. The department shall take appropriate enforcement action for the violation of any applicable state statute or rule.

Section 3. Subsection (2) of section 403.7264, Florida Statutes, 1986 Supplement, is amended, subsection (3) is hereby repealed, subsection (4) is renumbered as subsection (5), and new subsections (3) and (4) are added to said section 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:

(2) The department shall establish maximum amounts of hazardous waste to be accepted from any one entity during amnesty days. Amnesty days shall continue at no cost to participants *reporting with less than 80 pounds of hazardous waste*, until funds appropriated by the Legislature for this purpose have been exhausted.

(3) Regional planning councils shall assist the department in site selection, public awareness, and program coordination. However, the department shall retain the full responsibility for the implementation of the state amnesty days program.

(4) The state shall conduct amnesty days according to the following schedule:

(a) In counties within the geographic areas of the South Florida Regional Planning Council, the Treasure Coast Regional Planning Council, and the Southwest Florida Regional Planning Council, amnesty days shall be held between January 1, 1988, and June 30, 1988.

(b) In counties within the geographic areas of the Withlacoochee Regional Planning Council, the East Central Florida Regional Planning Council, the Central Florida Regional Planning Council, and the Tampa Bay Regional Planning Council and Volusia County, amnesty days shall be held between July 1, 1988, and June 30, 1989.

(c) In counties within the geographic areas of the West Florida Regional Planning Council, the Apalachee Regional Planning Council, the North Central Florida Regional Planning and the Northeast Florida Regional Planning Council and Jefferson County, amnesty days shall be held between July 1, 1989, and June 30, 1990.

Section 4. Subsections (2), (4), and (5) of section 403.7265, Florida Statutes, 1986 Supplement, are amended to read:

403.7265 Local hazardous waste collection program.—

(2) The department, in cooperation with the regional planning councils and the counties, shall formulate *and update* a plan for collecting small quantities of hazardous waste from homeowners, farmers, and businesses in the state. The plan ~~shall be completed by March 1, 1986, and~~ shall include:

(a) An assessment of private industry interest or involvement in hazardous waste collection in the state and recommendations to the Legislature for private industry collection incentives;

(b) A survey of businesses available to serve this function or alternative recycling or disposal functions with recommendations of approved firms to be used by local governments for the collection program;

(c) A method for encouraging private industry hazardous waste collection pilot projects in local and regional communities; and

(d) A strategy *and schedule for the establishment of* ~~for setting up~~ a local hazardous waste collection center network statewide whereby each center could be serviced by private industry at least once every 90 days on a regular basis. The network shall also provide for numerous regularly scheduled satellite pick-up points which are convenient for use by the public.

(e) An assessment of the suitability of those areas designated by the regional planning councils as regional storage facility sites and a recommendation of a site for a multipurpose hazardous waste facility. The assessments and recommendation required by this paragraph shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than May 1, 1988.

(4) The department *shall* ~~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 capital outlay for preparing a facility or site to safely serve as a collection center and to cover 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 *20* ~~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.

(5) The maximum amount of a grant for any local government participating in the development of a collection center shall be *$100,000* ~~$50,000~~. If a regional collection facility is designed, each participating county shall be eligible for up to *$100,000* ~~$50,000~~.

Section 5. *Appropriations.—*

(1) The sum of $850,000 is hereby appropriated from General Revenue to the Water Quality Assurance Trust Fund for fiscal year 1987-1988 for the purposes of carrying out the provisions of s. 403.7264(3), Florida Statutes, relating to amnesty days schedules.

(2) The sum of $300,000 is hereby appropriated from General Revenue to the Water Quality Assurance Trust Fund for the purpose of a funding local hazardous waste management verification program in the East Central Florida Regional Planning Council area specified in s. 403.7234(4), Florida Statutes, pursuant to this act. The regional planning council may retain up to 5 percent of such sum to cover administrative costs and expenses incurred for the purpose of disbursing funds for the verification program to each county in their region and producing a detailed regional summary report to Department of Environmental Regulation by September 1, 1988.

(3) The sum of $100,000 is hereby appropriated to the Department of Environmental Regulation from the General Revenue Fund for fiscal year 1987-1988 for providing grants to local governments under the local hazardous waste collection program.

Section 6. This act shall take effect July 1, 1987, or upon becoming a law.

Amendment 2—On page 1, in the title, lines 3-31, strike all of said lines and insert: amending s. 403.7225, F.S.; revising procedures for updating hazardous waste management assessments; amending s. 403.7234, F.S.; providing requirements with respect to the procedure utilized by counties to verify small quantity generators' management practices; providing for notification to the Department of Environmental Regulation of violations; providing for collection and disposition of certain fines imposed on small quantity generators; establishing a pilot small quantity hazardous waste verification program; amending s. 403.7264, F.S.; revising the schedule of amnesty days for purging small quantities of hazardous wastes; amending s. 403.7265, F.S.; providing requirements with respect to a plan for collecting small quantities of hazardous waste and a local hazardous waste collection center network; requiring the Department of Environmental Regulation to establish a grant program for such collection centers; increasing the percentage limitation on use of such grants for amnesty days; increasing the amount of such grants; requiring the Department of Environmental Regulation to assess regional storage facility sites and recommend a site for a multipurpose hazardous waste facility; providing an effective date.

On motions by Senator Kirkpatrick, 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 John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 189 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 189—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.13, F.S.; clarifying that the commission of any felony makes one ineligible for employment or appointment as an officer; amending s. 943.1395, F.S.; providing penalties for not maintaining good moral character; amending s. 943.22, F.S.; providing that salary incentive payments are not available for training completed pursuant to s. 943.1395(6), F.S.; amending s. 943.25, F.S., relating to criminal justice trust funds, to resolve a problem caused by multiple amendments to that section; repealing s. 24, ch. 81-24, Laws of Florida, s. 18, ch. 82-149, Laws of Florida, and s. 2(1), ch. 86-286, Laws of Florida, and amending s. 1(14)(f), ch. 82-46, Laws of Florida, as amended, to eliminate provisions for termination of ss. 943.085(3), 943.10(5), and 943.11-943.25, F.S., on October 1, 1987; repealing ss. 943.085(3), 943.10(5), 943.11, 943.12, 943.13, 943.131, 943.133, 943.135, 943.137, 943.139, 943.1395, 943.14, 943.16, 943.17, 943.171, 943.173, 943.175, 943.18, 943.19, 943.22, 943.25, F.S., relating to legislative intent with respect to the role of the Criminal Justice Standards and Training Commission; the definition of the term "commission" as used in ss. 943.085-943.255, F.S.; the membership, organization, meetings, and powers, duties, and functions of the commission; minimum qualifications for employment or appointment of certain law enforcement officers, correctional officers, and correctional probation officers; temporary employment or appointment of such officers; the minimum basic recruit training exemption; responsibilities of the employing agency, the commission, and the Division of Criminal Justice Standards and Training with respect to compliance and employment qualifications; injunctive relief; requirements for continued employment or appointment; establishment of qualifications and standards above the minimum; notice of employment, appointment, or termination; certification for employment or appointment, concurrent certification, reemployment or reappointment, inactive status, revocation of certification, and investigation; criminal justice training schools; payment of tuition by employing agency; basic recruit, advanced, and career development programs; basic skills training in handling domestic violence cases; examinations, administration, and disposal of materials; inservice and specialized training; compensation and benefits study; saving clauses; salary incentive program for full-time officers; and criminal justice trust funds, effective October 1, 1997; providing for review of said sections prior to such repeal; providing an effective date.

Amendment 1—On page 3, line 2, strike everything after the enacting clause and insert:

Section 1. Section 27.37, Florida Statutes, 1986 Supplement, as amended by chapters 85-179 and 86-9, Laws of Florida, is amended to read:

27.37 Council on Organized Crime.—

(1) There is created in the office of the Governor a council to be known as the Council on Organized Crime. The council shall be composed of seven members, of whom four shall be state attorneys appointed by and serving at the pleasure of the Governor; one shall be the statewide prosecutor in charge of the Office of Statewide Prosecution~~, serving ex officio~~; one shall be a member of the Senate appointed by the President of the Senate; and one shall be a member of the House of Representatives appointed by the Speaker of the House of Representatives. The Governor shall designate one state attorney member to serve as chairman.

(2) Members of the council are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(3) The statewide prosecutor shall act as legal adviser and direct the operation of the statewide grand jury as provided in s. 905.36. The state attorney members of the council may assist the legal adviser and attend sessions of the statewide grand jury; however, nothing herein shall be construed to authorize a person other than one designated by the legal adviser to attend sessions of the statewide grand jury.

(4) The duties of the council include, but need not be limited to, the following:

(a) Determining the scope and extent of organized crime in this state through public or private hearings or other appropriate investigation, notwithstanding s. 119.14;

(b) Establishing policy and priorities for the prosecution of organized crime cases throughout the state; and

(c) Advising the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives, in a report published on or before March 1 of each year, of its recommendations for legislation and for funding of the various aspects of the criminal justice system and of appropriate state regulatory agencies.

(5) The council shall meet as often as necessary, at the call of the chairman or upon majority vote of its members.

(6)(a) Notwithstanding s. 119.14, all documents pertaining to criminal intelligence or investigations in the possession or control of the Council on Organized Crime are exempt from the provisions of s. 119.07.

(b)1. The Council on Organized Crime shall not be considered an "agency" within the definition of s. 120.52.

2. The Council on Organized Crime shall be considered a "criminal justice agency" within the definition of s. 119.011(4).

(c) If the council meets solely for the purpose of furthering a criminal investigation, that meeting shall be exempt from the requirements of s. 286.011, and only those members of the council and staff specifically designated by the chairman shall be authorized to attend.

(7) The chairman of the council or the legal adviser to the statewide grand jury may issue subpoenas and other necessary process to compel attendance of witnesses and take testimony before the council. The chairman or any member of the council may administer oaths or affirmations to witnesses who appear before the council to testify on any matter on which the council may desire evidence.

(8) The public meetings and public records exemptions in this section are subject to the Open Government Sunset Review Act in accordance with ss. 119.14 and 286.0111.

Section 2. *Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, section 27.37, Florida Statutes, shall not stand repealed on October 1, 1987, and shall continue in full force and effect as amended herein.*

Section 3. *Section 27.37, Florida Statutes, is repealed on October 1, 1997, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 4. This act shall take effect October 1, 1987.

Amendment 2—On page 1, strike the title and insert: An act relating to organized crime; amending s. 27.37, F.S., relating to the Council on Organized Crime; saving s. 27.37, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

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

CS for SB 189 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	Frank	Jennings	Meek
Barron	Girardeau	Johnson	Myers
Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Kiser	Ros-Lehtinen
Childers, W. D.	Grizzle	Langley	Scott
Crenshaw	Hair	Lehtinen	Thomas
Deratany	Hollingsworth	Malchon	Weinstein
Dudley	Jenne	McPherson	Weinstock

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 410 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 410—A bill to be entitled An act relating to pollutants; amending s. 206.9935, F.S.; providing an extension of the excise tax on certain pollutants until a date certain; providing for future legislative review of such tax; amending ss. 376.303, 376.3071, F.S.; extending the period of time during which certain owners or operators of petroleum storage systems may receive certain trust fund moneys and avoid certain liabilities; requiring the secretary of the Department of Environmental Regulation to establish certain site cleanup criteria; providing for receiving reimbursement for site cleanup; requiring notice of certain site cleanup activities; amending ss. 489.105, 489.113, F.S.; providing that certain requirements relating to pollutant storage systems be applied to the removal of such systems; providing procedures for application for county administration of inspection programs; authorizing the Department of Professional Regulation to register precision tank testers; providing that persons registered with the department are exempt from local registration requirements; providing for certain rule review and comment by the Department of Environmental Regulation; providing an effective date.

Amendment 3—On page 2, line 1, strike everything after the enacting clause and insert:

Section 1. Subsection (3) of section 206.9935, Florida Statutes, 1986 Supplement, is amended to read:

206.9935 Taxes imposed.—

(3) TAX FOR INLAND PROTECTION.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state; however, the tax on petroleum products first imported into this state by a licensed refiner shall be imposed when the product is first removed or transferred from a storage facility. The tax shall be paid or remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(b) The excise tax shall be 10 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state. However, if after January 1, 1987, the unobligated balance in the Inland Protection Trust Fund is or falls below $5 million, the tax shall be increased to 20 cents per barrel of pollutant and remain at said rate until the unobligated balance in said fund exceeds $15 million, at which time the tax shall be 10 cents per barrel of pollutant. If the unobligated balance of the fund exceeds $50 million, the levy of the excise tax shall be discontinued until the unobligated balance in the fund falls below $35 million, at which time the tax shall be 10 cents per barrel of pollutant. Changes in the tax rate pursuant to this subsection shall take effect on the first day of the month which begins on or after the 60th day following the date on which the unobligated balance of said fund falls below or exceeds a limit set pursuant to this paragraph.

(c) This subsection expires on October 1, *1997* ~~1992~~, and shall be reviewed by the Legislature during the *1997* ~~1992~~ regular legislative session.

Section 2. Paragraphs (a) and (b) of subsection (1) of section 376.303, Florida Statutes, 1986 Supplement, are amended to read:

376.303 Powers and duties of the Department of Environmental Regulation.—

(1) The department has the power and the duty to:

(a)1. Establish rules, including, but not limited to, construction standards, permitting or registration of tanks, maintenance and installation standards, and removal or disposal standards, to implement the intent of ss. 376.30-376.319 and to regulate underground and aboveground facilities and their onsite integral piping systems not covered by ss. 376.011-376.21 or by chapter 377. *Stationary tanks with storage capacities of 550 gallons or less at nonresidential locations that contain pollutants shall, by December 31, 1987, be required to be registered.* The department shall develop a compliance verification program for chapter 17-61, Florida Administrative Code, *which may include investigations or inspections to locate improperly abandoned tanks* and which shall be implemented upon termination of the Early Detection Incentive Program established under s. 376.3071(9) or December 31, 1987, whichever is earlier.

2. Undertake a notification program for those underground tanks which are excluded from the definition of "facility" as set forth in s. 376.301(4) solely by virtue of having a storage capacity of 550 gallons or less, *and are not otherwise required to be registered,* in order that such tanks may be located. Pursuant thereto, the department shall develop postcard notification forms, which shall elicit the following information: the tank owner's name and current address; whether such person owns a storage tank or tanks which are totally or partially underground and which are being used, are intended to be used, or have been used for the storage or supply of any petroleum product; the number of such tanks owned; the number in active use; and the general location of each such tank. Multiple copies of this form shall be mailed to every distributor and marketer of petroleum products in this state, who shall make such form available to his customers whenever such person has reason to believe the customer owns such a tank or tanks. In addition, the department shall make such forms available to interested persons upon request. Any person who completes and returns such form before October 1, *1988* ~~1987~~, may be eligible to participate in the Early Detection Incentive Program under s. 376.3071(9).

(b) For each tank registered with the department under chapter 17-61, Florida Administrative Code, issue either a registration sticker, to be displayed in plain view upon the tank or upon the dispensing or measuring device connected thereto, or, where appropriate, a registration certificate listing all registered tanks at a facility, to be displayed in plain view in the office or kiosk of the facility where the tanks are located, for which an initial registration fee in the amount of $50 per tank and an annual renewal fee in the amount of $25 per tank shall be imposed upon the tank owner, to be due and payable by July 1 of each year, *except that stationary tanks of 550 gallons or less at nonresidential locations shall not be required to pay a registration fee.* The department shall notify each registrant of the annual renewal fee requirement no later than June 1 of each year. Any payment over 30 days past due shall be deemed delinquent, and the registrant shall be required to pay an additional $20 late fee for each tank with respect to which payment is delinquent. Revenues derived from fees imposed upon tanks storing petroleum products as defined in s. 376.301(10) shall be deposited in the Inland Protection Trust Fund established under s. 376.3071; all other revenues derived from such fees shall be deposited in the Water Quality Assurance Trust Fund established under s. 376.307.

Section 3. Subsections (4), (5), (9), and (12), of section 376.3071, Florida Statutes, 1986 Supplement, are amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(4) USES.—Whenever, in its determination, incidents of inland contamination related to the storage of petroleum or petroleum products may pose a threat to the environment or the public health, safety, or welfare, the department shall obligate moneys available in the fund to provide for:

(a) Prompt investigation and assessment of contamination sites;

(b) Expeditious restoration or replacement of potable water supplies as provided in s. 376.30(3)(c)1.;

(c) Rehabilitation of contamination sites, which shall consist of cleanup of affected soil, groundwater, and inland surface waters, using the most cost-effective alternative that is technologically feasible and reliable and that provides adequate protection of the public health, safety, and welfare and minimizes environmental damage, in accordance with the site selection and cleanup criteria established by the department under subsection (5), except that nothing herein shall be construed to authorize the department to obligate funds for payment of costs which may be associated with, but are not integral to, site rehabilitation, such as the cost for retrofitting or replacing petroleum storage systems;

(d) Maintenance and monitoring of contamination sites;

(e) Inspection and supervision of activities described in this subsection;

(f) Payment of expenses incurred by the department in its efforts to obtain from responsible parties the payment or recovery of reasonable costs resulting from the activities described in this subsection; and

(g) Payment of any other reasonable costs of administration, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other assistance to the department in the investigation of drinking water contamination complaints*; and*

(h) Establishment of the compliance verification program as authorized in s. 376.303(1)(a)1. to minimize the potential for further contamination sites.

(5) SITE SELECTION AND CLEANUP CRITERIA.—

(a) The department shall establish criteria by rule for the purpose of prioritizing contamination sites based upon factors that include, but need not be limited to:

1. The degree to which human health, safety, or welfare may be affected by exposure to the contamination;

2. The size of the population or area affected by the contamination;

3. The present and future uses of the affected aquifer or surface waters, with particular consideration as to the probability that the contamination is substantially affecting, or will migrate to and substantially affect, a known public or private source of potable water; and

4. The effect of the contamination on the environment.

Moneys in the fund shall then be obligated for activities described in paragraphs (4)(a)-(e) at individual sites in accordance with such established criteria. However, nothing in this paragraph shall be construed to restrict the department from modifying the priority status of a rehabilitation site where conditions warrant.

(b) The secretary shall establish criteria by rule for the purpose of determining, on a case-by-case basis, *the rehabilitation program tasks that comprise a site rehabilitation program for which reimbursement may be made in accordance with subsection (12) and* the level at which *a rehabilitation program task and* a site rehabilitation program may be deemed completed, whether such *site* rehabilitation program *tasks are to be* ~~is~~ performed by the department or by a person through his own personnel or through responsible response action contractors or subcontractors. *Any person who undertakes a site rehabilitation program for a site which is eligible and qualified for reimbursement pursuant to subsection (12) may conduct one or more site rehabilitation program tasks; however, except as provided in subsection (12), any program task initiated must be completed to be eligible for reimbursement for such task.* ~~Such~~ Criteria *for determining completion of site rehabilitation program tasks and site rehabilitation programs* shall be based upon the factors set forth in paragraph (a) and the following additional factors:

1. Individual site characteristics, including natural rehabilitation processes.

2. Applicable state water quality standards.

3. Whether deviation from state water quality standards or from established criteria is appropriate, based upon the degree to which the desired cleanup level is achievable and can be reasonably and cost-effectively implemented within available technologies or control strategies, except that, where a state water quality standard is applicable, such deviation may not result in the application of standards more stringent than said standard.

However, nothing in this paragraph shall be construed to restrict the department from temporarily postponing completion of any site rehabilitation program for which funds are being expended whenever such postponement is deemed necessary in order to make funds available for rehabilitation of a contamination site with a higher priority status.

(9) EARLY DETECTION INCENTIVE PROGRAM.—To encourage early detection, reporting, and cleanup of contamination from leaking petroleum storage systems, the department shall, within the guidelines established in this subsection, conduct an incentive program which shall provide for *an 27-month* ~~a 15-month~~ grace period ~~beginning on July 1, 1986, and~~ ending on October 1, *1988* ~~1987~~. Pursuant thereto:

(a) The department shall establish reasonable requirements for the written reporting of petroleum contamination incidents and shall distribute forms to registrants under s. 376.303(1)(b) and to other interested parties upon request to be used for such purpose. Until such forms are available for distribution, the department shall take reports of such incidents, however made, but shall notify any person making such a report that a complete written report of the incident will be required by the department at a later time, the form for which will be provided by the department.

(b) When reporting forms become available for distribution, all sites involving incidents of contamination from petroleum storage systems initially reported to the department at any time from midnight on June 30, 1986, to midnight on *October 1, 1988* ~~September 30, 1987~~, shall be qualified sites, provided that such a complete written report is filed with respect thereto within a reasonable time. Subject to the delays which may occur as a result of the prioritization of sites under paragraph (5)(a) for any qualified site, costs for activities described in paragraphs (4)(a)-(e) shall be absorbed at the expense of the fund, without recourse to reimbursement or recovery, with the following exceptions:

1. The provisions of this subsection shall not apply to any site where the department has been denied site access to implement the provisions of this section.

2. The provisions of this subsection shall not be construed to authorize or require reimbursement from the fund for costs expended prior to the beginning of the grace period, except as provided in subsection (12).

3. Upon discovery by the department that the owner or operator of a petroleum storage system has been grossly negligent in the maintenance of such petroleum storage system; has, with willful intent to conceal the existence of a serious discharge, falsified inventory or reconciliation records maintained with respect to the site at which such system is located; or has intentionally damaged such petroleum storage system, the site at which such system is located shall be ineligible for participation in the incentive program and the owner shall be liable for all costs due to discharges from petroleum storage systems at that site, any other provisions of chapter 86-159, Laws of Florida, to the contrary notwithstanding. For the purposes of this paragraph, willful failure to maintain inventory and reconciliation records, willful failure to make monthly monitoring system checks where such systems are in place, and failure to meet monitoring and retrofitting requirements within the schedules established under chapter 17-61, Florida Administrative Code, or violation of similar rules adopted by the Department of Natural Resources under this chapter, shall be construed to be gross negligence in the maintenance of a petroleum storage system.

If, in order to avoid prolonged delay, the department in its discretion deems it necessary to expend sums from the fund to cover ineligible sites or costs as set forth in this paragraph, the department may do so and seek recovery and reimbursement therefor in the same manner and in accordance with the same procedures as are established for recovery and reimbursement of sums otherwise owed to or expended from the fund.

(c) No report of a discharge made to the department by any person in accordance with this subsection, or any rules promulgated pursuant hereto, shall be used directly as evidence of liability for such discharge in any civil or criminal trial arising out of the discharge.

(d) The provisions of this subsection shall not apply to petroleum storage systems owned or operated by the Federal Government.

(12) REIMBURSEMENT FOR CLEANUP EXPENSES.—

(a) Legislative findings.—The Legislature finds and declares that, in order to provide for rehabilitation of as many contamination sites as possible, as soon as possible, voluntary rehabilitation of contamination sites should be encouraged, provided that such rehabilitation is conducted in a manner and to a level of completion which will protect the public health, safety, and welfare and will minimize damage to the environment.

(b) Entitlement; conditions.—To accomplish this purpose, for sites initially reported on or prior to *midnight on October 1, 1988* ~~September 30, 1987~~, any person conducting site rehabilitation under this subsection, either through his own personnel or through responsible response action contractors or subcontractors, shall be entitled to reimbursement from the fund at reasonable rates for allowable costs incurred on or after January 1, 1985, in connection with such site rehabilitation, subject to the following conditions:

1. Nothing in this subsection shall be construed to authorize reimbursement of any person or for any site excluded from participation in the Early Detection Incentive Program under subparagraph 1. or subparagraph 3. of paragraph (9)(b) or paragraph (9)(d).

2. The provisions of this subsection shall not apply to any site initially reported prior to July 1, 1986, where the department has initiated an administrative or civil enforcement action with respect to such site, unless the responsible party has, prior to July 1, 1986, undertaken, and made a reasonable effort to carry out, one or more of the following remedial actions at the site:

a. Product recovery;

b. Groundwater restoration; or

c. Soil removal.

3. Reimbursement under this subsection shall not be considered a state contract and shall not be subject to the provisions of chapter 287.

4. Site rehabilitation shall be completed in accordance with cleanup criteria established by the department pursuant to paragraph (5)(b).

5. Procedural requirements of this subsection shall have been met.

(c) Procedure to initiate and conduct site rehabilitation.—

~~1.~~ Any person initiating site rehabilitation between *January 1, 1985, and October 1, 1988* ~~July 1, 1986, and September 30, 1987~~ who intends to file for reimbursement shall submit written notice of such intent to the department *prior to midnight on October 1, 1988* ~~within 30 days of initiating site rehabilitation~~, together with documentation of site conditions prior to initiation of cleanup.

~~2. Any person who initiated site rehabilitation on or prior to June 30, 1986, who intends to file for reimbursement shall submit written notice of such intent to the department within 30 days of July 1, 1986, together with documentation of site conditions prior to initiation of cleanup.~~

Within 60 days after receipt of such notice and sufficient documentation of site conditions prior to initiation of cleanup, the department shall determine whether the person is ineligible to apply for reimbursement under subparagraph (b)1. or subparagraph (b)2. and shall notify the applicant as to his eligibility in writing.

(d) Records.—The person responsible for conducting site rehabilitation, or his agent, shall keep and preserve suitable records of hydrological and other site investigations and assessments; site rehabilitation plans; contracts and contract negotiations; and accounts, invoices, sales tickets, or other payment records from purchases, sales, leases, or other transactions involving costs actually incurred related to site rehabilitation. Such records shall be made available upon request to agents and employees of the department during regular business hours and at other times upon written request of the department. In addition, the department may from time to time request submission of such site-specific information as it may require. All records of costs actually incurred for cleanup shall be certified by affidavit to the department as being true and correct.

(e) Application for reimbursement.—*Any eligible person who performs a site rehabilitation program or performs site rehabilitation program tasks such as preparation of site rehabilitation plans or assessments; product recovery; cleanup of groundwater or inland surface water; soil treatment or removal; or any other tasks identified by department rule developed pursuant to paragraph (5)(b), may apply for reimbursement. Such applications for reimbursement must be submitted to the department on forms provided by the department, together with evidence documenting that site rehabilitation program tasks were conducted or completed in accordance with department rule developed pursuant to paragraph (5)(b), and other such records or information as the department requires. Applications for reimbursement may not be approved for site rehabilitation program tasks which have not been completed, except for the task of groundwater cleanup.* ~~Upon determining that cleanup is complete, the person responsible for conducting site rehabilitation shall submit to the department, on forms provided thereby, an application for reimbursement, together with evidence documenting that site rehabilitation was completed in accordance with cleanup criteria established by the department pursuant to paragraph (5)(b) and such records and other relevant information as the department may require.~~

(f) Review.—

1. The department shall have 60 days to determine if the applicant has provided sufficient information for processing the application and shall request submission of any additional information that the department may require within such 60-day period.

2. The department shall deny or approve the application for reimbursement within 90 days after receipt of the last item of timely requested additional material, or, if no additional material is requested, within 90 days of the close of the 60-day period described in subparagraph 1., unless the total review period is otherwise extended by written mutual agreement of the applicant and the department.

3. Final disposition of an application shall be provided to the applicant in writing, accompanied by a written explanation setting forth in detail the reason or reasons for the approval or denial. If the department fails to make a determination on an application within the time provided in subparagraph 2., or denies an application, or if a dispute otherwise arises with regard to reimbursement, the applicant may request a hearing pursuant to s. 120.57.

(g) Schedule for reimbursement.—

~~1. Except as otherwise provided in subparagraph 2.,~~ Upon approval of an application for reimbursement, reimbursement for reasonable expenditures *of a site rehabilitation program or site rehabilitation program tasks* documented therein shall be due and payable within 90 days following the date on which the site in question would have become eligible for funding under the department's priority system established pursuant to paragraph (5)(a) had no cleanup taken place, based upon sufficient documentation of site conditions prior to initiation of site rehabilitation. *Reimbursement payment for a site rehabilitation program or program tasks shall be made for activities completed in accordance with department rule developed pursuant to paragraph (5)(b), except that a person who undertakes the program task of groundwater cleanup and is working toward meeting the applicable cleanup criteria for completion shall be allowed to receive, upon request, interim reimbursement annually while the cleanup is taking place, provided the site has become eligible for funding under the department's priority system established pursuant to paragraph (5)(a). Reimbursement shall not* ~~However, no reimbursement shall~~ be paid under this subsection until the department's funding obligations for higher priority sites have been met for the year in which reimbursement is due and payable.

~~2. With respect to those sites initially reported on or prior to June 30, 1986, such sites shall be grouped and prioritized separately, and no reimbursement shall be paid under this subsection until the department's funding obligations for sites reported during the incentive period have been met.~~

(h) Liberal construction.—With respect to site rehabilitation initiated prior to July 1, 1986, the provisions of this subsection shall be given such liberal construction by the department as will accomplish the purposes set forth in this subsection. With regard to the keeping of particular records or the giving of certain notice, the department may accept as compliance action by a person which meets the intent of the requirements set forth in this subsection.

Section 4. Subsections (1) and (3) of Section 376.3073, Florida Statutes, 1986 Supplement, are amended to read:

376.3073 Local programs for control of contamination.—

(1) The department shall, to the greatest extent possible, contract with local governments to provide for the administration of its depart-

mental responsibilities under s. 376.3071(4)(a)-(e) *and (h)* through locally administered programs. However, no such contract shall be entered into *unless the local government is deemed capable of carrying out such responsibilities to the department's satisfaction.*

(3) Upon approval of its application, an eligible local government shall be entitled, through written contract with the department, to receive sufficient funds to administer the local program. This contract shall provide that reasonable costs, as determined by the department and the local government, of administration, investigation, rehabilitation, ~~and~~ other related activities, including the restoration or replacement of potable water supplies of affected persons, *and implementation of a compliance verification program,* shall be paid to the eligible local government from the Inland Protection Trust Fund created under s. 376.3071 and shall stipulate the method of payment.

Section 5. Subsection (3) of s. 376.317, Florida Statutes, 1986 Supplement, is amended to read:

376.317 Superseded laws; state preemption.—

(3) A county government is authorized to adopt countywide ordinances that regulate underground storage tanks, as described herein, which ordinances are more stringent or extensive than any state law or rule regulating such tanks, provided:

(a) The original ordinance was legally adopted and in force before September 1, 1984; or

(b) The ordinance establishing the local program was approved by the department.

The department is authorized to adopt rules that permit any county government to establish, in accordance with s. 403.182, a program regulating underground storage tanks, which program is more stringent or extensive than that established by any state law or rule regulating underground storage tanks. *The department shall approve or deny a request by a county for approval of an ordinance establishing such a program according to the procedures and time limits of s. 120.60.* When adopting the rules, the department shall consider local conditions that warrant such more stringent or extensive regulation of underground storage tanks, including, but not limited to, the proximity of the county to a sole or single-source aquifer, the potential threat to the public water supply because of the proximity of underground storage tanks to public wells or ground water, or the detection of petroleum products in public or private water supplies.

Section 6. Subsection (14) of section 489.105, Florida Statutes, 1986 Supplement, is amended and subsection (17) is added to said section to read:

489.105 Definitions.—As used in this act:

(14) "Pollutant storage systems specialty contractor" means a contractor who installs *or removes* a pollutant storage tank.

(17) "Registered precision tank tester" means any precision tank tester who has registered with the department pursuant to s. 489.113(12). This registration shall be exempt from the provisions of prior municipality, county, or development district registration, as required under s. 489.117 and shall be registered on a statewide basis.

Section 7. Subsection (7) and paragraphs (a) and (e) of subsection (9) of section 489.113, Florida Statutes, 1986 Supplement, are amended and subsection (12) is added to said section to read:

489.113 Qualifications for practice; restrictions.—

(7) The board shall, by July 1, 1987, adopt rules providing standards for certification of pollutant storage systems specialty contractors *and by July 1, 1988, amend such rules to include persons who remove such systems.* The Department of Environmental Regulation shall review and comment on such rules prior to adoption. The rules shall include, but not be limited to:

(a) Standards for operating as a pollutant storage systems specialty contractor.

(b) Requirements for certification as a pollutant storage systems specialty contractor.

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the board.

(d) Requirements for certification without examination of pollutant storage systems specialty contractors for any certified mechanical contractor, any certified plumbing contractor, and any registered mechanical or plumbing contractor who has passed a local examination judged by the board to be at least as stringent as the equivalent state mechanical or plumbing contractor's examination, provided that such contractor has been certified prior to July 1, 1986, or has been registered and passed such local examination prior to July 1, 1986.

The board may use standards and examinations of national organizations if such standards and examinations are adequate to ensure competent installation *and removal* of pollutant storage tanks. All such standards and examinations shall be designed to ensure that leaks and other discharges are eliminated to the greatest extent possible.

(9)(a) ~~Effective October 1, 1986,~~ Notwithstanding any provision of this chapter to the contrary, no person shall engage in contracting as a pollutant storage systems specialty contractor unless such person is certified as a pollutant storage systems specialty contractor pursuant to this part, nor shall any official authorized to issue building or other related permits issue a permit or permits for the installation *or removal* of a pollutant storage tank unless such official ascertains that the applicant for such permit or permits is certified as a pollutant storage systems specialty contractor.

(e) The Department of Environmental Regulation shall establish a pilot program providing for inspections of pollutant storage tanks in a county of less than 300,000 population. The Department of Environmental Regulation shall adopt rules providing for such inspection program, which rules shall provide for an inspection prior to placing a pollutant storage tank in the excavation, an inspection after assembly but before connection to the tank, and an inspection prior to placing the pollutant storage tank in service. All such inspections shall be conducted pursuant to the standards adopted under s. 376.303. Inspection fees shall be set by rule and shall not exceed $200 per pollutant storage tank, which fees shall fund the inspection program. The Department of Environmental Regulation may contract, pursuant to paragraph (c), with the county government to perform such inspections, in which case the county government shall receive the inspection fees to fund the program. *The county government shall make application to the Department of Environmental Regulation for the administration of the program. If more than one county government applies, the Department of Environmental Regulation shall determine which county is most capable of administering the program and may contract with that county. If no county of less than 300,000 in population applies to administer the program by September 1, 1987, all counties in the state shall be eligible to administer the program, regardless of population.* The county government shall not require any additional inspections, except for electrical inspections, of a pollutant storage tank installed during the term of the pilot inspection program. Such program shall be established *within 30 days after execution of a contract with a county or, if no county applies by December 1, 1987, within 30 days after the date on which the Department of Environmental Regulation designates the county in which it will administer the program, but in any event, no later than July 1, 1988. The program* ~~by July 1, 1987, and~~ shall be continued for a period of 18 months. Within 3 months after the conclusion of this program, the Department of Environmental Regulation shall report to the Legislature on the results of the program.

(12) The board shall, by January 1, 1988, adopt rules providing standards for registration of precision tank testers who precision test a pollutant storage tank. The Department of Environmental Regulation shall review and comment on such rules prior to adoption.

Section 8. Subsection 326.3055, Florida Statutes, is hereby created to read:

526.3055 It is unlawful for any person engaged in commerce in this state to sell any motor fuel and pump or otherwise deposit such motor fuel into a tank required to be registered under s. 376.303 unless proof of valid registration is displayed on such tank itself, or the dispensing or measuring device connected thereto, or, where appropriate, in the office or kiosk of the facility where the tanks are located.

Section 9. *Construction contracts; department rules.—*

(1) The Department of Environmental Regulation shall establish, through the promulgation of administrative rules as provided in chapter 120, Florida Statutes:

(a) Procedures for determining the qualifications of responsible potential bidders prior to advertisement for and receipt of bids for pollution response action construction contracts, including procedures for the rejection of unqualified bidders. Response actions are those construction activities contained within s. 376.301(14), Florida Statutes, and those construction actions carried out pursuant to s. 403.165, Florida Statutes.

(b) Procedures for awarding such construction contracts to the lowest qualified bidder as well as procedures to be followed in cases in which the department declares a valid emergency to exist which would necessitate the waiver of the rules governing the awarding of such construction contracts to the lowest qualified bidder.

(c) Procedures governing payment of construction contracts.

(d) Procedures to govern negotiations for contracts, modifications to contract documents, and terms and conditions of construction contracts.

(2) In promulgating rules under this section, the department shall follow the criteria applicable to the Department of General Services construction contracting to the maximum extent possible, consistent with the goals and purposes of ss. 376.307, 376.3071, and 403.165, Florida Statutes.

(3) Any price proposal submitted under this section shall be exempt from the provisions of s. 119.07(1), Florida Statutes, until a selection is made and a contract signed or until the proposals are no longer under active consideration.

Section 10. Section 403.805, Florida Statutes, is amended to read:

403.805 Secretary; powers and duties.—The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the power to adopt rules under chapter 253, chapter 373, and this chapter, except that the Environmental Regulation Commission shall exercise the exclusive standard-setting authority of the department pursuant to s. 403.804. The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts. *The secretary is specifically authorized to reassign the duties authorized by ss. 403.806, 403.807, 403.808, and 403.8081 among the Divisions of Administrative Services, Environmental Operations, Environmental Programs, and Environmental Permitting.*

Section 11. Subsection (16) of section 403.7225, Florida Statutes, is amended to read:

403.7225 Local hazardous waste management assessments.—

(16) Local, regional, and state assessments shall be brought up to date by sending letters to each small quantity generator at 5-year intervals, based on the schedule for the initial local assessments. More frequent complete mail surveys shall not be required by the state. However, at their option, local and regional governing authorities may update such assessments at more frequent intervals. *Alternatively, the assessment rolls shall be brought up to date before the end of the 5-year interval by including the applicable names from occupational licenses, building permits, and from not less than one complete survey of the business pages of the county local telephone systems. The roll shall be updated continuously thereafter in the same manner.*

Section 12. Section 403.7234, Florida Statutes, 1986 Supplement, is amended to read:

403.7234 Small quantity generator notification program.—

(1) Each county specified in s. 403.7225(10)(a), (b), and (c) shall send by mail a letter to each small quantity generator, as defined pursuant to federal regulations in 40 C.F.R. s. 261.5, on the January 1 preceding the date specified in such paragraphs for completion of its hazardous waste assessment; and the United States Postal Service certificate of mailing shall be retained as proof of mailing. In addition, within 14 days after a county completes its hazardous waste assessment, the county shall send such letter to each small quantity generator not notified on the preceding January 1. Thereafter, each county shall annually send such letter on July 1. The letter shall:

(a) Detail the legal responsibilities of the small quantity generator with regard to proper waste management practices, including penalties for noncompliance.

(b) Include a list of hazardous waste management alternatives which are available to the small quantity generator.

(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 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).

(3) Any small quantity generator who does not comply with the requirements of subsection (2) and who has received two subsequent certified letters from the county is subject to a fine of between $25 and $100 per day for a maximum of 100 days. *The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the verification procedure established in subsection (2). If there are excess funds after the verification procedure has been completed, such funds shall be used for hazardous and solid waste management purposes only.*

Section 13. Subsection (2) of section 403.7265, Florida Statutes, 1986 Supplement, is amended to read:

403.7265 Local hazardous waste collection program.—

(2) The department, in cooperation with the regional planning councils and the counties, shall formulate *and update* a plan for collecting small quantities of hazardous waste from homeowners, farmers, and businesses in the state. The plan ~~shall be completed by March 1, 1986, and~~ shall include:

(a) An assessment of private industry interest or involvement in hazardous waste collection in the state and recommendations to the Legislature for private industry collection incentives;

(b) A survey of businesses available to serve this function or alternative recycling or disposal functions with recommendations of approved firms to be used by local governments for the collection program;

(c) A method for encouraging private industry hazardous waste collection pilot projects in local and regional communities; and

(d) A strategy *and schedule for the establishment of* ~~for setting up~~ a local hazardous waste collection center network statewide whereby each center could be serviced by private industry at least once every 90 days on a regular basis. The network shall also provide for numerous regularly scheduled satellite pick-up points which are convenient for use by the public.

(e) An assessment of the suitability of those areas designated by the regional planning councils as regional storage facility sites and a recommendation of a site for a multipurpose hazardous waste facility. The assessments and recommendation required by this paragraph shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than May 1, 1988.

Section 14. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later, except that the amendments to ss. 489.105(14), 489.113(7)(d), and 489.113(9)(a) shall take effect October 1, 1988.

Amendment 4—On page 26, line 1, insert:

Section 15. Section 62 of chapter 86-186, Laws of Florida, is amended to read:

Section 62. (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 *and shall be subject to the established policies and procedures of the Administrative Services Division of 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. *However, the employment of staff and consultants, the budget of the commission, and any transfer of funds by budget amendment must be approved in advance by the President of the Senate and the Speaker of the House of Representatives.*

(6) Appointments shall be made as soon as possible after the effective date of this act and the commission shall continue to exist *and appointed members shall continue to serve* until *June 1, 1988* ~~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 *January 31, 1988* ~~February 1, 1987~~, a *final* report that clearly identifies *duplication and inefficiencies* ~~duplication~~ in the administration of state *and local* environmental and public health laws and rules, and which makes specific recommendations that would eliminate the *duplication and inefficiencies* ~~duplication~~ and promote the efficient enforcement and administration of environmental and public health laws.

(c) In addition to specific recommendations, the report shall include:

1. Proposed legislation to implement the recommendations; and

2. Recommended staff transfers and deletions, shown on organizational charts, to implement the legislation.

(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.

(c) By September 1, 1987, submit a final written report to the Environmental Efficiency Commission which identifies duplication and inefficiencies in administering environmental regulations and in implementing state environmental policy. The report shall also address changes in environmental laws made by the 1987 Legislature. The final report shall also address the sufficiency of enforcement programs and point out weaknesses and needs, as well as inefficiencies in enforcement practices. The final 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.

~~(9) This section shall take effect upon this act becoming a law.~~

Section 16. Section 16 of chapter 86-138, Laws of Florida, and section 36 of chapter 86-191, Laws of Florida, are hereby repealed.

Section 17. *There is hereby appropriated the sum of $60,000* ~~$125,000~~ from the General Revenue Fund to the Joint Legislative Management Committee for administration of the costs of the Environmental Efficiency Study Commission for fiscal year 1987-1988.

Amendment 5—On page 1, in the title, lines 2-29, strike all of said lines and insert: An act relating to pollution; amending s. 206.9935, F.S.; providing an extension of the excise tax on certain pollutants until a date certain; providing for future legislative review of such tax; amending ss. 376.303, 376.3071, F.S.; extending the period of time during which certain owners or operators of petroleum storage systems may receive certain trust fund moneys and avoid certain liabilities; requiring additional tanks to be registered; authorizing the Department of Environmental Regulation to include investigations or inspections to locate improperly abandoned tanks in the compliance verification program; authorizing use of the Inland Protection Trust Fund for establishment of the compliance verification program; requiring the secretary of the Department of Environmental Regulation to establish certain site cleanup criteria; providing for receiving reimbursement for site cleanup; requiring notice of certain site cleanup activities; amending s. 376.3073, F.S.; authorizing the Department of Environmental Regulation to contract with local governments for implementation of compliance verification programs; amending s. 376.317, F.S.; providing for the applicability of s. 120.60, F.S.; amending ss. 489.105, 489.113, F.S.; providing that certain requirements relating to pollutant storage systems be applied to the removal of such systems; providing procedures for application for county administration of pilot inspection program; authorizing the Department of Professional Regulation to register precision tank testers; providing that persons registered with the department are exempt from local registration requirements; providing for certain rule review and comment by the Department of Environmental Regulation; creating s. 326.3055, F.S.; providing that it is unlawful to sell any motor fuel and deposit it into a tank required to be registered unless proof of registration is displayed; requiring the department to promulgate rules establishing procedures for contracting with pollution response action contractors; directing the department to follow the construction contracting criteria applicable to the Department of General Services; providing that price proposals submitted are exempt from s. 119.07(1), F.S., relating to public records, for a limited period; authorizing the secretary of the Department of Environmental Regulation to reassign duties among divisions; amending s. 403.7225, F.S.; revising procedures for updating hazardous waste management assessments; amending s. 403.7234, F.S.; providing requirements with respect to the procedure utilized by counties to verify small quantity generators' management practices; providing for collection and disposition of certain fines imposed on small quantity generators; amending s. 403.7265, F.S.; providing requirements with respect to a plan for collecting small quantities of hazardous waste and a local hazardous waste collection center network; requiring the Department of Environmental Regulation to assess regional storage facility sites and recommend a site for a multipurpose hazardous waste facility; providing an effective date.

Amendment 6—On page 3, in the title, line 4, after facility, insert: amending section 62 of chapter 86-186, Laws of Florida; specifying duties of the Environmental Efficiency Study Commission; extending the time for activities of the Environmental Efficiency Study Commission; providing for a final report; specifying content of the report; repealing s. 16, ch. 86-138, Laws of Florida, and s. 36, ch. 86-191, Laws of Florida, relating to the Environmental Efficiency Study Commission; providing an appropriation;

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

CS for CS for SB 410 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	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	
Frank	Johnson	Plummer	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended and passed CS for HB 780, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 780—A bill to be entitled An act relating to solicitation of funds; amending s. 496.02, F.S., revising definitions under the Solicitation of Charitable Contributions Act; amending s. 496.03, F.S., revising requirements relating to registration of charitable organizations; amending s. 496.04, F.S., relating to exemptions from provisions of said act; amending s. 496.045, F.S., revising requirements relating to registration of professional solicitors and their employees; authorizing acceptance of a surety other than bond; providing for the registration of fundraising consultants; amending s. 496.046, F.S., revising registration and renewal fees for charitable organizations and professional solicitor employees; providing additional administrative fees; amending s. 496.051, F.S., revising requirements relating to disclosure statements by charitable organizations; creating s. 496.052, F.S., requiring certain identification of charitable organizations, solicitors, and employees; amending s. 496.06, F.S., providing limitations on activities of charitable organizations and professional solicitors; creating s. 496.071, F.S., providing requirements for charitable sales promotions by a commercial coventurer; amending s. 496.09, F.S., relating to records of charitable organizations and professional solicitors; amending s. 496.11, F.S., revising prohibitions and requirements relating to the solicitation of charitable contributions; requiring written contracts with respect to solicitation or fundraising; requiring the filing of the contract with the department; providing penalties; amending s. 496.13, F.S., expanding enforcement authority of the Department of State; modifying the time period for certain notification to a complainant; including reference to fundraising consultants; amending s. 496.1315, F.S., relating to unlawfully solicited contributions; amending s. 496.21, F.S., revising definitions under the Law Enforcement and Emergency Service Solicitation of Contributions Act; amending s. 496.23, F.S., revising requirements relating to registration of sponsors; amending s. 496.236, F.S., relating to exemptions from provisions of said act; amending s. 496.24, F.S., revising requirements relating to professional solicitors and their employees; authorizing acceptance of a surety other than bond; amending s. 496.251, F.S., revising registration and renewal fees for sponsors, professional solicitors, and professional solicitor employees; providing additional administrative fees; amending s. 496.265, F.S., revising requirements relating to disclosure statements by sponsors; creating s. 496.266, F.S., requiring certain identification of sponsors, solicitors, and employees; creating s. 496.267, F.S., providing limitations on activities of sponsor and professional solicitors; amending s. 496.29, F.S., providing for confidentiality of records of sponsors and professional solicitors; creating s. 496.295, F.S., providing requirements for sponsor sales promotions by a commercial coventurer; amending s. 496.31, F.S., revising prohibitions and requirements relating to solicitations; providing penalties; amending s. 496.33, F.S., expanding enforcement authority of the Department of State; modifying the time period for certain notification to a complainant; amending s. 496.335, F.S., relating to unlawfully solicited contributions; providing for review and repeal; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 1, lines 2-5, strike the entire Senate Amendment

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

CS for HB 780 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	Ros-Lehtinen
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hill	Meek	Woodson
Crenshaw	Hollingsworth	Myers	
Deratany	Jenne	Peterson	
Dudley	Jennings	Plummer	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has reconsidered and withdrawn House Amendments 1 and 2 to House Amendment 1 and House Amendment 1 to House Amendment 2, has amended Senate Amendments to House Amendments 1 and 2, concurred in same as amended and passed SB 209, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 209—A bill to be entitled An act relating to election petition, including petitions for constitutional initiatives; creating s. 15.21, F.S.; requiring the Secretary of State to submit to the Attorney General revisions or amendments to the State Constitution proposed by initiative petition; creating s. 16.061, F.S.; requiring the Attorney General to request an advisory opinion of the justices of the Supreme Court; amending s. 99.097, F.S.; providing that persons or sponsors of a petition to have an issue placed on the ballot are exempt from paying the verification fee upon a showing that it will impose an undue burden; amending s. 100.371, F.S.; providing a deadline for submission of signatures to supervisors of elections; providing for the verification of signatures on initiative petitions; permitting compensation of persons soliciting signatures for initiative petitions; creating s. 100.372, F.S.; providing procedures for Supreme Court review of initiative petitions; amending s. 101.161, F.S.; requiring the Secretary of State to revise the ballot title and substance of a proposed revision or amendment to the State Constitution by initiative where necessary; providing for publication of a proposed revision or amendment to the State Constitution; providing an effective date.

House Amendment 1 to Senate Amendment 1 to House Amendment 1—On page 2, line 16, through page 3, line 8, strike all of said lines and renumber subsequent sections of the bill.

House Amendment 2 to Senate Amendment 1 to House Amendment 1—On page 1, lines 21-31, strike all of said lines and insert: pursuant to ss. 100.371 and 100.161; and

(c) Obtained a letter from the Division of Elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art. XI of the State Constitution.

House Amendment 3 to Senate Amendment 1 to House Amendment 1—On page 3, between lines 8 and 9, insert:

Section 3. Section 98.211, Florida Statutes, is amended to read:

98.211 County registers open to inspection; copies.—

(1) The registration books are public records. Every citizen is allowed to examine the registration books while they are in the custody of the supervisor~~, but is not allowed to make copies or extracts therefrom~~. *Notwithstanding the provisions of s. 119.14, no person is allowed to make copies or extracts from the voter registration books unless such request for voter information relates to a specific election which occurred more than 15 days preceding the request; and in that event, the supervisor shall provide copies or allow the requesting party to make copies or extracts directly from the voter registration records. Requests may include any or all information required by s. 98.111(1).* ~~The supervisor shall furnish at cost lists of the registered electors of the county that include all information required by s. 98.111(1) and, if requested, the supervisor shall provide a list that contains only those electors who have~~

~~voted in an election or elections which occurred in excess of 60 days prior to the request; if said list is furnished, however, it shall also be made available to all persons and entities authorized in this subsection. Lists of electors~~

However, voter information reproduced pursuant to this section shall be furnished only to:

(a) The courts for the purpose of jury selection;

(b) Municipalities;

(c) Other governmental agencies;

(d) Candidates, to further their candidacy;

(e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(f) Incumbent officeholders, to report to their constituents.

Any data obtained pursuant to this section ~~Such lists~~ shall be used solely for *elections, governmental or political activities, voter registration, law enforcement, jury selection, or* political purposes ~~and not for commercial purposes~~. No person to whom *voter information* ~~a list of registered voters~~ is made available pursuant to this section, and no person who acquires such *data* ~~a list~~, shall use any information contained therein for purposes which are not related to elections, political activities, voter registration, law enforcement, or jury selection. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(2) Any person who acquires *voter information* ~~a precinct list~~ from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.211, Florida Statutes, to acquire *voter information* ~~a list of the registered voters of . . . . County, Florida; that the lists acquired~~ *pursuant to s. 98.211, F.S. Such information* will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such list by persons not authorized by the Election Code of the State of Florida to use such list.

. . . (Signature of person acquiring *information* ~~list~~) . . .

Sworn to and subscribed before me this . . . . day of . . . . , 19. . . . .

. . . (Signature and title of person administering oath) . . .

Section 4. Subsection (3) of section 101.62, Florida Statutes, 1986 Supplement, is amended to read:

101.62 Request for absentee ballots.—

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor, and such other information he may deem necessary*; however, such information shall be exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for a canvassing board, an election official, a political party or a candidate who has filed his qualification papers and is opposed in an upcoming election. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 5. Subsections (10)-(23) of section 97.021, Florida Statutes, are renumbered as subsections (11)-(24), respectively, and a new subsection (10) is added to said section to read:

97.021 Definitions.—The following words and phrases when used in this code shall be construed as follows:

(10) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data-processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, pollworkers, and election night canvass.

Section 6. Subsection (4) is added to section 100.011, Florida Statutes, to read:

100.011 Opening and closing of polls, all elections; expenses.—

(4)(a) The provisions of any special law to the contrary notwithstanding, the expenses of holding a special district or community development district election, or the district's proportionate share of regular election costs, as the case may be, shall be paid out of the district's treasury and in the same manner as in general elections. This subsection applies to any district, whether created by or pursuant to special or general law, which is a special district as defined in s. 200.001(8)(c) or a community development district as defined in s. 190.003(6).

(b) The provisions of any special law to the contrary notwithstanding, the supervisor of elections may impose an interest penalty on any amount due and owing to him from a special district or community development district if payment is not made within 30 days from receipt of the bill or within 10 working days of the required time authorized by interlocal agreement. The rate of such interest shall be the rate established pursuant to s. 55.03.

Section 7. Section 100.201, Florida Statutes, is amended to read:

100.201 Referendum required before issuing bonds.—Whenever any county, district, or municipality is by law given power to issue bonds which are required to be approved by referendum, such bonds shall be issued only after the same have been approved by the majority of votes cast by those persons eligible to vote in such referendum. *The election costs of such referendum shall be paid in whole or in part, as the case may be, out of the county, district, or municipal treasury.*

Section 8. Section 100.261, Florida Statutes, is amended to read:

100.261 Holding bond referenda with other elections.—Whenever any bond referendum is called, it shall be lawful for any county, district, or municipality to hold such bond referendum on the day of any state, county, or municipal primary or general election, or on the day of any election of such county, district, or municipality for any purpose other than the purpose of voting on such bonds. *If such bond referendum is held concurrently with a regularly scheduled election, the county, district, or municipality shall pay only its pro rata share of election costs directly related to the bond referendum.* However, nothing in this section shall prohibit the holding of a special or separate bond referendum.

Section 9. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. *Any election costs, as defined in s. 97.021(10), associated with any ballot question or election called specifically at the request of a district or for the creation of a district, shall be paid by the district either in whole or in part, as the case may warrant.*

Section 10. Subsection (11) of section 190.003, Florida Statutes, is amended to read:

190.003 Definitions.—As used in this chapter, the term:

(11) "Elector" means a voter or qualified elector, as defined in s. 97.021*(11)*~~(10)~~, who is a landowner or who resides within the district.

Section 11. Subsections (6) and (7) of section 106.141, Florida Statutes, 1986 Supplement, are amended to read:

106.141 Disposition of surplus funds by candidates.—

(6)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, *dispose of such funds by any of the following means, or any combination thereof* ~~either~~:

1. Return pro rata to each contributor the funds which have not been spent, or have not been obligated to be spent, with respect to a campaign which has been conducted.~~;~~

2. Donate the funds which have not been spent or have not been obligated to be spent to a charity organization or organizations which meet the qualifications of s. 501(c)(3) of the Internal Revenue Code, with respect to a campaign which has been conducted.~~;~~

3. Give the funds which have not been spent or have not been obligated to be spent to the political party of which such candidate is a registered member.~~; or~~

4. Give the funds which have not been spent, or have not been obligated to be spent, with respect to a campaign which has been conducted:

a. In the case of a candidate for state office, to the state, to be deposited in the General Revenue Fund; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

(7) A candidate elected to office or a candidate who will be elected to office by virtue of his being unopposed may, *in addition to the disposition methods provided in subsection (6),* ~~dispose of all of the funds in such account in the manner provided in this section or may~~ transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) $10,000, for a candidate for statewide office.

(b) $5,000, for a candidate for multicounty office.

(c) $2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) *$1,000 multiplied by the number of years in the term of office for which elected* ~~$2,000~~, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) $6,000, for a candidate for retention as a justice of the Supreme Court.

(f) $3,000, for a candidate for retention as a judge of a district court of appeal.

(g) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with his public office. Such expenses may include travel expenses incurred by the officer or a member of his staff or expenses incurred in the operation of his office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. Any candidate elected to office who transfers funds pursuant to this subsection and who has funds remaining in such office account after a subsequent election at which such candidate is reelected to office or elected to another office shall, pursuant to subsection (6), dispose of all funds on deposit in the campaign account established to finance the subsequent campaign which funds have not been spent or obligated to be spent with respect to such subsequent campaign, except that such candidate may transfer from the campaign account established to finance his campaign in the subsequent election to the account in which the previously transferred funds are deposited in an amount equal to the difference between the amount allowed to be transferred and the amount of unspent funds that are remaining in the office account to be used for legitimate office expenses. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof. Upon request of any person who has funds in an office account pursuant to this subsection, the Secretary of State shall provide for the assignment of a separate tax identification number by which the income attributable to such account may be considered separately from the person's income as an individual.

Section 12. Subsections (17) through (23) of section 97.021, Florida Statutes, are renumbered as subsections (19) through (25), respectively, and new subsections (17) and (18) are added to said section to read:

97.021 Definitions.—The following words and phrases when used in this code shall be construed as follows:

(17) "Polling place" is the building which contains the polling room where ballots are cast.

(18) "Polling room" means the actual room in which ballots are cast.

Section 13. Section 101.121, Florida Statutes, is amended to read:

101.121 Persons allowed in polling *rooms* ~~places~~.—As many electors may be admitted to vote as there are booths available, and no person who is not in line to vote may come within 50 feet of any polling *room* ~~place~~ from the opening to the closing of the polls, except the officially designated watchers, the inspectors, the clerks of election, and the supervisor of elections or his deputy. However, the sheriff, a deputy sheriff, or a city policeman may enter the polling *room* ~~place~~ with permission from the clerk or a majority of the inspectors. Such restrictions shall not apply to commercial businesses or privately owned homes and property which are within 50 feet of the polling *room* ~~place~~.

Section 14. Subsection (1) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling *room* ~~place~~ at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his functions, but each shall be allowed within the polling room to watch and observe the conduct of electors and officials. The watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. Each watcher shall be a qualified and registered elector of the county in which he serves. During the elections the officials shall call out the names of electors loudly enough to be heard by the watchers.

Section 15. Subsection (3) of section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; solicitation of voters.—

(3)*(a) No* ~~Any~~ person, political committee, committee of continuous existence, or other group or organization *may* ~~that intends to~~ solicit voters within *150* ~~100~~ feet of any polling place, *or polling room where the polling place is a shopping center or mall* on the day of any election. ~~shall notify the supervisor of elections at least 3 days prior to the day of the election of such intent. The notice shall include:~~

~~(a) The name of the person, committee, group, or organization soliciting;~~

~~(b) The issue on which persons will be solicited;~~

~~(c) The polling places where soliciting will occur;~~

~~(d) The time soliciting will occur; and~~

~~(e) The nature of the soliciting activity, including, but not limited to, distribution of pamphlets, flyers, or other material; requesting signatures on a petition form; and requesting voter opinions on candidates and issues.~~

(b) For the purpose of this subsection, the term "solicit" shall include, but not be limited to, soliciting or attempting to solicit any vote, opinion, or contribution for any purpose; distributing or attempting to distribute any political or campaign material; soliciting or attempting to solicit a signature on any petition; and selling or attempting to sell any item, except within an established place of business.

(c) Each supervisor of elections shall determine and inform the clerk of each precinct of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. ~~Upon receiving such notice,~~ The supervisor *or the clerk may* ~~shall~~ take any *reasonable* action

necessary to ensure order at the polling places affected by such soliciting, *including designating a specific limited area for soliciting and having disruptive and unruly persons removed by law enforcement officers from the polling place.*

Section 16. *Section 104.36, Florida Statutes, as amended by chapter 84-302, Laws of Florida, is hereby repealed.*

Section 17. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the *first primary election in each year a presidential election is held* ~~presidential preference primary election~~. *The terms shall commence on the first day of the month following each* ~~the~~ presidential *general* ~~preference primary~~ election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the *57th* ~~63rd~~ day, or later than noon of the *53rd* ~~49th~~ day, preceding the *first* ~~presidential preference~~ primary election. The outgoing chairman of each ~~state and~~ county executive committee shall, within 30 days after the committee members take office, *hold* ~~call~~ an organizational meeting of all newly elected members for the purpose of electing officers. *The chairman of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.*

Section 18. The terms of all state and county executive committee members serving on the effective date of this act shall be extended until their successors take office.

House Amendment 1 to Senate Amendment 1 to House Amendment 2—On page 1, lines 12-23, strike all of said lines and insert: An act relating to elections; creating s. 15.21, F.S.; requiring the Secretary of State to submit to the Attorney General revisions or amendments to the State Constitution proposed by initiative petition; creating s. 16.061, F.S.; requiring the Attorney General to request an advisory opinion of the justices of the Supreme Court; amending s. 98.211, F.S.; revising a limited exemption from public records requirements for the production of voter registration information and saving such exemption from repeal; revising procedures and requirements for copying such information; amending s. 101.62, F.S.; providing a limited exemption from public records requirements for the production of absentee ballot information; providing for future review and repeal; amending s. 97.021, F.S.; defining "election costs"; amending s. 100.011, F.S.; requiring certain districts to pay for their election costs; amending ss. 100.201 and 100.261, F.S.; requiring counties, districts, and municipalities to pay election costs for bond referenda; amending s. 125.01, F.S.; requiring districts to pay certain election costs; amending s. 190.003, F.S., to correct a cross-reference; amending s. 106.141, F.S.; revising requirements regarding disposition of surplus funds by candidates; changing the amount of campaign contributions which may be kept in a surplus account by candidates for county office and candidates elected on less than a countywide basis; amending s. 97.021, F.S.; providing definitions; amending s. 101.121, F.S.; providing for persons allowed in polling rooms; amending s. 101.131, F.S.; allowing each political party and each candidate to have one watcher in each polling room at any one time during an election; amending s. 102.031, F.S.; adding the polling room, where the polling place is a shopping center or mall, to the requirements for solicitation of voters near polling places; authorizing certain officials to maintain order; repealing s. 104.36, F.S., relating to penalties for certain solicitation of voters within 100 yards of a polling place; amending s. 103.091, F.S.; changing the date state and county executive committee members are elected; providing an effective date.

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

SB 209 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	Frank	Johnson	Ros-Lehtinen
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Hill	Meek	Weinstock
Crenshaw	Hollingsworth	Myers	Woodson
Deratany	Jenne	Peterson	
Dudley	Jennings	Plummer	

Nays—None

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for HB 926—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; establishing developmental research schools; providing mission; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School Educational Facility Trust Fund and a Developmental Research School Trust Fund, and providing purposes thereof; providing for developmental research schools to be designated as teacher education centers for inservice training; providing for the use of funds from the Developmental Research School Trust Fund for inservice activities; providing for implementation; providing for audits; creating s. 230.015, F.S.; designating developmental research schools as special school districts; providing accountability to the Department of Education; amending s. 236.0817, F.S., relating to funding for developmental research schools; providing assent to the Morrill Land-Grant Act; creating the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; providing for review and repeal; providing an effective date.

On motion by Senator Peterson, the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

On motion by Senator Peterson, the Senate reconsidered the vote by which Amendment 1A was adopted. By permission, Amendment 1A was withdrawn.

Amendment 1 was adopted.

Senator Peterson moved the following amendment which was adopted:

Amendment 2—In title, on page 1, strike all of lines 2-30 and insert: An act relating to state university laboratory schools; redesignating such schools as developmental research schools; providing for the transfer of responsibility for administering such schools from the state universities to the district school boards of the school districts in which the schools are located; creating trust funds; providing for audits by the Auditor General; providing for the transfer of property; requiring each developmental research school to specialize in designated subject areas; providing criteria for admission; providing for student records, reports, and testing programs; providing funding for such schools from the Florida Education Finance Program and other sources; authorizing a student activity and service fee; providing for school personnel; providing for advisory boards; designating schools as teachers education centers; amending s. 228.041, F.S.; conforming nomenclature; amending s. 228.088, F.S.; requiring such schools to implement security programs; amending s. 230.03, F.S.; authorizing district school boards to operate and supervise such schools; amending s. 238.01, F.S.; redefining the term "teacher" for purposes of the Teachers' Retirement System of Florida to include teachers on the staff of such schools;

On motion by Senator Peterson, by two-thirds vote CS for HB 926 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Beard	Childers, D.	Crawford
Barron	Brown	Childers, W. D.	Crenshaw

Dudley	Hill	Lehtinen	Ros-Lehtinen
Frank	Hollingsworth	Malchon	Scott
Girardeau	Jenne	Margolis	Stuart
Gordon	Jennings	McPherson	Thomas
Grant	Johnson	Meek	Weinstein
Grizzle	Kirkpatrick	Myers	Weinstock
Hair	Langley	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Thurman

CS for SB 663 was laid on the table.

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2 and 5; has refused to recede from House Amendment 1 to Senate Amendment 3 and requests the Senate to concur; has amended Senate Amendment 7, concurred in same as amended and passed HB 1415, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1415—A bill to be entitled An act relating to the boundaries of Santa Rosa County and Escambia County; amending ss. 7.17 and 7.55, F.S.; redefining the boundaries of Escambia and Santa Rosa Counties; providing that Navarre Beach shall be included in the boundary of Santa Rosa County; providing an effective date.

House Amendment 1 to Senate Amendment 7—On page 1, lines 1-7, strike all of said lines and insert:

Section 6. This act shall take effect upon becoming law, except Sections 1 and 2. Sections 1 and 2 shall take effect upon execution of the interlocal agreement or issuance of the binding arbitration award required by Section 5. In the event the parties fail to enter into an interlocal agreement or fail to implement the decision of the arbitration panel, Sections 1 and 2 shall take effect regardless of any judicial decree determining the constitutionality of Section 5.

On motions by Senator W. D. Childers, the Senate refused to concur in House Amendment 1 to Senate Amendment 7; and again refused to concur in House Amendment 1 to Senate Amendment 3 and requested the House to recede. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1324 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1324—A bill to be entitled An act relating to Lee County; amending s. 15, chapter 74-522, Laws of Florida; requiring the Lee County Sheriff's Department to pay a portion of the health insurance costs of certain retired personnel; providing for eligibility for such benefit; providing an effective date.

Amendment 1—On page 1, line 18, insert after (2): Effective October 1, 1986 and thereafter,

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

SB 1324 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	Brown	Childers, W. D.	Crenshaw
Beard	Childers, D.	Crawford	Deratany
Dudley	Hollingsworth	Margolis	Stuart
Frank	Jenne	McPherson	Thomas
Girardeau	Jennings	Meek	Thurman
Gordon	Johnson	Myers	Weinstein
Grant	Kirkpatrick	Peterson	Weinstock
Grizzle	Kiser	Plummer	Woodson
Hair	Lehtinen	Ros-Lehtinen	
Hill	Malchon	Scott	

Nays—None

SPECIAL ORDER, continued

On motions by Senator Hill, by two-thirds vote CS for CS for HB 266 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Commerce; and Appropriations.

On motion by Senator Hill—

CS for CS for HB 266—A bill to be entitled An act relating to electrical contracting; amending s. 489.501, F.S., expanding purpose; amending s. 489.503, F.S., providing for exemption of certain alarm system contractors and motor vehicle and boat alarm systems; amending s. 489.505, F.S., defining terms; amending s. 489.507, F.S., increasing membership of the Electrical Contractors' Licensing Board, providing rulemaking authority, and specifying intent; amending s. 489.509, F.S., providing fee caps for alarm system contractors; amending s. 489.511, F.S., providing for examination for certification of alarm system contractors; amending s. 489.515, F.S., providing for licensure of alarm system contractors; amending s. 489.531, F.S., providing prohibitions and penalties for alarm system contractors; amending s. 489.533, F.S., providing for disciplinary proceedings with respect to certain offenses related to alarm system contracting and providing for the disposition of administrative fines; amending s. 489.537, F.S., providing for the application of the part and increasing the scope of work of a certified unlimited electrical contractor; creating s. 633.70, F.S., providing for jurisdiction of the State Fire Marshal over alarm system contractors and certified unlimited electrical contractors; creating s. 633.71, F.S., providing requirements for fire alarm equipment; creating s. 633.72, F.S., providing for prohibited acts regarding fire alarm system contractors and certified unlimited electrical contractors; providing penalties; providing for review and repeal; providing appropriations; providing an effective date.

—a companion measure, was substituted for CS for SB 421 and read the second time by title. On motion by Senator Hill, by two-thirds vote CS for CS for HB 266 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Girardeau	Kirkpatrick	Ros-Lehtinen
Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Weinstock
Crenshaw	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	

Nays—None

CS for SB 421 was laid on the table.

CS for CS for SB 834—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S.; revising the amount of the initial licensing fee that may be charged by the Department of Professional Regulation; providing for the period of an initial license; amending s. 455.217, F.S.; prohibiting a person from retaking a license examination that he has passed, except for specified purposes; amending s. 455.218, F.S.; modifying eligibility requirements for examination for licensure of foreign-trained professionals; deleting provisions relating to a special license for podiatric technicians; amending s. 455.219, F.S.; requiring licensing boards within the Department of Professional Regulation to charge license application fees and examination fees; providing for refunding of examination fees; authorizing such licensing boards to charge a fee to verify the license and disciplinary status of a person who applies for a license in another jurisdiction; amending s. 455.232, F.S.; providing penalties for unlawful acts; amending s. 455.24, F.S.; requiring licensed acupuncturists to publish a prescribed statement

respecting patients' rights in certain advertisements; amending s. 455.241, F.S.; providing for reports of psychiatric examination and treatment; providing for exception to confidentiality of patient-psychiatrist communications in order to warn of patient threats; repealing s. 455.2182, F.S., relating to construction of chapter 86-290, Laws of Florida; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 9, between lines 23 and 24, insert:

Section 9. Paragraph (e) of subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician's assistants.—

(7) PHYSICIAN'S ASSISTANT CERTIFICATION.—

(e) Notwithstanding the 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's Assistants. An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, *but may reapply for a second year of temporary certification.* If an applicant fails the examination two times, he is no longer eligible for certification.

Section 10. Paragraph (f) of subsection (7) of section 459.022, Florida Statutes, is created to read:

459.022 Osteopathic physician assistants.—

(7) OSTEOPATHIC PHYSICIAN ASSISTANT CERTIFICATION.—

(f) Notwithstanding the provision 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 by the National Commission on Certification of Physician Assistants. An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a second year of temporary certification. If an applicant fails the examination two times, he is no longer eligible for certification.

(Renumber subsequent sections.)

Senator Margolis moved the following amendment:

Amendment 2—On page 2, line 8, strike everything after the enacting clause and insert:

Section 1. Subsection (2) of section 455.213, Florida Statutes, 1986 Supplement, is amended and subsection (6) of said section is added to read:

455.213 General licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee not to exceed *the license fee* ~~$200~~ as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. *Each initial license shall be issued for the license renewal cycle during which the date of issuance occurs.*

(6) If an unusual circumstance, emergency, or hardship prevents a licensee or group of licensees from complying with continuing education requirements that are necessary for license renewal, the appropriate board may allow that licensee or group of licensees to defer compliance with such continuing education requirements, in whole or in part.

Section 2. Subsection (2) of section 455.217, Florida Statutes, is amended to read:

455.217 Examinations.—

(2) The board or, when there is no board, the department shall make *rules providing for reexamination of any applicants who have failed the* examination. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which he failed to achieve a passing grade, if he successfully passes that portion within a reasonable time of his passing the other portion. *No person who has successfully completed all portions of an examination shall be permitted to take the same examination for any reason other than to attain a license in another state or to reactivate or reinstate a license which has expired, been revoked, or been otherwise lawfully removed pursuant to rules of the board or the department.* The board or, when there is no board, the department shall make available an examination review procedure for applicants. Unless prohibited or limited by rules implementing security or access guidelines of national examinations, the applicant is entitled to review his examination questions, answers, papers, grades, and grading key. An applicant may waive in writing the confidentiality of his examination grades.

Section 3.

460.408 Continuing chiropractic education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing up to 40 hours of continuing education.

(a) Continuing education courses sponsored by chiropractic colleges whose graduates are eligible for examination under any provision of this chapter shall be approved by the board if all other requirements of board rules setting forth criteria for course approval are met.

(b) *Except as permitted in paragraph (a), the* ~~The~~ board shall *only* approve those courses *sponsored by a college or university accredited by, or having status with an accrediting agency approved by the U. S. Office of Education, or sponsored by the Florida Chiropractic Association, provided that the courses are taught by persons on the graduate or postgraduate faculty of such an accredited college or university* ~~those~~ *and* the courses build upon the basic courses required for the practice of chiropractic and may also approve courses in adjunctive modalities.

Section 4. Section 455.218, Florida Statutes, 1986 Supplement, is amended to read:

455.218 Foreign-trained professionals; special examination and licensure provisions.—

(1) The Department of Professional Regulation shall, by rule, provide procedures under which exiled professionals may be examined for licensure within each practice act. A person shall be eligible for such examination if he:

(a) Immigrated to the United States after leaving his home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a Florida resident immediately preceding his application for licensure;

(d) Demonstrates to the department, through submission of documentation verified by his respective professional association in exile, that he was graduated with an appropriate professional or occupational degree from a college or university *prior to the 1971-1972 academic year, or has been accepted by any board within the Department of Professional Regulation as a candidate for licensure prior to the effective date of this act, or is duly licensed in another state*; however, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced his profession ~~for at least 3 years~~;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which provides the applicant with a course of study which will prepare him for the examination offered under subsection (2) ~~or subsections (2) and (3)~~. The department shall develop rules for the approval of such programs.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department shall provide a written practical examination which tests his current ability to practice

his profession competently in accordance with the actual practice of his profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department on such fundamentals.

~~(3) The department shall issue a podiatric technician license to those applicants who meet the requirements of subsections (1) and (2); however, the applicant for such license may choose whether the examination is a written or a clinical practical examination. A licensed podiatric technician may perform the treatment of corns and calluses and the nonsurgical treatment of ingrown toenails. A licensed podiatric technician is subject to all of the requirements of this chapter and chapter 461.~~

(3)~~(4)~~ The fees charged for the examinations *and reexaminations* offered under *subsection* ~~subsections~~ (2) ~~and (3)~~ shall be established by the department by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4)~~(5)~~ The department shall license any applicant who meets the requirements of subsections (1) and (2) ~~or subsections (1), (2), and (3)~~. All licenses so issued are subject to the administrative requirements of chapter 455 and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this chapter and the respective practice act under which his license was issued.

(5)~~(6)~~ Upon a request by an applicant otherwise qualified under this section, the examinations *and reexaminations* offered under *subsection* ~~subsections~~ (2) ~~and (3)~~ may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6)~~(7)~~ The department shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation in any jurisdiction for an action which would constitute a violation of this chapter or the professional practice acts administered by the department and the boards until such time as the investigation is complete, at which time the provisions of the professional practice acts shall apply.

Section 5. Subsections (3) and (4) are added to section 455.219, Florida Statutes, to read:

455.219 Fees; receipts; disposition.—

(3) Each board shall adopt rules establishing a nonrefundable license application fee, and an examination fee in an amount which recovers the costs for procurement or development, administration, grading, and review of the examination. The examination fee shall be refunded if the applicant is ineligible to sit for the examination. Each board shall adopt rules whereby the examination fee for an applicant who fails to satisfy the application requirements may be carried forward to the next available examination. An applicant's examination fee shall be refunded if the application is incomplete after two administrations of the examination.

(4) Each board may assess a fee not to exceed $15, as established by rule, to verify the licensure and disciplinary status of a licensee applying for licensure in another jurisdiction.

Section 6. Section 455.232, Florida Statutes, is amended to read:

455.232 Disclosure of confidential information.—

(1) No officer, employee, or person under contract with the department, or any board therein, shall convey:

(a) Knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011, *or* ~~.~~

(b) Any license, which has not been lawfully issued by the department, to another person for the purpose of leading the public to believe that such person is lawfully engaged in the practice of a profession or occupation regulated by the department.

(2) Any person who willfully violates any provision of *subsection (1)* ~~this section~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall be removed from office, employment, or the contractual relationship.

(3) It shall be a misdemeanor of the first degree for any person to use a license, which has not been lawfully issued by the department, in order to lead the public to believe that such person is lawfully engaged in the practice of a profession or occupation regulated by the department.

Section 7. Section 455.24, Florida Statutes, 1986 Supplement, is amended to read:

455.24 Advertisement by health care provider of free or discounted services; required statement.—In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a health care provider licensed under *chapter 457*, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 474, the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREATMENT WHICH IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted price to persons 60 years of age or older and in which the statement prominently appears ~~in~~ at least one place.

Section 8. *Section 455.218, Florida Statutes, 1986 Supplement, as created by chapter 86-90, Laws of Florida, is hereby repealed effective October 1, 1991.*

Section 9. *Section 455.2182, Florida Statutes, 1986 Supplement, as created by chapter 86-290, Laws of Florida, is hereby repealed.*

Section 10. This act shall take effect October 1, 1987.

On motion by Senator Margolis, the Senate reconsidered the vote by which Amendment 1 was adopted. By permission, Amendment 1 was withdrawn.

Further consideration of CS for CS for SB 834 was deferred.

On motions by Senator Frank, by two-thirds vote CS for HB's 171 and 184 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Commerce; and Appropriations.

On motion by Senator Frank—

CS for HB's 171 and 184—A bill to be entitled An act relating to crime prevention assistance; amending s. 426.001, F.S.; deleting certain legislative findings relating to crimes against the elderly; amending ss. 426.002, 426.003, 426.007, 426.008, and 426.009, F.S.; updating references to subdivisions of the Department of Community Affairs; updating the definition of "housing project"; providing for matching security assistance grants to counties from the Department of Community Affairs; amending ss. 426.005 and 426.006, F.S.; deleting a restriction upon housing authorities which may apply for a security assistance grant under the Handicapped and Elderly Security Assistance Act; amending ss. 775.0836 and 939.015, F.S.; expanding the scope of provisions imposing a surcharge and certain costs upon fines for offenses against handicapped or elderly persons; increasing the surcharge and costs and providing for the disposition thereof; repealing s. 903.381, F.S.; deleting a surcharge on bail for such offenses; providing an effective date.

—a companion measure, was substituted for CS for SB's 369 and 450 and read the second time by title. On motion by Senator Frank, by two-thirds vote CS for HB's 171 and 184 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Beard	Childers, D.	Crawford
Barron	Brown	Childers, W. D.	Crenshaw

Dudley	Jenne	Margolis	Stuart
Frank	Jennings	McPherson	Thomas
Girardeau	Johnson	Meek	Thurman
Gordon	Kirkpatrick	Myers	Weinstein
Grant	Kiser	Peterson	Weinstock
Grizzle	Langley	Plummer	Woodson
Hair	Lehtinen	Ros-Lehtinen	
Hollingsworth	Malchon	Scott	

Nays—None

CS for SB's 369 and 450 was laid on the table.

SB 998—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.

Two amendments to SB 998 failed.

Pending further consideration of SB 998, on motion by Senator Hill, by two-thirds vote HB 1356 was withdrawn from the Committees on Corrections, Probation and Parole; and Appropriations.

On motion by Senator Hill—

HB 1356—A bill to be entitled An act relating to correctional employee trust funds; amending s. 945.215, F.S.; providing for sources of trust fund; providing for distribution; providing an effective date.

—a companion measure, was substituted for SB 998 and read the second time by title. On motion by Senator Hill, by two-thirds vote HB 1356 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Kirkpatrick	Scott
Barron	Girardeau	Kiser	Stuart
Beard	Gordon	Langley	Thomas
Brown	Grant	Lehtinen	Thurman
Childers, D.	Grizzle	Malchon	Weinstein
Childers, W. D.	Hair	Margolis	Weinstock
Crawford	Hill	McPherson	Woodson
Crenshaw	Hollingsworth	Myers	
Deratany	Jennings	Peterson	
Dudley	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Jenne, Ros-Lehtinen

SB 998 was laid on the table.

The Senate resumed consideration of—

CS for CS for SB 834—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S.; revising the amount of the initial licensing fee that may be charged by the Department of Professional Regulation; providing for the period of an initial license; amending s. 455.217, F.S.; prohibiting a person from retaking a license examination that he has passed, except for specified purposes; amending s. 455.218, F.S.; modifying eligibility requirements for examination for licensure of foreign-trained professionals; deleting provisions relating to a special license for podiatric technicians; amending s. 455.219, F.S.; requiring licensing boards within the Department of Professional Regulation to charge license application fees and examination fees; providing for refunding of examination fees; authorizing such licensing boards to charge a fee to verify the license and disciplinary status of a person who applies for a license in another jurisdiction; amending s. 455.232, F.S.; providing penalties for unlawful acts; amending s. 455.24, F.S.; requiring licensed acupuncturists to publish a prescribed statement respecting patients' rights in certain advertisements; amending s. 455.241, F.S.; providing for reports of psychiatric examination and treatment; providing for exception to confidentiality of patient-psychiatrist communications in order to warn of patient threats; repealing s. 455.2182, F.S., relating to construction of chapter 86-290, Laws of Florida; providing an effective date.

—which was taken up with pending Amendment 2.

Senator Thurman moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—On page 8, between lines 11 and 12, insert:

Section 8. Subsection (1) of section 455.241, Florida Statutes, is amended to read:

455.241 Patient records; copies of records to be furnished.—

(1) Any health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 474 who makes a physical or mental examination of, or administers treatment to, any person shall, upon request of such person or his legal representative, furnish copies of all reports made of such examination or treatment, including X-rays; *except that when a patient's psychiatric records are requested by him or his legal representative, the practitioner may provide a report of examination and treatment in lieu of copies of records.* The furnishing of such copies shall not be conditioned upon payment of a disputed fee for services rendered.

(Renumber subsequent sections.)

Amendment 2B—On page 8, between lines 11 and 12, insert:

Section 9. Communications between a patient and a psychiatrist, as defined in s. 394.455(2)(e), Florida Statutes, shall be held confidential and shall not be disclosed except upon the request of the patient or his legal representative. Provision of psychiatric records and reports shall be governed by s. 455.241, Florida Statutes.

Notwithstanding any other provisions of this section, where:

(1) A patient is engaged in a treatment relationship with a psychiatrist,

(2) Such patient has made an actual threat to physically harm an identifiable victim or victims, and

(3) The treating psychistrist makes a clinical judgement that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out that threat, the psychiatrist may disclose patient communications to the extent necessary to warn potential victim or victims or to communicate the threat to a law enforcement agency. No civil or criminal action shall be instituted and there shall be no liability on account of disclosure of otherwise confidential communications by a psychiatrist in disclosing a threat pursuant to this section.

(Renumber subsequent sections.)

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

Amendment 2C—On page 8, between lines 11 and 12, insert:

Section 9. Paragraph (e) of subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician's assistants.—

(7) PHYSICIAN'S ASSISTANT CERTIFICATION.—

(e) Notwithstanding the 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's Assistants. An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, *but may reapply for a second year of temporary certification.* If an applicant fails the examination two times, he is no longer eligible for certification.

Section 10. Paragraph (f) of subsection (7) of section 459.022, Florida Statutes, is created to read:

459.022 Osteopathic physician assistants.—

(7) OSTEOPATHIC PHYSICIAN ASSISTANT CERTIFICATION.—

(f) Notwithstanding the provision 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 by

the National Commission on Certification of Physician Assistants. An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a second year of temporary certification. If an applicant fails the examination two times, he is no longer eligible for certification.

(Renumber subsequent sections.)

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

Amendment 2D—On page 7, line 10, insert a new Section to read:

Section 3. Subsection (3) of Section 455.218, Florida Statutes, 1986 Supplement, as created by Chapter 86-90, Laws of Florida, is hereby repealed.

(Renumber subsequent sections.)

Amendment 2 as amended was adopted.

Senator Margolis moved the following amendment:

Amendment 3—In title, on page 1, line 1, through page 2, line 4, strike all of said lines and insert: A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S., providing for establishment of initial license fee by rule; providing a period for issuance; allowing a professional regulatory board to defer compliance with continuing education requirements; amending s. 455.217, F.S., providing restrictions on retaking examinations; amending s. 460.408, F.S., providing for approval of continuing education courses by the Board of Chiropractic; amending s. 455.218, F.S., modifying eligibility requirements for examination for licensure of foreign-trained professionals; deleting provisions relating to a special license for podiatric technicians; amending s. 455.219, F.S., providing for establishment of license application fee and examination fee by rule; providing for refund of examination fee under certain circumstances; providing a fee for verifying licensure in another jurisdiction; amending s. 455.232, F.S.; providing penalties for unlawful acts; amending s. 455.24, F.S., including acupuncturists under provisions regulating advertisement by health care providers of free or discounted services; repealing s. 455.218, F.S., relating to examination and licensure of foreign-trained professionals; repealing s. 455.2182, F.S., relating to construction of chapter 86-290, Laws of Florida; providing an effective date.

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

Amendment 3A—In title, on page 2, line 13, after "Florida," insert: amending s. 455.241, F.S.; providing for reports of psychiatric examination and treatment; providing for exception to confidentiality of patient-psychiatrist communications in order to warn of patient threats;

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

Amendment 3B—In title, on page 2, line 13, after the semicolon (;) insert: amending s. 458.347, F.S., relating to physician's assistants, to permit an applicant who fails the proficiency examination to apply for a second year of temporary certification; amending s. 459.022, F.S.; providing for temporary certification of osteopathic physician assistants;

Amendment 3 as amended was adopted.

On motion by Senator Margolis, by two-thirds vote CS for CS for SB 834 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	Crenshaw	Grant	Jennings
Barron	Deratany	Grizzle	Johnson
Beard	Dudley	Hair	Kirkpatrick
Brown	Frank	Hill	Langley
Childers, D.	Girardeau	Hollingsworth	Lehtinen
Childers, W. D.	Gordon	Jenne	Malchon
Margolis	Peterson	Thomas	Woodson
McPherson	Ros-Lehtinen	Thurman	
Meek	Scott	Weinstein	
Myers	Stuart	Weinstock	

Nays—None

On motion by Senator Lehtinen, by two-thirds vote HB 722 was withdrawn from the Committee on Education.

On motion by Senator Lehtinen—

HB 722—A bill to be entitled An act relating to education; amending s. 232.425, F.S.; providing for student eligibility for participation in interscholastic extracurricular activities; providing an effective date.

—a companion measure, was substituted for SB 336 and read the second time by title. On motion by Senator Lehtinen, by two-thirds vote HB 722 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dudley	Johnson	Peterson
Barron	Frank	Kirkpatrick	Ros-Lehtinen
Beard	Girardeau	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Myers	Woodson

Nays—1

Meek

Vote after roll call:

Yea—Jennings

SB 336 was laid on the table.

On motions by Senator Hollingsworth, by two-thirds vote HB 551 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Hollingsworth—

HB 551—A bill to be entitled An act relating to aviation; amending s. 332.007, F.S.; eliminating a restriction on state fund participation in certain nonfederally funded public airport and aviation projects; authorizing certain expenditures when federal funds are not available; providing an effective date.

—a companion measure, was substituted for SB 544 and read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 551 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kiser	Scott
Barron	Gordon	Langley	Stuart
Beard	Grant	Lehtinen	Thomas
Brown	Hair	Margolis	Thurman
Childers, D.	Hill	McPherson	Weinstein
Childers, W. D.	Hollingsworth	Meek	Weinstock
Crawford	Jenne	Myers	Woodson
Crenshaw	Jennings	Peterson	
Dudley	Johnson	Plummer	
Frank	Kirkpatrick	Ros-Lehtinen	

Nays—None

SB 544 was laid on the table.

On motion by Senator Langley, by two-thirds vote HB 357 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Langley—

HB 357—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.402, F.S., providing, with respect to secured transactions, that a financing statement remains effective notwithstanding transfer of collateral; providing an effective date.

—a companion measure, was substituted for SB 416 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 357 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Girardeau	Kirkpatrick	Plummer
Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

Nays—None

SB 416 was laid on the table.

On motions by Senator Johnson, by two-thirds vote HB 443 was withdrawn from the Committees on Education; and Finance, Taxation and Claims.

On motions by Senator Johnson—

HB 443—A bill to be entitled An act relating to the arts; creating s. 265.2861, F.S.; establishing the State Cultural Institution Program; providing for funding by the Division of Cultural Affairs of the Department of State; amending s. 265.285, F.S.; adding duties of the Florida Arts Council; repealing s. 265.287, F.S., relating to the State Theater Program; repealing s. 265.288, F.S., relating to the State Theater Board of Florida; repealing s. 265.289, F.S., relating to contract organizations; amending ss. 212.02 and 212.20, F.S.; defining "admissions to cultural events" and providing that the proceeds of the tax thereon be transferred into the Florida Fine Arts Trust Fund; providing for transfer of the local government half-cent sales tax; providing an exception to the Fine Arts Endowment Program; providing for a reallocation of moneys in the Fine Arts Endowment Trust Fund; providing an effective date.

—a companion measure, was substituted for SB 595 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 443 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Girardeau	Johnson	Peterson
Barron	Gordon	Kirkpatrick	Plummer
Beard	Grant	Kiser	Ros-Lehtinen
Brown	Grizzle	Langley	Scott
Childers, D.	Hair	Lehtinen	Stuart
Childers, W. D.	Hill	Malchon	Thomas
Crenshaw	Hollingsworth	Margolis	Thurman
Dudley	Jenne	Meek	Weinstein
Frank	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Woodson

SB 595 was laid on the table.

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, further amended and passed as amended HB 1064 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Tobiassen and Bass—

HB 1064—A bill to be entitled An act relating to Escambia County; providing for a home rule charter for said county; providing for a referendum; declaring that this act shall prevail over certain general law provisions; providing an effective date.

—was referred to the Committee on Rules and Calendar.

On motions by Senator W. D. Childers, by two-thirds vote HB 1064 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator W. D. Childers, by unanimous consent HB 1064 was taken up out of order and by two-thirds vote read the second time by title.

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 1—On page 20, strike all of lines 10-13 (section relating to recall)

On motion by Senator W. D. Childers, by two-thirds vote HB 1064 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Girardeau	Langley	Stuart
Barron	Grant	Lehtinen	Thomas
Beard	Grizzle	Malchon	Thurman
Brown	Hair	Margolis	Weinstein
Childers, D.	Hollingsworth	McPherson	Weinstock
Childers, W. D.	Jenne	Myers	Woodson
Crenshaw	Johnson	Peterson	
Dudley	Kirkpatrick	Plummer	
Frank	Kiser	Ros-Lehtinen	

Nays—None

Motion

On motions by Senator Barron, by two-thirds vote CS for SB 499 was placed on the special order calendar and taken up instanter.

SPECIAL ORDER, continued

On motions by Senator Grant, by two-thirds vote CS for HB 379 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motion by Senator Grant—

CS for HB 379—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 an effective date.

—a companion measure, was substituted for CS for SB 499 and read the second time by title. On motion by Senator Grant, by two-thirds vote CS for HB 379 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Frank	Kiser	Plummer
Barron	Girardeau	Langley	Ros-Lehtinen
Beard	Gordon	Lehtinen	Stuart
Brown	Grant	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Weinstein
Childers, W. D.	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Johnson	Myers	
Dudley	Kirkpatrick	Peterson	

Nays—None

CS for SB 499 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 John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1202 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1202—A bill to be entitled An act relating to licenses; amending s. 320.131, F.S.; providing for temporary license tags for marine boat trailers to be issued; providing an effective date.

Amendment 1—On page 1, lines 19 and 20, strike said lines and insert:

Section 2. *There is created the Law Enforcement Trust Fund into which the Department of Highway Safety and Motor Vehicles may deposit revenues received as a result of state or federal criminal proceedings or forfeiture proceedings.*

Section 3. This act shall take effect October 1, 1987.

Amendment 2—On page 1, in the title, lines 2-4, strike all said language and insert: An act relating to highway safety; amending s. 320.131, F.S.; providing for temporary license tags for marine boat trailers to be issued; creating a trust fund;

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

SB 1202 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	Frank	Kirkpatrick	Scott
Barron	Girardeau	Kiser	Stuart
Beard	Gordon	Langley	Thomas
Brown	Grant	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Weinstein
Childers, W. D.	Hair	McPherson	Weinstock
Crawford	Hill	Myers	Woodson
Crenshaw	Hollingsworth	Peterson	
Dudley	Johnson	Plummer	

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed HJR 1510 by the required Constitutional three-fifths vote of the membership of the House and requests the concurrence of the Senate.

John B. Phelps, Clerk

HJR 1510—A joint resolution extending the 1987 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the sixty days of the 1987 regular session of the Florida Legislature will expire on June 5, 1987, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

The 1987 regular session of the Florida Legislature is extended until 12 o'clock noon, Saturday, June 6, 1987, under the authority of Article III, Section 3(d) of the State Constitution.

The regular session so extended shall consider only the following matters:

(1) Senate Bill 1325 or House Bill 1450, the general appropriations bills, the Senate and House Conference Committee Report thereon, and related implementing measures, including legislation necessary to fund the general appropriations bill;

(2) Senate Bill 1326 or House Bill 1451, the appropriations implementing bills;

(3) Committee Substitute for Senate Bill 2 or Committee Substitute for House Bill 1506, or other sales tax glitch bill; and

(4) Committee Substitute for SB 463 or Committee Substitute for Committee Substitute for HB 1421 and any Conference Committee Report relating to Local Governments/Taxation.

(5) Committee Substitute for Senate Bill 799 and Committee Substitute for House Bill 1008, relating to education.

All other measures in both houses are hereby indefinitely postponed and withdrawn from consideration of their respective house and neither presiding officer shall recognize any motion to take up any measure hereby postponed and withdrawn.

Upon adjournment Friday, June 5, 1987, either house may reconvene upon the call of its presiding officer.

On motion by Senator Barron, by unanimous consent HJR 1510 was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Barron, by two-thirds vote HJR 1510 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—35

Mr. President	Girardeau	Kirkpatrick	Ros-Lehtinen
Barron	Gordon	Kiser	Scott
Beard	Grant	Langley	Stuart
Brown	Grizzle	Lehtinen	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	Meek	Weinstein
Crenshaw	Hollingsworth	Myers	Weinstock
Dudley	Jenne	Peterson	Woodson
Frank	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings

Recess

On motion by Senator Barron, the Senate recessed at 11:54 p.m., awaiting the call of the President.

Call to Order

The Senate was called to order by the President at 11:56 p.m. A quorum present.

Consideration of CS for SB 463 was deferred.

Recess

On motion by Senator Barron, the Senate recessed at 12:12 a.m., awaiting the call of the President.

Call to Order

The Senate was called to order by the President at 1:28 a.m. A quorum present—40:

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 145 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 145—A bill to be entitled An act relating to fuel taxes; amending s. 206.01, F.S.; redefining the term "importer"; providing a definition; amending s. 206.02, F.S.; providing additional procedures for issuance of refiner's, importer's, and wholesaler's licenses; amending s. 206.09, F.S.; revising certain reporting requirements for carriers; amending s. 206.41, F.S.; redefining the events upon which the constitutional gas tax is levied; amending s. 212.62, F.S.; redefining the events on which the motor fuel and special fuel tax is levied; amending s. 206.60, F.S.; redefining the events on which the county motor fuel tax is levied; amending s. 206.605, F.S.; redefining the events on which the municipal

motor fuel tax is levied; amending s. 206.62, F.S.; imposing taxes on sales to and by military post exchanges; amending s. 212.67, F.S.; providing for a credit of motor fuel taxes due to shrinkage of motor fuel; amending s. 206.86, F.S.; redefining the term "special fuel" and defining the terms "dual user" and "consumption"; amending s. 206.87, F.S.; redefining the events upon which the special fuels tax is imposed; revising exemptions from the special fuels tax and providing tax liability of dealers and other persons in specified circumstances; amending s. 206.9931, F.S.; revising reporting requirements for persons dealing in taxable pollutants; providing for quarterly, semiannual, or annual returns under certain circumstances; amending s. 206.9935, F.S.; redefining the events on which the tax on pollutants is levied; amending s. 206.9941, F.S.; exempting certain petroleum products from taxation; amending s. 206.9942, F.S.; clarifying the conditions under which a licensed refiner, importer, producer, wholesaler, or dealer may deduct or receive a refund of pollutant taxes; amending ss. 336.021, 336.025, 336.026, F.S.; providing for application and effect of certain local option gas taxes; correcting cross references; amending s. 206.05, F.S.; providing for certain securities in lieu of a surety bond; creating s. 206.065, F.S.; providing for certain wholesalers of motor fuel to self-accrue and remit motor fuel taxes under certain circumstances; specifying requirements; providing for revocation of such privilege; requiring hearings; amending s. 206.07, F.S.; providing for liability for defrauding the state of motor fuel taxes; amending s. 206.27, F.S.; providing for sharing certain Department of Revenue records; amending certain Department of Revenue records; amending s. 206.47, F.S.; providing for distribution of constitutional gas tax funds; amending s. 206.56, F.S.; defining conditions under which embezzlement of state moneys exists; amending s. 206.59, F.S.; authorizing the Department of Revenue to assess and collect taxes, penalties, and interest against certain persons; amending s. 206.91, F.S.; clarifying conditions under which a dealer collection allowance may be taken; creating s. 206.9865, F.S.; providing for licensing commercial air carriers as aviation fuel dealers; providing requirements; specifying when aviation fuel tax is due; creating s. 206.9875, F.S.; exempting certain purchases of the United States from the aviation fuel tax; providing for taxing motor fuel in inventory; amending s. 212.66, F.S.; providing applicability; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Effective January 1, 1988, subsection (5) of section 206.01, Florida Statutes, is amended, and subsection (16) is added to said section, to read:

206.01 Definitions.—As used in part I of this chapter:

(5) "Importer" means any person with no business location in this state who *imports motor fuel into this state or exports motor fuel out of this state and who* holds a valid importer of motor fuel license.

(16) "Loading rack" means that part of a terminal facility by which petroleum products are physically removed from the terminal facility into tanker trucks or rail cars.

Section 2. Effective January 1, 1988, subsection (7) is added to section 206.02, Florida Statutes, to read:

206.02 Application for license; refiners, importers, and wholesalers.—

(7)(a) A person, partnership, or private corporation which is beginning a new business and which applies for a license as a refiner, importer, or wholesaler shall be issued a provisional license. Once the department's background investigation is completed and the department has determined that the applicant is of good moral character and has not been convicted of any offense specified in s. 206.026(1)(b), a permanent license shall be issued.

(b) A publicly held corporation, the securities of which are regularly traded on a national securities exchange and not over the counter, which begins a new business and which applies for a license as a refiner, importer, or wholesaler shall be issued such a license without the department's background investigation.

Section 3. Effective January 1, 1988, section 206.09, Florida Statutes, is amended to read:

206.09 Reports from carriers transporting motor fuel or similar products.—

(1) Every railroad company, pipeline company, water transportation company, and common carrier transporting motor fuel, casinghead gasoline, natural gasoline, naphtha, or distillate, either in interstate or intrastate or foreign commerce, to points within Florida, and every person transporting motor fuel, casinghead gasoline, natural gasoline, naphtha, or distillate, by whatever manner, to a point in Florida from any point outside of said state, who is not required by the provisions of part I, ~~or~~ part II, *or part III* of this chapter to be licensed under s. 206.02 or by the laws of Florida to make reports shall file a statement setting forth:

(a) The name under which such person is transacting business within the state.

(b) The location with street number address of such person's principal office or place of business within the state.

(c) The name and address of the owner or the names and addresses of the partners, if such person is a partnership, or the principal officers, if such person is a corporation or association.

(2) Such person or company shall report under oath to the department on forms prescribed by the department all deliveries of motor fuel, casinghead gasoline, natural gasoline, naphtha, or distillate so made to points within the state.

(3) Such reports shall cover monthly periods and be submitted within 20 days after the close of the month covered by the report and shall show:

(a) The name ~~and address~~ of the person to whom the deliveries of motor fuel, casinghead gasoline, natural gasoline, naphtha, or distillate have actually and in fact been made;

(b) The name ~~and address~~ of the originally named consignee, if motor fuel, casinghead gasoline, natural gasoline, naphtha, or distillate has been delivered to any person other than the originally named consignee;

(c) The *municipality and state* ~~point~~ of origin, the *municipality and state* ~~point~~ of delivery, the date of delivery, and the number and initials of each tank car and the number of gallons contained therein, if shipped by rail;

(d) The name of the boat, barge, or vessel and the number of gallons contained therein, if shipped by water;

(e) The *company unit* ~~license~~ number of each tank truck and the number of gallons contained therein, if transported by motor truck;

(f) If delivered by other means, the manner in which such delivery is made; and

(g) Such other additional information relative to shipments of motor fuel as the department may require.

(4) If any such person or company required to file under this section fails to make a complete report, the department shall impose, in addition to any other penalty or interest due, a penalty in the amount of $100.

Section 4. Effective January 1, 1988, section 206.41, Florida Statutes, 1986 Supplement, is 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 *first removal from storage, after importation into this state, of motor fuel* ~~use, within this state whether by a refiner, importer, or wholesaler, except as expressly provided in subsection (2),~~ 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." *Revenues from* 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 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. *For purposes of this subsection, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed*

when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.

(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 and be liable for and pay the tax on all motor fuel sold or used by them for sale or use on which the tax herein provided has not been paid, 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 a 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.~~

(a)~~(b)~~ The sale of motor fuel for export from the state by a refiner or importer is exempt from the taxes imposed by this part when exempted by any provision of the Constitution of the United States or of the State of Florida. The sale of motor fuel for export from the state which is not exempted from the taxes imposed by this part either by the Constitution of the United States or of the State of Florida shall also be exempt, but only if both the seller and the exporter of the motor fuel are duly licensed as a refiner or importer.

(b)~~(c)~~1. The sale of motor fuel for export from this state by a wholesaler or jobber is exempt from the taxes imposed by this part when exempted by any provision of the Constitution of the United States or of the State of Florida. The sale of motor fuel for export from the state which is not exempted from the taxes imposed by this part either by the Constitution of the United States or of the State of Florida shall also be exempt, but only if the purchaser of the motor fuel is licensed as a refiner or importer.

2. A refiner, *importer,* wholesaler, or jobber may be entitled to a refund of taxes paid on gallons of motor fuel exported by filing a refund request monthly. A refiner, *importer,* or wholesaler may, instead of refund, take credit for taxes paid on gallons exported on his monthly returns.

(c)~~(d)~~ A wholesaler, refiner, or importer may export gallons of motor fuel to his own location tax exempt if the licensee maintains complete and adequate shipping documentation that the motor fuel was removed from the state. Adequate shipping documentation shall include bills of lading and delivery tickets provided by the seller or by a common carrier hauling the fuel or by complete shipping logs provided by the purchaser along with receiving records from the location outside of the state.

(d)~~(e)~~ Violation of any provision of this section may subject the licensee to both revocation of license and liability for taxes on all fuel claimed as exported from the state.

(3) Motor fuel in the fuel tanks in any motor vehicle entering this state used to propel such motor vehicle shall be exempt from the taxes imposed by this part. "Fuel tanks" shall mean the reservoir or receptacle attached to the motor vehicle by the manufacturer as the container for fuel used to propel the vehicle.

Section 5. Effective January 1, 1988, paragraph (a) of subsection (2) of section 212.62, Florida Statutes, is amended to read:

212.62 Tax imposed on sale of motor fuel and special fuel; tax upon ultimate consumer; determination by department; notification.—

(2)(a) This levy of tax is upon the ultimate retail consumer. It is hereby provided as a matter of administrative convenience and necessity that the tax be paid upon the first sale or *first removal from storage, after importation into* ~~transfer of title within~~ this state, whether by a refiner, importer, wholesaler, dealer, or retail dealer, who shall act as agent for the state in the collection of such tax whether or not he is the ultimate seller. *For purposes of this paragraph, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.*

Section 6. Effective January 1, 1988, subsection (1) of section 206.60, Florida Statutes, 1986 Supplement, 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, *a* ~~shall collect and remit an additional~~ tax of 1 cent per gallon *is imposed upon the first sale or first removal from storage, after importation into this state,* ~~for every gallon~~ of motor fuel. *For purposes of this subsection, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.* ~~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. Delivery shall be deemed to be made at the point of destination.~~

Section 7. Effective January 1, 1988, subsection (1) of section 206.605, Florida Statutes, 1986 Supplement, 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, *a* ~~shall collect and remit an additional~~ tax of 1 cent per gallon *is imposed upon the first sale or first removal from storage, after importation into this state,* ~~for every gallon~~ of motor fuel. *For purposes of this subsection, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.* ~~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. Delivery shall be deemed to be made at the point of destination.~~

Section 8. Effective January 1, 1988, subsections (5), (6), (7), (8), and (9) of section 206.62, Florida Statutes, are renumbered as subsections (7), (8), (9), (10), and (11), respectively, and new subsections (5) and (6) are added to said section, to read:

206.62 Certain sales to United States tax exempt; rules and regulations.—

(5) Refiners, importers, wholesalers, and jobbers are not exempt from the tax levied under this part or part II of chapter 212 on motor fuel sold or delivered to post exchanges located on United States military reservations.

(6) All purchases of motor fuel by the United States or its departments or agencies when sold through or by post exchanges located on United States military reservations are subject to the tax levied under this part or part II of chapter 212.

Section 9. Effective January 1, 1988, paragraph (b) of subsection (1) of section 212.67, Florida Statutes, 1986 Supplement, is 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:

(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. *However, any retail dealer who sells motor fuel within a county which imposes a tax under s. 336.021, s. 336.025, or s. 336.026 may take as a credit against any tax due on his local option gas tax return the amount to which he is entitled as a refund under this paragraph. Nothing in this paragraph shall be construed to allow this credit to be subtracted from the moneys deposited in the Local Option Gas Tax Trust Fund or the Voted Gas Tax Trust Fund.*

Section 10. Effective January 1, 1988, section 206.86, Florida Statutes, is amended to read:

206.86 Definitions.—As used in this part:

(1) "Special *fuel* ~~fuels~~" means *diesel fuel, alcohol, or* any liquid product ~~or gas product~~ or combination thereof, *except kerosene, used* ~~in an internal combustion engine or motor~~ to propel any *diesel engine; however, kerosene or kerosene compounded or mixed with any product suitable for use in a diesel engine is a "special fuel."* ~~form of vehicle, machine, or mechanical contrivance, or used for the generation of power, heat, light, or energy. This term shall include, but not be limited to, all forms of fuel commonly or commercially known or sold as diesel fuel or kerosene, except such fuels that are subject to the tax imposed by part I of this chapter.~~

(2) "Motor vehicle" means any form of vehicle, machine, or mechanical contrivance which is propelled by any form of engine or motor which utilizes special fuel and is required, or which would be required, to be licensed under the motor vehicle license law if owned by a resident.

(3) "Public highways" includes every way or place of whatever nature generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance, or repair.

(4) "Person" includes any individual, association, firm, copartnership, corporation, receiver, trustee, conservator, or other officer appointed by any state or federal court or state agency, or any county, municipality, or other political subdivision of this state.

(5) "Use" means the placing of special fuel into any receptacle on a motor vehicle from which fuel is supplied for the propulsion thereof.

(6) "User" includes any person who uses special fuels within this state for the propulsion of a motor vehicle on the public highways of this state, even though the motor is also used for a purpose other than the propulsion of the vehicle.

(7) "Dual user" means any person who uses or consumes special fuel in this state for both highway and nonhighway purposes. However, if a person uses diesel fuel in a motor vehicle and in a diesel-fueled home heating unit and has no means for dispensing such fuel, that person shall not be considered a dual user.

(8) "Consumption" means the consuming of special fuel for purposes other than use or for nonhighway purposes.

(9)~~(7)~~ "Department" means the Department of Revenue.

(10)~~(8)~~ "Dealer" is any person who holds a valid dealer of special fuels license issued by the department and who:

(a) Imports and sells at wholesale or retail or otherwise within this state any of the special fuel as specified above;

(b) Imports, or causes to be imported, and withdraws for use within this state by himself or others any special fuels from the tank car, truck, or other original container or package in which imported into this state;

(c) Exports special fuels from this state to another state or foreign country;

(d) Manufactures, refines, produces, or compounds any special fuels within this state and sells the same at wholesale or retail or otherwise within this state;

(e) Imports into this state from any other state or foreign country or receives by any means into this state and keeps in storage in this state for a period of 24 hours or more after the same shall lose interstate character as a shipment in interstate commerce any special fuel which is intended to be used in this state;

(f) Is primarily liable under the special fuel tax laws of this state for the payment of special fuel taxes;

(g) Purchases or receives in this state special fuels in bulk quantities for resale to service stations, to a user or another dealer, or to the ultimate consumer ~~for nontaxable consumption~~ upon which the tax has not been paid; or

(h) Has both a taxable use and nontaxable consumption of the same special fuel in this state. However, this paragraph does not require a person to be a dealer when his only purchases of special fuel are delivered into reservoirs attached to motor vehicles to fuel internal combustion engines attached to such motor vehicles.

(11)~~(9)~~ "Duly licensed dealer" means any dealer holding a valid license issued by the department.

(12)~~(10)~~ "Service station" means a person who purchases special fuel within the state and sells special fuel only for use.

(13)~~(11)~~ "Alternative fuel" means any liquefied petroleum gas product or compressed natural gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as butane gas or propane gas or any other form of liquefied petroleum gas or compressed natural gas.

Section 11. Effective January 1, 1988, subsection (7) of section 206.89, Florida Statutes, is amended to read:

206.89 Licenses; necessity; prerequisites; issuance; nonassignability.—

(7) Every person as defined in this part, including, but not limited to, a state agency, federal agency, municipality, county, or special district, which operates or acts under the provisions of s. 206.86*(10)*~~(8)~~ is required to obtain a license as a dealer of special fuel and report monthly to the department, or pay tax on all fuel purchases.

Section 12. Effective January 1, 1988, paragraph (a) of subsection (3) and subsections (4) and (5) of section 206.87, Florida Statutes, 1986 Supplement, are amended, subsection (6) is renumbered as subsection (8), and new subsections (6) and (7) are added to said section, to read:

206.87 Levy of tax.—

(3) The following sales are not subject to the tax herein imposed:

(a) Sales by a dealer when the special fuel is delivered by him into the purchaser's storage facilities, which are located at the purchaser's premises, place of business, or job site, and when the special fuel is to be used for:

1. Cooking or home heating;

2. Industrial, commercial, agricultural, or marine purposes, if the purchaser is not a dual user and furnishes the dealer with an exemption certificate which states that no portion of the special fuel purchased is to be used in a motor vehicle; *or*

3. Consumption *for nonhighway purposes, if the purchaser is not a dual user.* ~~other than use; or~~

~~4. Resale pursuant to paragraph (c).~~

(4) *All special fuel sold, transferred, or delivered by a licensed dealer of special fuel to any person who does not hold a valid dealer's license is taxable, except as provided by subsection (3).* ~~Sales or exports enumerated in paragraphs (3)(a), (b), and (d) are not exempt sales unless the sale or export is conducted by a person who is the holder of a valid license as a dealer of special fuels as issued by the department.~~

(5) *Any dealer who neglects, fails, or refuses to collect the tax upon any sale which is subject to the tax imposed by this part is liable for the payment of all tax, penalties, and interest.* ~~The provisions relating to refunds and refund procedures apply to purchases of special fuel upon which the tax has been paid when such fuel is for nonhighway agricultural or marine purposes.~~

(6) A sale must be in strict compliance with the rules of the department, and any dealer making a sale for resale which is not in strict compliance with such rules shall himself be liable for and pay the tax.

(7) Any person who has purchased at retail, used, consumed, distributed, or stored for use, resale, or consumption in this state fuel and cannot substantiate that the tax levied by this part has been paid to his vendor is directly liable to the state for any tax, interest, and penalty due on any such fuel.

Section 13. Effective January 1, 1988, subsection (3) of section 206.9931, Florida Statutes, 1986 Supplement, is amended, and subsection (5) is added to said section, to read:

206.9931 Administrative provisions.—

(3) Any person subject to taxation under this part *or any person who sells tax-paid pollutants, other than a retail dealer,* shall separately state the amount of such tax paid on any charge ticket, sales slip, invoice, or other tangible evidence of the sale *or* ~~of tax-paid pollutants. Any person selling tax-paid pollutants, other than retail dealers,~~ shall certify on the *sales document* ~~charge ticket, sales slip, invoice, or other tangible evidence of sale~~ that the tax required pursuant to this part has been paid *and the amount of tax paid per barrel.* ~~The certification shall contain the identifying number assigned to the person who remitted the tax to the state as prescribed by the department by rule.~~

(5) The department may authorize a quarterly return and payment when the tax remitted by the refiner, importer, wholesaler, dealer, or producer for the preceding quarter did not exceed $100; may authorize a semiannual return and payment when the tax remitted by the licensee for the preceding 6 months did not exceed $200; and may authorize an annual return and payment when the tax remitted by the licensee for the preceding 12 months did not exceed $400.

Section 14. Effective January 1, 1988, paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (a) of subsection (3) of section 206.9935, Florida Statutes, 1986 Supplement, are amended, and subsection (4) is added to said section, to read:

206.9935 Taxes imposed.—

(1) TAX FOR COASTAL PROTECTION.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state. ~~; however,~~ The tax on *pollutants* ~~petroleum products~~ first imported into *or produced in* this state ~~by a licensed refiner~~ shall be imposed when the product is first *sold, or first* removed ~~or transferred~~ from a storage ~~facility~~. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(2) TAX FOR WATER QUALITY.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state. ~~; however,~~ The tax on *pollutants* ~~petroleum products~~ first imported into *or produced in* this state ~~by a licensed refiner~~ shall be imposed when the product is first *sold, or first* removed ~~or transferred~~ from a storage ~~facility~~. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(3) TAX FOR INLAND PROTECTION.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state. ~~; however,~~ The tax on *pollutants* ~~petroleum products~~ first imported into *or produced in* this state ~~by a licensed refiner~~ shall be imposed when the product is first *sold, or first* removed ~~or transferred~~ from a storage ~~facility~~. The tax shall be paid or remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(4) For purposes of this section, the term "first sale" does not include exchanges or loans, gallon-for-gallon, of petroleum products between licensed refiners before the petroleum products has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on petroleum products first imported into this state by a licensed refiner storing such petroleum products in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the petroleum products immediately prior to removal of such petroleum products from storage.

Section 15. Effective January 1, 1988, subsection (2) of section 206.9941, Florida Statutes, 1986 Supplement, is amended to read:

206.9941 Exemptions.—

(2) Petroleum products exported from the first storage facility at which they are held in this state by the licensed refiner, *importer, wholesaler, producer, or dealer* who first imported said products are exempt from the tax imposed under s. 206.9935(3).

Section 16. Effective January 1, 1988, section 206.9942, Florida Statutes, 1986 Supplement, is amended to read:

206.9942 Refunds and credits.—

(1) *Any* ~~A~~ licensed refiner, *importer, producer, wholesaler, or dealer* who has purchased ~~tax-paid~~ petroleum products ~~from another licensed refiner~~, *who has paid the tax pursuant to s. 206.9935(3) to his supplier,* and who *subsequently* exports said products from the state may deduct the amount of tax paid thereon pursuant to s. 206.9935(3) from the amount owed to the state and remitted pursuant to s. 206.9931(2) *or.*

~~(2) Any licensed importer or wholesaler who has purchased tax-paid petroleum products from a licensed refiner and who exports said products from the state~~ may apply for a refund of the amount of tax paid thereon pursuant to s. 206.9935(3). Administrative procedures governing such refunds shall be those specified in s. 212.67, except for the provisions requiring refund permits.

~~(3) Any licensed importer who has directly remitted the tax pursuant to s. 206.9935(3) and subsequently exports the petroleum product from the state may deduct the tax paid thereon pursuant to s. 206.9935(3) from any amount subsequently owed to the state and remitted pursuant to s. 206.9931(2).~~

(2)~~(4)~~ It is the responsibility of the applicant to affirmatively demonstrate to the satisfaction of the department that he is eligible for any deduction or refund claimed hereunder. Without such demonstration, no refund or deduction shall be allowed.

Section 17. Effective January 1, 1988, paragraph (c) of subsection (1) of section 206.9945, Florida Statutes, 1986 Supplement, is amended to read:

206.9945 Funds collected; disposition; department authority.—

(1) The department shall deposit all funds received and collected by it under this part into the Gas Tax Collection Trust Fund to be transferred, less the costs of administration and less the service charge to be deducted and deposited in the General Revenue Fund pursuant to ss. 215.20 and 215.22, as follows:

(c) Moneys collected pursuant to s. 206.9935(3), less any refunds granted under s. 206.9942~~(2)~~, shall be transferred to the Inland Protection Trust Fund as provided in s. 376.3071.

Section 18. Effective January 1, 1988, subsection (1) of section 336.021, Florida Statutes, 1986 Supplement, is amended, and subsection (5) is added to said section, 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 *part I or part II 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 unincor-

porated and incorporated areas of the county. 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 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 person licensed under part I or part II of chapter 206 who uses motor fuel or special fuel or who engages in selling motor fuel or special fuel at retail* ~~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 or special 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.

(5) The tax shall not take effect until at least 60 days after the county notifies the department of passage of the referendum. No decision to rescind the tax shall take effect until at least 60 days after the county notifies the department of such decision.

Section 19. Effective January 1, 1988, paragraphs (a) and (d) of subsection (1), paragraph (b) of subsection (2), and paragraph (a) of subsection (5) of section 336.025, Florida Statutes, 1986 Supplement, are 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 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 *part I or part II of* chapter 206.

(d) 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 July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(2)

(b) The provisions for refund provided in *s.* ~~ss.~~ 206.625 ~~and 206.64~~ are not applicable to such tax levied by any county. Any *person licensed under part I or part II of chapter 206 who uses motor fuel or special fuel or who engages in selling motor fuel or special fuel at retail* ~~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 or special 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.

(5)(a) By July 1 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 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. *No decision to rescind the tax shall take effect until at least 60 days after the county notifies the Department of Revenue of such decision.*

Section 20. Effective January 1, 1988, paragraph (b) of subsection (2) and subsection (3) of section 336.026, Florida Statutes, 1986 Supplement, are amended to read:

336.026 Metropolitan transportation system; levy of local option gas tax on motor fuel and special fuel.—

(2)

(b) The provisions for refund provided in ss. 206.625 and 206.64 are not applicable to such tax levied by any authority. 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 authority in the regional ground transportation area in which the tax is levied.

(3) *At least 60 days* prior to the effective date of any tax under this section, the authority shall provide the Department of Revenue with the amount of the tax levied and imposed under this section pursuant to the regional ground transportation plan approved in the referendum required by s. 163.805. *No decision to rescind the tax may take effect until at least 60 days after the authority notifies the Department of Revenue of such decision.*

Section 21. Effective January 1, 1988, subsection (1) of section 206.05, Florida Statutes, is amended to read:

206.05 Bond required of licensed refiner, importer, or wholesaler.—

(1) Each refiner, importer, or wholesaler, except a municipality, county, school board, state agency, federal agency, or special district which is licensed under this part, shall file with the department a bond in a penal sum of not more than $100,000, such sum to be approximately 3 times the average monthly gas tax and sales tax on motor fuel paid or due during the preceding 12 calendar months under the laws of this state. The bond shall be in such form as may be approved by the department, executed by a surety company duly licensed to do business under the laws of the state as surety thereon, and conditioned upon the prompt filing of true reports and the payment to the department of any and all gas taxes and sales taxes on motor fuel collected pursuant to chapter 212 which are now or which hereafter may be levied or imposed by the state, together with any and all penalties and interest thereon, and generally upon faithful compliance with the provisions of the gas tax and sales tax laws of the state. The licensee shall be the principal obligor, and the state shall be the obligee. *An assigned time deposit or irrevocable letter of credit may be accepted in lieu of a surety bond.*

Section 22. Effective January 1, 1988, section 206.065, Florida Statutes, is created to read:

206.065 Purchases by licensed wholesalers; authority to self-accrue and remit tax.—

(1) A licensed wholesaler may, after obtaining written consent of the executive director of the department, self-accrue and remit the tax imposed by this part. Thereafter, the wholesaler may purchase motor fuel from importers or refiners and pay the tax due on such purchases directly to the department. The tax shall be due and remitted as provided in s. 206.43.

(2) A wholesaler may self-accrue and remit the tax under subsection (1) only if he:

(a) Made average monthly sales for the preceding 12-month period prior to applying for the authority of not less than 150,000 gallons;

(b) Has been registered and filed timely reports and made timely payments of the tax due for a period of 12 months in accordance with the provisions of s. 206.43;

(c) Complies with the requirements of s 206 05; however, the department may increase the amount of the bond or other security to equal the total amount of tax remitted for the previous 3-month period if the wholesaler repeatedly remitted such tax late;

(d) Files a written statement under oath with the department stating that the wholesaler meets the requirements of this subsection; and

(e) Submits proper forms to the department as the department may require.

(3) A newly licensed wholesaler who has not met the requirements of paragraphs (2)(a) and (b) must file a written statement under oath attesting that he will have average monthly sales of 150,000 gallons or more and will timely file monthly reports. Additionally, the wholesaler shall comply with paragraphs (2)(c) and (e).

(4) A refiner or importer may make sales to a wholesaler having self-accrual and remittance authority without collecting the tax only upon receiving from the wholesaler a written order setting forth his wholesaler license number, a statement that the wholesaler is assuming the obligation of remitting the tax directly to the state and providing with each order a copy of the consent by the executive director to self-accrue.

(5) The privilege of self-accrual shall be renewed annually with the renewal of the wholesaler's license.

(6) The self-accrual privilege may be revoked by the executive director of the department or his designee at any time if the licensed wholesaler:

(a) Fails to report and remit the tax in a timely manner;

(b) Fails to respond to renewal requests;

(c) Fails to comply with any notice of intent to audit or other notice issued by the department;

(d) Fails to receive approval by the department for any change of name, transfer of ownership, merger, or other like transaction; or

(e) Engages in any activity jeopardizing the collection and remittance of taxes as provided in s. 213.21.

(7) After the department has revoked, denied, or refused to renew an authority to self-accrue, an affected wholesaler may request a review pursuant to s. 120.57. The department shall notify the wholesaler of the denial, revocation, or nonrenewal by registered mail at his last known address as reflected in the files of the department and shall further provide notice of the denial, revocation, or nonrenewal of the authority by registered mail to all refiners and importers subject to the tax imposed by this part. Notification of denial, revocation, or nonrenewal under this subsection shall not be deemed a violation of s. 213.053.

Section 23. Effective January 1, 1988, section 206.07, Florida Statutes, is amended to read:

206.07 Suits for collection of unpaid taxes.—

(1) Upon demand of the department, the Department of Legal Affairs or any state attorney of any judicial circuit shall bring appropriate actions in the name of the state, or in the name of the Department of Revenue in the capacity of its office, for the recovery of the above-mentioned taxes, penalties, and interest, and judgment shall be rendered for the amount so found to be due together with costs. However, if it shall be found as a fact that such failure to pay was willful on the part of any refiner, importer, or wholesaler, judgment shall be rendered for double the amount of the tax found to be due with costs. The department may employ an attorney-at-law to institute and prosecute proper proceedings to enforce payment of the gas taxes provided for by the laws of this state and the penalties and interest provided for by part I or part II of this chapter and to fix the compensation for the services of said attorney-at-law.

(2) Any seller and purchaser convicted of conspiring to defraud the state of any tax imposed under this chapter may be held liable for the tax and any penalty and interest due on such tax.

Section 24. Effective January 1, 1988, subsection (2) of section 206.27, Florida Statutes, 1986 Supplement, is amended to read:

206.27 Records and files as public records.—

(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 *pursuant to* ~~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 *or under s. 213.053* 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 25. Effective January 1, 1988, subsections (7) and (9) of section 206.47, Florida Statutes, 1986 Supplement, are amended to read:

206.47 Distribution of constitutional gas tax pursuant to State Constitution.—

(7) The gas tax funds credited to each county will be first distributed to meet the debt service requirements, if any, of the s. 16, Art. IX debt assumed or refunded by the State Board of Administration payable from the constitutional gas tax. The remaining gas tax funds credited to each county are surplus gas tax funds and shall be *distributed as provided by s. 9(c), Art. XII of the State Constitution or by law pursuant to such section and shall be used* ~~divided, 80 percent to the Department of Transportation and 20 percent to the board of county commissioners of the county~~ for the acquisition *or* ~~and~~ construction of roads.

(9) The State Board of Administration will, in each fiscal year, distribute the 80-percent surplus gas tax allocated to each county to the debt service requirements of each bond issue pledging the 80-percent surplus accruing to that county under the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended. The remaining 80-percent surplus gas tax funds will be advanced monthly, to the extent practicable, to the *boards of county commissioners* ~~Department of Transportation~~ for use in the county.

Section 26. Effective January 1, 1988, section 206.56, Florida Statutes, is amended to read:

206.56 Failure to account for tax collected; embezzlement.—If any refiner, importer, or wholesaler collects from another, upon an invoice rendered, the tax in this part contemplated, and fails to report and pay the same to the department as provided, *with intent to temporarily or permanently deprive the state of a right or benefit to such moneys or appropriate such moneys to his own use or that of another not entitled to such moneys,* he shall be deemed to be guilty of embezzlement of funds, the property of the state, and upon conviction shall be punished as if convicted of larceny of a like sum.

Section 27. Effective January 1, 1988, subsection (4) is added to section 206.59, Florida Statutes, 1986 Supplement, to read:

206.59 Department to make rules; powers.—

(4) The department may assess and collect any tax, penalty, or interest against any person who purchases, receives, or disposes of motor fuel in violation of any provision of this part.

Section 28. Effective January 1, 1988, subsection (1) of section 206.91, Florida Statutes, is amended to read:

206.91 Tax reports; computation and payment of tax.—

(1) For the purpose of determining the amount of tax imposed by s. 206.87, each dealer shall, not later than the 20th day of each calendar month, mail to the department, on forms prescribed by the department, monthly reports which shall show such information on inventories, purchases, nontaxable disposals, and taxable sales in gallons of each type of special fuel, including, but not limited to, diesel and heating fuel, kerosene, butane gas, propane gas, and all other forms of liquefied petroleum gases, for the preceding calendar month as may be required by the department. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The reports shall contain or be verified by a written declaration that such report is made under the penalties of perjury. The dealer shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 6 percent of the tax on special fuels imposed by this part not exceeding 500,000 taxable gallons, and less an amount equivalent to 3 percent of the tax on special fuels imposed by this part in excess of 500,000 taxable gallons but not exceeding *1,000,000* ~~800,000~~ taxable gallons, which deduction is hereby allowed to the dealer on account of services and expenses in complying with the provisions of this part. This allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as herein required. Nothing in this subsection shall be construed to authorize a deduction from the constitutional gas tax.

Section 29. Effective January 1, 1988, section 206.9865, Florida Statutes, is created to read:

206.9865 Commercial air carriers; registration; reporting.—

(1) A commercial air carrier which operates in Florida must apply for and receive from the department an aviation fuel tax license.

(2) To procure an aviation fuel tax license, the carrier must file an application in such form and furnish such information as the department may require.

(3) The application must be renewed annually and the fee for application or renewal is $30.

(4) Upon issuance of the aviation fuel tax license, each carrier shall file with the department a report showing inventories; all purchases of tax-paid aviation fuel; all fuels drawn from bonded supplies; imports; and disbursements, sales, and usage. The report shall be filed on the 20th day of January, April, July, and October of each year for the previous quarter.

(5) The license shall be for the purpose of remitting taxes on any aviation fuel which is drawn from bond or imported into Florida and which is used for domestic purposes.

(6) The provisions of this chapter relating to timely filing of reports, payment of any tax that may be due, suits for collection, warrants for collection, department warrants, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement apply to this part.

Section 30. Effective January 1, 1988, section 206.9875, Florida Statutes, is created to read:

206.9875 United States government exempt.—Aviation fuel purchased by the United States or any department or agency of the United States is exempt from the tax imposed by this part when used in governmental aircraft. Any dealer of aviation fuel is entitled to a refund of any tax he has paid upon any aviation fuel purchased under such exemption.

Section 31. Effective January 1, 1988, section 212.66, Florida Statutes, 1986 Supplement, 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, *206.065*, 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 32. *Effective January 1, 1988, wholesalers having motor fuel inventory for which taxes have not been paid pursuant to part I of chapter 206 or part II of chapter 212, Florida Statutes, may remit the tax on such motor fuel to the department either as the motor fuel is sold or in three equal monthly payments if the tax is $100,000 or less; or, in six equal monthly payments if the tax is greater than $100,000.*

Section 33. Effective October 1, 1987, subsection (3) of section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; definitions.—

(3) All construction and reconstruction of roads and bridges, including resurfacing, full scale mineral seal coating, and major bridge and bridge system repairs, to be performed utilizing the proceeds of the 80 percent portion of the surplus of the constitutional gas tax shall be let to contract to the lowest responsible bidder by competitive bid, except for:

(a) Construction and maintenance in emergency situations; and

(b) In addition to emergency work, construction and reconstruction, including resurfacing, mineral seal coating, and bridge repairs, having a total cumulative annual value not to exceed 5 percent of its 80 percent portion of the constitutional gas tax or *$250,000* ~~$50,000~~, whichever is greater, for which the county may utilize its own forces. However, if, after proper advertising, no bids are received by a county for a specific project, the county may use its own forces to construct the project, notwithstanding the limitation of this subsection. Nothing in this section shall prevent the county from performing routine maintenance as authorized by law.

Section 34. Except as otherwise provided herein, this act shall take effect July 1, 1987.

Amendment 2—Strike the title and insert: A bill to be entitled An act relating to taxation; amending s. 206.01, F.S.; redefining "importer" and defining "loading rack" for purposes of excise taxes on fuel; amending s. 206.02; providing for issuance of provisional refiner's, importer's or wholesaler's licenses to certain new businesses; amending s. 206.09, F.S.; revising requirements relating to reports required of certain carriers transporting fuel or similar products; amending s. 206.41, F.S.; specifying activities upon which the constitutional gas tax is levied; specifying application of certain refund provisions to importers; amending ss. 212.62, 206.60, and 206.605, F.S.; specifying activities upon which the tax on sales of fuels, the county tax on motor fuel, and the municipal tax on motor fuel are levied; amending s. 206.62, F.S.; providing application of taxes on fuel to sales to or by military post exchanges; amending s. 212.67, F.S.; authorizing a credit against local option fuel taxes for the refund for shrinkage allowed against the sales tax on motor fuel; amending s. 206.86, F.S.; redefining "special fuel" and "dealer" and defining "dual user" and "consumption" for purposes of the excise tax on special fuel; amending s. 206.89, F.S.; correcting a reference; amending s. 206.87, F.S.; revising an exemption from said tax; specifying sales of special fuel that are taxable; specifying liability of dealers and certain other persons; amending s. 206.9931, F.S.; revising requirements relating to separately stating the excise tax on pollutants or certifying that the tax has been paid; authorizing quarterly, semiannual, and annual returns under certain circumstances; amending s. 206.9935, F.S.; specifying activities upon which the excise taxes on pollutants are levied; amending s. 206.9941, F.S.; revising provisions relating to an exemption for certain petroleum products; amending s. 206.9942, F.S.; revising provisions relating to deductions and refunds of the tax for inland protection paid on petroleum products under certain circumstances; amending s. 206.9945, F.S.; correcting a reference; amending s. 336.021, F.S.; specifying application of the voted gas tax for county transportation systems and of refund provisions; providing for effective date of levy or rescinding of such tax; amending s. 336.025, F.S.; specifying application of the local option gas tax for county transportation systems and of refund provisions; revising provisions relating to extension of such tax; providing for effective date of rescinding of such tax; amending s. 336.026, F.S.; providing a time limitation for notice of levy of the local option gas tax for metropolitan transportation systems to the Department of Revenue; providing for effective date of rescinding of such tax; amending s. 206.05, F.S.; providing alternative to surety bond required of licensed refiners, importers, and wholesalers; creating s. 206.065, F.S.; providing for authorization of qualified licensed wholesalers to self-accrue and remit the excise tax on motor fuel; providing for annual renewal; providing for revocation; providing for review; amending s. 206.07, F.S.; specifying liability of sellers and purchasers convicted of conspiring to defraud the state of taxes; amending s. 206.27, F.S.; revising provisions relating to confidentiality of certain information; amending s. 206.47, F.S.; revising provisions relating to distribution of surplus constitutional gas tax funds; amending s. 206.56, F.S.; revising provisions relating to failure to account for tax collected as embezzlement; amending s. 206.59, F.S.; specifying power of department to assess and collect taxes, penalties, and interest; amending s. 206.91, F.S.; revising the deduction allowed special fuel dealers; creating s. 206.9865, F.S.; requiring commercial air carriers to obtain an aviation fuel tax license; providing a fee; requiring reports; specifying application of the aviation fuel tax to certain fuel; providing for application of certain administrative, penalty, and enforcement provisions to part III of chapter 206; creating s. 206.9875, F.S.; exempting certain aviation fuel purchased by the United States or agencies thereof; authorizing refunds; amending s. 212.66, F.S.; providing for application of provisions authorizing self-accrual to the sales tax on fuel; providing for remittance of tax by wholesalers on certain motor fuel inventory for which taxes have not been paid; amending s. 336.41, F.S.; revising provisions relating to exemption from bidding requirements for certain county road work; providing effective dates.

Amendment 5—On page 1, between lines 11 and 12, insert:

Section 1. Subsection (12) of section 212.02, Florida Statutes, 1986 Supplement, is 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:

(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, and all other types of vehicles. *The term also includes items of intangible personal property taxed pursuant to s. 212.0515.* 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 2. Section 212.0515, Florida Statutes, is created to read:

212.0515 Coins and currency.—

(1) There is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

(a) Is not legal tender;

(b) If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or

(c) Is sold, exchanged, or traded at a rate based on its precious metal content.

(2) Such tax shall be at a rate of 5 percent of the price at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States and which is sold, exchanged, or traded at a rate in excess of its face value, the tax shall be at a rate of 5 percent of the difference between the price at which it is sold, exchanged, or traded and its face value.

(3) There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and when the rate at which exchanged is based on the relative value of each as a medium of exchange other than a rate based on precious metal content.

Section 3. Paragraph (d) of subsection (3) and paragraph (a) of subsection (4) of section 125.0104, Florida Statutes, 1986 Supplement, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(d) In addition to any 1-percent or 2-percent tax imposed under paragraph (c), the governing board of the county may levy, impose, and set an additional 1 percent of each dollar above the tax rate set under paragraph (c) by the extraordinary vote of the governing board for the purposes set forth in subsection (5) or by referendum approval by the registered electors within the county or subcounty special district. No county shall levy, impose, and set the tax authorized under this paragraph unless the county has imposed the 1-percent or 2-percent tax authorized under paragraph (c) for a minimum of 3 years prior to the effective date of the levy and imposition of the tax authorized by this paragraph. Revenues raised by the additional tax authorized under this paragraph shall not be used for debt service on or refinancing of existing facilities as specified in subparagraph (5)(a)1. unless approved by a resolution adopted by an extraordinary majority of the total membership of the governing board of the county. If the 1-percent or 2-percent tax authorized in paragraph (c) is levied within a subcounty special taxing district, the additional tax authorized in this paragraph shall only be levied therein. The provisions of paragraphs (4)(a) through (d) shall not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the *second* month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(4) ORDINANCE LEVY TAX; PROCEDURE.—

(a) The tourist development tax shall be levied and imposed pursuant to an ordinance containing the county tourist development plan prescribed under paragraph (c), enacted by the governing board of the county. The ordinance levying and imposing the tourist development tax shall not be effective unless the electors of the county or the electors in the subcounty special district in which the tax is to be levied approve the ordinance authorizing the levy and imposition of the tax, in accordance with subsection (6). The effective date of the levy and imposition of the tax shall be the first day of the *second* month following approval of the ordinance by referendum, as prescribed in subsection (6), or the first day of any subsequent month as may be specified in the ordinance. A certified copy of the ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance. The governing authority of any county levying such tax shall notify the department, within 10 days after approval of the ordinance by referendum, of the time period during which the tax will be levied.

Section 4. Paragraph (a) of subsection (1) of section 212.05, Florida Statutes, 1986 Supplement, as amended by chapters 86-152 and 86-166, Laws of Florida, 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. 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. 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 penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed after July 1, 1985, pursuant to this *subparagraph* ~~sub-subparagraph. 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).~~

Section 5. Subsections (7) and (8) of section 212.06, Florida Statutes, 1986 Supplement, 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.—

(7) The provisions of this chapter do not apply in respect to the use or consumption of tangible personal property, or distribution or storage of tangible personal property for use or consumption in this state, upon which a like tax equal to or greater than the amount imposed by this chapter has been lawfully imposed and paid in another state, *territory of the United States, or the District of Columbia.* The proof of payment of such tax shall be made according to rules and regulations of the department. If the amount of tax paid in another state, *territory of the United States, or the District of Columbia* is not equal to or greater than the amount of tax imposed by this chapter, then the dealer shall pay to the

department an amount sufficient to make the tax paid in the other state, *territory of the United States, or the District of Columbia* and in this *state equal to the amount imposed by this chapter.*

(8) Use tax will apply and be due on tangible personal property imported or caused to be imported into this state for use, consumption, distribution, or storage to be used or consumed in this state; provided, however, that it shall be presumed that tangible personal property used in another state, *territory of the United States, or the District of Columbia* for 6 months or longer before being imported into this state was not purchased for use in this state. The rental or lease of tangible personal property which is used or stored in this state shall be taxable without regard to its prior use or tax paid on purchase outside this state.

Section 6. Effective October 1, 1987, subsection (1) of section 212.08, Florida Statutes, 1986 Supplement, is 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.—

(a) There are exempt from the tax imposed by this chapter food and drinks for human consumption except candy. 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) for meals provided by certain nonprofit organizations pertains, none of such items of food or drinks means:

1.~~(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;

2.~~(b)~~ Foods and drinks sold ready for immediate consumption from vending machines, pushcarts, motor vehicles, or any other form of vehicle;

3.~~(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;

4.~~(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-premises consumption unless such foods are taxed under *subparagraph 1.* ~~paragraph (a)~~ or *subparagraph 2.* ~~paragraph (b)~~; or

5.~~(e)~~ Sandwiches sold ready for immediate consumption.

For the purposes of this *paragraph* ~~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.

(b)1. Food or drinks not exempt under paragraph (a) shall be exempt, notwithstanding that paragraph, when purchased with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

2. This paragraph is effective only while federal law prohibits a state's participation in the federal food coupon program or Special Supplemental Food Program for Women, Infants, and Children if there is an official determination that state or local sales taxes are collected within that state on purchases of food or drinks with such coupons.

3. This paragraph shall not apply to any food or drinks on which federal law shall permit sales taxes without penalty, such as termination of the state's participation.

Section 7. Section 212.0601, Florida Statutes, is created to read:

212.0601 Use taxes of vehicle dealers.—

(1) Each motor vehicle dealer who is required by s. 320.08(12) to purchase one or more dealer license plates shall pay an annual use tax of $27 for each dealer license plate purchased under that subsection, in addition to the license tax imposed by that subsection. The use tax shall be for the year for which the dealer license plate was purchased.

(2) There shall be no additional tax imposed by this part for the use of a dealer license plate for which, after the effective date of this section, a dealer use tax has been paid under this section. This exemption shall apply to the time period before the sale or any other disposition of the vehicle throughout the year for which the dealer license plate required by s. 320.08(12) is purchased.

Section 8. Paragraph (c) of subsection (2) of section 212.12, Florida Statutes, 1986 Supplement, 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.—

(2)

(c) Dealers filing a consolidated return pursuant to s. 212.11(1)(d) shall be subject to the penalty established in paragraph (b) *unless the dealer has paid the required estimated tax for his consolidated return as a whole without regard to each location. If the dealer fails to pay the required estimated tax for his consolidated return as a whole, each filing location shall stand on its own with respect to calculating penalties pursuant to paragraph (b).* ~~only on the amount of unpaid estimated taxes calculated for their consolidated return as a whole. Said penalty shall not apply to amounts indicated as collected in each county.~~

Section 9. Subsection (2) of section 213.053, Florida Statutes, 1986 Supplement, is amended, and subsection (9) is added to said section, to read:

213.053 Confidentiality and information sharing.—

(2) Except as provided in subsections (3), (4), (5), (6), (7), ~~and~~ (8), *and (9)*, all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and ~~included~~ 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), *or subsection (9)*, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(a) Notwithstanding other subsections of this section, the department shall, subject to the safeguards and limitations of paragraphs (b) and (d), disclose to the governing body of a county or subcounty district levying a local option tax which the department is responsible for administering, names and addresses only of the taxpayers who reside within the taxing boundaries of such county or subcounty district.

(b) Such information shall be disclosed only if the department receives an authenticated copy of a resolution adopted by the governing body requesting it.

(c) After receipt of such information, the governing body, and its officers and employees are subject to the same requirements of confidentiality and the same penalties for violating confidentiality as the department and its employees. The resolution requesting such information shall provide assurance that the governing body and its officers and employees are aware of those requirements and of the penalties for their violation, and shall describe the measures that will be put into effect to assure the requisite confidentiality. The officer of the department who is authorized to receive, consider, and act upon such requests, shall, if satisfied that the assurances in the resolution are adequate to assure confidentiality, grant the request.

(d) Nothing in this subsection authorizes disclosure of any information prohibited to be disclosed by federal law.

Section 10. Paragraphs (b) and (d) of subsection (1) of section 212.055, Florida Statutes, are amended 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.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(b)*1.* The rate shall be one-fifth (20 percent) of any amount of tax imposed by and paid to the state pursuant to this part, except this section and s. 212.054.

2. Notwithstanding subparagraph 1., for any county the government of which is consolidated with that of one or more municipalities the rate shall be one-tenth (10 percent) of any amount of tax imposed by and paid to the state pursuant to this part, except this section and s. 212.054.

(d) Proceeds from the surtax shall be*:*

1. Deposited by the county in the rapid transit trust fund and shall be used only for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system*; or*.

2. Remitted by the governing body of the county to an expressway or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, the operation and maintenance of a bus system, or the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges.

(Renumber subsequent sections.)

Amendment 6—On page 1 in the title, line 15, after the semicolon (;) insert: amending s. 212.02, F.S., and creating s. 212.0515, F.S.; providing for application of the tax on sales, use and other transactions to certain coins and currency; amending s. 125.0104, F.S.; revising the effective date of local option tourist development taxes; amending s. 212.05, F.S.; revising provisions that provide for application of the sales tax to occasional and isolated sales of certain items, to remove a provision that such a sale is one in which the seller is not a motor vehicle dealer; amending s. 212.06, F.S.; extending the exemption for taxes paid in another state and for property used for a specified period in another state to include other United States territories and the District of Columbia; amending s. 212.08, F.S.; providing an exemption for certain food or drinks when purchased with food coupons or certain vouchers, under specified conditions; creating s. 212.0601, F.S.; imposing a use tax on dealer license plates purchased by motor vehicle dealers; amending s. 212.12, F.S.; providing application of penalty for failure to timely remit estimated tax payments to dealers filing consolidated returns; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the governing body of a county or subcounty district levying a local option tax which the department administers; providing for application of confidentiality and penalty provisions to the governing body and its officers and employees; amending s. 212.055, F.S.; providing that proceeds of a charter county transit system surtax may be remitted to an expressway authority or transportation authority for specified purposes; providing for the reduction of the surtax in specified circumstances;

Amendment 7—On page 1, between lines 11 and 12, insert:

Section 1. Effective upon this act becoming a law and operating retroactively to January 1, 1987, subsections (3), (4), and (5) of section 214.425, Florida Statutes, 1986 Supplement, as created by chapter 86-121, Laws of Florida, are hereby repealed, and subsection (2) of said section is amended, to read:

214.425 Determination of rate of interest.—

(2) *The annual rate of interest for overpayments or underpayments shall be determined pursuant to s. 6621 of the Internal Revenue Code of 1986 in effect on January 1, 1987, except that such interest shall not be compounded.* ~~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.~~

Section 2. Effective upon this act becoming a law and operating retroactively to January 1, 1987, paragraphs (c), (k), (n), (p), and (u) of subsection (1), paragraph (c) of subsection (2), and subsections (5) and (6) of section 220.03, Florida Statutes, 1986 Supplement, 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:

(c) "Business" or "business firm" means any business entity authorized to do business in this state as defined in paragraph *(e)* ~~(y)~~, and any bank or savings and loan association as defined in s. 220.62, subject to the tax imposed by the provisions of this chapter. The provisions of this paragraph shall expire and be void on June 30, 1994.

(k)1. "Expansion of an existing business," for the purposes of the gasohol development tax incentive credit, refers to capital investment in a productive business operation, not defined as a new business, which results in a net increase in the amount of real or tangible personal property owned by it or, in the case of government-owned real property, leased by it, for the purpose of engaging in the distillation of ethyl alcohol for use in motor fuels or in the manufacture of equipment for the processing and distillation of ethyl alcohol for use in motor fuels.

2. "Expansion of an existing business," for the purposes of the enterprise zone property tax credit, means any business entity authorized to do business in this state as defined in paragraph *(e)* ~~(y)~~, and any bank or savings and loan association as defined in s. 220.62, subject to the tax imposed by the provisions of this chapter, located in an enterprise zone, which expands by or through additions to real and personal property and which establishes five or more new jobs to employ five or more additional full-time employees in this state. The provisions of this subparagraph shall expire and be void on December 31, 1994.

(n) "Internal Revenue Code" means the United States Internal Revenue Code of *1986* ~~1954, as amended and~~ in effect on January 1, *1987* ~~1986~~, except as provided in subsection (3).

(p)1. "New business," for the purposes of the gasohol development tax incentive credit, means a productive business operation, which heretofore did not exist in this state, engaged in the distillation of ethyl alcohol for use in motor fuels or in the manufacture of equipment for the processing and distillation of ethyl alcohol for use in motor fuels.

2. "New business," for the purposes of the enterprise zone property tax credit, means any business entity authorized to do business in this state as defined in paragraph *(e)* ~~(y)~~, or any bank or savings and loan association as defined in s. 220.62, subject to the tax imposed by the provisions of this chapter, first beginning operations on a site located in an enterprise zone and clearly separate from any other commercial or industrial operations owned by the same entity, bank, or savings and loan association. The provisions of this subparagraph shall expire and be void on December 31, 1994.

(u) "Rebuilding of an existing business" means replacement or restoration of real or tangible property destroyed or damaged in an emergency, as defined in paragraph (i), in an enterprise zone, by a business entity authorized to do business in this state as defined in paragraph *(e)* ~~(y)~~, or a bank or savings and loan association as defined in s. 220.62, subject to the tax imposed by the provisions of this chapter, located in the enterprise zone. The provisions of this paragraph shall expire and be void on December 31, 1994.

(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, *1987* ~~1986~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

(5)(a) Notwithstanding any other provision of this code, each amendment to the Internal Revenue Code of 1954, as amended and in effect on January 1, 1980, which was enacted by the Congress of the United States after January 1, 1980, and before January 1, 1982, and which had an effective date prior to January 1, 1982, shall be given effect under this code retroactive to the effective date of such amendment unless the taxpayer makes the election provided for in paragraph (b) or in paragraph (c).

(b) Unless a taxpayer makes the election under paragraph (c), he may make an election, in the manner prescribed by the department, by August 26, 1982, or a taxpayer filing an initial return may make an election upon filing the first return for tax due under this chapter, whichever is later, to report and pay the tax levied by this chapter as if all such amendments described in paragraph (a) became effective on January 1, 1982. If such an election is made, all such amendments shall have no application to such taxpayer for periods prior to January 1, 1982, and all transactions and events occurring between January 1, 1980, and January 1, 1982, and the continuing tax ramifications of such events and transactions shall be governed by the law in effect on January 1, 1980.

(c) A taxpayer may make an election, in the manner prescribed by the department, by August 26, 1982, or a taxpayer filing an initial return may make an election upon filing the first return for the tax due under this chapter, whichever is later, to report and pay the tax levied by this chapter as if:

1. The Internal Revenue Code of 1954, as amended and in effect on January 1, 1980, is in effect indefinitely thereafter; and

2. Solely for the purpose of computing depreciation deductions, the provisions of chapter 220, Florida Statutes, 1980 Supplement, are in effect indefinitely thereafter.

For the purposes of taxation of taxpayers who make the election provided for in this paragraph, the Internal Revenue Code of 1954, as amended and in effect on January 1, 1980, shall include, for tax years beginning on or after January 1, 1982, the provisions of the Foreign Investment in Real Property Tax Act of 1980, Subtitle C of Title XI of Pub. L. No. 96-499 and the amendments to those provisions codified in the Internal Revenue Code, as defined in paragraph (1)(n). Taxpayers may one time only revoke an election made pursuant to this paragraph, in accordance with rules formulated by the department. Such revocation shall be prospective in nature, and all transactions and events occurring during the period during which the election provided for in this paragraph is in effect and the continuing tax ramifications of such events and transactions shall be governed by the provisions of this paragraph.

(d) Any taxpayer who has not made the election pursuant to paragraph (c) shall be subject to the provisions of chapter 221, and the provisions of that chapter shall be retroactively effective to the effective date of s. 168 of the Internal Revenue Code of 1954, as amended, unless the taxpayer has made the election pursuant to paragraph (b), in which event the provisions of chapter 221 shall apply retroactively to January 1, 1982.

(e) Paragraphs (b) and (c) and any election made pursuant to such paragraphs shall expire and be void for taxable years beginning on or after January 1, 1987, except any depreciation method elected and applied to assets placed in service prior to January 1, 1987.

(f) Any taxpayer who made an election pursuant to paragraphs (b) and (c) for any prior taxable year shall recompute tax for all prior years for which such election was effective by determining the tax for all such taxable years as if the election had not been made, except for differences attributable to depreciation methods. The aggregate of the changes in the tax liabilities resulting from such recomputation shall be treated as an addition to tax or credit against tax, as the case may be, ratably over the five succeeding taxable years beginning after December 31, 1986. Any ratable portion of a credit against tax which cannot be utilized in any taxable year may be carried over to subsequent taxable years until fully utilized.

~~(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. Unused credits for emergency excise taxes paid pursuant to chapter 221 for taxable years beginning before July 1, 1987, shall continue to be available as provided in s. 221.02.~~

Section 3. Effective upon this act becoming a law and operating retroactively to January 1, 1987, subsections (3) and (4) are added to section 220.11, Florida Statutes, to read:

220.11 Tax imposed.—

(3) The tax imposed by this section, for taxpayers determining taxable income under s. 220.13(2)(k), shall be an amount equal to 3.3 percent of the taxpayer's net income for the taxable year.

(4) The amount of tax determined under this section shall be the greater of the tax determined under subsection (2) or subsection (3).

Section 4. Effective upon this act becoming a law and operating retroactively to January 1, 1987, paragraph (a) of subsection (1) of section 220.13, Florida Statutes, 1986 Supplement, is amended and paragraph (k) is added to subsection (2) of said section to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265(2) of the Internal Revenue Code or any other law, *excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code of 1986, if the taxpayer pays tax under s. 220.11(3).*

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 1994.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on December 31, 1994.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. That portion of the taxes paid under part II of chapter 212 which is equal to the amount of the credit allowable for the taxable year under s. 220.189.

9. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

(2) For purposes of this section, a taxpayer's taxable income for the taxable year means taxable income as defined in s. 63 of the Internal Rev-

enue Code and properly reportable for federal income tax purposes for the taxable year, but subject to the limitations set forth in paragraph (1)(b) with respect to the deductions provided by ss. 172 (relating to net operating losses), 170(d)(2) (relating to excess charitable contributions), 404(a)(1)(D) (relating to excess pension trust contributions), 404(a)(3)(A) and (B) (to the extent relating to excess stock bonus and profit-sharing trust contributions), 404(d) (relating to excess contributions under the 1939 code), and 1212 (relating to capital losses) of the Internal Revenue Code, except that, subject to the same limitations, the term:

(k) "Taxable income," in the case of a taxpayer liable for the alternative minimum tax as defined in s. 55 of the Internal Revenue Code of 1986, means the alternative minimum taxable income as defined in s. 55(b)(2) of the Internal Revenue Code of 1986, less the exemption amount computed under s. 55(d) of the Internal Revenue Code of 1986. A taxpayer is not liable for the alternative minimum tax unless the taxpayer's federal tax return, or related federal consolidated tax return, if included in a consolidated return for federal tax purposes, reflect a liability on the return filed for the alternative minimum tax as defined in s. 55(b)(2) of the Internal Revenue Code of 1986.

Section 5. Effective upon this act becoming a law and operating retroactively to January 1, 1987, section 220.186, Florida Statutes, is created to read:

220.186 Credit for Florida alternative minimum tax.—

(1) A taxpayer required to determine taxable income pursuant to s. 220.13(2)(k) shall be allowed a credit against the tax imposed by this chapter in any subsequent taxable years.

(2) The credit pursuant to this section shall be the amount of the excess, if any, of the tax paid based upon taxable income determined pursuant to s. 220.13(2)(k) over the amount of tax which would have been due based upon taxable income without application of s. 220.13(2)(k), before application of this credit.

(3) The amount of credit allowable in any subsequent taxable years shall not exceed the excess, if any, of the amount of tax due under this chapter without application of s. 220.13(2)(k) where applied to compute taxable income for the year, whether or not such paragraph is required to compute taxable income for the year.

Section 6. Effective upon this act becoming a law and operating retroactively to January 1, 1987, subsection (9) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(9) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), those enumerated in s. 631.575, those enumerated in s. 440.385(13), those enumerated in s. 220.18, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.189, those enumerated in s. 221.02, ~~and~~ those enumerated in s. 220.184, *and those enumerated in s. 220.186.*

Section 7. Effective upon this act becoming a law and operating retroactively to January 1, 1987, subsection (1) of section 220.222, Florida Statutes, is amended to read:

220.222 Returns; time and place for filing.—

(1) Returns required by this code shall be filed with the office of the department in Leon County or at such other place as the department may by regulation prescribe. All returns required for a DISC (Domestic International Sales Corporation) under paragraph *6011(c)(2)* ~~6011(c)(2)~~ of the Internal Revenue Code shall be filed on or before the 1st day of the 10th month following the close of the taxable year; all partnership information returns shall be filed on or before the 1st day of the 5th month following the close of the taxable year; and all other returns shall be filed on or before the 1st day of the 4th month following the close of the taxable year or the 15th day following the due date, without extension, for the filing of the related federal return for the taxable year, unless under subsection (2) one or more extensions of time, not to exceed 6 months in the aggregate, for any such filing is granted.

Section 8. Effective upon this act becoming a law and operating retroactively to January 1, 1987, section 220.53, Florida Statutes, is amended to read:

220.53 Adoption of chapter 214 and ss. 213.06 and 213.21.—The tax imposed by this chapter is hereby made subject to chapter 214, as that chapter is modified by s. 220.15 and by s. 220.23(2)(c) and (d). Sections 213.06 and 213.21 shall apply to this chapter except *as provided in s. 213.21(2)(a) as to* ~~for those portions of s. 213.21 which relate to compromising estimated tax penalties under s. 220.34 and~~ adjustments made pursuant to s. 220.23.

Section 9. Effective upon this act becoming a law and operating retroactively to January 1, 1987, section 221.01, Florida Statutes, 1986 Supplement, 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.

(2)(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 *1986, for assets placed in service after December 31, 1980, and before January 1, 1987,* ~~1954, as amended,~~ exclusive of any deduction allowed under s. 168(b)(3) *and 60 percent of any amount subject to tax under s. 55(b)(2)* of the Internal Revenue Code of *1986* ~~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. *For purposes of this paragraph "any amount subject to tax" includes only positive amounts that are taken into account in determining federal alternative minimum taxable income within the meaning of s. 55(b)(2) of the Internal Revenue Code of 1986 for those taxpayers paying Florida tax under s. 220.11(3).*

(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 *1986, for assets placed in service after December 31, 1980, and before January 1, 1987,* ~~1954, as amended,~~ exclusive of any deduction allowed under s. 168(b)(3) of the Internal Revenue Code of *1986* ~~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 *1986* ~~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 *1986, for assets placed in service after December 31, 1980, and before January 1, 1987,* ~~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.~~

Section 10. Effective upon this act becoming a law and operating retroactively to January 1, 1987, section 221.02, Florida Statutes, 1986 Supplement, is amended to read:

221.02 Credit for emergency excise tax paid.—

~~(1)~~ The emergency excise tax paid pursuant to s. 221.01 plus any credit or carryover properly applied to reduce the amount of the emergency excise tax due for the taxable year shall be allowed as a credit against the emergency excise tax, if any, to be charged and collected pursuant to this chapter for the return filed for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required. To the extent that the credit exceeds the emergency excise tax, if any, for the return filed for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required, such excess shall be allowed as a reduction of, and credit against, any tax imposed by chapter 220 upon the taxpayer for the fifth taxable year following the taxable year for which the tax was paid or, if earlier, the taxable year for which a final return is required. If the taxpayer is unable to fully utilize the credit in the year in which it is first allowed, it may be carried over to each of the 5 taxable years immediately thereafter.

~~(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.~~

Section 11. Effective upon this act becoming a law and operating retroactively to January 1, 1987, section 221.04, Florida Statutes, 1986 Supplement, is amended to read:

221.04 Administration of tax.—

(1) To the extent that they are not manifestly incompatible with the provisions of this chapter, the same powers, duties, and privileges imposed by chapters 213, 214, and 220 respecting the remission of tax, including the making of estimated tax payments; the making of returns; the imposition of penalties and interest; the keeping of books, records, and accounts; rulemaking; and compliance with the rules of the Department of Revenue in the administration of chapters 213, 214, and 220 shall apply to the assessment, collection, and payment of the emergency excise tax and the credit provided for in this chapter.

(2) For tax years ending 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) Subsections (1) and (2) and any subsequent amendments to the provisions contained in those subsections shall expire and be void for taxable years beginning after June 30, 1987.~~

Section 12. *Before April 1, 1988, the Department of Commerce in conjunction with the Department of Revenue are directed to complete a joint study of changing the adjusted federal income apportionment fraction to 100 percent sales, with emphasis on:*

(1) Characterizing the impact upon Florida tax revenues;

(2) Describing how to effectively administer and enforce tax payments; and

(3) Characterizing the impact upon investments in Florida property and payroll and economic development.

(Renumber subsequent section.)

Amendment 8—On page 1, line 15, after the semicolon (;) insert: amending s. 220.03, F.S.; clarifying definitions applicable to the income tax code; adopting the most recent federal Internal Revenue Code; amending s. 220.11, F.S.; providing for an alternative tax rate; amending s. 220.13, F.S.; defining taxable income as used in calculating the alternative minimum tax; amending s. 220.02, F.S.; providing for application of tax credits; creating s. 220.186, F.S.; providing a tax credit for the alternative minimum tax; amending s. 220.222, F.S.; correcting a cross-reference; amending s. 220.53, F.S.; clarifying application of certain provisions to ch. 220, F.S.; amending ss. 221.01, 221.02, 221.04, F.S.; limiting application of the emergency excise tax; deleting certain automatic repeal provisions; requiring the Department of Commerce and the Department of Revenue to conduct a study; providing for retroactive effect;

Amendment 9—On page 1, between lines 11 and 12, insert:

Section 1. Effective July 1, 1988, section 175.101, Florida Statutes, 1986 Supplement, is amended to read:

175.101 Two-percent state excise tax on property insurance premiums authorized; procedure.—Each municipality in this state described and classified in s. 175.041, having a lawfully established municipal firefighters' pension trust fund or municipal fund providing pension benefits to firefighters by whatever name known, may assess and impose on every insurance company, corporation, or other insurer now engaged in or carrying on, or who shall hereinafter engage in or carry on, the business of property insurance as shown by the records of the Department of Insurance an excise tax in addition to any lawful license or excise tax now levied by each of the municipalities, respectively, amounting to 2 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the corporate limits of such municipalities, respectively. In the case of multiple peril policies with a single premium for both the property and casualty coverages in such policies, 70 percent of such premium shall be used as the basis for the 2-percent tax. This excise tax shall be payable annually on March 1 of each year after the passage of an ordinance assessing and imposing the tax herein authorized. ~~Every insurance company, corporation, or other insurer paying such tax shall receive credit for the amount thereof, when paid, on the amount payable by such insurer to the state for the similar state excise tax now imposed by other provisions of law; however, this chapter shall not be construed to require the payment of any excise tax by an insurance company that does not now pay such tax.~~

Section 2. Effective July 1, 1988, subsection (3) of section 185.08, Florida Statutes, 1986 Supplement, is amended to read:

185.08 One-percent state excise tax on casualty insurance premiums authorized; procedure.—

(3) Said excise tax shall be payable annually March 1 of each year after the passing of an ordinance assessing and imposing the tax herein authorized. ~~Every insurance company, corporation, or other insurer paying such tax shall receive credit for the amount thereof, when paid, on the amount payable by such insurer to the state for the similar state excise tax now imposed by other provisions of law; however, this chapter shall not be construed to require the payment of an excise tax by an insurance company that does not now pay such tax.~~

Section 3. Effective July 1, 1988, subsections (1) and (3) of section 624.429, Florida Statutes, are amended, and effective July 1, 1987, subsection (6) of said section is amended, to read:

624.429 Retaliatory provision, insurers.—

(1) When by or pursuant to the laws of any other state or foreign country any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon Florida insurers or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses, and other fees, in the aggregate, or fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the department upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in this state. *In determining the taxes to be imposed under this section, the credit provided by s. 624.509(5) shall not be taken into consideration.*

~~(3) In the application of subsection (1), any foreign insurer which maintains a regional home office in this state as defined in s. 624.514:~~

~~(a) Shall be permitted as credits and deductions from the aggregate of penalties, fees, charges, and taxes imposed pursuant to this section, the same amount of credits and deductions which would otherwise be permitted such insurer under s. 624.514.~~

~~(b) Shall not be subject to retaliation as it relates to premium tax.~~

(6) *Fifty percent of* the excess amount of all fees, licenses, and taxes collected by the department under this section over the amount of similar fees, licenses, and taxes provided for in part IV, together with all fines, penalties, or other monetary obligations collected under this section and ss. 626.711 and 626.743 exclusive of such fees, licenses, and taxes, shall be

deposited by the department to the credit of the Insurance Commissioner's Regulatory Trust Fund. *The remainder of such excess amount shall be deposited into the General Revenue Fund.*

Section 4. Effective July 1, 1988, paragraph (a) of subsection (1) and subsection (4) of section 624.509, Florida Statutes, are amended, subsection (5) is renumbered as subsection (8), new subsections (5), (6), and (7) are added to said section, and effective October 1, 1987, paragraphs (a) and (b) of subsection (3) of said section are amended, to read:

624.509 Premium tax; rate and computation.—

(1) In addition to the license taxes provided for in this chapter, each insurer shall also annually, and on or before March 1 in each year, except as to wet marine and transportation insurance taxed under s. 624.510, pay to the Department of Revenue a tax on insurance premiums, risk premiums for title insurance, or assessments, including membership fees and policy fees and gross deposits received from subscribers to reciprocal or interinsurance agreements, and on annuity premiums or considerations, received during the preceding calendar year, the amounts thereof to be determined as set forth in this section, to wit:

(a) An amount equal to *2.25* ~~2~~ percent of the gross amount of such receipts on account of life and health insurance policies covering persons resident in this state and on account of all other types of policies and contracts (except annuity policies or contracts taxable under paragraph (b)) covering property, subjects, or risks located, resident, or to be performed in this state, omitting premiums on reinsurance accepted, and less return premiums or assessments, but without deductions:

1. For reinsurance ceded to other insurers;

2. For moneys paid upon surrender of policies or certificates for cash surrender value;

3. For discounts or refunds for direct or prompt payment of premiums or assessments; and

4. On account of dividends of any nature or amount paid and credited or allowed to holders of insurance policies; certificates; or surety, indemnity, reciprocal, or interinsurance contracts or agreements; and

(3)(a) Installments of the tax levied under this section shall be due and payable on April 15, *June* ~~July~~ 15, and October 15 in each year, based upon the estimated gross amount of receipts of insurance premiums or assessments received during the immediately preceding calendar quarter. A final payment of tax due for the year shall be made at the time the taxpayer files his return for such year. On or before March 1 in each year, an annual return shall be filed showing, by quarters, the gross amount of receipts taxable for the preceding year and the installment payments made during that year.

(b) Any taxpayer who fails to report and timely pay any installment of tax, who estimates any installment of tax to be less than *90* ~~80~~ percent of the amount finally shown to be due in any quarter, or who fails to report and timely pay any tax due with the final return shall be deemed to be in violation of this section and be subject to a penalty of 10 percent on any underpayment of taxes or delinquent taxes due and payable for that quarter or on any delinquent taxes due and payable with the final return. Any taxpayer paying, for each installment required herein, 27 percent of the amount of the annual tax reported on his return for the preceding year shall not be subject to the penalty provided by this section.

(4) The income tax imposed under chapter 220 and the emergency excise tax imposed under chapter 221 which are paid by any insurer shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such tax payments are made. As to *any* ~~a foreign or alien~~ insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 and of estimated emergency excise tax under chapter 221 shall be deemed paid either at the time the insurer actually files its annual returns under chapter 220 or at the time such returns are required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

(5) There shall be allowed a credit against the net tax imposed by this section equal to 10 percent of the amount paid by the insurer in salaries to employees located or based within this state and who are covered by the provisions of chapter 443. For purposes of this subsection:

(a) The term "salaries" does not include amounts paid as commissions.

(b) The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except persons defined in ss. 626.081, 626.091, and 626.101.

(c) The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

(6) The credits granted by subsections (4) and (5) shall not exceed 50 percent of the tax due under subsection (1) after deducting therefrom the taxes paid by the insurer under ss. 175.101 and 185.88.

(7) Any group of insurers which is an "affiliated group of corporations" as defined in s. 220.03, may file a consolidated premium tax return for the purpose of claiming the credits set forth in subsections (4), (5) and (6). For the purposes of this subsection the term "group of insurers" includes any company whose primary business is providing services to an insurance company.

Section 5. Effective July 1, 1988, subsections (1) and (3) of section 624.510, Florida Statutes, are amended to read:

624.510 Tax on wet marine and transportation insurance.—

(1) On or before March 1 of each year each ~~foreign and alien~~ insurer shall file with the Department of Revenue a report of its gross underwriting profit on wet marine and transportation insurance, as defined in s. 624.607(2), written in this state during the calendar year next preceding and shall at the same time pay to the Department of Revenue a tax of 0.75 percent of such gross underwriting profit.

(3) The income tax imposed under chapter 220 which is paid by any insurer shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such income tax payment is made. The aggregate income tax credit for any insurer under this subsection and s. 624.509(4) shall not exceed the amount of tax paid under chapter 220 in any calendar year. As to *any* ~~a foreign or alien~~ insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 shall be deemed paid either at the time the insurer actually files its annual return under chapter 220 or at the time such return is required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

Section 6. Effective July 1, 1988, subsection (1) of section 634.131, Florida Statutes, is amended to read:

634.131 Tax on premiums and assessments.—

(1) In addition to the license taxes provided for in this act for motor vehicle service agreement companies, and the license taxes as provided in the Florida Insurance Code as to insurers, each such company and each such insurer shall annually on or before March 1 file with the department its annual statement, in a form as prescribed and furnished by the department, showing all service agreement premiums or assessments received by it from agreement holders in this state during the preceding calendar year, and shall pay to the Treasurer a tax in an amount equal to 2 percent of the gross amount of such premiums or assessments. ~~However, the same exemptions and credits as set forth in ss. 624.513 and 624.514 allowed to insurers shall apply to motor vehicle service agreement companies and insurers under this act.~~

Section 7. Effective July 1, 1988, subsection (1) of section 634.313, Florida Statutes, is amended to read:

634.313 Tax on premiums; annual statement; reports.—

(1) In addition to paying the license taxes provided for in this part for home warranty associations and license taxes provided in the insurance code as to insurers, each such association and each such insurer shall, annually on or before March 1, file with the department its annual statement, in the form prescribed by the department, showing all premiums received by it in connection with the issuance of warranties in this state during the preceding calendar year and using accounting principles which will enable the department to ascertain whether the reserve required by s. 634.3077 has been maintained. Each annual statement shall contain, but is not limited to, a balance sheet listing all assets and liabilities; a schedule used to compute net assets and earned surplus including all expense, premium income, and other income items; and a schedule used to report all claims statistics. The annual statement shall be completed using generally accepted accounting principles except as otherwise provided in this part. Further, each association and each insurer shall pay to the Treasurer a tax in an amount equal to 2 percent of the amount of such premiums so received~~; however, the same exemptions and credits as set forth in ss. 624.512 and 624.514 allowed to insurers apply to insurers and home warranty associations under this part~~.

Section 8. Effective July 1, 1988, subsection (1) of section 634.415, Florida Statutes, is amended to read:

634.415 Tax on premiums; annual statement; reports; quarterly statements.—

(1) In addition to the license fees provided in this part for service warranty associations and license taxes as provided in the insurance code as to insurers, each such association and insurer shall, annually on or before March 1, file with the department its annual statement, in the form prescribed by the department, showing all premiums or assessments received by it in connection with the issuance of service warranties in this state during the preceding calendar year and using accounting principles which will enable the department to ascertain whether the financial requirements set forth in s. 634.406 have been satisfied. *Further, each association and each insurer shall pay to the Treasurer a tax on such premiums and assessments in an amount equal to 2 percent of the gross amount of such premiums and assessments. There shall be allowed a deduction against the tax imposed by this section in the amount of any sales tax imposed by chapter 212 on the premiums or assessments received by an association.* ~~If, after notice and hearing as provided for in chapter 120, the department demonstrates that the income derived from the license fees provided for herein is insufficient to pay the costs of administering this part, the department may impose a premium tax of not more than 0.5 percent of the gross written premiums of all service warranty associations licensed to do business in this state.~~

Section 9. Effective July 1, 1988, subsection (1) of section 638.141, Florida Statutes, is amended to read:

638.141 Tax on premiums and assessments.—

(1) In addition to the taxes provided for in this chapter for ambulance service associations, and license taxes as provided in the insurance code as to insurers, each such association and insurer shall, annually on or before March 1, file with the department its annual statement, in a form as prescribed and furnished by the department, showing all premiums or assessments received by it from contract holders in this state during the preceding calendar year, and shall pay to the Treasurer a tax in an amount equal to 2 percent of the gross amount of such premiums or assessments. ~~The same exemptions and credits as set forth in ss. 624.512 and 624.514 allowed to insurers shall apply to insurers and ambulance service associations under this chapter.~~

Section 10. *Effective July 1, 1988, sections 624.512, 624.513, and 624.514, Florida Statutes, are hereby repealed.*

Section 11. Effective July 1, 1987, subsection (2) of section 624.521, Florida Statutes, is amended to read:

624.521 Deposit of certain tax receipts; refund of improper payments.—

(2) The Department of Revenue shall promptly deposit in the Department of Revenue Premium Tax Clearing Trust Fund all premium taxes collected according to ss. 624.509, 624.510, 624.513 and 624.514. Such taxes shall be distributed *on an estimated basis within 15 days after receipt by the Department of Revenue. Such distribution shall be adjusted* pursuant to an audit by the Department of Insurance.

Section 12. *(1) Before February 1, 1988, the Department of Insurance is directed to collect the information described in this section and report such information to the Legislature in a manner consistent with subsection (2). The department shall collect the following information from all entities regulated by the Department of Insurance under the Florida Insurance Code and from entities offering or performing similar services such as self-insurance trusts:*

(a) Number of employees in Florida identified as to whether or not they are paid on a commission basis and whether or not they are required to hold a valid license under the Florida Insurance Code;

(b) Annual payroll associated with each category of employee described in paragraph (a);

(c) Total assets in Florida identified as to real property, tangible personal property, and intangible personal property;

(d) Dollar value of business done in Florida;

(e) Taxes paid to Florida governmental entities by type of tax; and

(f) The amount of wages paid. For purposes of this paragraph, the term "wages" means wages as defined in s. 443.036(31), Florida Statutes.

(2) Data collected pursuant to this section shall be confidential and shall be reported only in a form that makes it impossible to identify individual entities.

(3) Entities regulated by the Department of Insurance are directed to respond to requests for information pursuant to this section. Failure to do so in a timely manner shall subject such entities to penalties described in s. 624.4211, Florida Statutes.

(4) This section shall take effect July 1, 1987.

Section 13. *(1) There shall be allowed a credit against the liability for tax imposed by section 624.509, Florida Statutes, retaliatory taxes which domestic insurers are required to pay any other state. This credit, however, shall be equal solely to that amount of retaliatory tax resulting from the Florida tax levy on insurance premiums in excess of 2 percent. This credit shall be available for the annual period in which such tax payments are made. The credit shall not be greater than the tax payable pursuant to section 624.509, Florida Statutes.*

(2) This section shall take effect July 1, 1988.

(Renumber subsequent sections.)

Amendment 10—On page 1 in the title, line 15, after the semicolon (;) insert: amending ss. 175.101, 185.08, 624.429, 624.509, 624.510, 634.131, 634.313, 634.415, and 638.141, F.S., providing for credits against taxes due under chapter 624, F.S.; providing for payment of the 2-percent state excise tax on property insurance premiums received by domestic insurers; providing for a 1-percent state excise tax on casualty insurance premiums received by domestic insurers; providing a procedure for determining certain taxes due with respect to retaliatory provisions; providing for an increase in the insurance premiums tax rate; providing for a credit against the premium tax; providing for a tax on certain profits with respect to wet marine and transportation insurance; eliminating exemptions and credits with respect to motor vehicle service agreement premiums and assessments, home warranty premiums, and ambulance service contract premiums; providing for a premium tax on service warranty associations; providing a deduction; repealing ss. 624.512, 624.513, and 624.514, F.S., providing for the elimination of domestic insurer exemptions; repealing the tax liability for certain domestic insurers; providing for the elimination of credits on premium tax liability for foreign insurers with regional home offices; providing for the deposit of certain fees, licenses, and taxes; revising language with respect to insurance premium tax payments; amending s. 624.521, F.S.; providing for the distribution of certain taxes; directing the Department of Insurance to collect certain information and report to the Legislature; providing for confidentiality; requiring certain entities to respond to requests for information from the department; providing penalties; allowing a credit against the premium tax for increased retaliatory taxes paid to other states;

Amendment 11—On page 1, between lines 11 and 12, insert:

Section 1. Section 607.024, Florida Statutes, is amended to read:

607.024 Corporate name.—

(1) The corporate name:

(a) *Must* ~~Shall~~ contain the word "corporation," "company," or "incorporated" or such other word, abbreviation, affix, prefix, or suffix as will clearly indicate that it is a corporation instead of a natural person or partnership.

(b) Must be distinguishable from the names of all other entities or filings organized or registered under the laws of this state which names are on file with the Division of Corporations.

~~(b) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, a name the exclusive right to which is, at the time, reserved in the manner provided in this act, or the name of a corporation which has in effect a registration of its corporate name as provided in this act, except that this provision shall not apply if the applicant files with the Department of State either of the following:~~

~~1. The written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name; or~~

~~2. A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this state.~~

~~(2) A corporation with which another corporation, domestic or foreign, is merged or which is formed by the reorganization or consolidation of one or more domestic or foreign corporations or upon a sale, lease, or other disposition to, or exchange with, a domestic corporation of all or substantially all the assets of another corporation, domestic or foreign, including its name, may have the same name as that used in this state by any of such corporations if such other corporation was organized under the laws of, or is authorized to transact business in, this state.~~

Section 2. Subsection (1) of section 607.027, Florida Statutes, is amended to read:

607.027 Reserved name.—

(1) *For the purpose of filing articles of incorporation,* the exclusive right to the use of a corporate name may be reserved by any person or corporation, foreign or domestic, by filing with the Department of State an application, executed by the applicant, to reserve a specified corporate name. If the Department of State finds that the name is available for corporate use, it shall reserve the same for the exclusive use of the applicant for a period of *60* ~~120~~ days, and *such* ~~the~~ reservation may *not* be renewed.

Section 3. Subsection (1) of section 658.19, Florida Statutes, is amended to read:

658.19 Application for authority to organize a bank or trust company.—

(1) A written application for authority to organize a banking corporation or a trust company shall be filed with the department by the proposed incorporator and shall include:

(a) The name, residence, and occupation of each incorporator and proposed director.

(b) The proposed corporate name ~~and evidence of reservation of the proposed name with the Department of State~~.

(c) The total initial capital, the number of shares of each class of the capital stock to be authorized, and the par value of the shares of each class.

(d) The community, including the street and number, if available, or, if not available, the area within the community, where the principal office of the proposed bank or proposed trust company is to be located.

(e) If known, the name and residence of the proposed president, the proposed chief executive officer if other than the proposed president and, if the application is for organization of a trust company or a bank with trust powers, the name and address of the proposed trust officer.

(f) Such detailed financial, business, and biographical information as the department may reasonably require for each proposed director, president, chief executive officer (if other than the president), and trust officer (if applicable).

(g) A request for trust powers if desired in connection with an application to organize a bank.

Section 4. Section 663.306, Florida Statutes, 1986 Supplement, is amended to read:

663.306 Decision by department.—The department may, in its discretion, approve or disapprove the application, but it shall not approve the application unless it finds that:

(1) International business in this state will be promoted by the establishment of the proposed international development bank.

(2) The proposed capital structure is adequate, but in no case may the paid-in capital stock be less than $400,000.

(3) The proposed officers and directors have sufficient experience, ability, standing, and reputation to indicate reasonable promise of successful operation.

~~(4) The corporate name of the proposed international development bank is reserved with the Department of State.~~

(4)~~(5)~~ Provision has been made for suitable quarters at the location designated in the application.

Section 5. Subsection (1) of section 607.031, Florida Statutes, is amended to read:

607.031 Registered name; application; renewal; revocation.—

(1) Any foreign corporation not authorized to transact business in this state may register its corporate name under this act, provided its corporate name *is distinguishable from the names of all other entities or filings organized or registered under the laws of this state which names are on file with the Division of Corporations* ~~is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state, the name of any foreign corporation authorized to transact business in this state, or any corporate name reserved or registered under this act~~.

Section 6. Subsections (2) and (3) of section 607.271, Florida Statutes, are amended to read:

607.271 Involuntary dissolution.—

(2) A corporation may be dissolved involuntarily by order of the Department of State when the Department of State has determined that:

(a) The corporation has failed to file its annual report or pay the annual report filing fee within the time required by this chapter.

(b) The corporation has failed for 30 days to appoint and maintain a registered agent in this state.

(c) The corporation has failed for 30 days after change of its registered office or registered agent to file in the office of the Department of State a statement of such change.

(d) The corporation has failed to answer truthfully and fully, within the time prescribed by this chapter, interrogatories propounded by the Department of State.

(3) No corporation shall be involuntarily dissolved under subsection (2) unless the Department of State has given the corporation not less than *60* ~~90~~ days' notice of the proposed dissolution, stating the reasons therefor, addressed to its registered office or to its principal place of business, and the corporation has failed prior to such involuntary dissolution to correct the reasons for the proposed involuntary dissolution.

Section 7. *Section 607.314, Florida Statutes, is hereby repealed.*

Section 8. Subsection (3) of section 607.317, Florida Statutes, is amended to read:

607.317 Application for authority to transact business; content; delivery and filing.—

(3) The application of the corporation for authority to transact business in this state shall be delivered to the Department of State, together with *a certificate issued by an authorized officer of the jurisdiction of its incorporation, evidencing its corporate existence. A translation of the certificate, under oath of the translator, must be attached to a certificate in a foreign language* ~~a copy of its articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated~~.

(4) If the Department of State finds that such application conforms to law, it shall, when all fees and taxes have been paid as prescribed in this chapter, file the application for authority to transact business in this state in accordance with this chapter.

Section 9. *Sections 607.331 and 607.334, Florida Statutes, are hereby repealed.*

Section 10. Subsection (2) of section 607.337, Florida Statutes, is amended to read:

607.337 Amendment to authorization to transact business.—

(2) Such application shall be made on forms prescribed by the Department of State, shall be executed and filed in the same manner as an original application for authority, and shall set forth:

(a) The name of the foreign corporation as it appears on the records of the Department of State.

(b) The jurisdiction of its incorporation.

(c) The date it was authorized to do business in this state.

(d) If the name of the foreign corporation has been changed, the name relinquished, the new name, a statement that the change of name has been effected under the laws of the jurisdiction of its incorporation, and the date the change was effected.

~~(a) The name of the corporation as it appears in its original application for authority and the jurisdiction under the laws of which it is incorporated.~~

~~(b) The proposed amendment to its authority.~~

~~(c) If the amendment includes a change of name, a statement that the change of name has been effected under the laws of its jurisdiction of incorporation.~~

(e)~~(d)~~ If the amendment enlarges, limits, or otherwise changes the business or businesses which it proposes to do in this state, a statement that it is authorized to do such business in its jurisdiction of incorporation.

Section 11. Subsection (4) of section 607.357, Florida Statutes, is amended to read:

607.357 Annual report of domestic and foreign corporations.—

(4) Each report shall be executed by the corporation by *an officer or director* ~~its president, vice president, secretary, assistant secretary, or treasurer~~ or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee, and the signing thereof shall have the same legal effect as if made under oath, without the necessity of appending such oath thereto.

Section 12. Section 607.361, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 607.361, F.S., for present text.)

607.361 Fees for filing documents and issuing certificates.—The Department of State shall charge and collect for:

(1) Filing any document, instrument, application, or certificate provided for by this chapter but not otherwise specified in this section, $20.

(2) Articles of merger or consolidation, for each party thereto, $20.

(3) Filing an application for reinstatement of articles of incorporation or authority to do business, $100.

(4) Furnishing a certified copy, $30 for the first 15 pages plus $.50 for each additional page.

(5) Filing a notice of resignation as a registered agent, $50.

(6) Serving as agent for service of process, $50.

(7) Acceptance of any witness subpoena, at the time of service, and notwithstanding any other law:

(a) A fee of $50, and

(b) A fee for per diem and travel expense pursuant to s. 92.142(2).

(8) Filing an annual report, $25.

(9) Filing an application of a foreign corporation to register its corporate name, $5 for each month or fraction of a month between the date of filing such application and December 31 of the calendar year in which such application is filed.

(10) Filing an application of a foreign corporation for renewal of the registration of its corporate name, $50.

Section 13. *Sections 607.364 and 607.367, Florida Statutes, are hereby repealed.*

Section 14. Section 607.371, Florida Statutes, is amended to read:

607.371 Powers of Department of State.—

(1) The Department of State may propound to any corporation subject to the provisions of this chapter, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable it to ascertain whether the corporation has complied with all applicable provisions of this chapter. Such interrogatories must be answered within 30 days after mailing or within such additional time as fixed by the department. Answers to interrogatories must be full and complete, in writing, under oath. Interrogatories directed to an individual must be answered by him, and directed to a corporation must be answered by the president, vice president, secretary, or assistant secretary.

(2) The Department of State is not required to file any document to which such interrogatories relate until the interrogatories are answered and is not required to file any document to which such interrogatories relate if the answers thereto disclose that such document is not in conformity with the provisions of this chapter.

(3) The Department of State shall certify all interrogatories and answers which disclose a violation of this chapter to the Department of Legal Affairs for appropriate action.

(4) The Department of State shall have the power and authority reasonably necessary to enable it to administer this chapter efficiently, to perform the duties herein imposed upon it, and to promulgate reasonable rules necessary to carry out its duties and functions under this chapter.

Section 15. Section 607.311, Florida Statutes, is amended to read:

607.311 Corporate name of foreign corporation.—*A* ~~No~~ foreign corporation *is not* ~~shall be~~ entitled to file an application for authority unless the corporate name of such corporation:

(1) *Contains* ~~Shall contain~~ the word "corporation," "company," or "incorporated" or such other word, abbreviation, affix, prefix, or suffix as will clearly indicate that it is a corporation instead of a natural person or partnership, or such corporation ~~shall~~, for use in this state, *adds* ~~add~~ to its name one of such words or an abbreviation thereof.

(2) Is distinguishable from the names of all other entities or filings organized or registered under the laws of this state which names are on file with the Division of Corporations.

(3) Is filed with a resolution of its board of directors, adopting a fictitious name for use in transacting business in this state. A fictitious name may be used only when:

(a) There is a conflict in the foreign corporation's name, as used in the state of its organization, with the provisions of subsection (2), and

(b) The name adopted complies with the requirements of subsection (2).

~~(2) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, a name the exclusive right to which is, at the time, reserved in the manner provided in this chapter, or the name of a corporation which has in effect a registration of its name as provided in this chapter, except that this provision shall not apply if the applicant files with the Department of State one of the following:~~

~~(a) A resolution of its board of directors adopting a fictitious name for use in transacting business in this state, which fictitious name is not deceptively similar to the name of any domestic corporation or any foreign corporation authorized to transact business in this state or to any name reserved or registered as provided in this chapter.~~

~~(b) The written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name.~~

~~(c) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of such foreign corporation to the use of such name in this state.~~

Section 16. Section 607.219, Florida Statutes, is created to read:

607.219 Procedures for conversion.—A corporation that is organized for profit under the laws of this state and that is engaged solely in carrying out the professional services provided by a corporation organized under chapter 621 may change its corporate nature to that of a Professional Service Corporation if it complies with chapter 621.

Section 17. *A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates 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, Florida Statutes. The statute of limitations for prosecution of an act committed in violation of this section is 5 years from the date the act was committed.*

(Renumber subsequent sections.)

Amendment 12—On page 1 in the title, line 15, after the semicolon (;) insert: amending s. 607.024, F.S.; establishing a standard of distinguishability for corporate names; amending s. 607.027, F.S.; revising provisions relating to procedures for name reservation; amending s. 658.19, F.S.; deleting the requirement for name reservation on bank or trust company organization filings; amending s. 663.306, F.S.; deleting the requirement for name reservation for proposed international development banks; amending s. 607.031, F.S.; establishing a standard of distinguishability for corporate names of foreign corporations; amending s. 607.271, F.S.; providing additional grounds for involuntary dissolution; providing for notice; repealing s. 607.314, F.S., which provide procedures for change of name by a foreign corporation; amending s. 607.317, F.S.; requiring a certificate of corporate existence for certain foreign corporations; repealing ss. 607.331, 607.334, F.S., which provide procedures for filing amended articles of incorporation and merger; amending s. 607.337, F.S.; providing filing requirements for amendments to authority to transact business; amending s. 607.357, F.S.; requiring corporate annual reports to be signed by certain persons; amending s. 607.361, F.S.; providing a schedule of fees; repealing ss. 607.364, 607.367, F.S., which provide for certain taxes on corporations; amending s. 607.371, F.S.; providing for the Department of State to propound interrogatories; amending s. 607.311, F.S.; providing a standard of distinguishability for foreign corporations; providing for the limited use of a fictitious name when conflicts exist; creating s. 607.219, F.S.; providing for the conversion of a profit corporation to a professional service corporation; prohibiting certain fraudulent acts; providing penalties;

Senator Deratany moved the following amendment to House Amendment 5 which was adopted:

Amendment 1—On page 1, lines 12-31, and on page 2, lines 1-26, strike all of said lines and renumber subsequent sections.

Senators Deratany and Margolis offered the following amendment to House Amendment 5 which was moved by Senator Deratany and adopted:

Amendment 2—On page 13, line 17, insert:

Section 11. Paragraph (e) of subsection (1) of section 212.05, Florida Statutes, 1986 Supplement, 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 subparagraph, 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. *The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the summation of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.* ~~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.~~

3. The tax imposed pursuant to this paragraph 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.

Senator Dudley moved the following amendment to House Amendment 5 which was adopted:

Amendment 3—On page 13, line 17, insert:

Section 11. Subsection (7) is added to section 72.011, Florida Statutes, to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(7) Any action brought under this chapter is not subject to the provisions of chapter 45 as amended by Committee Substitute for Senate Bill 866, 1987 Regular Session, relating to offers of settlement.

Senator Gordon moved the following amendment to House Amendment 5 which was adopted:

Amendment 4—On page 13, line 17, insert:

Section 11. Subsection (5) is added to section 212.0305, Florida Statutes, 1986 Supplement, to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(5) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under the provisions of this section may be exempt from the requirements of this section that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such tax be administered according to the provisions of part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.

(b) The ordinance shall include provision for, but need not be limited to:

1. Initial collection of the tax to be made in the same manner as the tax imposed under part I of chapter 212.

2. Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.

3. Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.

4. Provision for payment of a dealer's credit as required under part I of chapter 212.

5. A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 2 percent of collections.

Senator Gordon offered the following amendment to House Amendment 6 which was moved by Senator Deratany and adopted:

Amendment 1—On page 2, line 21, after the semicolon (;) insert: amending s. 212.0305, F.S.; providing for optional local administration of the convention development tax;

Senator Deratany moved the following amendments to House Amendment 6 which were adopted:

Amendment 2—In title, on page 1, strike all of lines 13-16 and insert: amending s. 212.05, F.S.; revising the apportionment formula for taxing certain interstate private line charges;

Amendment 3—In title, on page 1, strike all of lines 13-16 and insert: amending s.

Senator Dudley moved the following amendment to House Amendment 6 which was adopted:

Amendment 4—In title, on page 2, line 21, after the semicolon (;) insert: amending s. 72.011, F.S., exempting certain actions relating to tax matters from the provisions of chapter 45;

Senator Deratany moved the following amendment to House Amendment 7 which was adopted:

Amendment 1—On page 6, line 27, strike "*Five*" and insert: *Three*

On motions by Senator Deratany, the Senate concurred in House Amendments 1, 2, 8, 9, 10, 11 and 12; and in House Amendments 5, 6 and 7 as amended, and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 145 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dudley	Johnson	Ros-Lehtinen
Barron	Frank	Kirkpatrick	Scott
Beard	Girardeau	Kiser	Thomas
Brown	Gordon	Lehtinen	Thurman
Childers, D.	Grant	Malchon	Weinstein
Childers, W. D.	Grizzle	Margolis	Weinstock
Crawford	Hair	McPherson	Woodson
Crenshaw	Hill	Meek	
Deratany	Jennings	Peterson	

Nays—6

Hollingsworth	Langley	Plummer
Jenne	Myers	Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1506 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Appropriations; Finance and Taxation; and Representative Gardner—

CS for HB 1506—A bill to be entitled An act relating to taxation; amending s. 212.059, F.S., relating to the sales and use tax on services; revising provisions relating to computation, collection, and remittance of the tax and registration of dealers as service providers; requiring multistate purchasers that self-accrue the tax to file an annual supplementary tax return; revising provisions relating to apportionment of interstate or international transportation services; requiring applicants for specified environment-related permits to attest that applicable use taxes have been paid; amending s. 212.0591, F.S.; revising rules of construction relating to inclusion of a proportion of the sales or cost price under certain circumstances, transactions involving both taxable and exempt services, and determining where the benefit of a service is enjoyed; providing legislative intent regarding exemptions from the tax; amending s. 212.0592, F.S.; revising exemptions and conditions applicable thereto and providing additional exemptions; amending s. 212.0593, F.S., relating to administration of the exemption for services sold in this state for use outside this state; revising provisions relating to exempt purchase permits; revising time period for maintenance of dealers' monthly logs and a penalty applicable thereto; specifying inapplicability of certain refund provisions; repealing section 5 of chapter 87-6, Laws of Florida, and creating s. 212.0594, F.S.; revising special provisions applicable to the tax on construction services; amending s. 212.0595, F.S.; revising special provisions applicable to the tax on advertising; creating s. 212.0597, F.S.; providing special resale rules for construction support services and advertising agency support services; creating s. 212.0598, F.S.; specifying conditions under which certain air carriers may elect to be subject to the tax on services and tangible personal property; providing basis of the tax applicable to such air carriers; specifying application of such tax to air carriers who do not so elect; amending s. 212.02, F.S.; revising definitions applicable to chapter 212, F.S.; amending s. 212.031, F.S.; revising an exemption from the tax on rental, lease, or granting a license for use of real property for certain property leased to persons providing food and drink concessionaire services; amending s. 212.04, F.S.; exempting admissions, dues, and membership fees to certain athletic or other events sponsored by schools and other institutions or by governmental entities and certain admissions paid by students to places of sport or recreation; providing an exception; amending s. 212.05, F.S.; specifying application of a definition of "telecommunication service"; specifying application of the tax on sales, use and other transactions to sale of newspapers and magazines; amending s. 212.08, F.S.; providing an additional medical exemption from said tax; revising the exemptions for sales to political subdivisions and educational institutions, film rentals, and vehicles engaged in interstate or foreign commerce; amending s. 212.095, F.S.; removing a prohibition against dealers assisting in preparation of tax refund claims; amending s. 212.11, F.S.; revising provisions which authorize quarterly returns for certain dealers remitting the tax solely for the provision of services; amending section 17 of chapter 87-6, Laws of Florida; revising the effective date of an amendment relating to application of the dealer's credit to persons who remit taxes or fees reported on the same documents utilized for sales and use tax; amending ss. 212.235, 201.15, and 206.875, F.S.; renaming the State Infrastructure Trust Fund as the State Infrastructure Fund; amending s. 215.32, F.S.; establishing the State Infrastructure Fund

within the State Treasury; amending section 31 of chapter 87-6, Laws of Florida, revising an exemption from the tax on services for certain improvements to real property; requiring the Department of Revenue to report to the Legislature; amending section 32 of chapter 87-6, Laws of Florida, relating to certain conditions applicable to self-accrual; amending section 33 of chapter 87-6, Laws of Florida; specifying administrative provisions applicable to department rules implementing said chapter and this act; amending section 36 of chapter 87-6, Laws of Florida, relating to waiver of penalties and interest with respect to the tax on services for a specified period; amending section 37 of chapter 87-6, Laws of Florida; revising provisions relating to application of the tax to certain prepaid services; amending section 38 of chapter 87-6, Laws of Florida; revising provisions relating to construction of said chapter with respect to certain client confidentiality; imposing a tax on persons selling certain special fuel held in inventory on July 1, 1987, on which the additional tax on such fuel levied under chapter 87-6, Laws of Florida, has not been paid; providing penalties; providing for rules and notice; providing for distribution of the proceeds; amending ss. 120.575 and 120.65, F.S.; revising provisions relating to appointment of a panel to be hearing officer in certain administrative taxpayer contest proceedings; amending section 47 of chapter 87-6, Laws of Florida; revising a date for a department study of taxable services; amending section 48 of chapter 87-6, Laws of Florida; revising provisions relating to application of a tax amnesty program; amending s. 95.091, F.S.; revising provisions which establish limitations on actions to collect certain taxes; amending section 54 of chapter 87-6, Laws of Florida; removing an amendment to s. 211.33(2), F.S., relating to delinquency penalties and penalties for substantial underpayment of tax on severance of solid minerals; amending sections 58 and 60 of chapter 87-6, Laws of Florida; revising the effective date of the repeal of ss. 212.14(6) and 214.09, F.S., and the amendment of 214.04, F.S., relating to limitations on assessment of sales tax and on notices of deficiency of designated non-property taxes; repealing sections 50, 61-98, 101-106, and 108 of chapter 87-6, Laws of Florida, which provide increased penalties for certain tax crimes; providing an appropriation to the Division of Administrative Hearings; creating the Fairness in Retail Sales Taxation Act; providing findings and intent; creating s. 212.0596, F.S.; providing application of the tax on sales, use and other transactions to mail order sales; specifying conditions under which dealers making such sales are subject to said tax; providing duties of such dealers; providing for enforcement in other jurisdictions; amending s. 212.06, F.S.; including such persons within the definition of "dealer"; providing for levy of tax on sales of tangible personal property to be transported to a cooperating state; specifying requirements applicable to cooperating states; providing for payment of taxes collected to cooperating states; providing duties of dealers selling tangible personal property for delivery in another state; amending s. 212.20, F.S.; providing for refund of certain taxes adjudicated unconstitutionally levied or collected; amending s. 212.02, F.S.; providing definitions; amending s. 212.05, F.S.; including mail order sales as a taxable privilege; amending s. 212.12, F.S.; excluding dealers making mail order sales from the dealer's credit; authorizing the executive director of the Department of Revenue to negotiate a collection allowance with such dealers; providing for audits and inspections; amending s. 212.15, F.S., relating to collection of taxes, to conform; amending s. 212.18, F.S.; excluding the business of making mail order sales from registration fees; providing an appropriation to the Department of Revenue; providing for severability; repealing section 9 of Chapter 86-166, Laws of Florida, which created a commission to review exemptions from the sales tax; providing effective dates.

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

On motion by Senator Deratany, by two-thirds vote CS for HB 1506 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany, by unanimous consent CS for HB 1506 was taken up out of order and by two-thirds vote read the second time by title.

Senator Deratany moved the following amendment:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subsections (3), (4) and (5) of section 212.059, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended, and subsection (6) is added to said section, to read:

212.059 Sales and use tax on services.—It is hereby declared to be the legislative intent to levy an excise tax on the sale of services in this state as hereinafter provided. It is further declared to be the legislative intent to levy a complementary excise tax on the use of services in this state as hereinafter provided.

(3)(a) The sales and use tax on services imposed by this section shall be collected by the dealer as defined in this part and remitted by him to the state at the time and in the manner as provided in this part.

(b) If the ~~seller of the service is a multistate business and the~~ sale *of a service* is outside this state, any applicable use tax shall be remitted by the purchaser of the service, *if the purchaser of the service has nexus for tax purposes with this state.* However, this paragraph shall not apply to interstate or international transportation services. *Neither does this paragraph apply if the seller has tax nexus in this state and the service sold either directly relates to real property in this state, directly relates to tangible personal property in this state other than vehicles or vessels in interstate or foreign commerce, or is represented by tangible personal property forwarded to a person in this state.*

(4)(a) The sales and use tax on services imposed by this section shall be *computed* ~~due and payable~~ according to the brackets set forth in s. 212.12 *on the sales price or cost price of the service at the time of the sale, and shall be due and payable as provided under s. 212.11,* ~~at the time of the sale or use of the service~~ unless the dealer elects to remit the tax pursuant to paragraph (b).

(b) A dealer may ~~register with the department as a service provider and~~ elect to *ascertain the amount of* ~~remit~~ the tax *payable under this section on the basis of cash receipts for all taxable transactions under this section.* ~~on a service at the time consideration is paid for such service and on the amount of consideration paid. If such election is made, it shall be applicable to all transactions of such dealer taxed under this section.~~ Such election shall be made and may be changed by the dealer pursuant to procedures established by rule of the department. *The department shall provide by rule for the issuance and periodic renewal every 5 years of registrations for dealers registered as service providers. Only those persons primarily engaged in the business of selling services shall be eligible for such registration.*

(c) However, if a transaction involves both the sale or use of services and the sale or use of tangible personal property, and the tangible personal property is not an inconsequential element of the transaction, the sales and use tax on services shall be *computed and remitted as provided in paragraph (a), and paragraph (b) shall not be applicable* ~~due and payable at the time of the sale or use regardless of the time consideration is paid for such services.~~

(d) Each multistate purchaser that self-accrues the taxes due on its purchases of services shall file an annual supplementary tax return summarizing its purchases and sales of services for its prior fiscal year. The return shall include a final calculation of taxes allocated or apportioned under s. 212.0591(9), and such other information as the department may prescribe by rule. The return shall be filed on or before the deadline for filing Florida or federal income tax returns, recognizing any extensions of time granted thereto.

(5) Notwithstanding other provisions of this section to the contrary:

(a) Interstate and international transportation services shall be considered sold or used in this state to the extent that the sales price or cost price of the service is apportioned to this state pursuant to paragraph (b).

(b) The sales price of the sale of interstate or international transportation services, or the cost price of the use of interstate or international transportation services, shall be apportioned to the state as provided in this paragraph. There shall be included in the measure of the tax imposed by this part on the sale or use of interstate or international transportation services *one-half* ~~that proportion~~ of the sales price or cost price of the Florida service provider *if the point of origin of the transportation service is in Florida, and one-half of said price if the point of termination is in Florida* ~~which is equal to the proportion of mileage within Florida to the total United States mileage of the Florida service provider~~ for the service transaction in question. For purposes of this paragraph~~:~~,

1. "Florida service provider" means the person providing transportation services in Florida regardless of the commercial domicile of such person*; and*~~.~~

2. "Point of origin" and "point of termination" mean the physical locations at which the Florida service provider begins or ends movement of the property which is being transported, respectively.

(6) No license as defined in s. 120.52(8) and required pursuant to state law or license or permit required by a municipal or county ordinance shall be issued until the applicant attests, on a form promulgated

by the department, that all applicable use taxes have been paid or will be paid in a timely manner on the purchase of services outside of this state that are used in this state in furtherance of securing such license or permit. Completed forms shall be returned to the department by the permitting body on a monthly basis. The department may, by rule, exempt from the provisions of this subsection classes of licenses, including professional licenses, which are not likely to involve the use of services outside of this state in furtherance of securing such license.

Section 2. Subsections (2), (7) and (9) of section 212.0591, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended, and subsection (10) is added to said section, to read:

212.0591 Rules of construction.—For purposes of the sales and use tax on services, the following rules of construction shall apply:

(2) If the ~~entire~~ sales price of the sale of a service or if the ~~entire~~ cost price of the use of a service cannot be included within the measure of the tax imposed by this part under the Constitution or laws of the United States, there shall be ~~apportioned to the state and~~ included in the measure of the tax imposed by this part on the sale of services that proportion of the sales price ~~which the cost of performing the services within the state bears to the total cost of performing the services~~, or on the use of services that proportion of the cost price, that *may lawfully be included under the laws and Constitution of the United States* ~~fairly reflects the benefit of the services enjoyed within the state~~.

(7) If a transaction involves both the sale or use of a service taxable under this part and the sale or use of a service exempt under this part, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption. *However, this subsection shall not apply to sales that are exempt pursuant to s. 212.0592(1).*

(9) For purposes of determining ~~where a service is used or consumed and~~ where the benefit of the service is enjoyed, the following provisions shall be applicable:

(a) If the purchaser is an individual *not acting as a business*, and:

1. If the service directly relates to real property, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the real property is located; or

2. If subparagraph 1. is not applicable, the benefit of the service shall be presumed to be enjoyed where the purchaser receives tangible personal property representing the service; or

3. ~~2.~~ If subparagraphs 1. *or 2. are* ~~is~~ not applicable, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the greater proportion of the service is performed, based on costs of performance; or

4.~~3.~~ Notwithstanding subparagraphs 1., ~~and~~ 2., *and 3.*, if the purchaser can demonstrate to the satisfaction of the department that the benefit of the service was enjoyed *outside of this state* ~~in a state~~, the service shall be deemed used or consumed *outside of this state* ~~in that state~~.

(b) If the purchaser is a business, and:

1. If the service directly relates to real property, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the real property is located; or

2. If the service directly relates to tangible personal property, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the property has acquired a business situs if the property has acquired such situs; or

3. If the service directly involves sales to a *service purchaser's* local market, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the purchaser's local market exists; or

4. If subparagraphs 1., 2., and 3. are not applicable, and the purchaser of the service is doing business in this state and *outside of this state* ~~in one or more other states~~, the service shall be presumed to be enjoyed in this state to the extent that the purchaser is doing business in this state. For purposes of determining the extent of the purchaser's business in this state, the apportionment formulas set forth in part IV of chapter 214, as modified by s. 220.15(4), shall be utilized. *In the case* ~~If the purchaser is a member~~ of an affiliated group, the affiliated group, as defined in s. 212.02, shall be considered the purchaser for purposes of this *subsection* ~~subparagraph~~; or

5. If the provisions of subparagraphs 1., 2., 3., and 4. are not applicable, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the purchaser is exclusively doing business; or

6. Notwithstanding subparagraphs 1., 2., 3., 4. and 5., if the purchaser can demonstrate to the satisfaction of the department that the benefit of the service was enjoyed *outside of this state* ~~in a state~~, the service shall be deemed used or consumed *outside of this state* ~~in that state~~.

(c) Notwithstanding paragraphs (a) and (b), interstate and international transportation services shall be presumed to be enjoyed in this state to the extent that the sales price or cost price of such services is apportioned to this state pursuant to s. 212.059(5).

(d) Notwithstanding paragraphs (a) and (b), advertising shall be presumed to be enjoyed in this state to the extent that the sales price or cost price of such services is apportioned to this state pursuant to s. 212.0595.

(e) Notwithstanding paragraphs (a) and (b), the benefit of a service provided to the estate of a decedent shall be presumed to be enjoyed where the decedent last established residency.

(10) It is the intent of the Legislature to exempt from the tax on services only those services for which exemptions are expressly provided. Therefore, if any exemption is declared facially unconstitutional by a court of competent jurisdiction, it is the intent of the Legislature that the exemption be deemed inoperative as to all persons and not expanded to encompass services or persons not expressly exempted from the tax.

Section 3. Subsections (1), (4), (5), and (6), paragraph (a) of subsection (7), and subsections (11), (16), (17), (18), (21), (22), (23), (26), (27), (31), (35), and (36) of section 212.0592, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended, and subsections (42), (43), (44), (45), (46), (47), (48), (49), (50) and (51) are added to said section, to read:

212.0592 Exemptions from sales or use tax on services.—There shall be exempt from the tax on the sale or use of services imposed by ss. 212.059(1) or (2), 212.0594, and 212.0595 the following:

(1)(a) Services sold in this state for use outside of this state.

(b) A service shall be deemed to be purchased for use ~~in the state~~ where the benefit of the service is enjoyed. For purposes of determining where the benefit of the service is enjoyed, s. 212.0591(9) shall apply.

(c) In order to qualify for this exemption, the provisions of s. 212.0593 shall be met.

(4) Services that partners who are natural persons render to their partnerships, unless the partner renders his services to the partnership in the capacity of an independent contractor, *and services that partners who are professional corporations render exclusively to the partnership.*

(5) Services between members of an affiliated group of corporations, as defined in s. 212.02. However, this exemption shall ~~not~~ apply *only* to the sale or use of any service between any such members who are ~~not~~ included in the affiliated group for purposes of this part. If the exemption provided in this subsection is not applicable, the sales price or cost price of the service *between each unincluded member and any other member* shall be based upon the fair market value of the service. The sale or use of services between divisions that may be separate taxpayers within the same corporation shall be exempt. Nothing herein shall be construed to require the filing of a consolidated return under chapter 220 in order to qualify for the exemption granted by this subsection.

(6) Agricultural services enumerated in SIC Major Group 07. However, this exemption shall not apply to *landscape and horticultural services (Group Number 078), or to* animal specialty services (Industry Number 0752), unless the services relate to agricultural products as defined in s. 618.01(1)~~, or to landscape and horticultural services (Group Number 078)~~.

(7)(a) Transportation and warehousing services enumerated in SIC Major Groups ~~40, 42,~~ 44, 45, and 47 for agricultural commodities that have retained their original identity, phosphate rock as defined in s. 211.30(9), potash as described in SIC Industry Number 1474, sulfur as described in SIC Industry Number 1477, nitrogenous fertilizers as enumerated in SIC Industry Number 2873, and phosphatic fertilizers as enumerated in SIC Industry Number 2874. For purposes of this paragraph,

an agricultural commodity retains its original identity unless it is processed, packaged in cans, or frozen. However, produce which is processed but neither canned nor frozen shall be considered an agricultural commodity that has retained its original identity.

(11)(a) Services of a financial nature, of a type customarily performed by a financial institution.

(b) However, *unless the service is provided to a nonresident entity or nonresident person as defined in Rule 3C-15.003, Florida Administrative Code,* this exemption shall not apply to: charges for use of safety deposit boxes; charges for use of night deposit services; charges for issuing cashier's checks; charges for issuing traveler's checks; charges for issuing money orders; charges for preparation of ~~individual~~ tax returns; charges for copies of documents; stop payment charges; return check charges, unless due to insufficient funds; charges for service as personal representative of estates of decedents; credit information and reporting services; overdraft charges; *fees for the collection of coupons, drafts, checks, foreign exchange items, and similar over-the-counter collection items;* ~~collection fees;~~ hold mail fees; guardianship fees; credit and charge card membership fees; cash vault fees; *charges for financial planning; charges for public accounting services of a type not customarily performed in connection with a customer account;* or data processing services not otherwise exempt, except check processing and check clearing services.

(c) The tax imposed under s. 212.059 shall not apply to *the following services* ~~a service~~ by a financial institution*:*

1. Any service for which the charge ~~for which~~ is waived or imputed*; or*~~.~~

2. Investment advisory services.

(d) For purposes of this subsection, the term "financial institution" means a financial institution as defined in s. 655.005; any subsidiary thereof; any holding company, other than a diversified savings and loan holding company as defined in s. 408 of the National Housing Act, which controls a financial institution; ~~and~~ any subsidiary of such holding company*; any Federal Reserve Bank; and any Federal Home Loan Bank.*

(16) Maintenance assessments or fees paid by an association member to a homeowners association, ~~residential~~ condominium owners association, ~~residential~~ property owners association, ~~residential~~ mobile homeowners association, or ~~residential~~ cooperative association.

(17) Membership dues or membership fees paid to membership organizations enumerated in SIC Major Group 86, and to arts, historical, and science organizations, provided such organizations are not-for-profit corporations under chapter 617 or a comparable law of another state or are exempt organizations under the Internal Revenue Code, and membership dues or other fees paid to regulatory athletic associations. *However, no exemption shall be available for dues or fees paid to any membership organization that discriminates in its membership based on race.*

(18) Qualified production services performed by any person for a person principally engaged in the business of producing qualified motion pictures or for a person who owns or leases property used primarily for the production of qualified motion pictures. For purposes of this subsection:

(a) "Qualified production services" means any activity or service performed directly in connection with the production of qualified motion pictures, and includes:

1. Photography, *sound* and recording, casting, *location managing and scouting*, shooting, creation of special *and optical* effects, animation, adaptation (language, media, electronic or otherwise), technological modifications, computer graphics, set and stage support (*such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips*), wardrobe (*design, preparation and management*), *hair and make-up* (*design, production, and application*), ~~acting~~ *performing* (*such as acting, dancing and playing*), *designing and executing stunts, coaching*, consulting, writing, *scoring*, and *composing,choreographing, script supervising*, directing, *producing, transmitting dailies*, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

2. The design, planning, engineering, construction, alteration, repair and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in subparagraph 1.; and

3. Property management services directly related to property used in connection with the services described in subparagraphs 1. and 2.

(b) "Qualified motion picture" means all or any part of a series of related images, either on film, tape or other embodiment, including, but not limited to, all items comprising part of the original work and film-related products derived therefrom as well as duplicates and prints thereof and all sound recordings created to accompany a motion picture, which is produced, adapted or altered for exploitation in, on or through any medium or device and at any location, primarily for entertainment, industrial or educational purposes.

(21) *Water and air transportation services described herein.* Water transportation services described in SIC Group Numbers 441 and 442, towing or tugboat services described in SIC Industry Number 4454, marine cargo handling services described in SIC Industry Number 4463, piloting services, ship cleaning, steamship leasing, marine surveyors, and ship repair and maintenance services *for vessels used in interstate or international commerce*; storage of cargo at port facilities; transportation services enumerated in SIC Industry Numbers 4712 and 4723 *regardless of the mode of transportation employed*, lighterage services, described in SIC Industry Number 4453, and services related to processing and accessorizing of *motor vehicles as defined in s. 320.01* ~~automobiles~~ that are imported through Florida ports. The exemption provided by this subsection also applies to services provided in connection with cargo in international trade by any licensed customhouse broker; any customs bonded warehouse, container freight and examination station, or cartman; or freight consolidator or deconsolidator.

(22) Sanitary services enumerated in SIC Group Number 495, garbage, refuse and debris transportation services enumerated in SIC Industry Number 4212, and septic tank cleaning services enumerated in SIC Industry Number 7699, if such services are sold to residential households or owners of residential models, *water supply services enumerated in SIC Group Number 494 and irrigation systems services enumerated in SIC Group Number 497. However, "tipping fees" and other charges for the right to dispose of garbage, refuse and debris shall not be exempt pursuant to this subsection.*

(23) Security and commodity brokerage services enumerated in SIC Major Group 62 ~~involving the transfer of securities or commodities~~. However, this exemption shall not be construed to exempt any financial service taxable under subsection (11) or any accounting or investment *advisory* services *provided by an investment advisor as defined in s. 517.021 (12)(a).*

(26) Real estate commissions when the property seller affirmatively demonstrates to the realtor responsible for collecting the tax that at the time of signing the *initial* listing contract on the real estate offered for sale the property ~~seller resided thereon and~~ was *assessed as* ~~entitled to the~~ homestead *property* ~~exemption~~ pursuant to s. 196.031.

(27)(a) Legal services rendered by an attorney to a client to the extent that the right to counsel guaranteed pursuant to either the Sixth Amendment to the United States Constitution or Article I, Section 16 of the Florida Constitution is applicable to such legal services. However, this exemption shall only be applicable if the criminal charges brought in the case are dismissed or the client is ultimately adjudicated not guilty by a court of competent jurisdiction. This exemption shall only be granted pursuant to a refund of taxes previously paid on such services. *The provisions of s. 212.095 shall not apply to the refund authorized in this paragraph.*

(b) Legal services, provided to a natural person, which relate to child support, ~~child custody, adoption, divorce, guardianship, juvenile cases, landlord/tenant relations, mobile home rentals,~~ enforcement of civil rights or *bankruptcy proceedings* ~~recovery of past or future medical expenses. However, this exemption shall be limited to $500 in services per person per calendar year.~~

(31) Religious services provided by religious organizations, religious institutions, or religious leaders. *Also included in this exemption shall be the sale of services by any nonprofit religious organization described in SIC Industry Number 866, when provided in carrying out its customary nonprofit religious activity.*

(35) Data processing services performed for a financial institution by a service corporation of *that* a financial institution ~~described in SIC Major Group 61~~, provided:

(a) The service corporation is organized pursuant to s. 545.74, Rules of the Federal Home Loan Bank Board;

(b) All capital stock of the service corporation may be purchased by only savings and loan associations *and savings banks* having operations in this state;

(c) No savings and loan association or savings bank owns, or may own, more than 10 percent of such service corporation's outstanding capital stock;

(d) Every eligible savings and loan association or savings bank *shall* ~~may~~ own an equal amount of capital stock or *shall* ~~may~~, on such uniform basis as the service corporation *shall* ~~may~~ determine, own an amount of such stock equal to a stated percentage of its assets or savings capital at the time the stock is purchased, or an amount of such stock equal to its pro-rata share of accounts serviced.

(e) As used in this subsection, "financial institution" means any savings and loan association or savings bank organized under the laws of this state, or of another state, or of the United States.

(36) Personal laundry services sold to residents of nursing home facilities, *adult congregate living facilities, and hospices* licensed under ~~part I of~~ chapter 400.

(42) News services enumerated in SIC Group Number 735.

(43) Amusement and recreation services enumerated in SIC Group Numbers 792, 793, 794 and 799, and museums, art galleries, botanical and zoological garden services enumerated in SIC Major Group 84. However, this exemption shall not be construed to exempt admissions charges or membership fees or dues taxable pursuant to other provisions of this part, or to coin-operated amusement devices described in SIC Industry Number 7993.

(44) Services provided and paid for pursuant to court order in a bankruptcy proceeding.

(45) Household utility services sold to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, or by liquefied petroleum gas companies, regardless or whether such sales of services are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the services is used for a nonexempt purpose, the entire sale is taxable.

(46) Convention and conference registration fees.

(47) Transportation services by satellite or launch vehicles.

(48) Impact fees and charges related to idle plant capacity for access to sewage utilities and utilities subject to the gross receipts tax imposed pursuant to chapter 203.

(49) Emergency road services, only when the total consideration for the services is $10.00 or less.

(50) Construction support services purchased by a provider of construction support services in furtherance of a contract for such services. For purposes of this subsection, "construction support services" means architectural, engineering, drafting, surveying, land planning, landscape design, and interior design services, when such services directly relate to the construction, alteration, improvement, or repair of real property. This exemption shall apply only if:

(a) The purchaser of the service buys the service pursuant to a written contract with the seller and such contract identifies the client or customer for whom the purchaser is buying the service;

(b) The purchaser of the service identifies the seller of the service purchased in his charge for the service on its subsequent sale; and

(c) The service will be taxed under this part in a subsequent sale, unless exempt under other provisions of this part.

(51) Newspaper delivery services provided to the publisher or printer of a newspaper.

Section 4. Subsections (1), (3) and (4) of section 212.0593, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended to read:

212.0593 Administration of s. 212.0592(1).—

(1) Each multistate business having tax nexus in this state under this part shall obtain from the department an exempt purchase permit prior to claiming an exemption under s. 212.0592(1). *Such permit shall be used when purchasing any service sold in this state except advertising, regardless of whether the service is used in this state.* Upon purchasing a service from a dealer registered under this part, presentation by said multistate business of a valid exempt purchase permit shall absolve the selling dealer from the responsibility of collecting any sales tax which may be due on the service. The purchaser shall self-accrue any taxes which may be due on the service and remit them to the department in the manner and under the requirements applicable to dealers under this part, subject to such additional reporting requirements as the department may prescribe.

(3) Each dealer shall maintain a monthly log showing each transaction for which sales tax was not collected because of the presentation of an exempt purchase permit or exempt purchase affidavit under this section. The log shall identify the purchaser, the exempt purchase permit number if applicable, the service sold, the price of the service and such other information as the department may prescribe. The logs and all affidavits accepted by the dealer shall be retained by the dealer for 5 ~~3~~ years and made available to the department upon request. Failure to maintain these records or to make them available to the department shall subject the dealer to *a $100 mandatory penalty* ~~the penalties provided in s. 212.13~~.

(4) If a purchaser fails to obtain an exempt purchase permit or execute an exempt purchase affidavit, but otherwise qualifies for an exemption pursuant to s. 212.0592(1), the purchaser may apply to the department for a refund of taxes paid on the exempt amount of the purchase. The application for refund shall be accompanied by an exempt purchase affidavit and shall be submitted within 1 year of the purchaser's payment of the tax. A refund recommended by the department pursuant to this subsection shall be reduced by the amount of any applicable dealer collection allowance previously allowed on the transaction. *The provisions of s. 212.095 shall not apply to refunds granted pursuant to this subsection.*

Section 5. *Section 5 of chapter 87-6, Laws of Florida, is hereby repealed.*

Section 6. Section 212.0594, Florida Statutes, is created to read:

212.0594 Construction services; special provisions.—

(1) For purposes of this section:

(a) "Prime contractor" means:

1. A person who enters into a contract to construct, improve, alter, or repair realty with the person for whose benefit the realty is being constructed, improved, altered, or repaired;

2. A person who enters into a contract to undertake the primary responsibility for supervising the construction, improvement, alteration or repair of realty with the person for whose benefit the realty is being constructed, improved, altered, or repaired, in which case, all other persons involved in the construction who would otherwise qualify as prime contractors under subparagraph 1. shall be deemed subcontractors;

3. A person who undertakes, on a speculative basis or for his own use, the construction, improvement or alteration of realty; or

4. A person who manufactures factory-built buildings.

(b) "Subcontractor" means a person who enters into a contract to provide construction services to a prime contractor or to another subcontractor.

(c) "Construction services" means any activity directly involving the construction, alteration, improvement or repair of realty.

(d) "Construction support services" means architectural, engineering, drafting, surveying, land planning, landscape design and interior design services when such services directly relate to the contruction, alteration, improvement or repair of realty.

(e) "New construction" means factory-built buildings and any construction, alteration, improvement or repair of realty for which the contract price or cost price, including building materials used, exceeds $5,000.

(f) "Building materials" means tangible personal property physically incorporated into the affected realty.

(g) "Contract price" means the total consideration paid pursuant to a contract for the construction, alteration, improvement or repair of realty, or in the case of new construction undertaken on a speculative basis, the total consideration paid pursuant to a contract to purchase the improved realty. However, the contract price shall not include the fair market value of land and any improvements to the land existing prior to the contract for the construction, alteration, improvement or repair of the realty, or the value of construction support services provided by other than employees of the prime contractor.

(h) "Fair market value" means 120 percent of the property's assessed value for ad valorem tax purposes, as reflected by the most recent assessment roll for the county prior to the new construction, unless the prime contractor can demonstrate to the satisfaction of the department by proof of comparable sales, actual purchase price, or appraisal, that such assessment understates the value of the property.

(i) "Cost price" means the direct and indirect costs of construction, including but not limited to, the cost of materials used, labor and service costs, interest charged, and overhead expenses, without any deduction whatsoever.

(2) The tax imposed by s. 212.059 shall be applied to the sale of construction services in the following manner:

(a) For new construction undertaken pursuant to a contract, or undertaken on a speculative basis but sold within 6 months of completion of the new construction, the tax shall be imposed upon 50 percent of the contract price.

(b) For new construction undertaken for the prime contractor's own use, or undertaken on a speculative basis and not sold within 6 months of completion, the tax shall be based upon 50 percent of the cost price.

(c) For new construction consisting of factory-built buildings, the tax shall be imposed upon the cost price, less the amount paid for building materials incorporated into such buildings.

(d) For new construction undertaken for the prime contractor's own use or undertaken on a speculative basis, and directly related to real property registered or exempt pursuant to chapter 498, or regulated under chapter 721, the tax shall be imposed upon 50 percent of the cost price.

(e) For construction other than new construction, the tax shall be imposed upon the total contract price, less the amount paid by the prime contractor for building materials incorporated into the realty. However, the deduction for building materials shall only apply if the prime contractor has previously paid the sales tax on such materials, and the written contract or invoice provided by the prime contractor to the person for whom the construction was done specifically itemizes the building materials and the price paid by the prime contractor for such materials.

(f) If new construction is undertaken pursuant to a contract that is not an arm's-length transaction, or if new construction is undertaken on a speculative basis and the realty is then sold within 6 months pursuant to a contract that is not an arm's-length transaction, the tax shall be imposed upon 50 percent of the cost price of the new construction, and not upon the contract price.

(g) For the construction or repair of roads pursuant to or in furtherance of a contract with a governmental entity described in s. 212.08(6), the tax shall not apply.

(h) For the construction or repair of property used primarily for public worship, the tax shall not apply.

(i) The tax on construction support services shall be imposed upon the total sales price for such services and shall be due and payable in accordance with the provisions of s. 212.059(4).

(j) Prime contractors for new construction shall be considered the final consumer of construction services consumed in improving realty. The owner of the affected real property shall be considered the final consumer of construction services other than those related to new construction. The prime contractor or subcontractor who purchases or uses building materials shall be considered the final consumer of the building materials.

(k) Nothwithstanding other provisions of this subsection, no tax shall be imposed upon construction services or construction support services performed by one's own employees if the services are performed for an employer who is incidentially engaged in improving real property, such improvements are made in the furtherance of the employer's primary business, and the employer is not in the business of providing construction services.

(l) As an alternative method for computing the tax imposed in this subsection, the prime contractor may compute and pay the tax on construction services on new construction, as follows:

1. The tax on construction services purchased by prime contractors shall be due and payable by the prime contractor at the time consideration is paid for such services.

2. The tax on purchases of construction services by prime contractors shall be based on the total consideration paid to the subcontractor. However, if the written proposal, contract, or interim or final invoice of the subcontractor specifically describes, itemizes and states the price paid by the subcontractor for the building materials purchased by the subcontractor and incorporated into the improvement in fulfillment of his responsibilities under the subcontract, the tax shall be based on the total consideration less the price of said building materials.

3. The tax on the construction services any prime contractor provides with respect to new construction for himself or others shall be based upon the cost price to the prime contractor of the services he provides. However, the cost of building materials purchased by the prime contractor and incorporated into the new construction, and amounts paid to subcontractors upon which a sales tax has been paid, shall not be included in the cost price. The tax shall be due and payable as otherwise provided in this part at the time the contract for new construction is fulfilled or within 30 days after the certificate of occupancy is issued, whichever is sooner. The retail sale of new construction for which the prime contractor has paid tax pursuant to this paragraph shall be exempt from the tax imposed by this section.

4. This alternative method for computing the tax shall apply to construction services purchased or provided by a prime contractor for construction projects begun on or after July 1, 1988.

5. A prime contractor shall make the election to compute the tax pursuant to this paragraph on a form prescribed by the department. Any such election shall apply to all construction services purchased or provided by the prime contractor during the term of the election. The department shall promulgate rules regarding the application of the election to construction projects in progress at the time the election is made and construction projects which are in progress at the time the election is terminated. A prime contractor may not change the method for the payment of the tax more than once during any 12-month period.

(3) The tax imposed by s. 212.059 on construction services shall be due and payable in the following manner:

(a) The prime contractor shall be responsible for remitting the tax on construction services performed by himself and by his subcontractors.

(b) Subcontractors shall not be required to collect the tax on construction services they perform.

(c) For new construction undertaken pursuant to a contract, the tax shall be due when the prime contractor receives payments under the contract. If the contract price is paid in draws or installments, the amount of tax to be paid with respect to each such draw or installment, before application of the dealer credit, shall be that proportion of the tax due on the total contract price which the amount of the draw or installment bears to the total contract price.

(d) For new construction undertaken on a speculative basis, or for the prime contractor's own use, partial payment of the tax shall be due at such time payment is made by the prime contractor to the subcontractor based on 50 percent of the amount of such payment. Any tax amounts remaining shall be due 30 days after a certificate of occupancy is issued, or if no certificate of occupancy is required, when the new construction is first put to its intended use.

(e) For new construction undertaken for the prime contractor's own use, the tax shall be due when a certificate of occupancy is issued, or if no certificate of occupancy is required, when the new construction is first put to its intended use.

(f) For construction other than new construction, the tax shall be due when the prime contractor receives payment for the construction services rendered.

(g) Taxes due and payable pursuant to this section shall be remitted in accordance with s. 212.11.

(h) No unit of local government shall issue a certificate of occupancy for new construction until the prime contractor certifies, on a form promulgated by the department and submitted to the local government, that the new construction is substantially complete. Such forms shall be provided to local governments by the department, and completed forms shall be returned monthly to the department by the local governments.

(4) The following provisions of this part shall not apply with regard to the tax on construction services:

(a) Section 212.02(5), the definition of "cost price."

(b) Section 212.02(21), the definition of "sales price."

(c) Section 212.059(3), regarding the collection and remittance of the tax.

(d) Section 212.059(4), regarding the time the tax is due.

(e) Section 212.0591(4), regarding taxation of transactions previously taxed.

(f) Section 212.0591(6), regarding separate statement of services and real property.

(g) Section 212.0591(7), regarding separate statement of taxable and exempt services.

(h) Section 212.0592(3), regarding occasional or isolated sales.

(i) Section 212.0592(4), regarding services sold to partnerships.

(j) Section 212.0592(5), regarding services sold between members of an affiliated group.

Section 7. Section 212.0595, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

212.0595 Advertising; special provisions.— ~~Notwithstanding the provisions of ss. 212.059-212.0593,~~ The following special provisions shall be applicable to the sales and use tax on advertising:

(1) A tax is hereby imposed on advertising sold or used in this state. The tax shall be at the rate of 5 percent of the sales price or cost price of the advertising.

(2) Advertising shall be deemed to have been sold in this state if the greater proportion of the advertising is performed within this state based on costs of performance as defined in s. 212.02.

(3) Advertising shall be deemed to have been used in this state if it was sold outside this state for consumption in this state. Advertising shall be presumed to be consumed in this state to the extent the cost price is apportioned to this state pursuant to subsection (4).

(4)(a) The sales price of the sale of advertising, or the cost price of the use of advertising, shall be apportioned to the state as provided in this subsection. There shall be included in the measure of the tax imposed by this section that proportion of the sales price or cost price which is equal to the proportion of market coverage within Florida to the total ~~United States~~ market coverage for the most recently completed accounting year of the service provider. However, in the case of new or restructured service providers, the department may prescribe by rule another time period or proportion that fairly reflects Florida market coverage.

(b) For purposes of this subsection, "market coverage" means average circulation *within the geographic area of distribution for the publication in which the advertisement appears*, in the case of print media, and means population within the signal reception area of the broadcaster, in the case of broadcast media, measured as prescribed by the department by rule.

(c) For advertising other than print or broadcast media, the department shall establish by rule a method for fairly apportioning advertising sold or used in this state.

(5) If advertising is sold in this state, the sales tax imposed by this section shall be collected and remitted by the advertising media provider, *unless the advertising is purchased pursuant to a resale permit, in which case the person reselling the advertising shall collect and remit the tax.*

(6) If advertising is not sold in this state, but is used in this state, the advertiser shall self-accrue the use tax imposed by this section and remit the tax directly to the department, *if the advertiser has nexus for tax purposes with this state, unless the advertising is sold to a registered dealer for resale, in which case the registered dealer shall collect and remit the tax when the advertising is resold.*

(7)*(a) When advertising is sold or resold, the seller or reseller shall state the sales price of the advertising and the applicable apportionment factor, if any, separately from any other charges which may be included in the invoice, charge slip or other tangible evidence of sale.*

(b) When the tax on advertising is not collected by the seller of the advertising, it is the responsibility of the purchaser to secure the apportionment factor pursuant to subsection (4) from the advertising media. ~~When advertising is purchased and resold, the person reselling the advertising may deduct the consideration paid for the advertising from his charges for purposes of calculating any tax due under this part.~~

(8) Nothing herein shall be construed to require the advertising media to furnish to the department a listing of persons placing advertising with the advertising media.

(9) Consideration paid pursuant to a written contract for a term in excess of two years, entered into prior to April 1, 1987, and which involves a transaction taxable under this section, shall be exempt from the tax imposed by this section until the expiration of such contract. This exemption shall not apply to advertising provided pursuant to any extension or renewal of such contract.

(10) For purposes of this part, the term "advertising" means the service of conveying the advertiser's message, and shall include any mark-up charged by an advertising agency or any other person for the service of brokering the medium. However, the term "advertising" shall not include creative services of a type customarily performed by an advertising agency.

(11) The following provisions of this part shall not apply to the sale or use of advertising:

(a) Section 212.059(3), regarding collection of the tax on services; and

(b) Section 212.0593, regarding administration of s. 212.0592(1).

Section 8. Section 212.0598, Florida Statutes, is created to read:

212.0598 Special provisions; air carriers.—

(1) Notwithstanding other provisions of this part to the contrary, any air carrier required by the United States Department of Transportation to keep records according to said department's standard classification of accounting may elect, upon the conditions prescribed in subsection (4), to be subject to the tax imposed by this part on services and tangible personal property according to the provisions of this section.

(2) The basis of the tax shall be the ratio of Florida mileage to total mileage as determined pursuant to part IV of chapter 214. The ratio shall be determined at the close of the carrier's preceding fiscal year. The ratio shall be applied each month to the carrier's total systemwide gross purchases of tangible personal property and services otherwise taxable in Florida.

(3) It is the legislative intent that air carriers are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this part, if the provisions of this section are met.

(4) The election provided for in this section shall not be allowed unless the purchaser makes a written request, in a manner prescribed by the Department of Revenue, to be taxed under the provisions of subsection (2), and such person registers with the Department of Revenue as a dealer and extends to his vendor at the time of purchase, if required to do so, a certificate stating that the item or items to be partially exempted are for the exclusive use designated herein. Otherwise, all purchases of taxable property and services purchased in this state shall be subject to taxation.

(5) Notwithstanding other provisions of this part to the contrary, any air carrier eligible for the election provided in subsection (1) which does not so elect shall be subject to the tax imposed by this part on the purchase or use of services and tangible personal property purchased or used in this state, as well as other taxes imposed herein.

Section 9. Subsections (2) and (6), paragraph (h) of subsection (14), and paragraph (a) of subsection (19) of section 212.02, Florida Statutes, as amended by chapter 87-6, Laws of Florida, 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:

(2) "Affiliated group" means: an affiliated group of corporations, as defined in s. 1504(a) of the Internal Revenue Code, whose members are includable under s. 1504(b), *(c), or (d)* of the Internal Revenue Code, and are eligible to file a consolidated tax return for Federal corporate income tax purposes~~;~~ *, or mutual insurance companies which are members of one insurance holding company system subject to s. 628.801; however, s. 1504(b)(2) shall not apply to this definition. However, the taxpayer may elect, pursuant to rules of the department governing the procedure for making and amending such election, to define its affiliated group in a manner which excludes any member who has no tax nexus in this state and any member whose business activities are unrelated to the business activities of other members of the group. However, in no event shall a parent corporation of an included member be excluded from the affiliated group.*

(6) "Costs of performance" means direct costs determined in a manner consistent with generally accepted accounting principles and in accordance with accepted conditions or practices in the type of trade or business in which the *service provider* ~~taxpayer~~ engages.

(14) "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 *land, improvements thereto, and fixtures, and is synonymous with "realty" and "real estate."* ~~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. 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.~~

~~9. Property used as an integral part of the performance of qualified production services as defined in s. 212.0592(18)(a).~~

~~10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of an airport, a movie theater, a business operated under a permit issued pursuant to chapter 550 or chapter 551, or any publicly owned arena, sports stadium, convention hall, or exhibition hall.~~

(19)(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 or services, and includes all such transactions that may be made in lieu of retail sales or sales at retail. "Retail sale" does not include fee-sharing *for services described in s. 475.011 by persons licensed under chapter 475* ~~between real estate agents and real estate brokers~~. A sale of a service shall be considered a sale for resale only if:

1. The purchaser of the service does not use or consume the service but acts as a broker or intermediary in procuring a service for his client or customer;

2. The purchaser of the service buys the service pursuant to a written contract with the seller and such contract identifies the client or customer for whom the purchaser is buying the service;

3. The purchaser of the service separately states the value of the service purchased at the purchase price in his charge for the service on its subsequent sale;

4. The service, with its value separately stated, will be taxed under this part in a subsequent sale, *unless otherwise exempt pursuant to s. 212.0592(1)*; and

5. The service is purchased pursuant to a service resale permit by a *dealer* ~~person~~ who is primarily engaged in the business of selling services. The department shall provide by rule for the issuance and periodic renewal every 5 years of such resale permits.

However, a sale, to other than an end user, of telecommunication services consisting of a right of access for which an access charge, as defined in s. 203.012(1), is imposed, is a sale for resale.

Section 10. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by chapter 87-6, 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, 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 oceangoing 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.

9. Property used as an integral part of the performance of qualified production services as defined in s. 212.0592(18)(a).

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of ~~an airport,~~ a movie theater, a business operated under a permit issued pursuant to chapter 550 or chapter 551, or any publicly owned arena, sports stadium, convention

hall, ~~or~~ exhibition hall, *auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.*

Section 11. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)*1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is utilized. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and utilized by each institution to support women's athletics as provided in s. 240.533(4)(c).*

2. No tax shall be levied on dues, membership fees and admission charges imposed by not-for-profit religious sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

3. No tax shall be levied on an admission paid by a student, or on his behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game.

5. No tax shall be levied on admissions to athletic or other events sponsored by governmental entities.

Section 12. Subsection (1) of section 212.05, Florida Statutes, as amended by chapter 87-6, Laws of Florida, 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 section, 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, 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 penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed after July 1, 1985, pursuant to this sub-subparagraph. 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 or airplane by or through a registered dealer under this chapter to a purchaser who removes such boat or airplane from this state within 10 days after the date of purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat or airplane 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 or airplane 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 or airplane from this state within 10 days after purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat or airplane 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 or airplane 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.

(b) At the rate of 5 percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state.

(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 lease or rental of a commercial motor vehicle as defined in s. 316.003(67)(a) 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.

(d) At the rate of 5 percent of the lease or rental price paid by a lessee or rentee, or contracted or agreed to be paid by a lessee or rentee, to the owner of the tangible personal property.

(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 *part* ~~subparagraph~~, 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.

3. The tax imposed pursuant to this paragraph 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.

(f) At the rate of 5 percent on the sale, rental, use, consumption, or storage for use in this state of machines and equipment and parts and accessories therefor used in manufacturing, processing, compounding, producing, mining, or quarrying personal property for sale or to be used in furnishing communications, transportation, or public utility services.

(g) At the rate of 5 percent of the price, as determined pursuant to part II, of each gallon of motor fuel or special fuel taxable pursuant to that part, except that motor fuel and special fuel expressly taxable under this part shall be taxed as provided in paragraphs (a) and (b).

(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 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) At the rate of 5 percent on the retail price of newspapers and magazines sold or used in Florida.

Section 13. Paragraph (b) of subsection (9) of section 212.08, Florida Statutes, 1986 Supplement, is amended, and subsection (6), and paragraphs (e), (n) and (o) of subsection (7) of said section, as amended by chapter 87-6, Laws of Florida, are amended, and paragraph (t) is added to subsection (7) of said section 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.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, *a* ~~the~~ state, or any county, municipality, or political subdivision of *a* ~~this~~ state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. 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. 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.

(7) MISCELLANEOUS EXEMPTIONS.—

(e) Film rentals.—Film rentals are exempt when an admission is charged for viewing such film, and license fees and direct charges for films, videotapes, and transcriptions used by television or radio stations or networks *are exempt*. However, this exemption shall not be construed to exempt the sale or use of advertising.

(n) Organizations providing special educational, cultural, recreational, and social benefits to minors.—There shall be exempt from the tax imposed by this part nonprofit organizations which are incorporated pursuant to chapter 617 or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the Internal Revenue Code the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors ~~in this state~~. This exemption is extended only to that level of the organization ~~located in this state~~ that has a salaried executive officer or an elected nonsalaried executive officer.

(o) 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 or services 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 institutions" 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 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 nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and* 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 institutions" 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.

(t) Vinous and alcoholic beverages provided by distributors or vendors for the purpose of "wine tasting" and "spirituous beverage tasting" as contemplated under the provisions of Section 564.06 and 565.12 respectively, are exempt from the tax imposed by this part. This exemption shall be effective retroactively to July 1, 1981.

(9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(b) *Motor* vehicles which are licensed as common carriers by the Interstate Commerce Commission ~~or by the United States Department of Transportation~~ and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's *motor* vehicles which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. This ratio shall be applied each month to the total purchases of such *motor* vehicles and parts thereof which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this part. *Motor* vehicles which are licensed as common carriers by the Interstate Commerce Commission ~~or the United States Department of Transportation~~ and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this part. *Motor* vehicles and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax.

Section 14. Paragraph (a) of subsection (6) of section 212.095, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.095 Refunds.—

(6)(a) Each registered dealer shall, in accordance with the requirements of the department, keep at his principal place of business in this state or at the location where the sale is made a complete record or duplicate sales tickets of all items or services sold by him for which a refund provided in this section may be claimed, which records shall contain the information required in paragraph (3)(a). ~~No licensed dealer or his agent or employee may acknowledge or assist in the preparation of any claim for tax refund; this provision does not apply to attorneys or to certified public accountants licensed pursuant to chapter 473 when acting for or on behalf of a client.~~

Section 15. Paragraph (d) of subsection (1) of section 212.11, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.11 Tax returns and regulations.—

(1)

(d) Beginning October 1, 1987, the department may authorize a quarterly return and payment for dealers *registered as service providers and remitting* ~~collecting~~ tax solely from the provision of services. Such returns may be authorized only for dealers whose monthly tax collections are less than $500 in each month for the previous 3 months. Quarterly payments pursuant to this paragraph shall be due and payable in March, June, September, and December of each year.

Section 16. Section 17 of chapter 87-6, Laws of Florida, is amended to read:

Section 17. ~~The introductory paragraph of subsection (1),~~ Paragraph (b) of subsection (5)~~,~~ and subsections (7) and (9) of section 212.12, Florida Statutes, 1986 Supplement, are amended, and, effective January 1, 1988, ~~paragraph (b) of~~ subsection (1) of said section 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) *Notwithstanding any other provision of law and* 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 taxable services, ~~and~~ for the purpose of compensating owners of places where admissions are collected, *and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax,* 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 *and remitter* 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 taxable purchases;* 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. *The department shall require that the amounts of gross sales, taxable sales, taxable purchases, and tax collected or due shall be reported by major sales tax source: services; tangible personal property; admissions; transient rentals; commercial leases or licenses; and agricultural equipment.*

(5)

(b) In the event any dealer or other person charged herein fails or refuses to make his records available for inspection so that no audit or examination has been made of the books and records of such dealer or person, fails or refuses to register as a dealer, or fails to make a report and pay the tax as provided by this chapter; or makes a grossly incorrect report, or makes a report that is false or fraudulent, then, in such event, it shall be the duty of the department to make an assessment from an estimate based upon the best information then available to it for the taxable period of retail sales of such dealer, the gross proceeds from rentals, the total admissions received, amounts received from leases of tangible personal property by such dealer, or of the cost price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in this state *or of the sales or cost price of all services the sale or use of which is taxable under this part,* together with interest, plus penalty, if such have accrued, as the case may be. Then the department shall proceed to collect such taxes, interest, and penalty on the basis of such assessment, which shall be considered prima facie correct; and the burden to show the contrary shall rest upon the dealer, seller, owner, or lessor, as the case may be.

(7) In the event the dealer has imported ~~the~~ tangible personal property *or has acquired services outside the state for sale or use in this state* and he fails to produce an invoice showing the cost price of the articles *or services,* as defined in this chapter, which are subject to tax, or the invoice does not reflect the true or actual cost price as defined herein, then the department shall ascertain, in any manner feasible, the true cost price, and assess and collect the tax thereon with interest plus penalties, if such have accrued on the true cost price as assessed by it. The assessment so made shall be considered prima facie correct, and the duty shall be on the dealer to show to the contrary.

(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, rentals, ~~and~~ communication services, *and upon the sale or use of 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 *or other* 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, rentals, and communication services *or to collect a tax upon the sale or use of services,* and such person or dealer shall add the tax imposed by this chapter to the price, license fee, rental, or admissions, and communication *or other* 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, *or upon the sale or use of 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.

Section 17. Section 212.235, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

212.235 State Infrastructure Trust Fund; deposits.—

(1) Notwithstanding the provisions of ss. 212.20(1) and 218.61, in fiscal year 1987-1988 an amount equal to 2 percent, and in each fiscal year thereafter an amount equal to 5 percent, of the proceeds remitted pursuant to this part by a dealer, or the sums sufficient to provide the maximum receipts specified herein, shall be *transferred* ~~deposited~~ into the State Infrastructure Trust Fund, which is created in the State Treasury. "Proceeds" means all funds collected and received by the Department of Revenue, including any interest and penalties. However, any receipts of the trust fund, including those received pursuant to ss. 201.15(5) and 206.875(3) and interest earned, in excess of $200 million in fiscal year 1987-1988, and $500 million thereafter, shall revert to the General Revenue Fund.

(2) Subject to an appropriation each year by the Legislature, moneys in the fund shall only be used for the purposes of:

(a) Acquiring the right-of-way for and constructing state highways and bridges;

(b) Constructing public education capital facilities;

(c) Financing state projects for beach restoration or renourishment or lake, ~~or~~ river, *or other water body* restoration, *including the restoration of bays and estuaries;*

(d) Constructing state correctional facilities;

(e) Constructing other infrastructure projects; or

(f) Issuing revenue bonds to finance state capital outlay projects authorized by this section. Such bonds shall be payable solely from legislative appropriations from the State Infrastructure Trust Fund and shall not be a debt of the state, and the state shall not be liable thereon. Neither the taxing power, the credit, nor the revenues of the state shall be pledged to pay any obligation issued pursuant to this subsection.

Section 18. Section 31 of chapter 87-6, Laws of Florida, is amended to read:

Section 31. Notwithstanding any other provision of this act, in the case of written contracts which are signed prior to May 1, 1987, *or offers submitted prior to such date which are binding on the offeror and are accepted, or contracts which are funded by government bonds sold before May 1, 1987, or contracted prior to such date to be sold,* for constructing improvements to real property, prime contractors, as defined in s. 212.0594~~(10)~~, Florida Statutes, responsible for performing the contract shall not be required to remit any tax on services levied pursuant to s. 212.059 or s. 212.0594, Florida Statutes, provided that:

(1) Pursuant to s. 212.0594, Florida Statutes, it is the responsibility of the prime contractor to remit the tax.~~;~~

(2) The purchase of the services for which the tax is not being remitted is necessary to complete the contract and the tax cannot be legally collected from the final purchaser and cannot be included in the price charged the final purchaser under the terms of the contract.~~;~~

(3) On the first tax return of the prime contractor in which tax is not remitted pursuant to this section for a specific contract, the prime contractor must submit an application in a manner approved by the Depart-

ment of Revenue by rule. A complete application shall include proof of the written contract, the amount of tax not being remitted, *the anticipated date of completion of the contract, an estimate of the value of services expected to be performed under the contract subsequent to June 30, 1989,* and a sworn statement, signed by the applicant or his representative, attesting to the validity of the application. Subsequent taxes not remitted pursuant to a specific contract must be identified as to amount and application authority at the time such taxes are not paid.~~; and~~

(4) The purchase of the service occurs before June 30, *1989* ~~1988~~.

(5) On or before March 1, 1988, the Department of Revenue shall provide the Legislature with an estimate of the value of construction services expected to be performed after June 30, 1989, on contracts that qualify for the exemption allowed pursuant to this section.

Any person who fraudulently does not remit taxes pursuant to this section shall, in addition to being liable for the payment of any taxes fraudulently not remitted plus a mandatory penalty of 100 percent of the taxes not remitted, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 19. Section 32 of chapter 87-6, Laws of Florida, is amended to read:

Section 32. Rule 12A-1.091(6) of the Department of Revenue is hereby repealed. However, the department is hereby authorized to provide by rule for self-accrual of the sales tax under one or more of the following circumstances:

(1) Where authorized by law for purchasers of services;

(2) Where authorized by law for holders of direct pay permits;

(3) Where tangible personal property is subject to tax on a prorated basis, and the proration factor is based upon characteristics of the purchaser;

(4) Where *the taxable status of* types of tangible personal property ~~whose taxable status~~ will be known only upon use ~~because the purchaser, by virtue of the normal characteristics of his trade or business, regularly consumes the type of property as a supply as well as sells it for resale~~; and

(5) For commercial rentals where the purchaser rents from a number of independent property owners who, apart from rentals to the purchaser in question, would otherwise not be obligated to register as dealers.

(6) Where the purchaser makes purchases in excess of $10 million per year of tangible personal property in any county.

Section 20. Section 33 of chapter 87-6, Laws of Florida, is amended to read:

Section 33. The Legislature hereby finds that the failure to promptly implement the provisions of this act would present an immediate threat to the welfare of the state because revenues needed for operation of the state would not be collected. Therefore, the executive director of the Department of Revenue is hereby authorized to adopt emergency rules pursuant to s. 120.54(9), Florida Statutes, for purposes of implementing this act. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months from the date of adoption. *Other rules of the Department of Revenue related to and in furtherance of the orderly implementation of chapter 87-6, Laws of Florida, and this act shall not be subject to a s. 120.54(4), Florida Statutes, rule challenge or a s. 120.54(17), Florida Statutes, drawout proceeding, but, once adopted, shall be subject to a s. 120.56, Florida Statutes, invalidity challenge. Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13), Florida Statutes.*

Section 21. Section 36 of chapter 87-6, Laws of Florida, is amended to read:

Section 36. Any penalties provided for pursuant to s. 212.12(2), Florida Statutes, shall be waived by the executive director of the Department of Revenue for returns due for the tax on services newly imposed by this act. If the executive director determines that the interest owed pursuant to s. *212.12(3)* ~~214.23~~, Florida Statutes, will cause an undue hardship on the taxpayer, he may also waive the interest payment. The waiver for penalties and interest shall apply with respect to returns for taxes due and payable for the period between July 1, 1987, and September 30, 1987.

Section 22. Section 37 of chapter 87-6, Laws of Florida, is amended to read:

Section 37. When a service that is taxable beginning July 1, 1987, is provided prior to that date, it shall not be taxed, notwithstanding that compensation for the service is paid or payable on or after that date. When a service that is taxable beginning July 1, 1987, is provided on or after that date, the service shall be taxed unless it was prepaid in full prior to April 1, 1987. When a service that is taxable beginning on July 1, 1987, is provided over a period of time beginning prior to that date and ending after that date, the service shall be taxed only upon that portion of the service provided on or after July 1, 1987. *For purposes of this section, a service shall be deemed prepaid in full if payment for the service is pursuant to a finance agreement and such agreement was sold by the service provider to a third party prior to April 1, 1987.*

Section 23. Section 38 of chapter 87-6, Laws of Florida, is amended to read:

Section 38. ~~Except for the purposes of s. 212.0593, Florida Statutes,~~ Nothing contained in this act shall *be construed to require disclosure of privileged information, the confidentiality of which is protected under the Florida Evidence Code* ~~require an attorney or a certified public accountant licensed pursuant to chapter 473, Florida Statutes, to reveal the identity of any client for any reason~~.

Section 24. Paragraph (b) of subsection (1) of section 120.575, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

120.575 Taxpayer contest proceedings.—

(1)

(b) In any such administrative proceeding brought pursuant to s. 120.57(1) as authorized in s. 72.011(1) to contest the legality of any assessment of tax imposed for the sale or use of services as provided in chapter 212, or interest thereon, or penalty therefor, the following procedures shall apply, any provisions of this chapter to the contrary notwithstanding:

1. The petition shall be filed with the division, which shall forward a copy to the department immediately upon receipt of the petition.

2. The *hearing officer or* panel provided in s. 120.65(5) shall conduct all proceedings under this paragraph.

3. Within 10 days after receiving the petition, the *hearing officer or* panel shall accept or deny the petition ~~and, if accepted, shall conduct a hearing thereon, unless the petition is withdrawn~~.

4. Within 30 days after the hearing or receipt of the hearing transcript, whichever is later, the *hearing officer or* panel shall issue *an* ~~its~~ order, which shall consist of findings of fact, conclusions of law, interpretation of administrative rules, and any other information required by law or rule to be contained in the final order. Such order shall affirm or deny the assessment, interest, or penalty, and shall determine the amount of any assessment, interest, or penalty.

5. The order of the *hearing officer or* panel shall be final agency action.

Section 25. Subsection (5) of section 120.65, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

120.65 Hearing officers.—

(5) The director shall appoint, from among the full-time hearing officers of the division, a panel consisting of *one to* three members to be the hearing officer in all proceedings brought as provided in s. 120.575(1)(b). *The director shall have the discretion to determine the size of the panel based upon the complexity and precedential importance of the issues involved, and the amount of potential revenues in dispute.* Such appointments shall be made with due regard to the expertise required for determination of such proceedings. Service as a member of such panel shall be at the pleasure of the director, and such service may be in addition to other duties of employment by the division.

Section 26. Section 47 of chapter 87-6, Laws of Florida, is amended to read:

Section 47. The Department of Revenue is directed to undertake a study of service transactions for the purpose of identifying those transactions not taxable pursuant to the definition of service in s. 212.02, Florida

Statutes. On or before March 1, *1989* ~~1988~~, the department shall report to the Governor and the Legislature all service transactions so identified.

Section 27. Section 48 of chapter 87-6, Laws of Florida, is amended to read:

Section 48. No later than January 1, 1988, the Department of Revenue shall develop and implement a tax amnesty program for taxpayers subject to the tax laws enumerated in s. 72.011(1), Florida Statutes, except those taxes governed by *ss.* ~~s.~~ 199.032, ~~and s.~~ 212.0505, *212.059-212.0595, and 212.0598,* Florida Statutes. The tax amnesty program shall be a one-time opportunity for eligible taxpayers to satisfy their tax liabilities under the revenue laws of this state and thereby avoid criminal prosecution and any penalties imposed under such laws. Eligible taxpayers shall have no more than a 6-month period during which to file returns or amended returns and to make full payment of the amount of tax and interest due. An eligible taxpayer may participate in the amnesty program whether or not the taxpayer is under audit or investigation; notwithstanding the fact that the amount due is included in a proposed assessment or an assessment, bill, notice, or demand for payment issued by the department; and without regard to whether the amount due is subject to a pending administrative or judicial proceeding. However, participation in the program shall be conditioned upon the taxpayer's agreement that the right to protest or initiate an administrative or judicial proceeding or to claim any refund of moneys paid under this amnesty program is barred with respect to the amounts paid except as provided in this section. No refund may be made of any 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 amnesty program shall be strictly limited to amounts determined by the department to have been paid in error. A taxpayer who is under a criminal investigation, indictment, information, or prosecution is not eligible to participate in the amnesty program. The department may prescribe such terms, conditions, and methods of payment as it deems necessary for fair and effective administration of the amnesty program, and may establish procedures and guidelines and adopt forms and rules to implement the program. With or without an audit, the department may issue a notice or demand for payment with respect to any tax or interest which it determines to be due with any return filed under the tax amnesty program; such notice and demand for payment shall be prima facie correct in any administrative, judicial, or quasi-judicial proceeding.

Section 28. *There is hereby appropriated from the General Revenue Fund the sum of $364,757 to the Division of Administrative Hearings of the Department of Administration, for purposes of implementing the provisions of chapter 87-6, Laws of Florida, and this act.*

Section 29. Subsection (1) and paragraph (a) of subsection (3) of section 95.091, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

95.091 Limitation on actions to collect taxes.—

(1)~~(a)~~ Except in the case of taxes for which certificates have been sold or of taxes *levied under chapters 198 and 220* ~~enumerated in s. 72.011~~, any tax lien granted by law to the state or any of its political subdivisions, any municipality, any public corporation or body politic, or any other entity having authority to levy and collect taxes shall expire 5 years after the date the tax is assessed or becomes delinquent, whichever is later. No action may be begun to collect any tax after the expiration of the lien securing the payment of the tax.

~~(b) Any tax lien granted by law to the state or any of its political subdivisions for any tax enumerated in s. 72.011 shall expire 20 years after the last date the tax may be assessed, after the tax becomes delinquent, or after the filing of a tax warrant, whichever is later. An action to collect any tax enumerated in s. 72.011 may not be commenced after the expiration of the lien securing the payment of the tax.~~

(3)(a) With the exception of taxes levied under chapter 198 and tax adjustments made pursuant to s. 220.23, the Department of Revenue may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011:

1. Within *3* ~~5~~ years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

2. Within 6 years after the date a taxpayer either makes a substantial underpayment of tax or files a substantially incorrect return;

3. At any time while the right to a refund or credit of the tax is available to the taxpayer;

4. At any time after the taxpayer has *fraudulently* failed to make any payment of the tax, has *fraudulently* failed to file a required return, or has filed a grossly false or fraudulent return; or

5. In any case in which there has been an erroneous refund of tax, within 5 years after making such refund, or at any time after making such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

(b) The limitations in this subsection shall be tolled for a period of 2 years if the Department of Revenue has issued a notice of intent to conduct an audit or investigation of the taxpayer's account within the applicable period of time as specified in this subsection.

Section 30. Effective July 1, 1988, subsection (1) of section 198.18, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

198.18 Failure to pay tax; penalties; delinquent or deficient taxes, interest.—

(1) If any part of a deficiency in tax due under the provisions of this chapter is due to negligence or intentional disregard of the provisions of this chapter or the rules and regulations issued pursuant hereto, with knowledge thereof but without intent to defraud, there shall be added as a penalty 5 percent per month of the total amount of the deficiency in tax to a maximum of *25* ~~100~~ percent of the tax due; and, if any part of such deficiency is willfully made with intent to defraud, there shall be added as a penalty 50 percent of the total amount of such deficiency, which penalty shall become due and payable upon notice and demand by the department. The personal representative shall be liable to the state personally and on his official bond, if any, for any loss to the state accruing under the provisions of this section through his negligence or willful neglect. No interest shall be collected upon the amount of any penalty. The department may settle or compromise such penalties pursuant to s. 213.21.

Section 31. Effective July 1, 1988, paragraph (c) of subsection (2) of section 211.33, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

211.33 Administration of the tax; returns; delinquency penalties and interest; departmental inspections of records.—

(2)

(c) If a tax return is not filed by April 1 for any taxes due for the preceding year or if any part of a deficiency in the tax due for the preceding tax year is due to negligence or intentional disregard of this part or the rules promulgated pursuant hereto, the department shall levy a delinquency penalty of 5 percent for each month, or portion thereof, on the amount of tax delinquent, not to exceed *25* ~~100~~ percent of the total tax due.

Section 32. Section 214.50, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

214.50 Liens; foreclosure.—In addition to any other remedy provided by the laws of this state, and provided that no hearing or proceedings for review provided by this chapter shall be pending and that the time for the taking of review shall have expired, the department may foreclose in any court of competent jurisdiction any lien on real or personal property for any tax, penalty, or interest to the same extent and in the same manner as in the enforcement of other liens. Any proceeding to foreclose shall be instituted not more than *5* ~~20~~ years after the filing, or availability for filing, of the notice of lien under the provisions of s. 214.45.

Section 33. Subsection (1) of section 214.51, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

214.51 Collection procedures.—

(1) In addition to any other remedy provided by the laws of this state, if any tax imposed by laws made applicable to this chapter is not paid within the time required by this chapter, the department, or someone designated by it, may cause a demand to be made on the taxpayer for the payment thereof. If such tax remains unpaid for 10 days after such demand has been made and no proceedings have been taken to review the same, the department may issue a warrant directed to any sheriff or other

person authorized to serve process, commanding said sheriff or other person to levy upon and sell the real and personal property of the taxpayer found within his jurisdiction for the payment of the amount thereof, including penalties, interest, and the cost of executing the warrant. Such warrant shall be returned to the department together with the money collected by virtue thereof within the time therein specified, which shall not be less than 20 nor more than 90 days from the date of the warrant. The sheriff or other person to whom such a warrant shall be directed shall proceed upon the same in all respects and with like effect as is prescribed by law for executions issued against property upon judgments of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. No proceedings for a levy under this section shall be commenced more than *5* ~~20~~ years after the filing of the notice of lien under the provisions of this part.

Section 34. Effective July 1, 1988, paragraph (b) of subsection (5) of section 212.08, Florida Statutes, as amended by section 59 of chapter 87-6, Laws of Florida, is 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations and services directly related to the installation of such machinery and equipment, excluding construction services, are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state and services directly related to the installation of such machinery and equipment, excluding construction services, are exempt from any amount of tax imposed by this chapter in excess of $100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery, equipment, or services pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail. *The department shall have 4 years from the date of delivery or date of receipt to perform an audit of such purchases, notwithstanding the provisions of s. 95.091(3).*

c. If, in a subsequent audit conducted by the department, it is determined that the machinery, equipment, or services purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery, equipment, or services purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, printing or publishing firms, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; but in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

Section 35. Effective July 1, 1988, paragraphs (a) and (b) of subsection (8) of section 125.0104, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(8) PROHIBITED ACTS; ENFORCEMENT; PENALTIES.—

(a) Any person who is taxable hereunder who fails or refuses to charge and collect from the person paying any rental or lease the taxes herein provided, either by himself or through his agents or employees, is, in addition to being personally liable for the payment of the tax, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) 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, when added, that it 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 subsection is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 36. Effective July 1, 1988, section 198.37, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

198.37 Failure to make return; penalty.—Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, is, in addition to other penalties provided by law, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 37. Effective July 1, 1988, section 198.39, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

198.39 False statement in return; penalty.—Whoever knowingly makes any false statement in any notice or return required to be filed under this chapter is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 38. Effective July 1, 1988, paragraph (a) of subsection (3) and subsection (8) of section 199.282, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

199.282 Penalties for violation of this chapter.—

(3)(a) If any annual or nonrecurring tax is not paid 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* ~~100~~ percent of the total tax not timely paid.

(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 is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 39. Effective July 1, 1988, subsection (1) of section 201.17, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

201.17 Penalties for failure to pay tax required.—

(1) Whoever makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever, without the full amount of the tax herein imposed thereon being fully paid, or whoever makes use of any adhesive stamp to denote any tax imposed by this chapter without canceling or obliterating such stamps as herein provided, is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 40. Effective July 1, 1988, section 201.20, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

201.20 Penalties for illegally avoiding tax on notes.—Any person using the provisions of s. 201.09 to avoid the payment of any tax justly due is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 41. Effective July 1, 1988, subsection (7) of section 203.01, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

203.01 Tax on gross receipts for utility services.—

(7) Any person who provides such services and who fails, neglects, or refuses to collect or remit the tax imposed in this part, either by himself or through his agents or employees, is liable for the tax and is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 42. Effective July 1, 1988, section 203.03, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

203.03 Penalties.—

(1) Any officer, agent, or representative of any such person who receives any payment for the furnishing of the things or the services above mentioned without first complying with the provisions of this chapter as required, is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who willfully violates or fails to comply with any of the provisions of this chapter is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 43. Effective July 1, 1988, subsection (3) of section 203.63, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

203.63 Tax on interstate and international telecommunication services.—

(3) Any person who provides such services and who fails, neglects, or refuses to collect or remit the tax imposed in this part, either by himself or through his agents or employees, is liable for the tax and is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 44. Effective July 1, 1988, subsection (4) of section 206.18, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is renumbered as subsection (5) and amended, and new subsection (4) is added to said section to read:

206.18 Discontinuance or transfer of business; liability of tax, procedure; penalty for violation.—

(4) In the event any dealer is delinquent in the payment of the tax herein provided for, the department may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such dealer or owing any debts to such dealer at the time of receipt by them of such notice. All persons so notified shall within 5 days after receipt of the notice advise the department of all such credits, other personal property, or debts in their possession, under their control, or owing by them. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the department consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires earlier, except that the credits, other personal property, or debts which exceed the delinquent amount stipulated in the notice shall not be subject to the provisions of this section, wherever held, in any case in which such dealer does not have a prior history of tax delinquencies. All persons notified shall likewise within 5 days advise the department of any subsequent credits or other personal property belonging to such dealer or any debts incurred and owing to such dealer which may come within their possession or under their control during the time prescribed by the notice or until the department consents to a transfer or disposition, whichever expires earlier. If such notice seeks to prevent transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the office of such bank, at which such deposit is carried or at which such credits or personal property is held. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, he shall be liable to the state for any indebtedness due under this chapter from the person with respect to whose obligation the notice was given to the extent of the value of the property or the amount of the debts thus transferred or paid if, solely by reason of such transfer or disposition, the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given. All such credits or other personal property or debts are subject to garnishment by the department for satisfaction of the delinquent tax due.

(5)~~(4)~~ Any violation of the provisions of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 45. Effective July 1, 1988, subsection (1) of section 206.44, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

206.44 Penalty and interest for failure to report on time; penalty and interest on tax deficiencies.—

(1) If any refiner, importer, or wholesaler fails to make a report or pay the taxes due as required by this chapter, the department shall add a penalty in the amount of 5 percent of any unpaid tax if the failure is for not more than 1 month, with an additional 5 percent of any unpaid tax

for each additional month or fraction thereof during which the failure continues. However, such penalty may not exceed *25* ~~100~~ percent in the aggregate of any unpaid tax. Furthermore, in no event may the penalty assessed be less than $5. The department shall collect the tax, together with the penalty and costs, in the same manner as other delinquent taxes are collected.

Section 46. Effective July 1, 1988, subsection (5) of section 206.877, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is 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.—

(5) Any person who violates the provisions of this section is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, any person who is liable for fueling a vehicle which does not have the proper decal affixed is subject to the provisions of this section and the provisions of s. 206.94.

Section 47. Effective July 1, 1988, subsection (1) of section 206.9931, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

206.9931 Administrative provisions.—

(1) Any person producing in, importing into, or causing to be imported into this state taxable pollutants for sale, use, or otherwise and who is not registered or licensed pursuant to other parts of this chapter is hereby required to register and become licensed for the purposes of this part. Such person shall register as either a producer or importer of pollutants and shall be subject to all applicable registration and licensing provisions of this chapter, as if fully set out in this part and made expressly applicable to the taxes imposed herein, including, but not limited to, ss. 206.02, 206.021, 206.022, 206.025, 206.03, 206.04, and 206.05. For the purposes of this section, registrations required exclusively for this part shall be made within 90 days of July 1, 1986, for existing businesses, or prior to the first production or importation of pollutants for businesses created after July 1, 1986. The fee for registration shall be $30. Failure to timely register is a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 48. Effective July 1, 1988, subsection (1) of section 207.007, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

207.007 Offenses; penalties and interest.—

(1) If any motor carrier fails to file a return and pay any tax liability under this chapter within the time required hereunder, the department shall add a delinquency penalty of *10* ~~5~~ percent to the amount of the taxes due if the failure is for not more than 30 days, with an additional *10* ~~5~~ percent penalty for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed a total penalty of 100 percent in the aggregate. However, in no event shall the penalty be less than $5.

Section 49. Effective July 1, 1988, subsection (2) of section 211.076, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

211.076 Interest and penalties; failure to pay tax or file return; estimated tax underpayments.—

(2) Failure to file any return required by this part by the due date shall require payment of a delinquency penalty. If tax is due with the return, the delinquency penalty shall be 5 percent for each month, or portion thereof, of the amount of tax due with the return, not to exceed *25* ~~100~~ percent. If no tax is due with the return, the delinquency penalty shall be $25 for each month, or portion thereof, during which the return was not filed, not to exceed $150 in aggregate. The amount of tax due with a return shall be reduced by amounts properly creditable against the tax liability shown on the return on the date the return was due.

Section 50. Effective July 1, 1988, subsection (1) of section 211.25, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

211.25 Tax crimes; punishment for violation of this part.—

(1) Any person who willfully fails to file a return or keep books or records on production of taxable products, or who files a fraudulent return, or who willfully fails or refuses to produce books or records, or who willfully violates any provision of this part or any rule adopted by the department under this part is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 51. Effective July 1, 1988, paragraphs (i) and (j) of subsection (3) of section 212.0305, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(3) APPLICATION; ADMINISTRATION; PENALTIES.—

(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* ~~felony~~ of the *first* ~~third~~ 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* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 52. Effective July 1, 1988, paragraph (a) of subsection (1) of section 212.05, Florida Statutes, as amended by section 83 of chapter 87-6, Laws of Florida, 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 section, 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* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. 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 penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed after July 1, 1985, pursuant to this sub-subparagraph. 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 or airplane by or through a registered dealer under this chapter to a purchaser who removes such boat or airplane from this state within 10 days after the date of purchase or, when the boat or airplane is repaired or altered,

within 10 days after completion of such repairs or alterations. In no event shall the boat or airplane 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 or airplane 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 or airplane from this state within 10 days after purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat or airplane 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 or airplane 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 53. Effective July 1, 1988, subsections (3) and (4) of section 212.07, Florida Statutes, as amended by section 85 of chapter 87-6, Laws of Florida, 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.—

(3) Any dealer who fails, neglects, or refuses to collect the tax herein provided, either by himself or through his agents or employees, is, in addition to the penalty of being liable for and paying the tax himself, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A dealer engaged in any business or in selling any services taxable under this chapter may not advertise or hold out to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that he will relieve the purchaser of the payment of all or any part of the tax, or that the tax will not be added to the selling price of the property or services sold or released or, when added, that it or any part thereof will be refunded either directly or indirectly by any method whatsoever. A person who violates this provision with respect to advertising or refund is guilty of a *misdemeanor* ~~felony~~ of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A second or subsequent offense constitutes a *misdemeanor* ~~felony~~ of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 54. Effective July 1, 1988, section 212.085, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.085 Fraudulent claim of exemption; penalties.—When any person shall *fraudulently* ~~knowingly~~, for the purpose of evading tax, issue to a vendor or to any agent of the state a certificate or statement in writing in which he claims exemption from sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 100 percent of the tax, shall be liable for fine and punishment as provided by law for a conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 55. Effective July 1, 1988, subsections (3) and (4) of section 212.10, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are reenacted, and subsection (5) of said section as amended by said chapter, is amended, to read:

212.10 Sale of business; liability for tax, procedure, penalty for violation.—

(3) In the event any dealer is delinquent in the payment of the tax herein provided for, the department may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such dealer or owing any debts to such dealer at the time of receipt by them of such notice. All persons so notified shall within 5 days after receipt of the notice advise the department of all such credits, other personal property, or debts in their possession, under their control, or owing by them. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the department consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier, except that the credits, other personal property, or debts which exceed the delinquent amount stipulated in the notice shall not be subject to the provisions of this section, wherever held, in any case in which such dealer does not have a prior history of sales tax delinquencies. All persons notified shall likewise within 5 days advise the department of any subsequent credits or other personal property belonging to such dealer or any debts incurred and owing to such dealer which may come within their possession or under their control during the time prescribed by the notice or until the department consents to a transfer or disposition, whichever expires the earlier. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the office of such bank at which such deposit is carried or at which such credits or personal property is held. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, he shall be liable to the state for any indebtedness due under this chapter from the person with respect to whose obligation the notice was given to the extent of the value of the property or the amount of the debts thus transferred or paid if, solely by reason of such transfer or disposition, the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given. All such credits or other personal property or debts are subject to garnishment by the department for satisfaction of the delinquent tax due.

(4) After notice by the department of a transferee liability under this section, the dealer shall have 60 days within which to file an action as provided in chapter 72.

(5)~~(3)~~ Any violation of the provisions of this section is a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 56. Effective July 1, 1988, paragraph (a) of subsection (2) and subsection (13) of section 212.12, Florida Statutes, as amended by section 88 of chapter 87-6, Laws of Florida, 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.—

(2)(a) When any person, firm, or corporation required hereunder to make any return or to pay any tax imposed by this chapter fails to timely file such return or fails to pay the tax due within the time required hereunder, in addition to all other penalties provided herein and by the laws of this state in respect to such taxes, a specific penalty shall be added to the tax in the amount of 5 percent of any unpaid tax if the failure is for not more than 30 days, with an additional 5 percent of any unpaid tax for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total penalty of 25 ~~100~~ percent, in the aggregate, of any unpaid tax. In no event may the penalty be less than $5 for failure to timely file a tax return required by s. 212.11. In the case of a false or fraudulent return or a willful intent to evade payment of any tax imposed under this chapter, in addition to the other penalties provided by law, the person making such false or fraudulent return or willfully attempting to evade the payment of such a tax shall be liable to a specific penalty of 50 percent of the tax bill and for fine and punishment as provided by law for a conviction of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree.

(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* ~~felony~~ of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for the first offense; and for subsequent offenses, they are each guilty of a *misdemeanor* ~~felony~~ of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 57. Effective 1, 1988, subsections (1) and (2) of section 212.13, Florida Statutes, as amended by section 89 of chapter 87-6, Laws of Florida, are amended to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(1) For the purpose of enforcing the collection of the tax levied by this chapter, the department is hereby specifically authorized and empowered to examine at all reasonable hours the books, records, and other documents of all transportation companies, agencies, or firms that conduct their business by truck, rail, water, aircraft, or otherwise, in order to determine what dealers, or other persons charged with the duty to report or pay a tax under this chapter, are importing or are otherwise shipping in articles or tangible personal property which are liable for said tax. In the event said transportation company, agency, or firm refuses to permit such examination of its books, records, or other documents by the department as aforesaid, it is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department shall have the right to proceed in any chancery court to seek a mandatory injunction or other appropriate remedy to enforce its right against the offender, as granted by this section, to require an examination of the books and records of such transportation company or carrier.

(2) Each dealer, as defined in this chapter, shall secure, maintain, and keep for a period of 3 years a complete record of tangible personal property or services received, used, sold at retail, distributed or stored, leased or rented by said dealer, together with invoices, bills of lading, gross receipts from such sales, and other pertinent records and papers as may be required by the department for the reasonable administration of this chapter; and all such records which are located or maintained in this state shall be open for inspection by the department at all reasonable hours at such dealer's store, sales office, general office, warehouse, or place of business located in this state. Any dealer who maintains such books and records at a point outside this state must make such books and records available for inspection by the department where the general records are kept. Any dealer subject to the provisions of this chapter who violates these provisions is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 58. Effective July 1, 1988, subsection (3) of section 212.14, Florida Statutes, as amended by section 90 of chapter 87-6, Laws of Florida, is amended to read:

212.14 Departmental powers; hearings, subpoena; distress warrants; time for assessments.—

(3) The department may require all reports of taxes to be paid under this chapter to be accompanied with a written statement, of the person or by an officer of any firm or corporation required to pay such taxes setting forth such facts as the department may reasonably require in order to advise the department as to the amount of taxes that are due and payable upon said return. Filing of return not accompanied by payment is prima facie evidence of conversion of the money due. Any person or any duly authorized corporation officer or agent, members of any firm or incorporated society, or organization who refuses to make a return and pay the taxes due, as required by the department and in the manner and in the form that the department may require, or to state in writing that the return is correct to the best of his knowledge and belief, as so required by the department, shall be subject to a penalty of 6 percent per annum of the amount due and shall upon conviction, be guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The signing of a written return shall have the same legal effect as if made under oath without the necessity of appending such oath thereto.

Section 59. Effective July 1, 1988, subsections (2) and (3) of section 212.15, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes; due and delinquent dates; judicial review.—

(2) Any person who, with intent to unlawfully deprive or defraud the state of its moneys or the use or benefit thereof, fails to remit taxes collected pursuant to this chapter is guilty of theft of state funds, punishable as follows:

(a) If the total amount of stolen revenue is less than $100, the offense is a *misdemeanor* ~~felony~~ of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Upon a second ~~or subsequent~~ conviction within a 3-year period, the offender is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *Upon a third or subsequent conviction within a 3-year period, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) If the total amount of stolen revenue is $100 or more, the offense is a felony of the *third* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the total amount of stolen revenue is $20,000 or more, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) *Prosecution of a misdemeanor under this section shall commence no later than 2 years from the date of the offense.* Prosecution of a felony under this section shall commence no later than 5 years from the date of the offense.

Section 60. Effective July 1, 1988, subsection (3) of section 212.18, Florida Statutes, as amended by section 92 of chapter 87-6, Laws of Florida, 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, 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, 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 services 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, 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* ~~felony~~ of the *first* ~~third~~ 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 61. Effective July 1, 1988, subsection (1) of section 214.40, Florida Statutes, as amended by chapter 87-6, Laws of Florida, 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* ~~100~~ 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.

Section 62. Effective July 1, 1988, section 214.60, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

214.60 Willful and fraudulent acts.—Any taxpayer who is subject to the provisions of this chapter and who willfully fails to file a return or keep required books and records, files a fraudulent return, willfully violates any rule or regulation of the department, or willfully attempts in any other manner to evade or defeat any tax imposed by laws made applicable to this chapter or the payment thereof, is, in addition to other penalties, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 63. Sections 100, 101, 102, and 106 of chapter 87-6, Laws of Florida, are hereby repealed.

Section 64. Paragraph (c) of subsection (2) of section 213.73, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

213.73 Manner and conditions of sale of property subject of a levy by the Department of Revenue.—Whenever a levy is made as a result of an execution upon a tax warrant or lien:

~~(c) The extent to which methods additional to those prescribed in s. 213.72, including advertising, may be used in giving notice of the sale.~~

Section 65. Section 213.74, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

213.74 Certificate of sale; deed of real property; legal effect.—

(1) In the case of property sold *pursuant to a levy by the Department of Revenue* ~~as provided in s. 213.72~~, the executive director or his designee shall give to the purchaser a certificate of sale upon payment in full of the purchase price. Such certificate shall set forth a description of the property purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor.

(2) In the case of any real property sold *pursuant to a levy by the Department of Revenue* ~~as provided in s. 213.72~~, and not redeemed in the manner and within the time provided in s. 213.73, the executive director or his designee shall execute, in accordance with the laws of this state pertaining to the sale of real property under execution, to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(3) If real property is declared purchased for the state at a sale pursuant to *a levy by the Department of Revenue* ~~s. 213.72~~, the executive director or his designee shall present a certificate of sale and execute a deed therefor to the Board of Trustees of the Internal Improvement Trust Fund, and the board of trustees shall, without delay, cause such deed to be duly recorded in the proper clerk's office in the proper manner.

(4) In all cases of sale of tangible or intangible personal property pursuant to *a levy by the Department of Revenue* ~~s. 213.72~~, the certificate of sale shall be prima facie evidence of the right of the executive director or his designee to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale and shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold. If such property consists of intangibles such as stock and bonds, the certificate constitutes notice, when received, to any corporation, company, or association of such transfer, and constitutes authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the intangibles were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not. If the subject of the sale is securities or other evidences of debt, the certificate constitutes a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt. If such property consists of a motor vehicle, the certificate constitutes notice when received, to any public official charged with the registration of title of motor vehicles, of such transfer and constitutes authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate of title, which shall be void whether canceled or not.

(5) In the case of the sale of real property pursuant to *a levy by the Department of Revenue* ~~s. 213.72~~, the deed of sale given pursuant to this section shall be prima facie evidence of the facts stated therein and if the proceedings by the executive director or his designee have been substantially in accordance with the provisions of this chapter and the rules of the department, such deed constitutes a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the Department of Revenue attached thereto.

Section 66. *Except for violations for which the period of time for bringing an action or enforcing a lien has expired prior to July 1, 1988, the penalties provided by sections 29 through 62 of this act are applicable to the failure to pay taxes which are due before and remain unpaid on July 1, 1988.*

Section 67. *Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 68. Section 9 of chapter 86-166, Laws of Florida, is hereby repealed.

Section 69. Except as otherwise provided herein, this act shall take effect July 1, 1987.

Senators Gordon and Margolis offered the following amendment to Amendment 1 which was moved by Senator Gordon and adopted:

Amendment 1A—On page 11, line 23, after "*race*" insert: *sex, creed, national origin, or religion*

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

Amendment 1B—On page 56, line 31, after "*sold,*" insert: *or contracts under negotiation before such date pursuant to formal action taken by a local governmental entity to construct a public capital facility financed by government bonds and owned by the governmental entity, provided the contract is signed before December 1, 1987,*

Senator Stuart offered the following amendments to Amendment 1 which were moved by Senator Barron and adopted:

Amendment 1C—On page 99, between lines 6 and 7, insert:

Section 69. (1) Short title.—Sections 69 through 78 may be cited as the "Fairness in Retail Sales Taxation Act."

(2) This section shall take effect October 1, 1987.

Section 70. Findings and intent.—

(1) The Legislature of the State of Florida finds:

(a) Millions of dollars of retail sales are made each year involving the transport of property from outside this state to purchasers in this state.

(b) Sales and use taxes to this state are not being paid on many, if any, of these sales.

(c) There is a substantial loss of revenue to this state as a result of failure or refusal to collect and remit to the treasury of this state sales and use taxes on these sales.

(d) Such failure or refusal is detrimental to the residents of and visitors to this state in two respects: First, the resulting loss of revenue increases the difficulty of carrying on essential state activities and maintaining and fostering a high quality of life for residents and visitors; and, second, retailers who, in compliance with laws of this state, collect and remit taxes on retail sales suffer from the unfair competition of those who do not do so, which is harmful to the business and economic climate of the state.

(e) Retailers who take advantage of the prosperity, market, laws, citizens and economy of this state by making retail sales to purchasers in this state are morally obligated to assume their fair share of the burden of maintaining this state's prosperity and quality of life by collecting and remitting taxes on sales to such purchasers.

(2) It is, therefore, the intent of this act to:

(a) Assure that those who make retail sales involving the transport of property from outside this state to purchasers in this state bear their fair share of this burden.

(b) Protect from unfair competition retailers who comply with the laws of this state by collecting and remitting tax on retail sales.

(c) Assure that the treasury of this state receives revenue needed to carry on essential state activities and to maintain and foster a high quality of life for its residents and visitors.

(3) This section shall take effect October 1, 1987.

Section 71. Effective October 1, 1987, section 212.0596, Florida Statutes, is created to read:

212.0596 Taxation of mail order sales.—

(1) For purposes of this part, a "mail order sale" is a sale of tangible personal property, ordered by mail or other means as described in paragraph (2)(e), to a purchaser who is in this state at the time the order is remitted, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property. For purposes of this definition, it will be presumed that every person resident in this state who remits an order shall have been in this state at the time the order was remitted.

(2) Every dealer as defined in s. 212.06(2)(c) who makes a mail order sale is subject to the power of this state to levy and collect the tax imposed by this part, when:

(a) The dealer is a corporation doing business under the laws of this state or a person domiciled in, a resident of, or a citizen of, this state;

(b) The dealer maintains retail establishments or offices in this state, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to the activities of such establishments or offices;

(c) The dealer has agents in this state who solicit business or transact business on behalf of the dealer, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to such solicitation or transaction of business;

(d) The property was delivered in this state in fulfillment of a sales contract that was entered into in this state, in accordance with applicable conflict of laws rules, when a person in this state accepted an offer by ordering the property;

(e) The dealer, by purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, unsolicited distribution of catalogues, computer-assisted shopping, television, radio or other electronic media, or magazine or newspaper advertisements or other media, creates nexus with this state;

(f) Through compact or reciprocity with another jurisdiction of the United States, that jurisdiction uses its taxing power and its jurisdiction over the retailer in support of this state's taxing power; or

(g) The dealer consents, expressly or by implication, to the imposition of the tax imposed by this part.

(3) Every dealer engaged in the business of making mail order sales is subject to the requirements of this part for cooperation of dealers in collection of taxes and in administration of this part, except that no fee shall be imposed upon such dealer for carrying out any required activity.

(4) The department shall, with the consent of another jurisdiction of the United States whose cooperation is needed, enforce this part in that jurisdiction, either directly or, at the option of that jurisdiction, through its officers or employees.

(5) The tax required under this section to be collected and any amount unreturned to a purchaser that is not tax but was collected from the purchaser under the representation that it was tax constitute funds of the State of Florida from the moment of collection.

Section 72. Effective October 1, 1987, paragraph (c) of subsection (2) and paragraph (a) of subsection (5) of section 212.06, Florida Statutes, 1986 Supplement, as amended by chapter 86-166, Laws of Florida, 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)

(c) The term "dealer" is further defined to mean every person, as used in this chapter, who sells at retail, or who offers for sale at retail, or who has in his possession for sale at retail, or for use, consumption, or distribution, or for storage to be used or consumed in this state tangible personal property as defined herein, *including a retailer who transacts a mail order sale.*

(5)(a) *1. Except as provided in subparagraph 2.,* 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 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.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d.

b. For purposes of this subparagraph, "a cooperating state" is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on mail order sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on mail order sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this part.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make mail order sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own personnel.

(V) Such state makes arrangements deemed adequate by the department for inspections, upon request of the department, of that state's records relating to such mail order sales and for auditing its performance in collecting such taxes.

(VI) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, "sales of tangible personal property to be transported to a cooperating state" means mail order sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the rate at which such a sale would have been taxed pursuant to the cooperating state's tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state, and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the department or agency designated by it to act for it; however, such payment shall, in no event, be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service charge imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section 73. Effective October 1, 1987, subsection (1) of section 212.20, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

212.20 Funds collected, disposition; additional powers of department; operational expense*; refund of taxes adjudicated unconstitutionally collected.*—

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this chapter, to be credited to the account of the General Revenue Fund of the state, *except that funds collected under s. 212.06(5)(a)2. shall be held in trust in the State Treasury, as provided therein.*

(4) When there has been a final adjudication that any tax pursuant to s. 212.0596 was levied, collected, or both, contrary to the Constitution of the United States or the State Constitution, the department shall, in accordance with rules, determine, based upon claims for refund and other evidence and information, who paid such tax or taxes, and refund to each such person the amount of tax paid. For purposes of this subsection, a "final adjudication" is a decision of a court of competent jurisdiction from which no appeal can be taken or from which the official or officials of this state with authority to make such decisions has or have decided not to appeal.

Section 74. Effective October 1, 1987, paragraph (e) is added to subsection (3) of section 212.02, Florida Statutes, 1986 Supplement, 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)

(e) The term "retail sale" includes a mail order sale, as defined in s. 212.0596(1).

Section 75. Effective October 1, 1987, the introductory paragraph of section 212.05, Florida Statutes, 1986 Supplement, 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, *including the business of making mail order sales,* 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.

Section 76. (1) Effective October 1, 1987, subsection (1) and paragraph (a) of subsection (5) of section 212.12, Florida Statutes, 1986 Supplement, 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 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, person, lessor, dealer, and owner *(except dealers who make mail order sales)* 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. *The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.*

(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.

(5)(a) The department is authorized to audit or inspect the records and accounts of dealers defined herein, *including audits or inspections of dealers who make mail order sales to the extent permitted by another state,* and correct by credit any overpayment of tax; and, in the event of a deficiency, an assessment shall be made and collected. No administrative finding of fact is necessary prior to the assessment of any tax deficiency.

(6) It is the intent of the Legislature that the amendment of s. 212.12, Florida Statutes, by this section is supplemental to other amendments to said section that may be enacted at the 1987 Regular Session of the Legislature, unless a contrary intent is indicated in such other amendments.

Section 77. Effective October 1, 1987, subsection (1) of section 212.15, Florida Statues, is amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes; due and delinquent dates; judicial review.—

(1) The taxes imposed by this chapter shall, *except as provided in s. 212.06(5)(a)2.e.,* become state funds at the moment of collection and shall for each month be due to the department on the first day of the succeeding month and delinquent on the 21st day of such month. All returns postmarked after the 20th day of such month are delinquent.

Section 78. Effective October 1, 1987, subsection (3) of section 212.18, Florida Statutes, 1986 Supplement, 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, 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. *However, no registration fee is required to accompany an application to engage in or conduct business to make mail order sales.* 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, 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, 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.

(Renumber subsequent section.)

Amendment 1D—On page 8, line 12, strike "and (51)" and insert: (51), and (52)

Amendment 1E—On page 17, between lines 21 and 22, insert:

(52) Residential apartment manager services provided by operators of apartment buildings as enumerated in SIC Industry Number 6513.

Amendment 1F—On page 17, between lines 21 and 22, insert:

(52) Consideration received for the right to publish for general circulation written material by authors, ghost writers, newspaper columnists, music arrangers, songwriters, and writers as enumerated in SIC Industry Number 8999.

Amendment 1G—On page 30, strike all of line 27 and insert: subsection (14), paragraph (a) of subsection (19), and subsection (22) of

Amendment 1H—On page 34, between lines 10 and 11, insert:

(22) The term "service" or "services" as used in this part means those activities usually provided for consideration by the following establishments listed in the SIC Manual:

(a) Agricultural Services (Major Group Number 07).

(b) Forestry Services (Major Group Number 085).

(c) Metal Mining Services (Group Number 108).

(d) Oil and Gas Field Services (Group Number 138).

(e) Nonmetallic (Nonfuel) Mineral Services (Group Number 148).

(f) Building Construction-General Contractors and Operative Builders (Major Group Number 15).

(g) Construction other than Building Construction-General Contractors (Major Group Number 16).

(h) Construction-Special Trade Contractors (Major Group Number 17).

(i) Printing, Publishing, and Allied Services (Major Group Number 27).

(j) Coating, Engraving, and Allied Services (Group Number 347).

(k) Railroad Transportation (Major Group Number 40).

(l) Local and Suburban Transit and Interurban Highway Passenger Transportation (Major Group Number 41).

(m) Motor Freight Transportation and Warehousing (Major Group Number 42).

(n) U.S. Postal Service (Major Group Number 43).

(o) Water Transportation (Major Group Number 44).

(p) Transportation by Air (Major Group Number 45).

(q) Pipelines, except Natural Gas (Major Group Number 46).

(r) Transportation Services (Major Group Number 47).

(s) Communications (Major Group Number 48).

(t) Electric, Gas, and Sanitary Services (Major Group Number 49).

(u) Food Brokers (Industry Number 5141).

(v) Banking (Major Group Number 60).

(w) Credit Agencies other than Banks (Major Group Number 61).

(x) Security and Commodity Brokers, Dealers, Exchanges, and Services (Major Group Number 62).

(y) Insurance (Major Group Number 63).

(z) Insurance Agents, Brokers, and Service (Major Group Number 64).

(aa) Real Estate (Major Group Number 65).

(bb) Combinations of Real Estate, Insurance, Loans, Law Offices (Major Group Number 66).

(cc) Holding and other Investment Offices (Major Group Number 67).

(dd) Personal Services (Major Group Number 72).

(ee) Business Services (Major Group Number 73).

(ff) Automotive Repair, Services, and Garages (Major Group Number 75).

(gg) Miscellaneous Repair Services (Major Group Number 76).

(hh) Motion Pictures (Major Group Number 78).

(ii) Amusement and Recreation Services, except Motion Pictures (Major Group Number 79).

(jj) Health Services (Major Group Number 80).

(kk) Legal Services (Major Group Number 81).

(ll) Educational Services (Major Group Number 82).

(mm) Social Services (Major Group Number 83).

(nn) Museums, Art Galleries, Botanical and Zoological Gardens (Major Group Number 84).

(oo) Membership Organizations (Major Group Number 86).

(pp) Miscellaneous Services (Major Group Number 89).

(qq) Legislative, Judicial, Administrative and Regulatory Activities of Federal, State, Local and International Governments (Major Group Numbers 91, 92, 93, 94, 95, 96, and 97).

~~In addition, the terms shall include the services of any independent broker of tangible personal property.~~

Senator Margolis offered the following amendment to Amendment 1 which was moved by Senator Barron and adopted:

Amendment 1I—On page 44, strike all of lines 19-22 and insert:

c. *The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the summation of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.* ~~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.~~

Senator D. Childers offered the following amendments to Amendment 1 which were moved by Senator Barron and adopted:

Amendment 1J—On page 21, lines 12, 16 and 25; on page 22, line 10; and on page 25, line 8, strike "*50*" and insert: *40*

Amendment 1K—On page 21, strike all of lines 3-6 and insert:

(i) "Cost price" means the direct costs of construction, including but not limited to, the cost of materials used, labor and service costs, and overhead expenses directly related to the improvements to realty, without any deduction whatsoever.

Senator Frank offered the following amendments to Amendment 1 which were moved by Senator Barron and adopted:

Amendment 1L—On page 24, between lines 20 and 21, insert:

5. The provisions of s. 212.0594(1)(i) shall not apply to this subsection.

Amendment 1M—On page 99, between lines 6 and 7, insert:

Section 69. Subsection (35) of section 212.0592, Florida Statutes, as created by chapter 87-6, Laws of Florida, is hereby repealed.

(Renumber subsequent sections.)

Senator Weinstein offered the following amendment to Amendment 1 which was moved by Senator Barron and adopted:

Amendment 1N—On page 13, strike all of lines 27-31 and insert: residential models, *"tipping fees" and other charges for the right to dispose of garbage, refuse, and debris, water supply services enumerated in SIC Group Number 494, and irrigation systems services enumerated in SIC Group Number 497.*

Senator Hair offered the following amendment to Amendment 1 which was moved by Senator Barron and adopted:

Amendment 1O—On page 99, between lines 4 and 5, insert:

Section 66. Paragraphs (b) and (d) of subsection (1) of section 212.055, Florida Statutes, are amended 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.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(b)*1.* The rate shall be one-fifth (20 percent) of any amount of tax imposed by and paid to the state pursuant to this part, except this section and s. 212.054.

2. Notwithstanding subparagraph 1., for any county the government of which is consolidated with that of one or more municipalities the rate shall be one-tenth (10 percent) of any amount of tax imposed by and paid to the state pursuant to this part, except this section and s. 212.054.

(d) Proceeds from the surtax shall be*:*

1. Deposited by the county in the rapid transit trust fund and shall be used only for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system*; or*~~.~~

2. Remitted by the governing body of the county to an expressway or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, the operation and maintenance of a bus system, or the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges.

(Renumber subsequent sections.)

Senator Meek offered the following amendment to Amendment 1 which was moved by Senator Barron and adopted:

Amendment 1P—On page 13, line 2, after "industrial" insert: *, commercial,*

Amendment 1 as amended was adopted.

Senators Hair, Crenshaw and Girardeau offered the following amendment which was moved by Senator Hair and adopted:

Amendment 2—In title, on page 5, line 20, after the semicolon (;) insert: amending s. 212.055, F.S.; providing that proceeds of a charter county transit system surtax may be remitted to an expressway authority or transportation authority for specified purposes; providing for the reduction of the surtax in specified circumstances;

Senator Frank moved the following amendment which was adopted:

Amendment 3—In title, on page 5, line 24, after the semicolon (;) insert: repealing s. 212.0592(35) F.S.; as created by chapter 87-6, Laws of Florida, relating to exemptions from taxation;

Senator Stuart moved the following amendment which was adopted:

Amendment 4—In title, on page 5, line 24, following the semicolon (;) insert: creating the Fairness in Retail Sales Taxation Act; providing for taxation of mail order sales;

Senator Margolis moved the following amendment which was adopted:

Amendment 5—In title, on page 3, line 2, after the first semicolon (;) insert: revising the apportionment formula for taxing certain interstate private line charges;

On motion by Senator Deratany, by two-thirds vote CS for HB 1506 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Frank	Jennings	Ros-Lehtinen
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Kiser	Stuart
Brown	Grant	Lehtinen	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Woodson
Crenshaw	Hill	Meek	
Deratany	Hollingsworth	Myers	
Dudley	Jenne	Peterson	

Nays—6

Childers, D.	Langley	Plummer
Johnson	Malchon	Weinstein

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB's 799 and 132 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 799 and 132—A bill to be entitled An act relating to education; amending ss. 228.041, 228.072, 229.132, 236.081, 240.359, F.S.; creating a lifelong learning program category within the Florida Education Finance Program to fund certain courses in adult education; defining lifelong learning student; providing for an annual determination of program cost factors in the General Appropriations Act; providing for allocation of full-time equivalents in the lifelong learning program category in school districts and community college districts; providing conforming language; providing an effective date.

Amendment 1—On page 2, line 3, insert:

Section 1. Subsection (29) of section 228.041, Florida Statutes, 1986 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(29) DROPOUT.—A dropout is a student who~~, during a particular school year, is enrolled in a school and~~ leaves ~~such~~ school for any reason except death before graduation or completion of a program of studies and without transferring to another public or private school or other educational institution.

Section 2. Subsections (2), (4), and (6) and paragraph (a) of subsection (3) of section 230.2313, Florida Statutes, are amended to read:

230.2313 Student services programs.—

(2) It is the intent of the Legislature to articulate the functions served by each of the components of a program of student services. It is further the intent of the Legislature that each school district develop *and implement* a plan for providing student services to all students in the public school system, including area vocational-technical centers. *Such plan shall be implemented no later than the 1988-1989 school year.* Each school in a district shall submit a written student services plan to the superintendent and the school board annually. This school plan shall be jointly developed by the principal, staff members, and school advisory committee. These plans shall be designed to ensure effective use of available resources and avoid unnecessary duplication. It is the intent of the Legislature that student services coordinators be given time to fulfill their responsibilities under this section.

(3) A "student services program" is defined as a coordinated effort which shall include, but is not limited to:

(a) Guidance services, which shall include, but are not limited to, the availability of individual and group counseling to all students; orientation programs for new students at each level of education and for transferring students; *class scheduling for students;* consultation with parents, faculty, and out-of-school agencies concerning student problems and needs; utilization of student records and files; supervision of standardized testing and interpretation of results; the following up of early school dropouts and graduates; a school-initiated system of parental involvement; an organized system of informational resources on which to base educational and vocational decisionmaking; and educational and job placement, *including advising students on the availability of vocational and alternative programs that could provide successful high school completion opportunities for students at risk of dropping out of school. School counselors shall spend at least 75 percent of work time providing direct counseling related to students, and shall devote no more than 25 percent of work time to administrative activities, provided that such activities relate to the provision of guidance services.*

(4) Each school district shall develop *and implement* a plan which ensures that individual student services are coordinated in a manner utilizing such techniques as differentiated staffing as to make maximum use of the contribution of each service.

(6) Each school district plan shall provide *for a district-level tracking system for school dropouts. Such tracking system shall include provisions for* ~~that~~ student services personnel in all schools *to* conduct an exit interview of students who are dropping out of school and follow-up of such students when possible.

Section 3. Subsection (3) is added to section 232.245, Florida Statutes, to read:

232.245 Pupil progression.—

(3) Each district comprehensive program for pupil progression shall reflect an effort to identify students at each grade level in grades 9 through 12 who have attained a cumulative grade point average of 1.5 or below. The program shall further include provisions for assisting such students to achieve the 1.5 cumulative grade point average required for graduation pursuant to s. 232.246.

Section 4. Paragraph (d) of subsection (6) and subsection (10) of section 232.246, Florida Statutes, 1986 Supplement, are amended to read:

232.246 General requirements for high school graduation.—

(6) Each district school board shall establish standards for graduation from its schools which shall include:

(a) Mastery of the minimum performance standards in reading, writing, and mathematics for the 11th grade, established pursuant to ss. 229.565 and 229.57, determined in the manner prescribed after a public hearing and consideration by the state board.

(b) Demonstrated ability to successfully apply basic skills to everyday life situations as measured by a functional literacy examination developed and administered in a manner prescribed after a public hearing and consideration by the state board.

(c) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

(d) Effective for the *1988-1989* ~~1986-1987~~ school year and each year thereafter, a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for required courses for graduation. *Each district shall adopt policies which are designed to assist students in meeting this requirement. Such policies may include, but shall not be limited to: Forgiveness policies, summer school attendance, special counseling, volunteer and/or peer tutors, school-sponsored help sessions, homework hotlines, study skills classes, and special assistance to obtain a high school equivalency diploma pursuant to s. 229.814 only in such cases where the student has completed all requirements for graduation except the attainment of a 1.5 cumulative grade point average.*

The standards required in this subsection, and any subsequent modifications thereto, shall be reprinted in the Florida Administrative Code even though such standards are not defined as "rules."

(10) A student who meets all requirements prescribed in subsections (1), (5), and (6) shall be awarded a standard diploma in a form prescribed by the state board; however, a school board may, in lieu of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (5), but who is unable to meet the standards of paragraph (6)(a) or paragraph (6)(b), *and/or paragraph (6)(d),* shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up

to 1 additional year and receive special instruction designed to remedy his identified deficiencies. This special instruction shall be funded from *the state compensatory education funds of the district.*

Section 5. Section 232.2463, Florida Statutes, is created to read:

232.2463 High school grading system.—The grading system and interpretation of letter grades used in public high schools shall be as follows:

(1) Grade "A" equals 94 percent through 100 percent, has a grade-point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 85 percent through 93 percent, has a grade-point average value of 3, and is defined as "above average progress."

(3) Grade "C" equals 75 percent through 84 percent, has a grade-point average value of 2, and is defined as "average progress."

(4) Grade "D" equals 65 percent through 74 percent, has a grade-point average value of 1, and is defined as "lowest acceptable progress."

(5) Grade "F" equals zero percent through 64 percent, has a grade-point average value of zero, and is defined as "failure."

(6) Grade "I" equals zero percent, has a grade-point average value of zero, and is defined as "incomplete."

This section shall first apply to students entering the ninth grade in the 1987-1988 school year.

Section 6. Subsections (3) and (4) of section 232.301, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to said section to read:

232.301 Model programs for the prevention of student failures and dropouts.—

(3) The Department of Education shall disseminate the findings and results of projects and model programs, as specified in subsection (2), to each school district and to the Legislature. The department shall provide technical assistance, upon request by the school district, to incorporate the components of such programs into the district's comprehensive dropout prevention program plan pursuant to s. 230.2316.

Section 7. *The Department of Education shall conduct a study to evaluate and make recommendations concerning the usefulness of certificates of completion awarded to former students who were unable to satisfy the requirements for receiving a standard diploma. The study should identify the number of former students awarded a certificate of completion and provide appropriate student follow-up data. The department shall include in its study and reports recommendations pursuant to s. 230.2316(6), Florida Statutes, evaluation of dropout prevention programs, with an emphasis on programs which have successfully assisted at-risk students to receive a high school diploma, as well as specific recommendations regarding the awarding of a standard diploma or the certificate of completion to those students whose cumulative grade point averages fall between a 1.0 and a 2.0 on a 4.0 scale. A report shall be submitted to the presiding officers of the Legislature by January 1, 1988.*

Section 8. Subsection (14) is added to section 228.0617, Florida Statutes, 1986 Supplement, to read:

228.0617 School-age child care incentives program.—

(14) The Department of Education shall establish two demonstration projects which would create partnership progams between school districts and local park and recreation departments to provide after school programs for pre-teenagers.

Section 9. *Sections 9 through 18 of this act shall be known as the Florida Model Literacy Program Act of 1987.*

Section 10. Section 228.0713, Florida Statutes, is created to read:

228.0713 The Florida Adult Literacy Plan.—

(1) The Commissioner of Education shall develop and submit to the State Board of Education for adoption a state plan for reducing the percentage of the adult population lacking basic literacy skills to 2 percent and functional literacy skills to 10 percent by 1995. The plan shall be known as the Florida Adult Literacy Plan and shall be implemented by February 1, 1988.

(2) As used in this section and ss. 228.0715 and 228.072:

(a) "Basic literacy" means achievement at a fourth grade educational level as measured by tests approved for this purpose by the State Board of Education.

(b) "Functional literacy" means achievement at an eighth grade educational level as measured by tests approved for this purpose by the State Board of Education.

(c) "Local educational agency" means the school board of a public school district or the board of trustees of a community college, or both, when the board is responsible for administrative control and direction of the adult basic education program within the service delivery area of the agency.

(3) The state plan shall provide guidance and a framework for intra-agency planning and sharing of information and preparation of local literacy plans by local educational agencies. The state plan shall include, but not be limited to, the following elements:

(a) Policies and objectives guiding the adult literacy development activities of the Department of Education, with corresponding evaluative criteria.

(b) Strategies and criteria for coordinating adult literacy activities with programs and services provided by such entities as state and local education and training agencies (including vocational educational agencies), public libraries, and public assistance and employment agencies in order to achieve stated policies and objectives, meet the educational needs of the target population, and maximize available state and local resources and expertise.

(c) Procedures for identifying, recruiting, and retaining adults lacking basic and functional literacy skills.

(d) Mechanisms for gathering relevant demographic information, for utilizing forecasting techniques to determine the number of adults lacking basic and functional literacy skills, and for monitoring compliance with state policies and objectives.

(e) Guidelines for a local educational agency to follow in developing and implementing a local literacy plan. At a minimum, the guidelines shall address the following matters:

1. Utilization and training of volunteer instructors as part of an overall volunteer literacy program;

2. Interagency and intra-agency cooperation and coordination through meaningful local working agreements;

3. Coordination of efforts with public libraries and other local sponsors of literacy programs;

4. Progress towards more individualized literacy instruction by reducing class size;

5. Program evaluation criteria and procedures;

6. Identification, recruitment, and retention of adults lacking basic and functional literacy skills; and

7. Prevention of adult illiteracy through programs designed to help parents learn the techniques and skills necessary to assist in their children's educational development.

(4)(a) Within 12 months of the adoption of the state plan, each local educational agency shall develop and submit a local literacy plan to the Commissioner of Education for review and subsequent approval or disapproval. The commissioner shall notify the chairman of the regional coordinating council and the corresponding superintendent of the local school district or president of the local community college, respectively, of the approval or disapproval of the plan. If the plan is not brought into compliance by the local educational agency within 60 days of receiving notice of disapproval by the commissioner, the commissioner shall deny in the subsequent year adult general education funds equal to the amount spent on basic skills education programs for adults in the prior year.

(b) Each local educational agency submitting a local literacy plan shall maintain such records and submit such reports, in such form and containing such information, as the commissioner requires regarding the performance of its basic skills education program.

Section 11. Paragraph (b) of subsection (2) of section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(2) COST REPORTING.—

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program set forth in s. 236.081(1)(c), *except that separate costs shall be kept for adult basic skills and adult high school education as defined in s. 228.072(4)(a)1. and 2.*

Section 12. Subsection (8) is added to section 236.081, Florida Statutes, 1986 Supplement, 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:

(8) ADULT BASIC SKILLS ADJUSTMENT.—There is created an adult basic skills education program adjustment. If any district's preceding year's adult basic skills education program expenditure per full-time equivalent student, as reported in s. 237.34, is 105 percent or more of the revenue per full-time equivalent student generated through the Florida Education Finance Program for adult basic skills education, the district entitlement shall be an amount calculated by multiplying the district's adult basic skills education full-time equivalent student count by the difference between the district's adult basic skills education program expenditure per student and 105 percent of the district's adult basic skills education program revenues per full-time equivalent student. The actual amount of the adjustments shall be as set in the General Appropriations Act.

Section 13. Paragraph (c) of subsection (3) of section 240.359, Florida Statutes, 1986 Supplement, is amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(c) The apportionment to each community college from the community college program fund for current operations shall be based on an assigned full-time equivalent enrollment as determined in paragraphs (a) and (b) and shall consider the cost level of each field of study. However, students in community education service or community instructional service programs shall not be counted for full-time equivalent enrollment. *There shall be an adult basic skills education program adjustment, the total amount of which shall be determined annually in the General Appropriations Act. The apportionment of the adjustment to each community college providing adult basic skills education shall be determined as the difference between 105 percent of the appropriation per full-time equivalent student and the actual reported expenditures per full-time equivalent student for the adult basic skills education program times the assigned number of full-time equivalent students for a given year; provided that should the appropriation be less than the total computed adjustment for all colleges, each community college shall receive its proportionate share of the appropriation. For the purpose of determining program costs, the adult basic skills education program costs shall be reported separately from the adult secondary program costs.*

Section 14. Section 228.0715, Florida Statutes, 1986 Supplement, is amended to read:

228.0715 The Adult Literacy Act.—

(1) SHORT TITLE.—This section may be cited as the "Adult Literacy Act."

(2) PURPOSE.—The purpose of this section is to *increase basic literacy* ~~alleviate illiteracy~~ among the adult population of this state.

(3) DEFINITIONS.—As used in this section:

(a) "Adult, individualized literacy instruction program" means a program of one-to-one tutorial instruction permitting an adult to progress at his or her own pace with the guidance of a tutor. The ratio of adult students to tutors shall be no greater than five to one, unless demonstrated by a local sponsor that a greater ratio is feasible.

(b) "Local sponsor" means a public school district, public library, public community college, or public or private nonprofit agency, organization, or institution, or any combination thereof.

(4)~~(3)~~ ADMINISTRATION.—

(a) There is created an adult, individualized literacy instruction program for adults *not possessing basic literacy skills as defined in s. 228.0713* ~~possessing less than a fourth grade education~~. The Commissioner of Education shall have responsibility for the administration of this section in coordination with the State Board of Community Colleges, local school boards, and the Division of Library and Information Services of the Department of State. The program shall be administered pursuant to rules adopted by the State Board of Education.

(b) Local adult, individualized instruction programs may be coordinated with local public library systems *and with public or private nonprofit agencies, organizations, or institutions.* ~~Using funds appropriated for the program,~~ A *local public* ~~county~~ library system *and a public or private nonprofit agency, organization, or institution may use funds appropriated under this act to* ~~may~~ hire program coordinators who shall offer training workshops to volunteer tutors and oversee operation of literacy instruction at the local level. *A local public library system and a public or private nonprofit agency, organization, or institution* ~~The local sponsor~~ may also purchase *student instructional materials and* training modules for training tutors to teach basic reading and English as a second language. Using funds appropriated for the program, each cooperating local library system shall purchase, *and make available for loan,* a collection of reading materials of high interest and low vocabulary appropriate for use by students of basic reading and students of English as a second language.

(5)~~(4)~~ GOAL AND EVALUATION.—

(a) The goal of this section is the reduction, by 1995, of adult *basic* illiteracy in this state to 2 percent of the adult population of the state. *The Commissioner of Education shall establish guidelines for the purpose of determining achievement of this goal.*

(b) To determine the success of the program, the participating local sponsor shall submit to the Legislature and the State Board of Education an annual report which shall contain, but not be limited to, the following information:

1. The number of clients, as indicated by pretesting and posttesting, or employment, or earning of General Education Degrees.

2. The progress made toward reducing ~~adult illiteracy~~ to 2 percent *the percentage* of the adult population within the local sponsor's service area *lacking basic literacy skills as defined in s. 228.0713. As evidence of such progress, the report shall include, at a minimum, information as to the number of adults possessing fewer than 4 years of schooling, the number enrolled in basic skills education programs for adults lacking basic literacy skills, and the number who completed, separated from, or continued in the program.*

(c) The Commissioner of Education shall review the annual reports of the participating local sponsor and shall submit to the State Board of Education a county-by-county summary of the information provided.

(6)~~(5)~~ FUNDING.—Funding for the adult, individualized literacy instruction program shall be provided through the federal state-administered adult education program. *In addition, the Legislature shall annually appropriate moneys to the Department of Education to fund a grant program to be administered by the Commissioner of Education for the purpose of implementing paragraph (4)(b). These funds shall not be used to supplant funds used for activities which would otherwise be available in the absence of such funds. These funds shall be distributed in an amount of not more than $50,000 per recipient. Priority in the use of the funds shall be for paying the expenses of training volunteer tutors, including necessary staff and materials. Upon request, the Department of Education shall provide necessary technical assistance to grant applicants.* ~~Additional funding may be provided from legislative appropriations, as well as~~ Private sources *may also provide funding,* in order to achieve maximum benefits for eliminating adult illiteracy in the state in accordance with the approved state plan.

Section 15. Paragraph (a) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 228.072, Florida Statutes, 1986 Supplement, are amended, subsections (6), (7), (8), (9), and (10) are renumbered as subsections (7), (8), (9), (10), and (11), respectively, and a new subsection (6) is added to said section, to read:

228.072 Adult general education.—

(2) LEGISLATIVE INTENT.—

(a) The intent of this section is to provide educational opportunities for adults in this state and to encourage provision of educational services that will:

1. Enable all adults to acquire basic skills necessary to *at least attain basic and functional literacy as defined in s. 228.0713* ~~function effectively in society~~.

2. Enable adults who so desire to continue their education to at least the level of completion of secondary school.

3. Make available to adults the means to secure training that will enable them to become more employable, productive, and responsible citizens.

(4) DEFINITIONS.—The following terms, wherever used or referred to in this section, have the following meanings:

(a) "Adult general education" means a program of courses designed to serve the general educational needs of adults as individuals, as parents, as members of a family, and as citizens. Such programs shall serve as a linking agent to lifelong learning opportunities and shall include:

1. Basic skills education courses *at or below an eighth grade educational level* in the language arts, including English for persons who speak another language; mathematics; natural and social sciences; health; and consumer education, as well as courses that will enable adults to acquire basic skills necessary to *attain basic or functional literacy as defined in s. 228.0713* ~~function in society~~.

2. Secondary education courses *at or above a ninth grade educational level* for high school credit leading to award of a high school diploma by the local educational agency.

3. Review courses in preparation for taking the general educational development tests to earn a Florida high school diploma.

4. Courses and activities to provide the academic skills needed to pursue postsecondary adult vocational training to obtain employment. This category of courses shall be known as vocational preparatory. Such instruction shall be provided at vocational-technical centers and community colleges pursuant to s. 233.0695 effective July 1, 1985.

5. Courses and activities to provide high school graduates who intend to pursue degree-credit postsecondary courses with additional academic preparation before such pursuit. This category of courses shall be known as college preparatory. College preparatory programs shall provide competency-based instruction for the development of college-entry competencies in reading, writing, mathematical reasoning, and logical thinking. Participation in college preparatory courses shall be limited to students who possess high school diplomas, or the equivalent, who intend to enroll in degree programs.

6. Courses and activities available for certificate-of-completion recipients by participation in the statewide assessment program with utilization of state minimum performance standards and the adult performance literacy model.

(5) PRIORITY FOR ACADEMIC IMPROVEMENT SERVICES.—The adult general education program shall provide academic improvement services to students in the following priority:

(a) Students who demonstrate skills at less than a fourth grade educational level as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve basic literacy.

(b)~~(a)~~ Students who demonstrate skills *at or above the fourth grade level but* at or below the eighth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve *functional* literacy.

(c)~~(b)~~ Students who are earning credit required for high school diplomas or preparing for the Test of General Educational Development (GED).

(d)~~(c)~~ Students who have high school diplomas and require specific improvement in academic or learning skills before pursuing postsecondary educational goals:

1. To obtain or maintain employment or to benefit from postsecondary adult vocational education programs; or

2. To pursue degree-credit collegiate academic education or postsecondary vocational degree programs.

(e)~~(d)~~ Students who enroll in noncredit courses and participate in activities principally concerned with community welfare in the areas of health, safety, human relations, government, child rearing, consumer economics, and environment.

(6) INTERAGENCY COOPERATION.—

(a) Each local educational agency shall test, at its own expense, persons assigned to case management under the employment and training program operated by the Department of Health and Rehabilitative Services pursuant to s. 409.027 to determine whether such persons lack basic or functional literacy skills as defined in s. 228.0713. Such testing shall be conducted at a site mutually acceptable to the local educational agency and the Department of Health and Rehabilitative Services.

(b) Local state agencies, including the Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, shall make clients aware of adult basic skills education programs available through the appropriate local educational agency. In addition, the identity of persons found to be lacking basic or functional literacy skills, or who indicate that they have completed fewer than 8 years of schooling, shall, with their consent, be made available to the local educational agency. The local educational agency shall maintain a record of the number of referrals by agency and the number of persons enrolled as a result of such referrals.

(c) To the extent funds are available, the Department of Health and Rehabilitative Services shall provide necessary day care and transportation services to its clients enrolling in a basic skills education program for adults.

Section 16. Section 228.0725, Florida Statutes, is created to read:

228.0725 Model noninstructional adult literacy centers.—

(1) The Commissioner of Education shall select three community colleges and three public school districts to pilot from January 1, 1988, to January 1, 1989, the use of model noninstructional adult literacy centers to complement existing public and private instructional adult literacy programs. The role of the centers is to identify, contact, counsel, and refer persons considered to be lacking basic or functional literacy skills as defined in s. 228.0713 to the appropriate private and public agencies, including human service agencies, providing the needed services. The centers shall not duplicate or supplant the existing services provided by public and private agencies operating within the district.

(2) In selecting pilot program participants, the Commissioner of Education shall, at a minimum, consider the extent to which:

(a) Cooperative arrangements with other state and local agreements and innovative approaches are to be used for carrying out the role of the pilot center;

(b) Similar services are being provided for within the service delivery area;

(c) The program objectives may be accomplished within the amount of the budget request;

(d) Monitoring of program performance is provided for; and

(e) Fiscal controls and fund accounting procedures exist to ensure proper use of, and accounting for, the funds to be received.

(3) The activities and funding of a center shall be reported and accounted for in a manner through which the conduct of the center is kept separate and distinct.

(4) The State Board of Education shall develop rules for implementing this section, including criteria for evaluating the performance of the pilot centers, and shall submit a final evaluation report of the pilot centers to the Legislature on or before April 1, 1989.

Section 17. Subsection (6) of section 240.301, Florida Statutes, 1986 Supplement, is amended to read:

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

(6) 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. *Each community college is also authorized to make provisions for the general educational development examination.*

Section 18. *Notwithstanding the provisions of s. 236.02(4), Florida Statutes, adult students may take courses on any day of the week in accordance with s. 228.072 and s. 236.081, Florida Statutes.*

Section 19. Subsection (1) of section 232.2465, Florida Statutes, 1986 Supplement, is amended to read:

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

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

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

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

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

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

4. Two years of sequential foreign language;

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

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

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

(b) Demonstrate mastery of the performance standards and basic skills required by s. 232.246(6)(a) and (b) or, if the student is a nonpublic school student, have achieved a score of 1100 on the combined verbal and quantitative parts of the Scholastic Aptitude Test of the College Entrance Examination or an equivalent score on the American College Testing Program.

(c) In lieu of the requirements specified in paragraphs (a) and (b), successfully complete the International Baccalaureate Program sponsored and administered by the International Baccalaureate Office.

Section 20. Section 229.602, Florida Statutes, is created to read:

229.602 Florida private sector and education partnerships.—

(1) This section may be cited as the "Florida Private Sector and Education Partnership Act."

(2) The Legislature recognizes that the public school system would be strengthened by a closer cooperation between the private sector and the schools. Where such cooperation exists, teachers, schools, and students benefit from the support, recognition, and expertise provided from the business community. The business community also benefits by enhancing its image and enlarging its pool of prepared potential employees. Further, local communities with strong support from the business community have better educational systems, contributing to a better quality of life, greater community stability, and a healthier economic climate. It is therefore the intent of the Legislature to enhance existing cooperation between the private sector and education entities and to facilitate the expansion and development of new partnership activities.

(3) The Commissioner of Education shall designate an office within the Department of Education to encourage and enhance partnerships between education and the private sector, to function as a clearinghouse for material dissemination, and to provide training and consultation to school districts as appropriate. The duties of the office shall include, but not be limited to, the following:

(a) Developing recommendations for establishing private sector and education partnerships and for the distribution of funds to local districts for partnership activities.

(b) Evaluating grant proposals and making recommendations to the commissioner for distribution of funds to local districts with priority given to partnership activities which involve teacher development strategies, high school completion programs for students identified as at-risk, telecommunications, senior citizen involvement, rural districts with financial needs, new innovative programs, and other priority programs deemed appropriate.

(c) Developing recommendations for soliciting and utilizing funds of the state direct-support organization as defined in s. 229.8021.

(d) Expanding the network for exchange of expertise and information about private sector and education partnerships throughout the state.

(e) Providing technical assistance and workshops to facilitate the exchange of information and expertise about partnership programs.

(f) Establishing a method of measuring the impact of private sector and education partnerships on improving the quality of education.

(g) Establishing appropriate award systems to recognize business for its contribution to improving education.

(h) Identifying exemplary materials and models to be disseminated to local school districts.

(4) Beginning January 1, 1989, the commissioner shall make an annual report to the Legislature within 60 days prior to the beginning of the regular legislative session. The report shall include:

(a) A summary of the status of private sector and education partnership programs including the Florida public schools challenge grants program and other grant programs.

(b) Recommendations to improve the efficiency and promote the growth of private sector and education partnerships.

(5) The Board of Public Schools, provided by ss. 229.861-229.867, shall serve as an advisory body to the Commissioner of Education in carrying out the duties prescribed in subsection (3).

(6) Each school district shall designate one or more persons to coordinate local private sector and education partnership activities. The general activities of these coordinators shall be to enhance private sector and education partnership activities. The specific duties of the district coordinators shall include, but not be limited to, the following:

(a) Maintaining contact with local businesses and industries, local chamber of commerce organizations, regional coordinating councils authorized in s. 228.074, private industry councils with Job Training Partnership Act programs, district occupational specialists, guidance personnel, economics educators, volunteer coordinators, community education coordinators, appropriate governmental personnel, and any others interested in private sector and education partnerships.

(b) Coordinating private sector and education partnership activities.

(c) Receiving materials and information disseminated by the office and communicating this information to appropriate district and business personnel.

(d) Providing assistance in applying partnership models.

(e) Providing communication linkage between the local education agency and the private sector.

(f) Disseminating information about successful partnerships to the local print and broadcast media.

(g) Providing assistance in writing grant proposals to receive funds.

(7)(a) The Commissioner of Education shall authorize Florida public schools challenge grants to school districts. These funds shall be distributed by the commissioner on a fair and equitable basis. Eighty percent of the available funds shall be applied to projects in which matching funding support is provided by foundations or the private sector. The commissioner may include documented market value of private sector services in awarding challenge grants. The remaining 20 percent of available funds may be granted directly to school districts based on local need and limited private sector resources. Funding matches shall be conducted with a ratio of 60 percent provided by the private sector and 40 percent provided by the state. Submitted proposals shall indicate the agencies involved in the partnership agreement, an outline of activities to be undertaken, the procedures for joint planning and coordination, a budget request explaining the proposed expenditure of funds, the outcomes and advantages expected from the funded activities, and a provision for reporting the results at a regional or state conference held at the conclusion of the project. Grant proposals shall be signed by representatives of the agencies involved in the partnership agreement. The State Board of Education, in consultation with the department, shall adopt a simple format to facilitate grant proposal applications.

(b) Florida public schools challenge grants shall be awarded for, but not limited to, the following types of programs:

1. Drop-out prevention and alcohol and substance abuse prevention.

2. Preservice and inservice training of teachers, administrators, and other school personnel.

3. Teacher internships or sabbaticals in the private sector.

4. Joint community/school long-range planning.

5. Tutoring and mentoring of students.

6. Career education.

7. Vocational education.

8. Student or teacher incentive and motivational programs.

9. Community/school resource development.

10. Physical plant and workplace enhancement.

11. Community/school public relations and communication.

12. Private sector/education coordinating activities to facilitate the further establishment of partnerships.

13. Management training which would involve both school and private sector managers.

14. Programs which bring business volunteers into the classroom.

(8)(a) The Florida compact pilot program is hereby established with the intent to provide incentives for local school districts to establish formal agreements with business, industry, vocational programs, postsecondary institutions of higher education, government, and other community resources in an effort to reduce the rate of school dropouts, to provide jobs for high school graduates, and to increase opportunities for high school graduates to attend vocational programs and other postsecondary institutions of higher education.

(b) The Commissioner of Education is authorized to select at least three school districts or consortia of districts to participate in a 5-year pilot program to foster improved interagency collaboration among those who educate, work with, and employ young people. Such program shall be implemented beginning with the 1987-1988 school year. Evidence of collaboration shall take the form of a written agreement, or compact, that is the result of a formal strategic planning model and specifically defined linkages. The compact shall include commitments, stated as goals which are accompanied by operational strategies, from business, community, government, and schools for comprehensive efforts including, but not limited to, activities for raising student achievement and reducing school dropouts and youth unemployment.

(c) Each school district or consortium of districts may apply to participate in this pilot program on forms prescribed by the department. Factors to be considered in selection of the pilot sites shall include, but not be limited to, the following:

1. Dropout rate and youth unemployment rate within the district or districts. Those districts with high rates of school dropout and youth unemployment shall have priority in the selection process.

2. Socioeconomic demographics of the school district or districts. The districts selected shall reflect a broad cross-section of economic, social, and ethnic backgrounds.

3. Commitment and involvement of private sector and education entities. Evidence of involvement from a wide variety of business, community, government, and school groups shall be submitted. Such evidence may include signed agreements and pledges of matching funds. Commitment to build and sustain the compact throughout the 5-year pilot period shall be demonstrated.

4. The potential effectiveness of the planning model and the procedures for joint goal setting and coordination. A comprehensive planning model shall be developed which shall reflect well-defined, quantifiable goals of school effectiveness, including, but not limited to, raising student achievement and reducing school dropouts and youth unemployment. This planning model shall include provisions for the ongoing review and monitoring of compact goals and activities through the use of advisory councils, the designation of persons for coordination of compact pursuits, and other such mechanisms.

5. Ability to evaluate and disseminate results. Plans shall be submitted for thorough evaluation of all activities and documentation of results in raising student achievement and reducing school dropouts and youth unemployment and for dissemination of the model to other school districts.

(d) From the district or consortium proposals received, the commissioner shall approve at least three proposals for participation in the program. In order to promote diversity and maximum potential for replication, one proposal shall be approved from districts with up to 5,000 students, one from districts with 5,001 to 25,000 students, and one from districts with over 25,000 students. At least one proposal shall represent a rural community.

(e) Each participating district or consortium shall submit annual reports of progress and evidence of effectiveness to the commissioner who shall review each pilot project individually and make recommendations to the Legislature for annual funding. At the end of the 5-year period each district shall submit a final report of all activities and evidence of effectiveness to both the commissioner and the Legislature.

(9) Partnership vocational education programs shall be those job preparatory vocational education programs offered through signed partnership agreements between area vocational technical centers and business, industry, or apprenticeship committees. Partnership vocational education programs are limited to:

(a) Apprenticeship programs approved pursuant to chapter 446.

(b) Cooperative education programs where instruction is provided, including required academic courses and related vocational instruction, by alternation of study in school with a job in any occupational field, provided that the two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and employability.

(c) Courses provided through the area vocational technical center in which the sole instructor is a full-time salaried employee of a business or industry whose teaching services are provided free to the school district, thus allowing the school district to provide the course at a lower cost per pupil.

(10) The State Board of Education is authorized to make rules as necessary to carry out the provisions of this section.

(11) Nothing in this section shall be construed as prohibiting appropriate governmental agencies, vocational programs, postsecondary educational institutions, and other publicly funded entities from participating in partnership activities with the public schools.

Section 21. Subsection (4) of section 230.645, Florida Statutes, 1986 Supplement, is amended to read:

230.645 Postsecondary student fees.—

(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 *business, industry, or an apprenticeship committee for partnership* ~~cooperating entity for cooperative~~ vocational education programs, *as defined by s. 229.602(9),* 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.

Section 22. Paragraph (c) of subsection (1) of section 236.081, Florida Statutes, 1986 Supplement, 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:

(c) Determination of programs.—*Programs* ~~Cost factors~~ based on desired relative cost differences ~~between the following programs~~ are hereby established ~~for the fiscal years 1979-1980 and 1980-1981~~. *Cost factors for each of these programs shall be set annually in the General Appropriations Act.* However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by regulations of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten.

		~~1979-80~~ ~~Cost Factor~~	~~1980-81~~ ~~Cost Factor~~
1.	Basic programs.—		
a.	Kindergarten and grades 1, 2, and 3	~~1.234~~	~~1.234~~
b.	Grades 4, 5, 6, 7, 8, and 9	~~1.00~~	~~1.00~~
c.	Grades 10, 11, and 12	~~1.09~~	~~1.08~~
d.	Educational alternatives	~~2.00~~	~~2.00~~
2.	Special programs for exceptional students.—		
a.	Educable mentally retarded	~~2.18~~	~~2.12~~
b.	Trainable mentally retarded	~~2.85~~	~~2.78~~
c.	Physically handicapped	~~3.51~~	~~3.52~~
d.	Physical and occupational therapy part-time	~~6.01~~	~~6.02~~
e.	Speech and hearing therapy part-time	~~8.26~~	~~7.30~~
f.	Deaf	~~3.81~~	~~3.71~~
g.	Visually handicapped part-time	~~10.77~~	~~11.15~~
h.	Visually handicapped	~~3.54~~	~~3.56~~
i.	Emotionally disturbed part-time	~~6.23~~	~~5.59~~
j.	Emotionally disturbed	~~3.41~~	~~3.26~~
k.	Specific learning disability part-time	~~5.81~~	~~4.96~~
l.	Specific learning disability	~~2.32~~	~~2.32~~
m.	Gifted part-time	~~2.71~~	~~2.56~~
n.	Hospital and homebound part-time	~~14.84~~	~~14.76~~
o.	Profoundly handicapped	~~6.50~~	~~6.50~~
3.	Special adult general education programs.—		
a.	Adult basic education and adult high school	~~1.15~~	~~1.08~~
4.	Special vocational-technical programs-job preparatory.—		
a.	Agriculture	~~2.48~~	~~2.26~~
b.	Office	~~1.87~~	~~1.78~~
c.	Distributive	~~1.65~~	~~1.61~~
d.	Diversified	~~1.48~~	~~1.34~~
e.	Health	~~2.28~~	~~2.23~~
f.	Public service	~~2.68~~	~~3.12~~
g.	Home economics	~~1.83~~	~~1.65~~
h.	Technical, trade, and industrial	~~2.28~~	~~2.10~~
i.	Exploratory	~~1.47~~	~~1.49~~
j.	*Partnership*		

The State Board of Education may approve up to three cost categories for each special vocational-technical job preparatory program. However, the sum of the weighted full-time equivalent students for the levels of cost for a program may not exceed the product of the statutory cost factor multiplied by unweighted full-time equivalent students for a program.

5.	Special vocational-technical-adult supplemental.—		
a.	Agriculture	~~1.98~~	~~1.81~~
b.	Office	~~1.50~~	~~1.42~~
c.	Distributive	~~1.32~~	~~1.29~~
d.	Health	~~1.82~~	~~1.78~~
e.	Public service	~~2.14~~	~~2.50~~
f.	Home economics	~~1.46~~	~~1.32~~
g.	Technical, trade, and industrial	~~1.82~~	~~1.68~~

Section 23. *(1) There are created, within the Department of Education, Florida Linkage Institutes. A primary purpose of these institutions is to assist in the development of stronger economic and social ties between Florida and strategic foreign countries through the promotion of expanded public/private dialogue on cooperative research and technical assistance activities, student/faculty exchange, cultural exchange, and the enhancement of language training skills between Florida postsecondary institutions and those of appropriate foreign countries.*

(2) Each institute shall be governed by agreements between the State University System and the Community College System with counterpart organizations of higher education in other designated countries. The Office of International Education shall assist in the development and coordination among the institutes.

(3) Each institute shall be co-administered in Florida by a university-community college partnership, as designated in subsection (4), and

have a private/public sector advisory committee. The advisory committee shall be representative of the international education and commercial interests of the state. Three members each shall be appointed by the Secretary of State and the Secretary of Commerce. The presidents of the participating university and community college shall also serve on the advisory committee. The remaining members shall be appointed by the Commissioner of Education, who shall determine the appropriate number of additional members.

(4) The following institutes are created as provided below:

(a) Florida-Brazil Institute (University of Florida and Miami-Dade Community College);

(b) Florida-Costa Rica Institute (Florida State University and Valencia Community College);

(c) Florida Caribbean Institute (Florida International University and Daytona Beach Community College);

(d) Florida-Canada Institute (University of Central Florida and Broward Community College);

(e) Florida-China Institute (University of West Florida and Brevard Community College);

(f) Florida-Japan Institute (University of South Florida and St. Petersburg Community College).

Section 24. Subsection (3) of section 229.8021, Florida Statutes, is amended to read:

229.8021 Direct-support organization; use of property; board of directors; audit.—

(3) BOARD OF DIRECTORS.—The board of directors of the Department of Education direct-support organization shall be *appointed by the Commissioner of Education and shall include representation from business, industry and other components of Florida's economy* ~~comprised of the same persons who are members of the Florida Education Council~~.

Section 25. *The Florida Private Sector and Education Partnership Act shall be funded from the Educational Enhancement Trust Fund in the General Appropriations Act.*

Section 26. Section 233.065, Florida Statutes, is amended to read:

233.065 Patriotic programs, rules and regulations.—The school board of any district is hereby authorized to adopt rules and regulations pertaining to and requiring to be used in all of the schools of the district any program of a patriotic nature to encourage greater respect for the Government of the United States, its national anthem and flag, subject always to other existing pertinent laws of the United States or of the state; provided, that when the national anthem is played, students and all civilians shall always stand at attention, men removing the headdress; and provided, further, that the pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all," be rendered by standing with the right hand over the heart. *The pledge of allegiance to the flag, as stated herein, shall be required to be said at the beginning of the day in every elementary and secondary public school in the state. Further, upon written request by a parent or guardian, a student may be excused from reciting the pledge.* However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the headdress, as provided by s. 7 of United States Public Law No. 623, approved June 22, 1942, as amended by United States Public Law No. 829, approved December 22, 1942.

Section 27. Section 233.067, Florida Statutes, is amended to read:

233.067 Comprehensive health education *and substance abuse prevention.*—

(1) SHORT TITLE.—This section shall be known and may be cited as the "*Florida* Comprehensive Health Education *and Substance Abuse Prevention* Act ~~of 1973~~."

(2) INTENT.—The Legislature recognizes that sound health habits are essential to the educational and personal success of the student. The Legislature further recognizes that schools are uniquely situated to effectively promote the establishment of sound health habits among our youth, including prevention of substance abuse. To this end, it is the intent of the Legislature to implement a comprehensive health education and substance abuse prevention program in Florida's public schools.

~~(2) PURPOSE.—The purpose of this section is to foster the development and dissemination of educational activities and materials which will assist Florida students, teachers, and administrators in the perception, appreciation, and understanding of health principles and problems.~~

(3) DEFINITIONS.—As used in this section, the term "comprehensive health education" includes, but is not limited to, such concerns as mental and emotional health, venereal diseases and other communicable diseases, *substance* ~~drug~~ abuse (including alcohol and tobacco), environmental health, safety and emergency care, nutrition and food management, personal health and hygiene, dental health, hereditary diseases, developmental disabilities, growth and development, and consumer health and careers.

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION *AND SUBSTANCE ABUSE PREVENTION* PROGRAM.—

(a) There is created a comprehensive health education *and substance abuse prevention* program for children and youths in kindergarten and grades 1 through 12. Responsibility for the administration of this section shall rest with the Department of Education, in cooperation with, and with the advice of, the Department of Health and Rehabilitative Services.~~; and~~ The administration of the program shall be pursuant to rules and regulations adopted by the State Board of Education~~.~~*, provided that such rules shall require the minimum amount of paperwork and reporting necessary to comply with this section. For purposes of administering this section, the commissioner shall establish a Prevention Resource Center within the department and shall assign appropriate staff to work directly with school district personnel. The center shall serve as a clearinghouse for evaluation and dissemination of information, materials, and model programs and shall provide program and technical assistance and other prevention services as determined by the commissioner.*

(b) In administering this section, the department shall take into consideration the advice of *an advisory council to the Prevention Resource Center consisting of representatives of* the *Florida Medical Association* school health medical advisory committee to the department, the state university and community college systems, school food service personnel, *governmental agencies, school boards, district school personnel, teachers' associations,* and any official and voluntary health *and/or substance abuse prevention and treatment* agencies as may be deemed appropriate. The department is authorized to reimburse the members of *this advisory council* ~~the committee~~ for travel and per diem expense, as provided by law, when performing advisory services requested by the department.

(c)~~(b)~~ The comprehensive health education *and substance abuse prevention* program shall include the following:

1. Implementation of inservice education programs for teachers, *counselors* ~~administrators~~, and other persons. *Such inservice education programs shall be consistent with the 5-year master plan, as specified in s. 236.0811, and shall include training in substance abuse identification and prevention. The training plan may provide for the option of using teachers as trainers and shall include, but not be limited to: information on current theory, knowledge, and practice regarding substance abuse; identification and referral procedures; legal issues; peer counseling; and methods of teaching decision-making skills and building self-concept.* Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts.

2. Implementation of management training programs consistent with the provisions of s. 231.087 for principals and other school leaders on the identification, prevention, and treatment of substance abuse and the availability of local and regional referral resources.

3.~~2.~~ Instruction in nutrition education as a specific area of health education instruction. Nutrition education shall include, but not be limited to, sound nutritional practices, wise food selection, analysis of advertising claims about food, proper food preparation, and food storage procedures. The purpose of such nutrition education programs shall be to educate students in the overall area of nutrition education and significantly reduce health problems associated with poor or improper nutrition practices.

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

4. Instruction in substance abuse prevention in kindergarten through grade 12. Such instruction shall be designed to meet local needs and priorities and shall articulate clear instructional objectives aimed at the prevention of alcohol and substance abuse. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding prevention of substance abuse and may contain instruction in such components as health, personal, and economic consequences of substance abuse and instruction in decision-making, resisting peer pressure, and self-concept building skills.

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

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

(5) *DISTRICT* PROGRAM *RESPONSIBILITIES* ~~DEVELOPMENT~~.—

(a) Each school district shall designate one or more contact persons to coordinate the district's comprehensive health education and substance abuse prevention program and to receive materials and information from the Prevention Resource Center. District responsibilities may include cooperating with law enforcement and alcohol and substance abuse treatment agencies and encouraging business and community involvement in prevention activities. Each district shall plan for efficient use of state resources and prevention center resources, including, but not limited to, training programs for school personnel, curriculum materials, and identification, referral, and legal guidelines.

(b) Pursuant to policies and regulations to be adopted by the Commissioner of Education, each district school board, *laboratory school, or consortia thereof shall* ~~and each school principal through the district school board, may~~ submit to the commissioner a proposed program designed to effectuate an exemplary comprehensive health education *and substance abuse prevention program for kindergarten through grade 12* ~~project in the district or school~~. *Such programs shall be implemented no later than the 1988-1989 school year in each public school within the district.* The proposal shall include:

1.~~(a)~~ A statement of the nature of the comprehensive health education *and substance abuse prevention* program proposed;

2.~~(b)~~ A provision for a sequential program of instruction in comprehensive health education, including nutrition education and *substance* ~~drug~~ abuse education, at the four progressional levels K-3, 4-6, 7-9, and 10-12;. *The sequential program shall be integrated into the curriculum for each grade, kindergarten through twelve, with special emphasis in the middle grades. The program for kindergarten through grade 3 shall take into account the developmental needs of young children and shall emphasize personal health and safety;*

3.~~(c)~~ The number of teachers and students to be involved;

4.~~(d)~~ A provision stating how the involvement of governmental agencies and private organizations will be enlisted in order to ensure the use of all available resources in the implementation of the program;

5.~~(e)~~ An estimate of the cost;

6.~~(f)~~ A plan for evaluation of the *program* ~~project~~;

7. A plan for coordinating this program with student services and dropout prevention, pursuant to the provisions of ss. 230.2313 and 230.2316, respectively, and other social services, and for the provision of support activities for students in treatment and those returning to school after treatment or suspension;

~~(g) The number of years for which the project is to be funded;~~

8.~~(h)~~ A plan for integration of the *program* ~~project~~ into the general curricular and financial program of the district ~~at the end of the funded term of years~~; ~~and~~

9. A provision for involvement by parents or legal guardians, the community, and businesses; and

10.~~(i)~~ Such other information as the commissioner shall by regulation require.

(6) TECHNICAL ASSISTANCE.—Upon request of a district school board, *laboratory school, or consortia thereof* ~~or any school principal~~, the department shall provide such technical assistance as is necessary to develop and submit a proposed program for comprehensive health education *and substance abuse prevention. The department shall develop and make available to any requesting district school board one or more model suggested programs for substance abuse prevention, including recommended minimum number of hours of instruction in substance abuse prevention appropriate for each grade level kindergarten through 12.*

(7) PROGRAM REVIEW; FUNDING.—The commissioner shall review and approve, disapprove, or resubmit for modification all proposed comprehensive health education *and substance abuse prevention* programs submitted. *Approval shall be based on the assurance that components specified in this section have been met.* 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 comprehensive health education *and substance abuse prevention* purposes.

(8) PROGRAM EVALUATION AND MONITORING.—The department shall monitor and evaluate the programs or projects funded under subsection (7) and evaluate the overall comprehensive health education *and substance abuse prevention* program. *The department shall collect, analyze, evaluate, and disseminate to all school districts, laboratory schools, or consortia thereof, resource information on effective comprehensive health education and substance abuse programs. Program* ~~Such~~ evaluations shall include, but not be limited to, components for determining program or project effectiveness, efficiency, and use of resources. A report on the overall evaluation as well as recommendations for funding and any other recommendations deemed to be appropriate by the commissioner shall be included in the annual report of the Commissioner of Education required under s. 229.575(1).

(9) NONPUBLIC PERSONNEL PERMITTED TO PARTICIPATE.—Teachers or school administrators employed by a nonpublic school may participate as students in inservice teacher education institutes or curriculum development programs conducted pursuant to this section, provided such participants assume the pro rata share of the cost or charges for tuition.

(10) STUDENT EXEMPTION.—Any child whose parent presents to the school principal a signed statement that the teaching of disease and its symptoms, development, and treatment, and the use of instructional aids and materials of such subjects, conflicts with his religious beliefs shall be exempt from such instruction. No child so exempt shall be penalized by reason of such exemption.

(11) SEX EDUCATION NOT REQUIRED.—This section shall not be construed to require the teaching of sex education as a specific area of instruction or as part of health education instruction required by the State Board of Education.

(12) USE OF FUNDS.—In implementing this section, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local, or private, in order to achieve maximum benefits for improving health education *and substance abuse prevention.*

Section 28. Subsection (2) of section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression.—

(2) The district program for pupil progression shall be based upon local goals and objectives which are compatible with the state's plan for education and which supplement the minimum performance standards approved by the State Board of Education. *Each district shall determine and specify minimum number of hours of instruction in health education and alcohol and substance abuse prevention appropriate for each grade level kindergarten through 12.* Particular emphasis, however, shall be placed upon the pupil's mastery of the basic skills, especially reading, before he is promoted from the 3rd, 5th, 8th, and 11th grades. Other pertinent factors considered by the teacher before recommending that a pupil progress from one grade to another shall be prescribed by the district school board in its rules.

Section 29. Paragraph (c) and (d) of subsection (6) of section 230.23, Florida Statutes, 1986 Supplement, are amended to read:

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

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) Control of pupils.—Adopt rules and regulations for the control, discipline, suspension, and expulsion of pupils and decide all cases recommended for expulsion. *Such rules shall clearly specify disciplinary action that may be imposed if a student possesses alcoholic beverages or is involved in the illegal use, sale, or possession of controlled substances, as defined in chapter 893, on school property or while attending a school function. School boards are encouraged to include in these provisions alternatives to expulsion and suspension such as in-school suspension and quidelines on identification and referral of students to alcohol and substance abuse treatment agencies.* Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by the provisions of s. 120.57(2). The school board shall not have the authority to prohibit the use of corporal punishment as provided in this act.

(d) Code of student conduct.—*Adopt and* distribute to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year, a code of student conduct *which is* developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and ~~may be~~ made available in the student handbook or similar publication. The code shall include, but not be limited to:

1. *Consistent policies and* specific grounds for disciplinary action, *including any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function, or the illegal use, sale, or possession of controlled substances as defined in chapter 893.*

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that *illegal use,* possession or sale of controlled substances, as defined in chapter 893, or weapons by any student while such student is upon school property or in attendance at a school function is grounds for *suspension,* expulsion, *or imposition of other disciplinary action.*

Section 30. Paragraph (a) of subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the State Board of Education, each district shall develop and submit to the Commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the inservice educational training needs of the district conducted by a committee which includes parents, classroom teachers, and other educational personnel. The plan shall include a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students. The plan shall also include a component consisting of competencies in the identification, assessment, and prescription of instruction for child abuse and neglect prevention and for *substance* ~~drug~~ and alcohol abuse prevention. The plan shall be updated annually by July 1 and shall include inservice activities for all district employees from all fund sources. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention and for alcohol and *substance* ~~drug~~ abuse prevention *education. The department shall withhold approval of any district's master inservice plan, as required by this section, which fails to provide and require training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors.*

2. Effective no later than July 1, 1986, the plan of each school district for inservice educational training submitted pursuant to this paragraph must include inservice components which may be used for extension of a certificate or a new endorsement in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, curriculum development in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The department is authorized to waive one or more of these inservice areas if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas. This subparagraph shall be implemented in the 1986-1987 school year and thereafter only to the extent specifically funded and authorized by law.

Section 31. Paragraph (c) of subsection (3) of section 231.603, Florida Statutes, is amended to read:

231.603 Establishment and operation of teacher education centers.—

(3) The program of each teacher education center shall include, but not be limited to, the following:

(c) Design and implementation of inservice programs for instructional personnel which address state policy and program priorities. These programs shall include:

1. Programs offered at a time other than the regular school year for students, pursuant to s. 231.613.

2. Programs designed to improve the capability of instructional personnel to assume new and expanded instructional roles.

3. Programs to develop and utilize existing school district staff, including qualified instructional personnel, to conduct inservice activities.

4. Programs which ensure evaluation of inservice programs, including evaluation of program impact, with emphasis on changes in classroom practices which enhance the instruction of students.

5. Programs to provide school-focused program improvement, pursuant to s. 231.612.

6. Programs to provide professional development plans, pursuant to s. 231.6125.

7. Programs to provide a pedagogical component addressing all public school grade levels concerning methods of instructing substance abuse prevention education. The department shall withhold approval of the teacher education program of any district or consortia of districts if such program fails to address substance abuse education.

Section 32. Section 230.2318, Florida Statutes, is created to read:

230.2318 School resource officer program.—

(1) SCHOOL RESOURCE OFFICER PROGRAM.—There is hereby created a statewide school resource officer program. It is the intent of the Legislature in establishing this program that the state provide assistance to local school boards in the form of matching grants for the establishment, continuation, or expansion of cooperative programs with law enforcement and community agencies for the following purposes:

(a) To perform law enforcement functions within the school setting.

(b) To identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.

(c) To foster a better understanding of the law enforcement function.

(d) To develop positive concepts of law enforcement.

(e) To develop a better appreciation of citizen rights, obligations, and responsibilities.

(f) To provide information about crime prevention.

(g) To provide assistance and support for crime victims identified within the school setting, including abused children.

(h) To promote positive relations between students and law enforcement officers.

(i) To enhance knowledge of the fundamental concepts and structure of law.

(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS; APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.—

(a) Each school district desiring to establish a local school resource officer program, in conjunction with one or more law enforcement and community agencies, shall submit a proposed school resource officer program plan to the Commissioner of Education for review. Two or more districts may submit a joint plan to maximize benefits as desirable. Each plan shall contain a detailed description of the proposed local school resource officer program, including, but not limited to, the following:

1. An agreement between the school board and each participating law enforcement and community agency specifying the financial and other responsibilities of each party.

2. Program objectives and guidelines.

3. A provision for and description of a preservice training program for school resource officers. Each preservice training program shall be either modeled after a program jointly designed by the department, district school personnel, and law enforcement agencies, or an alternate approved by the department.

4. The criteria used by the employing law enforcement agency and the district in the selection of school resource officers.

5. If a law education program exists on the elementary level under s. 233.0615, the relationship between such program and the plan shall be explained.

6. Any other information required by the commissioner.

7. An agreement between the school board and the law enforcement agency regarding the school resource officer's uniform.

(b) The commissioner shall review all proposed local school resource officer program plans and shall approve those plans which meet the purposes, intent, and requirements of this section and the rules adopted by the State Board of Education pursuant to this section.

(c) If a plan is approved, the commissioner shall provide one-third of the funds for its operation from those funds appropriated by the Legislature for the operation of this program.

(d) The State Board of Education shall have the authority to promulgate rules to implement the statewide school resource officer program as established in this section.

(e) The Department of Education shall provide technical assistance to school boards desiring to establish local school resource officer programs.

(3) SCHOOL RESOURCE OFFICER CERTIFICATION; DUTIES AND RESPONSIBILITIES.—

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements pursuant to subparagraph (2)(a)1. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the principal.

(4) APPLICATION FOR FEDERAL FUNDS.—The Department of Education is authorized to apply for funds from, and to submit all necessary forms to, any federal agency which may provide assistance to programs similar to the school resource officer program.

Section 33. *The Florida comprehensive health education and substance abuse prevention program and the school resource officer program shall be funded to the extent authorized in the General Appropriations Act. It is the intent of the Legislature that the appropriation recognize the more pressing needs of the middle grades.*

Section 34. *Each district school board may provide instruction in acquired immune deficiency syndrome education as a specific area of health education. Such instruction may include, but not be limited to, the known modes of transmission, signs and symptoms, risk factors associated with acquired immune deficiency syndrome, and means used to control the spread of acquired immune deficiency syndrome. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding acquired immune deficiency syndrome and its prevention.*

Section 35. *Section 233.067(4)(b), Florida Statutes, is repealed on October 1, 1997, and the advisory council to the Prevention Resource Center shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 36. *Sections 36 through 46 of this act shall be known as the "Educational Efficiency Act of 1987."*

Section 37. Subsection (1) of section 229.814, Florida Statutes, is amended to read:

229.814 Secondary Level Examination Program.—

(1) The State Board of Education shall adopt rules which prescribe performance standards and provide for comprehensive examinations to be administered to candidates for high school equivalency diplomas ~~and for individual examinations in the subject areas required for high school graduation. These rules shall include, but not be limited to, provisions for fees, frequency of examinations, and procedures for retaking an examination upon unsatisfactory performance~~.

Section 38. Paragraph (b) of subsection (1) and paragraph (d) of subsection (3) of section 230.2312, Florida Statutes, are amended to read:

230.2312 Florida Primary Education Program.—

(1) LEGISLATIVE INTENT; PURPOSE.—

(b) The objectives of the Florida Primary Education Program shall include assurance that each student will have an individualized program to permit the development to his maximum potential and that all students who have completed the third grade of the public educational system will have achieved a level of competence in the basic skills, as required by s. 229.565, sufficient for increased success in their educational experiences throughout life. The program shall *place* ~~be designed to build upon the early childhood and basic skills development program required by s. 230.2311, with~~ emphasis upon expanding the services for kindergarten through grade three students so that existing and potential learning problems are identified and individual needs are met prior to the intermediate grades, thereby developing the basic framework for continued progress of the student, commensurate with his ability, with a reduced risk of failure and less remediation in intermediate and secondary years. The program, or an approved alternative, which shall provide for an increase in the number of teachers and other instructional personnel in the primary classroom, kindergarten, and grades one through three, shall be the kindergarten through grade three basic program within the Florida Education Finance Program as defined in chapter 236.

(3) IMPLEMENTATION.—The implementation of the Florida Primary Education Program shall be the responsibility of the Commissioner of Education, with penalties for discrepancies and deficiencies to be applied as required by s. 229.565(3). Each district school board shall provide a program, with assistance from the Department of Education, which shall include at least the following:

(d) Procedures whereby identification and assignment of the preventive or enrichment instructional strategies to a student shall be of a flexible nature, based on results obtained in assessment beyond initial screening and involving a school staffing committee appointed by the principal, including at least the classroom teacher and a primary specialist. Areas to be considered by the school staffing committee shall include: rate of mental development; achievement in basic skills ~~as defined by s. 230.2311~~; information-processing ability; visual motor perception; and behavioral and social adjustment. Direct referral by the school staffing committee of the student for exceptional student education evaluation may be recommended.

Section 39. Section 231.141, Florida Statutes, is amended to read:

231.141 Teacher aides.—A school board may appoint teacher aides to assist members of the instructional staff in carrying out their duties and responsibilities. A teacher aide shall not be required to hold a teaching certificate~~, but shall be required to attend the training program developed pursuant to s. 230.2311(6)~~. A teacher aide, while rendering services under the supervision of a certificated teacher, shall be accorded the same protection of laws as that accorded the certified teacher. Paid teacher aides employed by a school board shall be entitled to the same rights accorded noninstructional employees of the board.

Section 40. Section 231.608, Florida Statutes, is amended to read:

231.608 Evaluation.—Each teacher education center shall submit an annual report to the department ~~and the Education Standards Commission~~. This report shall provide attainment data on the measurable objectives of the center proposal and shall include, but not be limited to, the following:

(1) Product evaluation of programs to indicate:

(a) Increased knowledge and skill of participants as indicated by pretest and posttest data or other valid measures.

(b) Successful demonstration of knowledge and skills gained by center program participants in their regular work setting.

(2) A description and evaluation of the extent of collaboration among the participating groups.

(3) The number of participants in center program activities and the time allotted to each activity.

(4) A description and evaluation of methods of center operations.

(5) A statement of center expenditures by object code.

Section 41. Section 233.37, Florida Statutes, is amended to read:

233.37 ~~Use and~~ Disposal of instructional materials.—~~When a change of instructional materials has been made for any subject by action of the State Board of Education, the superintendent of each district shall submit to the Commissioner of Education an implementation plan for utilizing the new materials in each school. If old materials continue to be used in the subject for 3 years beyond the date of the expiration of the most recent adoption, the superintendent shall submit justification for such use, pursuant to rules adopted by the State Board of Education.~~ Under rules of the state board, or rules of the district school board which have been approved by the commissioner, the district school board may dispose of the instructional materials of *an* ~~the~~ old adoption when they have become unserviceable, upon such terms and conditions as will yield their fair salvage value.

Section 42. Paragraph (c) of subsection (5) of section 236.088, Florida Statutes, is amended to read:

236.088 Basic skills and functional literacy compensatory supplement.—

(5) ADMINISTRATION.—

(c) Beginning with the 1978-1979 school year, the Commissioner shall evaluate the cost effectiveness of the district compensatory education programs. ~~Of the district programs which have been in operation for 2 or more years, state funding shall be terminated for the five programs which are determined to be the least cost effective each year.~~

Section 43. Paragraph (c) of subsection (2) of section 236.49, Florida Statutes, is amended to read:

236.49 Proceeds; how expended.—The proceeds derived from the sale of said bonds shall be held by the school board and shall be expended by the board for the purpose for which said bonds were authorized for said school district, and shall be held and expended in the manner following:

(2) All or any part of the fund derived from the proceeds of any such bond issue that in the judgment of the school board is not immediately needed may be placed on time deposit in the school depository or invested in securities issued by or guaranteed by the United States Government, or in the following securities of the district maturing not later than the time when the funds are reasonably expected to be needed:

(c) In any obligations of the school board approved ~~by the state board or Department of Education~~ in accordance with the provisions of s. 237.161.

Section 44. Subsections (3), (4), and (5) of section 237.161, Florida Statutes, are amended to read:

237.161 Obligations for a period of 1 year.—The school board of any district is authorized only under the following conditions to create obligations by way of anticipation of budgeted revenues accruing on a current basis without pledging the credit of the district or requiring future levy of taxes for certain purposes for a period of 1 year; however, such obligations may be extended from year to year with the consent of the lender for a period not to exceed 4 years:

(3) SCHOOL BOARD TO *ADOPT* ~~SUBMIT~~ PROPOSAL.—When the school board of any district proposes to incur obligations of the nature authorized in this section, the school board shall adopt and spread upon its minutes a resolution giving the nature of the obligations to be incurred, stating the plan of payment and providing that such funds will be budgeted during the period of the loan, from the current revenue to retire the obligations maturing during the year. This plan of payment shall not extend over a period longer than 1 year. ~~The school board shall then cause a copy of the resolution to be prepared and sent to the Department of Education for approval~~.

~~(4) DEPARTMENT OF EDUCATION MAY APPROVE OR REJECT PROPOSAL.—The Department of Education may approve the proposal for incurring obligations authorized under subsection (1), only when in its opinion the proposal is reasonable and just and the expenditure needed and when district finances will in its opinion permit the retirement when due of this indebtedness as proposed; provided that the department shall not approve more than two such applications for any district during any one year. When in its opinion there is any doubt regarding the merit or justification of the proposal or regarding the ability of the school board to retire the obligations proposed, the department shall reject the proposal and the school board shall not incur the obligation as proposed.~~

(4)~~(5)~~ INTEREST-BEARING NOTES AUTHORIZED.—The school board of any district ~~for~~ which ~~the department~~ has authorized the incurring of the obligations as provided in this section shall issue interest-bearing notes for the obligations. The notes shall provide the terms of payment and shall not bear interest in excess of the rate authorized under the provisions of s. 215.84. No additional obligations of a similar nature may be incurred against the funds of any school district when notes authorized under this subsection are still outstanding and unpaid when such proposed obligations together with the unpaid notes outstanding exceed one-fourth of the revenue of the preceding year, as defined in subsection (2).

Section 45. Section 237.162, Florida Statutes, is amended to read:

237.162 Obligations to eliminate major emergency conditions.—The school board of any district experiencing a major emergency condition in an existing school plant that demands immediate correction in order to prevent further damage to the building or equipment or to eliminate a safety hazard that constitutes an immediate danger to the students and other occupants is authorized to create an obligation for a period of 1 year by way of anticipation of revenues for capital outlay purposes accruing on a current basis without pledging the credit of the district. Such obligation may be extended from year to year with the consent of the lender for a period not to exceed 4 years. Obligations occurring under this section may be repaid from funds to be received from taxes authorized by s. 236.25(2) and from any other funds available to the school board for the purpose under the following conditions:

(1) SCHOOL BOARD TO *ADOPT* ~~SUBMIT~~ PROPOSAL.—When the school board of any district proposes to incur obligations of the nature authorized in this section, the school board shall adopt and spread upon its minutes a resolution fully describing the emergency condition outlined above, giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year. This plan of payment shall not extend over a period longer than 1 year. ~~The school board shall then cause a copy of the resolution to be prepared and sent to the Department of Education for approval.~~

~~(2) DEPARTMENT OF EDUCATION MAY APPROVE OR REJECT PROPOSAL. The Department of Education may approve the proposal for incurring obligations authorized in this section only when in its opinion the proposal is reasonable and just and the expenditure needed and when in its opinion district finances will permit the retirement of the proposed indebtedness when due. When in its opinion there is any doubt regarding the merit or justification of the proposal or regarding the ability of the school board to retire the obligations proposed, the department shall reject the proposal; and the school board shall not incur the obligation as proposed.~~

(2)~~(3)~~ INTEREST-BEARING NOTES AUTHORIZED.—The school board of any district ~~for~~ which ~~the department~~ has authorized the incurring of the obligations as provided in this section shall issue interest-bearing notes for the obligations. The notes shall provide the terms of payment and shall not bear interest in excess of the rate authorized in s. 236.68.

Section 46. *Nothwithstanding the provisions of s. 232.246(6)(d), Florida Statutes, 1986 Supplement, students who have received a passing grade for all courses required for high school graduation and have met all other requirements for high school graduation, for the 1986-1987 school year, set forth in s. 232.246, Florida Statutes, 1986 Supplement, shall be eligible for a standard high school diploma.*

Section 47. *Sections 229.561, 229.585, 229.841, 230.2311 and 233.051, subsection (2) of section 232.301, subsection (2) of section 233.055, and paragraph (b) of subsection (2) of section 233.34, Florida Statutes, section 229.861, Florida Statutes, 1986 Supplement, created as section 229.86 by chapter 86-225, Laws of Florida, section 229.863, Florida Statutes, 1986 Supplement, created as section 229.87 by chapter 86-225, Laws of Florida, section 229.865, Florida Statutes, 1986 Supplement, created as section 229.88 by chapter 86-225, Laws of Florida, section 229.867, Florida Statutes, 1986 Supplement, created as section 229.89 by chapter 86-225, Laws of Florida, and section 235.197, paragraph (f) of subsection (1) of section 229.551, subsection (2) of section 233.46, paragraphs (b) and (c) of subsection (3) of section 235.41, and paragraph (b) of subsection (1), paragraph (c) of subsection (3), and subsection (4) of section 235.435, Florida Statutes, 1986 Supplement, are hereby repealed.*

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 2, after "education;" insert: amending s. 228.041, F.S.; revising the definition of "dropout"; amending s. 230.2313, F.S.; requiring each school district to implement a plan for providing student services; expanding guidance services and providing duties of counselors; providing for a district-level tracking system; amending s. 232.245, F.S., relating to the pupil progression program; requiring provisions for assisting students to achieve required grade point average; amending s. 232.246, F.S.; amending effective date; requiring school district policies designed to assist students in meeting the grade point requirement; providing for the award of a certificate of completion when grade point requirements are not met; creating s. 232.2463, F.S.; providing for a standardized grading system in public high schools; amending s. 232.301, F.S.; requiring the Department of Education to disseminate findings of model dropout prevention programs; requiring the department to conduct a study relating to certificates of completion and dropout prevention; amending s. 228.0617, F.S., directing the Department of Education to establish two demonstration projects; creating the Florida Model Literacy Program Act; creating s. 228.0713, F.S.; requiring the state and each local educational agency to develop literacy plans; defining basic literacy and functional literacy; providing for review and approval of local plans by the Commissioner of Education; amending s. 237.34, F.S.; providing for reporting separate adult general education program costs for adult basic skills and adult high school; amending ss. 236.081 and 240.359, F.S.; establishing an adult basic skills education program adjustment; amending s. 228.0715, F.S., relating to the Adult Literacy Act; providing definitions; clarifying language; providing for coordination of adult, individualized instruction programs with nonprofit organizations; authorizing nonprofit organizations to use appropriated funds for certain purposes; directing local literacy sponsors to submit certain information and the Commissioner of Education to prepare a summary report; providing annual appropriations; prohibiting supplanting of such funds; amending s. 228.072, F.S., relating to adult general education; clarifying language; establishing a priority for basic literacy instruction; requiring local educational agencies to test certain persons for basic or functional literacy skills; providing for interagency cooperation; creating s. 228.0725, F.S.; providing for a model noninstructional adult literacy center pilot program; providing for selection; providing for evaluation and reporting; amending s. 240.301, F.S.; authorizing provisions for the general educational development examination; providing that adult students may take courses on any day of the week under certain circumstances; amending s. 232.2465, F.S.; revising eligibility requirements for qualification as a Florida Academic Scholar; creating s. 229.602, F.S., the Florida Private Sector and Education Partnership Act; providing intent; providing for the designation of an office to function as a clearinghouse; providing duties; requiring an annual report; providing for an advisory board; providing for the designation of district private sector and education partnership coordinators; providing duties; providing for Florida public schools challenge grants to school districts; providing for the Florida compact pilot program; providing for partnership vocational education programs; amending s. 230.645, F.S.; providing for in-kind contributions relating to postsecondary student fees; amending s. 236.081, F.S.; listing partnership vocational education as a program under the Florida Education Finance Program; deleting cost factors and providing for their inclusion in the General Appropriations Act; creating Florida Linkage Institutes; providing for governance and administration; providing for advisory committees; amending s. 229.8021, F.S.; revising membership of the board of directors of the Department of Education direct support organization; providing for funding of the Florida Private Sector and Education Partnership Act; amending s. 233.065, F.S., providing that the pledge of allegiance to the flag shall be said at the beginning of the day in every elementary and secondary public school in the state; exempting certain students; amending s. 233.067, F.S.; changing the comprehensive health education program in the public schools to the comprehensive health education and substance abuse prevention program; providing for establishment of a Prevention Resource Center as a clearinghouse; creating an advisory council to the center; providing for inservice training in substance abuse identification and prevention; providing for management training programs; providing for instruction in substance abuse prevention; providing for district contact persons to coordinate the program; requiring each district school board, laboratory school, or consortia thereof, to submit a proposed program; revising proposal contents; providing for model programs; providing for evaluation and dissemination of effective programs; amending s. 232.245, F.S.; requiring specification of the minimum number of hours of instruction for each grade level; amending s. 230.23, F.S.; requiring the district code of student conduct to include disciplinary action that may be imposed; requiring school board rules to specify disciplinary action for use, sale, or possession of alcoholic beverages or controlled substances; encouraging alternatives to suspension or expulsion; amending s. 236.0811, F.S.; requiring training in substance abuse prevention education to be included as a component in the master plan for inservice training; amending s. 231.603, F.S.; requiring inservice training programs of teacher education centers to include substance abuse prevention education; creating s. 230.2318, F.S.; creating a statewide school resource officer program; providing for proposed program plans by school districts; providing contents; providing for approval of plans and provision of funding by the Commissioner of Education; providing conditions for state funding and for matching grants; providing duties of school resource officers; authorizing application for federal funds; providing for funding through the General Appropriations Act; authorizing school boards to provide instruction in acquired immune deficiency syndrome education; providing for review and repeal; providing the "Educational Efficiency Act of 1987"; amending s. 229.814, F.S.; deleting provisions relating to State Board of Education rules for the secondary level examination program; amending s. 230.2312, F.S., relating to the Florida Primary Education Program; correcting cross-references; amending s. 231.141, F.S., relating to teacher aides; correcting a cross-reference; amending s. 231.608, F.S.; deleting requirement for submission of the teacher education center annual report to the Education Standards Commission; amending s. 233.37, F.S.; deleting provisions relating to the use of instructional materials; amending s. 236.088, F.S.; deleting provisions relating to the termination of funding for certain compensatory education programs; amending s. 236.49, F.S., conforming language; amending ss. 237.161 and 237.162, F.S.; deleting provisions relating to Department of Education approval or rejection of school board proposals to incur obligations; repealing s. 229.551(1)(f), F.S., correcting a cross-reference; providing eligibility for a standard high school diploma for the 1986-1987 school year; repealing s. 229.561, F.S., relating to educational research and development; repealing s. 229.585, F.S., relating to computerized instructional management system programs; repealing s. 229.841, F.S., relating to adoption of metric system; repealing ss. 229.861, 229.863, 229.865, and 229.867, F.S., relating to the Board of Public Schools; repealing s. 230.2311, F.S., relating to early childhood and basic skills development programs; repealing s. 232.301(2), F.S., relating to obsolete

provisions of the model programs for the prevention of student failures and dropouts; repealing s. 233.051, F.S., relating to programs of remediation; repealing s. 233.055(2), F.S., relating to obsolete provisions of the remedial reading education plan; repealing s. 233.34(2)(b), F.S., relating to survey of districts which have selected certain instructional materials; repealing s. 233.46(2), F.S., relating to solicitation and submission of comments on instructional materials; repealing s. 235.197, F.S., relating to relocatable facilities; repealing s. 235.41(3)(b) and (c), F.S., relating to items to be included in the comprehensive capital outlay budget request; repealing s. 235.435(1)(b), (3)(c), and (4), F.S., relating to allocations for capital outlay projects and use of such funds;

—was referred to the Committee on Appropriations, pursuant to Rule 4.8.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 1325

June 5, 1987

The Honorable John W. Vogt
President of the Senate

The Honorable Jon Mills
Speaker, House of Representatives

Dear Sirs:

Your conference committee on the disagreeing votes of the two Houses on House amendments to Senate Bill 1325, same being:

An act making appropriations;

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the House 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/James A. Scott
Chairman
s/Malcolm E. Beard
s/Don C. Childers
s/W. D. Childers
s/Mary Grizzle
s/Wayne Hollingsworth
s/George Kirkpatrick
s/Gwen Margolis
s/William G. Myers
s/Curtis Peterson
s/Pat Thomas

Managers on the part of the Senate

s/Samuel P. Bell, III
Vice Chairman
s/James C. Burke
s/Beverly Burnsed
s/Fran Carlton
s/Richard Crotty
s/Winston W. Gardner, Jr.
s/Elaine Gordon
Tom Gustafson (Excused)
s/Mary Ellen Hawkins
s/Ronald C. Johnson
s/Everett A. Kelly
s/Ray Liberti
s/Fred Lippman
s/Frank S. Messersmith
s/T. K. Wetherell

Managers on the part of the House of Representatives

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

Section 1. The moneys in the following specific appropriations are appropriated from the named funds for the 1987-88 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

0A AID TO LOCAL GOVERNMENTS
SUWANNEE COUNTY - PROPERTY APPRAISER
SALARY REIMBURSEMENT
FROM GENERAL REVENUE FUND 139,283

Funds in Specific Appropriation 0A shall be provided to the Board of County Commissioners of Suwannee County to reimburse the county for all sums paid in salary and other compensation as a result of suspension and reinstatement of county property appraiser. These funds may be advanced in total.

1 NOT USED

2 NOT USED

3 LUMP SUM
MAINTENANCE OF STATE FACILITIES
FROM GENERAL REVENUE FUND 3,364,225
FROM TRUST FUNDS 3,364,225

Funds provided in Specific Appropriation 3 will be distributed to agencies in accordance with a plan developed by the Department of General Services (DGS) and approved by the Executive Office of the Governor to offset a rent increase of $2.38 per square foot in all DGS controlled buildings.

4 NOT USED

5 NOT USED

6 NOT USED

6A LUMP SUM
LEGISLATIVE SOUTHERN REGIONAL EDUCATION BOARD
FROM GENERAL REVENUE FUND 8,000

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7 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 551,021

7A LUMP SUM
CAREER SERVICE GENERAL SALARY INCREASE
FROM GENERAL REVENUE FUND 34,715,866
FROM TRUST FUNDS 25,429,798

7B LUMP SUM
BOARD OF REGENTS GENERAL SALARY INCREASE
FROM GENERAL REVENUE FUND 26,073,578
FROM TRUST FUNDS 636,607

7C LUMP SUM
BOARD OF REGENTS, CAREER SERVICE SPECIAL SALARY INCREASE
FROM GENERAL REVENUE FUND 4,240,172
FROM TRUST FUNDS 2,287,652

7D LUMP SUM
BOARD OF TRUSTEES FLORIDA SCHOOL FOR DEAF AND BLIND SALARY INCREASE
FROM GENERAL REVENUE FUND 251,350
FROM TRUST FUNDS 12,292

7E LUMP SUM
LAW ENFORCEMENT GENERAL SALARY INCREASE
FROM GENERAL REVENUE FUND 1,730,153
FROM TRUST FUNDS 309,718

7F LUMP SUM
LAW ENFORCEMENT SPECIAL MASTER SALARY INCREASE
FROM GENERAL REVENUE FUND 2,429,560
FROM TRUST FUNDS 427,005

7G LUMP SUM
CORRECTIONAL OFFICERS GENERAL SALARY INCREASE
FROM GENERAL REVENUE FUND 5,562,988
FROM TRUST FUNDS 289,766

7H LUMP SUM
ELECTED OFFICERS AND EXEMPT PAY PLANS
FROM GENERAL REVENUE FUND 6,874,382
FROM TRUST FUNDS 2,056,199

7I LUMP SUM
JUDICIAL PAY PLANS
FROM GENERAL REVENUE FUND 6,717,952
FROM TRUST FUNDS 9,402

7J LUMP SUM
CRITICAL CLASS ADJUSTMENTS
FROM GENERAL REVENUE FUND 238,293

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FROM TRUST FUNDS 670,491

7K LUMP SUM
SPECIAL BENEFITS - FLORIDA NURSES ASSOCIATION
FROM GENERAL REVENUE FUND 1,014,685
FROM TRUST FUNDS 85,315

8 NOT USED

9 LUMP SUM
UNEMPLOYMENT COMPENSATION BENEFITS - STATE EMPLOYEES
FROM GENERAL REVENUE FUND 500,000

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.

11 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 122,100

12 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

12A SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 12A shall be provided to the Sunshine State Games Foundation, Inc. effective July 1, 1987 for the purpose of promoting and developing state, national, and international amateur sports to include training centers, recruitment of events, and regional festivals.

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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

14A SPECIAL CATEGORIES
TAX LITIGATION
FROM GENERAL REVENUE FUND 775,000

Funds in Specific Appropriation 14A may be transferred by the Executive Office of the Governor to the Legislature or executive branch agencies for litigation expenses involving sales and other tax issues.

15 NOT USED

16 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND
FROM GENERAL REVENUE FUND 1,953,430

Funds provided in Specific Appropriation 16 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.

16A SPECIAL CATEGORIES
SECURITY FOR THE PRESIDENTIAL AND PAPAL VISIT
FROM GENERAL REVENUE FUND 1,500,000

17 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 17 are provided pursuant to Section 7, House Bill 395, 1984 Legislative Session.

ADMINISTRATION, DEPARTMENT OF

OFFICE OF THE SECRETARY

18 SALARIES AND BENEFITS POSITIONS 106
FROM GENERAL REVENUE FUND 664,014
FROM ADMINISTRATIVE TRUST FUND 1,501,424
FROM OTHER PERSONAL SERVICES ASSESSMENT TRUST FUND 29,712

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FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		15,198
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		785,571
19 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	8,750	
FROM ADMINISTRATIVE TRUST FUND		347,692
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		8,248
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		3,726,536

From the funds provided in Specific Appropriation 19, $50,000 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.

20 EXPENSES		
FROM GENERAL REVENUE FUND	84,563	
FROM ADMINISTRATIVE TRUST FUND		365,869
FROM OTHER PERSONAL SERVICES ASSESSMENT TRUST FUND		2,469
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		289,518
21 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	2,350	
FROM ADMINISTRATIVE TRUST FUND		7,328
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		900
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		34,034

From funds provided in Specific Appropriations 18, 20, and 21, four positions and $60,718, $5,683, and $5,969 respectively from the State Employees Health Insurance Trust Fund are provided to the Office of State Employees Insurance. Positions and related costs are to be funded from revenues generated from the premiums paid by the participants of a pilot program to add five school districts, Brevard, Alachua, Hillsborough, Leon and Taylor, to the State of Florida Group Health Self-Insurance Plan to all eligible plans offered under s. 110.123, F.S.

The Department of Administration shall collect claims experience separately on each district enrolled in the State Health Self-Insurance Program for each twelve month period of coverage. At the end of each twelve month period of coverage each school district shall reimburse the State Employees Health Insurance Trust Fund the amount by which the pure claims experience of each school district exceeds by more than 2% that of the State Group.

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21A LUMP SUM		
COMPETITIVE BID HEALTH MAINTENANCE ORGANIZATION		
POSITIONS	4	
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		292,136

Funds and positions provided in Specific Appropriation 21A are contingent upon CS/SB 524 or similar legislation providing for competitive bidding by health maintenance organizations, becoming law.

22 SPECIAL CATEGORIES		
TRANSFER TO STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		
FROM GENERAL REVENUE FUND	3,924,600	
23 DATA PROCESSING SERVICES		
FROM OTHER PERSONAL SERVICES ASSESSMENT TRUST FUND		24,450
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND		28,500
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		238,500

VETERANS' AFFAIRS, DIVISION OF

24 SALARIES AND BENEFITS	POSITIONS	59
FROM GENERAL REVENUE FUND		1,226,312
25 NOT USED		
26 EXPENSES		
FROM GENERAL REVENUE FUND		125,602
27 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND		5,266
28 NOT USED		
29 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND		32,262

PERSONNEL MANAGEMENT SERVICES, DIVISION OF

From the funds provided in Specific Appropriations 30 through 34, the Bureau of Personnel Systems Development shall proceed with integrating the State University System personnel data with the State Cooperative Personnel Employment System (COPES). In this regard, those universities with current personnel systems shall not be required to replace those systems provided that COPES can be modified to accept interactive data from a university's system and the university's system can be modified to

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provide interactive data to COPES. The State University System and the Bureau of Personnel Systems Development shall actively proceed to bring each university on line. A progress report regarding this endeavor shall be provided to the legislative appropriations committees and the Executive Office of the Governor on or before January 2, 1988.

30	SALARIES AND BENEFITS POSITIONS	86	
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		122,602
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		2,365,402
31	OTHER PERSONAL SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		5,000
32	EXPENSES		
	FROM GENERAL REVENUE FUND	39,025	
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND		8,649
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		464,641
33	OPERATING CAPITAL OUTLAY		
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		37,093
34	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,050,426	
	FROM STATE PERSONNEL SYSTEM TRUST FUND . .		1,172,468

Funds provided in Specific Appropriations 30 through 34 from the State Personnel System Trust Fund are based upon a personnel assessment of $53 per position.

RETIREMENT, DIVISION OF

35	SALARIES AND BENEFITS POSITIONS	228	
	FROM GENERAL REVENUE FUND	172,683	
	FROM OPERATING TRUST FUND		5,091,509
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		27,909
36	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,000	
	FROM OPERATING TRUST FUND		236,470
37	EXPENSES		
	FROM GENERAL REVENUE FUND	21,898	
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		9,575
	FROM OPERATING TRUST FUND		1,703,953
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		50,966
38	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	571	

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	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		305,593
	FROM OPERATING TRUST FUND		38,304
39	SPECIAL CATEGORIES		
	PAYMENT TO STATE BOARD OF ADMINISTRATION		
	FROM OPERATING TRUST FUND		2,393,548
40	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	3,611	
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		55,941
	FROM OPERATING TRUST FUND		1,732,609
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		8,764

Funds provided in Specific Appropriations 35 through 38 and 40, from the Optional Retirement Trust Fund, are based on an assessment of .1 percent of the participants salaries and shall be used only for administration of the Optional Retirement Program.

41	PENSIONS AND BENEFITS		
	DISABILITY BENEFITS TO JUSTICES AND JUDGES		
	FROM GENERAL REVENUE FUND	152,189	
42	PENSIONS AND BENEFITS		
	FLORIDA NATIONAL GUARD		
	FROM GENERAL REVENUE FUND	806,739	
43	PENSIONS AND BENEFITS		
	MEMBERS BENEFITS		
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		644,467,909
	FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND		115,951

From the funds provided in Specific Appropriation 43 from the Florida Retirement System Trust Fund, up to $75,000 shall be used by the Department of Administration for the purpose of contracting with an appropriate management consulting firm to conduct a comprehensive study of the adequacy and competitiveness of the retirement benefits provided by the Florida Retirement System. Specifically, the objective of this study is to:

1) Make recommendations for any needed changes or improvements relative to plan design or benefit structure for the several classes of membership under the Florida Retirement System;

2) Report on the advisability of permitting employees the option of purchasing additional retirement benefits through voluntary employee contributions to pay for the cost of higher benefits

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than currently provided by the Florida Retirement System;

3) Determine the actuarial cost to the Florida Retirement System if current restrictions in the law governing reemployment of retirees are removed or modified for retirees age 62 or older;

4) Advise as to appropriateness of eligibility for membership in the Florida Retirement System for part-time and temporary employees, including the appropriateness of permitting members to purchase up to two years of OPS service after the member has vested; and

5) If SB 399 or similar legislation fails to become law, evaluate the current health insurance program for retirees and make recommendations regarding insurance for retirees under the Florida Retirement System.

This comprehensive study and report shall be completed and submitted to the Legislature by January 1, 1988.

44	PENSIONS AND BENEFITS SPECIAL PENSIONS AND RELIEF ACTS FROM GENERAL REVENUE FUND	11,224	
45	PENSIONS AND BENEFITS STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY) FROM GENERAL REVENUE FUND	2,473,063	
46	PENSIONS AND BENEFITS TEACHER'S SPECIAL PENSIONS FROM GENERAL REVENUE FUND	57,437	

COMMISSION ON HUMAN RELATIONS

47	SALARIES AND BENEFITS POSITIONS 32 FROM GENERAL REVENUE FUND	679,904	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		139,497
48	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	27,500	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,850
49	EXPENSES FROM GENERAL REVENUE FUND	144,618	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,634
50	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	3,127	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		782

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ADMINISTRATIVE HEARINGS, DIVISION OF

From the funds provided in Specific Appropriations 51 through 54, the Division of Administrative Hearings shall undertake a study regarding an equitable means of funding the division by all user entities. Recommendations along with any necessary legislation/rule changes shall be submitted to the chairmen of the legislative appropriations committees on or before December 1, 1987.

51	SALARIES AND BENEFITS POSITIONS 54 FROM GENERAL REVENUE FUND	1,750,889	
	FROM ADMINISTRATIVE TRUST FUND		775,396
52	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	380,185	
53	EXPENSES FROM GENERAL REVENUE FUND	480,591	
	FROM ADMINISTRATIVE TRUST FUND		29,534
54	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	24,230	

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

55	SALARIES AND BENEFITS POSITIONS 218 FROM GENERAL REVENUE FUND	3,398,306	
	FROM ADMINISTRATIVE TRUST FUND		1,743,488
	FROM GENERAL INSPECTION TRUST FUND		215,841
56	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	45,113	
	FROM ADMINISTRATIVE TRUST FUND		20,563
57	EXPENSES FROM GENERAL REVENUE FUND	1,191,838	
	FROM ADMINISTRATIVE TRUST FUND		520,798
	FROM GENERAL INSPECTION TRUST FUND		83,845

From the funds provided in Specific Appropriation 57, up to $20,000 from the General Revenue Fund may be expended to conduct a technical symposium on agricultural environmental research needs.

58	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	89,411	
	FROM ADMINISTRATIVE TRUST FUND		16,150

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58A LUMP SUM
AGRICULTURE MUSEUM
POSITIONS 1
FROM GENERAL REVENUE FUND 20,290

Funds provided in Specific Appropriation 58A are contingent upon HB 99 or similar legislation becoming law.

59 SPECIAL CATEGORIES
ACCELERATED SOIL SURVEY PROGRAM
FROM GENERAL REVENUE FUND 1,050,000

60 NOT USED

60A SPECIAL CATEGORIES
GRANTS AND AIDS - CONSTRUCTION GRANTS FOR AGRICULTURAL/ LIVESTOCK EXHIBIT BUILDINGS
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 60A may be advanced in part or in total.

60B SPECIAL CATEGORIES
GRANTS AND AIDS - AGRICULTURE AND RURAL ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 300,000

From the funds and positions provided in Specific Appropriations 55 through 60B, from the General Revenue Fund, two positions and $400,000 shall be used to implement an Agricultural and Rural Economic Development Program, and are contingent upon SB 1168 or similar legislation becoming law. Further, $300,000 provided in Specific Appropriation 60B may be advanced in part or in total.

60C SPECIAL CATEGORIES
GRANTS AND AIDS - PROMOTIONAL AWARDS
EXPENSES
FROM QUARTER HORSE RACING PROMOTION TRUST FUND 14,996

61 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 Appropriations 60c and 61, from the Quarter Horse Racing Promotion Trust Fund, may be advanced in part or in total.

62 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 145,701
FROM ADMINISTRATIVE TRUST FUND 206,911

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INSPECTION, DIVISION OF

63 SALARIES AND BENEFITS POSITIONS 479
FROM GENERAL REVENUE FUND 7,509,098
FROM CONTRACTS AND GRANTS TRUST FUND . . . 855,150
FROM GENERAL INSPECTION TRUST FUND 2,689,991

64 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,217
FROM GENERAL INSPECTION TRUST FUND 3,484

65 EXPENSES
FROM GENERAL REVENUE FUND 1,044,872
FROM CONTRACTS AND GRANTS TRUST FUND . . . 221,458
FROM GENERAL INSPECTION TRUST FUND 333,057

66 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 137,859
FROM GENERAL INSPECTION TRUST FUND 11,761

67 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 47,089
FROM GENERAL INSPECTION TRUST FUND 881

68 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 184,317
FROM CONTRACTS AND GRANTS TRUST FUND . . . 5,931
FROM GENERAL INSPECTION TRUST FUND 229,457

STANDARDS, DIVISION OF

69 SALARIES AND BENEFITS POSITIONS 150
FROM GENERAL REVENUE FUND 1,036,889
FROM GENERAL INSPECTION TRUST FUND 2,443,740

70 OTHER PERSONAL SERVICES
FROM GENERAL INSPECTION TRUST FUND 24,209

71 EXPENSES
FROM GENERAL REVENUE FUND 364,426
FROM GENERAL INSPECTION TRUST FUND 804,841

72 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 140,625
FROM GENERAL INSPECTION TRUST FUND 124,833

73 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 49,877
FROM GENERAL INSPECTION TRUST FUND 144,858

CHEMISTRY, DIVISION OF

74 SALARIES AND BENEFITS POSITIONS 130
FROM GENERAL REVENUE FUND 1,859,452
FROM CONTRACTS AND GRANTS TRUST FUND . . . 140,103

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FROM GENERAL INSPECTION TRUST FUND		1,412,330
75 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	10,115	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		12,848
FROM GENERAL INSPECTION TRUST FUND		8,850
76 EXPENSES		
FROM GENERAL REVENUE FUND	461,901	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		79,893
FROM GENERAL INSPECTION TRUST FUND		328,288
77 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	72,080	
FROM CONTRACTS AND GRANTS TRUST FUND . . .		118,650
FROM GENERAL INSPECTION TRUST FUND		64,064
78 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	142,044	
FROM GENERAL INSPECTION TRUST FUND		36,551

DAIRY INDUSTRY, DIVISION OF

79 SALARIES AND BENEFITS POSITIONS	48	
FROM GENERAL REVENUE FUND	1,337,060	
80 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	7,488	
81 EXPENSES		
FROM GENERAL REVENUE FUND	296,880	
82 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	10,450	
83 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	62,837	

MARKETING, DIVISION OF

84 SALARIES AND BENEFITS POSITIONS	160	
FROM GENERAL REVENUE FUND	1,559,137	
FROM CITRUS INSPECTION TRUST FUND		610,713
FROM GENERAL INSPECTION TRUST FUND		281,540
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,188,087
85 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,000	
FROM CITRUS INSPECTION TRUST FUND		222,864
FROM GENERAL INSPECTION TRUST FUND		4,931
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		24,388
86 EXPENSES		
FROM GENERAL REVENUE FUND	566,077	
FROM CITRUS INSPECTION TRUST FUND		273,394

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APPROPRIATION

FROM GENERAL INSPECTION TRUST FUND		214,693
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		592,561
87 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	5,793	
FROM CITRUS INSPECTION TRUST FUND		27,360
FROM GENERAL INSPECTION TRUST FUND		676
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		39,316
87A LUMP SUM		
AQUACULTURE MARKET DEVELOPMENT PROGRAM		
FROM FIRE ANT CONTROL TRUST FUND		200,000
88 NOT USED		
88A SPECIAL CATEGORIES		
CONSULTANT CONTRACT		
FROM GENERAL REVENUE FUND	250,000	
88B SPECIAL CATEGORIES		
GRANTS AND AIDS - MARKETING ORDERS		
FROM GENERAL INSPECTION TRUST FUND		224,500

Funds provided in Specific Appropriation 88B may be advanced in part or in total.

88C SPECIAL CATEGORIES		
GRANTS AND AIDS - NATIONAL ORCHID SHOW/TECHNICAL ASSISTANT		
FROM GENERAL REVENUE FUND	25,000	
88D SPECIAL CATEGORIES		
STATEWIDE FEASIBILITY STUDY/JOINT STATE FARMERS MARKET/FISH MARKET		
FROM GENERAL REVENUE FUND	30,000	
89 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

90 SALARIES AND BENEFITS POSITIONS	522	
FROM CITRUS INSPECTION TRUST FUND		9,308,664
FROM GENERAL INSPECTION TRUST FUND		2,364,578
91 OTHER PERSONAL SERVICES		
FROM CITRUS INSPECTION TRUST FUND		46,000
FROM GENERAL INSPECTION TRUST FUND		140,000
92 EXPENSES		
FROM CITRUS INSPECTION TRUST FUND		1,125,204
FROM GENERAL INSPECTION TRUST FUND		352,624

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APPROPRIATION

93 OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND 18,025
FROM GENERAL INSPECTION TRUST FUND 21,255

94 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND 393,900

95 DATA PROCESSING SERVICES
FROM CITRUS INSPECTION TRUST FUND 275,282
FROM GENERAL INSPECTION TRUST FUND 76,509

PLANT INDUSTRY, DIVISION OF

96 SALARIES AND BENEFITS POSITIONS 280
FROM GENERAL REVENUE FUND 6,077,067
FROM FIRE ANT CONTROL TRUST FUND 53,873
FROM PLANT INDUSTRY TRUST FUND 701,768

97 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 151,033
FROM FIRE ANT CONTROL TRUST FUND 4,500
FROM PLANT INDUSTRY TRUST FUND 313,287

98 EXPENSES
FROM GENERAL REVENUE FUND 2,251,811
FROM FIRE ANT CONTROL TRUST FUND 800,782
FROM PLANT INDUSTRY TRUST FUND 173,963

99 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 942,471
FROM FIRE ANT CONTROL TRUST FUND 41,840

100 LUMP SUM
PLANT PEST AND DISEASE MONITORING AND
CONTROL PROGRAM
FROM PLANT INDUSTRY TRUST FUND 150,000

100A SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM PLANT INDUSTRY TRUST FUND 230,000

Funds provided in Specific Appropriation 100A are to be used by the certified cotton growers' organization for the suppression and eradication of the boll weevil, and may be advanced in part or in total. Further, these funds are contingent upon HB 495 or similar legislation relating to boll weevils, becoming law.

101 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM GENERAL REVENUE FUND 36,000

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APPROPRIATION

102 SPECIAL CATEGORIES
CITRUS CANKER ERADICATION
FROM GENERAL REVENUE FUND 3,346,897
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,516,157
FROM FLORIDA CITRUS CANKER TRUST FUND . . 1,673,498

Funds provided in Specific Appropriation 102 are contingent upon CS/SB 215 or similar legislation becoming law, continuing Florida Citrus Canker Trust Fund revenue sources.

103 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 82,351

ANIMAL INDUSTRY, DIVISION OF

104 SALARIES AND BENEFITS POSITIONS 463
FROM GENERAL REVENUE FUND 6,303,403
FROM CONTRACTS AND GRANTS TRUST FUND . . . 3,833,204

105 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 761,417
FROM CONTRACTS AND GRANTS TRUST FUND . . . 2,016

Funds provided in Specific Appropriation 105 from the General Revenue Fund assume that livestock markets handling cattle for the state brucellosis program receive $2.00 per head for this service and all practitioners' fees continue to be paid at the current level.

106 EXPENSES
FROM GENERAL REVENUE FUND 1,439,791
FROM CONTRACTS AND GRANTS TRUST FUND . . . 767,307

107 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 179,536
FROM CONTRACTS AND GRANTS TRUST FUND . . . 398
FROM GENERAL INSPECTION TRUST FUND 285,750

108 NOT USED

109 SPECIAL CATEGORIES
PAYMENT OF INDEMNITIES
FROM GENERAL REVENUE FUND 650,000

110 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,140

111 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 47,182
FROM CONTRACTS AND GRANTS TRUST FUND . . . 15,000
FROM GENERAL INSPECTION TRUST FUND 82,044

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APPROPRIATION

CONSUMER SERVICES, DIVISION OF

112	SALARIES AND BENEFITS POSITIONS	30	
	FROM GENERAL REVENUE FUND	668,676	
113	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,635	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		5,914
	FROM GENERAL INSPECTION TRUST FUND		9,775
114	EXPENSES		
	FROM GENERAL REVENUE FUND	192,406	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		62,536
	FROM GENERAL INSPECTION TRUST FUND		4,610
115	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,189	
116	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	154,978	
	FROM GENERAL INSPECTION TRUST FUND		2,419

FORESTRY, DIVISION OF

117	SALARIES AND BENEFITS POSITIONS	1,218	
	FROM GENERAL REVENUE FUND	20,134,032	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		720,339
	FROM INCIDENTAL TRUST FUND		3,949,794
118	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	218,209	
	FROM INCIDENTAL TRUST FUND		193,860
119	EXPENSES		
	FROM GENERAL REVENUE FUND	5,094,393	
	FROM INCIDENTAL TRUST FUND		2,186,254
120	AID TO LOCAL GOVERNMENTS		
	STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND		701,990
121	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,731,969	
	FROM INCIDENTAL TRUST FUND		121,993

From the funds provided in Specific Appropriation 121 from the General Revenue Fund the Division of Forestry shall purchase three heavy duty road graders for use in the Blackwater River State Forest.

121A	SPECIAL CATEGORIES		
	ON-CALL FEES		
	FROM GENERAL REVENUE FUND	348,108	

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122	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,304	
	FROM INCIDENTAL TRUST FUND		224
123	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	364,075	
	FROM INCIDENTAL TRUST FUND		8,760

AGRICULTURE MANAGEMENT INFORMATION CENTER

124	SALARIES AND BENEFITS POSITIONS	36	
	FROM WORKING CAPITAL TRUST FUND		1,015,382
125	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		1,060,053
126	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		98,136

BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER

OFFICE OF THE COMPTROLLER AND DIVISION OF ADMINISTRATION

127	SALARIES AND BENEFITS POSITIONS	150	
	FROM GENERAL REVENUE FUND	2,348,703	
	FROM ADMINISTRATIVE TRUST FUND		2,272,879
128	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	6,100	
	FROM ADMINISTRATIVE TRUST FUND		6,100
129	EXPENSES		
	FROM GENERAL REVENUE FUND	525,138	
	FROM ADMINISTRATIVE TRUST FUND		413,579
130	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	30,930	
	FROM ADMINISTRATIVE TRUST FUND		26,993
131	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	12,320	
	FROM ADMINISTRATIVE TRUST FUND		12,375

ACCOUNTING AND AUDITING, DIVISION OF

132	SALARIES AND BENEFITS POSITIONS	149	
	FROM GENERAL REVENUE FUND	3,719,512	
	FROM ADMINISTRATIVE TRUST FUND		14,076
133	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	98,610	

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134 EXPENSES
FROM GENERAL REVENUE FUND 975,396
FROM ADMINISTRATIVE TRUST FUND 501

From the funds provided in Specific Appropriation 134 from the General Revenue Fund, up to $5,000 may be used to pay the judgement against the State of Florida in favor of J.B. Kruysman as rendered by the Manatee County Circuit Court. The Comptroller shall attempt to recover such amount from the Manatee County Sheriff's Office.

135 AID TO LOCAL GOVERNMENTS
NATIONAL FOREST MONIES TO COUNTIES
FROM FLORIDA NATIONAL FOREST TRUST FUND 2,700,000

136 AID TO LOCAL GOVERNMENTS
PROCEEDS FROM SALE OF TIMBER PRODUCTS
FROM U.S. MILITARY INSTALLATIONS TIMBER
PRODUCTS TRUST FUND 85,000

137 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,551

138 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 138 may be transferred as needed to the Attorney General's Office to contract for expert consulting services in connection with court cases involving insurance premium tax issues and for such services as court reporters.

139 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 51,851

INFORMATION SYSTEMS, DIVISION OF

140 SALARIES AND BENEFITS POSITIONS 139
FROM GENERAL REVENUE FUND 3,941,337

141 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 58,000

142 EXPENSES
FROM GENERAL REVENUE FUND 4,872,526

143 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,384,704

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APPROPRIATION

BANKING, DIVISION OF

144 SALARIES AND BENEFITS POSITIONS 172
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 5,433,696

145 OTHER PERSONAL SERVICES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 58,794

146 EXPENSES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 1,386,866

147 OPERATING CAPITAL OUTLAY
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 386,310

148 DATA PROCESSING SERVICES
FROM FINANCIAL INSTITUTIONS REGULATORY
TRUST FUND 41,900

FINANCE, DIVISION OF

149 SALARIES AND BENEFITS POSITIONS 88
FROM REGULATORY TRUST FUND 2,522,649

150 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 237,060

151 EXPENSES
FROM REGULATORY TRUST FUND 901,204

152 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 33,270

153 DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 58,362

SECURITIES AND INVESTOR PROTECTION, DIVISION OF

154 SALARIES AND BENEFITS POSITIONS 74
FROM GENERAL REVENUE FUND 2,122,479

155 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 29,867

156 EXPENSES
FROM GENERAL REVENUE FUND 551,613

157 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,922

158 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 94,731

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APPROPRIATION

BUSINESS REGULATION, DEPARTMENT OF

OFFICE OF THE SECRETARY

159	SALARIES AND BENEFITS POSITIONS 70		
	FROM ADMINISTRATIVE TRUST FUND		1,914,755
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		96,095
160	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		38,046
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		12,000
161	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		357,759
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		41,724
162	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		43,155
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		566
163	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		37,000

PARI-MUTUEL WAGERING, DIVISION OF

164	SALARIES AND BENEFITS POSITIONS 105		
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .		2,569,247
165	OTHER PERSONAL SERVICES		
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .		1,894,837
	FROM RESEARCH TRUST FUND		50,000

From funds provided in Specific Appropriation 165, $487,253 from the Pari-Mutuel Wagering Trust Fund is contingent on CS/SB 837 or similar legislation becoming law.

166	EXPENSES		
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .		889,284
167	AID TO LOCAL GOVERNMENTS		
	RACING TAX TO COUNTIES		
	FROM PARI-MUTUEL TAX COLLECTION TRUST FUND		29,915,500
168	OPERATING CAPITAL OUTLAY		
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .		240,923
169	DATA PROCESSING SERVICES		
	FROM PARI-MUTUEL WAGERING TRUST FUND . . .		281,386

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APPROPRIATION

HOTELS AND RESTAURANTS, DIVISION OF

170	SALARIES AND BENEFITS POSITIONS 129		
	FROM HOTEL AND RESTAURANT TRUST FUND . . .		3,189,951
171	OTHER PERSONAL SERVICES		
	FROM HOTEL AND RESTAURANT TRUST FUND . . .		29,270
172	EXPENSES		
	FROM HOTEL AND RESTAURANT TRUST FUND . . .		610,593
173	OPERATING CAPITAL OUTLAY		
	FROM HOTEL AND RESTAURANT TRUST FUND . . .		44,435
174	SPECIAL CATEGORIES		
	CONTRACT WITH DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR FOOD SERVICE INSPECTION		
	FROM HOTEL AND RESTAURANT TRUST FUND . . .		693,000
175	DATA PROCESSING SERVICES		
	FROM HOTEL AND RESTAURANT TRUST FUND . . .		280,224

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

176	SALARIES AND BENEFITS POSITIONS 124		
	FROM FLORIDA CONDOMINIUM TRUST FUND . . .		1,207,016
	FROM FLORIDA LAND SALES TRUST FUND		525,365
	FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND		547,039
	FROM MOBILE HOME TRUST FUND		575,863
177	OTHER PERSONAL SERVICES		
	FROM FLORIDA CONDOMINIUM TRUST FUND . . .		3,375
	FROM FLORIDA LAND SALES TRUST FUND		1,005
178	EXPENSES		
	FROM FLORIDA CONDOMINIUM TRUST FUND . . .		457,532
	FROM FLORIDA LAND SALES TRUST FUND		114,279
	FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND		102,974
	FROM MOBILE HOME TRUST FUND		293,374
179	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA CONDOMINIUM TRUST FUND . . .		11,068
	FROM FLORIDA LAND SALES TRUST FUND		996
	FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND		1,871
	FROM MOBILE HOME TRUST FUND		3,386
179A	SPECIAL CATEGORIES		
	TRANSFER TO FLORIDA CONDOMINIUM TRUST FUND		
	FROM GENERAL REVENUE FUND	333,006	

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180 DATA PROCESSING SERVICES
FROM FLORIDA CONDOMINIUM TRUST FUND . . . 90,477
FROM FLORIDA LAND SALES TRUST FUND 36,567
FROM FLORIDA REAL ESTATE TIME SHARING TRUST FUND 40,421
FROM MOBILE HOME TRUST FUND 44,275

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

181 SALARIES AND BENEFITS POSITIONS 298
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 8,356,626

182 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 15,505

183 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 1,674,891

184 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,500,000

185 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 463,475

185A SPECIAL CATEGORIES
CONTRACT FOR LEGAL PROFESSIONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 300,000

From funds provided in Specific Appropriation 185A, $300,000 in 1987-88 may be transferred as needed to the Attorney General's Office to contract for the services of accountants, auditors, and economists to develop evidence and provide expert testimony to defend the State Alcoholic Beverage Tax Laws.

186 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 265,369

187 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 181,997

188 DATA PROCESSING SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 499,878

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APPROPRIATION

CITRUS, DEPARTMENT OF

189 SALARIES AND BENEFITS POSITIONS 157
FROM CITRUS ADVERTISING TRUST FUND 5,052,652

190 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 356,800

191 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 50,727,038

From funds provided in Specific Appropriation 191, the Department of Citrus shall contract to reimburse the Department of Commerce for 75 percent, but not to exceed $150,000 of the cost of citrus juice purchased from funds in Specific Appropriation 208 and dispensed at the Florida Welcome Stations.

192 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 125,500

193 SPECIAL CATEGORIES
ADVERTISING REBATES
FROM CITRUS ADVERTISING TRUST FUND 10,600,000

194 SPECIAL CATEGORIES
LEASING OF AUTOMOBILES
FROM CITRUS ADVERTISING TRUST FUND 5,300

195 DATA PROCESSING SERVICES
FROM CITRUS ADVERTISING TRUST FUND 65,088

COMMERCE, DEPARTMENT OF

OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

196 SALARIES AND BENEFITS POSITIONS 62
FROM GENERAL REVENUE FUND 1,559,493
FROM ADMINISTRATIVE TRUST FUND 430

197 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 110,900

198 EXPENSES
FROM GENERAL REVENUE FUND 421,608
FROM ADMINISTRATIVE TRUST FUND 75,000

199 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,053

From the funds and positions provided in Specific Appropriations 196 through 199, $170,225 and two positions are provided from the General Revenue Fund for the purpose of sports promotion, and are contingent upon SB 361 or similar legislation

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APPROPRIATION

becoming law.

200 NOT USED

TOURISM, DIVISION OF

201 SALARIES AND BENEFITS POSITIONS 112
FROM GENERAL REVENUE FUND 2,576,465

202 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 492,352

203 EXPENSES
FROM GENERAL REVENUE FUND 1,432,484

204 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 28,074

204A LUMP SUM
TOURISM DEVELOPMENT
POSITIONS 1
FROM GENERAL REVENUE FUND 28,000

205 SPECIAL CATEGORIES
ADVERTISING PAMPHLETS AND MATERIALS
FROM GENERAL REVENUE FUND 452,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 45,000

206 SPECIAL CATEGORIES
PAID ADVERTISING
FROM GENERAL REVENUE FUND 4,862,176

207 SPECIAL CATEGORIES
PRODUCTION AND DISPLAY OF FILMS AND EXHIBITS
FROM GENERAL REVENUE FUND 43,000

208 SPECIAL CATEGORIES
PROMOTION
FROM GENERAL REVENUE FUND 837,000

ECONOMIC DEVELOPMENT, DIVISION OF

209 SALARIES AND BENEFITS POSITIONS 128
FROM GENERAL REVENUE FUND 3,787,345

210 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 532,620
FROM GRANTS AND DONATIONS TRUST FUND . . . 56,851

211 EXPENSES
FROM GENERAL REVENUE FUND 1,815,172
FROM GRANTS AND DONATIONS TRUST FUND . . . 158,149

From the funds appropriated in Specific Appropriation 211 from the Grants and Donations Trust Fund, $150,000 is provided for the promotion of the Florida Ports Program. This appropriation anticipates the use of any unencumbered funds remaining at June 30, 1987 from Specific Appropriation 209A, Chapter 86-167, Laws of Florida. Additional funds providing a combined total of $150,000 shall be transferred from the Department of Natural Resources.

211A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HIALEAH LATIN CHAMBER OF COMMERCE
FROM GENERAL REVENUE FUND 25,000

211B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCALE MODEL DOWNTOWN LAKELAND
FROM GENERAL REVENUE FUND 25,000

212 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 39,816
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,000

212A SPECIAL CATEGORIES
GRANTS AND AIDS - AMERICAN INTERNATIONAL EXHIBITION
FROM GENERAL REVENUE FUND 200,000

213 SPECIAL CATEGORIES
GRANTS AND AIDS - ECONOMIC DEVELOPMENT - TRANSPORTATION PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 10,000,000

Funds provided in Specific Appropriation 213 shall be expended pursuant to s. 288.063, F.S., only upon direction of the Department of Commerce, Division of 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.

213A SPECIAL CATEGORIES
GRANTS AND AIDS - NURSERY PLANT SALES PROMOTION/EUROPE
FROM GENERAL REVENUE FUND 200,000

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214 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA MOTION PICTURE, TELEVISION, AND MUSIC ON-THE-JOB TRAINING PROGRAM
FROM GENERAL REVENUE FUND 198,850

214A SPECIAL CATEGORIES
GRANTS AND AIDS - MIAMI FILM FESTIVAL
FROM GENERAL REVENUE FUND 100,000

214B SPECIAL CATEGORIES
GRANTS AND AIDS - GREATER FT. LAUDERDALE FILM FESTIVAL
FROM GENERAL REVENUE FUND 100,000

215 NOT USED

215A SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL OCEANOGRAPHIC FOUNDATION
FROM GENERAL REVENUE FUND 150,000

215B SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL AFFAIRS COUNCIL
FROM GENERAL REVENUE FUND 150,000

Funds provided in Specific Appropriation 215B shall be used to support trade missions of the Greater Orlando Chamber of Commerce.

215C SPECIAL CATEGORIES
GRANTS AND AIDS - ORANGE BLOSSOM CLASSIC
FROM GENERAL REVENUE FUND 225,000

Funds provided in Specific Appropriation 215C shall be advanced to the City of Miami to promote the Orange Blossom Classic.

216 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM GENERAL REVENUE FUND 1,361,465

216A SPECIAL CATEGORIES
GRANTS AND AIDS - TAMIAMI PARK IMPROVEMENTS
FROM GENERAL REVENUE FUND 175,000

216B SPECIAL CATEGORIES
GRANTS AND AIDS - TAMPA TRADE FAIR
FROM GENERAL REVENUE FUND 200,000

216C SPECIAL CATEGORIES
GRANTS AND AIDS - TOURNAMENT OF THE AMERICAS
FROM GENERAL REVENUE FUND 17,500

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216D SPECIAL CATEGORIES
GRANTS AND AIDS - TRADE EXPOSITION CENTER
FROM GENERAL REVENUE FUND 200,000

216E SPECIAL CATEGORIES
GRANTS AND AIDS - VELODROME/BRIAN PICCOLO PARK
FROM GENERAL REVENUE FUND 500,000

217 SPECIAL CATEGORIES
TRANSFER TO ADMINISTRATIVE TRUST FUND FOR ADMINISTRATIVE COSTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 10,000

FLORIDA BLACK BUSINESS INVESTMENT BOARD

218 SALARIES AND BENEFITS POSITIONS 4
FROM GENERAL REVENUE FUND 181,513

219 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,906

220 EXPENSES
FROM GENERAL REVENUE FUND 74,612

221 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,583

COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES

222 EXPENSES
FROM GENERAL REVENUE FUND 29,600

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

223 SALARIES AND BENEFITS POSITIONS 81
FROM GENERAL REVENUE FUND 1,260,585
FROM ADMINISTRATIVE TRUST FUND 1,025,124

224 NOT USED

225 EXPENSES
FROM GENERAL REVENUE FUND 292,181
FROM ADMINISTRATIVE TRUST FUND 126,889

226 NOT USED

227 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 23,554
FROM ADMINISTRATIVE TRUST FUND 7,037

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228 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 16,400

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

229 SALARIES AND BENEFITS POSITIONS 96
FROM GENERAL REVENUE FUND 2,315,649
FROM STATE PLANNING TRUST FUND 287,281

230 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 168,650
FROM STATE PLANNING TRUST FUND 10,000

231 EXPENSES
FROM GENERAL REVENUE FUND 687,080
FROM STATE PLANNING TRUST FUND 76,844

232 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AREAS OF CRITICAL STATE CONCERN REQUIREMENTS
FROM AREAS OF CRITICAL STATE CONCERN TRUST FUND 400,000

232A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTITUTE FOR LAND USE PLANNING
FROM GENERAL REVENUE FUND 150,000

233 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS
FROM GROWTH MANAGEMENT TRUST FUND 9,000,000

234 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS - STANDARDS DEVELOPMENT
FROM GENERAL REVENUE FUND 822,500

235 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 47,743
FROM STATE PLANNING TRUST FUND 594

235A SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL POLICY PLANNING
FROM STATE INFRASTRUCTURE FUND 2,000,000

Funds provided in Specific Appropriation 235A shall be used by the eleven Regional Planning Councils to update and implement their Comprehensive Regional Policy Plans. These funds are to be distributed to each Regional Planning Council upon adoption of its Comprehensive Regional Policy Plan consistent with the State Comprehensive Plan. The Comprehensive Regional Policy Plan shall contain a monitoring system to be used to measure and document progress toward meeting the regional goals and policies.

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235B SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA RURAL WATER ASSOCIATION
FROM GENERAL REVENUE FUND 25,000

236 NOT USED

237 SPECIAL CATEGORIES
TRANSFER TO AREAS OF CRITICAL STATE CONCERN TRUST FUND
FROM GENERAL REVENUE FUND 400,000

238 SPECIAL CATEGORIES
TRANSFER TO GROWTH MANAGEMENT TRUST FUND
FROM STATE INFRASTRUCTURE FUND 9,000,000

239 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 3,200
FROM STATE PLANNING TRUST FUND 320

EMERGENCY MANAGEMENT, DIVISION OF

240 SALARIES AND BENEFITS POSITIONS 70
FROM GENERAL REVENUE FUND 746,548
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,351
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 456,456
FROM U.S. CONTRIBUTIONS TRUST FUND 451,374

241 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 152,890
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,048

242 EXPENSES
FROM GENERAL REVENUE FUND 365,124
FROM GRANTS AND DONATIONS TRUST FUND . . . 246,017
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 141,024
FROM U.S. CONTRIBUTIONS TRUST FUND 197,191

243 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 1,575,000

244 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM DISASTER RELIEF U.S. TRUST FUND . . . 1,000,000

245 NOT USED

245A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EVACUATION PLANNING
FROM GENERAL REVENUE FUND 186,000

Funds provided in Specific Appropriation 245A shall

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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 of Regional Planning Councils until the prior quarter's report is submitted.

246 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 851,266

247 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NUCLEAR POWER EMERGENCY PLANNING
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

248 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,796
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,523
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 2,592
FROM U.S. CONTRIBUTIONS TRUST FUND 5,359

248A SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO FLORIDA WING OF CIVIL AIR PATROL
FROM GENERAL REVENUE FUND 47,755

249 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

250 SALARIES AND BENEFITS POSITIONS 100
FROM GENERAL REVENUE FUND 771,810
FROM BLOCK GRANT MATCHING TRUST FUND . . . 275,217
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 272,479
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 118,266
FROM COMMUNITY SERVICES TRUST FUND 27,997
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 259,467
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 108,076
FROM FACTORY-BUILT HOUSING TRUST FUND . . 97,616
FROM FARMWORKER'S HOUSING TRUST FUND . . . 126,897

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FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 166,452
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 214,274
FROM GRANTS AND DONATIONS TRUST FUND . . . 125,070
FROM HOUSING ASSISTANCE TRUST FUND 41,550

251 OTHER PERSONAL SERVICES
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 70,000

252 EXPENSES
FROM GENERAL REVENUE FUND 265,612
FROM BLOCK GRANT MATCHING TRUST FUND . . . 58,617
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 120,163
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 29,513
FROM COMMUNITY SERVICES TRUST FUND 3,763
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 76,278
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 48,707
FROM FACTORY-BUILT HOUSING TRUST FUND . . 43,763
FROM FARMWORKER'S HOUSING TRUST FUND . . . 28,139
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 60,006
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 213,229
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,075
FROM HOUSING ASSISTANCE TRUST FUND 12,977

252A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 4,748,317

252B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 2,625,067

253 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 1,337,156

Funds provided in Specific Appropriation 253 shall be used to fund no more than 16 Community Development Corporations.

254 AID TO LOCAL GOVERNMENTS
COMMUNITY DEVELOPMENT CORPORATION LOANS
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 935,142

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If cash available for distribution pursuant to Specific Appropriations 253 and 254 is less than the amount appropriated, then the funds appropriated shall be reduced on a pro rata basis.

255 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 10,122,861

255A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY SERVICES TRUST FUND GRANTS TO COMMUNITIES
FROM COMMUNITY SERVICES TRUST FUND 980,000

256 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FARMWORKER HOUSING ASSISTANCE
FROM FARMWORKER'S HOUSING TRUST FUND . . . 1,500,000

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 23,006,789

Funds from Specific Appropriation 261 shall be divided and distributed among the statutorily established program categories as follows: Housing - 40 percent; Economic Development - 10 percent; Neighborhood Revitalization - 40 percent; and Commercial Revitalization - 10 percent. 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.

261A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SPECIAL PROJECT GRANTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 836,369

262 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,304
FROM BLOCK GRANT MATCHING TRUST FUND . . . 4,480
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 630
FROM COMMUNITY SERVICES TRUST FUND 165
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,169
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 157
FROM FACTORY-BUILT HOUSING TRUST FUND . . 6,747
FROM FARMWORKER'S HOUSING TRUST FUND . . . 758
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 12,153
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 3,732
FROM HOUSING ASSISTANCE TRUST FUND 716

262A LUMP SUM
POCKET OF POVERTY PILOT PROGRAM
FROM GENERAL REVENUE FUND 1,100,000

Funds in Specific Appropriation 262A are contingent upon HB 1390 or similar legislation becoming law. $1,000,000 is to be used by the City of Belle Glade for the pilot Pocket of Poverty Program pursuant to s. 420.806, F.S., and $100,000 shall be used for the demographic study pursuant to s. 420.809, F.S.

262B LUMP SUM
CRIME PREVENTION
POSITIONS 5
FROM GENERAL REVENUE FUND 1,641,500

Funds and positions provided in Specific Appropriation 262B are contingent upon CS/HB 1467 or similar legislation becoming law.

262C SPECIAL CATEGORIES
AFFORDABLE HOUSING LOANS
FROM FLORIDA AFFORDABLE HOUSING TRUST FUND 2,900,000

Of the funds provided in Specific Appropriation 262C, up to $600,000 shall be funded by transferring the unencumbered cash balance remaining on June 30, 1987, from the Mobile Home Relocation and Site Acquisition Trust Fund into the Florida Affordable Housing Trust Fund.

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263 SPECIAL CATEGORIES
CRIMINAL JUSTICE ASSISTANCE TO STATE AGENCIES
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 834,976

263A SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CENTER FOR MUNICIPALITIES OF CUBA IN EXILE
FROM GENERAL REVENUE FUND 100,000

264 SPECIAL CATEGORIES
GRANTS AND AIDS - RENTAL PAYMENTS
FROM HOUSING ASSISTANCE TRUST FUND 1,158,083

265 SPECIAL CATEGORIES
TRANSFER TO COMMUNITY DEVELOPMENT CORPORATION SUPPORT ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 2,200,000

265A SPECIAL CATEGORIES
TRANSFER TO COMMUNITY SERVICES TRUST FUND
FROM GENERAL REVENUE FUND 981,560

266 NOT USED

267 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 690
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 1,684
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 3,162

HOUSING FINANCE AGENCY

268 SALARIES AND BENEFITS POSITIONS 20
FROM HOUSING FINANCE AGENCY TRUST FUND . . 652,318

269 OTHER PERSONAL SERVICES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 96,330

270 EXPENSES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 365,477

271 OPERATING CAPITAL OUTLAY
FROM HOUSING FINANCE AGENCY TRUST FUND . . 14,390

271A SPECIAL CATEGORIES
ACCOUNTING SERVICES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 576,325

272 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING ASSISTANCE PAYMENTS
FROM HOUSING FINANCE AGENCY TRUST FUND . . 11,092,388

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273 SPECIAL CATEGORIES
SERVICING AND TRUSTEE FEES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 111,050

CORRECTIONS, DEPARTMENT OF

No funds in Specific Appropriations 274 through 321 shall be used to purchase zidovudine except for any person who had been entered into a federally recognized and approved program of zidovudine therapy.

Funds provided in Specific Appropriations 274 through 321 for the operation of correctional facilities scheduled to open during 1987-88 shall be placed initially 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 the fund from which originally appropriated.

From funds in Specific Appropriation 279, $986,307 shall be used to continue to implement the approved information technology resources plan for office automation in the Probation and Parole Offices.

OFFICE OF THE SECRETARY AND OFFICE OF MANAGEMENT AND BUDGET

274 SALARIES AND BENEFITS POSITIONS 183
FROM GENERAL REVENUE FUND 5,215,572
FROM GRANTS AND DONATIONS TRUST FUND . . . 205,430

275 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 130,709

276 EXPENSES
FROM GENERAL REVENUE FUND 1,108,773
FROM GRANTS AND DONATIONS TRUST FUND . . . 19,118

277 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 64,858

278 SPECIAL CATEGORIES
RETURN OF PAROLE VIOLATORS
FROM GENERAL REVENUE FUND 131,313

279 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 3,564,555

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OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

280	SALARIES AND BENEFITS POSITIONS 138		
	FROM GENERAL REVENUE FUND	3,028,541	
281	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,400,846	
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		221,237
282	EXPENSES		
	FROM GENERAL REVENUE FUND	630,834	
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		307,200
283	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	88,231	
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		97,352
284	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS		
	FROM GENERAL REVENUE FUND	200,000	

Funds in Specific Appropriation 284 are to be used for alternatives to incarceration services in the Eleventh Judicial Circuit as approved by the chief judge.

284A	SPECIAL CATEGORIES		
	CONTRACT DRUG ABUSE SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500,000

Funds in Specific Appropriation 284A shall be used to implement a drug abuse rehabilitative program in a portion of the major institutions. The department shall develop a plan which will target offenders who are classified by the department as drug dependent persons and who are within 180 days of their expected release date. In utilization of the plan, the department shall contract for services with the Department of Health and Rehabilitative Services and/or private providers which specialize in drug abuse counseling. In contracting for services, the department shall review the cost effectiveness of each contract. The department shall develop measures of effectiveness of the program and submit a report detailing these measures and the status of the program no later than March 1, 1988, to the chairmen of the legislative appropriations committees and the Executive Office of the Governor.

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285	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	50,000	

Funds in Specific Appropriation 285 shall be used to contract with Transition, Inc. to provide on-the-job training services for offenders after release.

285A	FINANCIAL ASSISTANCE PAYMENTS		
	DISCHARGE AND TRAVEL PAY		
	FROM GENERAL REVENUE FUND	814,552	

ASSISTANT SECRETARY FOR HEALTH SERVICES

286	SALARIES AND BENEFITS POSITIONS 1,481		
	FROM GENERAL REVENUE FUND	40,446,077	
287	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,930,278	
	FROM OPERATING TRUST FUND		36,540
288	EXPENSES		
	FROM GENERAL REVENUE FUND	25,539,362	
	FROM OPERATING TRUST FUND		107,927
289	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	433,751	
290	SPECIAL CATEGORIES		
	CONTRACTED MANAGEMENT SERVICES FOR DEPARTMENT OF CORRECTIONS RECEPTION AND MEDICAL CENTER HOSPITAL		
	FROM GENERAL REVENUE FUND	450,000	
291	SPECIAL CATEGORIES		
	CONTRACT MENTAL HEALTH FACILITY SERVICES		
	FROM GENERAL REVENUE FUND	2,442,442	

CORRECTIONAL EDUCATION SCHOOL AUTHORITY

292	SALARIES AND BENEFITS POSITIONS 365		
	FROM GENERAL REVENUE FUND	7,678,223	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		884,798
293	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	36,122	
	FROM OPERATING TRUST FUND		25,816
294	EXPENSES		
	FROM GENERAL REVENUE FUND	1,046,296	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		142,765
295	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	457,311	

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296 SPECIAL CATEGORIES
CONTRACT EDUCATION
FROM GENERAL REVENUE FUND 4,021,004

The funds in Specific Appropriation 296 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 $1,584 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 offer the services at $1,584 per FTE.

When negotiating contracts for the provision of education services to inmates with the funds provided in Specific Appropriation 296, the department shall place priority on establishing vocational training programs which prepare inmates for participation in PRIDE work programs with significant post-release employment opportunities.

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

297	SALARIES AND BENEFITS	POSITIONS	107	
	FROM GENERAL REVENUE FUND		3,089,154	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			112,266
298	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		2,784	
299	EXPENSES			
	FROM GENERAL REVENUE FUND		1,038,729	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			24,783
300	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		47,807	
301	SPECIAL CATEGORIES			
	STATE INSTITUTIONAL CLAIMS			
	FROM GENERAL REVENUE FUND		2,000	

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302	SPECIAL CATEGORIES			
	TUITION PAYMENTS			
	FROM GENERAL REVENUE FUND		355,360	

MAJOR INSTITUTIONS

303	SALARIES AND BENEFITS	POSITIONS	9,425	
	FROM GENERAL REVENUE FUND		197,215,677	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			1,335,701
	FROM INMATE WORK TRUST FUND			1,916,921
304	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		297,686	

Of the funds in Specific Appropriation 304, $41,000 shall be used to contract with the project Growth Orientation Training for Inmates.

305	EXPENSES			
	FROM GENERAL REVENUE FUND		55,786,185	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			718,487
	FROM INMATE WORK TRUST FUND			350,383
306	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		2,559,796	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			39,122
307	FOOD PRODUCTS			
	FROM GENERAL REVENUE FUND		23,988,722	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			424,378
308	NOT USED			
309	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		1,824,090	
	FROM OPERATING TRUST FUND			44,046
310	FINANCIAL ASSISTANCE PAYMENTS			
	DISCHARGE AND TRAVEL PAY			
	FROM GENERAL REVENUE FUND		2,417,286	

PROBATION AND PAROLE SERVICES

311	SALARIES AND BENEFITS	POSITIONS	2,673	
	FROM GENERAL REVENUE FUND		60,946,997	
312	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		401,011	
313	EXPENSES			
	FROM GENERAL REVENUE FUND		10,973,062	
314	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		598,658	

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315 SPECIAL CATEGORIES
COST OF SUPERVISION PAYMENTS
FROM GENERAL REVENUE FUND 1,100,054

Funds are provided in Specific Appropriation 311 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.

Funds in Specific Appropriation 315 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.

Funds in Specific Appropriation 315 shall be limited to cases involving first degree misdemeanor offenses and those second degree misdemeanor offenses of petty theft and worthless checks. Funding for supervision of these cases is provided for no longer than 180 days.

316 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 13,200

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 $7,864,977 of the Operating Trust Fund provided in Specific Appropriations 274 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 1,127		
	FROM GENERAL REVENUE FUND	19,778,908	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		631,873
	FROM OPERATING TRUST FUND		5,832,329
318	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	84,947	
	FROM OPERATING TRUST FUND		11,664
319	EXPENSES		
	FROM GENERAL REVENUE FUND	11,585,704	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,406

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FROM OPERATING TRUST FUND 1,173,026

General revenue funds are provided in Specific Appropriation 319 to purchase a minimum of 643 contract pre-release beds at a rate not to exceed $20 per bed per day, excluding subsistence and transportation fees collected from clients. The department shall emphasize contracting for drug and alcohol treatment beds to the maximum extent feasible.

Within the funds provided, at least 350 of the 643 contract beds shall be allocated in the following manner during 1987-88:

Contractor	No. of Beds
Salvation Army	300
Christian Prison Ministries	40
Tampa Crossroads	10

320	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	290,681	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,501
	FROM OPERATING TRUST FUND		41,302
321	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	3,397,768	
	FROM OPERATING TRUST FUND		592,327

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds appropriated from the Special 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.

Funds provided in Specific Appropriations 325 through 506 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.

The Commissioner of Education may adjust the total number of positions reduced in any budget entity provided that the total number of positions reduced and the total salary and benefits reduction amount in all entities shall equal the total numbers and amounts specified in the legislative budget documents in issues identified as "Authorized Positions Deduct."

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OFFICE OF DEPUTY COMMISSIONER FOR EDUCATIONAL MANAGEMENT

322	SALARIES AND BENEFITS POSITIONS	143	
	FROM GENERAL REVENUE FUND	2,364,536	
	FROM SPECIAL TRUST FUND		2,281,312
	FROM PHOSPHATE RESEARCH TRUST FUND		506,433
323	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	71,036	
	FROM SPECIAL TRUST FUND		116,875
	FROM PHOSPHATE RESEARCH TRUST FUND		29,117
324	EXPENSES		
	FROM GENERAL REVENUE FUND	1,082,736	
	FROM SPECIAL TRUST FUND		638,700
	FROM PHOSPHATE RESEARCH TRUST FUND		173,792

From the funds in Specific Appropriation 324, $50,000 is provided to establish the Florida Institute for Film Education, which is created to provide oversight to film education in Florida and to ensure that programs are coordinated, industry needs are met, and duplication is avoided. Membership of the institute shall include but not be limited to: four members of the Florida Motion Picture, Television and Recording Industry Council to be appointed by the council chairman; one representative each from the Board of Regents, State Board of Community Colleges, and Postsecondary Education Planning Commission to be appointed by the respective board chairmen; a representative of the Department of Commerce to be appointed by the secretary; and a representative of the Department of Education to be appointed by the Commissioner.

The responsibilities of the institute shall include but not be limited to: providing guidelines for programs and curricula offerings at the vocational-technical, undergraduate and graduate levels which include practical experiences for students at all levels; reviewing current and proposed film education programs; making recommendations to the respective state governing and coordinating boards regarding the need for programs, relevance of the curricula, and appropriateness of budget requests and allocations; making recommendations to industry regarding the need for funding scholarships, donating equipment and other forms of support; providing leadership in the development of articulation agreements among all colleges and universities involved in film education; and monitoring the placement of graduates and student enrollments to ensure that industry needs are being met.

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325	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REGIONAL COORDINATING COUNCILS		
	FROM GENERAL REVENUE FUND	664,895	
	FROM EDUCATIONAL AIDS TRUST FUND		400,000

By July 1, 1987, the Deputy Commissioner for Educational Planning, Budgeting and Management shall submit to the Legislature and the Executive Office of the Governor the proposed allocation of funds provided in Specific Appropriation 325 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. These funds shall be administered by a single office within the department. 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. The Legislature and the Executive Office of the Governor shall be notified of any adjustments to the allocation.

326	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	87,145	
	FROM SPECIAL TRUST FUND		118,828
	FROM PHOSPHATE RESEARCH TRUST FUND		122,499
326A	LUMP SUM		
	CRIME PREVENTION		
	POSITIONS	4	
	FROM GENERAL REVENUE FUND	158,500	

Funds provided in Specific Appropriation 326A are contingent upon HB 1467 or similar legislation becoming law.

326B	LUMP SUM		
	OFFICE OF TEACHER RECRUITMENT		
	POSITIONS	7	
	FROM GENERAL REVENUE FUND	438,907	
	FROM SPECIAL TRUST FUND		75,000

The Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $15 per person, and/or a booth fee, not to exceed $200 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (i.e., mementos, T-shirts, awards, plaques, etc.).

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327 SPECIAL CATEGORIES
GRANTS AND AIDS - AUXILIARY LEARNING AIDS
FOR POSTSECONDARY HANDICAPPED STUDENTS
FROM GENERAL REVENUE FUND 1,228,978

Funds provided in Specific Appropriation 327 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 percent. 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 percent 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 1987-88, 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 interpreters for the deaf employed in full-time salaried positions where the workload justifies a full-time employee.

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328 SPECIAL CATEGORIES
BETHUNE-COOKMAN COLLEGE - MEDICAL
TECHNOLOGY CONTRACT
FROM GENERAL REVENUE FUND 40,066

Funds provided in Specific Appropriation 328 are for not more than 680 credit hours or 20 FTE students.

329 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
CHALLENGER PROGRAM
FROM GENERAL REVENUE FUND 250,000

330 SPECIAL CATEGORIES
GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE
OF EDUCATION
FROM GENERAL REVENUE FUND 250,000

331 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT
PROGRAM
FROM GENERAL REVENUE FUND 562,500

Funds provided in Specific Appropriation 331 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 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 331, $25,000 shall be allocated to the Governor's Council on Indian Affairs for the Florida Indian Youth Summer Program at Florida State University.

332 SPECIAL CATEGORIES
GRANTS AND AIDS - COMPUTERIZED ACCESS TO
FINANCIAL AID INFORMATION
FROM GENERAL REVENUE FUND 278,315

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333 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION PRODUCTIVITY
PILOT PROJECT
FROM GENERAL REVENUE FUND 150,000

333A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA EDUCATION AND
INDUSTRY COALITION
FROM GENERAL REVENUE FUND 50,000

Funds provided in Specific Appropriation 333A shall be allocated to the Florida Education and Industry Coalition in the amount of $50,000 for private sector, public school and postsecondary education partnerships to strengthen economic development in the state.

334 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 35,000

335A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND
LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,037,821

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 115,354

Funds provided in Specific Appropriation 338 are for not more than 1,296 credit hours or 27 FTE students.

339 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL
ENGINEERING
FROM GENERAL REVENUE FUND 220,530

Funds provided in Specific Appropriation 339 are for not more than 900 credit hours or 30 FTE students.

340 NOT USED

341 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY -
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 511,796

Funds provided in Specific Appropriation 341 are for not more than 5,706 undergraduate credit hours or 118.88 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 350,000

343 SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 250,000

343A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INSTITUTE OF
PHOSPHATE RESEARCH
FROM PHOSPHATE RESEARCH TRUST FUND 5,071,277

Researchers employed to conduct specific in-house research projects approved by the board and funded from Specific Appropriation 343A may be employed in Other Personal Services status for the duration of the specific research activity.

344 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COUNCIL ON
ECONOMIC EDUCATION
FROM GENERAL REVENUE FUND 348,700

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345 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION
RESOURCE NETWORK
FROM GENERAL REVENUE FUND 8,097,137
FROM EDUCATIONAL AIDS TRUST FUND 509,147

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, staff and financial information systems.

An additional emphasis for 1987-88 shall be assistance in the planning, design and implementation phases for a comprehensive statewide community college student, staff and financial data base. Programming for the data base shall be the sole responsibility of the Florida Information Resource Network (FIRN) applications staff; provided, however, that the Commissioner of Education must certify to the FIRN director that data base design specifications are complete and that the design specifications are fully compatible with the statewide public schools' data base before such work may begin.

From the funds provided in Specific Appropriation 345, $2,328,054 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 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNMENT CLOSE UP
PROGRAM
FROM GENERAL REVENUE FUND 45,000

Funds provided in Specific Appropriation 346 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 observe the Legislature in session.

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347 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE
ARTS
FROM GENERAL REVENUE FUND 800,000

Funds in Specific Appropriation 347 represent the third year appropriation for programmatic development of the New World School of the Arts. Beginning with the 1988-89 fiscal year, all costs associated with the secondary level must be supported by the student enrollment funding generated through the FEFP. Similarly, programmatic funding for the community college level may be requested for three years. After such time, all costs associated with the community college level must be supported by the student enrollment for that level. The State Board of Community Colleges should address this issue in its enrollment workload request at the appropriate time.

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 330,620

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 American Caribbean Scholarship Program into the Latin American and Caribbean Basin Scholarship Trust Fund in the state treasury. Neither the Executive Office of the Governor nor the Office of the Comptroller shall release any funds provided in Specific Appropriations 350 and 362A until

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notification is received from the Commissioner of Education that all such funds have been deposited in the State Treasury. If such notification is not received by September 1, 1987, funds provided in Specific Appropriations 350 and 362A shall revert to general revenue unallocated.

351 SPECIAL CATEGORIES
GRANTS AND AIDS - OCCUPATIONAL IDENTIFIERS - PILOT PROJECT
FROM GENERAL REVENUE FUND 256,820

Funds in Specific Appropriation 351 are provided for full statewide implementation of the Occupational Identifiers Project.

352 SPECIAL CATEGORIES
GRANTS AND AIDS - MANAGEMENT TRAINING ACT
FROM GENERAL REVENUE FUND 3,285,053

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 430,948

Funds provided in Specific Appropriation 354 are for not more than 1,800 credit hours or 60 FTE students.

355 NOT USED

355A SPECIAL CATEGORIES
PODIATRIC MEDICINE-BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 356,400

356 SPECIAL CATEGORIES
GRANTS AND AIDS - POSTSECONDARY COOPERATION
FROM GENERAL REVENUE FUND 370,986

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.

357 NOT USED

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358 SPECIAL CATEGORIES
GRANTS AND AIDS - POSTSECONDARY PROGRAMS OF EXCELLENCE
FROM GENERAL REVENUE FUND 1,925,000

359 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL PRINCIPALS INSERVICE TRAINING
FROM GENERAL REVENUE FUND 400,000

Funds provided in Specific Appropriation 359 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.

From the funds provided in Specific Appropriation 359, the Commissioner of Education shall submit to the Executive Office of the Governor and to the Legislature by December 1, 1987, an evaluation of the effectiveness of summer inservice training provided for school principals, a description of the content of training provided during the summer of 1987, and recommendations for the content and structure of training planned for the summer of 1988.

360 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 234,120

Funds provided in Specific Appropriation 360 are for not more than 1,650 credit hours or 55 FTE students.

360A SPECIAL CATEGORIES
SOCIAL WORK PHD - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 87,750

361 SPECIAL CATEGORIES
STATE BOARD OF EDUCATION ADVISORY COMMITTEE/EDUCATION OF BLACKS IN FLORIDA
FROM GENERAL REVENUE FUND 95,000

Funds provided in Specific Appropriation 361 shall not be expended for capital outlay.

362 NOT USED

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362A SPECIAL CATEGORIES
COMMISSION ON INTERNATIONAL EDUCATION
FROM GENERAL REVENUE FUND 50,000

362B SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL EDUCATION
LINKAGES
FROM STATE EDUCATION LOTTERIES TRUST
FUND 300,000

362C SPECIAL CATEGORIES
GRANTS AND AIDS - HEMISPHERIC POLICY
STUDIES CENTER
FROM STATE EDUCATION LOTTERIES TRUST
FUND 200,000

362D SPECIAL CATEGORIES
GRANTS AND AIDS - COMPACT PILOT PROGRAM
FROM STATE EDUCATION LOTTERIES TRUST
FUND 500,000

Funds provided in Specific Appropriation 362D are contingent upon HB1280 or similar legislation becoming law.

From the funds for the Compact Pilot Program provided in Specific Appropriation 362D, funding is provided to Hillsborough and Brevard School Districts and a consortium of the Okaloosa and Santa Rosa School Districts to participate in a five-year pilot program to foster improved interagency collaboration among those who educate, work with, and employ young people. These pilot programs will be funded in accordance with HB 1280 or similar legislation.

362E SPECIAL CATEGORIES
TRANSFER TO PUBLIC EDUCATION CAPITAL
OUTLAY TRUST FUND
FROM STATE EDUCATION LOTTERIES TRUST
FUND 4,862,581

363 SPECIAL CATEGORIES
GRANTS AND AIDS - SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 161,000

Funds in Specific Appropriation 363 shall be provided to the Sunshine State Games Foundation, Inc. effective July 1, 1987, for the purpose of conducting the Sunshine State Games as provided in s. 14.22, Florida Statutes.

364 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 107,242

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Funds provided in Specific Appropriation 364 are for not more than 360 credit hours or 12 FTE students.

365 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE
DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 276,200

Funds provided in Specific Appropriation 365 are for not more than 384 credit hours or 16 FTE students.

366 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENTIAL PHD MARINE
AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 323,691

Funds provided in Specific Appropriation 366 are for not more than 192 credit hours or 8 FTE students.

367 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ELECTRICAL
ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 595,513

Funds provided in Specific Appropriation 367 are for not more than 2,400 credit hours or 80 FTE students.

368 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN
NURSING CONTRACT
FROM GENERAL REVENUE FUND 357,469

Funds provided in Specific Appropriation 368 are for not more than 1,200 credit hours or 40 FTE students.

369 SPECIAL CATEGORIES
GRANTS AND AIDS - VOCATIONAL PROJECT FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 7,525,391

Funds provided in Specific Appropriation 369 are for vocational education projects approved during 1987-88 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

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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 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 369, 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 369, not more than $90,000 shall be used to produce and distribute the Florida Vocational Journal.

From the funds provided in Specific Appropriation 369, the Department of Education shall provide not less than $70,000 to Daytona Beach Community College to provide services to the Rehabilitation Center of the Division of Blind Services.

369A SPECIAL CATEGORIES
COMMUNITY COLLEGE MANAGEMENT INFORMATION SYSTEM
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 369A shall be used to plan and design a comprehensive student, staff and financial data base that is comparable to and will be compatible with the public schools' statewide data base. Data base elements and their definitions shall be consistent with elements and definitions included in public schools' and universities' data bases. Plans for the data base should assume that the Florida Information Resource Network (FIRN) will be used for data transmission; that the data will be co-located with the public schools' data base; and that the data base will be constructed using the same data base software used for the public schools' data base. Planning and design for the data base shall actively involve MIS staff from the Division of Community Colleges and

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from the community colleges; MIS staff from the Division of Universities and the Division of Public Schools; and from staff of the Florida Information Resource Network.

369B SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY
FROM GENERAL REVENUE FUND 980,000

Funds in Specific Appropriation 369B shall be used to develop an accelerated liberal arts program. From the funds provided, no less than $210,000 shall be used for facility renovation and no less than $300,000 shall be used to purchase library materials and work stations.

369C SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY SCHOOL RESEARCH INSTITUTE STUDY
FROM GENERAL REVENUE FUND 40,000

370 SPECIAL CATEGORIES
EDUCATION MANAGEMENT IMPROVEMENT
FROM GENERAL REVENUE FUND 500,000

Funds provided in Specific Appropriation 370 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 s. 228.401, Florida Statutes. 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 s. 230.303(5)(a), Florida Statutes.

370A SPECIAL CATEGORIES
GRANTS AND AIDS - EDU OUTREACH/INTERNATIONAL VOLUNTEER CORP
FROM GENERAL REVENUE FUND 167,436

371 SPECIAL CATEGORIES
GRANTS AND AIDS - ENVIRONMENTAL EDUCATION COMPREHENSIVE PLAN
FROM GENERAL REVENUE FUND 75,000

Funds provided in Specific Appropriation 371 shall be used in part to fund the Interagency Environmental Education Coordinating Council to survey each school district and prior to December 1, provide to the Council on Comprehensive Environmental Education an updated report on the status of environmental education, which report shall become part of the council's annual report to the Legislature.

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OFFICE OF DEPUTY COMMISSIONER FOR ADMINISTRATION

372	SALARIES AND BENEFITS POSITIONS	183	
	FROM GENERAL REVENUE FUND	3,607,280	
	FROM STUDENT FINANCIAL AID TRUST FUND . .		153,984
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		679,923
373	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	37,143	
	FROM EDUCATIONAL AIDS TRUST FUND		97,702
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		10,452
374	EXPENSES		
	FROM GENERAL REVENUE FUND	1,225,641	
	FROM COLLEGE CAREER WORK EXPERIENCE TRUST FUND		28,152
	FROM EDUCATIONAL AIDS TRUST FUND		17,252
	FROM STUDENT FINANCIAL AID TRUST FUND . .		82,577
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		341,001
375	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	76,128	
	FROM EDUCATIONAL AIDS TRUST FUND		280,944
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		33,464
376	SPECIAL CATEGORIES		
	CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM		
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		66,240,000
377	SPECIAL CATEGORIES		
	FINANCIAL AID CONTRACTUAL SERVICES		
	FROM GENERAL REVENUE FUND	38,466	
	FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND		4,763,355
378	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	69,120	
	FROM EDUCATIONAL AIDS TRUST FUND		103,861

From the funds provided in Specific Appropriation 378, Mr. Robert Lee Wheeler shall be reimbursed attorney's fees in the amount of $31,157.

379	FINANCIAL ASSISTANCE PAYMENTS		
	CARL D. PERKINS SCHOLARSHIP PROGRAM		
	FROM EDUCATIONAL AIDS TRUST FUND		432,536

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379A	FINANCIAL ASSISTANCE PAYMENTS		
	CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP		
	FROM GENERAL REVENUE FUND	14,000	
380	FINANCIAL ASSISTANCE PAYMENTS		
	CHILDREN OF DECEASED AND DISABLED VETERANS SCHOLARSHIPS		
	FROM GENERAL REVENUE FUND	47,755	
381	FINANCIAL ASSISTANCE PAYMENTS		
	COLLEGE CAREER WORK EXPERIENCE PROGRAM		
	FROM GENERAL REVENUE FUND	841,503	
	FROM COLLEGE CAREER WORK EXPERIENCE TRUST FUND		841,503
382	FINANCIAL ASSISTANCE PAYMENTS		
	CONFEDERATE MEMORIAL SCHOLARSHIPS		
	FROM EX-CONFEDERATE SOLDIERS AND SAILORS ENDOWMENT TRUST FUND		3,200
383	FINANCIAL ASSISTANCE PAYMENTS		
	CRITICAL TEACHER SHORTAGE		
	FROM GENERAL REVENUE FUND	2,745,435	
	FROM CRITICAL TEACHER SHORTAGE TRUST FUND		2,745,435
384	FINANCIAL ASSISTANCE PAYMENTS		
	EXCEPTIONAL CHILD SCHOLARSHIPS		
	FROM GENERAL REVENUE FUND	119,000	
385	FINANCIAL ASSISTANCE PAYMENTS		
	STUDENT REGENT SCHOLARSHIP		
	FROM GENERAL REVENUE FUND	5,000	
386	FINANCIAL ASSISTANCE PAYMENTS		
	FLORIDA ACADEMIC SCHOLARS FUND		
	FROM GENERAL REVENUE FUND	5,535,200	

If the amount in Specific Appropriation 386 is not sufficient to provide full payment to each eligible scholar, the department shall prorate the amount among all eligible students.

387	FINANCIAL ASSISTANCE PAYMENTS		
	FLORIDA GRADUATE SCHOLARS		
	FROM GENERAL REVENUE FUND	410,000	
388	FINANCIAL ASSISTANCE PAYMENTS		
	FLORIDA STUDENT ASSISTANCE GRANTS		
	FROM GENERAL REVENUE FUND	13,398,410	
	FROM EDUCATIONAL AIDS TRUST FUND		2,377,108
	FROM FLORIDA INSURED STUDENT LOAN TRUST FUND		1,350,000

The maximum amount provided to students enrolled in college level degree programs at non-SACS accredited

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independent postsecondary institutions in Florida shall be an amount equal to 10 percent of the amount allocated from Specific Appropriation 388 for independent postsecondary institutions or an amount equal to that which was distributed to students attending non-SACS accredited independent postsecondary institutions in FY 1986-87, whichever is greater.

389 FINANCIAL ASSISTANCE PAYMENTS
MOST PROMISING TEACHER SCHOLARSHIP
FROM GENERAL REVENUE FUND 1,439,600
FROM CRITICAL TEACHER SHORTAGE TRUST FUND 2,392,000

390 FINANCIAL ASSISTANCE PAYMENTS
MASTER ASSOCIATE TEACHER SCHOLARSHIPS
FROM GENERAL REVENUE FUND 250,000

391 NOT USED

392 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 15,975,700

Funds provided in Specific Appropriation 392 shall be used to provide tuition assistance to students. The maximum amount of the tuition voucher for 1987-88 shall be $1,100. If the amount in Specific Appropriation 392 is not sufficient to provide $1,100 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 392 for 1987-88 shall be used to pay any voucher submitted for 1986-87 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.

393 FINANCIAL ASSISTANCE PAYMENTS
PUBLIC SCHOOL WORK EXPERIENCE PROGRAM
FROM GENERAL REVENUE FUND 257,547
FROM PUBLIC SCHOOL WORK EXPERIENCE TRUST FUND 257,547

393A FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 279,000

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394 FINANCIAL ASSISTANCE PAYMENTS
SEMINOLE/MICCOSUKEE INDIAN SCHOLARSHIPS
FROM GENERAL REVENUE FUND 67,928
FROM SEMINOLE/MICCOSUKEE INDIAN TRUST FUND 70,000

395 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 265,000

Funds provided in Specific Appropriation 395 are to provide scholarships of $5,000 to ten minority students each at Florida State University and the University of Florida Law Schools, and to provide renewal of scholarships for students continuing from 1985-86 and 1986-87.

396 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM JOSE MARTI SCHOLARSHIP CHALLENGE GRANT TRUST FUND 100,000

397 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 2,498,384
FROM EDUCATIONAL AIDS TRUST FUND 298,941

OFFICE OF DEPUTY COMMISSIONER FOR SPECIAL PROGRAMS

398 SALARIES AND BENEFITS POSITIONS 141
FROM GENERAL REVENUE FUND 2,348,431
FROM SPECIAL TRUST FUND 1,267,749

399 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 308,018
FROM SPECIAL TRUST FUND 70,932

400 EXPENSES
FROM GENERAL REVENUE FUND 1,175,687
FROM SPECIAL TRUST FUND 747,023

401 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 19,022

402 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 138,182
FROM SPECIAL TRUST FUND 3,514

403 SPECIAL CATEGORIES
AUTOMATE CERTIFICATION PROCEDURE FOR TEACHERS
FROM SPECIAL TRUST FUND 575,435

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404 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 210,280

Funds provided in Specific Appropriation 404 may be used to purchase equipment for the Capital Technical Center's radio and television facilities.

405 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA PERFORMANCE MEASUREMENT SYSTEM
FROM GENERAL REVENUE FUND 392,096

406 NOT USED

406A SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 600,000

407 SPECIAL CATEGORIES
GRANTS AND AIDS - TEACHER EDUCATION CENTERS
FROM GENERAL REVENUE FUND 2,572,281

Funds provided in Specific Appropriation 407 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.

407A SPECIAL CATEGORIES
INSTRUCTIONAL TELEVISION EQUIPMENT GRANTS
FROM GENERAL REVENUE FUND 897,735

408 SPECIAL CATEGORIES
INSTRUCTIONAL TELEVISION - PROGRAM ACQUISITION
FROM GENERAL REVENUE FUND 631,785

409 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 7,639,794

The allocation of funds appropriated in Specific Appropriation 409 shall be as follows: $521,068 for statewide governmental and cultural affairs programming; $7,118,726 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; WSFP-FM, Ft. Myers; WXEL-FM, Boynton Beach; WLRN-FM, Miami; WMFE-FM, Orlando; WUWF-FM, Pensacola; WUFT-FM, Gainesville, and WQCS-FM, Ft. Pierce.

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The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 409 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

"Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "Today in the Legislature".

410 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 149,702

411 SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER INSERVICE INSTITUTES
FROM STATE EDUCATION LOTTERIES TRUST FUND 9,925,210

Funds provided in Specific Appropriation 411 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 summers of 1987 and 1988 shall be math and science content instruction, especially for those who are out-of-field math and science teachers, training for teachers of exceptional students, drug education, drop-out prevention, computer education, middle schools and high schools teachers as advisors training, instructional materials council training, foreign languages, and social studies. 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 five percent of the total amount of their allocation for summer in-service planning activities.

From funds provided in Specific Appropriation 411, $270,000 shall be used for modified beginning

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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 411, up to $100,000 may be allocated to the Florida Endowment for the Humanities to conduct summer inservice training for teachers of literature, art and other subjects related to the humanities.

BLIND SERVICES, DIVISION OF

412	SALARIES AND BENEFITS POSITIONS 334		
	FROM GENERAL REVENUE FUND	2,319,822	
	FROM FEDERAL REHABILITATION TRUST FUND . .		4,054,653
	FROM GRANTS AND DONATIONS TRUST FUND . . .		89,562
	FROM U.S. TRUST FUND		618,228
413	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	39,250	
	FROM FEDERAL REHABILITATION TRUST FUND . .		36,629
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,651
	FROM U.S. TRUST FUND		6,528
414	EXPENSES		
	FROM GENERAL REVENUE FUND	634,310	
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,033,297
	FROM GRANTS AND DONATIONS TRUST FUND . . .		98,585
	FROM U.S. TRUST FUND		225,381
415	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
	FROM GENERAL REVENUE FUND	93,690	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		238,807
	FROM WORKSHOP AND FACILITIES TRUST FUND .		525,000
416	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LIBRARY ENHANCEMENT-BLIND		
	FROM GENERAL REVENUE FUND	182,175	
417	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	48,445	
	FROM FEDERAL REHABILITATION TRUST FUND . .		127,412
	FROM U.S. TRUST FUND		25,037
418	FOOD PRODUCTS		
	FROM FEDERAL REHABILITATION TRUST FUND . .		59,462
419	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES - VOCATIONAL REHABILITATION		
	FROM GENERAL REVENUE FUND	2,845,721	

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	FROM FEDERAL REHABILITATION TRUST FUND . .		3,082,145
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,480,295
420	SPECIAL CATEGORIES		
	VENDING STANDS		
	FROM GENERAL REVENUE FUND	481,613	

Funds provided in Specific Appropriation 420 shall be used to pay state retirement contributions for vending stand operators.

421	SPECIAL CATEGORIES		
	VENDING STANDS - EQUIPMENT AND SUPPLIES		
	FROM TRAINING AND OPERATING TRUST FUND . .		376,413
	FROM U.S. TRUST FUND		950,757
422	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	19,520	
	FROM FEDERAL REHABILITATION TRUST FUND . .		269,489
	FROM U.S. TRUST FUND		9,168

PROJECTS, CONTRACTS AND GRANTS

423	SALARIES AND BENEFITS POSITIONS 154		
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		4,616,197
424	OTHER PERSONAL SERVICES		
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		367,859
425	EXPENSES		
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		3,212,017
426	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS		
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		8,788,725
427	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - JOINT TRAINING PARTNERSHIP PROGRAM		
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		6,000,000
428	OPERATING CAPITAL OUTLAY		
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		54,978
429	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BUILDING CONSTRUCTION INDUSTRY RESEARCH PROJECTS		
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		327,963

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429A SPECIAL CATEGORIES
GRANTS AND AIDS - DRUG FREE
SCHOOLS/COMMUNITY BASED PROGRAMS
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 12,149,334

Pursuant to the "Drug Free Schools and Communities Act of 1986," enacted by the United States Congress, the Department of Education has submitted a "State Plan" to the U. S. Department of Education outlining procedures and methods by which Florida will adhere to the Act's requirements. All funds in Specific Appropriation 429A will be expended in accordance with the Florida Drug Free Schools State Plan.

From federal funds pursuant to s. 4122 of HR 5484-128, $500,000 shall be used for matching funds for pilot projects to provide school resource officers in Florida's high schools. Priority for funding these pilots shall be given to those districts which do not currently have school resource officers in every high school including Santa Rosa and Broward Counties and other counties designated by the Commissioner of Education which will not receive sufficent funds from the federal government in funding such a program. The school district shall assign such officers to school sites based on local district needs.

429B SPECIAL CATEGORIES
GRANTS AND AIDS - INFANTS AND TODDLERS
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 1,923,951

430 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE GIFTS FOR
RECOGNITION AWARDS
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 33,000

Funds provided in Specific Appropriation 430 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).

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PUBLIC SCHOOLS, DIVISION OF

431 SALARIES AND BENEFITS POSITIONS 268
FROM GENERAL REVENUE FUND 6,010,402
FROM SPECIAL TRUST FUND 2,379,527

432 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 112,174
FROM SPECIAL TRUST FUND 90,781

433 EXPENSES
FROM GENERAL REVENUE FUND 2,291,786
FROM SPECIAL TRUST FUND 1,710,365

Funds provided in Specific Appropriation 433 for Children's 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.

433A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - BUSINESS/EDUCATION
PARTNERSHIPS
FROM GENERAL REVENUE FUND 300,000

From the funds provided in Specific Appropriation 433A, funds shall be distributed to county school boards for participation in Florida public school challenge grants. Funds for these grants shall be in accordance with HB 1280 or similar legislation.

434 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CHALLENGE GRANT PROGRAM
FOR THE GIFTED
FROM GENERAL REVENUE FUND 531,759

435 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMPREHENSIVE HEALTH
EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 1,568,519

436 NOT USED

437 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT
GRANTS
FROM GENERAL REVENUE FUND 516,888

From the funds provided in Specific Appropriation 437, the Department of Education shall award grants to selected school districts for the purpose of planning, developing, and implementing programs of

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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 437 does not include funds for school volunteer programs.

438 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 438.

439 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS

FROM EDUCATIONAL AIDS TRUST FUND		249,231,168

Funds provided in Specific Appropriation 439 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 percent of the total amount of funds received shall be allocated to local education agencies according to a formula recommended by the Chapter II Advisory Council to the Commissioner and approved by the U. S. Secretary of Education; 7-1/2 percent 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 percent of the total shall be retained by the department for administrative purposes.

440 NOT USED

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441 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM

FROM GENERAL REVENUE FUND	3231,760,280	
FROM STATE EDUCATION LOTTERIES TRUST FUND		20,000,000
FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		22,000,000

From the amounts generated through the FEFP for vocational students in Specific Appropriation 441, districts shall spend no less than 2.78 percent 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 441 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.

District inservice training plans developed pursuant to s. 236.0811, Florida Statutes, shall be submitted 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 441, 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 441, 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 1987-88 FTE.

Funds provided in Specific Appropriation 441 may be used to pay the cost of school districts' required program for preparing new principals.

Funds provided in Specific Appropriation 441 are based upon a base student allocation of $2,160.43. The required local effort in ad valorem taxes shall be $1,730,181,417. The adult fee amount for resident adults for 1987-88 shall be $200; the non-resident fee amount shall be $400.

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From the funds appropriated in Specific Appropriation 441, $3,301,458 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 140 percent 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 140 percent of the district's profoundly handicapped program revenues per FTE student. If the total amount to fully fund the entitlement exceeds $3,301,458, each eligible district's allocation shall be prorated.

Funds provided in Specific Appropriation 441 are based upon program cost factors for 1987-88 as follows:

1. Basic Programs	
A. K-3 Basic	1.098
B. 4-8 Basic	1.000
C. 9-12 Basic	1.190
D. Dropout Prevention	1.683
E. Intensive English-ESOL K-3	1.683
F. Intensive English-ESOL 4-8	1.683
G. Intensive English-ESOL 9-12	1.683
H. K-3 Mainstream	2.196
I. 4-8 Mainstream	2.000
J. 9-12 Mainstream	2.380
2. Special Programs for Exceptional Students:	
A. Educable Mentally Retarded	2.188
B. Trainable Mentally Retarded	2.982
C. Physically Handicapped	3.821
D. Physical & Occupational Therapy Part-Time	8.003
E. Speech, Language & Hearing Part-Time	5.966
F. Speech, Language & Hearing	3.700
G. Visually Handicapped Part-Time	13.896
H. Visually Handicapped	4.957
I. Emotionally Disturbed Part-Time	4.058
J. Emotionally Disturbed	2.931
K. Specific Learning Disability Part-Time	3.506
L. Specific Learning Disability	2.272
M. Gifted Part-Time	2.104
N. Hospital & Homebound Part-Time	9.965
O. Profoundly Handicapped	4.429

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3. K-12 Vocational Programs	
A. Agriculture	1.801
B. Business & Office	1.301
C. Distributive	1.258
D. Diversified	1.340
E. Health	1.743
F. Public Service	1.902
G. Home Economics	1.407
H. Industrial	1.900
I. Exploratory	1.263
4. Lifelong Learning	0.800
5. Adult Preparatory Vocational Programs	
A. Agriculture	1.641
B. Business & Office	1.372
C. Distributive	1.468
D. Diversified	1.199
E. Health	1.924
F. Public Service	1.213
G. Home Economics	1.429
H. Industrial	1.527
6. Adult Supplemental Vocational Programs	
A. Agriculture	1.304
B. Business & Office	1.161
C. Distributive	1.042
D. Health	1.244
E. Public Service	.868
F. Home Economics	1.008
G. Industrial	1.273
7. Adult Basic & High School	.929

By September 1, 1987, the Commissioner of Education shall submit to the Executive Office of the Governor and to the Legislature a schedule for monitoring district implementation of dropout prevention program plans, a description of the scope of monitoring activities, and a definition of program outcome measures that will be used to evaluate the effectiveness of dropout prevention programs. These monitoring activities should be substantially complete by April 1, 1988, in order to permit the Commissioner of Education to report to the Executive Office of the Governor and the Legislature concerning the effectiveness of district programs.

The fee waiver amount for each district for 1987-88 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 $798,121, each district's fee waiver amount shall be prorated to equal $798,121.

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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 defined in s.228.072(5)(a)-(c),F.S.

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 1987-88 if funds provided in Specific Appropriation 441 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.

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.

Instruction of state inmates shall not be included in the full time equivalent student enrollment for FEFP funding. No funds in Specific Appropriation 441 are provided for instruction of state inmates.

From the funds in Specific Appropriation 441, $85,857,340 is provided for continued implementation of an extended day and 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 $201.26 for every FTE student enrolled in seven periods of at least 50 minutes each. An amount equal to the product of $133.79 and the number of FTE students not enrolled either in six periods of at least 60 minutes or seven periods of at least 50 minutes shall be subtracted from each district's allocation of extended day and seventh period funds. If the total amount calculated for students enrolled in six periods of at least 60 minutes each exceeds $6,168,896, each district's allocation shall be prorated to equal $6,168,896. In the event the total amount of district extended day and seventh period entitlements exceed $85,857,340, each district's entitlement shall be prorated to equal $85,857,340. In the event the sum of (a) each district's allocation for students enrolled in seven periods of at least 50 minutes, (b) each district's allocation for students enrolled in six periods of

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at least 60 minutes, and (c) the adjustment amount for non-participants in either an extended day or seventh period is less than $85,857,340, the difference shall be allocated based on each district's proportion of the state total number of students enrolled in seven periods of at least 50 minutes each.

From the funds provided in Specific Appropriation 441, $25,710,050 is provided for a sparsity supplement. The amount of each district's sparsity supplement allocation shall be calculated as specified in s. 236.018(f)(1) and (2), Florida Statutes, and shall be allocated only to those districts that have 17,000 or fewer full time equivalent (FTE) students. Each district's allocation of sparsity supplement funds shall be adjusted in the following manner: (1) a maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count; (2) a state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count; (3) for districts that have a levy value per FTE as calculated in (1) higher than the state average calculated in (2), a sparsity wealth adjustment shall be calculated as the product of (a) the difference between the state average levy value per FTE calculated in (2) and the district's levy value per FTE calculated in (1) and (b) the district's FTE student count and (c) -1; (4) each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in s. 236.081 (f)(1) and (2), and the wealth adjustment amount calculated in (3), F.S.

From the funds provided in Specific Appropriation 441, $32,443,329 is provided to guarantee 7% 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% guarantee exceeds $32,443,329, the department shall prorate each district's allocation.

From the funds provided in Specific Appropriation 441, $20,000,000 shall be allocated among school districts based on each district's proportion of the state total number of instructional personnel.

The Department of Education shall conduct a survey of all Pre-K-12 educational programs, funded from Specific Appropriation 441, as well as from Aid to

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Local Governments provided in Specific Appropriations 433A through 454 or from federal funds, that are provided to students at a site other than a public school owned or leased by a school board.

This survey shall identify contracts, projects, or agreements between school boards and other public or private agencies for education services provided off school premises. Information provided for each such agreement shall include, but not necessarily be limited to, (a) the number of FTE students served; (b) the FEFP funding category in which the FTE are reported or the categorical appropriation from which funds are provided; (c) the name and address of the location at which services are provided; and (d) the direct cost of instruction provided at each site off school premises. For agreements that provide for payment by a school district to another public or to a private agency for educational services not provided by school board employees, the survey shall also report a full description of the services for which payment is made and a budget in sufficient detail to indicate how school funds are spent. If the public or private agencies that receive funds from a school board also receive funding from other public agencies, the survey shall include a list of those additional fund sources, the amount received from each and a description of the services supported by each source.

The department shall submit a report to the Executive Office of the Governor and to the Legislature no later than February 1, 1988, that includes survey findings, a summary of those findings, other pertinent data or information and, based on an examination of survey findings, recommendations concerning the need to establish state policy or clarify existing state policy regarding the following: (1) definitions that distinguish between educational services and other social services; (2) descriptions of (a) education services that are appropriately provided either directly by a local school board or indirectly by other agencies through agreement with a school board, and (b) other social services provided for school age children that are most appropriately funded by public or private agencies other than a school board; (3) guidelines for establishing appropriate methods and levels of funding for agreements between school boards and other agencies; (4) procedures which can be implemented for monitoring service agreements in order to prevent funding overlap or duplication for agencies that receive funding from more than one federal, state or local fund source; and (5) methods to ensure appropriate accountability for non-public agencies

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that receive public funds.

In the event that a residential care facility as provided for in s. 230.23(4)(n), Florida Statutes, is phased down or phased out during the 1987-88 fiscal year, the school district shall be held harmless for any reduction in FTE from the FTE included in the consensus Enrollment Estimating Conference Report for that facility.

Full-time equivalent student membership reported in any mainstream program shall be limited to eligible exceptional students as provided in s.236.081(1)(d)4, F.S.

By March 1, 1988, the Commissioner of Education shall report to the Legislature and the Executive Office of the Governor the current status, projections, and recommendations for education for handicapped adults. The report shall include the number of handicapped students enrolled in adult basic and secondary education programs, their full time equivalent status, the number who were moderately and severely handicapped, and the number and FTE of those who were taught at facilities provided by the Department of Health and Rehabilitative Services. The projections shall include the expected change in FTE if an adult education for the handicapped program were created with separate funding categories for moderately and severely handicapped adults. The recommendations shall include the goals, objectives, and measures of success of a program of adult education for the handicapped, including eligibility criteria, entrance and exit criteria, and measures to assure coordination with the Department of Health and Rehabilitative Services.

Up to the amount reported by each district in priority (a) defined in s. 228.072(5)(a), F.S., or the actual 1987-88 enrollment in priority (a), whichever is lesser, shall be funded with a cost factor of 1.00.

From the funds provided in Specific Appropriation 441, $12,345,703 shall be distributed in accordance with the list in the legislative budget workpapers.

Provisions of s. 237.34, F.S., to the contrary notwithstanding, funds generated by the ESOL cost factor shall be expended 100% on the ESOL program and courses related to ESOL that ESOL students are enrolled in, which provide services which differ from services to be provided for non-LEP students leading to the two primary goals of educating LEP students in English language proficiency and academic achievement, including the maintenance of

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basic class size only while students are pulled out for ESOL or ESOL-related courses.

442 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 53,165,536

From the funds provided in Specific Appropriation 442, 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 $120.81 in 1987-88. If the funds provided in Specific Appropriation 442 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 442, $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 442, 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 442, $5,298,065 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 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 1987-88 above the amount provided in 1986-87. Said funds are to be distributed based on districts' percent of the prior year's FTE.

From the funds provided in Specific Appropriation 442, $4,063,334 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 Florida Education Finance Program FTE survey.

The Department of Education shall review the Learner Verification and Revision process for the purpose of determining publishers' compliance with the department's guidelines and to the extent possible, a reduction in the volume of paperwork submitted by publishers to the department. The department shall submit recommendations, based on its review, to the Legislature no later than March 1, 1988.

443 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRADES K - 3 IMPROVEMENT PROGRAM
FROM GENERAL REVENUE FUND 123,899,194
FROM STATE EDUCATION LOTTERIES TRUST FUND 8,500,000

Funds provided in Specific Appropriation 443 shall be distributed by each district's and each developmental resource school's percent 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, 1987, concerning the progress districts have made in reducing class size in grades K-3 during the period that s. 230.2312, Florida Statutes, has been law.

From the funds provided in Specific Appropriation 443, the Department of Education is authorized to use up to $30,000 to determine the economic impact on each school district if the district is allowed no more than 25 students per classroom in kindergarten through grade three. The findings shall be reported to the President of the Senate and the Speaker of the House of Representatives on or before March 1, 1988. The number of students shall be determined according to the actual student membership per kindergarten through grade three classroom during the fall and spring FTE count.

From the funds provided in Specific Appropriation 443, districts may target, during the 1987-88 fiscal year, up to $25 per unweighted K-3 FTE, without amending the plan required in s. 230.2312, F.S., for implementing instructional technology programs designed to improve classroom efficiency and effectiveness in teaching and learning.

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444 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LAW EDUCATION PROGRAMS
FROM GENERAL REVENUE FUND 203,451

445 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PREKINDERGARTEN
HANDICAPPED INFORMATION SHARING SYSTEM
FROM GENERAL REVENUE FUND 250,000

446 AID TO LOCAL GOVERNMENTS
RESIDENTIAL SCHOOL - EXCEPTIONAL EDUCATION
REIMBURSEMENT
FROM GENERAL REVENUE FUND 168,071

447 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SAFE SCHOOLS
FROM GENERAL REVENUE FUND 11,859,688

Funds provided in Specific Appropriation 447 shall be distributed as prescribed in s. 232.257, Florida Statutes.

448 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 9,082,579
FROM FOOD AND NUTRITION SERVICES TRUST
FUND 208,730,240

449 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL VOLUNTEER PROGRAM
FROM GENERAL REVENUE FUND 423,868

From the funds provided in Specific Appropriation 449, $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.

450 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATE COMPENSATORY
EDUCATION SUPPLEMENT
FROM GENERAL REVENUE FUND 41,289,440

A priority for the expenditure of funds provided in Specific Appropriation 450 shall be after school and Saturday instruction for students who require additional hours of instruction in order to meet the requirements of s. 232.246, Florida Statutes.

Eligibility to receive funds provided in Specific Appropriation 450 shall be restricted to those

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districts that have incorporated in their pupil progression plans a provision which would allow students to enroll in more than 24 courses and to drop elective courses with the lowest grades from the calculation of a grade point average.

From the funds provided in Specific Appropriation 450, districts may target, during the 1987-88 fiscal year, up to $18 per student counted for the allocation of funds for implementing instructional technology programs designed to improve classroom efficiency and effectiveness in teaching and learning without amending the plan required by s. 236.008, F.S.

451 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT DEVELOPMENT
SERVICES
FROM GENERAL REVENUE FUND 27,796,182

452 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 114,118,095

453 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHERS AS ADVISORS
FROM GENERAL REVENUE FUND 4,123,505

From the Funds provided in Specific Appropriation 453, $1,500,000 shall be allocated for additional high school guidance counselors employed since July 1, 1984.

454 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WRITING SKILLS
ENHANCEMENT
FROM GENERAL REVENUE FUND 26,125,027

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 454 for the purpose of providing writing skills instruction to grades 9 and under 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.

454A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - OKEECHOBEE/DOZIER
SCHOOLS
FROM GENERAL REVENUE FUND 1,294,415

454B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HARRY ANNA/ALL
CHILDREN'S HOSPITALS
FROM GENERAL REVENUE FUND 112,000

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454C AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL STRATEGIES ENHANCEMENT
FROM GENERAL REVENUE FUND 1,000,000

Funds in Specific Appropriation 454C shall be used to purchase computer instructional software programs to enhance student learning. Priority in 1987-88 shall be programs which enhance student learning in the basic skills. All computer instructional software purchased shall be acquired at the lowest price possible and shall be made available to all school districts on an equitable basis. Purchase agreements may include a state-wide contract price from which each district may purchase directly from the vendor, reproduction rights for the state system of public schools, volume discount prices, etc. Prior to the purchase of specific computer instructional software programs, the Commissioner shall determine from school districts the number of programs which are likely to be implemented within the next 12 months. Priority for purchase shall be given to the programs which will serve the largest number of students.

From the funds provided in Specific Appropriation 454C, $270,000 is provided for Project Child and $100,000 is provided for project SAT 1200.

455 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 143,066
FROM SPECIAL TRUST FUND 150,184

456 SPECIAL CATEGORIES
GRANTS AND AIDS - ADDITIONAL FUNDS FOR SCIENCE LABORATORIES
FROM GENERAL REVENUE FUND 2,293,820

Funds provided in Specific Appropriation 456 shall be distributed to school districts based on each district's proportion of the state total number of full-time equivalent students in grades 9-12 who are enrolled in science classes that require at least 72 laboratory periods per school year as defined by the Department of Education.

457 SPECIAL CATEGORIES
GRANTS AND AIDS - NETWORK OF CENTERS FOR SEVERELY EMOTIONALLY DISTURBED
FROM GENERAL REVENUE FUND 350,000
FROM EDUCATIONAL AIDS TRUST FUND 1,350,000

458 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 8,005,821
FROM EDUCATIONAL AIDS TRUST FUND 993,000

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FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 89,270
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 1,314,251

Funds provided in Specific Appropriation 458 shall be used by the State Board of Education in 1987-88 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.

From the funds provided in Specific Appropriation 458, the Florida Department of Education, in cooperation with the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission shall conduct an empirical study to determine how students who take and receive credit for CLEP general examinations in English and mathematics perform on the common placement tests and the CLAST examination. This research should include an analysis of the courses students take in lieu of those for which they receive CLEP credit. The results of this study should be reported to the State Board of Education and Legislature by March 1, 1988.

459 SPECIAL CATEGORIES
GRANTS AND AIDS - ACADEMIC TOURNEY
FROM GENERAL REVENUE FUND 150,000

459A SPECIAL CATEGORIES
GRANTS AND AIDS - FEASIBILITY STUDY - SUMTER TECHNICAL HIGH SCHOOL
FROM GENERAL REVENUE FUND 50,000

459B SPECIAL CATEGORIES
GRANTS AND AIDS - JAPANESE ELEMENTARY SCHOOLS
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 459A shall be used by the Department of Education to develop a plan for the establishment of at least two experimental elementary school programs modeled after Japanese elementary schools. The programs shall begin during the 1988-89 school year. One of the programs shall be located at the developmental research school at the University of Florida and at least one program shall be located in or near a major metropolitan area of the state determined to be most appropriate by the department. The experimental programs shall provide a school day, week and year comparable in length to that of

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Japanese elementary schools, including a half-day Saturday program, a curriculum similar to that of Japanese elementary schools, including, but not limited to, intensive Japanese language instruction, and the use of Japanese classroom management techniques. The plan shall also include a projected program budget. The Department of Education shall solicit comments from the Florida Department of Commerce, the Florida High Technology and Industry Council, and the Florida Council on Far East Research and Development in developing the program plan. The plan shall be developed in consultation with the Japanese Ministry of Education to ensure that the programs meet the ministry's standards for approval. The plan shall be submitted to the Legislature and the Governor by January 15, 1988.

459C SPECIAL CATEGORIES
GRANTS AND AIDS - MAGNET SCHOOLS
FROM GENERAL REVENUE FUND 200,000

Funds provided in Specific Appropriation 459C shall be used by the Department of Education to develop a plan for the establishment of a Magnet Math/Science school model after the North Carolina Math Science School or similar exemplary school. The program shall begin during the 1988-89 school year. The school shall be located in Volusia County. The experimental program shall provide a school day, week or year that is innovative in nature and may include Saturday programming. The plan shall also include a projected program budget. The plan shall be submitted to the Legislature and Governor by January 15, 1988.

460 SPECIAL CATEGORIES
GRANTS AND AIDS - VISITING SCHOOL SCHOLARS
FROM GENERAL REVENUE FUND 100,000

461 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND
LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,212,715

From the funds provided in Specific Appropriation 461, $100,000 shall be used to expand services to infants and preschool children.

462 NOT USED

463 NOT USED

464 NOT USED

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465 SPECIAL CATEGORIES
GRANTS AND AIDS - DROPOUT PREVENTION
FROM STATE EDUCATION LOTTERIES TRUST
FUND 2,563,000

The Commissioner of Education shall report to the Legislature no later than February 1, 1988, concerning community based programs that receive funds provided in Specific Appropriation 465. For any community based program that receives funding from one or more other public agencies, the report shall include (1) a list of those other fund sources, (2) the amount received from each and (3) a description of the services supported by each source. The report shall also describe action taken by the Commissioner (1) to prevent funding overlap and duplication for those agencies that receive funds from more than one public agency and (2) to ensure appropriate accountability for non-public agencies receiving public funds.

By September 1, 1987, the Commissioner of Education shall submit to the Executive Office of the Governor and to the Legislature a schedule for monitoring the implementation of community based dropout prevention programs, a description of the scope of monitoring activities, and a definition of program outcome measures that will be used to evaluate the effectiveness of dropout prevention programs. These monitoring activities shall be substantially complete by April 1, 1988, in order to permit the Commissioner of Education to report to the Executive Office of the Governor and to the Legislature concerning the effectiveness of community based dropout prevention programs.

From the funds provided in Specific Appropriation 465:

1. $250,000 is for a drug abuse prevention model program in Polk County

2. $475,000 is provided to continue during 1987-88 dropout reduction programs funded through a competitive bid process in 1984-85

3. $525,000 shall be used for community based dropout prevention projects as provided by SB 450 or similar legislation

4. $750,000 shall be used for educational programs for teenage mothers and day care programs for their children. The Department of Education shall fund 16 projects which shall be matched by the

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districts with local and federal funds

5. $100,000 is for dropout prevention in SER-Jobs For Progress

6. $100,000 is for the Sylvan project in Hillsborough County

7. $5,000 is for Palatka High School for dropout prevention

8. $25,000 is to the middle grades dropout prevention program in Volusia County

9. $18,000 is for a Collier County Early Intervention Project

10. $35,000 is to the San Juan Day Care Project in Dade County

11. $25,000 is for the middle grades vocational preparation program in Volusia County

12. $5,000 is to Gainesville Eastside High School for dropout prevention

13. $50,000 is for dropout prevention in Palm Beach County

14. $50,000 is to Cocoa High School for dropout prevention

15. $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

466 NOT USED

467 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM GENERAL REVENUE FUND 1,670,000

Funds provided in Specific Appropriation 467 are for implementation of s. 228.0615, Florida Statutes. Funds provided in Specific Appropriation 467 shall be used for programs that exclusively serve economically and educationally disadvantaged three and four year olds.

From funds appropriated in Specific Appropriation 467, $50,000 shall be used for the operation of a State Advisory Council on Early Childhood Education, and the following projects shall be funded for

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preschool education for only educationally and economically 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.

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.

468 SPECIAL CATEGORIES
GRANTS AND AIDS - IN SCHOOL CHILD CARE
FROM GENERAL REVENUE FUND 500,000

From the funds in Specific Appropriation 468, $75,000 is provided to continue the current contract for the state clearinghouse for school-age child care.

468A SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S SUMMER
PROGRAM/GIFTED
FROM GENERAL REVENUE FUND 213,465

Funds provided in Specific Appropriation 468A shall be used for planning and operating the Governor's

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Summer Program for Gifted Students. This program shall be conducted during the period of June through August, 1988 and these funds may be obligated and expended during both fiscal years 1987-88 and 1988-89.

468B SPECIAL CATEGORIES
GRANTS AND AIDS - LITERACY CENTERS
FROM STATE EDUCATION LOTTERIES TRUST FUND 300,000

From the funds provided in Specific Appropriation 468B for literacy centers, $100,000 shall be distributed to each of three school districts; Broward, Polk, and Santa Rosa, to pilot the use of model non-instructional adult literacy centers to complement existing public and private instructional adult literacy programs, in accordance with HB 1241 or similar legislation.

469 SPECIAL CATEGORIES
INSTRUCTIONAL MATERIALS MANAGEMENT
FROM GENERAL REVENUE FUND 198,689

470 NOT USED

471 SPECIAL CATEGORIES
GRANTS AND AIDS - MASTER TEACHER PROGRAM
FROM STATE EDUCATION LOTTERIES TRUST FUND 13,113,871

From the funds provided in Specific Appropriation 471, $2,113,871 is for the final payment to the teachers designated Associate Master Teachers in 1984-85 and $11,000,000 is for a one-time payment of $3,000 to the teachers designated Associate Master Teachers in 1985-86.

471A SPECIAL CATEGORIES
MATH/SCIENCE COMPUTER
EDUCATION-COMPREHENSIVE PLAN
FROM GENERAL REVENUE FUND 100,000

472 SPECIAL CATEGORIES
GRANTS AND AIDS - MIDDLE CHILDHOOD
FROM GENERAL REVENUE FUND 7,557,746
FROM STATE EDUCATION LOTTERIES TRUST FUND 15,000,000

Funds provided in Specific Appropriation 472 shall be used for the following: (1) $60,000 interagency student services; (2) $200,000 district multi-agency coordinating councils, (3) $150,000 Center for Middle Grade Education; (4) $500,000 district staff development projects; and (5) $225,000 for the Model School Consortia Act. The remainder of the funds shall be distributed on the basis of FTE in grades

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6-8 to those districts that demonstrate they have implemented the requirements of s.230.2319,F.S., as it applies to grades 6-8 only. The Department of Education shall verify eligibility for the receipt of funds.

From the funds in Specific Appropriation 472, $185,000 is provided for a three-year dropout prevention pilot project in Martin County.

473 SPECIAL CATEGORIES
GRANTS AND AIDS - MIGRANT EDUCATION PROGRAM (THREE AND FOUR YEAR OLDS)
FROM GENERAL REVENUE FUND 2,928,883

474 SPECIAL CATEGORIES
MISSING CHILDREN PROGRAM
FROM GENERAL REVENUE FUND 22,476

475 SPECIAL CATEGORIES
MANAGEMENT INFORMATION SYSTEMS COUNCIL
FROM GENERAL REVENUE FUND 49,633

476 SPECIAL CATEGORIES
GRANTS AND AIDS - MICCOSUKEE INDIAN EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 67,167

Funds provided in Specific Appropriation 476 shall be allocated to the Miccosukee Tribe of Florida to incorporate RAISE bill standards into their educational program.

477 SPECIAL CATEGORIES
INSTRUCTIONAL MATERIALS INSERVICE TRAINING
FROM GENERAL REVENUE FUND 138,251

477A SPECIAL CATEGORIES
GRANTS AND AIDS - MERIT SCHOOLS PROGRAM
FROM STATE EDUCATION LOTTERIES TRUST FUND 10,000,000

478 NOT USED

478A SPECIAL CATEGORIES
GRANTS AND AIDS - MIDDLE SCHOOL ADVISEMENT
FROM GENERAL REVENUE FUND 472,000

478B SPECIAL CATEGORIES
U.S. CONSTITUTION BICENTENNIAL
FROM GENERAL REVENUE FUND 70,000

Funds in Specific Appropriation 478B shall be paid to the United States Constitution Bicentennial Commission of Florida Effective July 1, 1987, for the purpose of promoting and encouraging a deeper understanding of the events which led to the signing

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of the 1787 Constitution.

479 SPECIAL CATEGORIES
OUT-OF-SCHOOL LEARNING ACTIVITIES
FROM GENERAL REVENUE FUND 25,000

480 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT TRANSITION
FROM GENERAL REVENUE FUND 236,469

Funds appropriated in Specific Appropriation 480 shall be used to continue the joint project with the Department of Education for Developmental Services clients.

481 SPECIAL CATEGORIES
GRANTS AND AIDS - READING RESOURCE SPECIALISTS
FROM GENERAL REVENUE FUND 5,407,076

From the funds provided in Specific Appropriation 481, 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.

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.

482 SPECIAL CATEGORIES
GRANTS AND AIDS - RESOURCE MATERIALS FOR THE HEARING IMPAIRED
FROM GENERAL REVENUE FUND 119,424

483 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL BUS REPLACEMENT FOR PUBLIC SCHOOLS
FROM STATE EDUCATION LOTTERIES TRUST FUND 5,000,000

484 SPECIAL CATEGORIES
SCHOOL VOLUNTEERS ADVISORY COUNCIL
FROM EDUCATIONAL AIDS TRUST FUND 46,053

485 SPECIAL CATEGORIES
GRANTS AND AIDS - SEMINOLE INDIAN EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 68,612

Funds provided in Specific Appropriation 485 shall be allocated to the Seminole Tribe of Florida for the improvement of their educational programs.

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486 SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER CAMPS
FROM GENERAL REVENUE FUND 1,054,012

487 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE SCIENCE FAIR
FROM GENERAL REVENUE FUND 15,000
FROM EDUCATIONAL AIDS TRUST FUND 5,000

488 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL CENTERS OF EXCELLENCE
FROM GENERAL REVENUE FUND 500,000

488A SPECIAL CATEGORIES
SUMMER INNER-CITY YOUTH & DROPOUT PREVENTION
FROM GENERAL REVENUE FUND 400,000

From the funds provided in Specific Appropriation 488A, $100,000 each is for summer work/study programs in Broward, Dade, Duval, and Hillsborough counties, contingent upon the receipt of a matching grant from local cities, counties, or private sources.

489 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 42,500

The funds in Specific Appropriation 489 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.

490 SPECIAL CATEGORIES
STUDENT PERFORMANCE STANDARDS AND STANDARDS OF EXCELLENCE
FROM GENERAL REVENUE FUND 120,090

491 SPECIAL CATEGORIES
TRANSFER FROM PSC TELECOMMUNICATIONS DEVICES FOR DEAF
FROM TELECOMMUNICATION DEVICES FOR THE DEAF TRUST FUND 500,000

492 SPECIAL CATEGORIES
GRANTS AND AIDS - VISUALLY HANDICAPPED RESOURCES
FROM GENERAL REVENUE FUND 281,168

Funds provided in Specific Appropriation 492 may be used by the Florida Instructional Materials Center for the Visually Handicapped and Hearing Impaired to include services to visually handicapped public

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school teachers for braille and large print textbooks of the same editions as those used by the students in their classes.

From the funds provided in Specific Appropriation 492, $5,000 is provided toward a braille transcription machine for Bagdad School in Santa Rosa County.

493 SPECIAL CATEGORIES
YOUTH ART SYMPOSIUM
FROM GENERAL REVENUE FUND 25,892

VOCATIONAL, ADULT, AND COMMUNITY EDUCATION,
DIVISION OF

The Director of the Division of Vocational Education shall submit in writing to the Commissioner of Education, the Executive Office of the Governor and the Legislature definitions of measurable outcomes of vocational education which can be used as standards to evaluate the success of vocational education programs. Also, he shall identify specific initiatives which he will undertake in 1987-88 to increase the effectiveness of vocational education programs in accordance with the measurable outcomes he defines.

Pursuant to F.A.C. 6A-6.021(4), the Department of Education shall charge the Department of Corrections an amount to defray state costs for the GED testing program for each test administered to a correctional institution inmate.

The Commissioner of Education shall implement a study of the scope, role, function and interrelationships of the Division of Vocational, Adult and Community Education.

The purpose of the study will be to review and initiate changes necessary to develop a more productive instructional program and efficient delivery system for the citizens of Florida.

Specifically, the study shall include a review and recommendations relative to: (1) coordinating councils, (2) regional offices in the Division of Vocational, Adult and Community Education, (3) the implementation of the "leveling program", (4) implementation practices used to conduct vocational program reviews, (5) the distribution of various federal/state grant funds between community colleges and public schools, (6) state funding formula funding differences between community colleges and public schools, and (7) any other issues that may be of benefit to the review team to produce the most efficient delivery system possible.

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The study shall be conducted in cooperation with the Division of Vocational, Adult and Community Education, the Division of Community Colleges, and the Postsecondary Education Planning Commission.

The Commissioner of Education shall submit the results of the study to the Legislature by February 15, 1988.

494 SALARIES AND BENEFITS POSITIONS 136
FROM GENERAL REVENUE FUND 2,224,150
FROM EDUCATIONAL AIDS TRUST FUND 2,248,084

Funds provided in Specific Appropriations 494 and 496 shall be used by the Division of Vocational, Adult and Community Education (DVACE) to conduct program reviews of supplemental vocational education programs in at least 25 percent of the school districts and community colleges. Initial program reviews shall evaluate vocational supplemental home economics program courses. These reviews shall determine the extent to which each supplemental vocational education course is designed to enable persons who are or have been employed in a specific occupation to upgrade their competencies in order to reenter, maintain stability or advance within their occupations; the extent to which each course conforms to approved program course standards and the extent to which the students reported as supplemental vocational students in each course meet the requirements for enrollment. Any discrepancies shall be reported by the DVACE regional staff to the Department of Education internal auditors. A report of the findings of these reviews shall be submitted to the Executive Office of the Governor and to the Legislature at least one month prior to the beginning of the 1988 Session of the Legislature.

495 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,568
FROM EDUCATIONAL AIDS TRUST FUND 501,653

496 EXPENSES
FROM GENERAL REVENUE FUND 697,620
FROM EDUCATIONAL AIDS TRUST FUND 1,094,276
FROM EDUCATIONAL MEDIA AND TECHNOLOGY
TRUST FUND 215,181

497 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 3,460,746

498 NOT USED

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499 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS COMMUNITY SCHOOLS
FROM GENERAL REVENUE FUND 2,463,047

From the funds in Specific Appropriation 499, $100,000 shall be allocated for four Centers for Community Education.

From the funds in Specific Appropriation 499, $32,000 shall be for the Washington County Community Education Project.

500 NOT USED

501 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRUCK DRIVERS TRAINING PROGRAM
FROM STATE EDUCATION LOTTERIES TRUST FUND 1,662,500

502 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 17,356,860

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 502 shall emphasize this priority. From the funds provided in Specific Appropriation 502, the department may allocate as much as $349,661 for new job development in commercial vehicle driving training programs.

Training women and minorities for non-traditional careers shall be a principal emphasis of vocational education. The Division of Vocational Adult and Vocational 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 502, the Division of Vocational Adult and Community Education and the Florida School for the Deaf and the Blind shall work cooperatively to maximize the allocation of federal vocational education funds available to provide vocational education for students enrolled in grades 9-12 at the school.

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Funds provided in Specific Appropriation 502 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 equipment and for the purchase of supplies and materials for on-going programs; and for $300,000 to be allocated to community colleges for placement follow-up and evaluation in accordance with Section 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.

The Commissioner of Education shall assure that funds provided in Specific Appropriations 369, 347 and 502 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 with Florida Information Network (FIRN) throughout the Department of Education. This assurance shall occur prior to the awarding of projects to institutions and district boards for such purposes.

503 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 14,025
FROM EDUCATIONAL AIDS TRUST FUND 17,495

504 SPECIAL CATEGORIES
GRANTS AND AIDS - CAREER INFORMATION DELIVERY SYSTEM
FROM GENERAL REVENUE FUND 947,604

505 SPECIAL CATEGORIES
GRANTS AND AIDS - CLEARINGHOUSE FOR ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 136,330

506 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 506 shall be used to continue funding for at least five regional centers of electronic specialization in postsecondary electronics vocational education and five centers of electronics emphasis in selected community colleges and area vocational centers. The Florida High Technology Council in consultation with

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the Division of Community Colleges and the Division of Vocational, Adult and Community Education shall designate each regional center of electronic specialization and each center of electronics emphasis; 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, commitment 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.

507 SPECIAL CATEGORIES
GRANTS AND AIDS - INDUSTRY SERVICES
FROM GENERAL REVENUE FUND 757,833
FROM EDUCATIONAL AIDS TRUST FUND 369,000

Funds provided in Specific Appropriation 507 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 s. 230.66, Florida Statutes.

508 SPECIAL CATEGORIES
GRANTS AND AIDS - VOCATIONAL BUSINESS
EXCHANGE PROGRAM
FROM STATE EDUCATION LOTTERIES TRUST
FUND 150,000

Funds provided in Specific Appropriation 508 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.

The Division of Vocational Adult and Community Education shall annually by September 1 of each year submit a report on the prior year's program to the Speaker of the House of Representatives, the President of the Senate and the Executive Office of the Governor delineating the method used to allocate the funds; an evaluation of the impact of the program expenditures; and a list of the

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institutional recipients including funds received, number of instructors participating, specific activities funded and vocational programs affected.

COMMUNITY COLLEGES, DIVISION OF

The funds in Specific Appropriation 512 shall be used to serve the following assigned FTE enrollments:

	1987-88
Advanced and Professional	68,638
Postsecondary Vocational	36,545
Postsecondary Adult Vocational	8,253
Supplemental Vocational	4,144
College and Vocational Preparatory	5,376
Adult Basic & High School	11,570
Total	134,526

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. All state inmate education provided by community colleges in 1987-88 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 512 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.

Community colleges may generate an additional

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three-tenths (.3) of a full-time equivalent for dually-enrolled students.

The funds provided in Specific Appropriations 512, 512A, 515A and 516B shall be allocated as indicated in the Letter of Intent.

Funds provided in Specific Appropriation 512 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 512 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 512 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 512 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 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 actual FTE enrollment for the college preparatory program shall be computed and reported on both a student semester hour basis and a membership hour basis for 1987-88 to determine the fiscal impact of changing the method of computing the FTE for this program.

The funds in Specific Appropriation 512 for vocational education shall be expended consistent

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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 512 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, 1988, detailing the relative salary increases for full time teaching faculty, administrators, and other employees provided from funds in Specific Appropriation 512.

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 512 include full funding of faculty salaries for 1987-88 and will not require annualization.

The funds provided in Specific Appropriation 513 shall be allocated by the State Board of Community Colleges.

From the funds provided in Specific Appropriation 512, community colleges may waive fees for any non-fee exempt student provided that the total number of students for whom fees are waived shall 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

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available at a community college facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. Waivers may only be granted to students for courses within the program areas generating the fee waivers.

509	SALARIES AND BENEFITS POSITIONS 43		
	FROM GENERAL REVENUE FUND	1,648,814	
510	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	28,908	
	FROM COMMUNITY COLLEGE CONFERENCE TRUST FUND		5,000
511	EXPENSES		
	FROM GENERAL REVENUE FUND	606,901	
512	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND		
	FROM GENERAL REVENUE FUND	419,018,877	
	FROM STATE EDUCATION LOTTERIES TRUST FUND		2,840,484

From the funds provided in Specific Appropriation 512, 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.

Included within Specific Appropriation 512 are funds for each community college to hire or appoint an individual as the college's articulation officer. Each college shall notify the division by November 1, 1987, of the name of their officer and the division shall provide this information to the State University System. The continuation of this position shall be an ongoing responsibility of the college.

From the funds provided in Specific Appropriation 512A, $63,000 shall be for equipment purchases for Santa Fe Community College. The remainder of the funds shall be allocated as indicated in the Letter of Intent.

From the funds provided in Specific Appropriation 516B, $150,000 shall be for the Lake Sumter Learning Resource Center. The remainder of the funds shall be allocated as indicated in the Letter of Intent.

The Division of Community Colleges shall establish a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each

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community college's regularly assigned audit and make appropriate comments.

Of the funds provided in Specific Appropriation 517, $289,500 shall be used to administer the SOLAR project. The allocation of these funds shall be determined by the State Board of Community Colleges.

From the funds provided in Specific Appropriation 516A for Literacy Centers, $100,000 shall be distributed to each of four community colleges: Brevard, Miami-Dade, Daytona Beach and Okaloosa-Walton to pilot the use of model non-instructional adult literacy centers to complement existing public and private instructional adult literacy programs, in accordance with HB 1241 or similar legislation.

From the funds provided in Specific Appropriation 512 for Library Automation, $271,631 shall be used to purchase library materials at the following community colleges to meet minimum standards of the American Library Association: Florida Keys, $192,199; Lake City, $56,066; and North Florida, $23,366. In addition, $406,999 shall be used to convert bibliographic data into machine-readable form at the following community colleges: Brevard, $35,750; Broward, $53,000; Edison, $21,250; Florida Junior College at Jacksonville, $69,000; Manatee, $14,500; Miami-Dade, $104,499; Palm Beach, $36,500; Pensacola, $31,000; Seminole, $19,750; and Valencia, $21,750.

512A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - INSTRUCTIONAL EQUIPMENT		
	FROM STATE EDUCATION LOTTERIES TRUST FUND		5,116,689
513	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SUNSHINE STATE SKILLS PROGRAM		
	FROM STATE EDUCATION LOTTERIES TRUST FUND		3,000,000
514	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,735	
	FROM STATE EDUCATION LOTTERIES TRUST FUND		70,653
514A	LUMP SUM		
	LIBERTY CITY REVITALIZATION PROJECT		
	FROM GENERAL REVENUE FUND	250,000	

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515 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE
ENDOWMENT MATCHING FUND
FROM STATE EDUCATION LOTTERIES TRUST
FUND 2,000,000

Funds provided in Specific Appropriation 515 shall be expended pursuant to CS/SB 1074. Should this bill not become law, the funds in this appropriation may be used for endowment purposes only.

515A SPECIAL CATEGORIES
GRANTS AND AIDS - DEFERRED MAINTENANCE
FROM STATE EDUCATION LOTTERIES TRUST
FUND 4,900,000

516 NOT USED

516A SPECIAL CATEGORIES
GRANTS AND AIDS - LITERACY CENTERS
FROM STATE EDUCATION LOTTERIES TRUST
FUND 400,000

516B SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY BOOKS
FROM STATE EDUCATION LOTTERIES TRUST
FUND 1,910,500

517 SPECIAL CATEGORIES
STUDENT ARTICULATION SYSTEM
FROM GENERAL REVENUE FUND 217,125
FROM STATE EDUCATION LOTTERIES TRUST
FUND 72,375

FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

518 SALARIES AND BENEFITS POSITIONS 611
FROM GENERAL REVENUE FUND 12,299,222
FROM GRANTS AND DONATIONS TRUST FUND . . . 580,936

519 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 302,613
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,100

520 EXPENSES
FROM GENERAL REVENUE FUND 2,177,723
FROM GRANTS AND DONATIONS TRUST FUND . . . 128,310

Funds provided in Specific Appropriation 520 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.

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521 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 475,689
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000

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 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.

522 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 362,656
FROM GRANTS AND DONATIONS TRUST FUND . . . 195,932

523 NOT USED

524 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 61,148

525 SPECIAL CATEGORIES
SUMMER PROGRAMS
FROM GENERAL REVENUE FUND 139,169

The funds provided in Specific Appropriation 525 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.

526 SPECIAL CATEGORIES
STUDENTS HOME ON WEEKENDS PROGRAM
FROM GENERAL REVENUE FUND 268,690

527 SPECIAL CATEGORIES
TALLADEGA DEAF/BLIND PROGRAM
FROM GENERAL REVENUE FUND 16,500

528 SPECIAL CATEGORIES
TEACHER EDUCATION
FROM GENERAL REVENUE FUND 7,866

Funds provided in Specific Appropriation 528 shall be used for the direct support of non-credit teacher education activities.

528A SPECIAL CATEGORIES
MAINSTREAMING
FROM GENERAL REVENUE FUND 35,814

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KNOTT DATA CENTER

529	SALARIES AND BENEFITS POSITIONS	62	
	FROM WORKING CAPITAL TRUST FUND		1,661,847
530	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		2,995
531	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		558,675
532	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		201,352
533	SPECIAL CATEGORIES		
	OVERTIME		
	FROM WORKING CAPITAL TRUST FUND		10,000

POSTSECONDARY EDUCATION PLANNING COMMISSION

534	SALARIES AND BENEFITS POSITIONS	8	
	FROM GENERAL REVENUE FUND	341,159	
535	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	37,250	
536	EXPENSES		
	FROM GENERAL REVENUE FUND	127,978	
537	SPECIAL CATEGORIES		
	COMPREHENSIVE HEALTH PROFESSIONS EDUCATION PLAN		
	FROM GENERAL REVENUE FUND	43,680	

From the funds provided in Specific Appropriation 537, the Postsecondary Education Planning Commission shall continue to prepare a review of the status of all health professions education programs included in the Comprehensive Health Professions Education Plan and provide current information on enrollment and graduate levels, a review of marketplace demand for graduates, and an analysis of new policy issues and the disposition of former recommendations. The commission shall provide the report on the review to the State Board of Education, the Speaker of the House of Representatives and the President of the Senate no later than March 1, 1988.

During 1987-88 and 1988-89 the commission is directed to begin a new cycle of the Comprehensive Health Professions Education Plan. Priority shall be given to determine the needs of the state in the areas of nursing and public health. The commission shall provide to the State Board of Education, the Speaker of the House of Representatives and the President of the Senate the report on nursing no later than March 1, 1988 and on public health no later than March 1, 1989.

From the funds provided in Specific Appropriations 534 through 536 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 funds provided in Specific Appropriation 537A, the Postsecondary Education Planning Commission shall conduct an evaluation of the Florida Center for Library Automation. The evaluation shall include an analysis of the following issues: program mission, governance, scope of the project, and short term and long term fiscal implications. The Commission shall submit a report, with recommendations, to the Legislature no later than February 1, 1988.

Funds provided in Specific Appropriation 537A shall be used by the Postsecondary Education Planning Commission, in consultation with the State Board of Community Colleges and the Board of Regents, to review the existing programs, course offerings, and facilities at the Joint University of West Florida/Okaloosa-Walton Junior College Center in Fort Walton Beach. The Commission shall also assess the postsecondary education program needs of Fort Walton Beach and the feasibility of the further development between Okaloosa-Walton Junior College and the University of West Florida to address identified needs. If such programs are deemed feasible, the Commission shall make recommendations to the Legislature by October 1, 1987, concerning program and facility needs at the center for the next five years.

From the funds provided in Specific Appropriations 534 throuth 537A, the Postsecondary Education Planning Commission shall study the operating costs of branch campuses and centers at community colleges and universities to identify strategies for minimizing additional costs of branch campus and center operations over the same services provided at main campuses. The report shall be submitted by February 1, 1988, to the State Board of Education, the Speaker of the House of Representatives and the President of the Senate.

From the funds provided in Specific Appropriation 537A, the Postsecondary Education Planning Commission shall conduct a study of the objectives of the College-Level Academic Skills Test. The study shall include, but not be limited to,

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recommendations on the following: the sufficient number of test items in each form of the test to adequately measure each competency according to acceptable psychometric principles, the difficulty of test items, the adequacy by which test items measure the predetermined competencies, and steps and strategies that could be used by postsecondary institutions to increase the passing rate of students. The report shall be submitted on or before March 1, 1988 to the President of the Senate and the Speaker of the House of Representatives.

537A SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 60,000

UNIVERSITIES, DIVISION OF

The academic and faculty positions included in Specific Appropriations 538 through 602B 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 Support Personnel System (USPS). The Board of Regents may transfer up to five percent 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 five percent transfer maximum is to be based on the smaller category; i.e., positions or rate, and A&P or USPS Pay Plans.

Special category appropriations provided in Specific Appropriations 538 through 602B may be transferred to traditional expenditure accounts provided a technique is established to track the expenditures back to the initial appropriation.

Funds provided in Specific Appropriations 544, 556, 571 and 594 contemplate that the 1988 summer school matriculation and tuition fees shall not be expended in the 1987-88 fiscal year. The Board of Regents is authorized to waive fees as follows: (1) out-of-state fees at an amount of $7,395,233; (2) graduate research and teaching assistant matriculation fees at an amount of $4,328,943. The Board of Regents is authorized to increase each of these amounts proportionate to the increase in fees resulting from the amounts specified in Specific Appropriations 544, 556, 571 and 594.

From the funds provided in Specific Appropriations 541, 559, 565, 574, 584, 597, and 601D, up to $250,000 may be allocated for the purpose of developing an accurate and uniform system of

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inventory control. After FY 1987-88, any university that is cited in an audit report for failing to maintain appropriate inventory controls shall receive a negative adjustment in the Operating Capital Outlay allocation among the nine universities.

From the funds provided in Specific Appropriations 538 through 555, Florida Atlantic University is authorized to rent/lease parking facilities for use by the Ft. Lauderdale University Tower faculty and staff to be funded from non-appropriated funds.

From the funds included in Specific Appropriations 538, 544, 556, 562, 571, 581, 594, and 601A, an overall average one percent salary enhancement to faculty pay plan positions may be provided. The portion of such funds for unit positions in the faculty pay plan shall be distributed in accordance with the collective bargaining agreement between the Board of Regents and United Faculty of Florida.

Funds provided in Specific Appropriations 538 through 602B, available pursuant to s. 240.272, F.S. shall only be used for deferred maintenance, scientific and technical equipment, a working capital fund, or to meet general revenue shortfalls as defined in s. 216.221, F.S.

Funds in Specific Appropriations 539, 557, 563, 572, 582, 595 and 601B provide for a 4.5% average increase in graduate assistant salaries effective no sooner than the fall semester of 1987.

EDUCATIONAL AND GENERAL ACTIVITIES

538 SALARIES AND BENEFITS POSITIONS 6,965
FROM GENERAL REVENUE FUND 166,217,001

539 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,538,406

540 EXPENSES
FROM GENERAL REVENUE FUND 69,905,600

541 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,387,226
FROM STATE EDUCATION LOTTERIES TRUST FUND 2,511,600

542 NOT USED

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543 LUMP SUM
COMPREHENSIVE UNIVERSITY PRESENCE
POSITIONS 85
FROM GENERAL REVENUE FUND 6,450,000

543A LUMP SUM
BIOTECHNOLOGY RESEARCH CENTER-UNIVERSITY OF FLORIDA
POSITIONS 6
FROM GENERAL REVENUE FUND 400,000

543B LUMP SUM
WAKULLA SPRINGS - MANAGEMENT SUPPORT
POSITIONS 1
FROM GENERAL REVENUE FUND 50,000

543C LUMP SUM
HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT
POSITIONS 75
FROM GENERAL REVENUE FUND 5,150,000

543D LUMP SUM
INSTITUTE OF CHILD HEALTH POLICY
POSITIONS 3
FROM GENERAL REVENUE FUND 200,000

543E LUMP SUM
ARCHAEOLOGICAL RESEARCH - WINDOVER
POSITIONS 1
FROM GENERAL REVENUE FUND 86,000

544 LUMP SUM
INSTRUCTION AND RESEARCH
POSITIONS 8,198
FROM GENERAL REVENUE FUND 336,033,698
FROM INCIDENTAL TRUST FUND 111,896,473

544A LUMP SUM
COLLEGE OF PHARMACY - FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY - DADE COUNTY SITE
FROM GENERAL REVENUE FUND 75,000

544B LUMP SUM
ARCHAEOLOGICAL RESEARCH - WARM MINERAL SPRINGS
FROM STATE EDUCATION LOTTERIES TRUST FUND 300,000

544C LUMP SUM
UNIVERSITY OF SOUTH FLORIDA/FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY ARCHITECTURE
POSITIONS 4
FROM GENERAL REVENUE FUND 397,560

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544D LUMP SUM
PLANT MAINTENANCE
POSITIONS 21
FROM GENERAL REVENUE FUND 2,083,795

545 NOT USED

546 NOT USED

546A LUMP SUM
VERBAL COMMUNICATIONS LABORATORY
FROM GENERAL REVENUE FUND 56,507

546B LUMP SUM
ATHLETIC PROGRAMS - UNIVERSITY OF WEST FLORIDA
FROM GENERAL REVENUE FUND 150,000

547 NOT USED

548 NOT USED

549 SPECIAL CATEGORIES
FACULTY AWARDS FOR EXCELLENCE IN INSTRUCTION
FROM GENERAL REVENUE FUND 100,000
FROM STATE EDUCATION LOTTERIES TRUST FUND 200,000

550 SPECIAL CATEGORIES
INSTITUTE OF GOVERNMENT
FROM GENERAL REVENUE FUND 1,600,000
FROM STATE EDUCATION LOTTERIES TRUST FUND 300,000

551 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 16,748,600

552 SPECIAL CATEGORIES
PLANT MAINTENANCE
FROM GENERAL REVENUE FUND 5,101,913

552A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 264,595

553 SPECIAL CATEGORIES
SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT
FROM STATE EDUCATION LOTTERIES TRUST FUND 3,300,000

554 NOT USED

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554A SPECIAL CATEGORIES
SALVADOR DALI RESEARCH FOUNDATION AND
MUSEUM - CITY OF ST. PETERSBURG
FROM GENERAL REVENUE FUND 109,000

554B SPECIAL CATEGORIES
STUDENT FINANCIAL AID
FROM STATE EDUCATION LOTTERIES TRUST
FUND 3,000,000

555 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 7,336,586

The allocation of the funds provided in Specific Appropriations 538 through 555 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 538 through 555 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 1987-88 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 538 through 555 may be transferred, upon request of the 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 544 for enrollment growth shall be based on the following planned FTE enrollment:

Lower Level	24,962
Upper Level	49,152

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Graduate Classroom	12,844
Thesis/Dissertation	862

Total	87,820

The allocation of funds in Specific Appropriation 544 for enrollment workload shall reflect the application of the Corridor Funding law (Chapter 240.271(5), Florida Statutes) for those institutions which are greater than five percent below the Corridor. Additionally, the Board of Regents is authorized to adjust the enrollment plan of any university to reflect prior funding decisions which impact enrollment. Funds are provided in accordance with the ten-year enrollment plan for Southeast Florida for FIU at the upper level and in accordance with the historical plan for implementing a new lower division at UNF. The Board of Regents shall allocate funds for 300 lower division students and 200 upper division students as identified in the Board of Regents' revised enrollment plan. The board also shall develop a policy regarding the provision of graduate education to meet identified state needs. Future enrollment increases at the graduate level shall be in accordance with the policy and shall be justified on a programmatic basis. In addition, the Board of Regents shall implement a three year program development policy for all programs initiated with program funding since FY 1985-86. The policy shall stipulate that all recurring program funding be converted to enrollment generated funding at the end of the third year. The enrollment funding shall correspond to the enrollment level for which the program development funds were provided. Funds are provided for the new Lakeland Center in accordance with the three year program development policy.

The allocation of funds provided in Specific Appropriation 544 for enrollment shall reflect the second 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.

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.

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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 positions and amounts in Specific Appropriation 544 plus related salary increase amounts shall be the minimum resources expended for instruction and research activities. Appropriate adjustments for salary increase amounts and cost to continue current positions may be made.

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.

From the funds provided in Specific Appropriations 538 through 555, 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 1986-87 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 538 through 555 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 percent of the amount in Specific Appropriation 550 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.

From the funds provided in Specific Appropriation 550, $50,000 shall be transferred to the Center on Labor Studies at FIU to study local options

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involving privatization.

Upon approval of projects related to the funds provided in Specific Appropriation 550 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.

Funds provided in Specific Appropriation 543 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, additional funds for library books and support services for the Broward County Library, 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. Funds provided in Specific Appropriation 543 for the Broward library are contingent upon the maintenance of other public funds at the level provided in 1985-86 plus Cost to Continue increases. Florida Atlantic University shall be designated the lead university for making decisions regarding the most effective configuration for public undergraduate, graduate and professional education in Broward County.

From the funds in Specific Appropriations 538 through 555 for Enhancing Undergraduate Education, $5,378,588 shall be used to continue the effort to reduce class size and to implement the recommendations in the Board of Regents' report Enhancing Undergraduate Education in the State University System of Florida.

From the funds provided in Specific Appropriations 538 through 555, the Board of Regents shall allocate to the Solar Energy Center at Cape Canaveral at least the level of funds budgeted in 1986-87, including salary and inflationary adjustments, to be allocated to the funded projects, as appropriated by the Legislature. Of the funds allocated to the Solar Energy Center, the Board of Regents shall continue to allocate the 1986-87 amount plus cost to continue and inflationary increases to the University of Florida for solar energy research.

From the funds provided in Specific Appropriations

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538 through 555 for the Student Academic Support System, a single 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.

From the funds in Specific Appropriations 541 and 544, the Board of Regents and the University of Florida shall allocate to the School of Building Construction in the College of Architecture an increase of funds sufficient to enhance the overall program and report the final allocation decision to the Senate and House Appropriations Committees.

Funds provided in Specific Appropriations 538, 539, 540, and 541 for enhancement of student services shall be used to address needs in the areas of student support services, primarily financial aid offices and counseling programs.

Funds provided in Specific Appropriation 540 include no more than $.60 per 1000 gallons for payment to the City of Gainesville for water provided to the University of Florida.

From the funds provided in Specific Appropriations 538, 539, 540 and 544, the Joint Center for Environmental and Urban Problems shall conduct a Citizen's Preference Study regarding potential program elements for the Old School Square Project in the City of Delray Beach and shall allocate up to $50,000 to conduct or contract to have performed an architectural and engineering plan for the reconstruction of the Old School Square Project.

Funds provided in Specific Appropriation 544 may be reallocated such that the Instruction and Research program component shall bear its proportionate share, based on 1986-87 expenditures, of the out-of-state travel reduction.

From the funds provided in Specific Appropriations 539 and 540, the Board of Regents may transfer to the General Office, for disbursement purposes only, those funds appropriated for FAMU/FSU shuttle bus services and the EEO monitoring and measuring programs.

Funds provided in Specific Appropriation 543C shall be allocated as follows: Micro-electronics Design and Test Center-USF $1,000,000; Martech-FSU

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$750,000; Micro-fabritech-UF $750,000; Institute for Simulation and Training-UCF $500,000, Center for Electro-Optics and Lasers-UCF $500,000; Computer Science and Computer Engineering-FIU $500,000; Center for Control Systems and Robotics-FAU $400,000; Simulation and Training-UCF, Embry Riddle Aeronautical University and General Electric Company $750,000.

Funds provided in Specific Appropriation 546B shall be allocated to the University of West Florida in support of the athletic programs at the university.

INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

Funds provided in Specific Appropriations 556, 558, and 559 shall be used for staffing and constructing facilities consisting of a greenhouse, tanks/fixtures, support systems, raceways, and ponds to carry out the Aquaculture Demonstration/Research Facilities project.

The Department of Environmental Regulation, in conjunction with the Northwest Florida Water Management District, shall use this project as part of their aquaculture review and permit consolidation study contingent upon CS/HB 490 or similar legislation becoming law.

556	SALARIES AND BENEFITS POSITIONS	2,227	
	FROM GENERAL REVENUE FUND	63,545,912	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		1,961,013
	FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		1,413,884
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		2,067,620
557	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,801,406	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		234,778
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		66,359
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		120,402
558	EXPENSES		
	FROM GENERAL REVENUE FUND	11,615,793	
	FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND		513,977
	FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		1,251,368
	FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND		291,917
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		917,217

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559	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,155,047	
	FROM STATE EDUCATION LOTTERIES TRUST FUND		21,927
	FROM EXPERIMENT STATION INCIDENTAL TRUST FUND		370,064
	FROM EXTENSION SERVICE INCIDENTAL TRUST FUND		85,953
559A	LUMP SUM		
	LUMP SUM SOUTHWEST AREA RESEARCH AND EDUCATION CENTER		
	POSITIONS	9	
	FROM GENERAL REVENUE FUND	300,000	
559B	LUMP SUM		
	BIOTECHNOLOGY RESEARCH CENTER-INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS)		
	POSITIONS	11	
	FROM GENERAL REVENUE FUND	800,000	
559C	LUMP SUM		
	EXTENSION SERVICES ENHANCEMENT		
	POSITIONS	5	
	FROM GENERAL REVENUE FUND	200,000	
559D	LUMP SUM		
	ENHANCEMENT OF INSTITUTES AND CENTERS		
	POSITIONS	9	
	FROM GENERAL REVENUE FUND	600,000	
560	SPECIAL CATEGORIES		
	SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT		
	FROM STATE EDUCATION LOTTERIES TRUST FUND		761,079
560A	SPECIAL CATEGORIES		
	IFAS SITE INVESTIGATION AND CLEANUP		
	FROM STATE EDUCATION LOTTERIES TRUST FUND		1,000,000
561	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	369,549	

ENGINEERING INDUSTRIAL EXPERIMENT STATION

562	SALARIES AND BENEFITS POSITIONS	378	
	FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		8,919,591
563	OTHER PERSONAL SERVICES		
	FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		3,618,038

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564	EXPENSES		
	FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		3,860,512
565	OPERATING CAPITAL OUTLAY		
	FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND		1,513,390
566	SPECIAL CATEGORIES		
	COASTAL AND OCEANOGRAPHIC ENGINEERING RESEARCH LABORATORY		
	FROM GENERAL REVENUE FUND	577,355	
567	SPECIAL CATEGORIES		
	ENERGY CONSERVATION AND CONVERSION LABORATORY		
	FROM GENERAL REVENUE FUND	172,159	
568	SPECIAL CATEGORIES		
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION STATE TECHNOLOGY APPLICATION CENTER		
	FROM GENERAL REVENUE FUND	114,908	
569	SPECIAL CATEGORIES		
	PROJECT DEVELOPMENT FUNDS		
	FROM GENERAL REVENUE FUND	1,293,947	
570	SPECIAL CATEGORIES		
	WATER CONSERVATION LABORATORY		
	FROM GENERAL REVENUE FUND	131,953	

UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER

571	SALARIES AND BENEFITS POSITIONS	699	
	FROM GENERAL REVENUE FUND	25,340,679	
	FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND		133,827
	FROM OPERATION AND MAINTENANCE TRUST FUND		2,356,692
572	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,517,873	
	FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND		225,875
	FROM OPERATION AND MAINTENANCE TRUST FUND		90,826
573	EXPENSES		
	FROM GENERAL REVENUE FUND	3,591,814	
	FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND		715,000

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FROM OPERATION AND MAINTENANCE TRUST FUND		1,714,444
574 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	394,776	
FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND		10,000
FROM OPERATION AND MAINTENANCE TRUST FUND		89,333
575 SPECIAL CATEGORIES		
GRANTS AND AIDS - CANCER CENTER OPERATION		
FROM GENERAL REVENUE FUND	10,558,734	
576 NOT USED		
577 SPECIAL CATEGORIES		
LIBRARY RESOURCES		
FROM GENERAL REVENUE FUND	305,650	
578 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	7,800	
579 SPECIAL CATEGORIES		
SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT		
FROM STATE EDUCATION LOTTERIES TRUST FUND		265,403
580 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	110,743	

Funds in Specific Appropriation 575 may be disbursed in advance to the contractor on a quarterly basis.

BOARD OF REGENTS GENERAL OFFICE

581 SALARIES AND BENEFITS POSITIONS	152	
FROM GENERAL REVENUE FUND	4,401,680	
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		580,493
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND		328,273
582 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	268,381	
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		26,907
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND		60,500
583 EXPENSES		
FROM GENERAL REVENUE FUND	1,355,935	
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		132,739

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FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND		70,651
584 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	21,819	
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		17,300
584A LUMP SUM		
PREPAID TUITION - ADMINISTRATIVE SUPPORT POSITIONS	3	
FROM GENERAL REVENUE FUND	100,000	
584B SPECIAL CATEGORIES		
GOOD-GULFSTREAM SCHOLARSHIP MATCHING		
FROM GENERAL REVENUE FUND	350,000	

Funds in Specific Appropriation 584B are contingent upon SB 893 or similar legislation becoming law.

585 SPECIAL CATEGORIES		
CHALLENGE GRANTS - EMINENT SCHOLARS		
FROM STATE EDUCATION LOTTERIES TRUST FUND		15,000,000
FROM EMINENT SCHOLARS TRUST FUND		10,400,000
586 SPECIAL CATEGORIES		
CHALLENGE GRANTS - MAJOR GIFTS		
FROM STATE EDUCATION LOTTERIES TRUST FUND		900,000
587 SPECIAL CATEGORIES		
COMMUNITY HOSPITAL EDUCATION PROGRAM		
FROM GENERAL REVENUE FUND	6,156,268	
587A SPECIAL CATEGORIES		
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY		
FROM GENERAL REVENUE FUND	750,000	

Funds in Specific Appropriation 587A may be advance funded on a quarterly basis.

588 SPECIAL CATEGORIES		
DISTRIBUTION TO UNIVERSITIES		
FROM RACING SCHOLARSHIP TRUST FUND		204,544
589 SPECIAL CATEGORIES		
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL		
FROM GENERAL REVENUE FUND	10,548,623	

Funds provided in Specific Appropriation 589 are to provide $19,284.50 for 547 Florida residents attending the University of Miami Medical School.

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589A SPECIAL CATEGORIES
HIGH TECH RESEARCH AND DEVELOPMENT
FROM STATE EDUCATION LOTTERIES TRUST
FUND 3,850,000

590 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 105,000

Funds in Specific Appropriation 590 are provided to the Southeastern College of Osteopathic Medicine to continue the training program dealing with the public sector, rural and unmet medical needs.

591 SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 520,000

Funds in Specific Appropriation 591 for administrative support may be advance-funded entirely in the first quarter.

592 SPECIAL CATEGORIES
SOUTHEASTERN COLLEGE OF OSTEOPATHIC
MEDICINE
FROM GENERAL REVENUE FUND 1,483,000

Funds in Specific Appropriation 592 are for 320 osteopathic students at $4,400 per Florida resident and 50 pharmacy students at $1,500 per Florida resident.

Funds provided in Specific Appropriations 591 and 592, for students admitted beginning Fall 1986, shall be based on the residency requirements stipulated in Chapter 240.1201, Florida Statutes; also provided are funds for students admitted prior to Fall 1986 and certified as Florida residents for appropriations purposes based on criteria stipulated prior to Chapter 240.1201, Florida Statutes.

Funds provided in Specific Appropriations 591 and 592 for contracted student spaces shall be released in the first and third quarters.

592A SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD
RESEARCH/UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 250,000

Funds in specific Appropriation 592A may be advance funded on a quarterly basis.

593 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 257,541

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FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 1,800
FROM STATE UNIVERSITY SYSTEM PERSONNEL
TRUST FUND 3,000

The Board of Regents may assess the various university budget entities a fee sufficient to support the systemwide activities associated with the implementation of a State University System personnel system.

Funds provided in Specific Appropriations 581 through 593 shall be used to plan and design a comprehensive student, staff and financial data base that is comparable to and will be compatible with the public schools' statewide data base. Data Base elements and their definitions shall be consistent with elements and definitions included in public schools' and community colleges' data bases. Plans for the data base should assume that the Florida Information Resource Network (FIRN) will be used for data transmission; that the data will be co-located with the public schools' data base; and that the data base will be constructed using the same data base software used for the public schools' data base. Planning and design for the data base shall actively involve MIS staff from the Division of Universities, the Division of Public Schools, staff of the Florida Information Resource Network and the Division of Community Colleges.

From the funds provided in Specific Appropriations 581 through 593, the Legislature authorizes the Board of Regents to implement the funding methodology for the State University System, as approved by the Board of Regents on January 30, 1987, for the Libraries and Physical Plant Program Components for the Educational and General budget. The Board of Regents shall conduct further analysis for the remaining program components in the Educational and General Budget, primarily Instruction and Research, Administrative Direction and Support and Student Services, and for the special unit budgets. The Board shall evaluate the costs associated with the operation of branch campuses, both instruction and research as well as administrative. In addition, the Board shall analyze and revise the productivity factors in Instruction and Research, based on the latest cost study data, and shall determine the appropriate programs to be termed "specials". Such "specials" shall be excluded when calculating the enrollment related portion of the Instruction and Research budget. The Board of Regents shall submit an update of the funding methodology, based on these analyses, on or before February 1, 1988.

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From the funds in Specific Appropriations 581 through 584, the Board of Regents shall develop a plan, in consultation with the University of Florida Health Center, the University of South Florida Medical Center, the University of Miami and the Postsecondary Education Planning Commission, to phase down the total enrollment in the Colleges of Medicine of the respective institutions. Such plan shall be submitted to the Legislature on or before February 1, 1988.

The Board of Regents, in cooperation with the House and Senate Appropriations and the Agriculture Committees, shall evaluate the relationship between IFAS research, both on campus and at the Area Research and Education Centers, and the Cooperative Extension Service county offices. Recommendations shall be made to maximize the effective transfer of information from research to extension and extension to the farm in support of Florida's agricultural development. A report with recommendations for improving the effectiveness of IFAS to the needs of Florida agriculture shall be submitted to the Legislature by March 1, 1988.

From the funds provided in Specific Appropriations 581 through 593, the Board of Regents shall study the Florida Mental Health Institute (FMHI) and make recommendations including, but not limited to, the following: (1) the appropriateness of FMHI awarding academic credit; (2) the appropriateness of FMHI as a separate budget entity; (3) the appropriateness of the current FMHI research and training programs; and (4) the appropriateness of the current physical plant utilization. The report shall be submitted to the Legislature no later than February 1, 1988.

The Board of Regents shall establish a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by each university in their regularly assigned audit and make appropriate comments.

Funds and positions in Specific Appropriation 584A are contingent upon CS/CS/HBs 47 and 17 or similar legislation becoming law and shall be transferred by the Executive Office of the Governor to the Department of Insurance for administration of the Florida Postsecondary Expense Program as created by CS/CS/HBs 47 and 17.

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UNIVERSITY OF FLORIDA HEALTH CENTER - EDUCATIONAL AND GENERAL

594	SALARIES AND BENEFITS POSITIONS	1,683	
	FROM GENERAL REVENUE FUND	47,788,650	
	FROM INCIDENTAL TRUST FUND		6,542,693
	FROM LIABILITY INSURANCE TRUST FUND . . .		261,990
595	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,239,008	
	FROM INCIDENTAL TRUST FUND		5,814,234
	FROM LIABILITY INSURANCE TRUST FUND . . .		750,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		738,757
596	EXPENSES		
	FROM GENERAL REVENUE FUND	11,245,630	
	FROM INCIDENTAL TRUST FUND		2,320,240
	FROM LIABILITY INSURANCE TRUST FUND . . .		2,841,285
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,707,503

Funds provided in Specific Appropriation 596 include up to $50,000 to purchase dental supplies for the care of indigent patients.

597	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,290,264	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		383,345
597A	LUMP SUM		
	BIOTECHNOLOGY RESEARCH CENTER-HEALTH CENTER		
	POSITIONS	11	
	FROM GENERAL REVENUE FUND	800,000	
597B	LUMP SUM		
	BORLAND LIBRARY - JACKSONVILLE HEALTH EDUCATION PROGRAM (JHEP)		
	POSITIONS	1	
	FROM GENERAL REVENUE FUND	75,000	
598	SPECIAL CATEGORIES		
	LIBRARY RESOURCES		
	FROM GENERAL REVENUE FUND	503,757	
599	SPECIAL CATEGORIES		
	SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT		
	FROM STATE EDUCATION LOTTERIES TRUST FUND		837,054
600	SPECIAL CATEGORIES		
	SHANDS HOSPITAL CONTRACT		
	FROM GENERAL REVENUE FUND	10,891,891	

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601 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 130,943
FROM INCIDENTAL TRUST FUND 2,876
FROM LIABILITY INSURANCE TRUST FUND . . . 141

From the funds provided in Specific Appropriations 594 through 601, $365,406 shall be allocated to the Department of Community Health and Family Medicine to continue and to improve the Health Center Rural Outreach Program. The program shall be coordinated with the College of Health Related Professions. In addition to the state funds, the College of Medicine shall continue to allocate the appropriate level of non-state resources to the program. The Vice President for Health Affairs shall submit a comprehensive plan to the Legislative Appropriations Committees addressing: (1) the appropriate delivery of service in the rural environment; (2) the methods of educating and training physicians in the rural environment; (3) how physician's assistants and other health professions in Health Related Professions are going to be educated and trained in rural health areas; and (4) the requirement that part of the rotation of residents must be in a rural environment. The plan shall be developed by the Dean of the College of Medicine, the Chairman of the Department of Community Health and Family Medicine and the Dean of the College of Health Related Professions. The plan shall include a display of the total allocation of resources by the UF Health Center by fund source. From the $365,406, no funds shall be expended for the family practice office in Gainesville. There shall be no fees charged to any county served by the program until the comprehensive plan has been submitted.

FLORIDA MENTAL HEALTH INSTITUTE

601A SALARIES AND BENEFITS POSITIONS 383
FROM GENERAL REVENUE FUND 8,736,884
FROM OPERATION AND MAINTENANCE TRUST FUND 18,422

601B OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 289,341

601C EXPENSES
FROM GENERAL REVENUE FUND 1,311,593
FROM OPERATION AND MAINTENANCE TRUST FUND 54,820

601D OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 79,973
FROM STATE EDUCATION LOTTERIES TRUST FUND 57,000

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601E FOOD PRODUCTS
FROM GENERAL REVENUE FUND 149,649

602 NOT USED

602A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 3,120

602B DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 12,984

From the funds in Specific Appropriation 601A, the Florida Mental Health Institute may convert one USPS position to the A&P pay plan in order to establish a coordination link between FMHI and the Departments of HRS and Corrections.

From the funds provided in Specific Appropriations 601A through 602B, the Florida Mental Health Institute shall establish a culturally based mental health professional training program.

ENVIRONMENTAL REGULATION, DEPARTMENT OF

Funds provided in Specific Appropriations 603 through 620 that contemplate the use of federal funds are contingent on the receipt of those funds and no state funds shall be used for these activities if federal funds do not become available.

603 SALARIES AND BENEFITS POSITIONS 1,222
FROM GENERAL REVENUE FUND 19,352,436
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,316,200
FROM INLAND PROTECTION TRUST FUND 1,988,918
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,177
FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND 139,628
FROM OPERATING TRUST FUND 6,626,607
FROM PERMIT FEE TRUST FUND 1,813,119
FROM POLLUTION RECOVERY TRUST FUND 67,514
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,930,961
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND 324,454

604 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 388,446
FROM AIR POLLUTION CONTROL TRUST FUND . . 205,002
FROM COASTAL ZONE MANAGEMENT TRUST FUND . 1,800,000
FROM INLAND PROTECTION TRUST FUND 184,000
FROM OPERATING TRUST FUND 1,416,294
FROM PERMIT FEE TRUST FUND 130,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,854,227
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND 200,000

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605	EXPENSES		
	FROM GENERAL REVENUE FUND	4,209,136	
	FROM AIR POLLUTION CONTROL TRUST FUND . .		445,725
	FROM COASTAL ZONE MANAGEMENT TRUST FUND .		200,000
	FROM INLAND PROTECTION TRUST FUND		453,047
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,301
	FROM OPERATING TRUST FUND		2,122,304
	FROM PERMIT FEE TRUST FUND		77,496
	FROM POLLUTION RECOVERY TRUST FUND		169,023
	FROM WATER QUALITY ASSURANCE TRUST FUND .		667,503
	FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		26,792
605A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ST. MARKS SEWER PROJECT		
	FROM GENERAL REVENUE FUND	400,000	
606	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS		
	FROM GENERAL REVENUE FUND	860,231	
606A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LANARK VILLAGE SEWAGE LINES		
	FROM STATE INFRASTRUCTURE FUND		500,000
607	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS		
	FROM GENERAL REVENUE FUND	1,016,760	
608	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - WATER RECOVERY SYSTEM, TAMPA		
	FROM STATE INFRASTRUCTURE FUND		542,000
608A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FRANKLIN COUNTY SPRAY IRRIGATION SYSTEM		
	FROM GENERAL REVENUE FUND	90,000	
608B	AID TO LOCAL GOVERNMENTS		
	DESTIN LAGOON RESTORATION		
	FROM STATE INFRASTRUCTURE FUND		1,500,000
609	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		3,500,000
610	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - AID TO THE FLORIDA STATE UNIVERSITY CENTER FOR AQUATIC RESEARCH AND RESOURCE MANAGEMENT		
	FROM GENERAL REVENUE FUND	100,000	

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610A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - QUINCY SEWAGE LIFT STATION		
	FROM GENERAL REVENUE FUND	125,000	
610B	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - GRANT TO BAY AREA RESOURCE COUNCIL		
	FROM GENERAL REVENUE FUND	486,000	

Funds provided in Specific Appropriation 610B shall be advanced to the Bay Area Resource Council, an interlocal organization representing local governments in Northwest Florida. These funds shall be used to study water quality issues in Escambia Bay, Pensacola Bay, and East Bay. From these funds, $100,000 shall be used to purchase computer modelling of the bays from the Northwest Florida Water Management District and the remainder shall be used for contracts with the University of West Florida.

610C	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - GRANT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT		
	FROM GENERAL REVENUE FUND	250,000	

Funds provided in Specific Appropriation 610C shall be advanced to the South Florida Water Management District for investigating water resources in Osceola County. These funds shall be matched on an equal basis by the South Florida Water Management District.

610D	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FRANKLIN COUNTY SEWAGE TREATMENT		
	FROM STATE INFRASTRUCTURE FUND		650,000
610E	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - GRANT TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR ZELLWOOD DRAINAGE DISTRICT		
	FROM GENERAL REVENUE FUND	100,000	
611	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SEWAGE TREATMENT CONSTRUCTION GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	116,000	
	FROM APALACHICOLA BAY PROTECTION TRUST FUND		2,056,893
611A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - STEINHATCHEE WATER SYSTEM		
	FROM GENERAL REVENUE FUND	114,000	

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612 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 520,000

Funds provided in Specific Appropriation 612, 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, Florida Statutes.

613 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 568,795
FROM AIR POLLUTION CONTROL TRUST FUND . . 160,000
FROM INLAND PROTECTION TRUST FUND 52,984
FROM OPERATING TRUST FUND 401,435
FROM POLLUTION RECOVERY TRUST FUND 100,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 28,092
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND 5,000

613A LUMP SUM
SURFACE WATER IMPROVEMENT AND MANAGEMENT (SWIM) ACT
FROM SURFACE WATER IMPROVEMENT AND MANAGEMENT TRUST FUND 15,000,000

Funds provided in Specific Appropriation 613A are to be used to implement the provisions of CS/HB 1350 and are contingent on that bill or similar legislation becoming law.

614 LUMP SUM
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT
FROM INLAND PROTECTION TRUST FUND 1,285,197

Funds provided in Specific Appropriation 614 are to be transferred to the Department of Health and Rehabilitative Services.

614A SPECIAL CATEGORIES
GRANTS AND AIDS - BIO-ENVIRONMENTAL LABORATORY FACILITY - STUDY AND PLAN
FROM GENERAL REVENUE FUND 250,000

615 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . . 9,746,374

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616 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND 9,860,372

616A SPECIAL CATEGORIES
GRANTS AND AIDS - HOMEPORT DEVELOPMENT GRANTS
FROM HOMEPORT DEVELOPMENT TRUST FUND . . . 5,000,000

616B SPECIAL CATEGORIES
GRANTS AND AIDS - NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT FOR PLAN DEVELOPMENT
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND 350,000

617 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM POLLUTION RECOVERY TRUST FUND 26,870

617A SPECIAL CATEGORIES
SOUTH LAKE AND FOX LAKE CLEANUP
FROM STATE INFRASTRUCTURE FUND 800,000

617B SPECIAL CATEGORIES
TRANSFER TO HOMEPORT DEVELOPMENT TRUST FUND
FROM STATE INFRASTRUCTURE FUND 5,000,000

618 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

619 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 20,000,000

619A SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM STATE INFRASTRUCTURE FUND 600,000
FROM WATER QUALITY ASSURANCE TRUST FUND . 132,000

The Department of Environmental Regulation or other administrative agency shall, prior to the distribution of funds provided in Specific Appropriation 619A 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.

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620 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	1,134,936	
FROM INLAND PROTECTION TRUST FUND		6,684
FROM OPERATING TRUST FUND		25,820
FROM WATER QUALITY ASSURANCE TRUST FUND .		75,000

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

621 SALARIES AND BENEFITS POSITIONS	154	
FROM GENERAL REVENUE FUND	631,362	
FROM NON-GAME WILDLIFE TRUST FUND		302,484
FROM STATE GAME TRUST FUND		2,950,941
622 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	4,500	
FROM NON-GAME WILDLIFE TRUST FUND		200,000
FROM STATE GAME TRUST FUND		229,307
623 EXPENSES		
FROM GENERAL REVENUE FUND	109,716	
FROM NON-GAME WILDLIFE TRUST FUND		167,266
FROM STATE GAME TRUST FUND		1,665,590
624 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	54,472	
FROM NON-GAME WILDLIFE TRUST FUND		28,912
FROM STATE GAME TRUST FUND		120,703
625 SPECIAL CATEGORIES		
PAYMENT OF REWARDS		
FROM ENDANGERED AND THREATENED SPECIES REWARD TRUST FUND		5,000
626 DATA PROCESSING SERVICES		
FROM STATE GAME TRUST FUND		118,249

LAW ENFORCEMENT, DIVISION OF

627 SALARIES AND BENEFITS POSITIONS	396	
FROM GENERAL REVENUE FUND	10,743,752	
FROM STATE GAME TRUST FUND		426,172
628 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	15,451	
629 EXPENSES		
FROM GENERAL REVENUE FUND	997,356	
FROM STATE GAME TRUST FUND		293,739
630 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	123,628	

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631 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
FROM GENERAL REVENUE FUND	1,413,018	
632 SPECIAL CATEGORIES		
OPERATION AND MAINTENANCE OF PATROL VEHICLES		
FROM GENERAL REVENUE FUND	1,512,547	
FROM STATE GAME TRUST FUND		92,726
633 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	213,002	
634 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	93,351	

WILDLIFE, DIVISION OF

635 SALARIES AND BENEFITS POSITIONS	145	
FROM GENERAL REVENUE FUND	616,067	
FROM NON-GAME WILDLIFE TRUST FUND		789,144
FROM STATE GAME TRUST FUND		2,403,317
636 OTHER PERSONAL SERVICES		
FROM NON-GAME WILDLIFE TRUST FUND		790,700
FROM STATE GAME TRUST FUND		311,517
637 EXPENSES		
FROM GENERAL REVENUE FUND	338,145	
FROM NON-GAME WILDLIFE TRUST FUND		576,879
FROM STATE GAME TRUST FUND		1,633,924
638 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	154,316	
FROM NON-GAME WILDLIFE TRUST FUND		105,416
FROM STATE GAME TRUST FUND		320,606
638A LUMP SUM		
ALLIGATOR MANAGEMENT PROGRAM POSITIONS	3	
FROM STATE GAME TRUST FUND		335,000

Funds and positions provided in Specific Appropriation 638A are contingent upon SB 486 or similar legislation becoming law.

639 SPECIAL CATEGORIES		
MANAGEMENT AREA LEASE PAYMENTS		
FROM STATE GAME TRUST FUND		500,000
640 DATA PROCESSING SERVICES		
FROM STATE GAME TRUST FUND		80,787

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FISHERIES, DIVISION OF

641	SALARIES AND BENEFITS POSITIONS 154		
	FROM STATE GAME TRUST FUND		4,001,416
642	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		168,972
643	EXPENSES		
	FROM STATE GAME TRUST FUND		1,881,696
644	OPERATING CAPITAL OUTLAY		
	FROM STATE GAME TRUST FUND		612,591

GENERAL SERVICES, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

645	SALARIES AND BENEFITS POSITIONS 106		
	FROM GENERAL REVENUE FUND	511,647	
	FROM ADMINISTRATIVE TRUST FUND		2,264,741
646	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		10,470
647	EXPENSES		
	FROM GENERAL REVENUE FUND	163,344	
	FROM ADMINISTRATIVE TRUST FUND		335,758
648	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,223	
	FROM ADMINISTRATIVE TRUST FUND		25,077
649	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	16,800	
	FROM ADMINISTRATIVE TRUST FUND		95,628

PURCHASING, DIVISION OF

650	SALARIES AND BENEFITS POSITIONS 74		
	FROM GENERAL REVENUE FUND	1,920,915	
651	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,000	
652	EXPENSES		
	FROM GENERAL REVENUE FUND	553,569	
653	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	386,009	
654	SPECIAL CATEGORIES		
	LABORATORY CONTRACT		
	FROM GENERAL REVENUE FUND	187,826	

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655	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,039,062	

INFORMATION SERVICES, DIVISION OF

656	SALARIES AND BENEFITS POSITIONS 103		
	FROM WORKING CAPITAL TRUST FUND		2,659,526
657	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		82,880
658	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		5,303,714
659	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		922,075

Funds provided in Specific Appropriations 656 through 659 may be adjusted by the Executive Office of the Governor to reflect specific increases in appropriations to users in other departments.

FACILITIES MANAGEMENT, DIVISION OF

660	SALARIES AND BENEFITS POSITIONS 469		
	FROM GENERAL REVENUE FUND	115,114	
	FROM PAID PARKING TRUST FUND		96,291
	FROM SUPERVISION TRUST FUND		8,202,598
661	OTHER PERSONAL SERVICES		
	FROM SUPERVISION TRUST FUND		368,328
662	EXPENSES		
	FROM GENERAL REVENUE FUND	157,172	
	FROM PAID PARKING TRUST FUND		68,043
	FROM SUPERVISION TRUST FUND		7,349,430

Funds provided in Specific Appropriations 660 and 662 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 660 shall be held in reserve.

663	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,279	
	FROM SUPERVISION TRUST FUND		100,882
663A	SPECIAL CATEGORIES		
	MARTIN COUNTY FEASIBILITY STUDY		
	FROM GENERAL REVENUE FUND	50,000	
663B	SPECIAL CATEGORIES		
	LAKELAND RSC ANNEX STUDY		
	FROM GENERAL REVENUE FUND	50,000	

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664	SPECIAL CATEGORIES		
	STATE UTILITY PAYMENTS		
	FROM GENERAL REVENUE FUND	3,560	
	FROM PAID PARKING TRUST FUND		134,841
	FROM SUPERVISION TRUST FUND		7,816,898
665	SPECIAL CATEGORIES		
	TRANSFER TO SUPERVISION TRUST FUND FOR NONRECOVERABLE SERVICES		
	FROM GENERAL REVENUE FUND	104,071	
665A	DEBT SERVICE		
	FROM STATE INFRASTRUCTURE FUND		19,982,004
666	DATA PROCESSING SERVICES		
	FROM PAID PARKING TRUST FUND		36,769
	FROM SUPERVISION TRUST FUND		66,125

BUILDING CONSTRUCTION, DIVISION OF

667	SALARIES AND BENEFITS POSITIONS	55	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		1,818,731
668	OTHER PERSONAL SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		5,600
669	EXPENSES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		418,887
670	OPERATING CAPITAL OUTLAY		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		30,566
671	SPECIAL CATEGORIES		
	TRANSFER TO ARCHITECTS INCIDENTAL TRUST FUND		
	FROM GENERAL REVENUE FUND	243,000	
672	DATA PROCESSING SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		41,447

Funds provided in Specific Appropriations 667 through 670 and 672, 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 approved by the Executive Office of the Governor on October 3, 1986, after consultation with the House and Senate Appropriations Committees.

SAFETY AND CRIME PREVENTION, DIVISION OF

673	SALARIES AND BENEFITS POSITIONS	139	
	FROM SUPERVISION TRUST FUND		2,304,017
674	NOT USED		

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675	EXPENSES		
	FROM SUPERVISION TRUST FUND		556,267
676	OPERATING CAPITAL OUTLAY		
	FROM SUPERVISION TRUST FUND		14,789
677	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM SUPERVISION TRUST FUND		16,337
678	DATA PROCESSING SERVICES		
	FROM SUPERVISION TRUST FUND		4,200

MOTOR POOL, DIVISION OF

679	SALARIES AND BENEFITS POSITIONS	52	
	FROM GENERAL REVENUE FUND	328,877	
	FROM BUREAU OF AIRCRAFT TRUST FUND		551,924
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		496,822
680	OTHER PERSONAL SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		16,577
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		11,579
681	EXPENSES		
	FROM GENERAL REVENUE FUND	72,824	
	FROM BUREAU OF AIRCRAFT TRUST FUND		1,101,707
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		1,258,763
682	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,722	
	FROM BUREAU OF AIRCRAFT TRUST FUND		6,921
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		284,376
683	SPECIAL CATEGORIES		
	TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND		
	FROM GENERAL REVENUE FUND	1,087,994	
684	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	7,765	
	FROM BUREAU OF AIRCRAFT TRUST FUND		6,879
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		233,004

SURPLUS PROPERTY, DIVISION OF

685	SALARIES AND BENEFITS POSITIONS	53	
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		180,186
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		848,200
686	OTHER PERSONAL SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		28,200
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		12,000

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687	EXPENSES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		115,002
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		337,188
688	OPERATING CAPITAL OUTLAY		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		48,351
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		22,160
689	DATA PROCESSING SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		53,792
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		4,200

BOND FINANCE, DIVISION OF

690	SALARIES AND BENEFITS POSITIONS	17	
	FROM GENERAL REVENUE FUND	84,516	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		502,528
691	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		947,332
692	EXPENSES		
	FROM GENERAL REVENUE FUND	59,891	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		352,565
693	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	861	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		3,334
694	DATA PROCESSING SERVICES		
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		4,200

COMMUNICATIONS, DIVISION OF

695	SALARIES AND BENEFITS POSITIONS	101	
	FROM GENERAL REVENUE FUND	720,219	
	FROM COMMUNICATIONS SURVEY TRUST FUND . .		97,584
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		2,117,540
696	OTHER PERSONAL SERVICES		
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		49,820

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697	EXPENSES		
	FROM GENERAL REVENUE FUND	153,838	
	FROM COMMUNICATIONS SURVEY TRUST FUND . .		29,725
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		633,645
698	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,447	
	FROM COMMUNICATIONS SURVEY TRUST FUND . .		1,096
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		238,242
699	SPECIAL CATEGORIES		
	CENTREX AND SUNCOM PAYMENTS		
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		27,843,498
699A	SPECIAL CATEGORIES		
	GROWTH MANAGEMENT DATA NETWORK		
	FROM GENERAL REVENUE FUND	10,000	
700	NOT USED		
701	SPECIAL CATEGORIES		
	GENERAL REVENUE TRANSFER TO COMMUNICATIONS WORKING CAPITAL TRUST FUND FOR NON-RECOVERABLE (CATEGORY I) SERVICES		
	FROM GENERAL REVENUE FUND	641,769	
702	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	6,200	
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		724,593

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

703	SALARIES AND BENEFITS POSITIONS	281	
	FROM GENERAL REVENUE FUND	7,216,084	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,234,360
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		928,560
704	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	100,587	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		595,813
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		9,396
705	EXPENSES		
	FROM GENERAL REVENUE FUND	1,982,043	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		445,928
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		136,510

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706 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 288,668
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,762
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 19,458

706A LUMP SUM
GOVERNOR'S OUTER CONTINENTAL SHELF REPRESENTATIVE
FROM GRANTS AND DONATIONS TRUST FUND . . . 81,540

706B LUMP SUM
CRIME PREVENTION
POSITIONS 3
FROM GENERAL REVENUE FUND 200,000

Funds and positions in Specific Appropriation 706B are contingent upon HB 1467 or similar legislation becoming law.

706C LUMP SUM
OFFICE AUTOMATION
POSITIONS 3
FROM GENERAL REVENUE FUND 921,216

707 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 209,600

From funds provided in Specific Appropriation 707, the Executive Office of the Governor shall by December 1, 1987 report to the Legislature alternative recommended methodologies for calculating a regional Florida Price Level Index.

708 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

708A SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 149,982

709 SPECIAL CATEGORIES
NATIONAL GOVERNORS' ASSOCIATION
FROM GENERAL REVENUE FUND 105,557

709A SPECIAL CATEGORIES
FLORIDA STATE COMMISSION ON HISPANIC AFFAIRS
FROM GENERAL REVENUE FUND 25,000

710 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 16,694

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FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 426,836

OPERATION OF THE GOVERNOR'S MANSION

711 SALARIES AND BENEFITS POSITIONS 9
FROM GENERAL REVENUE FUND 174,874

712 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,200

713 EXPENSES
FROM GENERAL REVENUE FUND 102,769

714 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 300

INFORMATION RESOURCE COMMISSION

715 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 851,015

716 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

717 EXPENSES
FROM GENERAL REVENUE FUND 248,304

718 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 9,234

719 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 4,874

HOSPITAL COST CONTAINMENT BOARD

720 SALARIES AND BENEFITS POSITIONS 60
FROM HOSPITAL COST CONTAINMENT TRUST FUND 1,679,797

721 OTHER PERSONAL SERVICES
FROM HOSPITAL COST CONTAINMENT TRUST FUND 227,200

722 EXPENSES
FROM HOSPITAL COST CONTAINMENT TRUST FUND 550,290

723 OPERATING CAPITAL OUTLAY
FROM HOSPITAL COST CONTAINMENT TRUST FUND 127,294

724 DATA PROCESSING SERVICES
FROM HOSPITAL COST CONTAINMENT TRUST FUND 57,456

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HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

No funds from Specific Appropriations 725 through 963 may be used to purchase zidovudine. However, funds provided in Specific Appropriation 902 include $300,000 for the department to provide zidovudine to those Medicaid eligible patients who were entered through the Dade Network into a federally recognized approved program of zidovudine therapy by June 1, 1987.

These funds are contingent upon the department providing assistance to the AIDS Task Force of the House Committee on Health Care in conducting a special study which shall include a review of the number of persons benefitting from the use of this drug, the costs associated with it, and the experience of other states.

OFFICE OF THE SECRETARY

725	SALARIES AND BENEFITS POSITIONS 107		
	FROM GENERAL REVENUE FUND	2,791,288	
	FROM ADMINISTRATIVE TRUST FUND		671,747
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		71,510
726	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	102,729	
	FROM ADMINISTRATIVE TRUST FUND		207,408
727	EXPENSES		
	FROM GENERAL REVENUE FUND	694,237	
	FROM ADMINISTRATIVE TRUST FUND		411,564
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		3,287
728	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	30,108	
	FROM ADMINISTRATIVE TRUST FUND		2,440
728A	LUMP SUM		
	PREVENTION TASK FORCE/CHILD HEALTH STUDY		
	FROM GENERAL REVENUE FUND	150,000	

Funds in Specific Appropriation 728A establish a Florida Prevention Task Force and an Interagency Unit for Prevention of Handicaps in Young Children. The Director of this unit shall be employed by the Prevention Task Force in consultation with the Florida Developmental Disabilities Planning Council Executive Director. The prevention Director shall employ staff for other positions authorized by this appropriation. The Prevention Task Force shall continue as consisted. The Prevention Unit shall conduct a Children's Health Study to be submitted to the Legislature by March 1, 1988 and shall serve as Ombudsman for Prevention of Disabilities in Young Children.

729	SPECIAL CATEGORIES		
	STATEWIDE HUMAN RIGHTS ADVOCACY COMMITTEE		
	FROM GENERAL REVENUE FUND	15,158	

OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION

From the funds in Specific Appropriations 730 through 740 the department shall develop a model uniform contract management system which clearly identifies objective, cost effective and efficiency criteria that must be met before contracting for services, the minimal requirement of each contract, including the development of unit costs and cost accounting procedures and the specification of deliverables and program outcome measures. The system shall include uniform monitoring mechanisms designed to assess the cost effectiveness of the contracted service. The model system shall be submitted to the chairmen of the legislative appropriations committees and the Executive Office of the Governor by December 1, 1987.

730	SALARIES AND BENEFITS POSITIONS 830		
	FROM GENERAL REVENUE FUND	11,269,497	
	FROM ADMINISTRATIVE TRUST FUND		2,624,174
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		162,886
	FROM WORKING CAPITAL TRUST FUND		7,404,470
731	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	55,075	
	FROM ADMINISTRATIVE TRUST FUND		11,975
732	EXPENSES		
	FROM GENERAL REVENUE FUND	3,431,130	
	FROM ADMINISTRATIVE TRUST FUND		778,904
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		28,272
	FROM WORKING CAPITAL TRUST FUND		1,942,274
733	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	157,941	
	FROM ADMINISTRATIVE TRUST FUND		6,219
	FROM WORKING CAPITAL TRUST FUND		75,701
734	LUMP SUM		
	DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING		
	FROM GENERAL REVENUE FUND	762,000	

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735	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	1,000,000	
736	SPECIAL CATEGORIES COMPUTER RELATED EXPENSES FROM WORKING CAPITAL TRUST FUND		13,043,693
737	SPECIAL CATEGORIES CONTRACT NURSING HOME AUDIT PROGRAM FROM GENERAL REVENUE FUND	679,000	
	FROM ADMINISTRATIVE TRUST FUND		679,000
738	SPECIAL CATEGORIES FINGERPRINTING FOR DAY CARE EMPLOYEES FROM GENERAL REVENUE FUND	210,539	
	FROM ADMINISTRATIVE TRUST FUND		340,000
739	SPECIAL CATEGORIES STATE INSTITUTIONAL CLAIMS FROM GENERAL REVENUE FUND	15,000	
739A	SPECIAL CATEGORIES UNIVERSITY EDUCATION AND TRAINING FROM GENERAL REVENUE FUND	595,349	

Funds in Specific Appropriation 739A shall be used to continue the Education/Training Program at Florida State University, the University of Central Florida, Barry University, Florida A&M University, and the University of West Florida.

740	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	3,179,888	
	FROM ADMINISTRATIVE TRUST FUND		13,568

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

741	SALARIES AND BENEFITS POSITIONS	1,800	
	FROM GENERAL REVENUE FUND	29,022,537	
	FROM ADMINISTRATIVE TRUST FUND		4,073,377
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		98,591
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		289,952
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		790,880
	FROM FEDERAL GRANTS TRUST FUND		841,141
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,896,515
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		125,544
	FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND		71,898
	FROM LICENSURE FEES TRUST FUND		198,273
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		52,469

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FROM PEST CONTROL TRUST FUND		587,872
FROM PLANNING AND EVALUATION TRUST FUND .		9,762,597
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		267,987
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		597,764
FROM RADIATION PROTECTION TRUST FUND . . .		1,394,428
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		51,348

From the funds in Specific Appropriation 741, the department shall use up to $25,000 to contract with the Hospital Cost Containment Board to conduct a study of subacute care. The findings of this study shall be submitted to the chairmen of the legislative appropriations committees by February 1, 1988.

742	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	807,435	
	FROM ADMINISTRATIVE TRUST FUND		822,715
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		25,000
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		7,528
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		96,857
	FROM FEDERAL GRANTS TRUST FUND		127,468
	FROM GRANTS AND DONATIONS TRUST FUND . . .		387,123
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		65,000
	FROM PEST CONTROL TRUST FUND		8,188
	FROM PLANNING AND EVALUATION TRUST FUND .		2,030,291
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		12,322
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		238,197
	FROM RADIATION PROTECTION TRUST FUND . . .		4,452
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		24,020

The funds in Specific Appropriation 742 include up to $25,000 for the department to contract for the development of a comprehensive services plan, which shall outline services to persons with developmental disabilities for the next five years. This plan shall specifically address the types of programs and services which need to be provided to the different types of clients, anticipated costs of these services, how clients will access these services, under what conditions services will be provided and criteria used to determine priority for services. The department shall submit this plan to the chairmen of the legislative appropriations committees no later than March 1, 1988.

The funds in Specific Appropriation 742 include up

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to $25,000 for the department to contract for a comprehensive review of alcohol and drug abuse services. This review shall include, but need not be limited to, the following: description of the programs currently being provided; the population being served, including the specialized populations of adolescents, women, indigents, and inmates; the unmet need; and a plan to address the needed services. By March 1, 1988, the department shall submit to the chairmen of the legislative appropriations committees a report which summarizes the findings and makes recommendations including options to increase the visibility and coordination of statewide alcohol and drug abuse services.

Funds provided in Specific Appropriation 742 include up to $25,000 which shall be used to contract for an epidemiological study on the incidence of breast cancer in the Kendall Lakes region of Dade County. A report of this study shall be delivered to the chairmen of the legislative appropriations committees by March 1, 1988.

From funds in Specific Appropriation 742, $100,000 from the Public Medical Assistance Trust Fund is provided for a study to determine the state's role and participation in the funding and operation of Florida's teaching and research hospitals. The study shall include, but need not be limited to, (1) the state's total contribution by source, for all programs, to each facility and (2) the categorization of each facility's revenue by funding source. The Board of Regents and the Hospital Cost Containment Board shall fully participate in this study. Results of this study shall be forwarded to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor by February 1, 1988.

743	EXPENSES		
	FROM GENERAL REVENUE FUND	8,853,888	
	FROM ADMINISTRATIVE TRUST FUND		1,324,782
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		44,986
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		170,508
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		477,253
	FROM FEDERAL GRANTS TRUST FUND		267,107
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,222,251
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		60,000
	FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND		28,011
	FROM LICENSURE FEES TRUST FUND		74,810
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		23,097

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	FROM PEST CONTROL TRUST FUND		115,215
	FROM PLANNING AND EVALUATION TRUST FUND .		4,365,883
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		208,791
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		281,325
	FROM RADIATION PROTECTION TRUST FUND . . .		501,110
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		63,874
744	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLUORIDATION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		200,000
745	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL HEALTH COUNCILS		
	FROM LOCAL HEALTH PLANNING TRUST FUND . .		2,018,294
746	AID TO LOCAL GOVERNMENTS MOSQUITO CONTROL PROGRAM		
	FROM GENERAL REVENUE FUND	3,135,023	
747	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		3,120,522
748	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		2,773,797
749	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	633,894	
	FROM ADMINISTRATIVE TRUST FUND		66,994
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		1,080
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		13,386
	FROM FEDERAL GRANTS TRUST FUND		2,615
	FROM PEST CONTROL TRUST FUND		7,058
	FROM PLANNING AND EVALUATION TRUST FUND .		89,986
	FROM RADIATION PROTECTION TRUST FUND . . .		86,065
750	LUMP SUM ECONOMIC SERVICES INFORMATION SYSTEM		
	POSITIONS	1	
	FROM GENERAL REVENUE FUND	506,352	
	FROM ADMINISTRATIVE TRUST FUND		2,863,675
750A	LUMP SUM CHILD HEALTH DEMONSTRATION		
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,500,000

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751 NOT USED

751A LUMP SUM
DRUG & ALCOHOL DEMONSTRATION
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,000,000

752 LUMP SUM
GRANTS AND AIDS - SHMO PILOT PROJECT
FROM GENERAL REVENUE FUND 191,000

753 LUMP SUM
FLORIDA MULTIPLE EMPLOYER TRUST DEMONSTRATION PROJECT
FROM ADMINISTRATIVE TRUST FUND 281,690
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,500,000

From funds in Specific Appropriation 753, up to $1,500,000 may be used to purchase reinsurance or supplemental insurance. Release of funds shall be contingent upon the submission of a plan by the trust and consultation by the appropriations committees of the Legislature. The $1,500,000 from the Public Medical Assistance Trust Fund may be advanced upon the approval of the plan.

753A LUMP SUM
PRIMARY CARE ADMINISTRATION
POSITIONS 12
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 389,576

753B LUMP SUM
PRIMARY CARE HEALTH TRAINING
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 2,000,000

Funds in Specific Appropriations 750A, 751A, 753, 753A, and 753B are contingent upon HB 1384 or similar legislation becoming law.

753C LUMP SUM
SOUTH FLORIDA STATE HOSPITAL STUDY
FROM GENERAL REVENUE FUND 30,000

Funds in Specific Appropriation 753C are provided for the purpose of contracting for an independent assessment and evaluation of all facilities on the grounds of South Florida State Hospital to determine present condition and potential uses of both the facilities and property. It shall determine the feasibility of leasing the hospital facilities and/or property to private providers of services to HRS clients.

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754 SPECIAL CATEGORIES
AGING AND ADULT SERVICES TRAINING AND EDUCATION
FROM FEDERAL GRANTS TRUST FUND 119,358

754A SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM TASK FORCE
FROM GENERAL REVENUE FUND 109,258

755 SPECIAL CATEGORIES
EMERGENCY ALTERNATIVE PLACEMENT
FROM RESIDENT PROTECTION TRUST FUND . . . 103,000

756 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT
FROM GENERAL REVENUE FUND 481,950

757 SPECIAL CATEGORIES
MEDICAID PEER REVIEW
FROM GENERAL REVENUE FUND 141,861
FROM ADMINISTRATIVE TRUST FUND 113,912

758 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS
FROM PLANNING AND EVALUATION TRUST FUND . 1,339,000

759 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 291,427

760 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 8,524,156
FROM ADMINISTRATIVE TRUST FUND 2,839,170
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,367,195
FROM RADIATION PROTECTION TRUST FUND . . . 3,729

DEPUTY SECRETARY FOR OPERATIONS

OFFICE OF THE DEPUTY SECRETARY FOR OPERATIONS

761 SALARIES AND BENEFITS POSITIONS 900
FROM GENERAL REVENUE FUND 2,116,823
FROM ADMINISTRATIVE TRUST FUND 1,727,413
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 338,898
FROM U.S. TRUST FUND 18,485,616

762 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 121,883
FROM U.S. TRUST FUND 1,076,160

763 EXPENSES
FROM GENERAL REVENUE FUND 814,828
FROM ADMINISTRATIVE TRUST FUND 381,892

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FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		81,230
FROM U.S. TRUST FUND		13,010,321
764 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	18,364	
FROM ADMINISTRATIVE TRUST FUND		7,887
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		2,546
FROM U.S. TRUST FUND		51,483
764A LUMP SUM CENTRALIZED ABUSE REGISTRY		
POSITIONS	127	
FROM GENERAL REVENUE FUND	3,900,442	
765 SPECIAL CATEGORIES PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	986,365	
FROM ADMINISTRATIVE TRUST FUND		2,494,634
766 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	811,105	
FROM ADMINISTRATIVE TRUST FUND		4,433,176

DISTRICT ADMINISTRATION

767 SALARIES AND BENEFITS POSITIONS	2,418	
FROM GENERAL REVENUE FUND	29,882,215	
FROM ADMINISTRATIVE TRUST FUND		23,756,739
FROM OPERATIONS AND MAINTENANCE TRUST FUND		467,408
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		161,186
768 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	638,478	
FROM ADMINISTRATIVE TRUST FUND		102,560
769 EXPENSES		
FROM GENERAL REVENUE FUND	7,057,942	
FROM ADMINISTRATIVE TRUST FUND		5,484,077
FROM OPERATIONS AND MAINTENANCE TRUST FUND		8,039
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		42,958
770 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	267,805	
FROM ADMINISTRATIVE TRUST FUND		217,086
771 NOT USED		

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772 SPECIAL CATEGORIES CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES		
FROM GENERAL REVENUE FUND	132,740	
772A SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	150,000	

From the funds in Specific Appropriation 772A, $150,000 from the General Revenue Fund shall be for a crisis intervention information and referral service in District 4.

773 SPECIAL CATEGORIES PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
FROM GENERAL REVENUE FUND	1,489,592	
FROM ADMINISTRATIVE TRUST FUND		22,583,106
774 SPECIAL CATEGORIES PURCHASED CLIENT SERVICES		
FROM GENERAL REVENUE FUND	119,215	

From funds provided in Specific Appropriation 774, $40,533 shall be used to purchase client services in District 2 and $78,682 shall be used to purchase client services in District 10.

ECONOMIC SERVICES

775 SALARIES AND BENEFITS POSITIONS	6,538	
FROM GENERAL REVENUE FUND	49,469,294	
FROM ADMINISTRATIVE TRUST FUND		60,508,196
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		474,891
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		11,951,645
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		122,199
FROM SPECIAL GRANTS TRUST FUND		543,460
776 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,394,640	
FROM ADMINISTRATIVE TRUST FUND		4,953,647
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		981,601
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		9,006
FROM SPECIAL GRANTS TRUST FUND		52,084
777 EXPENSES		
FROM GENERAL REVENUE FUND	10,007,817	
FROM ADMINISTRATIVE TRUST FUND		14,101,201
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		246,791

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	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		3,901,223
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		55,128
	FROM SPECIAL GRANTS TRUST FUND		270,300
778	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	441,848	
	FROM ADMINISTRATIVE TRUST FUND		536,033
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		2,090
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		19,605
778A	LUMP SUM		
	HOMELESS PROGRAM		
	FROM GENERAL REVENUE FUND	1,000,000	

Funds in Specific Appropriation 778A are contingent on HB 575 or similar legislation becoming law.

779	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND		3,779,270
780	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	126,878	
	FROM ADMINISTRATIVE TRUST FUND		126,878
781	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM ADMINISTRATIVE TRUST FUND		130,380
782	SPECIAL CATEGORIES		
	WORK INCENTIVE PROGRAM - SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	2,314,322	
	FROM ADMINISTRATIVE TRUST FUND		1,962,321
783	FINANCIAL ASSISTANCE PAYMENTS		
	ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	11,507,298	
784	FINANCIAL ASSISTANCE PAYMENTS		
	AID TO FAMILIES WITH DEPENDENT CHILDREN		
	FROM GENERAL REVENUE FUND	131,034,486	
	FROM DIRECT ASSISTANCE TRUST FUND		192,200,005
	FROM SPECIAL GRANTS TRUST FUND		143,577

Funds are provided in Specific Appropriation 784 to fund a four percent AFDC payment level increase beginning January 1, 1988.

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785	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT ENFORCEMENT - PAYMENT TO PUBLIC ASSISTANCE FAMILIES		
	FROM DIRECT ASSISTANCE TRUST FUND		9,000,000
786	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
	FROM DIRECT ASSISTANCE TRUST FUND		2,200,000
787	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT FOR NON-AFDC FAMILIES		
	FROM DIRECT ASSISTANCE TRUST FUND		22,100,000
788	FINANCIAL ASSISTANCE PAYMENTS		
	FOSTER HOME CARE SUPPLEMENT		
	FROM GENERAL REVENUE FUND	895,740	
789	FINANCIAL ASSISTANCE PAYMENTS		
	HOME ENERGY ASSISTANCE		
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		18,974,262
790	FINANCIAL ASSISTANCE PAYMENTS		
	PERSONAL CARE ALLOWANCE		
	FROM GENERAL REVENUE FUND	313,317	
791	FINANCIAL ASSISTANCE PAYMENTS		
	REFUGEE/ENTRANT ASSISTANCE		
	FROM SPECIAL GRANTS TRUST FUND		1,755,734
792	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

793	SALARIES AND BENEFITS POSITIONS	694	
	FROM GENERAL REVENUE FUND	6,269,165	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		7,682,449
794	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	208,251	
795	EXPENSES		
	FROM GENERAL REVENUE FUND	2,588,514	
	FROM FEDERAL GRANTS TRUST FUND		46,308
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		713,294
795A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SENIOR CITIZEN CENTERS IMPROVEMENTS/ CONSTRUCTION		
	FROM GENERAL REVENUE FUND	1,620,000	

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796 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 55,053

797 SPECIAL CATEGORIES
ALZHEIMERS DISEASE - PILOT
PROJECTS/PURCHASE OF SERVICES
FROM GENERAL REVENUE FUND 2,565,000

From funds in Specific Appropriation 797, $112,500 is provided for workload increases to be divided evenly among all currently funded day care services for Alzheimer's clients.

Funds in Specific Appropriation 797 provide $75,000 for an Alzheimer's clearinghouse, $25,000 for a brain bank, and $88,000 for diagnostic Services at Wien Memory Disorder Clinic in Dade County.

798 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE
ELDERLY
FROM GENERAL REVENUE FUND 32,373,674
FROM FEDERAL GRANTS TRUST FUND 231,014
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 3,970,603

From the funds in Specific Appropriation 798, each Area Agency on Aging may retain a maximum of $15,000 for administrative costs associated with implementing Community Care for the Elderly.

799 SPECIAL CATEGORIES
HOME CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 9,801,615

800 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR
DISABLED ADULTS
FROM GENERAL REVENUE FUND 3,546,244

801 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT
PROGRAM
FROM GENERAL REVENUE FUND 387,347
FROM FEDERAL GRANTS TRUST FUND 49,906,897

802 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

803 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 1,283,019

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804 SPECIAL CATEGORIES
GRANTS AND AIDS - DOMESTIC VIOLENCE
PROGRAM
FROM MARRIAGE LICENSE FEES TRUST FUND . . 2,546,615

From the funds in Specific Appropriation 804, $200,000 shall be used to fund the Miami Beach Battered Women Project in District 11.

805 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 642,398
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 876,082

From the General Revenue Funds, $267,893, and from the Social Services Block Grant Trust Fund, $876,082 in Specific Appropriation 805 shall be used to continue the services to persons in HRS Districts 6 and 11, aged 60 and older, which were originally provided through Title XX and Title III federal funds.

806 SPECIAL CATEGORIES
TEMPORARY EMERGENCY SHELTER SERVICES
FROM GENERAL REVENUE FUND 216,502

807 FINANCIAL ASSISTANCE PAYMENTS
HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE
PROGRAM BLOCK GRANT TRUST FUND 988,000

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

If a deficit occurs in Specific Appropriations 817, 818 or 819 as a result of Medicaid earnings in excess of the amounts appropriated, the department shall transfer the necessary general revenue from Specific Appropriations 811, 813 or 814.

From the funds in Specific Appropriations 811, 813, 814, 817, 818, and 819, the department shall ensure that all contracts separately identify Medicaid earnings from other funds.

808 SALARIES AND BENEFITS POSITIONS 114
FROM GENERAL REVENUE FUND 2,604,366
FROM ALCOHOL, DRUG ABUSE AND MENTAL
HEALTH TRUST FUND 285,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 253,307

809 EXPENSES
FROM GENERAL REVENUE FUND 610,275
FROM ALCOHOL, DRUG ABUSE AND MENTAL
HEALTH TRUST FUND 132,922
FROM GRANTS AND DONATIONS TRUST FUND . . . 28,625

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810 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 29,462

811 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 70,021,581
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 17,886,785
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,350,270

From the general revenue funds in Specific Appropriation 811 no more than $5,000 in 1987-88 may be used to conduct the evaluation of deinstitutionalization projects.

The amount of $2,307,152 in 1987-88 in general revenue in Specific Appropriation 811 shall be allocated for the operation of West Florida Community Care Center. This project shall be considered a deinstitutionalization project and therefore exempt from local matching requirements.

From the general revenue funds in Specific Appropriation 811, $680,000 shall be used to fund the Gulf Coast Jewish Family Services Domiciliary Geriatric Residential Treatment System, and $156,000 shall be used to provide a rate increase to the Boley Manor Adult Residential Treatment System.

From the general revenue funds in Specific Appropriation 811, $120,000 shall be allocated to Project Return.

From the general revenue in Specific Appropriation 811, $342,995 shall be allocated to the Human Development Center of Pasco, Inc., for construction of a mental health treatment complex.

From the funds in Specific Appropriation 811, $258,730 from the General Revenue Fund shall be used to initiate a new Geriatric Residential Treatment System in District 10.

812 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 31,840,608
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,236

From general revenue funds in Specific Appropriation 812 $352,650 shall be allocated to the seven community mental health centers that operate licensed psychiatric hospital beds.

Funds in Specific Appropriation 812 include $195,440 for a short-term residential treatment unit in Orange County operated by Mental Health Services of Orange, Inc.

From general revenue funds in Specific Appropriation 812, $2,784,240 is provided for crisis stabilization unit beds. Operating expenses for two months and nonrecurring renovation funds are to be allocated as follows: $93,620 to District 1 for 10 CSU beds; $93,620 to District 2 for 10 CSU beds; $187,240 to District 3 for 20 CSU beds; $280,860 to District 4 for 30 CSU beds; $187,240 to District 5 for 20 CSU beds; $561,720 to District 6 for 60 CSU beds; $374,480 to District 7 for 40 CSU beds; and $280,460 to District 11 for 20 CSU beds to be located in Opa Locka. In addition, $475,000 shall be allocated to Western Palm Beach County Community Mental Health Center, Inc. to fund the construction of a new 14-bed crisis stabilization unit in Belle Glade and $250,000 shall be allocated to Pinellas Emergency Mental Health Services for construction of a 20-bed crisis stabilization unit in Pinellas County. These two construction projects shall not require local match.

813 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY ALCOHOL SERVICES
FROM GENERAL REVENUE FUND 16,592,855
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 8,143,244
FROM ALCOHOLISM RESOURCE LICENSING TRUST FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 77,574
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,075,000

From the funds in Specific Appropriation 813, $100,000 from general revenue funds shall be used to fund one-time non-recurring renovation/construction costs for the Community Outreach Residential Alcoholism Treatment Facility in Deland.

From the general revenue funds in Specific Appropriation 813, $109,000 shall be allocated to the Orlando Metropolitan Alcohol Council for construction of an intensive residential treatment facility for alcoholics.

An amount of $450,000 in Specific Appropriation 813 shall be appropriated to District 5 for the purposes of matching local funds for the construction and operation of a secure alcohol domiciliary owned by Pinellas County.

From the funds in Specific Appropriation 813, $300,000 from the General Revenue Fund shall be allocated to District 8 for construction of the

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David Lawrence Center.

814 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 16,365,446
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 12,823,679

From the funds in Specific Appropriation 814, $250,000 from the General Revenue Fund shall be allocated to HRS District 11 for an Adolescent Residential Substance Abuse Program.

From the funds in Specific Appropriation 814, $562,500 from the Alcohol, Drug Abuse, and Mental Health Trust Fund shall be allocated to the residential drug treatment program designed by Metro-Dade County as part of a continuum of substance abuse treatment services for indigent youth involved in the juvenile justice system; and $350,000 from the same fund shall be allocated to the outpatient clinic program which is also a part of that same continuum of services.

From the Alcohol, Drug Abuse, and Mental Health Trust Fund in Specific Appropriation 814, $320,288 shall be used to fund a new drug treatment program operated by the Indian River Community Mental Health Center, Inc. From the General Revenue Fund in Specific Appropriation 814, $75,000 shall be used as one-time non-recurring funds for renovations associated with the new program, and is contingent upon $75,000 reverting to General Revenue Unallocated in Fiscal Year 1986-87.

From the funds in Specific Appropriation 814, $100,000 from Alcohol, Drug Abuse, and Mental Health Trust Fund shall be allocated to the Switchboard Substance Abuse Program in District 11.

From the Alcohol, Drug Abuse, and Mental Health Trust Fund in Specific Appropriation 814, $500,000 shall be allocated to the New Beginnings Substance Abuse Project in District 11.

815 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED CLIENT SERVICES/DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 1,040,136

816 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 2,611,977

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817 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COMMUNITY DRUG ABUSE
FROM GENERAL REVENUE FUND 47,656
FROM MEDICAL CARE TRUST FUND 61,024

818 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 6,236,943
FROM MEDICAL CARE TRUST FUND 7,776,609

819 SPECIAL CATEGORIES
PURCHASE OF SERVICES-ALCOHOL
FROM GENERAL REVENUE FUND 45,487
FROM MEDICAL CARE TRUST FUND 57,397

Funds in Specific Appropriations 817, 818, and 819 shall not be used as local agency matching funds required by s. 394.76, F.S.

820 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM
FROM GENERAL REVENUE FUND 1,001,842

MENTAL HEALTH - INSTITUTIONS

821 SALARIES AND BENEFITS POSITIONS 7,079
FROM GENERAL REVENUE FUND 137,856,494
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,747
FROM OPERATIONS AND MAINTENANCE TRUST FUND 14,860,752

822 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,953,032
FROM GRANTS AND DONATIONS TRUST FUND . . . 18,459

From the funds in Specific Appropriation 822, $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.

823 EXPENSES
FROM GENERAL REVENUE FUND 25,884,067
FROM GRANTS AND DONATIONS TRUST FUND . . . 372,842
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,046,453

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824	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,171,131	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,224
825	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	3,443,606	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		168,715
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		62,809
826	SPECIAL CATEGORIES		
	CONTRACTUAL MANAGEMENT SERVICES		
	FROM GENERAL REVENUE FUND	308,000	
827	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	12,648	

CHILDREN, YOUTH AND FAMILY SERVICES

828	SALARIES AND BENEFITS POSITIONS	5,480	
	FROM GENERAL REVENUE FUND	71,589,377	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		703,222
	FROM SERVICES TRUST FUND		4,246,680
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		40,076,579
829	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	808,960	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		105,321
	FROM SERVICES TRUST FUND		187,020

From the funds in Specific Appropriation 829, $125,000 from the General Revenue Fund shall be for medical care for the detention centers in Alachua and Marion counties.

830	EXPENSES		
	FROM GENERAL REVENUE FUND	18,436,491	
	FROM DIRECT ASSISTANCE TRUST FUND		6,600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		345,523
	FROM SERVICES TRUST FUND		1,165,536
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,338,384
831	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	334,498	

From funds provided in Specific Appropriations 829 through 831, $32,935 from general revenue funds shall be used for a pilot vocational program at Hillsborough Halfway House.

832	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,011,353	

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	FROM GRANTS AND DONATIONS TRUST FUND . . .		642,105
833	NOT USED		
834	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PROGRAM		
	FROM GENERAL REVENUE FUND	2,982,938	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,234,414
835	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD DAY CARE		
	FROM GENERAL REVENUE FUND	22,516,857	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		32,015,020

Funds in Specific Appropriation 835 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 general revenue funds in Specific Appropriation 835, the $4,996,737 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.

836	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE/DAY CARE TRAINING		
	FROM GENERAL REVENUE FUND	313,020	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		305,643
837	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE INVESTIGATION		
	FROM GENERAL REVENUE FUND	230,120	
838	SPECIAL CATEGORIES		
	CLIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	368,151	
839	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	804,582	

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840 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	14,466,552	
FROM GRANTS AND DONATIONS TRUST FUND . . .		103,743
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		244,511

From the funds in Specific Appropriation 840, $18,308 from general revenue funds shall be used for a rate increase and $150,000 from general revenue funds for construction of a greenhouse for San Antonio Boys Village; $350,000 from general revenue funds to Associated Marine Institute--Cocoa Beach Astropark; $100,000 from general revenue funds for a program to offer counseling and intervention services to parents of physically drug dependent babies at Broward General Medical Center; $500,000 from the General Revenue Fund for a continuum of care program for emotionally disturbed children and youth in District 3; $58,761 from the General Revenue Fund for a family outreach program in District 2; $300,000 from the General Revenue Fund for the expansion of the McLamore Center for abused children; and up to $400,000 from general revenue funds for repairs/renovations for the Juvenile Sex Offender Program.

841 SPECIAL CATEGORIES
GRANTS AND AIDS - DAY TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH

FROM GENERAL REVENUE FUND	5,880,839	

From the funds in Specific Appropriation 841, $177,100 shall be used for expansion of Menninger Family Care Homes (CHARLEE).

842 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER FOR CHILDREN

FROM GENERAL REVENUE FUND	4,951,505	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,979,177

From the funds in Specific Appropriation 842, $25,000 from general revenue funds shall be used for The Treehouse in District 2, and $225,000 from general revenue funds shall be used for The Haven in District 7B.

843 SPECIAL CATEGORIES
FOSTER HOME CARE FOR CHILDREN

FROM GENERAL REVENUE FUND	8,533,333	
FROM DIRECT ASSISTANCE TRUST FUND		5,463,642
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,529,224
FROM SERVICES TRUST FUND		1,885,122

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From the funds in Specific Appropriation 843, $250,213 from general revenue funds shall be used for a pilot foster care project in District 11 to be established by Catholic Community Services. The funds shall be additional to the foster care subsidy.

From the funds in Specific Appropriations 843 and 852, up to $481,280 shall 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.

844 SPECIAL CATEGORIES
HOUSEKEEPER SERVICES FOR CHILDREN

FROM GENERAL REVENUE FUND	312,022	
FROM SERVICES TRUST FUND		255,776

845 SPECIAL CATEGORIES
GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING

FROM GENERAL REVENUE FUND	1,927,218	
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		582,072

846 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAM

FROM GENERAL REVENUE FUND	384,750	
FROM GRANTS AND DONATIONS TRUST FUND . . .		6,006,304
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,381,123

Funds in Specific Appropriation 846 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.

847 SPECIAL CATEGORIES
MAINTENANCE ADOPTION SUBSIDY

FROM GENERAL REVENUE FUND	5,032,419	
FROM DIRECT ASSISTANCE TRUST FUND		299,715

848 SPECIAL CATEGORIES
MEDICAL COST OF SUBSIDIZED ADOPTIONS

FROM GENERAL REVENUE FUND	479,254	
FROM SERVICES TRUST FUND		60,047

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849 SPECIAL CATEGORIES
OPERATION INVOLVEMENT
FROM GENERAL REVENUE FUND 269,629

850 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 23,203,324

From the funds in Specific Appropriation 850, $114,851 from general revenue funds shall be allocated to District 9 for establishment of a children's crisis stabilization unit.

Funds in Specific Appropriation 841 and 850 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.

From the funds in Specific Appropriation 850, $432,000 is for the Sharon Solomon Treatment Center located on the South Florida State Hospital campus.

851 SPECIAL CATEGORIES
PURCHASE OF ADOPTION SERVICES
FROM GENERAL REVENUE FUND 100,523
FROM GRANTS AND DONATIONS TRUST FUND . . . 144,250

From the funds in Specific Appropriation 851, 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.

852 SPECIAL CATEGORIES
PURCHASE OF RESIDENTIAL GROUP CARE
FROM GENERAL REVENUE FUND 8,545,100
FROM DIRECT ASSISTANCE TRUST FUND 443,047
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,428

853 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF SUPPORT SERVICES
FROM GENERAL REVENUE FUND 577,566
FROM SERVICES TRUST FUND 1,031,308

854 SPECIAL CATEGORIES
GRANTS AND AIDS - RUNAWAY SHELTER PROGRAM
FROM GENERAL REVENUE FUND 4,060,462

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From the funds in Specific Appropriation 854, $800,000 shall be provided for increased workload to the following runaway shelters: $26,689 to Someplace Else; $21,288 Hidle House; $24,147 Interface; $37,174 Arnette House; $25,736 Youth Alternatives; $100,000 Youth Crisis Center; $100,000 Runaway Alternatives Project; $42,407 Youth and Family Connection North; $48,437 Youth and Family Connection South; $25,100 Beach Place; $191,432 Youth Services Center, Inc.; $25,100 Great Oaks Village; $22,876 Youth Shelter of Southwest Florida; $21,288 Safe Harbor; $26,053 Lippman Shelter; $28,277 Miami Bridge; $33,996 Switchboard of Miami.

855 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROGRAMS FOR STATUS OFFENDERS
FROM GENERAL REVENUE FUND 449,962
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 807,177

From the funds in Specific Appropriation 855, $399,000 from general revenue funds is contingent upon HB 129 or similar legislation becoming law.

856 SPECIAL CATEGORIES
TRANSPORTATION OF RUNAWAYS
FROM GENERAL REVENUE FUND 98,320

857 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 4,775,008

From the funds in Specific Appropriation 857, $354,719 shall be used for a rate increase and $298,442 for the expansion of the Wilderness Therapeutic Care Services.

CHILDREN AND YOUTH - INSTITUTIONS

858 SALARIES AND BENEFITS POSITIONS 306
FROM GENERAL REVENUE FUND 4,228,028
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,486
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,734,297

859 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 30,234

860 EXPENSES
FROM GENERAL REVENUE FUND 1,391,572

861 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 92,239

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862	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	248,382	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		85,521
863	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	478,651	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		96,323
864	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	5,170,666	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,677
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,331,700

Pursuant to s. 287.057(6), F.S., monies provided in Specific Appropriation 864 shall be utilized to renew the 1986-87 contract with the contract provider.

DEVELOPMENTAL SERVICES

From the general revenue funds in Specific Appropriations 871, 875, and 879, $7,450,888 is provided for workload increases. No portion of the workload increase shall be allocated to District 11 until all funds appropriated in FY 1986-87 for District 11 have been exhausted by that district. However, an additional $300,000 in Specific Appropriation 871 is provided for costs associated with court-ordered placements in District 11.

865	SALARIES AND BENEFITS POSITIONS 527		
	FROM GENERAL REVENUE FUND	8,634,459	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		311,149
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,009,664
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,628,434
866	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	499,704	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		59,023
867	EXPENSES		
	FROM GENERAL REVENUE FUND	2,135,142	
	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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868	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	253,668	
869	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	30,771	
870	NOT USED		
871	SPECIAL CATEGORIES		
	COMMUNITY RESIDENTIAL TRAINING		
	FROM GENERAL REVENUE FUND	38,506,290	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,845,599
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,154,389

From the funds in Specific Appropriation 871, $207,040 from the General Revenue Fund is allocated to the Memorial Group Home in District 6 for increased operating expenses.

From the funds in Specific Appropriation 871, $100,000 from the General Revenue Fund is allocated to the Pomar House in District 4 for use in correcting fire and safety violations.

Funds in Specific Appropriation 871 and 879 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 the funds in Specific Appropriation 871, $21,500 in general revenue funds, and from the funds in Specific Appropriation 879, $13,500 in general revenue funds shall be allocated to Gadsden ARC, Inc. for a price level increase on current contracts.

872	SPECIAL CATEGORIES		
	CONTRACTED CASEWORK SERVICES		
	FROM GENERAL REVENUE FUND	433,068	
873	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY RETARDATION SERVICES		
	FROM GENERAL REVENUE FUND	2,359,790	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,339,945
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		30,799

From the funds in Specific Appropriation 873, $2,000,000 from the General Revenue Fund shall be allocated to ARC/Broward, Inc. for the construction of a centralized service campus to serve

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Developmental Services clients.

874 SPECIAL CATEGORIES
FLORIDA SPECIAL OLYMPICS
FROM GENERAL REVENUE FUND 17,277

875 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL DISABILITIES
FROM GENERAL REVENUE FUND 5,858,379
FROM OPERATIONS AND MAINTENANCE TRUST FUND 207,548

From the general revenue funds in Specific Appropriation 875, $657,000 shall be allocated to the Devereux Foundation facility in Brevard County to fund 8 residential beds for autistic clients and 8 beds for dually diagnosed clients.

Funds provided in Specific Appropriation 875 for epilepsy contracts shall emphasize medical, dental, diagnosis and evaluation, and casework management services.

From the funds in Specific Appropriation 875, $138,000 from the General Revenue Fund shall be allocated to the Threshold Program for autism in District 7.

From the funds in Specific Appropriation 875, $50,000 from the General Revenue Fund shall be allocated to Orange County Easter Seal Program for an early intervention program.

From the funds in Specific Appropriation 875, $28,571 from the General Revenue Fund shall be allocated to the Epilepsy Foundation of South Florida.

876 SPECIAL CATEGORIES
EXTENDED EMPLOYMENT FOR THE DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 336,430

877 SPECIAL CATEGORIES
GROUP HOMES - TEMPORARY LOANS
FROM INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED/GROUP LIVING HOME REVOLVING TRUST FUND 160,000

878 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY
FROM GENERAL REVENUE FUND 22,628,053
FROM OPERATIONS AND MAINTENANCE TRUST FUND 28,195,178

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879 SPECIAL CATEGORIES
GRANTS AND AIDS - INDEPENDENT/FAMILY LIVING
FROM GENERAL REVENUE FUND 20,878,974
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,695,798
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 6,071,635

From the general revenue funds in Specific Appropriations 871, 875, and 879, $25,000 shall be allocated to Easter Seals of Volusia and Flagler counties for a workload increase; and $50,000 shall be allocated to Easter Seals of Brevard County for the work activity program.

From the funds in Specific Appropriation 879, $44,151 from the General Revenue Fund is provided to fund the Parent to Parent Support Group.

From the funds in Specific Appropriation 879, $214,000 from the General Revenue Fund shall be used for construction of a work-oriented rehabilitation center in District 4B.

From the funds in Specific Appropriation 879, $465,000 from the General Revenue Fund shall be used for construction of a new facility for the Alachua County Association for Retarded Citizens.

880 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA
FROM GENERAL REVENUE FUND 359,605

Funds in Specific Appropriation 880 shall provide for incidental, nonmedical expenditures incurred by persons with spina bifida.

881 SPECIAL CATEGORIES
PURCHASED CLUSTER SERVICES
FROM GENERAL REVENUE FUND 13,444,709
FROM OPERATIONS AND MAINTENANCE TRUST FUND 16,362,601

882 SPECIAL CATEGORIES
PURCHASED REFUGEE SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 61,300

883 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES
FROM GENERAL REVENUE FUND 80,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 80,000

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DEVELOPMENTAL SERVICES - INSTITUTIONS

884 SALARIES AND BENEFITS POSITIONS 4,262
FROM GENERAL REVENUE FUND 49,675,774
FROM OPERATIONS AND MAINTENANCE TRUST FUND 29,916,579

885 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,913,664
FROM OPERATIONS AND MAINTENANCE TRUST FUND 296,441

886 EXPENSES
FROM GENERAL REVENUE FUND 11,726,928
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,589,375

887 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 593,475
FROM OPERATIONS AND MAINTENANCE TRUST FUND 9,600

888 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,254,990
FROM GRANTS AND DONATIONS TRUST FUND . . . 296,085

HEALTH SERVICES

889 SALARIES AND BENEFITS POSITIONS 174
FROM GENERAL REVENUE FUND 3,773,436
FROM GRANTS AND DONATIONS TRUST FUND . . . 552,123
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 104,718
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 94,230

890 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 24,453
FROM GRANTS AND DONATIONS TRUST FUND . . . 45,189
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 35,000

891 EXPENSES
FROM GENERAL REVENUE FUND 3,175,396
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,413,475
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 1,175,725
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 22,250

892 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND 1,904,797
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,553,902

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892A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES
FROM STATE INFRASTRUCTURE FUND 5,000,000

Of the funds in Specific Appropriation 892A, $550,000 is provided to the Gadsden County Public Health Unit for renovation and equipment, $500,000 is provided to the Martin County Health Department, $100,000 to the Okaloosa County Health Unit, $1,000,000 to the Osceola County Health Unit, $1,000,000 for the Collier County Health Unit, $185,000 for the Jackson County Health Unit, and $50,000 for planning for the expansion of the Liberty County Health Units.

893 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 77,734,745
FROM COUNTY HEALTH UNIT TRUST FUND 84,549,466

From the funds in Specific Appropriation 893, $240,000 shall be for equipment for cardiac health training (HARVEY).

894 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 20,029,150

Of the funds in Specific Appropriation 894, $10,000,000 is contingent upon HB 1384 or similar legislation becoming law.

895 NOT USED

896 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MODEL PATIENT TREATMENT/ JACKSON MEMORIAL HOSPITAL
FROM GENERAL REVENUE FUND 4,526,990

897 AID TO LOCAL GOVERNMENTS
IMPACT AID
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,440,000

898 AID TO LOCAL GOVERNMENTS
IMPROVED PREGNANCY OUTCOME PROGRAM
FROM GENERAL REVENUE FUND 7,550,244
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 2,588,766

899 AID TO LOCAL GOVERNMENTS
MATERNAL AND CHILD HEALTH SERVICES
FROM GENERAL REVENUE FUND 850,084

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FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 4,539,995

900 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 4,757,687

From funds in Specific Appropriation 900, up to $90,000 is provided for the department to contract with the University of South Florida to conduct a student health needs assessment in each school across the state. The Department of Health and Rehabilitative Services and the Department of Education will cooperate in this effort. The assessment will include, but not be limited to the following indicators of need: number of dropouts per school year, percentage of screening referrals per school per year which receive follow-up, number of handicapped students per school, including the nature of the specialized services required, number of absentees per school per year, number of schools with existing health rooms, and the number of students per school per year receiving federally subsidized meals.

901 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 45,669
FROM GRANTS AND DONATIONS TRUST FUND . . . 148
FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 9,915
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 1,189

901A LUMP SUM
FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND 1,000,000

902 LUMP SUM
AIDS:SURVEILLANCE/TESTING -
COUNSELING/PATIENT CARE
FROM GENERAL REVENUE FUND 4,823,010
FROM STATE INFRASTRUCTURE FUND 2,300,000

The funds in Specific Appropriation 902 are to be allocated in the following manner: $2,300,000 Dade County Nursing Home; $1,973,010 Dade County Aids Network; $1,000,000 Other Counties; $1,000,000 Education and Awareness Promotion; $450,000 Research Facility Enhancements, $300,000 for the department to provide zidovudine to those Medicaid eligible patients who were entered through the Dade Network into a federally approved program of zidovudine therapy by June 1, 1987, and $100,000 to the South Florida A.I.D.S. Advisory Council. Funding for the council shall provide by February 1, 1988, an account of all dollars expended or projected to be expended on AIDS patients from Specific

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Appropriation 902 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. This report shall be submitted to the chairmen of the legislative appropriations committees.

All services for AIDS patients provided by funds in Specific Appropriation 902 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. All such exceptions shall be reported to the Legislature on or before February 1, 1988, and shall be retained thereafter for review.

Further, the department shall contract with the Dade County Department of Human Resources, Office of Health Services, for the construction/renovation of the nursing home facility. The funding for this facility is contingent upon the reversion to the General Revenue Fund of $1,050,000 provided in the 1986-87 General Appropriations Act.

903 SPECIAL CATEGORIES
ANATOMICAL GIFT PROGRAM
FROM GENERAL REVENUE FUND 180,250

904 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 612,850

905 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 6,577,610

906 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM GENERAL REVENUE FUND 135,960
FROM PREVENTIVE HEALTH SERVICES BLOCK
GRANT TRUST FUND 576,183

907 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM
FROM GENERAL REVENUE FUND 625,874

907A SPECIAL CATEGORIES
REGIONAL DIABETES CENTERS
FROM GENERAL REVENUE FUND 1,089,840

908 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM GRANTS AND DONATIONS TRUST FUND . . . 49,262,138

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909	SPECIAL CATEGORIES STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT FROM COUNTY HEALTH UNIT TRUST FUND		414,775
	HEALTH - TUBERCULOSIS HOSPITAL		
910	SALARIES AND BENEFITS POSITIONS	232	
	FROM GENERAL REVENUE FUND	3,924,616	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		746,187
911	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	21,522	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		22,012
912	EXPENSES		
	FROM GENERAL REVENUE FUND	1,660,421	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		262,804
913	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	52,785	
914	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	89,487	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		395,674
	CHILDREN'S MEDICAL SERVICES		
915	SALARIES AND BENEFITS POSITIONS	423	
	FROM GENERAL REVENUE FUND	6,386,134	
	FROM DONATIONS TRUST FUND		909,377
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		634,527
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,723,345
916	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	232,960	
917	EXPENSES		
	FROM GENERAL REVENUE FUND	1,009,192	
	FROM DONATIONS TRUST FUND		271,368
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		88,066
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		451,869
918	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	60,613	
919	SPECIAL CATEGORIES CHILD ASSESSMENT AND MANAGEMENT PLANNING FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		97,943

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920	SPECIAL CATEGORIES CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM FROM GENERAL REVENUE FUND	115,144	
921	SPECIAL CATEGORIES GRANTS AND AIDS - PERINATAL PROGRAM FROM GENERAL REVENUE FUND	30,271,548	
922	SPECIAL CATEGORIES REGIONAL GENETICS PROGRAM FROM GENERAL REVENUE FUND	788,611	
	FROM DONATIONS TRUST FUND		178,500
923	SPECIAL CATEGORIES SICKLE CELL EDUCATION AND SCREENING FROM GENERAL REVENUE FUND	714,094	
924	SPECIAL CATEGORIES GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN FROM GENERAL REVENUE FUND	6,691,971	
925	SPECIAL CATEGORIES GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM GENERAL REVENUE FUND	867,000	
	FROM DONATIONS TRUST FUND		100,000
926	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND	66,358	
927	SPECIAL CATEGORIES CYSTIC FIBROSIS FROM GENERAL REVENUE FUND	69,081	
928	SPECIAL CATEGORIES INFANT HEARING SCREENING FROM GENERAL REVENUE FUND	333,516	
	FROM DONATIONS TRUST FUND		306,000
929	SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM FOR CHILDREN FROM GENERAL REVENUE FUND	896,524	
930	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES - IMPACT AID FROM DONATIONS TRUST FUND		470,000
931	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES FROM GENERAL REVENUE FUND	34,672,967	
	FROM DONATIONS TRUST FUND		723,879
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,624,667

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FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,140,834

Up to $3,000,000 of the funds in Specific Appropriation 931 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.

932 SPECIAL CATEGORIES
RHEUMATIC FEVER
FROM GENERAL REVENUE FUND 95,215

MEDICAID SERVICES

933 SALARIES AND BENEFITS POSITIONS 543
FROM GENERAL REVENUE FUND 4,445,661
FROM ADMINISTRATIVE TRUST FUND 6,206,183
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,412,634

934 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 353,031
FROM ADMINISTRATIVE TRUST FUND 1,059,094

935 EXPENSES
FROM GENERAL REVENUE FUND 1,435,047
FROM ADMINISTRATIVE TRUST FUND 2,074,163
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 683,373

936 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,429
FROM ADMINISTRATIVE TRUST FUND 11,370
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 499

937 LUMP SUM
HEALTH CARE ACCESS/INDIGENT CARE PROGRAM EXPANSION
FROM MEDICAL CARE TRUST FUND 29,960,437
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 24,129,618

938 LUMP SUM
TRANSFER TO PUBLIC MEDICAL ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 30,000,000

938A LUMP SUM
MEDICAID FEE INCREASES
FROM GENERAL REVENUE FUND 15,200,000
FROM MEDICAL CARE TRUST FUND 27,500,000

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FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 6,900,000
FROM SPECIAL GRANTS TRUST FUND 300,000

938B LUMP SUM
S.O.B.R.A. ADMINISTRATION
POSITIONS 240
FROM ADMINISTRATIVE TRUST FUND 2,819,320
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 2,819,320

Funds in Specific Appropriations 937, 938A, 938B, and $10,000,000 of Specific Appropriation 938 are contingent upon HB 1384 or similar legislation becoming law.

938C LUMP SUM
AFDC NEED STANDARD INCREASE
FROM GENERAL REVENUE FUND 47,565
FROM MEDICAL CARE TRUST FUND 63,242
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 2,876

938D LUMP SUM
AFDC PAYMENT STANDARD INCREASE
FROM GENERAL REVENUE FUND 13,987
FROM MEDICAL CARE TRUST FUND 49,851
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 26,162

939 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 2,852,883
FROM MEDICAL CARE TRUST FUND 3,742,621
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 125,458
FROM SPECIAL GRANTS TRUST FUND 28,581

940 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES
FROM MEDICAL CARE TRUST FUND 14,007,458
FROM SPECIAL GRANTS TRUST FUND 6,094

941 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN
FROM GENERAL REVENUE FUND 3,969,315
FROM MEDICAL CARE TRUST FUND 6,246,950
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 901,118
FROM SPECIAL GRANTS TRUST FUND 148,533

942 SPECIAL CATEGORIES
FAMILY PLANNING
FROM GENERAL REVENUE FUND 156,277
FROM MEDICAL CARE TRUST FUND 1,543,558
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 15,023

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FROM SPECIAL GRANTS TRUST FUND		206
943 SPECIAL CATEGORIES		
HOME AND COMMUNITY BASED SERVICES		
FROM GENERAL REVENUE FUND	1,645,744	
FROM MEDICAL CARE TRUST FUND		22,034,886
FROM SPECIAL GRANTS TRUST FUND		3,480
944 SPECIAL CATEGORIES		
HOME HEALTH SERVICES		
FROM GENERAL REVENUE FUND	7,543,010	
FROM MEDICAL CARE TRUST FUND		9,388,633
FROM SPECIAL GRANTS TRUST FUND		67
945 SPECIAL CATEGORIES		
HOSPICE SERVICES		
FROM GENERAL REVENUE FUND	1,596,455	
FROM MEDICAL CARE TRUST FUND		1,987,059
946 SPECIAL CATEGORIES		
HOSPITAL INPATIENT SERVICES		
FROM GENERAL REVENUE FUND	136,391,471	
FROM MEDICAL CARE TRUST FUND		199,692,536
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		23,922,175
FROM SPECIAL GRANTS TRUST FUND		742,101
947 SPECIAL CATEGORIES		
HOSPITAL INSURANCE BENEFITS		
FROM GENERAL REVENUE FUND	9,950,730	
FROM MEDICAL CARE TRUST FUND		12,385,453
FROM SPECIAL GRANTS TRUST FUND		71
948 SPECIAL CATEGORIES		
HOSPITAL OUTPATIENT SERVICES		
FROM GENERAL REVENUE FUND	10,285,915	
FROM MEDICAL CARE TRUST FUND		31,154,803
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		14,720,951
FROM SPECIAL GRANTS TRUST FUND		90,147

Of the funds in Specific Appropriation 948, $3,200,000 from the Public Medical Assistance Trust Fund and $4,000,000 from the Medical Care Trust Fund and funds in Specific Appropriation 948A are contingent upon HB 1384 or similar legislation becoming law.

948A SPECIAL CATEGORIES		
GRANTS AND AID - INDIGENT CARE HOSPITAL DISTRIBUTION		
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		69,500,000

The funds in Specific Appropriation 948A, provided for distribution to hospitals, are contingent upon each hospital which receives these funds continuing to receive from county, or other local government sources, at least the same level of funding as provided during the state fiscal year 1986-87.

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949 SPECIAL CATEGORIES		
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY		
FROM MEDICAL CARE TRUST FUND		126,576,086
FROM SPECIAL GRANTS TRUST FUND		34,119
950 SPECIAL CATEGORIES		
MEDICAID FISCAL CONTRACT		
FROM GENERAL REVENUE FUND	1,903,752	
FROM ADMINISTRATIVE TRUST FUND		12,213,731
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		407,432
FROM SPECIAL GRANTS TRUST FUND		19,488
951 SPECIAL CATEGORIES		
MEDICAID SURVEILLANCE		
FROM GENERAL REVENUE FUND	733,515	
FROM ADMINISTRATIVE TRUST FUND		1,228,975
952 SPECIAL CATEGORIES		
MEDICAL ADULT DAY CARE		
FROM GENERAL REVENUE FUND	923,782	
FROM MEDICAL CARE TRUST FUND		1,184,411
FROM SPECIAL GRANTS TRUST FUND		23,022
953 SPECIAL CATEGORIES		
NURSE PRACTITIONER SERVICES		
FROM GENERAL REVENUE FUND	116,923	
FROM MEDICAL CARE TRUST FUND		157,042
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		6,995
FROM SPECIAL GRANTS TRUST FUND		2,618
954 SPECIAL CATEGORIES		
NURSING HOME CARE		
FROM GENERAL REVENUE FUND	231,344,892	
FROM MEDICAL CARE TRUST FUND		288,010,090
FROM SPECIAL GRANTS TRUST FUND		46,900

From Specific Appropriation 954 funds are provided for the purpose of increasing the maximum income eligibility standard for the institutional care program as established pursuant to s. 409.266, F.S., at the same rate as the Social Security cost-of-living adjustments.

955 SPECIAL CATEGORIES		
BIRTHING CENTER SERVICES		
FROM GENERAL REVENUE FUND	6,415	
FROM MEDICAL CARE TRUST FUND		9,315
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,070

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956	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	813,768	
	FROM MEDICAL CARE TRUST FUND		1,140,473
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		101,648
	FROM SPECIAL GRANTS TRUST FUND		5,544
957	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	4,362,248	
	FROM ADMINISTRATIVE TRUST FUND		373,784
	FROM MEDICAL CARE TRUST FUND		5,156,884
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		109,607
	FROM SPECIAL GRANTS TRUST FUND		10,609
958	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	20,082,079	
	FROM MEDICAL CARE TRUST FUND		29,587,073
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		3,653,573
	FROM SPECIAL GRANTS TRUST FUND		221,172
959	SPECIAL CATEGORIES		
	PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION		
	FROM GENERAL REVENUE FUND	37,713,279	
	FROM MEDICAL CARE TRUST FUND		46,953,154
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		2,706
	FROM SPECIAL GRANTS TRUST FUND		7,422
960	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	53,052,545	
	FROM MEDICAL CARE TRUST FUND		67,103,331
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		823,270
	FROM SPECIAL GRANTS TRUST FUND		245,446
961	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	425,118	
	FROM MEDICAL CARE TRUST FUND		631,592
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		80,259
	FROM SPECIAL GRANTS TRUST FUND		2,772
962	SPECIAL CATEGORIES		
	STATE MENTAL HEALTH HOSPITAL PROGRAM		
	FROM MEDICAL CARE TRUST FUND		8,894,248

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963	SPECIAL CATEGORIES		
	SUPPLEMENTAL MEDICAL INSURANCE		
	FROM GENERAL REVENUE FUND	17,996,998	
	FROM MEDICAL CARE TRUST FUND		15,552,150
	FROM SPECIAL GRANTS TRUST FUND		60

Funds within Specific Appropriations 937 through 963 may be used to contract for services with 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

964	SALARIES AND BENEFITS POSITIONS 366		
	FROM GENERAL REVENUE FUND	7,051,742	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		61,952
965	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	56,900	
966	EXPENSES		
	FROM GENERAL REVENUE FUND	1,467,484	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		23,910
967	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	115,399	
968	SPECIAL CATEGORIES		
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS		
	FROM HIGHWAY PATROL INSURANCE TRUST FUND .		40,000
969	SPECIAL CATEGORIES		
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	40,000	
970	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,379,513	

FLORIDA HIGHWAY PATROL, DIVISION OF

971	SALARIES AND BENEFITS POSITIONS 2,123		
	FROM GENERAL REVENUE FUND	53,053,133	
	FROM REIMBURSEMENT TRUST FUND		3,916,344
972	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	57,282	
	FROM REIMBURSEMENT TRUST FUND		1,000
973	EXPENSES		
	FROM GENERAL REVENUE FUND	5,851,222	

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	FROM REIMBURSEMENT TRUST FUND		338,437
974	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	822,520	
	FROM REIMBURSEMENT TRUST FUND		10,288
975	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	4,278,748	
	FROM REIMBURSEMENT TRUST FUND		462,825
976	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	5,574,882	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		69,361
	FROM REIMBURSEMENT TRUST FUND		627,894
976A	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		527,665
977	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,123,530	
	FROM REIMBURSEMENT TRUST FUND		85,637
978	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	128,430	
	FROM REIMBURSEMENT TRUST FUND		29,741

DRIVER LICENSES, DIVISION OF

979	SALARIES AND BENEFITS POSITIONS	1,569	
	FROM GENERAL REVENUE FUND	13,779,934	
	FROM ACCIDENT REPORTS TRUST FUND		14,771,420
980	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	585,516	
981	EXPENSES		
	FROM GENERAL REVENUE FUND	7,270,831	
982	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	861,820	
982A	LUMP SUM		
	MOTORCYCLE SAFETY		
	POSITIONS	6	
	FROM ACCIDENT REPORTS TRUST FUND		538,000

Funds provided in Specific Appropriation 982A are contingent upon CS/CS/HB 56 or similar legislation becoming law.

983	SPECIAL CATEGORIES		
	PURCHASE OF DRIVER LICENSES		
	FROM GENERAL REVENUE FUND	2,244,701	

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984	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	9,364,677	
	FROM ACCIDENT REPORTS TRUST FUND		273,724

Funds provided in Specific Appropriation 984, from the Accident Reports Trust Fund, are contingent upon HB 1422 or similar legislation becoming law.

MOTOR VEHICLES, DIVISION OF

985	SALARIES AND BENEFITS POSITIONS	525	
	FROM GENERAL REVENUE FUND	7,364,602	
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		2,150,000
986	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	57,967	
987	EXPENSES		
	FROM GENERAL REVENUE FUND	3,403,028	
987A	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		10,500,000
987B	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		6,632,000
987C	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE		
	FROM LICENSE TAX COLLECTION TRUST FUND . .		3,368,000
988	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	211,709	
989	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PURCHASE OF LICENSE PLATES		
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		7,707,006
990	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,947,299	
	FROM FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM TRUST FUND		6,515,139

KIRKMAN DATA CENTER

991	SALARIES AND BENEFITS POSITIONS	254	
	FROM WORKING CAPITAL TRUST FUND		5,594,913

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992 EXPENSES
FROM WORKING CAPITAL TRUST FUND 5,368,325

993 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 4,940,231

994 SPECIAL CATEGORIES
CONTRACTUAL DATA ENTRY SERVICES
FROM WORKING CAPITAL TRUST FUND 62,608

995 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

996 SALARIES AND BENEFITS POSITIONS 153
FROM GENERAL REVENUE FUND 227,901
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 4,093,501

997 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 82,350

998 EXPENSES
FROM GENERAL REVENUE FUND 45,122
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 975,412

999 AID TO LOCAL GOVERNMENTS
TWO PERCENT PREMIUM TAX TO CITIES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 57,000,000

1000 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,494
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 41,875

1001 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 964,053

TREASURY, DIVISION OF

1002 SALARIES AND BENEFITS POSITIONS 59
FROM GENERAL REVENUE FUND 1,019,245
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 295,581

1003 EXPENSES
FROM GENERAL REVENUE FUND 389,528

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FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 114,532

1004 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 14,182
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 27,183

1004A LUMP SUM
REVERSE EQUITY MORTGAGES
POSITIONS 2
FROM HOME EQUITY CONVERSION MORTGAGE GUARANTY TRUST FUND 40,000

From funds provided in Specific Appropriation 1004A, two positions and $40,000 shall be used to market and administer the provisions of the Home Equity Conversion Act.

1005 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 441,736
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 41,343

INSURANCE RATING, DIVISION OF

1006 SALARIES AND BENEFITS POSITIONS 100
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,170,429

1007 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 284,785

Funds provided in Specific Appropriation 1007 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.

1008 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 816,857

1009 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,014

1009A LUMP SUM
CATASTROPHIC ILLNESS/ACCIDENT STUDY - CS/HB 37
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 160,000

Funds provided in Specific Appropriation 1009A are

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contingent upon CS/SB 37 or similar legislation becoming law.

1010 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 190,507

INSURANCE COMPANY REGULATION, DIVISION OF

1011 SALARIES AND BENEFITS POSITIONS 178
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 4,826,719

1012 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,186,702

1013 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 10,193

1014 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 72,435

REHABILITATION AND LIQUIDATION, DIVISION OF

1015 SALARIES AND BENEFITS POSITIONS 38
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,064,763

1016 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 372,518

1017 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 8,451

1018 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 63,260

INSURANCE CONSUMER SERVICES, DIVISION OF

1019 SALARIES AND BENEFITS POSITIONS 190
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 4,286,932

1020 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,404,536

1021 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND 1,500,000

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1022 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 160,531

1023 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 707,049

STATE FIRE MARSHAL, DIVISION OF

1024 SALARIES AND BENEFITS POSITIONS 134
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,438,517

1025 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,500

1026 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,011,153

1026A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FIRE FIGHTERS HEALTH PROJECT/MIAMI
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 75,000

1027 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 257,727

1027A LUMP SUM
BOILER INSPECTION PROGRAM
POSITIONS 8
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 412,940

Funds and positions provided in Specific Appropriation 1027A are contingent upon CS/SB 160 or similar legislation relating to boiler safety, becoming law. Further, this Specific Appropriation assumes that the positions will be placed organizationally within the current Bureau of Fire Prevention.

1028 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 80,133

1029 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 21,410

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1030 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 225,267

RISK MANAGEMENT, DIVISION OF

1031 SALARIES AND BENEFITS POSITIONS 68
FROM CASUALTY INSURANCE TRUST FUND 1,524,719
FROM FIRE INSURANCE TRUST FUND 133,498

1032 OTHER PERSONAL SERVICES
FROM CASUALTY INSURANCE TRUST FUND 25,000

1033 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 479,993
FROM FIRE INSURANCE TRUST FUND 18,992

1034 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 20,430
FROM FIRE INSURANCE TRUST FUND 890

1035 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 1,312,642
FROM FIRE INSURANCE TRUST FUND 1,560,000

1036 DATA PROCESSING SERVICES
FROM CASUALTY INSURANCE TRUST FUND 11,056
FROM FIRE INSURANCE TRUST FUND 9,916

INSURANCE FRAUD, DIVISION OF

1037 SALARIES AND BENEFITS POSITIONS 30
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 936,365

1038 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 301,384

1039 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 83,571

1040 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 32,019

LIQUEFIED PETROLEUM GAS, DIVISION OF

1041 SALARIES AND BENEFITS POSITIONS 19
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 458,322

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1042 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,000

1043 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 156,826

1044 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 69,307

1045 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 13,534

TREASURER'S MANAGEMENT INFORMATION CENTER

1046 SALARIES AND BENEFITS POSITIONS 46
FROM WORKING CAPITAL TRUST FUND 1,160,243

1047 EXPENSES
FROM WORKING CAPITAL TRUST FUND 1,128,412

1048 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 483,520

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

General revenue funds provided in Specific Appropriations 1050 and 1051 for the Computer Aided Transcription Project shall be used to continue the project in the First Judicial Circuit. The project in the Twelfth Judicial Circuit shall be phased out by September 30, 1987. The Office of the State Courts Administrator shall submit to the chairmen of the House and Senate Appropriations Committees by March 1, 1988, a preliminary evaluation of the project. A final report shall be submitted by April 1, 1988.

1049 SALARIES AND BENEFITS POSITIONS 144
FROM GENERAL REVENUE FUND 4,405,291
FROM COURT EDUCATION TRUST FUND 152,895
FROM DWI SCHOOLS COORDINATION TRUST FUND . 128,300
FROM GRANTS AND DONATIONS TRUST FUND . . . 52,311

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1050 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 447,173
FROM COURT EDUCATION TRUST FUND 93,500
FROM DWI SCHOOLS COORDINATION TRUST FUND . 55,064
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,200

1051 EXPENSES
FROM GENERAL REVENUE FUND 1,000,609
FROM COURT EDUCATION TRUST FUND 526,700
FROM DWI SCHOOLS COORDINATION TRUST FUND . 57,217
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,475

From the Court Education Trust Fund moneys in Specific Appropriations 1049 through 1051, the Supreme Court shall include training at court conferences on child abuse and child support issues.

No general revenue funds in Specific Appropriation 1051 shall be used for out-of-state judicial education programs.

1052 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 171,714
FROM DWI SCHOOLS COORDINATION TRUST FUND . 8,773

1052A LUMP SUM
STUDY OF GENDER BIAS IN THE COURTS
POSITIONS 1
FROM GENERAL REVENUE FUND 162,200

1053 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM GENERAL REVENUE FUND 5,000

Funds in Specific Appropriation 1053 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.

1054 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 202,695

1055 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 359,161

ADMINISTERED FUNDS - JUDICIAL

In the event of a General Revenue shortfall, as provided in Chapter 216, F.S., funds in Specific Appropriations 1062 and 1066 shall not be reserved

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in excess of the amount obtained by multiplying the overall percentage reduction factor required times the amounts in Specific Appropriations 1062 and 1066, unless all other general revenue funds in Specific Appropriations 1049 through 1081 have been exhausted.

1055A LUMP SUM
CRIMINAL JUSTICE INFORMATION SYSTEM
PLANNING
FROM GENERAL REVENUE FUND 100,000

The funds in Specific Appropriation 1055A 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, 1988.

1056 LUMP SUM
TENTH JUDICIAL CIRCUIT CRIMINAL JUSTICE
INFORMATION SYSTEM
FROM GENERAL REVENUE FUND 207,450

The funds in Specific Appropriation 1056 shall be allocated to the Tenth Judicial Circuit for the second-year funding of the integrated Criminal Justice Information System according to the plans approved by the Office of the Governor and the Office of the State Courts Administrator.

1056A LUMP SUM
SIXTH JUDICIAL CIRCUIT INTEGRATED CRIMINAL
JUSTICE INFORMATION SYSTEM
FROM GENERAL REVENUE FUND 114,486

Funds in Specific Appropriations 1056A and 1056B are

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contingent upon the following: a) an operational work plan approved by the Review Committee: b) formation of a CJIS Committee in each circuit through a formal compact with representatives from all counties in each circuit; and in each circuit, the Court Administrator, the State Attorney's Office, the Public Defender's Office, and the Department of Corrections; c) a detailed budget signed by all concerned parties in the circuit to be reviewed and approved by the Review Committee and the State Court Administrator's office; d) evidence of the local government matching contribution as specified in their plans; and finally, (e) quarterly reports to the Review Committee on the progress of the integrated system.

1056B LUMP SUM
TWENTIETH CIRCUIT/CRIMINAL JUSTICE
INFORMATION SYSTEM
FROM GENERAL REVENUE FUND 453,600

1057 LUMP SUM
JUDICIAL CERTIFICATIONS
POSITIONS 30
FROM GENERAL REVENUE FUND 922,451

The funds in Specific Appropriation 1057 are contingent upon HB 1365 or similar legislation becoming law.

1058 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 450,000

1059 SPECIAL CATEGORIES
COMPENSATION AND EXPENSES OF COURT
REPORTERS
FROM GENERAL REVENUE FUND 1,183,752

1060 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 15,000

1061 SPECIAL CATEGORIES
JUDICIAL CLERK INTERN PROGRAM
FROM GENERAL REVENUE FUND 50,000

Funds in Specific Appropriation 1061 shall be used to provide stipends and relocation expenses to a minimum of 20 participants in the Florida Bar Judicial Clerk Scholarship Program.

1062 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND
WITNESSES
FROM GENERAL REVENUE FUND 7,786,851

Funds in Specific Appropriation 1062 shall be used

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solely for the payment of jurors and witnesses.

1063 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 265,825

1064 SPECIAL CATEGORIES
PRINTING REPORTS
FROM GENERAL REVENUE FUND 394,491

1065 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 161,350

1066 SPECIAL CATEGORIES
WITNESS FEES
FROM GENERAL REVENUE FUND 3,448,000

Funds in Specific Appropriation 1066 are contingent upon: the matching contribution by each county with sufficient personnel and funds to establish a witness coordination office; or, the establishment of procedures approved by the State Courts Administrator to coordinate witnesses. These offices shall follow the procedures designed by the State Courts 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 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 1066, $15,000 may be used by the State Courts Administrator's Office for appropriate part-time personnel and expenses of the management and statistical reporting associated with witness coordination offices.

JUSTICE DATA CENTER

1067 SALARIES AND BENEFITS POSITIONS 18
FROM WORKING CAPITAL TRUST FUND 512,810

1068 EXPENSES
FROM WORKING CAPITAL TRUST FUND 1,523,452

1069 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 986,722

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DISTRICT COURTS OF APPEAL

1070 SALARIES AND BENEFITS POSITIONS 310
FROM GENERAL REVENUE FUND 12,770,750

1071 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 82,967

1072 EXPENSES
FROM GENERAL REVENUE FUND 1,330,431

1073 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 737,987

1074 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 398,032

CIRCUIT COURTS

Of the funds in Specific Appropriations 1075 and 1077, $378,083 of General Revenue in Specific Appropriation 1075 and $18,750 in General Revenue in Specific Appropriation 1077 are provided for Law Clerk Pilot Programs in the 6th and 18th circuits.

1075 SALARIES AND BENEFITS POSITIONS 999
FROM GENERAL REVENUE FUND 49,006,064

1076 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 156,328

1077 EXPENSES
FROM GENERAL REVENUE FUND 1,009,788

No funds in Specific Appropriation 1077 shall be used for out-of-state judicial education programs.

1078 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,573

1078A LUMP SUM
GUARDIAN AD LITEM/DISSOLUTION OF MARRIAGE
FROM GENERAL REVENUE FUND 300,000

1078B SPECIAL CATEGORIES
GRANTS AND AIDS - TRIAL COURT INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 1,283,000

1078C SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 50,000

1078D DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 115,200

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COUNTY COURTS

1079 SALARIES AND BENEFITS POSITIONS 446
FROM GENERAL REVENUE FUND 22,777,618

1080 EXPENSES
FROM GENERAL REVENUE FUND 173,074

No funds in Specific Appropriation 1080 shall be used for out-of-state judicial education programs.

1081 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 135,000

JUSTICE ADMINISTRATIVE COMMISSION

1082 SALARIES AND BENEFITS POSITIONS 25
FROM GENERAL REVENUE FUND 612,680

1083 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,941

1084 EXPENSES
FROM GENERAL REVENUE FUND 130,243

1085 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,359

1086 LUMP SUM
CONSUMER FRAUD PROTECTION
FROM CONSUMER FRAUDS TRUST FUND 160,000

1087 LUMP SUM
ENFORCEMENT OF CIVIL R.I.C.O. LAWS
FROM CIVIL RICO TRUST FUND 275,000

1088 LUMP SUM
WORTHLESS CHECK DIVERSION PROGRAM
POSITIONS 10
FROM GRANTS AND DONATIONS TRUST FUND . . . 765,000

1088A LUMP SUM
FOOD STAMP FRAUD REIMBURSEMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 266,250

1089 SPECIAL CATEGORIES
CONFLICT CASES
FROM GENERAL REVENUE FUND 2,000,000

The allocation of funds in Specific Appropriation 1089 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

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the trial court for purposes of representation and compensated as provided in s. 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 1986-87 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 March 1, 1988.

The allocation of funds in Specific Appropriation 1089 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.

1090 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF ADMINISTRATION
FOR COPES
FROM GENERAL REVENUE FUND 43,477

1091 SPECIAL CATEGORIES
LAW INTERN PROGRAM
FROM GENERAL REVENUE FUND 165,878

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1092 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 142,753

1093 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER
TRAINING
FROM GENERAL REVENUE FUND 128,533

JUDICIAL QUALIFICATIONS COMMISSION

1094 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 54,482

1095 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 60,052

1096 EXPENSES
FROM GENERAL REVENUE FUND 52,110

1097 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 674

1097A LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 50,000

Funds in Specific Appropriation 1097A are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

1098 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 916,552

1099 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 101,084

1100 EXPENSES
FROM GENERAL REVENUE FUND 371,594

1101 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 21,879

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 $24,255 for each position.

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FIRST JUDICIAL CIRCUIT

1102	SALARIES AND BENEFITS	POSITIONS	129	
	FROM GENERAL REVENUE FUND		4,015,696	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			10,000
1103	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		33,500	
1104	EXPENSES			
	FROM GENERAL REVENUE FUND		302,157	
1105	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		70,014	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			6,000
1106	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		9,281	
1107	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		39,489	

SECOND JUDICIAL CIRCUIT

1108	SALARIES AND BENEFITS	POSITIONS	82	
	FROM GENERAL REVENUE FUND		2,694,624	
1109	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		28,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			25,000
1110	EXPENSES			
	FROM GENERAL REVENUE FUND		244,355	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			12,000
1111	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		23,623	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			20,000
1112	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		8,195	
1113	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		17,500	

THIRD JUDICIAL CIRCUIT

1114	SALARIES AND BENEFITS	POSITIONS	42	
	FROM GENERAL REVENUE FUND		1,495,755	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			6,000

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1115	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		13,586	
1116	EXPENSES			
	FROM GENERAL REVENUE FUND		232,835	
1117	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		37,232	
1118	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		5,110	
1119	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		12,115	

FOURTH JUDICIAL CIRCUIT

1120	SALARIES AND BENEFITS	POSITIONS	229	
	FROM GENERAL REVENUE FUND		6,512,465	
1121	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		123,725	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			100,000
1122	EXPENSES			
	FROM GENERAL REVENUE FUND		370,377	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			149,879
1123	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		159,083	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			34,640
1124	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		7,873	
1125	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		28,075	

FIFTH JUDICIAL CIRCUIT

1126	SALARIES AND BENEFITS	POSITIONS	106	
	FROM GENERAL REVENUE FUND		3,320,727	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			15,992
1127	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		10,500	
1128	EXPENSES			
	FROM GENERAL REVENUE FUND		264,273	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			16,008

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1129	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		77,297	
1130	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		15,938	
1131	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		27,483	
SIXTH JUDICIAL CIRCUIT				
1132	SALARIES AND BENEFITS	POSITIONS	299	
	FROM GENERAL REVENUE FUND		8,774,196	
1133	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		59,110	
1134	EXPENSES			
	FROM GENERAL REVENUE FUND		441,990	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			50,000
1135	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		119,809	
1136	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		16,069	
1137	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		28,546	
SEVENTH JUDICIAL CIRCUIT				
1138	SALARIES AND BENEFITS	POSITIONS	122	
	FROM GENERAL REVENUE FUND		3,805,451	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			50,952
1139	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		23,976	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			10,332
1140	EXPENSES			
	FROM GENERAL REVENUE FUND		249,757	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			23,030
1141	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		32,106	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			15,000
1142	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		7,105	

SECTION 01

SPECIFIC
APPROPRIATION

1143	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		23,837	
EIGHTH JUDICIAL CIRCUIT				
1144	SALARIES AND BENEFITS	POSITIONS	87	
	FROM GENERAL REVENUE FUND		2,659,758	
1145	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		8,443	
1146	EXPENSES			
	FROM GENERAL REVENUE FUND		220,789	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			9,750
1147	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		19,980	
1148	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		9,312	
1149	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		19,594	
NINTH JUDICIAL CIRCUIT				
1150	SALARIES AND BENEFITS	POSITIONS	193	
	FROM GENERAL REVENUE FUND		5,247,820	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			110,000
1151	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		24,171	
1152	EXPENSES			
	FROM GENERAL REVENUE FUND		315,549	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			25,000
1153	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		84,354	
	FROM GRANTS AND DONATIONS TRUST FUND . . .			21,000
1154	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		11,972	
1155	SPECIAL CATEGORIES			
	STATE ATTORNEYS - LAW LIBRARY			
	FROM GENERAL REVENUE FUND		33,719	
TENTH JUDICIAL CIRCUIT				
1156	SALARIES AND BENEFITS	POSITIONS	123	
	FROM GENERAL REVENUE FUND		3,566,342	

SECTION 01

SPECIFIC
APPROPRIATION

	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
1157	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	33,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
1158	EXPENSES		
	FROM GENERAL REVENUE FUND	246,743	
1159	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	35,854	
1160	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,026	
1161	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	7,980	

ELEVENTH JUDICIAL CIRCUIT

1162	SALARIES AND BENEFITS POSITIONS	744	
	FROM GENERAL REVENUE FUND	17,585,696	
	FROM CHILD SUPPORT TRUST FUND		3,638,113
	FROM GRANTS AND DONATIONS TRUST FUND . . .		302,582
1163	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	232,625	
	FROM CHILD SUPPORT TRUST FUND		51,480
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,711
1164	EXPENSES		
	FROM GENERAL REVENUE FUND	1,350,345	
	FROM CHILD SUPPORT TRUST FUND		612,959
	FROM GRANTS AND DONATIONS TRUST FUND . . .		73,969
1165	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	122,458	
	FROM CHILD SUPPORT TRUST FUND		50,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,000
1166	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,490	
1167	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	44,846	
	FROM CHILD SUPPORT TRUST FUND		5,000

TWELFTH JUDICIAL CIRCUIT

1168	SALARIES AND BENEFITS POSITIONS	125	
	FROM GENERAL REVENUE FUND	3,454,979	

SECTION 01

SPECIFIC
APPROPRIATION

1169	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,000	
1170	EXPENSES		
	FROM GENERAL REVENUE FUND	231,383	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,000
1171	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	116,464	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,000
1172	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
1173	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	29,932	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500

THIRTEENTH JUDICIAL CIRCUIT

1174	SALARIES AND BENEFITS POSITIONS	210	
	FROM GENERAL REVENUE FUND	6,525,720	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,000
1175	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	99,000	
1176	EXPENSES		
	FROM GENERAL REVENUE FUND	518,976	
1177	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	649,881	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
1178	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	
1179	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	17,184	

FOURTEENTH JUDICIAL CIRCUIT

1180	SALARIES AND BENEFITS POSITIONS	61	
	FROM GENERAL REVENUE FUND	2,037,593	
1181	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,260	
1182	EXPENSES		
	FROM GENERAL REVENUE FUND	243,731	

SECTION 01

SPECIFIC
APPROPRIATION

1183	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	50,121	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		9,250
1184	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
1185	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	19,566	

FIFTEENTH JUDICIAL CIRCUIT

1186	SALARIES AND BENEFITS POSITIONS	197	
	FROM GENERAL REVENUE FUND	6,097,764	
1187	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	74,086	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000
1188	EXPENSES		
	FROM GENERAL REVENUE FUND	529,902	
1189	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	52,432	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
1190	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,702	
1191	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	33,471	

SIXTEENTH JUDICIAL CIRCUIT

1192	SALARIES AND BENEFITS POSITIONS	49	
	FROM GENERAL REVENUE FUND	1,545,696	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,598
1193	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	111,000	

Of the funds in Specific Appropriations 1193 and 1195, $120,000 shall be used to fund the implementation of the integrated Criminal Justice Information System in the Sixteenth Judicial Circuit according to the plan submitted by that circuit and recommended by the Criminal Justice Information System Review Committee in February of 1987. 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 and the chair of the Joint Committee on Information Technology Resources.

SECTION 01

SPECIFIC
APPROPRIATION

1194	EXPENSES		
	FROM GENERAL REVENUE FUND	176,543	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,002
1195	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	50,845	
1196	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	4,129	
1197	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	3,069	

SEVENTEENTH JUDICIAL CIRCUIT

1198	SALARIES AND BENEFITS POSITIONS	304	
	FROM GENERAL REVENUE FUND	9,598,117	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		34,150
1199	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	53,500	
1200	EXPENSES		
	FROM GENERAL REVENUE FUND	574,025	
1201	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	117,360	
1202	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	12,292	
1203	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	51,348	

EIGHTEENTH JUDICIAL CIRCUIT

1204	SALARIES AND BENEFITS POSITIONS	143	
	FROM GENERAL REVENUE FUND	4,302,089	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		23,000
1205	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	35,000	
1206	EXPENSES		
	FROM GENFRAL REVENUE FUND	420,082	
1207	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	90,951	

SECTION 01

SPECIFIC
APPROPRIATION

1208 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 13,207

1209 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 28,530

NINETEENTH JUDICIAL CIRCUIT

1210 SALARIES AND BENEFITS POSITIONS 87
FROM GENERAL REVENUE FUND 2,524,879
FROM GRANTS AND DONATIONS TRUST FUND . . . 80,665

1211 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34,000

1212 EXPENSES
FROM GENERAL REVENUE FUND 249,789
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,335

1213 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,143

1214 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,874

1215 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 20,243

TWENTIETH JUDICIAL CIRCUIT

1216 SALARIES AND BENEFITS POSITIONS 140
FROM GENERAL REVENUE FUND 3,866,897
FROM GRANTS AND DONATIONS TRUST FUND . . . 28,000

1217 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,800

1218 EXPENSES
FROM GENERAL REVENUE FUND 288,892

1219 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,535

1220 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 20,288

1221 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 19,235

SECTION 01

SPECIFIC
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 1222 through 1321. The total funding for this office shall not exceed $192,000.

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 $24,255 for each position.

FIRST JUDICIAL CIRCUIT

1222 SALARIES AND BENEFITS POSITIONS 74
FROM GENERAL REVENUE FUND 2,354,231

1223 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,934

1224 EXPENSES
FROM GENERAL REVENUE FUND 178,777

1225 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,193

1226 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 25,000

SECOND JUDICIAL CIRCUIT

1227 SALARIES AND BENEFITS POSITIONS 71
FROM GENERAL REVENUE FUND 2,321,295

1228 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 26,934

1229 EXPENSES
FROM GENERAL REVENUE FUND 217,770

1230 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 41,421

1231 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 21,443

THIRD JUDICIAL CIRCUIT

1232 SALARIES AND BENEFITS POSITIONS 19
FROM GENERAL REVENUE FUND 738,271

SECTION 01

SPECIFIC
APPROPRIATION

1233 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,000

1234 EXPENSES
FROM GENERAL REVENUE FUND 118,227

1235 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,217

1236 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 8,323

FOURTH JUDICIAL CIRCUIT

1237 SALARIES AND BENEFITS POSITIONS 114
FROM GENERAL REVENUE FUND 3,540,848

1238 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 26,956

1239 EXPENSES
FROM GENERAL REVENUE FUND 176,059

1240 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,615

1241 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 17,422

FIFTH JUDICIAL CIRCUIT

1242 SALARIES AND BENEFITS POSITIONS 51
FROM GENERAL REVENUE FUND 1,515,719

1243 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,467

1244 EXPENSES
FROM GENERAL REVENUE FUND 128,003

1245 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,701

1246 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 11,456

SIXTH JUDICIAL CIRCUIT

1247 SALARIES AND BENEFITS POSITIONS 148
FROM GENERAL REVENUE FUND 4,429,366

1248 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 80,000

SECTION 01

SPECIFIC
APPROPRIATION

1249 EXPENSES
FROM GENERAL REVENUE FUND 316,957

1250 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 67,421

1251 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 29,100

SEVENTH JUDICIAL CIRCUIT

1252 SALARIES AND BENEFITS POSITIONS 86
FROM GENERAL REVENUE FUND 2,808,785

1253 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,434

1254 EXPENSES
FROM GENERAL REVENUE FUND 225,444

1255 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,757

1256 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 21,548

EIGHTH JUDICIAL CIRCUIT

1257 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 1,433,403

1258 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,978

1259 EXPENSES
FROM GENERAL REVENUE FUND 109,162

1260 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,595

1261 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,358

NINTH JUDICIAL CIRCUIT

1262 SALARIES AND BENEFITS POSITIONS 77
FROM GENERAL REVENUE FUND 2,257,327

1263 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 11,956

1264 EXPENSES
FROM GENERAL REVENUE FUND 192,659

SECTION 01

SPECIFIC
APPROPRIATION

1265 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,481

1266 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 17,700

TENTH JUDICIAL CIRCUIT

1267 SALARIES AND BENEFITS POSITIONS 96
FROM GENERAL REVENUE FUND 2,754,719

1268 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,923

1269 EXPENSES
FROM GENERAL REVENUE FUND 216,595

1270 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 55,754

1271 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,254

ELEVENTH JUDICIAL CIRCUIT

1272 SALARIES AND BENEFITS POSITIONS 230
FROM GENERAL REVENUE FUND 8,256,538

1273 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 133,912

1274 EXPENSES
FROM GENERAL REVENUE FUND 481,238

1275 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 87,507

1276 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 70,774

TWELFTH JUDICIAL CIRCUIT

1277 SALARIES AND BENEFITS POSITIONS 63
FROM GENERAL REVENUE FUND 2,032,519

1278 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,467

1279 EXPENSES
FROM GENERAL REVENUE FUND 215,520

1280 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 69,039

SECTION 01

SPECIFIC
APPROPRIATION

1281 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 25,516

THIRTEENTH JUDICIAL CIRCUIT

1282 SALARIES AND BENEFITS POSITIONS 132
FROM GENERAL REVENUE FUND 4,143,001

1283 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 46,194

1284 EXPENSES
FROM GENERAL REVENUE FUND 331,121

1285 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 51,213

1286 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 13,909

FOURTEENTH JUDICIAL CIRCUIT

1287 SALARIES AND BENEFITS POSITIONS 27
FROM GENERAL REVENUE FUND 1,144,071

1288 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,978

1289 EXPENSES
FROM GENERAL REVENUE FUND 102,840

1290 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,885

1291 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 6,360

FIFTEENTH JUDICIAL CIRCUIT

1292 SALARIES AND BENEFITS POSITIONS 133
FROM GENERAL REVENUE FUND 4,262,532

1293 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 110,501

1294 EXPENSES
FROM GENERAL REVENUE FUND 276,226

1295 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,009

SECTION 01

SPECIFIC
APPROPRIATION

1296 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 27,348

SIXTEENTH JUDICIAL CIRCUIT

1297 SALARIES AND BENEFITS POSITIONS 31
FROM GENERAL REVENUE FUND 945,397

1298 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,500

1299 EXPENSES
FROM GENERAL REVENUE FUND 95,726

1300 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,408

1301 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 16,562

SEVENTEENTH JUDICIAL CIRCUIT

1302 SALARIES AND BENEFITS POSITIONS 122
FROM GENERAL REVENUE FUND 4,172,181

1303 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 73,819

1304 EXPENSES
FROM GENERAL REVENUE FUND 293,083

1305 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 36,188

1306 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 21,385

EIGHTEENTH JUDICIAL CIRCUIT

1307 SALARIES AND BENEFITS POSITIONS 52
FROM GENERAL REVENUE FUND 1,660,139

1308 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,652

1309 EXPENSES
FROM GENERAL REVENUE FUND 152,040

1310 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 12,653

SECTION 01

SPECIFIC
APPROPRIATION

1311 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 11,483

NINETEENTH JUDICIAL CIRCUIT

1312 SALARIES AND BENEFITS POSITIONS 42
FROM GENERAL REVENUE FUND 1,276,546

1313 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,503

1314 EXPENSES
FROM GENERAL REVENUE FUND 125,423

1315 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 14,471

1316 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 14,076

TWENTIETH JUDICIAL CIRCUIT

1317 SALARIES AND BENEFITS POSITIONS 48
FROM GENERAL REVENUE FUND 1,350,949

1318 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,230

1319 EXPENSES
FROM GENERAL REVENUE FUND 120,457

1320 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,782

1321 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 10,212

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1322 SALARIES AND BENEFITS POSITIONS 273
FROM GENERAL REVENUE FUND 245,220
FROM ADMINISTRATIVE TRUST FUND 4,838,103
FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND 432,800
FROM REVOLVING TRUST FUND 505,983
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 298,450

1323 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 26,350

SECTION 01

SPECIFIC
APPROPRIATION

	FROM REVOLVING TRUST FUND		169,264
1324	EXPENSES		
	FROM GENERAL REVENUE FUND	38,692	
	FROM ADMINISTRATIVE TRUST FUND		1,321,634
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		221,159
	FROM REVOLVING TRUST FUND		1,444,842
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		25,360
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		78,635
1325	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		69,600
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		3,807
	FROM REVOLVING TRUST FUND		8,897
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		3,245
1326	NOT USED		
1327	SPECIAL CATEGORIES		
	REIMBURSEMENT OF EMPLOYERS		
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		32,000,000
1328	DEBT SERVICE		
	FROM ADMINISTRATIVE TRUST FUND		53,048
1329	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		414,969
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		7,357

PUBLIC EMPLOYEES RELATIONS COMMISSION

1330	SALARIES AND BENEFITS POSITIONS 43		
	FROM GENERAL REVENUE FUND	1,322,279	
1331	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	148,222	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		5,000
1332	EXPENSES		
	FROM GENERAL REVENUE FUND	318,234	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		39,148
1333	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,308	
1334	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	733	

SECTION 01

SPECIFIC
APPROPRIATION

	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		5,000

OFFICE OF THE CHIEF COMMISSIONER OF WORKERS' COMPENSATION

1335	SALARIES AND BENEFITS POSITIONS 82		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		3,122,474
1336	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		135,000
1337	EXPENSES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		635,362
1338	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		42,121

WORKERS' COMPENSATION, DIVISION OF

1339	SALARIES AND BENEFITS POSITIONS 509		
	FROM GENERAL REVENUE FUND	74,947	
	FROM CRIMES COMPENSATION TRUST FUND		674,903
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		10,692,806
1340	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		110,681
1341	EXPENSES		
	FROM GENERAL REVENUE FUND	223,416	
	FROM CRIMES COMPENSATION TRUST FUND		178,625
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		2,652,018
1342	OPERATING CAPITAL OUTLAY		
	FROM CRIMES COMPENSATION TRUST FUND		3,651
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		71,163
1343	SPECIAL CATEGORIES		
	AWARDS TO CLAIMANTS		
	FROM CRIMES COMPENSATION TRUST FUND		7,262,584
1344	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES		
	FROM CRIMES COMPENSATION TRUST FUND		1,400,000

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1345 FINANCIAL ASSISTANCE PAYMENTS
PAYMENTS TO CLAIMANTS
FROM SELF INSURANCE ASSESSMENT TRUST FUND 75,000

1346 FINANCIAL ASSISTANCE PAYMENTS
SUPPLEMENTAL WORKERS' COMPENSATION BENEFITS
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 10,841,150

1347 DATA PROCESSING SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 2,210
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 816,877

LABOR, EMPLOYMENT AND TRAINING, DIVISION OF

1348 SALARIES AND BENEFITS POSITIONS 1,617
FROM GENERAL REVENUE FUND 1,086,098
FROM CREW CHIEF REGISTRATION TRUST FUND . 161,687
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 33,392,718

1349 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,420
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,793,805

1350 EXPENSES
FROM GENERAL REVENUE FUND 303,048
FROM CREW CHIEF REGISTRATION TRUST FUND . 3,857
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 7,520,306

1351 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GOVERNMENTAL UNITS
SPECIAL EMPLOYMENT PLACEMENT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,840,595

1352 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SUMMER YOUTH - TEMPORARY EMPLOYMENT
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 24,927,300

1353 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,248
FROM CREW CHIEF REGISTRATION TRUST FUND . 151
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 306,532

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1354 SPECIAL CATEGORIES
GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SERVICE DELIVERY AREA ALLOTMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 91,256,671

From the funds provided in Specific Appropriation 1354, $250,000 will be allocated to the Loyola Foundation, Inc. for the design and implementation of a training program to enhance the basic skills of professionals who are impacted by s. 455.218, F.S., if such an allocation is permissible under the provisions of the Job Training Partnership Act.

1355 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,779,943

1356 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE ORGANIZATIONS
SPECIAL EMPLOYMENT PLACEMENT SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,388,520

1357 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,802
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,624,981

UNEMPLOYMENT COMPENSATION, DIVISION OF

1358 SALARIES AND BENEFITS POSITIONS 1,185
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 23,924,315

1359 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 550,203

1360 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 4,273,570

1361 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 223,982

1362 SPECIAL CATEGORIES
TRANSFER SPECIAL EMPLOYMENT SECURITY TRUST FUNDS TO THE EMPLOYMENT SECURITY ADMINISTRATIVE TRUST FUND
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 1,300,000

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1363 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT TRUST FUND 380,102,622

1364 DATA PROCESSING SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,892,690

CALDWELL DATA CENTER

1365 SALARIES AND BENEFITS POSITIONS 146
FROM WORKING CAPITAL TRUST FUND 3,690,886

1366 EXPENSES
FROM WORKING CAPITAL TRUST FUND 1,681,796

1367 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 218,564

VOCATIONAL REHABILITATION, DIVISION OF

Funds provided in Specific Appropriations 1368 through 1378 that contemplate use of federal funds are contingent on receipt of those funds and no state funds shall be used for those activities. State funds provided for matching federal funds shall be placed in reserve by the Executive Office of the Governor if the federal funds are not forthcoming.

1368 SALARIES AND BENEFITS POSITIONS 948
FROM GENERAL REVENUE FUND 4,775,010
FROM FEDERAL REHABILITATION TRUST FUND . . 16,645,986

1369 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,924
FROM FEDERAL REHABILITATION TRUST FUND . . 15,697

1370 EXPENSES
FROM GENERAL REVENUE FUND 724,606
FROM FEDERAL REHABILITATION TRUST FUND . . 2,657,953

From funds provided in Specific Appropriation 1370, up to $150,000 may be used to purchase computer equipment, products, and services to improve the division's data management and client services delivery systems. The division shall conduct a study concerning its data processing needs and submit its plan to the Information Resource Commission for approval. The division shall submit the approved plan to the Executive Office of the Governor and the Legislative Appropriations Committees by November 1, 1987. The above funding contemplates the Department of Health and Rehabilitative Services continuing to provide data processing services to the division pending further action by the Legislature.

1371 NOT USED

1372 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 14,531
FROM FEDERAL REHABILITATION TRUST FUND . . 58,133

1372A LUMP SUM
HEAD INJURY PROGRAM
POSITIONS 4
FROM GENERAL REVENUE FUND 75,000

1373 SPECIAL CATEGORIES
COMMUNITY FACILITIES GRANTS
FROM WORKSHOP AND FACILITIES TRUST FUND . 675,881

1374 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM GENERAL REVENUE FUND 423,882
FROM FEDERAL REHABILITATION TRUST FUND . . 671,136

1375 SPECIAL CATEGORIES
PATIENT SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 616,605

1376 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 6,227,349
FROM FEDERAL REHABILITATION TRUST FUND . . 28,868,893

1377 SPECIAL CATEGORIES
SPINAL CORD INJURY PROGRAM
FROM GENERAL REVENUE FUND 889,538

1378 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 86,776
FROM FEDERAL REHABILITATION TRUST FUND . . 347,106

UNEMPLOYMENT APPEALS COMMISSION

1379 SALARIES AND BENEFITS POSITIONS 28
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 847,029

1380 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 14,400

1381 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 143,307
FROM FEDERAL REHABILITATION TRUST FUND . . 150,000

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1382 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 8,270

LAW ENFORCEMENT, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF STAFF SERVICES

1383 SALARIES AND BENEFITS POSITIONS 341
FROM GENERAL REVENUE FUND 10,451,186
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 163,165
FROM GRANTS AND DONATIONS TRUST FUND . . . 183,145

1384 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 60,050
FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND 18,000

1385 EXPENSES
FROM GENERAL REVENUE FUND 2,601,731
FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND 46,996
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 20,585
FROM GRANTS AND DONATIONS TRUST FUND . . . 38,892
FROM OPERATING TRUST FUND 15,911
FROM REVOLVING TRUST FUND 1,000,000

1386 AID TO LOCAL GOVERNMENTS
LOCAL LABORATORY SERVICES
FROM GENERAL REVENUE FUND 2,379,702

1387 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - MEDICAL EXAMINER SERVICES
FROM GENERAL REVENUE FUND 1,615,344

From the funds appropriated in Specific Appropriation 1387, $75,000 shall be utilized by the Florida Commission on Medical Examiners Standards and Training to contract with a vendor to assess the education resources and needs of a statewide Medical Examiners Standards and Training System. The study shall include but not be limited to: an assessment of the number of teaching centers required, the need for educational and training materials; the number of specialized teaching personnel required; specific curricula which need to be developed; demonstration projects which require implementation and recommended substantive and fiscal strategies to ensure the ongoing cooperation and training of all Florida Medical Examiners and other involved agencies.

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1388 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 781,586
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 1,487
FROM GRANTS AND DONATIONS TRUST FUND . . . 115,280

1389 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 35,553

1390 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 105,199

CRIMINAL INVESTIGATIONS, DIVISION OF

1391 SALARIES AND BENEFITS POSITIONS 398
FROM GENERAL REVENUE FUND 12,506,589
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 1,024,284
FROM GRANTS AND DONATIONS TRUST FUND . . . 504,270

1392 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,740
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 50,000

1393 EXPENSES
FROM GENERAL REVENUE FUND 4,161,221
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 431,704
FROM GRANTS AND DONATIONS TRUST FUND . . . 183,141

1394 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 737,282
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 301,290
FROM GRANTS AND DONATIONS TRUST FUND . . . 253,238

1395 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 277,105
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,016

1396 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 324,744

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

1397 SALARIES AND BENEFITS POSITIONS 59
FROM ADMINISTRATIVE TRUST FUND 1,197,340
FROM CRIMINAL JUSTICE TRAINING TRUST FUND 323,963

1398 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 30,000

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FROM CRIMINAL JUSTICE TRAINING TRUST FUND		25,000
FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		240,000
1399 EXPENSES		
FROM ADMINISTRATIVE TRUST FUND		274,795
FROM CRIMINAL JUSTICE TRAINING TRUST FUND		185,874
FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		10,000
1400 OPERATING CAPITAL OUTLAY		
FROM ADMINISTRATIVE TRUST FUND		76,359
1401 SPECIAL CATEGORIES		
GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING		
FROM CRIMINAL JUSTICE TRAINING TRUST FUND		5,014,129
1402 DATA PROCESSING SERVICES		
FROM ADMINISTRATIVE TRUST FUND		200,559
CRIMINAL JUSTICE INFORMATION SYSTEMS, DIVISION OF		
1403 SALARIES AND BENEFITS POSITIONS	198	
FROM GENERAL REVENUE FUND	2,380,674	
FROM GRANTS AND DONATIONS TRUST FUND		98,450
FROM OPERATING TRUST FUND		1,743,916
1404 EXPENSES		
FROM GENERAL REVENUE FUND	1,147,975	
FROM GRANTS AND DONATIONS TRUST FUND		30,282
FROM OPERATING TRUST FUND		271,189
1405 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	3,008,124	
1405A LUMP SUM		
CONCEALED WEAPONS BILL		
POSITIONS	10	
FROM OPERATING TRUST FUND		779,480
1405B LUMP SUM		
ENHANCED CRIME INFORMATION SYSTEM		
FROM GENERAL REVENUE FUND	498,332	

Funds provided in Specific Appropriation 1405B are to be used to implement an enhanced crime information system. This system will collect and store information regarding arrests of individuals, information related to criminal offenses, and information related to victims of crimes. This funding shall be used to purchase hardware, software, and any other requirement to create this system, including the purchase of micro-computing systems for use by local law enforcement agencies.

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1406 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND	3,660	
1407 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	6,575,968	
FROM GRANTS AND DONATIONS TRUST FUND		7,000
FROM OPERATING TRUST FUND		701,880
LAW ENFORCEMENT DATA CENTER		
1408 SALARIES AND BENEFITS POSITIONS	100	
FROM WORKING CAPITAL TRUST FUND		2,298,064
1409 EXPENSES		
FROM WORKING CAPITAL TRUST FUND		3,843,222
1410 OPERATING CAPITAL OUTLAY		
FROM WORKING CAPITAL TRUST FUND		2,423,294
LOCAL LAW ENFORCEMENT ASSISTANCE, DIVISION OF		
1411 SALARIES AND BENEFITS POSITIONS	127	
FROM GENERAL REVENUE FUND	3,334,371	
FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		366,421
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		284,394
FROM GRANTS AND DONATIONS TRUST FUND		226,749
1412 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	12,000	
FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		78,750
1413 EXPENSES		
FROM GENERAL REVENUE FUND	666,451	
FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		112,941
FROM GRANTS AND DONATIONS TRUST FUND		144,348
1413A AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - BREVARD COUNTY DRUG ABUSE PREVENTION TASK FORCE		
FROM GRANTS AND DONATIONS TRUST FUND		100,000

Funds in Specific Appropriation 1413A shall be used by the Brevard County Drug Abuse Prevention Task Force to combat drug traffickers. This should not be construed to commit the state to the funding of this program in the future.

1414 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	62,508	
FROM GRANTS AND DONATIONS TRUST FUND		107,027

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1415 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 65,526
FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND 4,680
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,280

1416 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 200,559

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

1417 SALARIES AND BENEFITS POSITIONS 372
FROM GENERAL REVENUE FUND 10,487,741
FROM GRANTS AND DONATIONS TRUST FUND . . . 84,816
FROM LEGAL SERVICES TRUST FUND 669,181
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 421,140

1418 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 71,412
FROM CONSUMER FRAUDS TRUST FUND 22,062
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 14,895
FROM LEGAL SERVICES TRUST FUND 20,000

1419 EXPENSES
FROM GENERAL REVENUE FUND 1,603,831
FROM CONSUMER FRAUDS TRUST FUND 102,596
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 11,119
FROM LEGAL SERVICES TRUST FUND 55,928
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 5,642

1420 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 808,680
FROM CONSUMER FRAUDS TRUST FUND 37,262
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 39,440

1420A LUMP SUM
CRIME PREVENTION
FROM GENERAL REVENUE FUND 30,000

1420B LUMP SUM
SPECIAL PROJECTS LITIGATION
POSITIONS 8
FROM LEGAL SERVICES TRUST FUND 600,000

1421 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO CITIZEN CRIME PREVENTION ORGANIZATIONS
FROM GENERAL REVENUE FUND 117,117

The funds in Specific Appropriation 1421 are provided solely for the purpose of contracting with Florida Citizens Against Crime, Inc., to coordinate 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 shall submit the audit results to the Executive Office of the Governor and chairmen of the legislative appropriations committees.

1422 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY
FROM GENERAL REVENUE FUND 215,050

Funds in Specific Appropriation 1422 are provided solely for the purpose of contracting with the Florida Consortium of Urban Leagues to implement 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 and the chairmen of the legislative appropriations committees.

1423 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 1,467,229

1424 SPECIAL CATEGORIES
RICO INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 594,079

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 1425 and 1426 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

SENATE

1425 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 18,587,308

From the amount provided in Specific Appropriation 1425, $250,000 shall be paid each month during Fiscal Year 1987-88 as a supplemental intradistrict expense allowance to each member of the Florida Senate who has three district staff employees on 16 or more calendar days in such month. This is a supplement to the amount that was last set by the Joint Legislative Management Committee at its June 18, 1986 meeting, pursuant to s. 11.13(4), Florida

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Statutes.

HOUSE OF REPRESENTATIVES

1426 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 30,468,956

JOINT MANAGEMENT

1427 LUMP SUM
JLMC
FROM GENERAL REVENUE FUND 12,135,202

Funds provided in Specific Appropriation 1427 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

1428 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 743,718

LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

1429 LUMP SUM
IRC
FROM GENERAL REVENUE FUND 284,966

INTERGOVERNMENTAL RELATIONS, ADVISORY COUNCIL ON

1430 LUMP SUM
ACIR
FROM GENERAL REVENUE FUND 417,144

OFFICE OF PUBLIC COUNSEL

1431 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 1,962,315

ETHICS, COMMISSION ON

1432 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 729,151

AUDITOR GENERAL

1433 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 25,148,072
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 4,352,899

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AUDITING COMMITTEE

1434 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 157,109

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1435 SALARIES AND BENEFITS POSITIONS 131
FROM GENERAL REVENUE FUND 2,520,784
FROM ARMORY BOARD TRUST FUND 480,799

1436 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,251

1437 EXPENSES
FROM GENERAL REVENUE FUND 2,165,748
FROM ARMORY BOARD TRUST FUND 69,766

1438 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 122,327
FROM ARMORY BOARD TRUST FUND 13,900

1439 SPECIAL CATEGORIES
NATIONAL GUARD EMERGENCIES
FROM GENERAL REVENUE FUND 100,000

Funds provided in Specific Appropriation 1439 shall be used only for state active duty planning in the event of an emergency involving national guard personnel or equipment.

1440 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 50,000

CAMP BLANDING MANAGEMENT

1441 SALARIES AND BENEFITS POSITIONS 92
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 1,623,519

1442 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 58,216

1443 EXPENSES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 553,980

1444 OPERATING CAPITAL OUTLAY
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 190,269

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NATURAL RESOURCES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF
ADMINISTRATIVE SERVICES

1445	SALARIES AND BENEFITS POSITIONS	116	
	FROM GENERAL REVENUE FUND	854,383	
	FROM ADMINISTRATIVE TRUST FUND		2,255,814
1446	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		173,843
1447	EXPENSES		
	FROM GENERAL REVENUE FUND	146,810	
	FROM ADMINISTRATIVE TRUST FUND		677,585
1448	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	50,988	
	FROM ADMINISTRATIVE TRUST FUND		138,555
1448A	LUMP SUM		
	FLORIDA CONSERVATION CORPS		
	POSITIONS	2	
	FROM GENERAL REVENUE FUND	1,000,000	

Funds and positions provided in Specific Appropriation 1448A are contingent upon SB 98 or similar legislation becoming law.

1449	SPECIAL CATEGORIES		
	GULF STATES MARINE FISHERIES		
	FROM GENERAL REVENUE FUND	22,500	
1449A	SPECIAL CATEGORIES		
	UNDERWATER ENVIRONMENTAL FILM		
	FROM GENERAL REVENUE FUND	229,000	

STATE LANDS, DIVISION OF

1450	SALARIES AND BENEFITS POSITIONS	118	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		29,333
	FROM FORFEITED PROPERTY TRUST FUND		92,897
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		3,069,727
1451	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,500,000	
	FROM FORFEITED PROPERTY TRUST FUND		333,444
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		752,519
1452	EXPENSES		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		23,474
	FROM FORFEITED PROPERTY TRUST FUND		582,165
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		794,778

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1453	OPERATING CAPITAL OUTLAY		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		62,228
1454	SPECIAL CATEGORIES		
	NATIONAL OCEAN SURVEY		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		50,000
1455	SPECIAL CATEGORIES		
	NATURAL AREAS INVENTORY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		258,960
1456	SPECIAL CATEGORIES		
	TOPOGRAPHIC MAPPING		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		150,000
1457	SPECIAL CATEGORIES		
	TRANSFER/ARCHIVES, HISTORY AND RECORDS MANAGEMENT/SAN LUIS FORT AND MISSION		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		204,364
1458	SPECIAL CATEGORIES		
	TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		141,771
1459	SPECIAL CATEGORIES		
	TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		861,484
1460	SPECIAL CATEGORIES		
	WATER MANAGEMENT DISTRICT PROPERTY TAXES		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		50,000
1461	DEBT SERVICE		
	FROM GENERAL REVENUE FUND	14,184,291	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		920,143

Funds provided in Specific Appropriation 1461 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.

1462	DATA PROCESSING SERVICES		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		146,009

MARINE RESOURCES, DIVISION OF

1463	SALARIES AND BENEFITS POSITIONS	179	
	FROM GENERAL REVENUE FUND	3,314,158	

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FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		651,908
FROM MOTORBOAT REVOLVING TRUST FUND		90,272
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		565,941
1464 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	534,374	
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		282,813
FROM MOTORBOAT REVOLVING TRUST FUND		158,728
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		18,456
1465 EXPENSES		
FROM GENERAL REVENUE FUND	1,463,953	
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		503,470
FROM MOTORBOAT REVOLVING TRUST FUND		47,261
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		351,372
1466 AID TO LOCAL GOVERNMENTS ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM		
FROM GENERAL REVENUE FUND	100,000	
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		300,000

From funds provided in Specific Appropriation 1466, $75,000 shall be allocated for construction of an artificial fishing reef off Cedar Key.

1466A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FISHING REEFS - PILOT PROJECTS		
FROM GENERAL REVENUE FUND	1,000,000	

From funds provided in Specific Appropriation 1466A pilot artificial fishing reef projects shall be constructed off the coasts of Pinellas County, Duval County and Escambia County.

Funds in Specific Appropriation 1466A may be advanced in part or in total.

1467 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	430,064	
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		66,000
FROM MOTORBOAT REVOLVING TRUST FUND		20,000
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		11,092

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1468 SPECIAL CATEGORIES ATLANTIC STATES MARINE FISHERIES COMMISSION		
FROM GENERAL REVENUE FUND	14,700	
1468A SPECIAL CATEGORIES OYSTER PLANTING		
FROM GENERAL REVENUE FUND	300,000	
1469 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	254,514	
BEACHES AND SHORES, DIVISION OF		
1470 SALARIES AND BENEFITS POSITIONS	68	
FROM GENERAL REVENUE FUND	1,856,229	
1471 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	941,113	
1472 EXPENSES		
FROM GENERAL REVENUE FUND	423,681	
FROM EROSION CONTROL TRUST FUND		25,000
1473 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	68,039	
1474 DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND	233,402	
RESOURCE MANAGEMENT, DIVISION OF		
1475 SALARIES AND BENEFITS POSITIONS	105	
FROM GENERAL REVENUE FUND	893,373	
FROM AQUATIC PLANT CONTROL TRUST FUND		857,024
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND		1,235,707
FROM PORT TRUST FUND		64,781
1476 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	23,780	
FROM AQUATIC PLANT CONTROL TRUST FUND		225,000
FROM LAKE HANCOCK RESTORATION TRUST FUND		43,000
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND		156,790
1477 EXPENSES		
FROM GENERAL REVENUE FUND	258,837	
FROM AQUATIC PLANT CONTROL TRUST FUND		623,395
FROM LAKE HANCOCK RESTORATION TRUST FUND		10,000
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND		539,571
FROM PORT TRUST FUND		27,711

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SPECIFIC
APPROPRIATION

1478 AID TO LOCAL GOVERNMENTS
AQUATIC PLANT CONTROL MATCHING GRANTS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 8,869,089

Funds provided in an amount not to exceed $1,000,000 included in Specific Appropriation 1478 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.

1479 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 38,995
FROM AQUATIC PLANT CONTROL TRUST FUND . . 60,327
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 39,424
FROM PORT TRUST FUND 2,045

1480 NOT USED

1481 SPECIAL CATEGORIES
GRANTS AND AIDS - SPOIL SITE IMPROVEMENTS
FROM PORT TRUST FUND 309,660

1481A SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND
FROM PORT TRUST FUND 81,540

1482 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM AQUATIC PLANT CONTROL TRUST FUND . . 796,271

1483 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA INTERNATIONAL AQUATIC WEED INFORMATION AND RETRIEVAL CENTER
FROM AQUATIC PLANT CONTROL TRUST FUND . . 20,000

1483A SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ECONOMIC DEVELOPMENT FOR FLORIDA PORTS DATA ACQUISITION
FROM PORT TRUST FUND 150,000

1484 DATA PROCESSING SERVICES
FROM AQUATIC PLANT CONTROL TRUST FUND . . 20,794

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SPECIFIC
APPROPRIATION

FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 31,986

RECREATION AND PARKS, DIVISION OF

1485 SALARIES AND BENEFITS POSITIONS 959
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 363,581
FROM STATE PARK TRUST FUND 19,275,403

1486 OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 1,882,992

1487 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 130,916
FROM STATE PARK TRUST FUND 9,076,069

1488 AID TO LOCAL GOVERNMENTS
FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
FROM FEDERAL LAND AND WATER CONSERVATION TRUST FUND 5,000,000

1489 AID TO LOCAL GOVERNMENTS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM LAND ACQUISITION TRUST FUND 3,225,000

1490 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 235,503
FROM STATE PARK TRUST FUND 1,225,094

1490A LUMP SUM
NORTH SHORE STATE PARK
POSITIONS 10
FROM STATE PARK TRUST FUND 400,000

1491 NOT USED

1491A SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL RECREATIONAL DEVELOPMENT PROJECTS
FROM GENERAL REVENUE FUND 3,355,000
FROM LAND ACQUISITION TRUST FUND 8,278,500

Funds in Specific Appropriation 1491A may be advanced in part or in total.

1492 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE PARK TRUST FUND 60,810

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APPROPRIATION

1493 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM
DESOTO TRAIL MARKING PROJECT
FROM STATE PARK TRUST FUND 102,010

Funds provided in Specific Appropriation 1493 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.

1494 DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 41,732,548

Funds provided in Specific Appropriation 1494 includes debt service on all current "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 an additional $25,000,000 "Save Our Coast" bonds is provided in the amount of $2,300,000, required by s. 375.051, F.S. 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 as required by s. 375.051, F.S. Also included is $10,000,000 as the first year's debt service for $80,000,000 Conservation and Recreational Lands Bonds as required by s. 375.051, F.S.

1495 DATA PROCESSING SERVICES
FROM STATE PARK TRUST FUND 258,580

LAW ENFORCEMENT, DIVISION OF

1496 SALARIES AND BENEFITS POSITIONS 456
FROM GENERAL REVENUE FUND 9,542,703
FROM COASTAL PROTECTION TRUST FUND 429,597
FROM GRANTS AND DONATIONS TRUST FUND . . . 537,375
FROM MOTORBOAT REVOLVING TRUST FUND . . . 1,863,064
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 232,179

1497 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 51,536
FROM COASTAL PROTECTION TRUST FUND 6,683
FROM MOTORBOAT REVOLVING TRUST FUND . . . 84,955
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 29,352

1498 EXPENSES
FROM GENERAL REVENUE FUND 1,558,364
FROM COASTAL PROTECTION TRUST FUND 109,514

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APPROPRIATION

FROM GRANTS AND DONATIONS TRUST FUND . . . 140,044
FROM MOTORBOAT REVOLVING TRUST FUND . . . 217,568

1499 AID TO LOCAL GOVERNMENTS
BOATING RELATED ACTIVITIES
FROM MOTORBOAT REVOLVING TRUST FUND . . . 2,468,000

1500 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS
FROM COASTAL PROTECTION TRUST FUND 250,000

1501 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 246,696
FROM COASTAL PROTECTION TRUST FUND 1,722
FROM GRANTS AND DONATIONS TRUST FUND . . . 181,000
FROM MOTORBOAT REVOLVING TRUST FUND . . . 5,859

1502 NOT USED

1503 NOT USED

1504 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 900,000
FROM COASTAL PROTECTION TRUST FUND 51,422
FROM GRANTS AND DONATIONS TRUST FUND . . . 225,000
FROM MOTORBOAT REVOLVING TRUST FUND . . . 353,796

1504A SPECIAL CATEGORIES
GRANTS AND AIDS - BOATING ASSISTANCE PROJECT
FROM GENERAL REVENUE FUND 135,000

1505 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 2,427,146
FROM COASTAL PROTECTION TRUST FUND 53,844
FROM GRANTS AND DONATIONS TRUST FUND . . . 308,773
FROM MOTORBOAT REVOLVING TRUST FUND . . . 126,320

1506 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1507 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 210,270
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,260

1508 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 96,174
FROM MOTORBOAT REVOLVING TRUST FUND . . . 173,586

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SPECIFIC
APPROPRIATION

NATURAL RESOURCES INFORMATION CENTER

1509 SALARIES AND BENEFITS POSITIONS 18
FROM WORKING CAPITAL TRUST FUND 552,023

1510 NOT USED

1511 EXPENSES
FROM WORKING CAPITAL TRUST FUND 527,843

1512 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 150,095

MARINE FISHERIES COMMISSION

1513 SALARIES AND BENEFITS POSITIONS 9
FROM GENERAL REVENUE FUND 243,099
FROM MARINE FISHERIES COMMISSION TRUST FUND 60,239

1514 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 24,338
FROM MARINE FISHERIES COMMISSION TRUST FUND 58,347

1515 EXPENSES
FROM GENERAL REVENUE FUND 8,900
FROM MARINE FISHERIES COMMISSION TRUST FUND 108,846

1516 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,246

PAROLE AND PROBATION COMMISSION, FLORIDA

1517 SALARIES AND BENEFITS POSITIONS 133
FROM GENERAL REVENUE FUND 3,638,160

From funds appropriated in Specific Appropriation 1517, three positions and $82,515 are contingent upn HB 1370 or similar legislation becoming law.

1518 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 87,010

1519 EXPENSES
FROM GENERAL REVENUE FUND 779,008

1520 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,886

1521 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 9,562

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APPROPRIATION

PROFESSIONAL REGULATION, DEPARTMENT OF

1522 SALARIES AND BENEFITS POSITIONS 563
FROM PROFESSIONAL REGULATION TRUST FUND . 12,968,220

1523 OTHER PERSONAL SERVICES
FROM EDUCATION AND RESEARCH FOUNDATION TRUST FUND 252,000
FROM PROFESSIONAL REGULATION TRUST FUND . 6,401,676

From funds provided in Specific Appropriation 1523, from the Professional Regulation Trust Fund, the Department of Professional Regulation shall transfer $622,930 to the Department of Administration for Administrative Hearing Officers' services.

From funds provided in Specific Appropriation 1567 for the Impaired Professional Program, up to $300,000 may be used to contract with the Florida Medical Foundation, Inc.

1524 EXPENSES
FROM EDUCATION AND RESEARCH FOUNDATION TRUST FUND 17,000
FROM PROFESSIONAL REGULATION TRUST FUND . 7,086,573

1525 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 491,214

1525A LUMP SUM
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS
FROM PROFESSIONAL REGULATION TRUST FUND . 64,704

1526 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1527 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 170,000

1528 DATA PROCESSING SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,034,755

Funds provided in Specific Appropriations 1522, 1523, 1524, 1525, and 1528, one position and $14,903, $108,600, $41,050, $21,487, and $2,600 respectively, are contingent upon CS/HB 245 or similar legislation becoming law.

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SPECIFIC
APPROPRIATION

PUBLIC SERVICE COMMISSION

1529 SALARIES AND BENEFITS POSITIONS 364
FROM REGULATORY TRUST FUND 12,093,718

1530 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 383,584

1531 EXPENSES
FROM REGULATORY TRUST FUND 2,857,836

1532 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 293,549

1533 SPECIAL CATEGORIES
THERMAL EFFICIENCY CODE SUPPORT
FROM REGULATORY TRUST FUND 82,196

Funds provided in Specific Appropriation 1533 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.

1533A SPECIAL CATEGORIES
TELECOMMUNICATION DEVICES FOR THE DEAF
FROM REGULATORY TRUST FUND 500,000

Funds provided in Specific Appropriation 1533A shall be transferred to the Department of Education Telecommunications Devices for the Deaf Trust Fund through interagency agreement to provide partial support for the purchase of telecommunications devices for the hearing impaired.

1534 DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 144,954

REVENUE, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

1535 SALARIES AND BENEFITS POSITIONS 190
FROM GENERAL REVENUE FUND 2,395,240
FROM ADMINISTRATIVE TRUST FUND 1,427,828
FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 331,599

1536 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 156,605

1537 EXPENSES
FROM GENERAL REVENUE FUND 14,970
FROM ADMINISTRATIVE TRUST FUND 804,432

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APPROPRIATION

FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 31,204

1538 AID TO LOCAL GOVERNMENTS
CIGARETTE TAX TO MUNICIPALITIES
FROM MUNICIPAL FINANCIAL ASSISTANCE
TRUST FUND 26,000,000

1539 AID TO LOCAL GOVERNMENTS
COUNTY REVENUE SHARING
FROM COUNTY REVENUE SHARING TRUST FUND . . 209,100,000

1540 AID TO LOCAL GOVERNMENTS
MUNICIPAL REVENUE SHARING
FROM MUNICIPAL REVENUE SHARING TRUST
FUND 205,900,000

1541 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 201,881
FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 20,000

1541A LUMP SUM
CRIME PREVENTION
POSITIONS 4
FROM GENERAL REVENUE FUND 158,500

Funds in Specific Appropriation 1541A are contingent upon HB 1467 or similar legislation becoming law.

1541B LUMP SUM
IMPLEMENTATION OF SALES TAX EXEMPTION
SUNSET - CS/SB 777
POSITIONS 29
FROM GENERAL REVENUE FUND 1,660,956

1542 NOT USED

1543 SPECIAL CATEGORIES
TRANSFER TO LOCAL GOVERNMENT HALF CENT
SALES TAX CLEARING TRUST FUND
FROM GENERAL REVENUE FUND 2,881,816

1544 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 15,938
FROM ADMINISTRATIVE TRUST FUND 565,398

AD VALOREM TAX, DIVISION OF

1545 SALARIES AND BENEFITS POSITIONS 119
FROM INTANGIBLE TAX TRUST FUND 3,569,629

1546 OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 137,585

1547 EXPENSES
FROM INTANGIBLE TAX TRUST FUND 717,090

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APPROPRIATION

1548 AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM INTANGIBLE TAX TRUST FUND 257,991

1549 AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM INTANGIBLE TAX TRUST FUND 886,290

1550 OPERATING CAPITAL OUTLAY
FROM INTANGIBLE TAX TRUST FUND 12,234

1551 DATA PROCESSING SERVICES
FROM INTANGIBLE TAX TRUST FUND 306,319

AUDITS, DIVISION OF

1552 SALARIES AND BENEFITS POSITIONS 544
FROM GENERAL REVENUE FUND 10,952,434
FROM ADMINISTRATIVE TRUST FUND 4,141,580

1553 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 15,460

1554 EXPENSES
FROM GENERAL REVENUE FUND 1,335,348
FROM ADMINISTRATIVE TRUST FUND 491,780

1555 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 104,201

1555A LUMP SUM
IMPLEMENTATION OF SALES TAX EXEMPTION
SUNSET - CS/SB 777
POSITIONS 67
FROM GENERAL REVENUE FUND 1,208,985

1556 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 38,764
FROM ADMINISTRATIVE TRUST FUND 1,189,928

COLLECTION AND ENFORCEMENT, DIVISION OF

1557 SALARIES AND BENEFITS POSITIONS 473
FROM GENERAL REVENUE FUND 7,581,049
FROM ADMINISTRATIVE TRUST FUND 2,107,025

1558 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 50,000
FROM ADMINISTRATIVE TRUST FUND 57,396

1559 EXPENSES
FROM GENERAL REVENUE FUND 1,473,569
FROM ADMINISTRATIVE TRUST FUND 1,170,052

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APPROPRIATION

1560 AID TO LOCAL GOVERNMENTS
CONTINUATION OF SOLID MINERAL SEVERANCE
TAX TO COUNTIES
FROM SEVERANCE TAX SOLID MINERAL TRUST
FUND 3,070,000

1561 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - OIL AND GAS TAX
FROM OIL AND GAS TAX TRUST FUND 1,430,000

1562 AID TO LOCAL GOVERNMENTS
DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT
SALES TAX
FROM LOCAL GOVERNMENT HALF-CENT SALES
TAX CLEARING TRUST FUND 594,400,000

1563 AID TO LOCAL GOVERNMENTS
EMERGENCY DISTRIBUTIONS
FROM LOCAL GOVERNMENT HALF-CENT SALES
TAX CLEARING TRUST FUND 2,881,816

1564 AID TO LOCAL GOVERNMENTS
FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL
FROM GAS TAX COLLECTION TRUST FUND 124,989,920

1565 AID TO LOCAL GOVERNMENTS
FIFTH & SIXTH CENT/SBA/COUNTY/FUEL USE
TRUST FUND
FROM SPECIAL FUEL AND MOTOR FUEL USE TAX
CLEARING TRUST FUND 1,165,500

1566 AID TO LOCAL GOVERNMENTS
SEVENTH CENT/COUNTIES/MOTOR FUEL
FROM GAS TAX COLLECTION TRUST FUND 62,494,960

1567 AID TO LOCAL GOVERNMENTS
SEVENTH CENT/COUNTIES/FUEL USE TRUST FUND
FROM SPECIAL FUEL AND MOTOR FUEL USE TAX
CLEARING TRUST FUND 582,750

1568 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 334,432
FROM ADMINISTRATIVE TRUST FUND 185,457

1568A LUMP SUM
IMPLEMENTATION OF SALES TAX EXEMPTION
SUNSET - CS/SB 777
POSITIONS 51
FROM GENERAL REVENUE FUND 1,394,052

1569 SPECIAL CATEGORIES
NATIONAL ASSOCIATION OF TAX ADMINISTRATORS
FROM ADMINISTRATIVE TRUST FUND 13,500

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APPROPRIATION

1569A SPECIAL CATEGORIES
TRANSFERS TO OTHER AGENCIES FOR
IMPLEMENTATION OF THE SURFACE WATER
IMPROVEMENT AND MANAGEMENT (SWIM) ACT
FROM STATE INFRASTRUCTURE FUND 15,000,000

1570 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 221,390
FROM ADMINISTRATIVE TRUST FUND 887,243

REVENUE MANAGEMENT INFORMATION CENTER

1571 SALARIES AND BENEFITS POSITIONS 19
FROM WORKING CAPITAL TRUST FUND 453,556

1572 EXPENSES
FROM WORKING CAPITAL TRUST FUND 2,912,882

1573 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 1,704,992

INFORMATION SYSTEMS AND SERVICES, DIVISION OF

1574 SALARIES AND BENEFITS POSITIONS 304
FROM GENERAL REVENUE FUND 4,110,510
FROM ADMINISTRATIVE TRUST FUND 1,210,521
FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 488,374

1575 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 204,245
FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 48,000

1576 EXPENSES
FROM GENERAL REVENUE FUND 1,776,596
FROM ADMINISTRATIVE TRUST FUND 736,238
FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 42,653

1577 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 41,692

1577A LUMP SUM
IMPLEMENTATION OF SALES TAX EXEMPTION
SUNSET - CS/SB 777
POSITIONS 72
FROM GENERAL REVENUE FUND 1,749,233

1578 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 106,408
FROM ADMINISTRATIVE TRUST FUND 1,961,612

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APPROPRIATION

TECHNICAL ASSISTANCE, DIVISION OF

1579 SALARIES AND BENEFITS POSITIONS 68
FROM GENERAL REVENUE FUND 1,440,026
FROM ADMINISTRATIVE TRUST FUND 663,638
FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 88,269

1580 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 81,720

1581 EXPENSES
FROM GENERAL REVENUE FUND 109,216
FROM ADMINISTRATIVE TRUST FUND 230,206
FROM CORPORATION TAX ADMINISTRATION
TRUST FUND 8,459

1582 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 15,924

From the funds and positions provided in Specific Appropriations 1535 through 1582, $918,575 and 35 positions are provided from the Administrative Trust Fund, for the purpose of collecting the tourism promotion fee, and are contingent upon CS/HB 61 or similar legislation becoming law.

1582A LUMP SUM
IMPLEMENTATION OF SALES TAX EXEMPTION
SUNSET - CS/SB 777
POSITIONS 21
FROM GENERAL REVENUE FUND 779,734

1583 DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 3,500

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF
ADMINISTRATIVE SERVICES

1584 SALARIES AND BENEFITS POSITIONS 79
FROM GENERAL REVENUE FUND 1,989,548

1585 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,982

1586 EXPENSES
FROM GENERAL REVENUE FUND 500,198
FROM FLAG TRUST FUND 6,500

1587 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 165,330

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APPROPRIATION

1587A	LUMP SUM IMPLEMENTATION OF FIREARMS LICENSING ACT POSITIONS 1 FROM GENERAL REVENUE FUND	36,496	
1587B	SPECIAL CATEGORIES GRANTS AND AIDS - FOR VISION COMMITTEE FROM GENERAL REVENUE FUND	240,000	
1588	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	1,079	
	ELECTIONS, DIVISION OF		
1589	SALARIES AND BENEFITS POSITIONS 44 FROM GENERAL REVENUE FUND	768,236	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		132,069
1590	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	4,800	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		5,000
1591	EXPENSES FROM GENERAL REVENUE FUND	350,694	
	FROM OPERATING TRUST FUND		25,000
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		236,314
1592	AID TO LOCAL GOVERNMENTS PETITION SIGNATURE VERIFICATION FROM GENERAL REVENUE FUND	2,000	
1593	AID TO LOCAL GOVERNMENTS SPECIAL ELECTIONS FROM GENERAL REVENUE FUND	130,000	
1594	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	35,914	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		31,236
1595	NOT USED		
1596	SPECIAL CATEGORIES ELECTION INVESTIGATIONS AND HEARINGS FROM GENERAL REVENUE FUND	11,000	
1597	DATA PROCESSING SERVICES FROM PUBLICATIONS REVOLVING TRUST FUND . .		12,000
	HISTORICAL RESOURCES, DIVISION OF		
1598	SALARIES AND BENEFITS POSITIONS 104 FROM GENERAL REVENUE FUND	1,865,462	
	FROM FLORIDA FOLKLIFE TRUST FUND		67,964
	FROM GRANTS AND DONATIONS TRUST FUND . . .		91,697
	FROM HISTORIC PRESERVATION TRUST FUND . .		5,943

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APPROPRIATION

	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		22,282
	FROM OPERATING TRUST FUND		398,115
1599	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	40,122	
	FROM FLORIDA FOLKLIFE TRUST FUND		17,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,000
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		11,820
	FROM OPERATING TRUST FUND		20,000
1600	EXPENSES FROM GENERAL REVENUE FUND	1,151,341	
	FROM FLORIDA FOLKLIFE TRUST FUND		75,282
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,394
	FROM HISTORIC PRESERVATION TRUST FUND . .		1,766
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		69,148
	FROM OPERATING TRUST FUND		82,449
1601	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	81,981	
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		6,500
1601A	SPECIAL CATEGORIES GRANTS AND AIDS - ACQUISITION AND RESTORATION OF HISTORIC PROPERTIES FROM GENERAL REVENUE FUND	9,276,529	
1601B	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE MUSEUM - GAINESVILLE FROM GENERAL REVENUE FUND	110,000	

Funds provided in Specific Appropriations 1601A and 1601B may be advanced in part or in total.

1602	SPECIAL CATEGORIES HISTORIC PRESERVATION GRANTS FROM HISTORIC PRESERVATION TRUST FUND . .		794,703
1603	SPECIAL CATEGORIES TRANSFER TO HISTORIC PRESERVATION TRUST FUND FROM GENERAL REVENUE FUND	600,000	
1604	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	34,746	
	CORPORATIONS, DIVISION OF		
1605	SALARIES AND BENEFITS POSITIONS 162 FROM CORPORATIONS TRUST FUND		3,125,732

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1606 OTHER PERSONAL SERVICES
FROM CORPORATIONS TRUST FUND 268,580

1607 EXPENSES
FROM CORPORATIONS TRUST FUND 2,340,002

1608 OPERATING CAPITAL OUTLAY
FROM CORPORATIONS TRUST FUND 1,406,677

1609 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM CORPORATIONS TRUST FUND 65,000

1609A SPECIAL CATEGORIES
TRANSFER TO JUSTICE DATA CENTER
FROM CORPORATIONS TRUST FUND 778,802

LIBRARY AND INFORMATION SERVICES, DIVISION OF

1610 SALARIES AND BENEFITS POSITIONS 112
FROM GENERAL REVENUE FUND 1,739,385
FROM LIBRARY SERVICES TRUST FUND 243,768
FROM RECORDS MANAGEMENT TRUST FUND 466,553

1611 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,542
FROM RECORDS MANAGEMENT TRUST FUND 20,951

1612 EXPENSES
FROM GENERAL REVENUE FUND 1,197,839
FROM LIBRARY SERVICES TRUST FUND 208,350
FROM RECORDS MANAGEMENT TRUST FUND 350,610

1613 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND 9,067,116
FROM LIBRARY SERVICES TRUST FUND 3,390,043

1614 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY CONSTRUCTION
FROM GENERAL REVENUE FUND 985,000
FROM LIBRARY CONSTRUCTION TRUST FUND . . . 868,046

Funds provided in Specific Appropriation 1614 are to be expended for library construction projects that are in compliance with s. 257.191, F.S., and s. 1b3.002 through .005, .007 through .010, Florida Administrative Code.

1615 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 159,416
FROM LIBRARY SERVICES TRUST FUND 275,860
FROM RECORDS MANAGEMENT TRUST FUND 123,208

1616 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 7,554

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CULTURAL AFFAIRS, DIVISION OF

1617 SALARIES AND BENEFITS POSITIONS 22
FROM GENERAL REVENUE FUND 355,411
FROM FINE ARTS COUNCIL TRUST FUND 141,138

1618 OTHER PERSONAL SERVICES
FROM FINE ARTS COUNCIL TRUST FUND 2,296

1619 EXPENSES
FROM GENERAL REVENUE FUND 101,756
FROM COCONUT GROVE PLAYHOUSE TRUST FUND . 197,914
FROM FINE ARTS COUNCIL TRUST FUND 70,893

1620 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS GRANTS
FROM GENERAL REVENUE FUND 2,700,000
FROM FINE ARTS COUNCIL TRUST FUND 417,518

Funds provided in Specific Appropriation 1620 may be advanced in part or in total.

1621 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,187

1621A SPECIAL CATEGORIES
GRANTS AND AIDS - ART FACILITIES DEVELOPMENT AND OPERATIONS PROGRAMS
FROM GENERAL REVENUE FUND 12,106,948

Funds provided in Specific Appropriation 1621A may be advanced in part or in total.

1622 SPECIAL CATEGORIES
GRANTS AND AIDS - CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 200,000

1623 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM
FROM GENERAL REVENUE FUND 250,000

1623A SPECIAL CATEGORIES
GRANTS AND AIDS - TOTS AND TEENS - JACKSONVILLE
FROM GENERAL REVENUE FUND 25,000

1623B SPECIAL CATEGORIES
GRANTS AND AIDS - LEE COUNTY ALLIANCE OF THE ARTS
FROM GENERAL REVENUE FUND 400,000

1624 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM GENERAL REVENUE FUND 200,000

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LICENSING, DIVISION OF

1625 SALARIES AND BENEFITS POSITIONS 87
FROM DIVISION OF LICENSING TRUST FUND . . 1,756,778

1626 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND . . 1,296,584

1627 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND . . 203,181

1627A LUMP SUM
IMPLEMENTATION OF FIREARMS LICENSING ACT
POSITIONS 96
FROM DIVISION OF LICENSING TRUST FUND . . 4,872,666

1627B SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FOR CONCEALED WEAPONS ACT
FROM DIVISION OF LICENSING TRUST FUND . . 562,564

1627C SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF LAW ENFORCEMENT FOR IMPLEMENTATION OF CONCEALED WEAPONS ACT
FROM DIVISION OF LICENSING TRUST FUND . . 586,223

1628 DATA PROCESSING SERVICES
FROM DIVISION OF LICENSING TRUST FUND . . 2,859

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

1629 SALARIES AND BENEFITS POSITIONS 15
FROM GENERAL REVENUE FUND 344,462

1630 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 17,414
FROM OPERATING TRUST FUND 22,659

1631 EXPENSES
FROM GENERAL REVENUE FUND 53,334
FROM OPERATING TRUST FUND 144,716

1632 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 17,725

HISTORIC ST AUGUSTINE PRESERVATION BOARD

1633 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 618,113
FROM OPERATING TRUST FUND 27,469

1634 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 46,242

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1635 EXPENSES
FROM OPERATING TRUST FUND 205,914

1636 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 38,122

HISTORIC TALLAHASSEE PRESERVATION BOARD

1637 SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 128,422

1638 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,325
FROM OPERATING TRUST FUND 450

1639 EXPENSES
FROM GENERAL REVENUE FUND 20,937
FROM OPERATING TRUST FUND 39,246

1640 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,672

HISTORIC FLORIDA KEYS PRESERVATION BOARD

1641 SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 64,847
FROM OPERATING TRUST FUND 3,032

1642 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 12,000

1643 EXPENSES
FROM GENERAL REVENUE FUND 42,464
FROM OPERATING TRUST FUND 39,948

1644 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 330

HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

1645 SALARIES AND BENEFITS POSITIONS 6
FROM GENERAL REVENUE FUND 111,881
FROM OPERATING TRUST FUND 40,192

1646 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 24,406

1647 EXPENSES
FROM OPERATING TRUST FUND 42,807

1648 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 7,978

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HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

1649	SALARIES AND BENEFITS POSITIONS 2		
	FROM GENERAL REVENUE FUND	42,086	
1650	EXPENSES		
	FROM GENERAL REVENUE FUND	2,071	
	FROM OPERATING TRUST FUND		7,535

HISTORIC BROWARD COUNTY PRESERVATION BOARD OF TRUSTEES

1651	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,000	
	FROM OPERATING TRUST FUND		12,980
1652	EXPENSES		
	FROM OPERATING TRUST FUND		1,446

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

1653	SALARIES AND BENEFITS POSITIONS 99		
	FROM GENERAL REVENUE FUND	2,055,561	
1654	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	45,300	
	FROM INVESTMENT TRUST FUND		125,000

STATE THEATER PROGRAM

1655	EXPENSES		
	FROM GENERAL REVENUE FUND	983,207	

From funds provided in Specific Appropriation 1655, $75,000 shall be used to study the feasibility of colocating the Caldwell Theatre with the School of Theatre at Florida Atlantic University or another suitable location.

TRANSPORTATION, DEPARTMENT OF

Appropriation authority provided in Specific Appropriations 1656 through 1770 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.

Funds in Specific Appropriations 1656 through 1770 reflect the total commitment level to be entered into by the department during the 1987-88 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 s. 335.035, F.S., shall

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continue to be utilized as a means to maximize contract lettings.

Funds in Specific Appropriations 1656 through 1664 from the Working Capital Trust Fund include positions and funds residing in the districts. No later than October 1, 1987, the department shall transfer these positions and funds to the budget entity entitled District Administration. This transfer shall be approved by the Executive Office of the Governor after consultation with the Legislative Appropriations Committees.

PROGRAM DEVELOPMENT AND SUPPORT

1656	SALARIES AND BENEFITS POSITIONS 769		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		17,817,972
	FROM WORKING CAPITAL TRUST FUND		5,338,888

From funds contained in Specific Appropriation 1656, one position and related costs are provided to the Internal Audit Section for the specific purpose of monitoring the Toll Facilities Revolving Trust Fund and reporting to the Legislature as to utilization of these funds by the Transportation Expressway Authorities.

1657	OTHER PERSONAL SERVICES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,167,338
	FROM WORKING CAPITAL TRUST FUND		20,000
1658	EXPENSES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		5,483,261
	FROM WORKING CAPITAL TRUST FUND		5,118,335
1659	NOT USED		
1660	OPERATING CAPITAL OUTLAY		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,069,825
	FROM WORKING CAPITAL TRUST FUND		6,615,913
1660A	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		182,000
1661	SPECIAL CATEGORIES		
	CONSULTANT FEES		
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND		1,393,334
	FROM WORKING CAPITAL TRUST FUND		90,000

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1661A SPECIAL CATEGORIES
GRANTS AND AIDS - GRANT TO USF
TRANSPORTATION INSTITUTE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 660,000

1662 SPECIAL CATEGORIES
ENGINEERING AND PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,510,500

1663 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 206,796
FROM WORKING CAPITAL TRUST FUND 86,200

1664 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 355,029
FROM WORKING CAPITAL TRUST FUND 28,897

1665 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,061,036

1666 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,433,730

CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE
OPERATIONS

1667 SALARIES AND BENEFITS POSITIONS 402
FROM ADMINISTRATIVE TRUST FUND 7,903,247
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,180

1668 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 10,725

1669 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 20,131,959

1670 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 13,768,805

1671 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM ADMINISTRATIVE TRUST FUND 10,000

1672 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 1,084,549

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1673 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM ADMINISTRATIVE TRUST FUND 17,511,727

1674 DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 457,336

TECHNICAL POLICY AND ENGINEERING SERVICES

1675 SALARIES AND BENEFITS POSITIONS 697
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 22,828,891

1676 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 458,758

1677 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,286,953

1677A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRANT TO DAVIE FOR I-595
FEEDER ROAD
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 350,000

1678 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,213,073

1679 SPECIAL CATEGORIES
BRIDGE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,932,300

1680 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,720,000

1681 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 874,450

1682 NOT USED

1683 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 116,134

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1684 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,871,876

1685 SPECIAL CATEGORIES
RIGHT-OF-WAY ACQUISITION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,500,000

1686 SPECIAL CATEGORIES
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 896,700

1687 NOT USED

1687A SPECIAL CATEGORIES
TRANSPORTATION AND EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 32,300,000

From funds provided in Specific Appropriation 1687A, the department may advance funds in accordance with the provisions of s. 338.251, F.S. The department shall not advance funds for administrative, audit, legal and contingency costs except that legal costs may be advanced for the right-of-way acquisition process.

Funds provided in Specific Appropriation 1687A shall not be advanced by the department until the applicant provides an acceptable traffic and revenue study documenting the feasibility of the project.

1688 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 322,071

1688A SPECIAL CATEGORIES
TRANSFER TO MANATEE COUNTY FOR GREEN
BRIDGE FISHING PIER DEMOLITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 110,000

Funds provided in Specific Appropriation 1688A shall not be released by the Executive Office of the Governor until the County of Manatee and the Department of Transportation have a signed agreement to place these funds in an escrow account for the sole purpose of demolishing the Green Bridge.

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1688B SPECIAL CATEGORIES
TRANSFER TO TOLL FACILITIES REVOLVING
TRUST FUND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 32,300,000

1689 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,169,039

CENTRAL OFFICE OPERATIONS

1690 SALARIES AND BENEFITS POSITIONS 1,493
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 27,577,249

1691 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,162,119

1692 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,438,530

1693 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 440,639

1694 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 271,670

1695 SPECIAL CATEGORIES
ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,000

1696 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,756,774

1697 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 76,000

1697A SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,120

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1698 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,994

1699 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,757,472

Of the amounts in Specific Appropriations 1690, 1692, and 1699, 54 positions and $2,027,193 are contingent upon CS/CS/SB 123 or similar legislation, which adopts comprehensive federal safety regulations, becoming law.

1700 SPECIAL CATEGORIES
PUBLIC TRANSPORTATION FLEET
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 150,000

1700A SPECIAL CATEGORIES
PUBLIC TRANSPORTATION STRUCTURES
IMPROVEMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1700B SPECIAL CATEGORIES
PURCHASE OF RAILROAD RIGHT-OF-WAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 75,000,000

From funds provided in Specific Appropriation 1700B, the department is authorized to expend $75,000,000 as downpayment for the puchase or lease purchase of approximately 75 miles of CSXT mainline railroad consisting of approximately 1,200 acres of land and improvements (the "property"), subject to certain operating and use agreements between the department and CSXT, and to execute a non-recourse Contract for Installment Sale and Purchase ("contract") of said property to secure the balance of the purchase price of $175,000,000 to $200,000,000. The department is authorized to pay interest on the balance at 1/2% above the U.S. Treasury Bond/Note Yield as agreed between CSXT and the department. However, said interest rate shall not exceed the rate established in ss. 287.063(1)(b), F.S. These payments are conditioned upon title passing to the department at closing, subject to the lien of said contract, or in the event of a lease purchase, upon final payment. Payments due under said contract or lease purchase, except as herein appropriated, shall be subject to the appropriation of funds by future legislatures, and it is the intent of the Legislature that in the event of failure of future legislatures to

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appropriate funds and the failure of the department to provide funds from a legal source to make payments on said contract or lease purchase, any sums previously paid as herein or hereafter appropriated shall be retained by CSXT as payment, and not as a penalty, for use and control of the property by the department, for CSXT holding same off the market and for permitting the department to change the use therof, all during the period prior to nonpayment, and CSXT shall have the right to receive return of title to and possession of the property as herein set forth.

In the event a contract is entered, the department shall, upon receipt of notice that sufficient funds are not available to continue its full and faithful performance under the contract, provide prompt written notice to CSXT of such event and effective thirty (30) days after the giving of such notice, or upon the expiration of the period of time for which funds were appropriated, whichever occurs first, be thereafter released of all future obligations in any way related to such property. In such event, the department shall have the following options: (1) within six months thereafter sell, lease, or otherwise dispose of the property, subject to the operating and use agreement between the department and CSXT, for fair consideration, which in no event shall be less than the balance of all installment payments due or which will become due, and from the proceeds thereof pay to CSXT all remaining sums due under the terms of the contract, less any interest then unearned, or arrange to transfer its duties and obligations to CSXT under the contract to another agency in the State of Florida or local governmental agency in the State of Florida capable of demonstrating the capacity to continue the contract, and the payment under said contract shall not be accelerated so long as the transferee meets the obligations of the department under the contract, and thereafter, the successor agency shall be responsible for performing all the obligations of the department described in the contract, or (2) return the property to CSXT, in which event CSXT shall retain all sums paid by the department under the contract with respect to such property.

1700C SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 68,000

1701 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 133,236

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1702 SPECIAL CATEGORIES
TURNPIKE CONSULTANTS
FROM FLORIDA TURNPIKE TRUST FUND 5,378,000
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 13,430,375

1702A SPECIAL CATEGORIES
TURNPIKE RIGHT-OF-WAY LAND ACQUISITION
FROM FLORIDA TURNPIKE TRUST FUND 5,700,000

1703 SPECIAL CATEGORIES
TURNPIKE CONSTRUCTION
FROM FLORIDA TURNPIKE TRUST FUND 79,398,078

From the funds in Specific Appropriations 1702 and 1703, sufficient dollars shall be used to design and construct an interchange on the Florida Turnpike to be located 1,850 feet south of Mile Post 205 in Osceola County and an interchange on the Florida Turnpike to be located west of Winter Garden at Highway 50 in West Orange County.

1704 SPECIAL CATEGORIES
TURNPIKE CONSTRUCTION INSPECTION
CONSULTANT
FROM FLORIDA TURNPIKE TRUST FUND 5,976,938

Funds provided in Specific Appropriations 1702 through 1704 contemplate the sale of Turnpike Revenue Bonds not exceeding $220 million to support the department's work program as recommended to the Legislature by the Secretary of Transportation in the April 1987 Report on the Future of Florida's Turnpike.

1705 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 690,534

DISTRICT ADMINISTRATION

1706 SALARIES AND BENEFITS POSITIONS 196
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,704,680

1707 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 271,885

1708 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,982,256

1709 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 631,546

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1710 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 162,769

1711 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 608,803

1712 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,180,854

DISTRICT PLANNING AND PUBLIC TRANSIT

1713 SALARIES AND BENEFITS POSITIONS 239
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,759,471

1714 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 34,572

1715 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 588,885

1716 AID TO LOCAL GOVERNMENTS
AVIATION MATCH GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 43,446,000

1716A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRANT TO BREVARD COUNTY
FOR VALKARIA AIRPORT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1717 AID TO LOCAL GOVERNMENTS
MASS TRANSIT MATCHING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,818,500

1718 AID TO LOCAL GOVERNMENTS
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,925,000

1719 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 72,718

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1720 SPECIAL CATEGORIES
ENGINEERING AND PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 300,000

1721 SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSPORTATION
DISADVANTAGED
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,925,000

1722 SPECIAL CATEGORIES
ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 300,000

1722A SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,000

1723 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 596,867

1724 SPECIAL CATEGORIES
PUBLIC TRANSPORTATION STRUCTURES
IMPROVEMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,230,000

1725 SPECIAL CATEGORIES
PURCHASE OF RAILROAD RIGHT-OF-WAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,900,000

1726 NOT USED

1727 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 431,821

DISTRICT PRODUCTION

1728 SALARIES AND BENEFITS POSITIONS 1,225
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 36,095,377

Funds provided in Specific Appropriation 1728 include 87 positions for increased production capacity. Pursuant to section 216.251, F.S., the Executive Office of the Governor shall determine the salary rate necessary to establish these positions. The findings of this review shall be reported to the Legislative Appropriations Committees.

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1729 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 163,156

1730 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,762,207

1731 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 620,265

1731A SPECIAL CATEGORIES
BRIDGE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,200,000

1732 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 575,000

1732A SPECIAL CATEGORIES
PLANNING & DESIGN FOR SAUFLEY FIELD ROAD
TO BLUE ANGEL PARKWAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

1733 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 31,142

1734 SPECIAL CATEGORIES
INTERSTATE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 13,204,000

1735 SPECIAL CATEGORIES
OTHER FEDERAL AID DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,330,000

1736 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 729,386

1737 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,425,344

SECTION 01

SPECIFIC
APPROPRIATION

1737A SPECIAL CATEGORIES
RIGHT-OF-WAY ACQUISITION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,731,000

1738 SPECIAL CATEGORIES
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 163,184,882

From funds provided in Specific Appropriation 1738, 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 1738, an amount not to exceed $10,000,000 may be used towards purchase of the FEC railroad from S.W. 98th Street to a point south of Florida City in Dade County. These funds shall come from funds allocated to the Department of Transportation Sixth District for right-of-way land acquisition.

1739 SPECIAL CATEGORIES
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,856,900

1740 SPECIAL CATEGORIES
STATE 100% DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 69,705,443

1741 SPECIAL CATEGORIES
TRAFFIC OPERATIONS DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,205,000

1742 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,710,880

DISTRICT OPERATIONS

1743 SALARIES AND BENEFITS POSITIONS 4,920
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 109,658,415

1744 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 308,770

SECTION 01

SPECIFIC
APPROPRIATION

1745 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,392,819

1745A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TWO-WAY PAIRING IN FT. LAUDERDALE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,500,000

1746 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 948,240

1747 SPECIAL CATEGORIES
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 28,256,366

1748 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,550,000

1749 SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,864,977

The funds provided in Specific Appropriation 1749 are 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.

1750 SPECIAL CATEGORIES
EMERGENCY STRUCTURE REPAIRS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

1751 SPECIAL CATEGORIES
OTHER FEDERAL AID ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 127,783,959

Funds provided in Specific Appropriation 1751 contemplate the receipt of federal funds for Highways 98 and 231.

SECTION 01

SPECIFIC
APPROPRIATION

1752 SPECIAL CATEGORIES
OTHER FEDERAL AID TRAFFIC OPERATIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,851,818

1753 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 46,750

1754 SPECIAL CATEGORIES
INTERSTATE ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 188,537,619

Funds provided in Specific Appropriation 1754 contemplate matching funds to six-lane I-75 from the Georgia line to Wildwood.

1755 SPECIAL CATEGORIES
INTERSTATE RESURFACING/REHABILITATION CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 12,607,560

1756 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,176,514

From funds provided in Specific Appropriation 1756, $100,000 may be used to beautify SR 286 in Dade County from Biscayne Boulevard to Collins Avenue.

1757 SPECIAL CATEGORIES
OTHER FEDERAL AID BRIDGE CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 52,034,336

1758 SPECIAL CATEGORIES
OTHER FEDERAL AID RESURFACING CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 29,112,490

1759 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,356,672

1760 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 53,222,364

SECTION 01

SPECIFIC
APPROPRIATION

1761 SPECIAL CATEGORIES
SKYWAY BRIDGE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,182,080

1762 SPECIAL CATEGORIES
STATE 100% BRIDGE CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 53,053,530

1763 SPECIAL CATEGORIES
STATE 100% RESURFACING CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,655,283

1764 SPECIAL CATEGORIES
OTHER STATE 100% ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 51,602,271

1765 SPECIAL CATEGORIES
LOCAL GOVERNMENT COOPERATIVE ASSISTANCE ACT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,000,000

1766 SPECIAL CATEGORIES
TRAFFIC OPERATIONS CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,514,315

1767 SPECIAL CATEGORIES
TRAFFIC SYSTEMS DEVELOPMENT CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,100,000

1768 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,171,606

1769 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMERCE - ECONOMIC DEVELOPMENT TRANSPORTATION TF
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

1770 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,224,039

SECTION 01

SPECIFIC
APPROPRIATION

TOTAL OF SECTION 01 POSITIONS 117,147

FROM GENERAL FUNDS. 8606,008,415

FROM TRUST FUNDS. 8658,393,294

TOTAL ALL FUNDS 17264,401,709

Section 2. The moneys in the following Specific Appropriations are appropriated from the named funds to the Department of General Services, Division of Construction, for fixed capital outlay for the state agencies indicated.

ADMINISTRATION, DEPARTMENT OF

VETERANS' AFFAIRS, DIVISION OF

1771 FIXED CAPITAL OUTLAY
STATE DOMICILIARY HOME FOR VETERANS
FROM STATE INFRASTRUCTURE FUND 2,198,320
FROM VETERANS AFFAIRS DESIGN AND
CONSTRUCTION TRUST FUND 4,082,593

Funds provided in Specific Appropriation 1771 are contingent upon approval of a grant by the United States Veterans Administration.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

1772 FIXED CAPITAL OUTLAY
REPLACE AIR CONDITIONING SYSTEM LAB
COMPLEX, TALLAHASSEE
FROM STATE INFRASTRUCTURE FUND 73,500

1773 NOT USED

1774 FIXED CAPITAL OUTLAY
REPLACE FIRE ALARM SYSTEM, MAYO BUILDING
FROM GENERAL REVENUE FUND 50,400

1775 NOT USED

INSPECTION, DIVISION OF

1775A FIXED CAPITAL OUTLAY
NEW AGRICULTURAL INSPECTION STATION NASSAU
COUNTY
FROM GENERAL REVENUE FUND 88,025

SECTION 02

SPECIFIC
APPROPRIATION

1776 FIXED CAPITAL OUTLAY
RELOCATE AGRICULTURAL INSPECTION STATION
BRANFORD
FROM GENERAL REVENUE FUND 9,188

1777 NOT USED

MARKETING, DIVISION OF

1777A FIXED CAPITAL OUTLAY
CONSTRUCTION/RENOVATION-JACKSON COUNTY
AGRICULTURE CENTER
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 50,000

1777B FIXED CAPITAL OUTLAY
CONSTRUCTION/PALM BEACH COUNTY AGRICULTURE
BUILDING
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 1,000,000

1777C FIXED CAPITAL OUTLAY
CONSTRUCTION/RENOVATION/REPAIR WALTON
COUNTY FARM CENTER
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 209,152

1778 FIXED CAPITAL OUTLAY
CORRECT LIFE SAFETY DEFICIENCIES, STATE
FARMERS' MARKETS STATEWIDE
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 191,625

1778A FIXED CAPITAL OUTLAY
NASSAU COUNTY AGRICULTURE MULTI PURPOSE
BUILDING
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 50,000

1778B FIXED CAPITAL OUTLAY
OKALOOSA COUNTY FAIR - FT. WALTON
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 75,000

1779 FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR, STATE FARMERS'
MARKET FACILITIES STATEWIDE
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 800,000

1779A FIXED CAPITAL OUTLAY
ADDITIONS AND RENOVATIONS POLK COUNTY CROP
AND LIVESTOCK PAVILION
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 900,000

SECTION 02

SPECIFIC
APPROPRIATION

1779B FIXED CAPITAL OUTLAY
ADDITIONS, REPLACEMENT, AND RENOVATIONS
IMMOKALEE STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 300,000

1779C FIXED CAPITAL OUTLAY
ADDITIONS AND REPLACEMENT, JAY STATE
FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 143,000

1779D FIXED CAPITAL OUTLAY
ADDITIONS AND RENOVATIONS PLANT CITY STATE
FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 773,533

1780 FIXED CAPITAL OUTLAY
TRI-COUNTY STATE FARMERS
MARKET/PLANNING/LAND PURCHASE/
CONSTRUCTION
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 2,000,000

1780A FIXED CAPITAL OUTLAY
PLANNING/BAY COUNTY STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 87,000

1780B FIXED CAPITAL OUTLAY
TRANSFER TO MARKET IMPROVEMENT WORKING
CAPITAL TRUST FUND
FROM STATE INFRASTRUCTURE FUND 6,379,310

1780C FIXED CAPITAL OUTLAY
WALTON COUNTY FAIR ASSOCIATION
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 50,000

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1780D FIXED CAPITAL OUTLAY
MARKET COMPLEX - WASHINGTON COUNTY STATE
FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 50,000

1780E FIXED CAPITAL OUTLAY
GAINESVILLE STATE FARMERS MARKET/LAND
ACQUISITION/CONSTRUCTION
FROM MARKET IMPROVEMENTS WORKING CAPITAL
TRUST FUND 100,000

SECTION 02

SPECIFIC
APPROPRIATION

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

1780F FIXED CAPITAL OUTLAY
CASEWORK AND MECHANICAL EQUIPMENT
RENOVATIONS, AGRICULTURAL PEST RESIDUE
LABORATORY, WINTER HAVEN
FROM CITRUS INSPECTION TRUST FUND 75,000

PLANT INDUSTRY, DIVISION OF

1781 FIXED CAPITAL OUTLAY
REROOFING, CONNER COMPLEX
FROM STATE INFRASTRUCTURE FUND 24,464

1782 NOT USED

1783 FIXED CAPITAL OUTLAY
REPLACE SEWAGE DISPOSAL SYSTEM NEMATOLOGY
LABORATORY, CONNER COMPLEX
FROM STATE INFRASTRUCTURE FUND 8,000

1784 NOT USED

ANIMAL INDUSTRY, DIVISION OF

1785 NOT USED

FORESTRY, DIVISION OF

1786 NOT USED

1787 NOT USED

1788 NOT USED

1789 FIXED CAPITAL OUTLAY
RESTROOM AND STORAGE FACILITIES - MULTIPLE
LOCATIONS AND COUNTIES
FROM STATE INFRASTRUCTURE FUND 189,900

1790 NOT USED

1791 NOT USED

1792 NOT USED

1793 NOT USED

CORRECTIONS, DEPARTMENT OF

ASSISTANT SECRETARY FOR HEALTH SERVICES

1794 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND
IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 75,000

SECTION 02

SPECIFIC
APPROPRIATION

1794A FIXED CAPITAL OUTLAY
CORRECTION OF RMC FIRE AND SAFETY DEFICIENCIES
FROM STATE INFRASTRUCTURE FUND 1,409,000

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

1795 FIXED CAPITAL OUTLAY
CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE
FROM STATE INFRASTRUCTURE FUND 3,887,890

1795A FIXED CAPITAL OUTLAY
REGIMENTED DISCIPLINE PROGRAM
FROM GENERAL REVENUE FUND 250,000

1796 NOT USED

1797 FIXED CAPITAL OUTLAY
IMPROVEMENTS TO WATER SYSTEMS AND WASTEWATER TREATMENT PLANTS
FROM GENERAL REVENUE FUND 500,000

1798 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 1,000,000

1799 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, ROOF REPAIRS
FROM GENERAL REVENUE FUND 100,000

1800 NOT USED

1801 FIXED CAPITAL OUTLAY
NEW PROTOTYPE INSTITUTION, ORANGE COUNTY
FROM STATE INFRASTRUCTURE FUND 11,302,000

1802 FIXED CAPITAL OUTLAY
CORRECTION, ENVIRONMENTAL DEFICIENCIES
FROM GENERAL REVENUE FUND 500,000

1803 NOT USED

1804 FIXED CAPITAL OUTLAY
NEW PROTOTYPE INSTITUTION - A
FROM STATE INFRASTRUCTURE FUND 24,000,000

1805 FIXED CAPITAL OUTLAY
NEW PROTOTYPE INSTITUTION - B
FROM STATE INFRASTRUCTURE FUND 1,000,000

1806 NOT USED

SECTION 02

SPECIFIC
APPROPRIATION

1807 FIXED CAPITAL OUTLAY
ACQUISITION OF CORRECTIONAL FACILITY MARTIN COUNTY
FROM STATE INFRASTRUCTURE FUND 100,000

1808 NOT USED

PROBATION AND PAROLE SERVICES

1808A FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 25,000

COMMUNITY FACILITIES AND ROAD PRISONS

1809 FIXED CAPITAL OUTLAY
CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE
FROM GENERAL REVENUE FUND 112,110

1810 NOT USED

1811 FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM GENERAL REVENUE FUND 300,000

1812 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, ROOF REPAIRS
FROM GENERAL REVENUE FUND 100,000

1813 NOT USED

1814 FIXED CAPITAL OUTLAY
CORRECTIONAL VOCATIONAL CENTER
FROM STATE INFRASTRUCTURE FUND 4,024,800

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

BLIND SERVICES, DIVISION OF

1814A FIXED CAPITAL OUTLAY
VENDING INTERSTATE PAVILION
FROM GENERAL REVENUE FUND 200,000
FROM TRAINING AND OPERATING TRUST FUND . . 50,000
FROM U.S. TRUST FUND 100,000

1814B FIXED CAPITAL OUTLAY
FLORIDA INSTITUTE OF PHOSPHATE RESEARCH - SECURITY SYSTEM
FROM PHOSPHATE RESEARCH TRUST FUND 3,500

SECTION 02

SPECIFIC
APPROPRIATION

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1815 FIXED CAPITAL OUTLAY
REPLACE WATER SYSTEM, EVERGLADES YOUTH CAMP
FROM STATE INFRASTRUCTURE FUND 26,522

1816 FIXED CAPITAL OUTLAY
REPAIR SHOWER HOUSE, EVERGLADES YOUTH CAMP
FROM STATE INFRASTRUCTURE FUND 39,249

1816A FIXED CAPITAL OUTLAY
NEW STORAGE BUILDING AND AIR CONDITIONING, OCALA YOUTH CAMP
FROM STATE INFRASTRUCTURE FUND 18,372

LAW ENFORCEMENT, DIVISION OF

1817 NOT USED

WILDLIFE, DIVISION OF

1817A FIXED CAPITAL OUTLAY
ADDITION TO WILDLIFE RESEARCH LAB - GAINESVILLE
FROM STATE GAME TRUST FUND 179,741

1818 FIXED CAPITAL OUTLAY
RENOVATE WATER CONTROL STRUCTURES, LITTLE GATOR CREEK
FROM NON-GAME WILDLIFE TRUST FUND 158,949

FISHERIES, DIVISION OF

1819 NOT USED

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1820 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE
FROM SUPERVISION TRUST FUND 747,691

1821 FIXED CAPITAL OUTLAY
ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 187,288

SECTION 02

SPECIFIC
APPROPRIATION

1822 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 1,232,094

1823 FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 87,036

1824 FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 5,085

1825 FIXED CAPITAL OUTLAY
PLUMBING SYSTEM MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 31,433

1826 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE
FROM SUPERVISION TRUST FUND 933,387

1827 FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 113,510

1827A FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL
FROM SUPERVISION TRUST FUND 396,229

1828 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE
FROM SUPPLEMENTAL CONTRACTS TRUST FUND . . 1,000,000

1829 NOT USED

1829A FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER PARKING FACILITY POLK COUNTY (LAKELAND)
FROM GENERAL REVENUE FUND 1,514,935

1830 FIXED CAPITAL OUTLAY
LAND ACQUISTION - CAPITOL CENTER AND VICINITY GOVERNOR'S MANSION AND ENVIRONS
FROM STATE INFRASTRUCTURE FUND 500,000

1831 NOT USED

SECTION 02

SPECIFIC
APPROPRIATION

1831A FIXED CAPITAL OUTLAY
REPLACE AIR CONDITIONING AND LIGHTING - MCCARTY BUILDING
FROM SUPERVISION TRUST FUND 502,819

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

1832 FIXED CAPITAL OUTLAY
REPAIR AND MAINTENANCE, CENTRALLY MANAGED STATEWIDE
FROM GENERAL REVENUE FUND 3,251,300

1833 NOT USED

1834 FIXED CAPITAL OUTLAY
ASBESTOS REMOVAL, STATEWIDE
FROM GENERAL REVENUE FUND 1,000,000

1835 FIXED CAPITAL OUTLAY
ENERGY CONSERVATION, STATEWIDE
FROM GENERAL REVENUE FUND 916,000
FROM ADMINISTRATIVE TRUST FUND 916,000

1836 NOT USED

1837 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE
FROM GENERAL REVENUE FUND 2,588,700

1838 NOT USED

1839 NOT USED

1840 FIXED CAPITAL OUTLAY
INSTITUTIONAL/CAMPUS UTILITY SYSTEMS MAINTENANCE AND REPAIR, STATEWIDE
FROM STATE INFRASTRUCTURE FUND 2,000,000

1841 NOT USED

1842 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE
FROM STATE INFRASTRUCTURE FUND 2,000,000

DEPUTY SECRETARY FOR OPERATIONS

OFFICE OF THE DEPUTY SECRETARY FOR OPERATIONS

1843 FIXED CAPITAL OUTLAY
ADDITION, CENTRAL LABORATORY, JACKSONVILLE
FROM STATE INFRASTRUCTURE FUND 10,830,000

SECTION 02

SPECIFIC
APPROPRIATION

DISTRICT ADMINISTRATION

1844 NOT USED

1845 NOT USED

MENTAL HEALTH - INSTITUTIONS

1845A FIXED CAPITAL OUTLAY
ADDITION OF SUBSTANCE ABUSE BEDS AT FATC
FROM STATE INFRASTRUCTURE FUND 475,000

1846 NOT USED

1847 NOT USED

1848 FIXED CAPITAL OUTLAY
SUPPLEMENTAL, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER
FROM STATE INFRASTRUCTURE FUND 460,000

CHILDREN, YOUTH AND FAMILY SERVICES

1849 NOT USED

1850 NOT USED

1851 NOT USED

CHILDREN AND YOUTH - INSTITUTIONS

1851A FIXED CAPITAL OUTLAY
REPLACE ADMINISTRATIVE FACILITY, DOZIER
FROM STATE INFRASTRUCTURE FUND 84,600

1851B FIXED CAPITAL OUTLAY
NEW VOCATIONAL FACILITY, DOZIER
FROM STATE INFRASTRUCTURE FUND 127,600

1851C FIXED CAPITAL OUTLAY
RENOVATE RECREATIONAL FACILITIES, DOZIER
FROM STATE INFRASTRUCTURE FUND 800,000

DEVELOPMENTAL SERVICES - INSTITUTIONS

1851D FIXED CAPITAL OUTLAY
RETARDED DEFENDENTS-ALACHUA DETENTION CENTER
FROM STATE INFRASTRUCTURE FUND 800,000

1851E FIXED CAPITAL OUTLAY
SUNLAND, GAINESVILLE MEDICAL SERVICE CENTER
FROM STATE INFRASTRUCTURE FUND 200,000

SECTION 02

SPECIFIC
APPROPRIATION

CHILDREN'S MEDICAL SERVICES

1851F FIXED CAPITAL OUTLAY
NEW CHILDRENS MEDICAL SERVICES CLINIC, BREVARD
FROM STATE INFRASTRUCTURE FUND 915,000

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1851G FIXED CAPITAL OUTLAY
ACCESS ROAD, KIRKMAN COMPLEX LEON COUNTY
FROM STATE INFRASTRUCTURE FUND 152,284

FLORIDA HIGHWAY PATROL, DIVISION OF

1852 NOT USED

1853 NOT USED

1854 NOT USED

1855 NOT USED

1856 NOT USED

1857 FIXED CAPITAL OUTLAY
AIR CONDITIONING REPLACEMENT, HIGHWAY PATROL STATIONS STATEWIDE
FROM STATE INFRASTRUCTURE FUND 62,000

1858 FIXED CAPITAL OUTLAY
ROOF REPLACEMENT, HIGHWAY PATROL STATIONS STATEWIDE
FROM STATE INFRASTRUCTURE FUND 53,900

1858A FIXED CAPITAL OUTLAY
ORLANDO FLORIDA HIGHWAY PATROL STATION/PLANNING FOR RELOCATION
FROM GENERAL REVENUE FUND 100,000

1859 NOT USED

1860 NOT USED

1861 NOT USED

1862 NOT USED

SECTION 02

SPECIFIC
APPROPRIATION

DRIVER LICENSES, DIVISION OF

1862A FIXED CAPITAL OUTLAY
ADDITION, DRIVERS LICENSE OFFICE ORANGE COUNTY
FROM GENERAL REVENUE FUND 245,591
FROM STATE INFRASTRUCTURE FUND 277,027

1863 NOT USED

1864 NOT USED

1865 FIXED CAPITAL OUTLAY
MECHANICAL REPAIRS, DRIVERS LICENSE OFFICES STATEWIDE
FROM STATE INFRASTRUCTURE FUND 11,000

1866 FIXED CAPITAL OUTLAY
ROOF REPLACEMENT, DRIVERS LICENSE OFFICES STATEWIDE
FROM STATE INFRASTRUCTURE FUND 5,000

1866A FIXED CAPITAL OUTLAY
SECURITY SYSTEMS, DRIVERS LICENSE OFFICES STATEWIDE
FROM STATE INFRASTRUCTURE FUND 51,000

MOTOR VEHICLES, DIVISION OF

1867 NOT USED

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1867A FIXED CAPITAL OUTLAY
INSURANCE BUILDING
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 42,920,612

Funds provided in Specific Appropriation 1867A assume that the Insurance Building shall not contain an exercise facility nor a day care facility.

STATE FIRE MARSHAL, DIVISION OF

1867B FIXED CAPITAL OUTLAY
STATE FIRE MARSHALL LAB COMPLEX
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 850,000

SECTION 02

SPECIFIC
APPROPRIATION

JUDICIAL BRANCH

SUPREME COURT

1868 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, ROOF REPAIRS
FROM GENERAL REVENUE FUND 50,750

1868A FIXED CAPITAL OUTLAY
SUPREME COURT BUILDING
RENOVATION/EXPANSION
FROM STATE INFRASTRUCTURE FUND 2,285,960

DISTRICT COURTS OF APPEAL

1868B FIXED CAPITAL OUTLAY
ADDITION TO THIRD DISTRICT COURT OF
APPEAL, DADE COUNTY
FROM STATE INFRASTRUCTURE FUND 640,374

1869 FIXED CAPITAL OUTLAY
CORRECT FIRE SAFETY DEFICIENCIES FIRST
DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 3,555

1870 FIXED CAPITAL OUTLAY
ROOF REPLACEMENT, PAINTING, AND REPAIRS
FOURTH DISTRICT COURT OF APPEAL
FROM GENERAL REVENUE FUND 124,000

1871 NOT USED

1872 NOT USED

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1873 NOT USED

1874 FIXED CAPITAL OUTLAY
UNDERGROUND TANK REPLACEMENTS, AGENCYWIDE
FROM STATE INFRASTRUCTURE FUND 184,920

1875 FIXED CAPITAL OUTLAY
FIRE SUPPRESSION SYSTEMS - RANGE HOODS,
CAMP BLANDING
FROM GENERAL REVENUE FUND 20,000

1876 FIXED CAPITAL OUTLAY
EXPANSION - PLANNING AND CONSTRUCTION -
NATIONAL GUARD ARMORY, SARASOTA
FROM STATE INFRASTRUCTURE FUND 329,800

SECTION 02

SPECIFIC
APPROPRIATION

1877 FIXED CAPITAL OUTLAY
EXTERIOR REPAIRS, PAINTING, AND
WATERPROOFING AGENCYWIDE
FROM STATE INFRASTRUCTURE FUND 150,750

1878 NOT USED

1879 NOT USED

1880 FIXED CAPITAL OUTLAY
NEW STORAGE AND MAINTENANCE BUILDING,
APALACHICOLA
FROM STATE INFRASTRUCTURE FUND 206,400

1880A FIXED CAPITAL OUTLAY
NEW NATIONAL GUARD ARMORY, WAUCHULA
FROM STATE INFRASTRUCTURE FUND 95,300

1881 NOT USED

1881A FIXED CAPITAL OUTLAY
NEW MAINTENANCE SHOP, NATIONAL GUARD
ARMORY TAMPA
FROM STATE INFRASTRUCTURE FUND 64,600

1882 FIXED CAPITAL OUTLAY
ENVIRONMENTAL AND LIFE SAFETY CORRECTIONS,
NATIONAL GUARD ARMORY, CLEARWATER
FROM STATE INFRASTRUCTURE FUND 48,500

NATURAL RESOURCES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF
ADMINISTRATIVE SERVICES

1883 NOT USED

1884 FIXED CAPITAL OUTLAY
REPLACE AIR CONDITIONING, ANNEX BUILDING,
TALLAHASSEE
FROM STATE INFRASTRUCTURE FUND 13,230

MARINE RESOURCES, DIVISION OF

1885 FIXED CAPITAL OUTLAY
REPAIRS AND RENOVATIONS, ST. PETERSBURG
MARINE RESEARCH LABORATORY
FROM STATE INFRASTRUCTURE FUND 162,380

RECREATION AND PARKS, DIVISION OF

1886 NOT USED

1887 NOT USED

SECTION 02

SPECIFIC
APPROPRIATION

1888 NOT USED

1889 NOT USED

1890 NOT USED

1891 NOT USED

1892 NOT USED

1893 NOT USED

1894 NOT USED

1895 NOT USED

1896 NOT USED

1897 NOT USED

LAW ENFORCEMENT, DIVISION OF

1898 FIXED CAPITAL OUTLAY
REPAIR/RENOVATE, MARINE PATROL OFFICE, DISTRICT 6, MIAMI
FROM GENERAL REVENUE FUND 7,645

1899 FIXED CAPITAL OUTLAY
RENOVATE, MARINE PATROL OFFICE, DISTRICT 8, JACKSONVILLE
FROM GENERAL REVENUE FUND 2,750

1899A FIXED CAPITAL OUTLAY
VESSEL STORAGE RACKS, S. FLA. MARINE MAINTENANCE FACILITY
FROM STATE INFRASTRUCTURE FUND 27,500

1900 NOT USED

1901 NOT USED

1902 NOT USED

1903 FIXED CAPITAL OUTLAY
REPAIR/RENOVATE, MARINE PATROL OFFICE, DISTRICT 11, PENSACOLA
FROM STATE INFRASTRUCTURE FUND 24,750

SECTION 02

SPECIFIC
APPROPRIATION

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES

1903A FIXED CAPITAL OUTLAY
REPAIRS, RENOVATIONS AND ADDITIONS TO THE COLEMAN BUILDING
FROM STATE INFRASTRUCTURE FUND 97,823

LIBRARY AND INFORMATION SERVICES, DIVISION OF

1903B FIXED CAPITAL OUTLAY
RENOVATE LIBRARY SERVICES SPACE, GRAY BUILDING
FROM LIBRARY CONSTRUCTION TRUST FUND . . . 200,000
FROM STATE INFRASTRUCTURE FUND 200,000

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

1904 FIXED CAPITAL OUTLAY
RENOVATE FIRE SAFETY SYSTEM, TRANSPORTATION MUSEUM PENSACOLA
FROM GENERAL REVENUE FUND 5,000

1905 FIXED CAPITAL OUTLAY
CORRECT FIRE SAFETY DEFICIENCIES, L&N MARINE TERMINAL PENSACOLA
FROM STATE INFRASTRUCTURE FUND 26,700

1905A FIXED CAPITAL OUTLAY
ACQUISITION OF LAND TO OPEN BAY FRONT ROAD
FROM STATE INFRASTRUCTURE FUND 400,000

1905B FIXED CAPITAL OUTLAY
ACQUIRE SOUTH ADAMS STREET PROPERTY, PENSACOLA
FROM STATE INFRASTRUCTURE FUND 149,000

1905C FIXED CAPITAL OUTLAY
ACQUIRE EAST CHURCH STREET PROPERTIES, PENSACOLA
FROM STATE INFRASTRUCTURE FUND 79,000

1905D FIXED CAPITAL OUTLAY
ACQUIRE CHRIST CHURCH PARISH SCHOOL HOUSE, PENSACOLA
FROM STATE INFRASTRUCTURE FUND 179,000

1906 NOT USED

SECTION 02

SPECIFIC
APPROPRIATION

1907 NOT USED

1908 NOT USED

1909 NOT USED

HISTORIC ST AUGUSTINE PRESERVATION BOARD

1910 FIXED CAPITAL OUTLAY
CORRECT LIFE SAFETY VIOLATIONS, GOVERNMENT HOUSE ST. AUGUSTINE
FROM STATE INFRASTRUCTURE FUND 56,122

1910A FIXED CAPITAL OUTLAY
RENOVATE EAST WING, GOVERNMENT HOUSE ST. AUGUSTINE
FROM GENERAL REVENUE FUND 81,200

1911 NOT USED

HISTORIC TALLAHASSEE PRESERVATION BOARD

1912 NOT USED

1912A FIXED CAPITAL OUTLAY
RENOVATION KNOTT HOUSE, TALLAHASSEE
FROM GENERAL REVENUE FUND 100,000

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

1913 FIXED CAPITAL OUTLAY
EMERGENCY REPAIRS
FROM STATE INFRASTRUCTURE FUND 1,000,000

TOTAL OF SECTION 02

FROM GENERAL FUNDS. 13,321,149

FROM TRUST FUNDS. 142,460,124

TOTAL ALL FUNDS 155,781,273

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.

SECTION 03

SPECIFIC
APPROPRIATION

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

1914 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - NON-POINT SOURCE POLLUTION
FROM STATE INFRASTRUCTURE FUND 2,200,000

1915 NOT USED

1915A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ST. LUCIE CANAL EROSION/SEDIMENT CONTROL PROJECT, MARTIN COUNTY
FROM GENERAL REVENUE FUND 59,374

1915B FIXED CAPITAL OUTLAY
GRANTS AND AIDS - EROSION CONTROL PROJECT POLK COUNTY
FROM GENERAL REVENUE FUND 50,000

1915C FIXED CAPITAL OUTLAY
GRANTS AND AIDS - LAKE COUNTY WATER QUALITY
FROM GENERAL REVENUE FUND 54,000

1915D FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ST. LUCIE/INDIAN RIVER WATER CONSERVATION
FROM GENERAL REVENUE FUND 46,000

MARKETING, DIVISION OF

1915E FIXED CAPITAL OUTLAY
PAVING, BAKER COUNTY AGRICULTURAL CENTER
FROM GENERAL REVENUE FUND 38,000

1915F FIXED CAPITAL OUTLAY
CENTRAL FLORIDA FAIR LIVESTOCK BARN AND PAVILION, ORANGE COUNTY
FROM GENERAL REVENUE FUND 300,000

1915G FIXED CAPITAL OUTLAY
CONSTRUCTION, AGRICULTURAL EXHIBIT BUILDING BAKER COUNTY
FROM GENERAL REVENUE FUND 100,000

SECTION 03

SPECIFIC
APPROPRIATION

ANIMAL INDUSTRY, DIVISION OF

1915H FIXED CAPITAL OUTLAY
FENCING, DIAGNOSTIC LABORATORY OSCEOLA COUNTY
FROM STATE INFRASTRUCTURE FUND 13,195

FORESTRY, DIVISION OF

1915I FIXED CAPITAL OUTLAY
FORESTRY LAND ACQUISITION - STATEWIDE
FROM INCIDENTAL TRUST FUND 70,000

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

1915J FIXED CAPITAL OUTLAY
CORRECTIONAL TRAINING ACADEMY
FROM CRIMINAL JUSTICE TRAINING TRUST FUND 50,000

MAJOR INSTITUTIONS

1916 FIXED CAPITAL OUTLAY
REPLACEMENT, TEMPORARY FACILITIES NEW RIVER ANNEX
FROM STATE INFRASTRUCTURE FUND 777,296

1917 FIXED CAPITAL OUTLAY
CONVERSION OF TRANSIENT FACILITIES TO MAJOR INSTITUTION
FROM STATE INFRASTRUCTURE FUND 1,405,920

1918 FIXED CAPITAL OUTLAY
NEW CORRECTIONAL FACILITIES - WORK CAMPS STATEWIDE
FROM STATE INFRASTRUCTURE FUND 4,500,000

1918A FIXED CAPITAL OUTLAY
NEW CORRECTIONAL FACILITIES--ENVIRONMENTAL DETENTION UNITS
FROM STATE INFRASTRUCTURE FUND 6,000,000

1919 FIXED CAPITAL OUTLAY
NEW CORRECTIONAL INSTITUTION HAMILTON COUNTY (SITE 1)
FROM STATE INFRASTRUCTURE FUND 5,505,100

1920 NOT USED

SECTION 03

SPECIFIC
APPROPRIATION

1920A FIXED CAPITAL OUTLAY
NEW CORRECTIONAL INSTITUTION--QUICK CONSTRUCTION #1-- CALHOUN COUNTY
FROM STATE INFRASTRUCTURE FUND 10,500,000

1920B FIXED CAPITAL OUTLAY
NEW CORRECTIONAL INSTITUTION--QUICK CONSTRUCTION #2 HOLMES COUNTY
FROM STATE INFRASTRUCTURE FUND 10,500,000

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF DEPUTY COMMISSIONER FOR EDUCATIONAL MANAGEMENT

1920C FIXED CAPITAL OUTLAY
BREVARD SCHOOL BOARD-DRAA FIELD
FROM GENERAL REVENUE FUND 375,000

1920D FIXED CAPITAL OUTLAY
BREVARD SCHOOL BOARD-SATELLITE HIGH SCHOOL
FROM GENERAL REVENUE FUND 125,000

1920E FIXED CAPITAL OUTLAY
HILLSBOROUGH SCHOOL BOARD/PLANT CITY
FROM GENERAL REVENUE FUND 200,000

1920F FIXED CAPITAL OUTLAY
ST. PETERSBURG JUNIOR COLLEGE/CLEARWATER FOR YOUTH
FROM GENERAL REVENUE FUND 1,000,000

1920G FIXED CAPITAL OUTLAY
SANTA ROSA COUNTY SCHOOL BOARD-LOCKLIN VO-TECH CENTER
FROM GENERAL REVENUE FUND 1,002,451

1920H FIXED CAPITAL OUTLAY
PASCO MARCHMAN VO-TECH
FROM GENERAL REVENUE FUND 950,000

1920I FIXED CAPITAL OUTLAY
VOLUSIA COUNTY SCHOOL BOARD-MAGNET SCHOOL
FROM GENERAL REVENUE FUND 250,000

1920J FIXED CAPITAL OUTLAY
WASHINGTON SCHOOL BOARD/VERNON
FROM GENERAL REVENUE FUND 199,020

1920K FIXED CAPITAL OUTLAY
WAKULLA SCHOOL BOARD-CRAWFORDVILLE ELEMENTARY SCHOOL
FROM GENERAL REVENUE FUND 207,000

SECTION 03

SPECIFIC
APPROPRIATION

UNIVERSITIES, DIVISION OF

BOARD OF REGENTS GENERAL OFFICE

1920L FIXED CAPITAL OUTLAY
BOARD OF REGENTS-UNIVERSITY OF CENTRAL FLORIDA ATHLETIC COMPLEX-TRACK
FROM GENERAL REVENUE FUND 500,000

1920M FIXED CAPITAL OUTLAY
BOARD OF REGENTS-LAB SCHOOLS/REPAIR & MAINTENANCE
FROM GENERAL REVENUE FUND 2,000,000

1920N FIXED CAPITAL OUTLAY
BOARD OF REGENTS-UNIVERSITY OF WEST FLORIDA ATHLETIC COMPLEX
FROM GENERAL REVENUE FUND 450,000

ENVIRONMENTAL REGULATION, DEPARTMENT OF

1921 FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION
FROM WATER MANAGEMENT LANDS TRUST FUND . . 38,829,640

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1922 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 750,000

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

DEPUTY SECRETARY FOR OPERATIONS

DISTRICT ADMINISTRATION

1922A FIXED CAPITAL OUTLAY
BILLY J RISH STATE PARK, HOUSING FOR RESIDENT PARK MANAGER
FROM GENERAL REVENUE FUND 35,000

1922B FIXED CAPITAL OUTLAY
PARKING FOR NEW ST. AUGUSTINE FACILITY
FROM GENERAL REVENUE FUND 94,000

DEVELOPMENTAL SERVICES - INSTITUTIONS

1922C FIXED CAPITAL OUTLAY
GAINESVILLE SUNLAND STEPPING STONE PARK
FROM GENERAL REVENUE FUND 15,000

SECTION 03

SPECIFIC
APPROPRIATION

CHILDREN'S MEDICAL SERVICES

1922D FIXED CAPITAL OUTLAY
NEW CHILDRENS MEDICAL SERVICES CLINIC ALACHUA
FROM STATE INFRASTRUCTURE FUND 400,000

NATURAL RESOURCES, DEPARTMENT OF

STATE LANDS, DIVISION OF

1922E FIXED CAPITAL OUTLAY
LAND ACQUISITION/SOUTH FLORIDA MAINTENANCE SHOP
FROM COASTAL PROTECTION TRUST FUND 200,000

1923 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 38,701,538

BEACHES AND SHORES, DIVISION OF

1924 NOT USED

1924A FIXED CAPITAL OUTLAY
BEACH RESTORATION - SUNNY ISLES
FROM STATE INFRASTRUCTURE FUND 4,931,250

1924B FIXED CAPITAL OUTLAY
BEACH RESTORATION - SAND KEY
FROM STATE INFRASTRUCTURE FUND 2,289,938

1924C FIXED CAPITAL OUTLAY
SAND TRANSFER - ST. LUCIE INLET STATE PARK
FROM STATE INFRASTRUCTURE FUND 375,000

1924D FIXED CAPITAL OUTLAY
BEACH NOURISHMENT - LONG KEY
FROM STATE INFRASTRUCTURE FUND 215,625

1924E FIXED CAPITAL OUTLAY
TERMINAL GROIN - JOHN U. LLOYD STATE PARK
FROM STATE INFRASTRUCTURE FUND 150,000

1924F FIXED CAPITAL OUTLAY
SAND TRANSFER - KINGS BAY
FROM STATE INFRASTRUCTURE FUND 2,000,000

1924G FIXED CAPITAL OUTLAY
BEACH RESTORATION/EROSION CONTROL STUDY - MANATEE COUNTY
FROM EROSION CONTROL TRUST FUND 125,000

SECTION 03

SPECIFIC
APPROPRIATION

1924H FIXED CAPITAL OUTLAY
HONEYMOON ISLAND BEACH RESTORATION
FROM LAND ACQUISITION TRUST FUND 400,000

1924I FIXED CAPITAL OUTLAY
DEERFIELD BEACH SHORE STABILIZATION
FROM STATE INFRASTRUCTURE FUND 110,000

RESOURCE MANAGEMENT, DIVISION OF

1925 FIXED CAPITAL OUTLAY
SPOIL SITE ACQUISITIONS AND IMPROVEMENTS
(LUMP SUM - 376.11 FS)
FROM PORT TRUST FUND 1,500,000

1926 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION
TRUST FUND 6,690,106

RECREATION AND PARKS, DIVISION OF

1926A FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD CORRIDOR
GAINESVILLE/HAWTHORNE
FROM STATE INFRASTRUCTURE FUND 175,000

1926B FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM STATE INFRASTRUCTURE FUND 3,000,000

1926C FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 4,000,000

1926D FIXED CAPITAL OUTLAY
WATER DISTRIBUTION, STATE PARKS, STATEWIDE
FROM LAND ACQUISITION TRUST FUND 400,000

1926E FIXED CAPITAL OUTLAY
DEBARY HALL RENOVATIONS
FROM LAND ACQUISITION TRUST FUND 100,000

1926F FIXED CAPITAL OUTLAY
GAMBLE MANSION VISITOR CENTER CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 237,000

1927 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 1,000,000

SECTION 03

SPECIFIC
APPROPRIATION

1928 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY
ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
STATEWIDE
FROM CONSERVATION AND RECREATION LANDS
BOND PROJECT TRUST FUND 80,000,000

1928A FIXED CAPITAL OUTLAY
RENOVATE WATERWHEEL - DELEON SPRINGS
FROM LAND ACQUISITION TRUST FUND 197,000

1928B FIXED CAPITAL OUTLAY
CRITICAL REPAIRS AND CODE CORRECTIONS
FROM LAND ACQUISITION TRUST FUND 1,000,000

1928C FIXED CAPITAL OUTLAY
SAVE OUR COAST ACQUISITION PROGRAM
FROM SAVE OUR COAST PROJECT TRUST FUND . . 25,000,000

1928D FIXED CAPITAL OUTLAY
ADDITIONAL FACILITIES/SITE IMPROVEMENTS,
HUGH TAYLOR BIRCH
FROM LAND ACQUISITION TRUST FUND 500,000

1928E FIXED CAPITAL OUTLAY
ST. JOSEPH PENINSULA, T.H. STONE MEMORIAL
STATE PARK
FROM LAND ACQUISITION TRUST FUND 76,000

1928F FIXED CAPITAL OUTLAY
PARK DEVELOPMENT, NORTH SHORE STATE
RECREATION AREA
FROM LAND ACQUISITION TRUST FUND 850,000

1928G FIXED CAPITAL OUTLAY
YBOR CITY STATE MUSEUM SITE IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 350,000

1928H FIXED CAPITAL OUTLAY
LAND ACQUISITION/EMERSON POINT - MANATEE
COUNTY
FROM LAND ACQUISITION TRUST FUND 1,000,000

1929 FIXED CAPITAL OUTLAY
SPECIAL PROJECTS - GRANTS AND DONATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500,000

TRANSPORTATION, DEPARTMENT OF

PROGRAM DEVELOPMENT AND SUPPORT

1930 FIXED CAPITAL OUTLAY
ELECTRONIC SECURITY LOCKS BURNS BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,409

SECTION 03

SPECIFIC
APPROPRIATION

1931 FIXED CAPITAL OUTLAY
HVAC SYSTEM, REPROGRAPHICS BURNS BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 50,000

1932 FIXED CAPITAL OUTLAY
ROOF, AUDITORIUM BURNS BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE
OPERATIONS

1933 NOT USED

TECHNICAL POLICY AND ENGINEERING SERVICES

1934 NOT USED

DISTRICT ADMINISTRATION

1935 FIXED CAPITAL OUTLAY
ADDITION, DISTRICT OFFICE DELAND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,361,026

1936 FIXED CAPITAL OUTLAY
ADDITION AND REMODELING, DISTRICT OFFICE
FT. LAUDERDALE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 465,120

1937 FIXED CAPITAL OUTLAY
NEW, DISTRICT OFFICE COMPLEX (PHASE 3)
SIXTH DISTRICT, MIAMI
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,165,400

1938 FIXED CAPITAL OUTLAY
RENOVATE, DISTRICT OFFICE CHIPLEY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 427,000

DISTRICT PRODUCTION

1939 FIXED CAPITAL OUTLAY
DISTRICT DESIGN BUILDING CHIPLEY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 879,345

SECTION 03

SPECIFIC
APPROPRIATION

DISTRICT OPERATIONS

1940 NOT USED

1941 NOT USED

1942 FIXED CAPITAL OUTLAY
AC AND HEATING SYSTEM BARTOW DISTRICT WIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,400

1943 NOT USED

1944 FIXED CAPITAL OUTLAY
ROOFS BARTOW DISTRICTWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,815

1945 FIXED CAPITAL OUTLAY
ROOFS LAKE CITY DISTRICTWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 28,400

1946 FIXED CAPITAL OUTLAY
GAINESVILLE MAINTENANCE YARD
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,261,047

1946A FIXED CAPITAL OUTLAY
PANAMA CITY MAINTENANCE YARD
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 242,000

1947 NOT USED

1948 NOT USED

1949 FIXED CAPITAL OUTLAY
NEW EMERGENCY STORAGE BUILDING CHIEFLAND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 43,200

1950 FIXED CAPITAL OUTLAY
NEW MAINTENANCE WELDING SHOP CHIEFLAND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,800

1951 NOT USED

1952 NOT USED

1953 FIXED CAPITAL OUTLAY
NEW MAINTENANCE HERBICIDE STORAGE AND
LOADING AREA JACKSONVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 32,659

SECTION 03

SPECIFIC
APPROPRIATION

1954 NOT USED

1955 NOT USED

1956 FIXED CAPITAL OUTLAY
ADDITION, MAINTENANCE RESTROOM
JACKSONVILLE/SOUTHSIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,920

1957 NOT USED

1958 NOT USED

1959 NOT USED

1960 NOT USED

1961 FIXED CAPITAL OUTLAY
NEW MAINTENANCE WELDING SHOP PERRY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,240

1962 NOT USED

1963 NOT USED

1964 FIXED CAPITAL OUTLAY
NEW WELDING SHOP SARASOTA
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,037

1965 NOT USED

1966 NOT USED

1967 NOT USED

1968 NOT USED

TOTAL OF SECTION 03

FROM GENERAL FUNDS. 8,049,845

FROM TRUST FUNDS. 266,769,426

TOTAL ALL FUNDS 274,819,271

Section 04. The moneys in the following Specific Appropriations are appropriated from the named funds for the 1987-88 Fiscal Year to the state agencies indicated, as amounts for fixed capital outlay.

SECTION 04

SPECIFIC
APPROPRIATION

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 1987-1988 appropriation.

1968A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL
IMPROVEMENT FEE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 7,909,925

The funds in Specific Appropriation 1968A are appropriated to the Board of Regents for the following projects and shall be administered pursuant to Section 235.42, F.S. The funds authorized represent the total commitment level to be entered into.

UCF Fieldhouse and Track.....	$ 3,414,500
USF Auxiliary Sun Dome Gymnasium.....	150,000
USF Recreation Facility/Student Center Improvement.....	1,735,225
USF Student Center/Health Center/Bookstore - Phase I.....	2,610,200

1969 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND
REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 84,801,246

Funds provided in Specific Appropriation 1969 shall

SECTION 04

SPECIFIC
APPROPRIATION

be allocated in accordance with s. 235.435(1), Florida Statutes:

Public Schools	$ 65,820,111
Community Colleges	6,309,866
State University System	12,002,815
School for the Deaf and the Blind	668,454

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.

1970 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 106,571,600

Funds provided in Specific Appropriation 1970 from the Public Education Capital Outlay and Debt Service Trust Fund include the sum of $5,529,713 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.

1971 NOT USED

1972 NOT USED

1972A FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 63,486,128

The following community college projects are included in the funds provided in Specific Appropriation 1972A. The sum of $6,233,129 is appropriated as repayment of advanced funding loans made under the provisions of former s. 235.221, Florida Statutes, and is used to fund other projects included in this section.

Brevard - Replace underground pipes	$ 574,892
Student Services Bldg. (p)	950,000
Palm Bay Center (s, p, c)	10,350,686
Broward - Energy Management Program	500,000
Classroom Bldg. - South (p)	450,000
Collegewide Renovation	573,884
Site Development, North Renovation	500,000
Math/Science, North Renovation	703,660
Central Florida - Career Center	
Completion (c,e)	1,638,835
Vocational Bldg. (p)	100,000
Addition to Gym. (p)	47,280

SECTION 04

SPECIFIC
APPROPRIATION

Chipola - Upgrade Equipment	192,275
Daytona Beach/W. Volusia Center	
Phase III (c)	2,700,000
South Volusia Campus (c)	1,500,000
Daytona/UCF Classroom (p)	250,000
Adminis. Building (p)	500,000
Edison - USF Joint-use Project	
Completion	100,000
Building Remodeling	1,414,949
Florida CC at Jacksonville - Fire	
Science Facility (c)	1,585,413
Replace Transformer - South	100,000
General Renovation - South	527,530
Student Center, North (c)	2,833,284
Florida Keys - Marine Welding Lab.	
Renovation	100,984
Building 200 Renovation	95,000
Gulf Coast - Upgrade Communications	
System	412,235
Upgrade Equipment	197,307
Student Service Center (p)	800,000
Hillsborough - Brandon Campus -	
Phase I (s,p,c)	3,600,000
Upgrade telecommunications System	310,982
Plant City (c,e)	500,000
General Renovations	715,000
Indian River - Remodel Student Center	1,650,000
Classroom Bldg., - Vero Beach (p)	120,000
Lake City - Golf Course Mech. Lab.	
Completion	2,066,416
Fine Arts Building Renovation	50,000
Lake Sumter - Correct Safety & Health	
Deficiencies	92,900
Manatee - Electronics Lab. (c)	214,000
General Renovations	304,314
Miami-Dade - Instructional Building	
Medical Center (s,p)	1,100,000
Instructional Bldg. - South (s,p)	900,000
Campuswide Remodeling - North	2,500,000
Collegewide Renovation	1,200,000
North Fla. - Collegewide Renovation	127,134
Okaloosa-Walton - Records Service	
Center (c)	765,670
Palm Beach - Academic Lab. Building -	
South (p)	266,132
General Renovation - Central	304,897
Pasco - Hernando - Physical Educ.	
Facility - West (p)	300,000
Telecommunications System	131,206
Pensacola - Science Building - (p)	400,000
Health Building Remodeling	1,315,684
Polk - USF Joint-use Facility (e)	700,857
Remodeling	121,253
Renovation	201,525
St. Johns River - HVAC Renovation	45,000
St. Petersburg - Natural Science	
Building Remodeling	2,170,000

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Tennis Court/Park Renovation.....	225,000
Santa Fe - Fine Arts Building (p)....	100,000
Upgrade Parking Lots (c).....	220,000
Remodel Chemistry Lab.....	150,000
Seminole - Student Center (p).....	165,400
South Florida - Learning Resource Center (c,e).....	2,360,921
Tallahassee - Gadsden Center (rem,ren,e).....	650,000
Physical Edu. Space Remodeling....	137,628
Valencia - Vocational Building - East (s,p).....	533,826
McCoy Training Facility.....	100,000
Parking Renovation.....	739,040

Funds provided in Specific Appropriation 1972A for the Science Building at Penscola Junior College contemplate $1,500,000 in private donations to purchase the equipment once the facility is constructed.

1972B FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 68,194,863

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 1972B:

	$
FAMU - Coleman Library Renovation and expansion (c).....	6,281,275
Exterior Campus Lighting (p,c)....	800,000
Student Center Renovation (p).....	200,000
FAU - Student Service Building (c)...	1,982,440
FIU - Engineering Building (e).....	1,000,000
Physical Science Building (c).....	11,800,000
Engineering Space Renovation (p,c)	456,000
Conversion of Trade Center (p,c)..	1,480,000
FSU - Utilities Improvements (c).....	2,000,000
Music Building Renovation (c).....	5,236,800
Lab Animal Facility Improvt (p)...	400,000
ROTC Building Renovation (p,c)....	354,000
UCF - Business Building (e).....	700,000
Solar Energy Center (p).....	600,000
Engineering Bldg. Remodeling (p,c)	271,000
Art Complex (p).....	480,000
Security Facility (p,c,e).....	500,000
Phillips Hall Renovation (p).....	50,000
Daytona Beach Research Ctr (c)....	50,000
UF - Chemistry Building (c).....	1,609,900
Leigh Hall Renovation (p).....	500,000
Campus Road Improvements (p,c)....	1,500,000
Vet. Medicine (p,c).....	2,600,000
IFAS Entomology/Nem Building (c)..	10,013,089
Police Station (p).....	100,000
Utility Improvement (c).....	1,000,000

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St. Museum Exhibit Hall (p).....	204,000
UNF - Mathews Computer Science (e)...	500,000
Old Computer Science Renov (p)....	30,000
Fine Arts Bldg. Renovation (p)....	50,000
USF - Student Service Building (e)...	240,000
Communication/Information Science Building (p).....	500,000
Polk Joint-use Facility (e).....	515,869
Public Health Building (p).....	650,000
UWF - Performing & Fine Arts (c).....	8,000,000
Classroom/Laboratory/Ofc. Bldg(p).	400,000
Systemwide - Renovations/Asbestos Abatement.....	4,140,490
Fire Code Corrections.....	1,000,000

1972C FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 868,500

Funds provided in Specific Appropriation 1972C are for planning community education projects which, except for meeting the deadline for submitting a request for funding to the Commissioner of Education, shall comply with s. 235.196, F.S.

Broward School Board.....	760,000
Okeechobee School Board.....	73,500
Orange School Board.....	35,000

1973 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 1973 shall be allocated to the 67 districts according to the number of capital outlay full-time equivalent students in grades 9-12 for 1986-87. Funds shall be expended on projects based upon the following order 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,

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(d) To implement any educational plant survey recommendations pursuant to Section 235.15, Florida Statutes.

1973A FIXED CAPITAL OUTLAY
JOINT USE FACILITY-FINE ARTS CENTER-SANTA FE COMMUNITY COLLEGE AND UNIVERSITY OF FLORIDA
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 9,000,000

Funds provided in Specific Appropriation 1973A shall be allocated to Santa Fe Community College for construction of a Fine Arts Center pursuant to s. 235.195, F.S.

1974 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 27,842,823

Funds provided in Specific Appropriation 1974 shall be allocated as follows: Baker School Board $12,791,809; Union School Board $3,579,449; and Hendry School Board $11,271,565. Included in the appropriation is $200,000 for pipe replacement which is a supplement to the amount provided for Jefferson County in 1986-87. Funds appropriated pursuant to s. 235.435(2), F.S., constitute Phase I for Baker, Union and Hendry County School Boards. It is also intended that Phase II for these approved projects be provided in the 1988-89 Fiscal Year.

1974A FIXED CAPITAL OUTLAY
ROOF RENOVATION AND REPLACEMENT
STATEWIDE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 8,815,802

Brevard	$ 600,000
Broward	750,000
Daytona Beach	120,500
Edison	208,000
FCC - Jacksonville	1,229,226
Florida Keys	200,000
Hillsborough	454,000
Lake City	66,000
Lake-Sumter	100,000
Manatee	254,094
Miami-Dade	810,000
North Florida	199,608
Okaloosa-Walton	50,000
Palm Beach	268,638
Pensacola	700,000
St. Johns River	471,100
St. Petersburg	954,764
Santa Fe	250,000
South Florida	42,042
Tallahassee	788,642
Valencia	299,188

1975 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 174,901,431
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 43,423,988

1976 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 25,153,893

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 1976.

1977 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING - WUFT-TV/FM GAINESVILLE (E)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,300,000

1978 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING - WFSG-TV PANAMA CITY (C)
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 70,000

1979 NOT USED

1980 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 3,560,461

Update Master Plan/Fire Code Corrections -

Campuswide renovations	1,932,084
Music Building (c)	1,628,377

1981 FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 214,000

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1982 FIXED CAPITAL OUTLAY
PRE-SCHOOL FACILITIES FOR HANDICAPPED STUDENTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 1,500,000

TOTAL OF SECTION 04

FROM TRUST FUNDS. 643,614,660

TOTAL ALL FUNDS 643,614,660

Section 5. The moneys in the following Specific Appropriations are appropriated from the named funds to the Department of General Services, Division of Construction, pursuant to the Florida Building and Facilities Act, ss. 255.501-255.525, Florida Statutes.

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1983 NOT USED

1984 FIXED CAPITAL OUTLAY
DEPARTMENT OF LAW ENFORCEMENT COMPLEX LEON COUNTY
FROM PUBLIC FACILITIES FINANCING TRUST FUND 29,685,657
FROM STATE INFRASTRUCTURE FUND 707,365

1985 FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - PHASE II ORANGE COUNTY
FROM PUBLIC FACILITIES FINANCING TRUST FUND 29,313,777
FROM STATE INFRASTRUCTURE FUND 256,000

1986 NOT USED

1987 NOT USED

1988 NOT USED

1989 NOT USED

1990 NOT USED

1991 NOT USED

1992 NOT USED

1992A FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER DADE COUNTY
FROM PUBLIC FACILITIES FINANCING TRUST FUND 11,992,316

1993 NOT USED

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1994 NOT USED

1995 NOT USED

TOTAL OF SECTION 05

FROM TRUST FUNDS. 71,955,115

TOTAL ALL FUNDS 71,955,115

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

1995A SPECIAL CATEGORIES
ENERGY AUDITS/PROJECTS/LIST
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,000,000

Funds in Specific Appropriation 1995B shall be used for energy conservation projects and energy audits not otherwise provided for in this section. On or before November 1, 1987, the Governor's Energy Office shall provide a plan for the expenditure of these funds to the Legislative Appropriations Committees for review and consultation, pursuant to the provisions of Chapter 216, F.S.

The expenditure of the funds in Specific Appropriation 1995B 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 low-income housing.

5. State-of-the-Art energy management control systems.

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1995B SPECIAL CATEGORIES
STATE UNIVERSITY SYSTEM ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,500,000

1995C SPECIAL CATEGORIES
INDEPENDENT COLLEGE AND UNIVERSITY ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

Funds provided in Specific Appropriation 1995C shall be limited to institutions which participate in the state tuition voucher program pursuant to s. 240.401, F.S.

1995D SPECIAL CATEGORIES
COMMUNITY COLLEGE ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

1995E SPECIAL CATEGORIES
K-12 - VOCATIONAL EDUCATION ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 18,000,000

1995F SPECIAL CATEGORIES
HEALTH AND REHABILITATIVE SERVICES/CRIMINAL JUSTICE HOSPITAL ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,800,000

1995G SPECIAL CATEGORIES
NON PROFIT HOSPITAL ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,700,000

1995H SPECIAL CATEGORIES
TRANSPORTATION ENERGY CONSERVATION PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

TOTAL OF SECTION 06

FROM TRUST FUNDS. 41,000,000

TOTAL ALL FUNDS 41,000,000

Section 7. 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

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A. CAREER SERVICE PAY PLAN AND EMPLOYEES SUBJECT TO THE CAREER SERVICE PAY PLAN

1) Funds are provided to implement provisions of the collective bargaining agreements between the State and (1) the American Federation of State, County, and Municipal Employees, Council 79, and (2) the Florida Nurses Association. Funds are also provided for salary increases for employees in classes covered by the Florida Police Benevolent Association as recommended in the Special Masters' Reports, and for Career Service employees not covered by a collective bargaining agreement and for employees subject to the Career Service Pay Plan. Funds are to be distributed as noted in the following paragraphs.

a. For all unit and non-unit employees subject to the Career Service Pay Plan, other than professional health care employees, correctional officers, institutional security specialists, and law enforcement officers, funds are provided in Specific Appropriation 7A for competitive pay adjustments of three percent (3%) on each employee's base salary effective July 1, 1987.

Additionally, funds are provided each agency, as recommended in the Governor's 1987-88 Budget Recommendations, to grant eligible employees performance incentive increases in an amount no less than three percent (3%) and no more than five percent (5%) of the employee's base salary, effective no earlier than the employee's anniversary date.

b. For all unit and non-unit professional health care employees funds are provided in Specific Appropriation 7A for a four and one-half percent (4.5%) increase in base salary, effective on the employee's anniversary date. Additionally, funds are provided for conversion to a $1.00 per hour shift differential for eligible employees.

c. For all unit and non-unit employees in law enforcement classes funds are provided in Specific Appropriations 7E and 7F to grant each employee a three percent (3%) increase in pay, effective July 1, 1987. Additionally, each employee whose most recent performance appraisal is at least "meets performance standards" shall be granted a one-step increase on the employee's anniversary date.

The restructured step pay plan effective January 1, 1987 shall remain in effect. Additionally, each pay step shall be adjusted by the 3% increase on July 1, 1987.

d. For all unit and non-unit correctional officer and institutional security specialist classes, funds are provided in Specific Appropriation 7G for competitive pay adjustments of three percent (3%) on each employee's base salary, effective July 1, 1987.

Additionally, funds are provided each agency, as recommended in the Governor's 1987-88 Budget Recommendations, to grant eligible employees performance incentive increases in an amount no less than three percent (3%) and no more than five percent (5%) of the employee's base salary, effective no earlier than the employee's anniversary date.

2) The Department of Administration shall reassign the classes of

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Environmental Specialist, Biologist, Chemist, Meteorologist and Engineers within departments other than the Department of Natural Resources, the Department of Environmental Regulation, the Game and Fresh Water Fish Commission and the Florida Department of Agriculture to the same salary ranges as those provided in fiscal year 1986-87 for the named departments. Funds are provided in Specific Appropriation 7J to adjust the base rate of pay for employees whose base rate of pay is below the minimum of the higher pay grade to the minimum of the applicable pay grade. All adjustments to the employee's base rate of pay shall be effective July 1, 1987 and shall be implemented prior to applying any other salary increases. If additional funds are necessary to implement this paragraph, funds may be transferred from Specific Appropriation 7C for this purpose.

3) Funds are provided in Specific Appropriation 7C for salary adjustments in occupational groups containing clerical, food support workers and other classes assigned to Pay Grade 15 or below. The distribution of the salary increases shall be at the discretion of the Governor.

B. BOARD OF REGENTS PAY PLANS

1) University Support Personnel System

a. Funds are provided to implement provisions of the collective bargaining agreements between the State and (1) the American Federation of State, County, and Municipal Employees, Council 79, and (2) the Florida Nurses Association. Funds are also provided for salary increases for employees in classes covered by the Florida Police Benevolent Association as recommended in the Special Master's Report and for University Support Personnel System employees not covered by a collective bargaining agreement. Funds are to be distributed as noted in the following paragraphs.

(1) For all University Support Personnel System employees other than professional health care employees and law enforcement officers, funds are provided in Specific Appropriation 7B for competitive pay adjustments of three percent (3%) on each employee's base salary effective July 1, 1987.

Additionally, funds are provided each university and the Board of Regents, as recommended in the Governor's 1987-88 Budget Recommendations, to grant eligible employees performance incentive increases in an amount no less than three percent (3%) and no more than six percent (6%) of the employee's base salary effective January 1, 1988.

(2) For all unit and non-unit professional health care employees, funds are provided for a four and one-half percent (4.5%) increase in base salary effective January 1, 1988. Additionally, funds are provided in Specific Appropriation 7B for conversion to a $1.00 per hour shift differential for eligible employees.

(3) For all unit and non-unit employees in law enforcement classes, funds are provided in Specific Appropriations 7E and 7F to

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grant each employee a three percent (3%) increase in pay, effective July 1, 1987. Additionally, each employee whose most recent performance appraisal is at least "meets performance standards" shall be granted a one-step increase on the employee's anniversary date.

The restructured step pay plan effective January 1, 1987 shall remain in effect. Additionally, each pay step shall be adjusted by the three percent (3%) increase on July 1, 1987.

b. Funds are provided in Specific Appropriation 7J for salary adjustments for Environmental Specialist, Biologist, Chemist, Meteorologist, and Engineering classes. All adjustments shall be effective July 1, 1987 and shall be implemented prior to applying any other salary increases. If additional funds are necessary to implement this paragraph, funds may be transferred from Specific Appropriation 7C for this purpose.

c. Funds are provided in Specific Appropriation 7C for salary adjustments in occupational groups containing clerical, food support workers and other classes assigned to Pay Grade 15 or below. The distribution of the salary increases shall be at the discretion of the Board of Regents.

2) Administrative and Professional

Funds are provided in Specific Appropriation 7B for an overall average four and one-half percent (4.5%) increase in base salaries, effective at the beginning of the contract period but no earlier than August 7, 1987, to be distributed as determined by the Board of Regents.

3) Faculty

Funds are provided in Specific Appropriation 7B for non-unit faculty for an overall average four and one-half percent (4.5%) increase in base salaries, effective at the beginning of the contract period but no earlier than August 7, 1987, to be distributed at the discretion of the Board of Regents.

Funds are provided in Specific Appropriation 7B for unit faculty for an average four and one-half percent (4.5%) increase in base salaries effective at the beginning of the contract period but no earlier than August 7, 1987. Funds are to be distributed in accordance with the collective bargaining agreement between the Board of Regents and the United Faculty of Florida.

C. BOARD OF TRUSTEES PAY PLAN - FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

Funds are provided in Specific Appropriations 7D and 518 for an overall average eight percent (8%) increase in base salaries, effective no earlier than August 25, 1987, for faculty and supervising faculty employees. 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.

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Funds are provided in Specific Appropriation 7D for an overall average four and one-half percent (4.5%) increase in base salaries for all administrative employees effective July 1, 1987. Funds for administrative employees shall be distributed as determined by the Board of Trustees.

D. EXEMPT FROM CAREER SERVICE

1) Elected Officers and Full Time Members of Boards and Commissions

With funds provided in Specific Appropriation 7H the salaries of the following officers shall be paid, effective July 1, 1987, at the annual rates shown below; however, these salaries may be reduced on a voluntary basis:

	6-30-87	7-1-87
Governor	90,570	94,646
Lieutenant Governor	81,967	85,656
Secretary of State	81,967	85,656
Comptroller	81,967	85,656
Treasurer	81,967	85,656
Attorney General	81,967	85,656
Education, Commissioner of	81,967	85,656
Agriculture, Commissioner of	81,967	85,656
Supreme Court Justice	85,000	88,825
Judges--District Courts of Appeal	80,000	83,600
Judges--Circuit Courts	75,000	78,375
Judges--County Courts	62,340	70,000
Commissioner--Public Service Commission	73,970	82,000
Public Employee Relations Commission-Chairman	59,158	61,820
Public Employee Relations Commission-Commissioners	55,979	58,498
Commissioner--Parole and Probation	51,060	53,358

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

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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	75,000	78,375
Circuits over 1,000,000	80,000	83,604

Circuits with populations between 750,000 and 1,000,000 may add, out of existing funds and rate, an amount up to $5,000 per annum to the salary of the State Attorney of that circuit.

Public Defenders:

Circuits with 1,000,000 population or less	70,548	73,722
Circuits over 1,000,000	75,303	78,690

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, 1987, 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.

2) Senior Management Service and Selected Exempt Service Pay Plans and the Florida National Guard

Funds are provided in Specific Appropriation 7H for an overall average four and one-half percent (4.5%) increase in base salaries, effective July 1, 1987, to be distributed at the discretion of the agency head in accordance with applicable rules.

E. JUDICIAL PAY PLANS

1) Funds are provided in Specific Appropriation 7I to grant a competitive pay adjustment of three percent (3%) on each employee's base rate of pay effective July 1, 1987, plus funds are provided as recommended in the Governor's 1987-88 Budget Recommendations for discretionary increases based on an appraisal of individual performance.

2) Also included in Specific Appropriation 7I are funds to provide pay grade adjustments within the State Court System for the classes of Administrative Assistants I and II, Fiscal Assistant and Fiscal and Suppport Services Assistant.

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3. Benefits

A. HEALTH, LIFE, AND DISABILITY INSURANCE

1) 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 1986-87 premiums. Additionally, recommended changes listed by the Department of Administration in its April 1987 Recommendations to the 1987 Florida Legislature 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.

2) Authorization is provided for up to sixty (60) managerial or policymaking employees in each of the following pay plans to receive 100 percent state paid health, life and disability insurance benefits: State Court System, State Attorneys, Public Defenders, and State University System Executive Service of the Administrative and Professional Pay Plan. The authority for the Board of Regents shall become applicable when the rule establishing the Executive Service becomes effective.

B. PROFESSIONAL TRAINING - PROFESSIONAL HEALTH CARE UNIT EMPLOYEES

Funds are provided in Specific Appropriation 7K to provide agencies employing Career Service and University Support Personnel System Professional Health Care unit employees professional education and training as recommended in the Governor's 1987-88 Budget Recommendations. No more than $500 may be spent for any individual employee during 1987-88.

C. ANTI HEPATITIS VACCINE - PROFESSIONAL HEALTH CARE UNIT EMPLOYEES

Funds are provided in Specific Appropriation 7K to provide anti-hepatitis vaccine for Career Service Professional Health Care unit employees as recommended in the Governor's 1987-88 Budget Recommendations.

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.

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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. Studies and Reports

A. The Department of Administration and the Board of Regents shall collect and analyze data from the budget entities within their respective administrative jurisdictions and submit semiannual summary reports to the Legislature detailing the distribution of Performance Incentive increases within each department and within each budget entity for the Department of Health and Rehabilitative Services. The reports shall cover the six-month periods ending December 31, 1987 and June 30, 1988 and shall be furnished to the chairmen of the legislative appropriations committees by February 28, 1988 and August 30, 1988, respectively.

B. The Department of Administration shall coordinate the activities of a Salaries and Benefits Policy Development Committee which shall be comprised of representatives from the following areas: The Office of Labor Relations, the Office of State Employees' Insurance, and the Division of Retirement of the Department of Administration, the Governor's Office of Planning and Budgeting, the Board of Regents, the Appropriations Committee of the House of Representatives and the Appropriations Committee of the Senate. This Committee shall develop policy guidelines and criteria for implementing a multi-year program for adjusting state employees' compensation and shall consider the recommendations contained in the Comprehensive Statewide Compensation Study undertaken by the State University System. The Committee shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 1988.

C. Within existing resources, the Department of Administration shall conduct a comprehensive statewide classification plan review. The study and review should take into consideration the recommendations of the Comprehensive Statewide Compensation Study undertaken by the State University System. The Department of Administration shall submit specific recommendations to the chairmen of the legislative appropriations committees by November 1, 1988.

Section 8. 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 9. This act shall take effect July 1, 1987, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 1987, then it shall operate retroactively to July 1, 1987.

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TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS	117,147	
FROM GENERAL FUNDS.	8,627,379,409	
FROM TRUST FUNDS.		9,824,192,619
TOTAL ALL FUNDS		18,451,572,028

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, 1987, and ending June 30, 1988, 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.

On motion by Senator Scott, the Conference Committee Report was adopted and SB 1325 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	

Nays—1

Plummer

On motion by Senator Lehtinen, the following remarks were ordered published in the Journal:

Senator Lehtinen: One question for the record, that Senator Peterson is familiar with and it is necessary to ask it under a particular circumstance, although the seventh period day supplemental funding refers to seven fifty-minute periods. I've been assured that an experimental program that has seven forty-five-minute periods and one thirty-five minute period that meets the instructional definition would qualify; so my question is, is it your intention that if they have three hundred fifty minutes of instruction, the same as seven fifties, and they do have seven subjects and they do meet the instructional definition, that that school could qualify for the seventh period day funding?

Senator Peterson: I would certainly think so because we don't calculate credit or grades based on those sorts of things. We calculate credit based on classes that meet 150 hours during the school year and a minimum of 135 hours for the credit so I think you are well within that definition.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 1326

June 5, 1987

The Honorable John W. Vogt
President of the Senate

The Honorable Jon Mills
Speaker, House of Representatives

Dear Sirs:

Your conference committee on the disagreeing votes of the two Houses on House amendments to Senate Bill 1326, same being:

An act relating to state government;

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the House 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/James A. Scott
Chairman
s/Malcolm E. Beard
s/Don C. Childers
s/W. D. Childers
s/Mary Grizzle
s/Wayne Hollingsworth
s/George Kirkpatrick
s/Gwen Margolis
s/William G. Myers
s/Curtis Peterson
s/Pat Thomas

Managers on the part of the Senate

s/Samuel P. Bell, III
Vice Chairman
s/James C. Burke
s/Beverly Burnsed
s/Fran Carlton
s/Richard Crotty
s/Winston W. Gardner, Jr.
s/Elaine Gordon
Tom Gustafson (Excused)
s/Mary Ellen Hawkins
s/Ronald C. Johnson
s/Everett A. Kelly
s/Ray Liberti
s/Fred Lippman
s/Frank S. Messersmith
s/T. K. Wetherell

Managers on the part of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION:

The conferees agreed to the following major changes:

1. Notwithstanding the provisions of chapter 216, F.S., the Department of Transportation District Engineers are delegated the authority to temporarily reallocate resources, within certain guidelines and restrictions, within their districts to meet contingencies in the Five-Year Transportation Plan.

2. Notwithstanding the provisions of section 339.08, F.S., the Department of Transportation is authorized to transfer funds to the Department of Commerce for economic development transportation projects under the provisions of section 288.063, F.S.

3. Provides that unexpended funds in the Election Campaign Financing Trust Fund shall revert to General Revenue.

4. Authorizes the Department of Transportation to grant funds to Tri-County, Lakeland, Melbourne, Marion, St. Lucie, and Valkaria airports from funds appropriated notwithstanding the provisions of section 332.007, F.S.

5. Provides for the purchase of the Martin County jail by the Department of Corrections.

6. Provides for advancement of funds for concealed weapons start-up costs.

7. Provides that district school boards for 1987-88 may levy a nonvoted discretionary millage up to .819 mills, notwithstanding the provisions of section 236.25(11), F.S.

8. Establishes State Infrastructure Fund to be used pursuant to Legislative appropriations.

9. Provides that the Board of Regents may bond up to $3.5 million for dormitory renovations.

10. Provides $4.9 million start-up costs for Lottery.

11. Provides for celebration of the Martin Luther King, Jr., holiday.

12. Notwithstanding the provisions of section 216.181, F.S., the Correctional Education School Authority 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.

Conference Committee Amendment 1—On page 5, line 13, strike everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1987-1988.

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 bulk materials or more than three adults, 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 have 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. (1) 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.

(2) The Governor's Energy Office shall submit to the Legislative Appropriations Committees on or before March 1, 1988, a list of projects recommended for funding with oil overcharge moneys in fiscal year 1988-1989. This list shall conform to the categories contained in Specific Appropriations 1995B through 1995H of the fiscal year 1987-1988 General Appropriations Act.

Section 7. 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 8. 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 1987-1988 may be advanced if the General Appropriations Act specifically so provides.

Section 9. 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 1987-1988 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 1986-1987 fiscal year for such items.

(2) Each state attorney and public defender shall, not later than October 1, 1987, submit a report to the Legislative Appropriations Committees showing the amount of state funds expended during fiscal year 1986-1987 for the items enumerated in s. 27.34 or s. 27.54, Florida Statutes. The Comptroller shall prescribe the report format.

Section 10. 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 monthly to the President of the Senate and the Speaker of the House of Representatives.

Section 11. 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 12. 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, Lakeland Municipal Airport, Melbourne Airport, Marion County Airport, St. Lucie Airport, and Valkaria Airport in Brevard County.

Section 13. 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 5-Year Transportation Plan. No such transfer of positions or personnel shall exceed 90 calendar days. Each district deputy assistant secretary shall have the authority to reallocate, on a permanent basis, positions and salary dollars between budget entities so long as the lesser budget entity is not increased or 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 or decreased by more than 45 percent in a fiscal year. This authority shall not be used to increase the budget entity for district administration. Further, all departmental budget authority provided under s. 216.262, Florida Statutes, shall be delegated by the secretary to the district deputy assistant secretaries for items affecting district operations. Any reallocation under this authority shall promptly be reported to the secretary 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 14. Notwithstanding the provisions of s. 216.181, Florida Statutes, the Correctional Education School Authority 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; or develop 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 upon 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 Correctional Education School Authority 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 of Corrections and Correctional Education School Authority 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 director of the Correctional Education School Authority and 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 15. (1) The following trust funds of the departments specified in this subsection that are scheduled to be abolished on October 1, 1987, pursuant to the provisions of s. 215.3205(1)(c), Florida Statutes, and that are not abolished by any other act of the Legislature are hereby abolished:

(a) Within the Department of Administration:

1. The Law Enforcement Survivors Benefit Trust Fund within the Division of Personnel Management Services.

2. The Optional Retirement Program Trust Fund within the Division of Retirement, fund number 5100 51 20 2 517001.

3. The Other Personal Services Assessment Trust Fund within the abolished Division of Human Resource Management and Improvement.

4. The State Employee Insurance Trust Fund within the Division of Personnel Management Services. Assets and liabilities of the fund shall be transferred to the State Employees Life Insurance Trust Fund in the office of the secretary.

5. The State Employees Health Insurance Trust Fund within the Division of Personnel Management Services, fund number 5100 51 71 2 66 8001.

6. The State Employee Disability Insurance Trust Fund within the Division of Personnel Management Services.

7. The Group Health Incentive Plan Trust Fund within the Division of Personnel Management Services.

8. The State Employee Savings Bond Trust Fund within the Division of Personnel Management Services.

9. The State Personnel System Trust Fund within the abolished Division of Human Resource Management and Improvement.

(b) Within the Department of Banking and Finance:

1. All trust funds entitled State Trust Fund within the Division of Accounting and Auditing.

2. The AFSCME Insurance Clearing Trust Fund within the Division of Accounting and Auditing.

(c) Within the Department of Commerce:

1. The Community Development Block Grant Trust Fund within the Division of Economic Development.

2. The Revolving Trust Fund within the Office of the Secretary and Administrative Services Division.

(d) The Operating Trust Fund within the Department of Environmental Regulation:

(e) Within the Department of Natural Resources:

1. The Environmentally Endangered Lands Trust Fund.

2. The Florida Conservation Corps Trust Fund.

3. The Interama Operation and Dissolution Trust Fund.

4. The Special Acquisition Trust Fund.

5. All trust funds entitled Erosion Control Trust Fund within the Division of Marine Resources.

6. The Grants and Donations Trust Fund within the Office of the Executive Director and Administrative Services Division.

7. The Grants and Donations Trust Fund within the Division of State Lands.

8. The Replacement Trust Fund within the Division of Law Enforcement.

9. The Replacement Trust Fund within the Division of Recreation and Parks.

10. The State Park Trust Fund within the Office of the Executive Director and Administrative Services Division.

(f) Within the Public Service Commission, the Auto Transportation Road Tax Clearing 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 Administration, the Department of Banking and Finance, the Department of Commerce, the Department of Environmental Regulation, the Department of Military Affairs, the Department of Natural Resources, and the Public Service Commission which are scheduled to be abolished on October 1, 1987, pursuant to the provisions of s. 215.3205(1)(c), 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 16. Unless otherwise authorized by law, each agency shall solicit Florida postsecondary 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 17. (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 18. 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 $25,000 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 19. 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 20. Notwithstanding any other provisions of law to the contrary, the amendments to ss. 228.041, 236.013, and 236.02, Florida Statutes, relating to extension of the school day for grades 9-12, which were enacted by ss. 14, 15, and 16 of chapter 83-327, Laws of Florida; ss. 228.085, 236.091, and 236.092, Florida Statutes, relating to mathematics, science, and computer education; and ss. 230.2319 and 232.301, Florida Statutes, relating to Florida Progress in Middle Childhood Education Program and to model programs for the prevention of student failures and dropouts, enacted by sections 83 and 87 of chapter 84-336, Laws of Florida, respectively, may be implemented only to the extent specifically provided for and funded in the General Appropriations Act.

Section 21. Notwithstanding s. 236.25(1), Florida Statutes, district school boards for 1987-1988 may levy a nonvoted discretionary millage up to 0.819 mills.

Section 22. 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.

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

(4) The Sparsity Supplement shall be calculated as specified in the General Appropriations Act.

Section 23. 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 24. 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 25. 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 26. 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 27. 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 28. Pursuant to s. 11(e), Art. 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 1987-1988 appropriations. The provisions of this section shall take effect June 30, 1987, or upon becoming a law, if earlier.

Section 29. (1) Funds appropriated in Item Number 1951M of the 1986 General Appropriations Act, chapter 86-167, Laws of Florida, for the land acquisition and planning of a new regional service center in Jacksonville are hereby exempted from the reversion provisions of s. 216.301(3)(a), Florida Statutes, until April 1, 1989.

(2) The Department of General Services is hereby authorized to sell or trade the Daniels Building if it is determined to be in the best interest of the state, after consultation with the House and Senate Appropriations Committees.

Section 30. Funds appropriated in Item Numbers 1951U through 1951Z of the 1986 General Appropriations Act, chapter 86-167, Laws of Florida, for fixed capital outlay energy conservation projects are hereby exempted from the reversion provisions of s. 216.301(2)(a), Florida Statutes, until April 1, 1988.

Section 31. Subsection (1) of section 215.32, Florida Statutes, is amended, and paragraph (d) is added to subsection (2) of said section, to read:

215.32 State funds; segregation.—

(1) All moneys received by the state shall be deposited in the State Treasury unless specifically provided otherwise by law and shall be deposited in and accounted for by the Treasurer and the Department of Banking and Finance within the following funds, which funds are hereby created and established:

(a) General Revenue Fund;

(b) Trust funds; ~~and~~

(c) Working Capital Fund*; and*~~.~~

(d) State Infrastructure Fund.

(2) The source and use of each of these funds shall be as follows:

(d) The State Infrastructure Fund shall consist of all moneys received from proceeds earmarked for this fund pursuant to ss. 201.15, 206.875, and 212.235. Such moneys shall only be expended pursuant to legislative appropriations for infrastructure facilities listed in s. 212.235(2).

Section 32. Notwithstanding the provisions of Specific Appropriation 198A of section 1, chapter 81-206, Laws of Florida, the balance of funds realized by the sale of any lands identified as a part of Ellyson Field which remain unpaid shall not be required to be repaid to the State Treasury, subject to the following:

(1) The Division of Economic Development within the Florida Department of Commerce shall have final approval of all sales of such lands; and

(2) All funds realized by the sale of such lands shall be used for economic development in Escambia County. However, prior to the commitment of such funds, all economic development projects must be approved by the Division of Economic Development.

Section 33. Pursuant to s. 240.355, Florida Statutes, school districts and community colleges shall report, beginning July 1, 1988, all vocational postsecondary education programs according to program titles, numbers, and levels as specified in the Vocational Education Program Courses Standards document. Institutions may continue to offer existing programs which are assigned to a lower level, provided that such programs are reported and funded at the assigned level. The Division of Vocational, Adult and Community Education, in consultation with the Division of Community Colleges, shall make recommendations to the Legislature by December 1, 1987, which specify procedures to assure appropriate program identification by each institution offering the program for all appropriate state level program inventories for the purposes of planning, reporting, funding, conducting program reviews, monitoring program maintenance standards, and publishing information to the public.

Section 34. The provisions of s. 240.359(2),(3)(d), Florida Statutes, to the contrary notwithstanding, the Division of Community Colleges shall not reduce any college's allocation from the Community College Program Fund as a result of the college missing its assigned enrollment by more than 5 percent during Fiscal Year 1986-1987.

Section 35. Notwithstanding the provisions of s. 236.081(3)(d), Florida Statutes, summer inservice institute participants may elect to receive college credit for components completed, provided the credit-earning components are identified in the summer institute plan submitted to the Department of Education by the district. Those individuals who choose to receive college credit shall pay the regular tuition and registration fees assessed by the credit-granting institutions and shall be entitled to all participant benefits provided in the district plan.

Section 36. If elementary and secondary education programs conducted by local school systems on state mental hospital grounds pursuant to provisions of s. 230.23(4)(n), Florida Statutes, are discontinued, either because children and youth programs are transferred to other hospitals or because patients are served in district school facilities, relocatable classroom facilities at South Florida State Hospital and North Florida State Hospital shall become the property of the Broward County and Baker County school districts, respectively, and may be moved at district expense for use by exceptional students within those districts.

Section 37. The provisions of s. 236.081(1)(c), Florida Statutes, to the contrary notwithstanding, the program identified as "Alternative Education" shall be replaced by a program entitled "Dropout Prevention." The following new programs shall be added as Basic Education programs: "Intensive English/ESOL K-3," "Intensive English/ESOL 4-8," "Intensive English/ESOL 9-12." Program weights used in the calculation of the Florida Education Finance Program shall be defined in the General Appropriations Act.

Section 38. As approved by the Board of Regents, Florida International University is authorized to designate its Department of Computer Science as a School of Computer Science, the University of North Florida is authorized to designate its cluster of Health Science programs as a College of Health, and the University of South Florida is authorized to designate its Department of Accounting as a School of Accountancy.

Section 39. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1987, shall be used for the appropriation for Palm Beach Junior College contained in section 1(1)(o) of chapter 84-542, Laws of Florida.

Section 40. The Board of Regents of the State University System is hereby authorized to make improvements or renovations to dormitories at Florida State University. The renovations and improvements may be partially financed from bonds issued pursuant to s. 11(e), Art. VII of the State Constitution in an amount not to exceed $3.5 million.

Section 41. Item (iii) of section 27 of chapter 85-120, Laws of Florida, to the contrary notwithstanding, the balance of local match requirements from bonds or private donations in the minimum amount of $6.5 million does not have to be paid by January 15, 1988, but instead shall be paid by January 15, 1989.

Section 42. The requirement of section 41, chapter 86-168, Laws of Florida, directing the Department of General Services to transfer $1 million from the Working Capital Trust Fund to the General Revenue Fund is hereby rescinded.

Section 43. Pursuant to the provisions of s. 240.327, Florida Statutes, Lake City Community College is hereby authorized to acquire property through the expenditures of non-PECO funds available to the college. Such authorization is contingent upon the completion of an approved educational survey and the completion of soil and water tests that verify the absence of hazardous or toxic pollutants as provided by chapter 403, Florida Statutes.

Section 44. The provisions of sections 1(1)(c), Chapter 83-333; 1(1)(e), Chapter 84-542; 35(1)(h), Chapter 85-116, as reenacted by Chapter 86-2; and specific appropriation 1945C, Chapter 86-167, Laws of Florida, to the contrary notwithstanding, funds appropriated for the community education facility may be interchanged between phases to implement the intent of the project; and the provisions of s. 235.196(1)(f), Florida Statutes, to the contrary notwithstanding, the Broward County School Board is authorized to construct a media center on the site of the Pembroke Pines Resource Center.

Section 45. Notwithstanding the provisions of section 68 of Chapter 86-168, Laws of Florida, the expiration date for sections 50, 54, 55, 59, 60, 61 and 62 of this law shall be extended to July 1, 1988.

Section 46. Funds appropriated in Specific Appropriations 1951G of the 1986 General Appropriations Act (Chapter 86-167, Laws of Florida) may be used to supplement other projects appropriated in 1986 from the Public Facilities financing Trust Fund, should the Department of General Services determine it is in the best interest of the state. Provided, however, that the original scope of the projects shall not be changed by the use of these funds.

Section 47. The Department of Health and Rehabilitative Services shall review a unique client identifier methodology and determine its appropriateness for the Client Information System.

Section 48. Other provisions of law to the contrary notwithstanding, the Epilepsy element of the Developmental Services Program Office in the Department of Health and Rehabilitative Services shall be transferred by a Type IV transfer to the Office of the Deputy Assistant Secretary for Health.

Section 49. The Department of Health and Rehabilitative Services shall review and report to the Legislature by February 1, 1988 concerning the feasibility of utilizing Medicaid funding and other financial resources including methods to attract private insurance carriers for crisis stabilization units.

Section 50. Other provisions of law to the contrary notwithstanding, the Department of Health and Rehabilitative Services shall develop a plan and budget for the use of the pediatric cluster in District III. Such plan shall redefine the function of the facility within the context of its use as an intensive therapeutic-developmental and transitional service within the continuum of community based care for clients of the department. During fiscal year 1987-1988 the facility shall continue its current mode of operations and staffing. The plan and budget shall be submitted by the department to the Legislature on or before February 1, 1988.

Section 51. Notwithstanding provisions of s. 394.76, Florida Statutes, local match per s. 394.76, Florida Statutes, shall not be required on any funds transferred into Specific Appropriations 817, 818, or 819 of the 1987 General Appropriations Act to match federal funds earned from Medicaid services provided for mental health clients in excess of the amounts initially appropriated.

Section 52. The June 30, 1987, unencumbered balance in the Election Campaign Financing Trust Fund of the Division of Elections of the Department of State is hereby reverted to the General Revenue Fund.

Section 53. It is the intent of the Legislature that the state shall purchase the Martin County jail facility to provide 160 beds for the Department of Corrections when the county no longer requires the use of the facility.

Section 54. 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 55. Effective June 30, 1987, the following budget entities in the Department of Education will be inactive for current year operations: Deputy Commissioner for Educational Management, Deputy Commissioner for Administration, Deputy Commissioner for Special Programs. In lieu of the above, the following budget entities are established effective July 1, 1987: Office of the Commissioner, Office of Educational Facilities, Office of Deputy Commissioner and Division of Administration, and Division of Human Resource Development. Effective July 1, 1987, the Executive Office of the Governor shall transfer among the authorized budget entities, positions, rate, and funds appropriated in the 1987-1988 General Appropriations Act as required to implement the reorganization of the Department of Education as submitted by the Commissioner of Education and approved by the Chairmen of the Senate and House Appropriations Committees. Provided, however, all appropriations certified forward as of June 30, 1987, shall be accounted for and expended from the same budget entity in which the funds were appropriated in the 1986-1987 General Appropriations Act.

Section 56. To expedite the acquisition of goods and services for implementing the sales tax exemption sunset, the Department of Revenue is exempt from the provisions of chapter 287, Florida Statutes, for 1987-1988 when contracting for the purchase or lease of goods or services for the purposes of implementing a sales and use tax on certain services.

Section 57. The provisions of s. 2 of chapter 84-232, Laws of Florida, and s. 5 of chapter 84-294, Laws of Florida, to the contrary notwithstanding, the Department of Commerce may expend funds to support and assist the Columbus Hemispheric Trade Commission. In addition, all other state and local government agencies are encouraged to assist the commission in developing plans for Florida's observance of the 500th anniversary of Columbus' voyages and in preparing a proposed budget for fiscal year 1988-1989.

Section 58. (1) The provisions of chapters 255, 282, and 287, Florida Statutes, to the contrary notwithstanding, the Division of Licensing of the Department of State shall be exempt from the purchasing, leasing, and equipment-approval provisions of such chapters where necessary to acquire the materials, office space, and equipment to implement within the time frames required the provisions of Committee Substitute for House Bill 253 or similar legislation which may be enacted concerning concealed weapons.

(2) It is further provided that the Division of Licensing shall be advanced funds pursuant to s. 215.18, Florida Statutes, from other trust funds in the Department of State for concealed weapons legislation start-up costs. These advanced funds shall be repaid by June 30, 1988.

Section 59. Notwithstanding the provisions of s. 235.42, Florida Statutes, the sum of $4,862,581 shall be transferred from the State Education Lotteries Trust Fund to the Public Education Capital Outlay and Debt Service Trust Fund to fund projects contained in section 04 of the 1987 General Appropriations Act which comply with the provisions of chapter 235, Florida Statutes.

Section 60. The district director for the Ft. Myers Urban Office of the Department of Transportation shall have the responsibility for developing the 5-Year Transportation Plan for Charlotte, Sarasota, DeSoto, Glades, Hendry, and Lee Counties. The Ft. Myers Urban Office shall also have responsibility for providing policy, direction, local government coordination, and planning for those counties.

Section 61. The provisions of s. 338.227, Florida Statutes, to the contrary notwithstanding, the Department of Transportation is authorized to proceed with the implementation of the Florida Turnpike Plan as recommended in April 1987 by the secretary of the department in the report entitled "The Future of Florida's Turnpike."

Section 62. The Department of Transportation shall not establish any additional district or urban offices unless specific funding is provided in the General Appropriations Act.

Section 63. Notwithstanding the provisions of s. 350.113, Florida Statutes, the Florida Public Service Commission is authorized to transfer $500,000 from the Regulatory Trust Fund to the Telecommunications Devices for the Deaf Trust Fund to provide partial funding for the purchase of telecommunications devices for the hearing impaired.

Section 64. Notwithstanding the provisions of s. 110.205, Florida Statutes, all employees of the Florida School for the Deaf and the Blind who were in the career service prior to February 1, 1987, shall be in the career service during the 1987-1988 fiscal year. All academic and academic administrative personnel of the Florida School for the Deaf and the Blind who were under the Board of Trustees Pay Plan and prior to February 1, 1987, were exempt from career service shall continue to be exempted during the 1987-1988 fiscal year.

Section 65. Notwithstanding s. 287.012(4)(c), Florida Statutes, the Comptroller may waive the requirements of s. 287.058, Florida Statutes, for services which are enumerated in s. 287.012(4)(b), Florida Statutes, as excluded from the definition of contractual services.

Section 66. Notwithstanding the provisions of chapter 287, Florida Statutes, the contract for servicing student loans under the Guaranteed Student Loan Program shall not be interrupted and the level or quality of service shall not be reduced during the period of time a new competitive bid contract is being advertised and awarded. To ensure that the servicing of student loans is not jeopardized the Commissioner of Education is authorized to extend the current servicing contract for the amount of time required to award a new contract, to transfer all data records and accounts, and to simulate and verify all required transaction functions.

Section 67. The provisions of s. 216.301(1), Florida Statutes, to the contrary notwithstanding, the unexpended funds contained in specific appropriation 556A of chapter 86-167, Laws of Florida, are hereby appropriated to the Florida Council on Far East Research and Development for fiscal year 1987-1988.

Section 68. Any provisions of Florida Statutes to the contrary notwithstanding, with funds provided in Specific Appropriation 1078A of the General Appropriations Act, the State of Florida Guardian Ad Litem Program may represent, at the discretion of the court, children whose parents are party to a dissolution of marriage action when custody of the children is in issue and when the court determines that the best interests of the children would be protected in the action by a guardian ad litem.

Section 69. Funds for the project appropriated in s. 4(4) of chapter 83-333, Laws of Florida, and reappropriated in s. 35(4)(k) of s. 1 of chapter 86-2 as the reenactment of chapter 85-116, Laws of the Florida, the provisions of s. 216.301(3)(a), Florida Statutes, shall be calculated using the date of July 1, 1987.

Section 70. In determining the effective date for the application of s. 216.301(3)(a), Florida Statutes, the date of July 1, 1987, shall be used for the appropriation to the Board of Regents of the State University System to construct academic faculty and clinic space adjacent to University Hospital of Jacksonville, contained in s. 35(4)(g) of s. 1 of chapter 86-2, Laws of Florida.

Section 71. Any unexpended funds in Item 532B of chapter 86-167, Laws of Florida, shall be transferred to the Contract and Grant Budget of Florida State University by the University of South Florida and Manatee Community College.

Section 72. Notwithstanding the provisions of s. 240.2605, Florida Statutes, any university shall be eligible to match any of the unencumbered funds included in the Trust Fund for Major Gifts beginning July 1, 1987.

Section 73. Pursuant to s. 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources which will require General Revenue for operation:

(1) UF - Ambulatory Clinic Facility and Oncology Treatment Center.

(2) UF - Pediatrics Administrative Offices.

(3) UF - Microfabritech Equipment Building.

(4) USF - Stavros Economic Center for Education.

Section 74. The provisions of section 1(3)(d) of chapter 84-542, Laws of Florida, section 1(4)(o) of chapter 86-2, Laws of Florida, and section 4 of chapter 86-167, Specific Appropriation 1945G, Laws of Florida, to the contrary notwithstanding, $4,000,000 is allocated to the University of Florida to match private funds for the construction of the Samuel P. Harn Museum, $1,050,000 to the University of Florida for planning, site and infrastructure development, and construction for the joint use facility, and $450,000 to Santa Fe Community College for planning and construction of the Performing Arts Center.

Section 75. Except as otherwise provided herein, this act shall take effect July 1, 1987, or in the event this act fails to become a law until after said date, it shall operate retroactively thereto. This act, except for sections 19, 26, 28, 31, and 38, shall expire and be void and inoperative on July 1, 1988.

Conference Committee Amendment 2—In title, on page 1, strike everything before the enacting clause 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; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; directing the Governor's Energy Office to recommand projects to be funded with oil overcharge money; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of such restrictions; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; requiring the Department of Transportation to allocate resources to districts prior to a specified date; authorizing the Department of Transportation to provide moneys to the Department of Commerce to fund economic development transportation projects; authorizing the Department of Transportation to advance funds for certain airports; authorizing district Deputy Assistant Secretaries in the Department of Transportation to transfer resources between budget entities; restricting the use of Special Category Contract Education funds of the Correctional Education School Authority; providing requirements for contract educational servic es; 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 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; 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; requiring budget entities to meet certain approved annual salary rate restrictions; prohibiting the Department of Health and Rehabilitative Services from expending funds for the purchase or production of wood pellets; 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.; modifying certain matching funding requirements relating to certain funds appropriated for local community mental health centers and alcohol project grants; authorizing construction of certain facilities from non-PECO sources; providing that funds for certain projects shall not be subject to certain provisions relating to undisbursed balances; authorizing the Board of Regents to issue bonds to finance certain projects; exempting from reversion provisions certain funds appropriated for land acquisition and planning of a new regional service center in Jacksonville; authorizing the disposal of the Daniels Building; exempting from reversion provisions certain funds appropriated for fixed capital outlay energy conservation projects; amending s. 215.32, F.S., establishing the State Infrastructure Fund; providing source and use of funds therein; providing for use of funds from the sale of Ellyson Field; prescribing powers and duties of school districts, community colleges, and the Division of Vocational, Adult and Community Education with respect to vocational education programs; prohibiting the reduction in a community college's allocation from the Community College Program Fund in certain circumstances; providing for college credit for summer inservice institute participants; transferring relocatable facilities at the South Florida State Hospital and North Florida State Hospital to the Broward County and Baker County school districts, respectively; renaming programs under the Florida Education Finance Program; authorizing Florida International University, the University of North Florida, and the University of South Florida to rename specified components; specifying the date for application of reversion provisions with respect to an appropriation for Palm Beach Junior College; authorizing dormitory improvements at Florida State University; postponing the date by which matching funds for an appropriation for Broward County Performing Arts Center must be paid; rescinding the requirement that $1 million be transferred from the Working Capital Trust Fund to General Revenue; reinstating certain provisions of law contained in Chapter 86-168, Laws of Florida; authorizing Lake City Community College to acquire property under certain conditions; providing for use of appropriations to supplement projects under the Public Facilities Financing Trust Fund; directing the Department of Health and Rehabilitative Services to review a client identifier methodology; transferring program responsibilities relating to epilepsy within the Department of Health and Rehabilitative Services; requiring said department to review and report to the Legislature relative to certain uses of Medicaid moneys; requiring development of a plan and budget for a pediatric cluster; exempting certain appropriations from local match requirements; transferring the unencumbered balance of the Election Campaign Financing Trust Fund; providing for purchase of the Martin County jail; authorizing payment of salaries and benefits in the Division of Motor Vehicles from the Motor Vehicle License Replacement Trust Fund; reorganizing certain budget entities in the Department of Education; exempting the Department of Revenue from certain statutory requirements in the acquisition of goods and services for certain purposes; authorizing the expenditure of funds to aid the Columbus Hemispheric Trade Commission; exempting the Division of Licensing from certain statutory requirements in specified circumstances; transferring a sum from the State Education Lotteries Trust Fund to the Public Education Capital Outlay and Debt Service Trust Fund; providing duties with respect the 5-Year Transportation Plan for certain counties; providing for implementation of the Florida Turnpike Plan; prohibiting the Department of Transportation from establishing additional offices; authorizing a transfer of funds to purchase telecommunications devices for the hearing impaired; clarifying and extending career service status of certain employees of the Florida School for the Deaf and the Blind; exempting certain services from certain contractual document requirements; providing for extension of student loan programs pending a new contract; providing for appropria-

tion of certain unexpended funds to the Florida Council on Far East Research and Development; prescribing powers of the Guardian Ad Litem Program; prescribing the date for certain funds appropriated under chapter 86-2, Laws of Florida; transferring certain unexpended funds to the Contract and Grant Budget of Florida State University; authorizing universities to match funds in the Trust Fund for Major Gifts; authorizing construction of specified facilities from non-PECO funds; allocating funds to the University of Florida and Santa Fe Community College for specified construction projects; providing a retroactive effective date and an expiration date.

On motion by Senator Scott, the Conference Committee Report was adopted and SB 1326 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2, 3, 4, 5, 6, 7, 8, 9; has amended Senate Amendment 1, concurred in same as amended and passed CS for CS for HB 1008, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 1008—A bill to be entitled An act relating to postsecondary education; amending s. 240.257, F.S.; revising allocations from the Florida Endowment Trust Fund for Eminent Scholars; deleting obsolete language; creating s. 240.499, F.S.; creating the Good-Gulfstream Trust Fund for Higher Education; providing for scholarships; providing for agreement to determine university and college beneficiaries; authorizing the transfer of funds from the General Revenue Fund; providing for the allocation of funds; amending s. 240.402, F.S.; revising criteria for Florida Undergraduate Scholars' award eligibility; increasing the value of awards from the fund; amending s. 240.4025, F.S.; requiring United States residency for award eligibility from the Florida Graduate Scholars' Fund; providing for distribution of new awards; amending s. 240.401, F.S., relating to state tuition vouchers; providing specific accreditation criteria for institutional eligibility; amending s. 240.4067, F.S.; revising the program from loan reimbursement to tuition reimbursement for medical professionals practicing in underserved locations in the state; expanding the program to include nurse practitioners and physicians' assistants; providing for an increased tuition reimbursement maximum; revising budget requests; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 5, line 16, insert:

Section 4. Paragraph (d) is added to subsection (2) of section 230.645, Florida Statutes, 1986 Supplement, to read:

230.645 Postsecondary student fees.—

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

(d) Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116.

Section 5. Section 233.63, Florida Statutes, is created to read:

233.63 Instructional materials; dual enrollment students.—

(1) Instructional materials purchased by a district school board or community college board of trustees on behalf of dual enrollment students shall be the property of the board against which the purchase is charged.

(2) Instructional materials assigned for use within dual enrollment courses shall be made available to dual enrollment students free of charge. Students enrolled in postsecondary instruction not creditable toward a high school diploma shall not be considered dual enrollments and shall be required to assume the cost of instructional materials necessary for such instruction.

Section 6. Paragraph (h) of subsection (1) of section 236.081, Florida Statutes, 1986 Supplement, 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. *Students enrolled in community college or university dual enrollment instruction pursuant to s. 240.116 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as a maximum of one full-time equivalent enrollment for state funding purposes; however, a district school board may report such students as the proportional shares of full-time equivalent enrollments each student generates within the basic secondary program and the vocational program, respectively, up to the one full-time equivalent enrollment maximum for each student. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board, however, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not-for-profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of registration, matriculation, and laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 240.117, nor shall any student enrolled in vocational dual enrollment instruction be funded as a dual enrollment unless the student has completed the vocational entry-level examination.* ~~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 Com-~~

~~missioner 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 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 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.

Section 7. Subsections (1), (4), and (5) of section 240.115, Florida Statutes, are amended to read:

240.115 Articulation agreement; acceleration mechanisms.—

(1) Articulation between secondary and postsecondary education; admission of associate in arts degree graduates from Florida community colleges and state universities; the use of acceleration mechanisms, including *nationally-standardized examinations through which students may earn credit* ~~the College Level Examination Program (CLEP)~~; and articulation among programs in nursing shall be governed by the articulation agreement, as established by the Department of Education.

(4) The levels of postsecondary education shall collaborate in further developing and providing articulated programs in which students can proceed toward their educational objectives as rapidly as their circumstances permit. Time-shortened educational programs, as well as the use of acceleration mechanisms, shall include, but not be limited to, *the International Baccalaureate,* credit by examination or demonstration of competency, advanced placement, early admissions, and dual enrollment.

(5) Each *state* university *and community college* ~~in the State University System~~ shall offer, upon request, to all students *prior to or during their first term of enrollment in the respective institution* ~~enrolled for the first time at that university, at the time of enrollment~~, and make available to all other students, not less than once annually, *nationally-standardized examinations listed in the articulation agreement through which students may earn credit* ~~the College Level Examination Program (CLEP) examinations offered by the college entrance examination board or equivalent examinations~~ in those general subject areas which are required or may be applied toward general education requirements for a baccalaureate degree at that university *or associate degree at the community college.* A student satisfactorily completing such examinations shall receive full credit for the course the same as if it had been taken, completed, and passed.

Section 8. Section 240.116, Florida Statutes, is created to read:

240.116 Articulated acceleration.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment, early admission, advanced placement, credit by examination, and the International Baccalaureate Program.

(2)(a) The dual enrollment program shall be the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students shall be permitted to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. Any student so enrolled shall be exempt from the payment of registration, matriculation, and laboratory fees. With the exception of vocational preparatory instruction, college preparatory instruction and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, shall be ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(b) Vocational dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, vocational dual enrollment shall not supplant student acquisition of the diploma. Vocational dual enrollment shall be available for secondary students seeking a degree or certificate from a complete job preparatory program, but shall not sustain student enrollment in isolated vocational courses. It is the intent of the Legislature that vocational dual enrollment be implemented as a positive measure. The provision of a comprehensive academic and vocational dual enrollment program within the vocational-technical center or community college is supportive of legislative intent; however, such provision is not mandatory.

(3) Early admission shall be a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. Participation in the early admission program shall be limited to students who have completed a minimum of 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this subsection shall be exempt from the payment of registration, matriculation, and laboratory fees.

(4) Advanced placement shall be the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course shall be limited to students who score a minimum of 3, on a 5-point scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examination.

(5) Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally-standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education in the statewide articulation agreement. The maximum credit generated by a student pursuant to this subsection shall be mitigated by any related postsecondary credit earned by the student prior to the administration of the examination. This subsection shall not preclude community colleges and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. Postsecondary credit for student participation in the International Baccalaureate Program shall be limited to students who earn a minimum of 4, on a 7-point scale, on an individual subject examination conducted by the International Baccalaureate Office. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations.

Section 9. Section 240.1161, Florida Statutes, is created to read:

240.1161 District interinstitutional articulation agreements.—

(1) Each superintendent of schools and community college president shall be responsible for the development and implementation of a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, the superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The superintendent and president are encouraged to establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for any school year shall be completed prior to high school registration for the fall term of the following school year. The initial agreement drafted pursuant to this section shall be completed no later than April 1, 1988. The initial agreement and each subsequent agreement shall include, but not be limited to, the following components:

(a) A ratification or modification of all existing articulation agreements.

(b) A delineation of courses and programs composed of dual enrollment students.

(c) An identification of eligibility criteria for student participation in dual enrollment courses and programs.

(d) A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

(e) An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

(f) A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

(g) An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

(3) The superintendent of schools shall be responsible for incorporating, either directly or by reference, all dual enrollment courses contained within the district interinstitutional articulation agreement within the district pupil progression plan.

(4) Courses and programs may be added to or deleted from the district interinstitutional articulation agreement at any time. Such additions and deletions shall be mutually approved by the superintendent of schools and community college president prior to incorporation into the agreement.

(5) School districts and community colleges may enter into additional interinstitutional articulation agreements with state universities for the purposes of this section. School districts may also enter into inter-institutional articulation agreements with eligible independent colleges and universities pursuant to s. 236.081(h)1.

(6) The Department of Education shall approve any course for inclusion in the dual enrollment program that is contained within the common course designation and numbering system. However, college preparatory and other forms of precollegiate instruction, and physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, shall not be so approved. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the dual enrollment program.

Section 10. Section 240.1163, Florida Statutes, is created to read:

240.1163 Joint dual enrollment and advanced placement instruction.—

(1) Each school district, community college, and state university may conduct advanced placement instruction within dual enrollment courses. Each joint dual enrollment and advanced placement course shall be incorporated within and subject to the provisions of the district interinstitutional articulation agreement pursuant to s. 240.1161. Such agreement shall certify that each joint dual enrollment and advanced placement course integrates, at a minimum, the course structure recommended by the College Board and the structure that corresponds to the common course number.

(2) Each student enrolled in a joint dual enrollment and advanced placement course may be funded pursuant to either the dual enrollment or advanced placement formula specified in s. 236.081; however, no student shall be funded through both programs for enrollment in a course provided through this section. The district school board reporting enrollments for such courses shall utilize the funding formula that more closely approximates the cost of conducting the course. No student shall be reported for advanced placement funding who fails to meet the examination requirement for such funding.

(3) Postsecondary credit for student completion of a joint dual enrollment and advanced placement course shall be awarded, based on the stated preference of the student, as either dual enrollment or advanced placement credit; however, an award of advanced placement credit shall be limited to students who score a minimum of 3, on a 5-point scale, on the Advanced Placement Examination. No student shall claim double credit based on the completion of a single joint dual enrollment and advanced placement course, nor shall any student enrolled pursuant to this section be required to complete the Advanced Placement Examination.

Section 11. Subsection (3) is added to section 240.117, Florida Statutes, to read:

240.117 College preparatory instruction in community colleges and state universities.—

(3) No student shall be enrolled in a college credit mathematics or English course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation on the section of the basic computation and communication skills assessment required pursuant to subsection (1) that is appropriate for successful student participation in the course.

Section 12. Paragraph (a) of subsection (1) of section 240.233, Florida Statutes, 1986 Supplement, is amended to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(1) Minimum academic standards for undergraduate admission to a university shall include the requirements that:

(a) Each student have received a high school diploma pursuant to s. 232.246, or its equivalent, except as provided in *s. 240.116(2) and (3)* ~~s. 240.115(3)~~.

Section 13. Subsection (5) is added to section 240.235, Florida Statutes, 1986 Supplement, to read:

240.235 Fees.—

(5) Students enrolled in a dual enrollment or early admission program pursuant to s. 240.116 shall be exempt from the payment of registration, matriculation, and laboratory fees. Students enrolled in accordance with this subsection may be calculated as the proportional shares of full-time equivalent enrollments each such student generates for state funding purposes.

Section 14. Paragraph (b) of subsection (1) of section 240.321, Florida Statutes, is amended to read:

240.321 Community college district board of trustees; rules for admissions of students.—

(1) The board of trustees shall make rules governing admissions of students. These rules shall include the following:

(b) Admission to the associate in arts degree program is subject to minimum standards adopted by the State Board of Education and shall require:

1. A high school diploma or its equivalent~~, except as provided in s. 240.115(4)~~. *Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.*

2. A demonstrated level of achievement of college-level communication and computation skills.

3. Any other requirements established by the board of trustees.

Section 15. Subsection (2) of section 240.35, Florida Statutes, 1986 Supplement, is 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. *Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 shall be exempt from the payment of registration, matriculation, and laboratory fees; however, such students shall not be included within calculations of fee-waived enrollments.*

Section 16. *The Postsecondary Education Planning Commission shall examine the current funding formulas for advanced placement, dual enrollment, and International Baccalaureate instruction and shall recommend funding formulas that offset the cost of providing each form of instruction, including related examinations, without making any form of instruction financially advantageous to either school districts or community colleges. The results of the study shall be transmitted to the Legislature no later than February 1, 1988.*

Section 17. *The State Board of Education shall review 6A-10.30, Florida Administrative Code, and shall adopt rules that exempt students who demonstrate college-level competence in mathematics or writing skills, based on their performance on any accepted articulated acceleration mechanism, from all or some portion of the mathematics or composition requirement of such rule. Specifically, the state board shall examine the rule as it relates to advanced placement, the International Baccalaureate Program, and credit by examination.*

Section 18. *The State Board of Education shall review the statewide articulation agreement for the purpose of providing articulated acceleration opportunities for students who enroll in the International Baccalaureate Program.*

Section 19. Paragraph (a) of subsection (1) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Attendance requirement for receipt of high school credit; definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 150 hours of bona fide instruction in a designated course of study which contains student performance standards as provided for in s. 232.2454 ~~or the equivalent of 6 semester hours of college credit as provided for in ss. 236.081(1)(h)1. and 240.115~~. *Six semester credit hours of instruction earned through enrollment pursuant to s. 240.116 shall also equal one full credit.*

Section 20. A new subsection (2) is added to section 240.233, Florida Statutes, 1986 Supplement, and subsections (2)-(5) are renumbered as subsections (3)-(6), to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(2) The Board of Regents may adopt rules that provide admission requirements different than those specified in paragraph (1)(b) for applicants who earn their high school diplomas prior to August 1, 1987 or who fail to apply for admission to a university immediately upon graduation from high school.

Section 21. Section 246.013, Florida Statutes, 1986 Supplement, is amended to read:

246.013 Participation in the common course designation and numbering system.—

(1) 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. *Such fee schedule may differentiate between the costs associated with initial course inclusion in the system and costs associated with subsequent course maintenance in the system. Any college that participated in the system prior to July 1, 1986 shall not be required to pay the costs associated with initial course inclusion in the system.*

(2) No college shall record student transcripts or document courses offered by the college in accordance with this section unless the college is actually participating in the system pursuant to rules of the State Board of Education. Any college deemed to be in violation of this section shall be subject to the provisions of s. 246.111.

Section 22. Subsection (1) of section 240.115, Florida Statutes, is amended to read:

240.115 Articulation agreement; acceleration mechanisms.—

(1)*(a)* Articulation between secondary and postsecondary education; admission of associate in arts degree graduates from Florida community colleges and state universities; the use of acceleration mechanisms, including the College Level Examination Program (CLEP); and articulation among programs in nursing shall be governed by the articulation agreement, as established by the Department of Education.

(b) Any student who transfers among postsecondary institutions that participate in the common course designation and numbering system shall be awarded credit by the receiving institution for courses satisfactorily completed by the student at the previous institutions if the courses are judged by the appropriate common course designation and numbering system faculty task force to be equivalent to courses offered at the receiving institution. The award of credit may be limited to courses that are entered in the common course designation and numbering system. Credits awarded pursuant to this subsection shall satisfy institutional requirements on the same basis as credits awarded to native students.

Section 23. *Each vocational-technical center shall maintain an academic transcript for each student enrolled in the center. Such transcript shall delineate each course completed by the student. Courses shall be delineated by the course prefix and title assigned pursuant to paragraph (1)(g) of s. 229.551. The center shall make a copy of a student's transcript available to any student who requests such copy.*

Section 24. *Chapter 72-313, Laws of Florida, is hereby repealed.*

(Renumber subsequent sections.)

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

CS for CS for HB 1008 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Beard	Childers, D.	Crawford
Barron	Brown	Childers, W. D.	Crenshaw

Dudley	Hollingsworth	Malchon	Stuart
Frank	Jenne	Margolis	Thomas
Girardeau	Jennings	McPherson	Thurman
Gordon	Johnson	Meek	Weinstein
Grant	Kirkpatrick	Myers	Weinstock
Grizzle	Kiser	Peterson	Woodson
Hair	Langley	Ros-Lehtinen	
Hill	Lehtinen	Scott	

Nays—None

Motion

On motions by Senator Scott, by two-thirds vote CS for SB's 799 and 132, together with House Amendments 1 and 2, was withdrawn from the Committee on Appropriations.

The Senate resumed consideration of—

CS for SB's 799 and 132—A bill to be entitled An act relating to education; amending ss. 228.041, 228.072, 229.132, 236.081, 240.359, F.S.; creating a lifelong learning program category within the Florida Education Finance Program to fund certain courses in adult education; defining lifelong learning student; providing for an annual determination of program cost factors in the General Appropriations Act; providing for allocation of full-time equivalents in the lifelong learning program category in school districts and community college districts; providing conforming language; providing an effective date.

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

Amendment 1—On page 62, strike all of lines 19-27 and insert: *subsection (2) of section 233.34, Florida Statutes, and section 235.197,*

The vote was:

Yeas—22

Mr. President	Dudley	Jenne	Ros-Lehtinen
Barron	Frank	Jennings	Stuart
Beard	Grant	Kirkpatrick	Thomas
Brown	Grizzle	Lehtinen	Weinstock
Childers, D.	Hill	Malchon	
Childers, W. D.	Hollingsworth	Peterson	

Nays—12

Crenshaw	Hair	Meek	Thurman
Girardeau	Johnson	Myers	Weinstein
Gordon	Margolis	Plummer	Woodson

Vote after roll call:

Nay—Kiser

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

Amendment 2—On page 63, line 3, insert:

Section 48. Subsection (11) is added to section 230.645, Florida Statutes, 1986 Supplement, to read:

230.645 Postsecondary student fees.—

(11) District school boards may establish scholarship funds using donations. Eligible programs shall be those in adult secondary and adult vocational education. If these funds are established, the district school boards shall do so by the rulemaking process, and such rules shall also provide for the criteria and methods to be used in awarding scholarships.

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

Amendment 3—On page 63, line 3, insert:

Section 48. Paragraph (b) of subsection (1) of section 232.246, Florida Statutes, 1986 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.

Senator D. Childers moved the following amendments to House Amendment 1 which were adopted:

Amendment 4—On page 62, strike all of lines 16 and 17 and insert:

Section 47. Sections 229.561, 229.585, 229.841, and 230.2311, subsection (2) of section 232.301,

Amendment 5—On page 31, strike all of lines 11-13 and insert:

Section 21. A new paragraph (d) is added to subsection (2) of section 230.645, Florida Statutes, 1986 Supplement, and subsection (4) of said section is amended to read:

230.645 Postsecondary student fees.—

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

(d) Students who are enrolled in approved apprenticeship programs as defined in s. 446.021, provided the contributions of facilities, personnel, or equipment made on behalf of the students equal or exceed the total value of the fee exemptions. Such students shall be reported separately with an accounting of the local market value of the facilities, personnel, and equipment.

Senator D. Childers moved the following amendments to House Amendment 2 which were adopted:

Amendment 1—In title, on page 5, lines 25 and 26, after the semicolon (;) on line 25, strike everything through the semicolon (;) on line 26

Amendment 2—In title, on page 6, line 6, after the semicolon (;) insert: exempting students in approved apprenticeship programs from fees;

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

Amendment 3—In title, on page 5, strike all of lines 20 and 21 and insert: metric system;

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

Amendment 4—In title, on page 6, line 7, 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;

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

Amendment 5—In title, on page 6, line 7, insert: amending s. 230.645, F.S.; authorizing district school boards to establish scholarship funds under certain circumstances;

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

CS for SB's 799 and 132 passed as amended. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Girardeau	Johnson	Peterson
Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Lehtinen	Thomas
Crawford	Hill	Malchon	Thurman
Crenshaw	Hollingsworth	Margolis	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Jennings	Myers	Woodson

Nays—None

Recess

The President declared the Senate in informal recess at 2:40 a.m.

Call to Order

The Senate was called to order by the President at 3:37 a.m. A quorum present—40:

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 1421 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 1421—A bill to be entitled An act relating to local government; providing a short title; amending s. 212.055, F.S.; authorizing each county to levy a discretionary sales surtax subject to referendum; providing a method for municipalities to call for a referendum on the surtax; providing procedures and requirements; specifying uses of revenues; authorizing the bonding of proceeds; restricting use of the proceeds; providing time limitations; repealing ss. 212.058 and 212.11(6), F.S., relating to the expired local discretionary sales tax for criminal justice facilities; amending ss. 218.403 and 218.407, F.S.; authorizing deposit of funds held by an independent trustee on behalf of a unit of local government in the Local Government Surplus Funds Trust Fund; providing for responsibilities of the trustee; repealing ss. 200.001(8)(h) and 200.085, F.S., which provide millage limitations applicable to units of local government participating in the local government half-cent sales tax and a definition applicable thereto; amending ss. 218.23 and 218.63, F.S., relating to eligibility for revenue sharing and for participation in the local government half-cent sales tax, to conform; providing an effective date.

On motion by Senator Deratany, by unanimous consent CS for CS for HB 1421 was taken up out of order. On motions by Senator Deratany, by two-thirds vote CS for CS for HB 1421 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—28

Mr. President	Deratany	Hollingsworth	Meek
Barron	Dudley	Jennings	Peterson
Beard	Frank	Kirkpatrick	Plummer
Brown	Girardeau	Kiser	Ros-Lehtinen
Childers, W. D.	Grant	Langley	Scott
Crawford	Hair	Lehtinen	Weinstock
Crenshaw	Hill	Malchon	Woodson

Nays—11

Childers, D.	Jenne	Myers	Thurman
Gordon	Margolis	Stuart	Weinstein
Grizzle	McPherson	Thomas	

Vote after roll call:

Yea—Johnson

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 2, 3, 4, 5, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O and 1P and requests the Senate to recede; has amended Senate Amendment 1, concurred in same as amended, further amended and passed CS for HB 1506, as further amended, and requests the concurrence of the Senate. The Speaker has appointed Representatives Gardner, Carpenter and Drage as the Conferees on the part of the House.

John B. Phelps, Clerk

House Amendment 1 to Senate Amendment 1—On page 13, line 16, after "ports" insert: *; and international air transportation services described in SIC Major Group Number 45. International air transportation shall have the same meaning as used in the Federal Aviation Act*

House Amendment 2 to Senate Amendment 1—On page 98, between lines 29 and 30, insert:

Section 67. (1) *Short title.—Sections 67 through 77 may be cited as the "Fairness in Retail Sales Taxation Act."*

(2) *This section shall take effect October 1, 1987.*

Section 68. *Findings and intent.—*

(1) The Legislature of the State of Florida finds:

(a) Millions of dollars of retail sales are made each year involving the transport of property from outside this state to purchasers in this state.

(b) Sales and use taxes to this state are not being paid on many, if any, of these sales.

(c) There is a substantial loss of revenue to this state as a result of failure or refusal to collect and remit to the treasury of this state sales and use taxes on these sales.

(d) Such failure or refusal is detrimental to the residents of and visitors to this state in two respects: First, the resulting loss of revenue increases the difficulty of carrying on essential state activities and maintaining and fostering a high quality of life for residents and visitors; and, second, retailers who, in compliance with laws of this state, collect and remit taxes on retail sales suffer from the unfair competition of those who do not do so, which is harmful to the business and economic climate of the state.

(e) Retailers who take advantage of the prosperity, market, laws, citizens and economy of this state by making retail sales to purchasers in this state are morally obligated to assume their fair share of the burden of maintaining this state's prosperity and quality of life by collecting and remitting taxes on sales to such purchasers.

(2) It is, therefore, the intent of this act to:

(a) Assure that those who make retail sales involving the transport of property from outside this state to purchasers in this state bear their fair share of this burden.

(b) Protect from unfair competition retailers who comply with the laws of this state by collecting and remitting tax on retail sales.

(c) Assure that the treasury of this state receives revenue needed to carry on essential state activities and to maintain and foster a high quality of life for its residents and visitors.

(3) This section shall take effect October 1, 1987.

Section 69. Effective October 1, 1987, section 212.0596, Florida Statutes, is created to read:

212.0596 Taxation of mail order sales.—

(1) For purposes of this part, a "mail order sale" is a sale of tangible personal property, ordered by mail or other means as described in paragraph (2)(e), to a purchaser who is in this state at the time the order is remitted, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property. For purposes of this definition, it will be presumed that every person resident in this state who remits an order shall have been in this state at the time the order was remitted.

(2) Every dealer as defined in s. 212.06(2)(c) who makes a mail order sale is subject to the power of this state to levy and collect the tax imposed by this part, when:

(a) The dealer is a corporation doing business under the laws of this state or a person domiciled in, a resident of, or a citizen of, this state;

(b) The dealer maintains retail establishments or offices in this state, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to the activities of such establishments or offices;

(c) The dealer has agents in this state who solicit business or transact business on behalf of the dealer, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to such solicitation or transaction of business;

(d) The property was delivered in this state in fulfillment of a sales contract that was entered into in this state, in accordance with applicable conflict of laws rules, when a person in this state accepted an offer by ordering the property;

(e) The dealer, by purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, unsolicited distribution of catalogues, computer-assisted shopping, television, radio or other electronic media, or magazine or newspaper advertisements or other media, creates nexus with this state;

(f) Through compact or reciprocity with another jurisdiction of the United States, that jurisdiction uses its taxing power and its jurisdiction over the retailer in support of this state's taxing power; or

(g) The dealer consents, expressly or by implication, to the imposition of the tax imposed by this part.

(3) Every dealer engaged in the business of making mail order sales is subject to the requirements of this part for cooperation of dealers in collection of taxes and in administration of this part, except that no fee shall be imposed upon such dealer for carrying out any required activity.

(4) The department shall, with the consent of another jurisdiction of the United States whose cooperation is needed, enforce this part in that jurisdiction, either directly or, at the option of that jurisdiction, through its officers or employees.

(5) The tax required under this section to be collected and any amount unreturned to a purchaser that is not tax but was collected from the purchaser under the representation that it was tax constitute funds of the State of Florida from the moment of collection.

Section 70. Effective October 1, 1987, paragraph (c) of subsection (2) and paragraph (a) of subsection (5) of section 212.06, Florida Statutes, 1986 Supplement, as amended by chapter 86-166, Laws of Florida, 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)

(c) The term "dealer" is further defined to mean every person, as used in this chapter, who sells at retail, or who offers for sale at retail, or who has in his possession for sale at retail, or for use, consumption, or distribution, or for storage to be used or consumed in this state tangible personal property as defined herein, *including a retailer who transacts a mail order sale.*

(5)(a) *1. Except as provided in subparagraph 2.*, 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 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.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d. However, a Florida dealer will be relieved from the requirements of collecting taxes pursuant to this subparagraph if the Florida dealer obtains from the purchaser an affidavit setting forth the purchaser's name, address, state taxpayer identification number, and a statement that the purchaser is aware of his state's use tax laws, is a registered dealer in Florida or another state, or is purchasing the tangible personal property for resale or is otherwise not required to pay the tax on the transaction. The department may, by rule, provide a form to be used for the purposes set forth herein.

b. For purposes of this subparagraph, "a cooperating state" is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on mail order sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on mail order sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this part.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make mail order sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own personnel.

(V) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, "sales of tangible personal property to be transported to a cooperating state" means mail order sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the rate at which such a sale would have been taxed pursuant to the cooperating state's tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state, and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the department or agency designated by it to act for it; however, such payment shall, in no event, be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service charge imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section 71. Effective October 1, 1987, subsection (1) of section 212.20, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

212.20 Funds collected, disposition; additional powers of department; operational expense*; refund of taxes adjudicated unconstitutionally collected.*—

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this chapter, to be credited to the account of the General Revenue Fund of the state, *except that funds collected under s. 212.06(5)(a)2. shall be held in trust in the State Treasury, as provided therein.*

(4) When there has been a final adjudication that any tax pursuant to s. 212.0596 was levied, collected, or both, contrary to the Constitution of the United States or the State Constitution, the department shall, in accordance with rules, determine, based upon claims for refund and other evidence and information, who paid such tax or taxes, and refund to each such person the amount of tax paid. For purposes of this subsection, a "final adjudication" is a decision of a court of competent jurisdiction from which no appeal can be taken or from which the official or officials of this state with authority to make such decisions has or have decided not to appeal.

Section 72. Effective October 1, 1987, paragraph (e) is added to subsection (3) of section 212.02, Florida Statutes, 1986 Supplement, 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)

(e) The term "retail sale" includes a mail order sale, as defined in s. 212.0596(1).

Section 73. Effective October 1, 1987, the introductory paragraph of section 212.05, Florida Statutes, 1986 Supplement, 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, *including the business of making mail order sales,* 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.

Section 74. (1) Effective October 1, 1987, subsection (1) and paragraph (a) of subsection (5) of section 212.12, Florida Statutes, 1986 Supplement, 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 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, person, lessor, dealer, and owner *(except dealers who make mail order sales)* 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. *The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.*

(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.

(5)(a) The department is authorized to audit or inspect the records and accounts of dealers defined herein, *including audits or inspections of dealers who make mail order sales to the extent permitted by another state,* and correct by credit any overpayment of tax; and, in the event of a deficiency, an assessment shall be made and collected. No administrative finding of fact is necessary prior to the assessment of any tax deficiency.

(2) It is the intent of the Legislature that the amendment of s. 212.12, Florida Statutes, by this section is supplemental to other amendments to said section that may be enacted at the 1987 Regular Session of the Legislature, unless a contrary intent is indicated in such other amendments.

Section 75. Effective October 1, 1987, subsection (1) of section 212.15, Florida Statues, is amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes; due and delinquent dates; judicial review.—

(1) The taxes imposed by this chapter shall, *except as provided in s. 212.06(5)(a)2.e.*, become state funds at the moment of collection and shall for each month be due to the department on the first day of the succeeding month and delinquent on the 21st day of such month. All returns postmarked after the 20th day of such month are delinquent.

Section 76. Effective October 1, 1987, subsection (3) of section 212.18, Florida Statutes, 1986 Supplement, 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, 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. *However, no registration fee is required to accompany an application to engage in or conduct business to make mail order sales.* 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, 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, 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 77. *There is hereby appropriated to the Department of Revenue from the General Revenue Fund the sum of $75,000 in order to retain legal consultants to assist in any litigation arising as a result of the Fairness in Retail Sales Taxation Act.*

(Renumber subsequent sections.)

House Amendment 43 to CS for HB 1506—On page 1, line 1, through page 6, line 24, strike the title and insert: A bill to be entitled An act relating to taxation; amending s. 212.059, F.S., relating to the sales and use tax on services; revising provisions relating to computation, collection, and remittance of the tax and registration of dealers as service providers; requiring multistate purchasers that self-accrue the tax to file an annual supplementary tax return; revising provisions relating to apportionment of interstate or international transportation services; requiring applicants for specified permits to attest that applicable use taxes have been paid; amending s. 212.0591, F.S.; revising rules of construction relating to inclusion of a proportion of the sales or cost price under certain circumstances, transactions involving both taxable and exempt services, and determining where the benefit of a service is enjoyed; providing legislative intent regarding exemptions from the tax; amending s. 212.0592, F.S.; revising exemptions and conditions applicable thereto and providing additional exemptions; amending s. 212.0593, F.S., relating to administration of the exemption for services sold in this state for use outside this state; revising provisions relating to exempt purchase permits; revising time period for maintenance of dealers' monthly logs and a penalty applicable thereto; specifying inapplicability of certain refund provisions; repealing section 5 of chapter 87-6, Laws of Florida, and creating s. 212.0594, F.S.; revising special provisions applicable to the tax on construction services; amending s. 212.0595, F.S.; revising special provisions applicable to the tax on advertising; creating s. 212.0598, F.S.; specifying conditions under which certain air carriers may elect to be subject to the tax on services and tangible personal property; providing basis of the tax applicable to such air carriers; specifying application of such tax to air carriers who do not so elect; amending s. 212.02, F.S.; revising definitions applicable to chapter 212, F.S.; amending s. 212.031, F.S.; revising an exemption from the tax on rental, lease, or granting a license for use of real property for certain property leased to persons providing food and drink concessionaire services; amending s. 212.04, F.S.; exempting admissions, dues, and membership fees to certain athletic or other events sponsored by schools and other institutions or by governmental entities and certain admissions paid by students to places of sport or recreation; providing an exception; amending s. 212.05, F.S.; specifying application of a definition of "telecommunication service"; specifying application of the tax on sales, use and other transactions to sale of newspapers and magazines; amending s. 212.08, F.S.; providing a retroactive exemption from said tax for certain beverages; revising the exemptions for sales to political subdivisions and religious, scientific and educational institutions, film rentals, organizations providing special benefits to minors, and vehicles engaged in interstate or foreign commerce; amending s. 212.095, F.S.; removing a prohibition against dealers assisting in preparation of tax refund claims; amending s. 212.11, F.S.; revising provisions which authorize quarterly returns for certain dealers remitting the tax solely for the provision of services; amending section 17 of chapter 87-6, Laws of Florida; revising the effective date of an amendment relating to application of the dealer's credit to persons who remit taxes or fees reported on the same documents utilized for sales and use tax; amending s. 212.235, F.S., relating to the State Infrastructure Trust Fund; amending section 31 of chapter 87-6, Laws of Florida, revising an exemption from the tax on services for certain improvements to real property; requiring the Department of Revenue to report to the Legislature; amending section 32 of chapter 87-6, Laws of Florida, relating to certain conditions applicable to self-accrual; amending section 33 of chapter 87-6, Laws of Florida; specifying administrative provisions applicable to department rules implementing said chapter and this act; amending section 36 of chapter 87-6, Laws of Florida, relating to waiver of penalties and interest with respect to the tax on services for a specified period; amending section 37 of chapter 87-6, Laws of Florida; revising provisions relating to application of the tax to certain prepaid services; amending section 38 of chapter 87-6, Laws of Florida; revising provisions relating to construction of said chapter with respect to certain client confidentiality; amending ss. 120.575 and 120.65, F.S.; revising provisions relating to appointment of a panel to be hearing officer in certain administrative taxpayer contest proceedings; amending section 47 of chapter 87-6, Laws of Florida; revising a date for a department study of taxable services; amending section 48 of chapter 87-6, Laws of Florida; revising provisions relating to application of a tax amnesty program; providing an appropriation to the Division of Administrative Hearings; amending ss. 95.091, 198.18, 211.33, 214.50, 214.51, 212.08, 125.0104, 198.37, 198.39, 199.282, 201.17, 201.20, 203.01, 203.03, 203.63, 206.18, 206.44, 206.877, 206.9931, 207.007, 211.076, 211.25, 212.0305, 212.05, 212.07, 212.085, 212.10, 212.12, 212.13, 212.14, 212.15, 212.18, 214.40, and 214.60, F.S.; reducing certain penalties; repealing sections 100, 101, 102, and 106 of chapter 87-6, Laws of Florida, relating to priority of tax warrants, seizure of property for collection of taxes, sale of seized property, and freezing of assets and obligations, respectively; amending s. 213.73, F.S.; deleting an inapplicable notice provision; amending s. 213.74, F.S.; correcting cross-references; providing for applicability of certain penalties; providing for severability; repealing section 9 of chapter 86-166, Laws of Florida, which created a commission to review exemptions from the sales tax; providing effective dates.

On motions by Senator Deratany, the Senate refused to concur in the House amendments, refused to recede from the Senate amendments and acceded to the request for a conference committee. The President appointed Senators Deratany, Barron and Crawford. The action of the Senate was certified to the House.

By direction of the President the rules were waived and the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS for HB 1506

June 6, 1987

The Honorable John W. Vogt
President of the Senate

The Honorable Jon Mills
Speaker, House of Representatives

Dear Sirs:

Your conference committee on the disagreeing votes of the two Houses on Senate amendments to Committee Substitute for House Bill 1506, same being:

An act relating to taxation; relating to the sales and use tax on services;

having met, and after full and free conference, do recommend to their respective Houses, as follows:

1. That the House of Representatives recede from its amendments to CS for HB 1506.

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.

3. That the Senate and the House of Representatives pass CS for HB 1506 as amended by said Conference Committee amendments.

s/Timothy Deratany,
Chairman
s/Dempsey J. Barron
s/Robert Crawford
Managers on the part of the Senate

s/Winston W. Gardner, Jr.,
Vice Chairman
s/Carl Carpenter, Jr.
s/Thomas Drage, Jr.
Managers on the part of the House of Representatives

Conference Committee Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subsections (3), (4) and (5) of section 212.059, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended, and subsection (6) is added to said section, to read:

212.059 Sales and use tax on services.—It is hereby declared to be the legislative intent to levy an excise tax on the sale of services in this state as hereinafter provided. It is further declared to be the legislative intent to levy a complementary excise tax on the use of services in this state as hereinafter provided.

(3)(a) The sales and use tax on services imposed by this section shall be collected by the dealer as defined in this part and remitted by him to the state at the time and in the manner as provided in this part.

(b) If the ~~seller of the service is a multistate business and the~~ sale *of a service* is outside this state, any applicable use tax shall be remitted by the purchaser of the service, *if the purchaser of the service has nexus for tax purposes with this state.* However, this paragraph shall not apply to interstate or international transportation services. *Neither does this paragraph apply if the seller has tax nexus in this state and the service sold either directly relates to real property in this state, directly relates to tangible personal property in this state other than vehicles or vessels in interstate or foreign commerce, or is represented by tangible personal property forwarded to a person in this state.*

(4)(a) The sales and use tax on services imposed by this section shall be *computed* ~~due and payable~~ according to the brackets set forth in s. 212.12 *on the sales price or cost price of the service at the time of the sale, and shall be due and payable as provided under s. 212.11,* ~~at the time of the sale or use of the service~~ unless the dealer elects to remit the tax pursuant to paragraph (b).

(b) A dealer may ~~register with the department as a service provider and~~ elect to *ascertain the amount of* ~~remit~~ the tax *payable under this section on the basis of cash receipts for all taxable transactions under this section.* ~~on a service at the time consideration is paid for such service and on the amount of consideration paid. If such election is made, it shall be applicable to all transactions of such dealer taxed under this section.~~ Such election shall be made and may be changed by the dealer pursuant to procedures established by rule of the department. *The department shall provide by rule for the issuance and periodic renewal every 5 years of registrations for dealers registered as service providers. Only those persons primarily engaged in the business of selling services shall be eligible for such registration.*

(c) However, if a transaction involves both the sale or use of services and the sale or use of tangible personal property, and the tangible personal property is not an inconsequential element of the transaction, the sales and use tax on services shall be *computed and remitted as provided in paragraph (a), and paragraph (b) shall not be applicable* ~~due and payable at the time of the sale or use regardless of the time consideration is paid for such services~~.

(d) Each multistate purchaser that self-accrues the taxes due on its purchases of services shall file an annual supplementary tax return summarizing its purchases and sales of services for its prior fiscal year. The return shall include a final calculation of taxes allocated or apportioned under s. 212.0591(9), and such other information as the department may prescribe by rule. The return shall be filed on or before the deadline for filing Florida or federal income tax returns, recognizing any extensions of time granted thereto.

(5) Notwithstanding other provisions of this section to the contrary:

(a) Interstate and international transportation services shall be considered sold or used in this state to the extent that the sales price or cost price of the service is apportioned to this state pursuant to paragraph (b).

(b) The sales price of the sale of interstate or international transportation services, or the cost price of the use of interstate or international transportation services, shall be apportioned to the state as provided in this paragraph. There shall be included in the measure of the tax imposed by this part on the sale or use of interstate or international transportation services *one-half* ~~that proportion~~ of the sales price or cost price of the Florida service provider *if the point of origin of the transportation service is in Florida, and one-half of said price if the point of termination is in Florida* ~~which is equal to the proportion of mileage within Florida to the total United States mileage of the Florida service provider~~ for the service transaction in question. For purposes of this paragraph~~.~~;

1. "Florida service provider" means the person providing transportation services in Florida regardless of the commercial domicile of such person*; and*~~.~~

2. "Point of origin" and "point of termination" mean the physical locations at which the Florida service provider begins or ends movement of the property which is being transported, respectively.

(6) No license as defined in s. 120.52(8) and required pursuant to state law or license or permit required by a municipal or county ordinance shall be issued until the applicant attests, on a form promulgated by the department, that all applicable use taxes have been paid or will be paid in a timely manner on the purchase of services outside of this state that are used in this state in furtherance of securing such license or permit. Completed forms shall be returned to the department by the permitting body on a monthly basis. The department may, by rule, exempt from the provisions of this subsection classes of licenses, including professional licenses, which are not likely to involve the use of services outside of this state in furtherance of securing such license.

Section 2. Subsections (2), (7) and (9) of section 212.0591, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended, and subsection (10) is added to said section, to read:

212.0591 Rules of construction.—For purposes of the sales and use tax on services, the following rules of construction shall apply:

(2) If the ~~entire~~ sales price of the sale of a service or if the ~~entire~~ cost price of the use of a service cannot be included within the measure of the tax imposed by this part under the Constitution or laws of the United States, there shall be ~~apportioned to the state and~~ included in the measure of the tax imposed by this part on the sale of services that proportion of the sales price ~~which the cost of performing the services within the state bears to the total cost of performing the services~~, or on the use of services that proportion of the cost price, that *may lawfully be included under the laws and Constitution of the United States* ~~fairly reflects the benefit of the services enjoyed within the state~~.

(7) If a transaction involves both the sale or use of a service taxable under this part and the sale or use of a service exempt under this part, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption. *However, this subsection shall not apply to sales that are exempt pursuant to s. 212.0592(1).*

(9) For purposes of determining ~~where a service is used or consumed and~~ where the benefit of the service is enjoyed, the following provisions shall be applicable:

(a) If the purchaser is an individual *not acting as a business*, and:

1. If the service directly relates to real property, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the real property is located; or

2. If subparagraph 1. is not applicable, the benefit of the service shall be presumed to be enjoyed where the purchaser receives tangible personal property representing the service; or

3. ~~2.~~ If subparagraphs 1. *or 2. are* ~~is~~ not applicable, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the greater proportion of the service is performed, based on costs of performance; or

4.~~3.~~ Notwithstanding subparagraphs 1., ~~and~~ 2., *and 3.*, if the purchaser can demonstrate to the satisfaction of the department that the benefit of the service was enjoyed *outside of this state* ~~in a state~~, the service shall be deemed used or consumed *outside of this state* ~~in that state~~.

(b) If the purchaser is a business, and:

1. If the service directly relates to real property, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the real property is located; or

2. If the service directly relates to tangible personal property, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the property has acquired a business situs if the property has acquired such situs; or

3. If the service directly involves sales to a *service purchaser's* local market, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the purchaser's local market exists; or

4. If subparagraphs 1., 2., and 3. are not applicable, and the purchaser of the service is doing business in this state and *outside of this state* ~~in one or more other states~~, the service shall be presumed to be enjoyed in this state to the extent that the purchaser is doing business in this state. For purposes of determining the extent of the purchaser's business in this state, the apportionment formulas set forth in part IV of chapter 214, as modified by s. 220.15(4), shall be utilized. *In the case* ~~If the purchaser is a member~~ of an affiliated group, the affiliated group, as defined in s. 212.02, shall be considered the purchaser for purposes of this *subsection* ~~subparagraph~~; or

5. If the provisions of subparagraphs 1., 2., 3., and 4. are not applicable, the benefit of the service shall be presumed to be enjoyed ~~in the state~~ where the purchaser is exclusively doing business; or

6. Notwithstanding subparagraphs 1., 2., 3., 4. and 5., if the purchaser can demonstrate to the satisfaction of the department that the benefit of the service was enjoyed *outside of this state* ~~in a state~~, the service shall be deemed used or consumed *outside of this state* ~~in that state~~.

(c) Notwithstanding paragraphs (a) and (b), interstate and international transportation services shall be presumed to be enjoyed in this state to the extent that the sales price or cost price of such services is apportioned to this state pursuant to s. 212.059(5).

(d) Notwithstanding paragraphs (a) and (b), advertising shall be presumed to be enjoyed in this state to the extent that the sales price or cost price of such services is apportioned to this state pursuant to s. 212.0595.

(e) Notwithstanding paragraphs (a) and (b), the benefit of a service provided to the estate of a decedent shall be presumed to be enjoyed where the decedent last established residency.

(10) It is the intent of the Legislature to exempt from the tax on services only those services for which exemptions are expressly provided. Therefore, if any exemption is declared facially unconstitutional by a court of competent jurisdiction, it is the intent of the Legislature that the exemption be deemed inoperative as to all persons and not expanded to encompass services or persons not expressly exempted from the tax.

Section 3. Subsections (1), (4), (5), and (6), paragraph (a) of subsection (7), and subsections (11), (16), (17), (18), (21), (22), (23), (26), (27), (31), (35), and (36) of section 212.0592, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended, and subsections (42), (43), (44), (45), (46), (47), (48), (49), (50) and (51) are added to said section, to read:

212.0592 Exemptions from sales or use tax on services.—There shall be exempt from the tax on the sale or use of services imposed by ss. 212.059(1) or (2), 212.0594, and 212.0595 the following:

(1)(a) Services sold in this state for use outside of this state.

(b) A service shall be deemed to be purchased for use ~~in the state~~ where the benefit of the service is enjoyed. For purposes of determining where the benefit of the service is enjoyed, s. 212.0591(9) shall apply.

(c) In order to qualify for this exemption, the provisions of s. 212.0593 shall be met.

(4) Services that partners who are natural persons render to their partnerships, unless the partner renders his services to the partnership in the capacity of an independent contractor, *and services that partners who are professional corporations render exclusively to the partnership.*

(5) Services between members of an affiliated group of corporations, as defined in s. 212.02. However, this exemption shall ~~not~~ apply *only* to the sale or use of any service between any such members who are ~~not~~ included in the affiliated group for purposes of this part. If the exemption provided in this subsection is not applicable, the sales price or cost price of the service *between each unincluded member and any other member* shall be based upon the fair market value of the service. The sale or use of services between divisions that may be separate taxpayers within the same corporation shall be exempt. Nothing herein shall be construed to require the filing of a consolidated return under chapter 220 in order to qualify for the exemption granted by this subsection.

(6) Agricultural services enumerated in SIC Major Group 07. However, this exemption shall not apply to *landscape and horticultural services (Group Number 078), or to* animal specialty services (Industry Number 0752), unless the services relate to agricultural products as defined in s. 618.01(1)~~, or to landscape and horticultural services (Group Number 078)~~.

(7)(a) Transportation and warehousing services enumerated in SIC Major Groups ~~40, 42,~~ 44, 45, and 47 for agricultural commodities that have retained their original identity, phosphate rock as defined in s. 211.30(9), potash as described in SIC Industry Number 1474, sulfur as described in SIC Industry Number 1477, nitrogenous fertilizers as enumerated in SIC Industry Number 2873, and phosphatic fertilizers as enumerated in SIC Industry Number 2874. For purposes of this paragraph, an agricultural commodity retains its original identity unless it is processed, packaged in cans, or frozen. However, produce which is processed but neither canned nor frozen shall be considered an agricultural commodity that has retained its original identity.

(11)(a) Services of a financial nature, of a type customarily performed by a financial institution.

(b) However, *unless the service is provided to a nonresident entity or nonresident person as defined in Rule 3C-15.003, Florida Administrative Code,* this exemption shall not apply to: charges for use of safety deposit boxes; charges for use of night deposit services; charges for issuing cashier's checks; charges for issuing traveler's checks; charges for issuing money orders; charges for preparation of ~~individual~~ tax returns; charges for copies of documents; stop payment charges; return check charges, unless due to insufficient funds; charges for service as personal representative of estates of decedents; credit information and reporting services; overdraft charges; *fees for the collection of coupons, drafts, checks, foreign exchange items, and similar over-the-counter collection items;* ~~collection fees;~~ hold mail fees; guardianship fees; credit and charge card membership fees; cash vault fees; *charges for financial planning; charges for public accounting services of a type not customarily performed in connection with a customer account;* or data processing services not otherwise exempt, except check processing and check clearing services.

(c) The tax imposed under s. 212.059 shall not apply to *the following services* ~~a service~~ by a financial institution:

1. Any service for which the charge ~~for which~~ is waived or imputed*; or*;

2. Investment advisory services.

(d) For purposes of this subsection, the term "financial institution" means a financial institution as defined in s. 655.005; any subsidiary thereof; any holding company, other than a diversified savings and loan holding company as defined in s. 408 of the National Housing Act, which controls a financial institution; ~~and~~ any subsidiary of such holding company*; any Federal Reserve Bank; and any Federal Home Loan Bank.*

(16) Maintenance assessments or fees paid by an association member to a homeowners association, ~~residential~~ condominium owners association, ~~residential~~ property owners association, ~~residential~~ mobile homeowners association, or ~~residential~~ cooperative association.

(17) Membership dues or membership fees paid to membership organizations enumerated in SIC Major Group 86, and to arts, historical, and science organizations, provided such organizations are not-for-profit corporations under chapter 617 or a comparable law of another state or are exempt organizations under the Internal Revenue Code, and membership dues or other fees paid to regulatory athletic associations.

(18) Qualified production services performed by any person for a person principally engaged in the business of producing qualified motion pictures or for a person who owns or leases property used primarily for the production of qualified motion pictures. For purposes of this subsection:

(a) "Qualified production services" means any activity or service performed directly in connection with the production of qualified motion pictures, and includes:

1. Photography, *sound* and recording, casting, *location managing and scouting*, shooting, creation of special *and optical* effects, animation, adaptation (language, media, electronic or otherwise), technological modifications, computer graphics, set and stage support *(such as eiectricians, lighting designers and operators, greensmen, prop managers and assistants, and grips)*, wardrobe *(design, preparation and management)*, *hair and make-up (design, production, and application)*, ~~acting~~ *performing (such as acting, dancing and playing), designing and executing stunts, coaching*, consulting, writing, *scoring*, and *composing,choreographing, script supervising*, directing, *producing, transmitting dailies*, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

2. The design, planning, engineering, construction, alteration, repair and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in subparagraph 1.; and

3. Property management services directly related to property used in connection with the services described in subparagraphs 1. and 2.

(b) "Qualified motion picture" means all or any part of a series of related images, either on film, tape or other embodiment, including, but not limited to, all items comprising part of the original work and film-related products derived therefrom as well as duplicates and prints thereof and all sound recordings created to accompany a motion picture, which is produced, adapted or altered for exploitation in, on or through any medium or device and at any location, primarily for entertainment, industrial or educational purposes.

(21) *Water and air transportation services described herein.* Water transportation services described in SIC Group Numbers 441 and 442, towing or tugboat services described in SIC Industry Number 4454, marine cargo handling services described in SIC Industry Number 4463, piloting services, ship cleaning, steamship leasing, marine surveyors, and ship repair and maintenance services *for vessels used in interstate or international commerce*; storage of cargo at port facilities; transportation services enumerated in SIC Industry Numbers 4712 and 4723 *regardless of the mode of transportation employed*, lighterage services, described in SIC Industry Number 4453, and services related to processing and accessorizing of *motor vehicles as defined in s. 320.01* ~~automobiles~~ that are imported through Florida ports *and international air transportation services described in SIC Major Group Number 45. International air transportation shall have the same meaning as used in the Federal Aviation Act.* The exemption provided by this subsection also applies to services provided in connection with cargo in international trade by any licensed customhouse broker; any customs bonded warehouse, container freight and examination station, or cartman; or freight consolidator or deconsolidator.

(22) Sanitary services enumerated in SIC Group Number 495, garbage, refuse and debris transportation services enumerated in SIC Industry Number 4212, and septic tank cleaning services enumerated in SIC Industry Number 7699, if such services are sold to residential households or owners of residential models, *water supply services enumerated in SIC Group Number 494 and irrigation systems services enumerated in SIC Group Number 497. However, "tipping fees" and other charges for the right to dispose of garbage, refuse and debris shall not be exempt pursuant to this subsection.*

(23) Security and commodity brokerage services enumerated in SIC Major Group 62 ~~involving the transfer of securities or commodities~~. However, this exemption shall not be construed to exempt any financial service taxable under subsection (11) or any accounting or investment *advisory* services *provided by an investment advisor as defined in s. 517.021 (12)(a).*

(26) Real estate commissions when the property seller affirmatively demonstrates to the realtor responsible for collecting the tax that at the time of signing the *initial* listing contract on the real estate offered for sale the property ~~seller resided thereon and~~ was *assessed as* ~~entitled to the~~ homestead *property* ~~exemption~~ pursuant to s. 196.031.

(27)(a) Legal services rendered by an attorney to a client to the extent that the right to counsel guaranteed pursuant to either the Sixth Amendment to the United States Constitution or Article I, Section 16 of the Florida Constitution is applicable to such legal services. However, this exemption shall only be applicable if the criminal charges brought in the case are dismissed or the client is ultimately adjudicated not guilty by a court of competent jurisdiction. This exemption shall only be granted pursuant to a refund of taxes previously paid on such services. *The provisions of s. 212.095 shall not apply to the refund authorized in this paragraph.*

(b) Legal services, provided to a natural person, which relate to child support, ~~child custody, adoption, divorce, guardianship, juvenile cases, landlord/tenant relations, mobile home rentals,~~ enforcement of civil rights or *bankruptcy proceedings* ~~recovery of past or future medical expenses. However, this exemption shall be limited to $500 in services per person per calendar year.~~

(31) Religious services provided by religious organizations, religious institutions, or religious leaders. *Also included in this exemption shall be the sale of services by any nonprofit religious organization described in SIC Industry Number 866, when provided in carrying out its customary nonprofit religious activity.*

(35) Data processing services performed for a financial institution by a service corporation of *that* ~~a~~ financial institution ~~described in SIC Major Group 61~~, provided:

(a) The service corporation is organized pursuant to s. 545.74, Rules of the Federal Home Loan Bank Board;

(b) All capital stock of the service corporation may be purchased by only savings and loan associations *and savings banks* having operations in this state;

(c) No savings and loan association or savings bank owns, or may own, more than 10 percent of such service corporation's outstanding capital stock;

(d) Every eligible savings and loan association or savings bank *shall* ~~may~~ own an equal amount of capital stock or *shall* ~~may~~, on such uniform basis as the service corporation *shall* ~~may~~ determine, own an amount of such stock equal to a stated percentage of its assets or savings capital at the time the stock is purchased, or an amount of such stock equal to its pro-rata share of accounts serviced.

(e) As used in this subsection, "financial institution" means any savings and loan association or savings bank organized under the laws of this state, or of another state, or of the United States.

(36) Personal laundry services sold to residents of nursing home facilities, *adult congregate living facilities, and hospices* licensed under ~~part I of~~ chapter 400.

(42) News services enumerated in SIC Group Number 735.

(43) Amusement and recreation services enumerated in SIC Group Numbers 792, 793, 794 and 799, and museums, art galleries, botanical and zoological garden services enumerated in SIC Major Group 84. However, this exemption shall not be construed to exempt admissions charges or membership fees or dues taxable pursuant to other provisions of this part, or to coin-operated amusement devices described in SIC Industry Number 7993.

(44) Services provided and paid for pursuant to court order in a bankruptcy proceeding.

(45) Household utility services sold to residential households or owners of residential models in this state by utility companies who pay the gross receipts tax imposed under s. 203.01, or by liquefied petroleum gas companies, regardless or whether such sales of services are separately metered and billed direct to the residents or are metered and billed to the landlord. If any part of the services is used for a nonexempt purpose, the entire sale is taxable.

(46) Convention and conference registration fees.

(47) Transportation services by satellite or launch vehicles.

(48) Impact fees and charges related to idle plant capacity for access to sewage utilities and utilities subject to the gross receipts tax imposed pursuant to chapter 203.

(49) Emergency road services, only when the total consideration for the services is $10.00 or less.

(50) Construction support services purchased by a provider of construction support services in furtherance of a contract for such services. For purposes of this subsection, "construction support services" means architectural, engineering, drafting, surveying, land planning, landscape design, and interior design services, when such services directly relate to the construction, alteration, improvement, or repair of real property. This exemption shall apply only if:

(a) The purchaser of the service buys the service pursuant to a written contract with the seller and such contract identifies the client or customer for whom the purchaser is buying the service;

(b) The purchaser of the service identifies the seller of the service purchased in his charge for the service on its subsequent sale; and

(c) The service will be taxed under this part in a subsequent sale, unless exempt under other provisions of this part.

(51) Newspaper delivery services provided to the publisher or printer of a newspaper.

Section 4. Subsections (1), (3) and (4) of section 212.0593, Florida Statutes, as created by chapter 87-6, Laws of Florida, are amended to read:

212.0593 Administration of s. 212.0592(1).—

(1) Each multistate business having tax nexus in this state under this part shall obtain from the department an exempt purchase permit prior to claiming an exemption under s. 212.0592(1). *Such permit shall be used when purchasing any service sold in this state except advertising, regardless of whether the service is used in this state.* Upon purchasing a service from a dealer registered under this part, presentation by said multistate business of a valid exempt purchase permit shall absolve the selling dealer from the responsibility of collecting any sales tax which may be due on the service. The purchaser shall self-accrue any taxes which may be due on the service and remit them to the department in the manner and under the requirements applicable to dealers under this part, subject to such additional reporting requirements as the department may prescribe.

(3) Each dealer shall maintain a monthly log showing each transaction for which sales tax was not collected because of the presentation of an exempt purchase permit or exempt purchase affidavit under this section. The log shall identify the purchaser, the exempt purchase permit number if applicable, the service sold, the price of the service and such other information as the department may prescribe. The logs and all affidavits accepted by the dealer shall be retained by the dealer for 5 ~~3~~ years and made available to the department upon request. Failure to maintain these records or to make them available to the department shall subject the dealer to *a $100 mandatory penalty* ~~the penalties provided in s. 212.13~~.

(4) If a purchaser fails to obtain an exempt purchase permit or execute an exempt purchase affidavit, but otherwise qualifies for an exemption pursuant to s. 212.0592(1), the purchaser may apply to the department for a refund of taxes paid on the exempt amount of the purchase. The application for refund shall be accompanied by an exempt purchase affidavit and shall be submitted within 1 year of the purchaser's payment of the tax. A refund recommended by the department pursuant to this subsection shall be reduced by the amount of any applicable dealer collection allowance previously allowed on the transaction. *The provisions of s. 212.095 shall not apply to refunds granted pursuant to this subsection.*

Section 5. *Section 5 of chapter 87-6, Laws of Florida, is hereby repealed.*

Section 6. Section 212.0594, Florida Statutes, is created to read:

212.0594 Construction services; special provisions.—

(1) For purposes of this section:

(a) "Prime contractor" means:

1. A person who enters into a contract to construct, improve, alter, or repair realty with the person for whose benefit the realty is being constructed, improved, altered, or repaired;

2. A person who enters into a contract to undertake the primary responsibility for supervising the construction, improvement, alteration or repair of realty with the person for whose benefit the realty is being constructed, improved, altered, or repaired, in which case, all other persons involved in the construction who would otherwise qualify as prime contractors under subparagraph 1. shall be deemed subcontractors;

3. A person who undertakes, on a speculative basis or for his own use, the construction, improvement or alteration of realty; or

4. A person who manufactures factory-built buildings.

(b) "Subcontractor" means a person who enters into a contract to provide construction services to a prime contractor or to another subcontractor.

(c) "Construction services" means any activity directly involving the construction, alteration, improvement or repair of realty.

(d) "Construction support services" means architectural, engineering, drafting, surveying, land planning, landscape design and interior design services when such services directly relate to the contruction, alteration, improvement or repair of realty.

(e) "New construction" means factory-built buildings and any construction, alteration, improvement or repair of realty for which the contract price or cost price, including building materials used, exceeds $5,000.

(f) "Building materials" means tangible personal property physically incorporated into the affected realty.

(g) "Contract price" means the total consideration paid pursuant to a contract for the construction, alteration, improvement or repair of realty, or in the case of new construction undertaken on a speculative basis, the total consideration paid pursuant to a contract to purchase the improved realty. However, the contract price shall not include the fair market value of land and any improvements to the land existing prior to the contract for the construction, alteration, improvement or repair of the realty, or the value of construction support services provided by other than employees of the prime contractor.

(h) "Fair market value" means 120 percent of the property's assessed value for ad valorem tax purposes, as reflected by the most recent assessment roll for the county prior to the new construction, unless the prime contractor can demonstrate to the satisfaction of the department by proof of comparable sales, actual purchase price, or appraisal, that such assessment understates the value of the property.

(i) "Cost price" means the direct and indirect costs of construction, including but not limited to, the cost of materials used, labor and service costs, interest charged, and overhead expenses, without any deduction whatsoever.

(2) The tax imposed by s. 212.059 shall be applied to the sale of construction services in the following manner:

(a) For new construction undertaken pursuant to a contract, or undertaken on a speculative basis but sold within 6 months of completion of the new construction, the tax shall be imposed upon 50 percent of the contract price.

(b) For new construction undertaken for the prime contractor's own use, or undertaken on a speculative basis and not sold within 6 months of completion, the tax shall be based upon 50 percent of the cost price.

(c) For new construction consisting of factory-built buildings, the tax shall be imposed upon the cost price, less the amount paid for building materials incorporated into such buildings.

(d) For new construction undertaken for the prime contractor's own use or undertaken on a speculative basis, and directly related to real property registered or exempt pursuant to chapter 498, or regulated under chapter 721, the tax shall be imposed upon 50 percent of the cost price.

(e) For construction other than new construction, the tax shall be imposed upon the total contract price, less the amount paid by the prime contractor for building materials incorporated into the realty. However, the deduction for building materials shall only apply if the prime contractor has previously paid the sales tax on such materials, and the written contract or invoice provided by the prime contractor to the person for whom the construction was done specifically itemizes the building materials and the price paid by the prime contractor for such materials.

(f) If new construction is undertaken pursuant to a contract that is not an arm's-length transaction, or if new construction is undertaken on a speculative basis and the realty is then sold within 6 months pursuant to a contract that is not an arm's-length transaction, the tax shall be imposed upon 50 percent of the cost price of the new construction, and not upon the contract price.

(g) For the construction or repair of roads pursuant to or in furtherance of a contract with a governmental entity described in s. 212.08(6), the tax shall not apply.

(h) For the construction or repair of property used primarily for public worship, the tax shall not apply.

(i) The tax on construction support services shall be imposed upon the total sales price for such services and shall be due and payable in accordance with the provisions of s. 212.059(4).

(j) Prime contractors for new construction shall be considered the final consumer of construction services consumed in improving realty. The owner of the affected real property shall be considered the final consumer of construction services other than those related to new construction. The prime contractor or subcontractor who purchases or uses building materials shall be considered the final consumer of the building materials.

(k) Nothwithstanding other provisions of this subsection, no tax shall be imposed upon construction services or construction support services performed by one's own employees if the services are performed for an employer who is incidentially engaged in improving real property, such improvements are made in the furtherance of the employer's primary business, and the employer is not in the business of providing construction services.

(l) As an alternative method for computing the tax imposed in this subsection, the prime contractor may compute and pay the tax on construction services on new construction, as follows:

1. The tax on construction services purchased by prime contractors shall be due and payable by the prime contractor at the time consideration is paid for such services.

2. The tax on purchases of construction services by prime contractors shall be based on the total consideration paid to the subcontractor. However, if the written proposal, contract, or interim or final invoice of the subcontractor specifically describes, itemizes and states the price paid by the subcontractor for the building materials purchased by the subcontractor and incorporated into the improvement in fulfillment of his responsibilities under the subcontract, the tax shall be based on the total consideration less the price of said building materials.

3. The tax on the construction services any prime contractor provides with respect to new construction for himself or others shall be based upon the cost price to the prime contractor of the services he provides. However, the cost of building materials purchased by the prime contractor and incorporated into the new construction, and amounts paid to subcontractors upon which a sales tax has been paid, shall not be included in the cost price. The tax shall be due and payable as otherwise provided in this part at the time the contract for new construction is fulfilled or within 30 days after the certificate of occupancy is issued, whichever is sooner. The retail sale of new construction for which the prime contractor has paid tax pursuant to this paragraph shall be exempt from the tax imposed by this section.

4. This alternative method for computing the tax shall apply to construction services purchased or provided by a prime contractor for construction projects begun on or after July 1, 1988.

5. A prime contractor shall make the election to compute the tax pursuant to this paragraph on a form prescribed by the department. Any such election shall apply to all construction services purchased or provided by the prime contractor during the term of the election. The department shall promulgate rules regarding the application of the election to construction projects in progress at the time the election is made and construction projects which are in progress at the time the election is terminated. A prime contractor may not change the method for the payment of the tax more than once during any 12-month period.

(3) The tax imposed by s. 212.059 on construction services shall be due and payable in the following manner:

(a) The prime contractor shall be responsible for remitting the tax on construction services performed by himself and by his subcontractors.

(b) Subcontractors shall not be required to collect the tax on construction services they perform.

(c) For new construction undertaken pursuant to a contract, the tax shall be due when the prime contractor receives payments under the contract. If the contract price is paid in draws or installments, the amount of tax to be paid with respect to each such draw or installment, before application of the dealer credit, shall be that proportion of the tax due on the total contract price which the amount of the draw or installment bears to the total contract price.

(d) For new construction undertaken on a speculative basis, or for the prime contractor's own use, partial payment of the tax shall be due at such time payment is made by the prime contractor to the subcontractor based on 50 percent of the amount of such payment. Any tax amounts remaining shall be due 30 days after a certificate of occupancy is issued, or if no certificate of occupancy is required, when the new construction is first put to its intended use.

(e) For new construction undertaken for the prime contractor's own use, the tax shall be due when a certificate of occupancy is issued, or if no certificate of occupancy is required, when the new construction is first put to its intended use.

(f) For construction other than new construction, the tax shall be due when the prime contractor receives payment for the construction services rendered.

(g) Taxes due and payable pursuant to this section shall be remitted in accordance with s. 212.11.

(h) No unit of local government shall issue a certificate of occupancy for new construction until the prime contractor certifies, on a form promulgated by the department and submitted to the local government, that the new construction is substantially complete. Such forms shall be provided to local governments by the department, and completed forms shall be returned monthly to the department by the local governments.

(4) The following provisions of this part shall not apply with regard to the tax on construction services:

(a) Section 212.02(5), the definition of "cost price."

(b) Section 212.02(21), the definition of "sales price."

(c) Section 212.059(3), regarding the collection and remittance of the tax.

(d) Section 212.059(4), regarding the time the tax is due.

(e) Section 212.0591(4), regarding taxation of transactions previously taxed.

(f) Section 212.0591(6), regarding separate statement of services and real property.

(g) Section 212.0591(7), regarding separate statement of taxable and exempt services.

(h) Section 212.0592(3), regarding occasional or isolated sales.

(i) Section 212.0592(4), regarding services sold to partnerships.

(j) Section 212.0592(5), regarding services sold between members of an affiliated group.

Section 7. Section 212.0595, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

212.0595 Advertising; special provisions.—~~Notwithstanding the provisions of ss. 212.059-212.0593,~~ The following special provisions shall be applicable to the sales and use tax on advertising:

(1) A tax is hereby imposed on advertising sold or used in this state. The tax shall be at the rate of 5 percent of the sales price or cost price of the advertising.

(2) Advertising shall be deemed to have been sold in this state if the greater proportion of the advertising is performed within this state based on costs of performance as defined in s. 212.02.

(3) Advertising shall be deemed to have been used in this state if it was sold outside this state for consumption in this state. Advertising shall be presumed to be consumed in this state to the extent the cost price is apportioned to this state pursuant to subsection (4).

(4)(a) The sales price of the sale of advertising, or the cost price of the use of advertising, shall be apportioned to the state as provided in this subsection. There shall be included in the measure of the tax imposed by this section that proportion of the sales price or cost price which is equal to the proportion of market coverage within Florida to the total ~~United States~~ market coverage for the most recently completed accounting year of the service provider. However, in the case of new or restructured service providers, the department may prescribe by rule another time period or proportion that fairly reflects Florida market coverage.

(b) For purposes of this subsection, "market coverage" means average circulation *within the geographic area of distribution for the publication in which the advertisement appears*, in the case of print media, and means population within the signal reception area of the broadcaster, in the case of broadcast media, measured as prescribed by the department by rule.

(c) For advertising other than print or broadcast media, the department shall establish by rule a method for fairly apportioning advertising sold or used in this state.

(5) If advertising is sold in this state, the sales tax imposed by this section shall be collected and remitted by the advertising media provider, *unless the advertising is purchased pursuant to a resale permit, in which case the person reselling the advertising shall collect and remit the tax.*

(6) If advertising is not sold in this state, but is used in this state, the advertiser shall self-accrue the use tax imposed by this section and remit the tax directly to the department, *if the advertiser has nexus for tax purposes with this state, unless the advertising is sold to a registered dealer for resale, in which case the registered dealer shall collect and remit the tax when the advertising is resold.*

(7)(a) When advertising is sold or resold, the seller or reseller shall state the sales price of the advertising and the applicable apportionment factor, if any, separately from any other charges which may be included in the invoice, charge slip or other tangible evidence of sale.

(b) When the tax on advertising is not collected by the seller of the advertising, it is the responsibility of the purchaser to secure the apportionment factor pursuant to subsection (4) from the advertising media. ~~When advertising is purchased and resold, the person reselling the advertising may deduct the consideration paid for the advertising from his charges for purposes of calculating any tax due under this part.~~

(8) Nothing herein shall be construed to require the advertising media to furnish to the department a listing of persons placing advertising with the advertising media.

(9) Consideration paid pursuant to a written contract for a term in excess of two years, entered into prior to April 1, 1987, and which involves a transaction taxable under this section, shall be exempt from the tax imposed by this section until the expiration of such contract. This exemption shall not apply to advertising provided pursuant to any extension or renewal of such contract.

(10) For purposes of this part, the term "advertising" means the service of conveying the advertiser's message, and shall include any mark-up charged by an advertising agency or any other person for the service of brokering the medium. However, the term "advertising" shall not include creative services of a type customarily performed by an advertising agency.

(11) The following provisions of this part shall not apply to the sale or use of advertising:

(a) Section 212.059(3), regarding collection of the tax on services; and

(b) Section 212.0593, regarding administration of s. 212.0592(1).

Section 8. Section 212.0598, Florida Statutes, is created to read:

212.0598 Special provisions; air carriers.—

(1) Notwithstanding other provisions of this part to the contrary, any air carrier required by the United States Department of Transportation to keep records according to said department's standard classification of accounting may elect, upon the conditions prescribed in subsection (4), to be subject to the tax imposed by this part on services and tangible personal property according to the provisions of this section.

(2) The basis of the tax shall be the ratio of Florida mileage to total mileage as determined pursuant to part IV of chapter 214. The ratio shall be determined at the close of the carrier's preceding fiscal year. The ratio shall be applied each month to the carrier's total systemwide gross purchases of tangible personal property and services otherwise taxable in Florida.

(3) It is the legislative intent that air carriers are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this part, if the provisions of this section are met.

(4) The election provided for in this section shall not be allowed unless the purchaser makes a written request, in a manner prescribed by the Department of Revenue, to be taxed under the provisions of subsection (2), and such person registers with the Department of Revenue as a dealer and extends to his vendor at the time of purchase, if required to do so, a certificate stating that the item or items to be partially exempted are for the exclusive use designated herein. Otherwise, all purchases of taxable property and services purchased in this state shall be subject to taxation.

(5) Notwithstanding other provisions of this part to the contrary, any air carrier eligible for the election provided in subsection (1) which does not so elect shall be subject to the tax imposed by this part on the purchase or use of services and tangible personal property purchased or used in this state, as well as other taxes imposed herein.

Section 9. Subsections (2) and (6), paragraph (h) of subsection (14), and paragraph (a) of subsection (19) of section 212.02, Florida Statutes, as amended by chapter 87-6, Laws of Florida, 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:

(2) "Affiliated group" means: an affiliated group of corporations, as defined in s. 1504(a) of the Internal Revenue Code, whose members are includable under s. 1504(b), *(c), or (d)* of the Internal Revenue Code, and are eligible to file a consolidated tax return for Federal corporate income tax purposes~~;~~ *, or mutual insurance companies which are members of one insurance holding company system subject to s. 628.801; however, s. 1504(b)(2) shall not apply to this definition. However, the taxpayer may elect, pursuant to rules of the department governing the procedure for making and amending such election, to define its affiliated group in a*

manner which excludes any member who has no tax nexus in this state and any member whose business activities are unrelated to the business activities of other members of the group. However, in no event shall a parent corporation of an included member be excluded from the affiliated group.

(6) "Costs of performance" means direct costs determined in a manner consistent with generally accepted accounting principles and in accordance with accepted conditions or practices in the type of trade or business in which the *service provider* ~~taxpayer~~ engages.

(14) "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 *land, improvements thereto, and fixtures, and is synonymous with "realty" and "real estate."* ~~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. 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.~~

~~9. Property used as an integral part of the performance of qualified production services as defined in s. 212.0592(18)(a).~~

~~10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of an airport, a movie theater, a business operated under a permit issued pursuant to chapter 550 or chapter 551, or any publicly owned arena, sports stadium, convention hall, or exhibition hall.~~

(19)(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 or services, and includes all such transactions that may be made in lieu of retail sales or sales at retail. "Retail sale" does not include fee-sharing *for services described in s. 475.011 by persons licensed under chapter 475* ~~between real estate agents and real estate brokers~~. A sale of a service shall be considered a sale for resale only if:

1. The purchaser of the service does not use or consume the service but acts as a broker or intermediary in procuring a service for his client or customer;

2. The purchaser of the service buys the service pursuant to a written contract with the seller and such contract identifies the client or customer for whom the purchaser is buying the service;

3. The purchaser of the service separately states the value of the service purchased at the purchase price in his charge for the service on its subsequent sale;

4. The service, with its value separately stated, will be taxed under this part in a subsequent sale, *unless otherwise exempt pursuant to s. 212.0592(1)*; and

5. The service is purchased pursuant to a service resale permit by a *dealer* ~~person~~ who is primarily engaged in the business of selling services. The department shall provide by rule for the issuance and periodic renewal every 5 years of such resale permits.

However, a sale, to other than an end user, of telecommunication services consisting of a right of access for which an access charge, as defined in s. 203.012(1), is imposed, is a sale for resale.

Section 10. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, as amended by chapter 87-6, 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, 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 oceangoing 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.

9. Property used as an integral part of the performance of qualified production services as defined in s. 212.0592(18)(a).

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of ~~an airport,~~ a movie theater, a business operated under a permit issued pursuant to chapter 550 or chapter 551, or any publicly owned arena, sports stadium, convention hall, ~~or~~ exhibition hall, *auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.*

Section 11. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)*1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is utilized. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and utilized by each institution to support women's athletics as provided in s. 240.533(4)(c).*

2. No tax shall be levied on dues, membership fees and admission charges imposed by not-for-profit religious sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

3. No tax shall be levied on an admission paid by a student, or on his behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game.

5. No tax shall be levied on admissions to athletic or other events sponsored by governmental entities.

Section 12. Subsection (1) of section 212.05, Florida Statutes, as amended by chapter 87-6, Laws of Florida, 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 section, 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, 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 penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed after July 1, 1985, pursuant to this sub-subparagraph. 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 or airplane by or through a registered dealer under this chapter to a purchaser who removes such boat or airplane from this state within 10 days after the date of purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat or airplane 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 or airplane 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 or airplane from this state within 10 days after purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat or airplane 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 or airplane 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.

(b) At the rate of 5 percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state.

(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 lease or rental of a commercial motor vehicle as defined in s. 316.003(67)(a) 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.

(d) At the rate of 5 percent of the lease or rental price paid by a lessee or rentee, or contracted or agreed to be paid by a lessee or rentee, to the owner of the tangible personal property.

(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 *part* ~~subparagraph~~, 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.

3. The tax imposed pursuant to this paragraph 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.

(f) At the rate of 5 percent on the sale, rental, use, consumption, or storage for use in this state of machines and equipment and parts and accessories therefor used in manufacturing, processing, compounding, producing, mining, or quarrying personal property for sale or to be used in furnishing communications, transportation, or public utility services.

(g) At the rate of 5 percent of the price, as determined pursuant to part II, of each gallon of motor fuel or special fuel taxable pursuant to that part, except that motor fuel and special fuel expressly taxable under this part shall be taxed as provided in paragraphs (a) and (b).

(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 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) At the rate of 5 percent on the retail price of newspapers and magazines sold or used in Florida.

Section 13. Paragraph (b) of subsection (9) of section 212.08, Florida Statutes, 1986 Supplement, is amended, and subsection (6), and paragraphs (e), (n) and (o) of subsection (7) of said section, as amended by chapter 87-6, Laws of Florida, are amended, and paragraph (t) is added to subsection (7) of said section 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.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, *a* ~~the~~ state, or any county, municipality, or political subdivision of *a* ~~this~~ state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. 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. 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.

(7) MISCELLANEOUS EXEMPTIONS.—

(e) Film rentals.—Film rentals are exempt when an admission is charged for viewing such film, and license fees and direct charges for films, videotapes, and transcriptions used by television or radio stations or networks *are exempt*. However, this exemption shall not be construed to exempt the sale or use of advertising.

(n) Organizations providing special educational, cultural, recreational, and social benefits to minors.—There shall be exempt from the tax imposed by this part nonprofit organizations which are incorporated pursuant to chapter 617 or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the Internal Revenue Code the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors ~~in this state~~. This exemption is extended only to that level of the organization ~~located in this state~~ that has a salaried executive officer or an elected nonsalaried executive officer.

(o) 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 or services 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 institutions" 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 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 nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and* 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 institutions" 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.

(t) Vinous and alcoholic beverages provided by distributors or vendors for the purpose of "wine tasting" and "spirituous beverage tasting" as contemplated under the provisions of Section 564.06 and 565.12 respectively, are exempt from the tax imposed by this part. This exemption shall be effective retroactively to July 1, 1981.

(9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.—

(b) *Motor* vehicles which are licensed as common carriers by the Interstate Commerce Commission ~~or by the United States Department of Transportation~~ and parts thereof used to transport persons or property in interstate or foreign commerce are subject to tax imposed in this chapter only to the extent provided herein. The basis of the tax shall be the ratio of intrastate mileage to interstate or foreign mileage traveled by the carrier's *motor* vehicles which were used in interstate or foreign commerce and which had at least some Florida mileage during the previous fiscal year of the carrier. Such ratio is to be determined at the close of the carrier's fiscal year. This ratio shall be applied each month to the total purchases of such *motor* vehicles and parts thereof which are used in this state to establish that portion of the total used and consumed in intrastate movement and subject to tax under this part. *Motor* vehicles which are licensed as common carriers by the Interstate Commerce Commission ~~or the United States Department of Transportation~~ and parts thereof used to transport persons or property in interstate and foreign commerce are hereby determined to be susceptible to a distinct and separate classification for taxation under the provisions of this part. *Motor* vehicles and parts thereof used exclusively in intrastate commerce do not qualify for the proration of tax.

Section 14. Paragraph (a) of subsection (6) of section 212.095, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.095 Refunds.—

(6)(a) Each registered dealer shall, in accordance with the requirements of the department, keep at his principal place of business in this state or at the location where the sale is made a complete record or duplicate sales tickets of all items or services sold by him for which a refund provided in this section may be claimed, which records shall contain the information required in paragraph (3)(a). ~~No licensed dealer or his agent or employee may acknowledge or assist in the preparation of any claim for tax refund; this provision does not apply to attorneys or to certified public accountants licensed pursuant to chapter 473 when acting for or on behalf of a client.~~

Section 15. Paragraph (d) of subsection (1) of section 212.11, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.11 Tax returns and regulations.—

(1)

(d) Beginning October 1, 1987, the department may authorize a quarterly return and payment for dealers *registered as service providers and remitting* ~~collecting~~ tax solely from the provision of services. Such returns may be authorized only for dealers whose monthly tax collections are less than $500 in each month for the previous 3 months. Quarterly payments pursuant to this paragraph shall be due and payable in March, June, September, and December of each year.

Section 16. Section 17 of chapter 87-6, Laws of Florida, is amended to read:

Section 17. ~~The introductory paragraph of subsection (1),~~ Paragraph (b) of subsection (5)~~,~~ and subsections (7) and (9) of section 212.12, Florida Statutes, 1986 Supplement, are amended, and, effective January 1, 1988, ~~paragraph (b) of~~ subsection (1) of said section 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) *Notwithstanding any other provision of law and* 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 taxable services, ~~and~~ for the purpose of compensating owners of places where admissions are collected, *and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax,* 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 *and remitter* 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 taxable purchases;* 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. *The department shall require that the*

amounts of gross sales, taxable sales, taxable purchases, and tax collected or due shall be reported by major sales tax source: services; tangible personal property; admissions; transient rentals; commercial leases or licenses; and agricultural equipment.

(5)

(b) In the event any dealer or other person charged herein fails or refuses to make his records available for inspection so that no audit or examination has been made of the books and records of such dealer or person, fails or refuses to register as a dealer, or fails to make a report and pay the tax as provided by this chapter; or makes a grossly incorrect report, or makes a report that is false or fraudulent, then, in such event, it shall be the duty of the department to make an assessment from an estimate based upon the best information then available to it for the taxable period of retail sales of such dealer, the gross proceeds from rentals, the total admissions received, amounts received from leases of tangible personal property by such dealer, or of the cost price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in this state *or of the sales or cost price of all services the sale or use of which is taxable under this part*, together with interest, plus penalty, if such have accrued, as the case may be. Then the department shall proceed to collect such taxes, interest, and penalty on the basis of such assessment, which shall be considered prima facie correct; and the burden to show the contrary shall rest upon the dealer, seller, owner, or lessor, as the case may be.

(7) In the event the dealer has imported ~~the~~ tangible personal property *or has acquired services outside the state for sale or use in this state* and he fails to produce an invoice showing the cost price of the articles *or services*, as defined in this chapter, which are subject to tax, or the invoice does not reflect the true or actual cost price as defined herein, then the department shall ascertain, in any manner feasible, the true cost price, and assess and collect the tax thereon with interest plus penalties, if such have accrued on the true cost price as assessed by it. The assessment so made shall be considered prima facie correct, and the duty shall be on the dealer to show to the contrary.

(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, rentals, ~~and~~ communication services, *and upon the sale or use of 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 *or other* 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, rentals, and communication services *or to collect a tax upon the sale or use of services*, and such person or dealer shall add the tax imposed by this chapter to the price, license fee, rental, or admissions, and communication *or other* 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, *or upon the sale or use of 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.

Section 17. Section 212.235, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

212.235 State Infrastructure Trust Fund; deposits.—

(1) Notwithstanding the provisions of ss. 212.20(1) and 218.61, in fiscal year 1987-1988 an amount equal to 2 percent, and in each fiscal year thereafter an amount equal to 5 percent, of the proceeds remitted pursuant to this part by a dealer, or the sums sufficient to provide the maximum receipts specified herein, shall be *transferred* ~~deposited~~ into the State Infrastructure Trust Fund, which is created in the State Treasury. "Proceeds" means all funds collected and received by the Department of Revenue, including any interest and penalties. However, any receipts of the trust fund, including those received pursuant to ss. 201.15(5) and 206.875(3) and interest earned, in excess of $200 million in fiscal year 1987-1988, and $500 million thereafter, shall revert to the General Revenue Fund.

(2) Subject to an appropriation each year by the Legislature, moneys in the fund shall only be used for the purposes of:

(a) Acquiring the right-of-way for and constructing state highways and bridges;

(b) Constructing public education capital facilities;

(c) Financing state projects for beach restoration or renourishment or lake, ~~or~~ river, *or other water body* restoration, *including the restoration of bays and estuaries*;

(d) Constructing state correctional facilities;

(e) Constructing other infrastructure projects; or

(f) Issuing revenue bonds to finance state capital outlay projects authorized by this section. Such bonds shall be payable solely from legislative appropriations from the State Infrastructure Trust Fund and shall not be a debt of the state, and the state shall not be liable thereon. Neither the taxing power, the credit, nor the revenues of the state shall be pledged to pay any obligation issued pursuant to this subsection.

Section 18. Section 31 of chapter 87-6, Laws of Florida, is amended to read:

Section 31. Notwithstanding any other provision of this act, in the case of written contracts which are signed prior to May 1, 1987, *or offers submitted prior to such date which are binding on the offeror and are accepted, or contracts which are funded by government bonds sold before May 1, 1987, or contracted prior to such date to be sold*, for constructing improvements to real property, prime contractors, as defined in s. 212.0594~~(10)~~, Florida Statutes, responsible for performing the contract shall not be required to remit any tax on services levied pursuant to s. 212.059 or s. 212.0594, Florida Statutes, provided that:

(1) Pursuant to s. 212.0594, Florida Statutes, it is the responsibility of the prime contractor to remit the tax.~~;~~

(2) The purchase of the services for which the tax is not being remitted is necessary to complete the contract and the tax cannot be legally collected from the final purchaser and cannot be included in the price charged the final purchaser under the terms of the contract.~~;~~

(3) On the first tax return of the prime contractor in which tax is not remitted pursuant to this section for a specific contract, the prime contractor must submit an application in a manner approved by the Department of Revenue by rule. A complete application shall include proof of the written contract, the amount of tax not being remitted, *the anticipated date of completion of the contract, an estimate of the value of services expected to be performed under the contract subsequent to June 30, 1989*, and a sworn statement, signed by the applicant or his representative, attesting to the validity of the application. Subsequent taxes not remitted pursuant to a specific contract must be identified as to amount and application authority at the time such taxes are not paid.~~; and~~

(4) The purchase of the service occurs before June 30, *1989* ~~1988~~.

(5) On or before March 1, 1988, the Department of Revenue shall provide the Legislature with an estimate of the value of construction services expected to be performed after June 30, 1989, on contracts that qualify for the exemption allowed pursuant to this section.

Any person who fraudulently does not remit taxes pursuant to this section shall, in addition to being liable for the payment of any taxes fraudulently not remitted plus a mandatory penalty of 100 percent of the taxes not remitted, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 19. Section 32 of chapter 87-6, Laws of Florida, is amended to read:

Section 32. Rule 12A-1.091(6) of the Department of Revenue is hereby repealed. However, the department is hereby authorized to provide by rule for self-accrual of the sales tax under one or more of the following circumstances:

(1) Where authorized by law for purchasers of services;

(2) Where authorized by law for holders of direct pay permits;

(3) Where tangible personal property is subject to tax on a prorated basis, and the proration factor is based upon characteristics of the purchaser;

(4) Where *the taxable status of* types of tangible personal property ~~whose taxable status~~ will be known only upon use ~~because the purchaser, by virtue of the normal characteristics of his trade or business, regularly consumes the type of property as a supply as well as sells it for resale~~; and

(5) For commercial rentals where the purchaser rents from a number of independent property owners who, apart from rentals to the purchaser in question, would otherwise not be obligated to register as dealers.

(6) Where the purchaser makes purchases in excess of $10 million per year of tangible personal property in any county.

Section 20. Section 33 of chapter 87-6, Laws of Florida, is amended to read:

Section 33. The Legislature hereby finds that the failure to promptly implement the provisions of this act would present an immediate threat to the welfare of the state because revenues needed for operation of the state would not be collected. Therefore, the executive director of the Department of Revenue is hereby authorized to adopt emergency rules pursuant to s. 120.54(9), Florida Statutes, for purposes of implementing this act. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months from the date of adoption. *Other rules of the Department of Revenue related to and in furtherance of the orderly implementation of chapter 87-6, Laws of Florida, and this act shall not be subject to a s. 120.54(4), Florida Statutes, rule challenge or a s. 120.54(17), Florida Statutes, drawout proceeding, but, once adopted, shall be subject to a s. 120.56, Florida Statutes, invalidity challenge. Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13), Florida Statutes.*

Section 21. Section 36 of chapter 87-6, Laws of Florida, is amended to read:

Section 36. Any penalties provided for pursuant to s. 212.12(2), Florida Statutes, shall be waived by the executive director of the Department of Revenue for returns due for the tax on services newly imposed by this act. If the executive director determines that the interest owed pursuant to s. *212.12(3)* ~~214.23~~, Florida Statutes, will cause an undue hardship on the taxpayer, he may also waive the interest payment. The waiver for penalties and interest shall apply with respect to returns for taxes due and payable for the period between July 1, 1987, and September 30, 1987.

Section 22. Section 37 of chapter 87-6, Laws of Florida, is amended to read:

Section 37. When a service that is taxable beginning July 1, 1987, is provided prior to that date, it shall not be taxed, notwithstanding that compensation for the service is paid or payable on or after that date. When a service that is taxable beginning July 1, 1987, is provided on or after that date, the service shall be taxed unless it was prepaid in full prior to April 1, 1987. When a service that is taxable beginning on July 1, 1987, is provided over a period of time beginning prior to that date and ending after that date, the service shall be taxed only upon that portion of the service provided on or after July 1, 1987. *For purposes of this section, a service shall be deemed prepaid in full if payment for the service is pursuant to a finance agreement and such agreement was sold by the service provider to a third party prior to April 1, 1987.*

Section 23. Section 38 of chapter 87-6, Laws of Florida, is amended to read:

Section 38. ~~Except for the purposes of s. 212.0593, Florida Statutes,~~ Nothing contained in this act shall *be construed to require disclosure of privileged information, the confidentiality of which is protected under the Florida Evidence Code* ~~require an attorney or a certified public accountant licensed pursuant to chapter 473, Florida Statutes, to reveal the identity of any client for any reason~~.

Section 24. Paragraph (b) of subsection (1) of section 120.575, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

120.575 Taxpayer contest proceedings.—

(1)

(b) In any such administrative proceeding brought pursuant to s. 120.57(1) as authorized in s. 72.011(1) to contest the legality of any assessment of tax imposed for the sale or use of services as provided in chapter 212, or interest thereon, or penalty therefor, the following procedures shall apply, any provisions of this chapter to the contrary notwithstanding:

1. The petition shall be filed with the division, which shall forward a copy to the department immediately upon receipt of the petition.

2. The *hearing officer or* panel provided in s. 120.65(5) shall conduct all proceedings under this paragraph.

3. Within 10 days after receiving the petition, the *hearing officer or* panel shall accept or deny the petition ~~and, if accepted, shall conduct a hearing thereon, unless the petition is withdrawn~~.

4. Within 30 days after the hearing or receipt of the hearing transcript, whichever is later, the *hearing officer or* panel shall issue *an* ~~its~~ order, which shall consist of findings of fact, conclusions of law, interpretation of administrative rules, and any other information required by law or rule to be contained in the final order. Such order shall affirm or deny the assessment, interest, or penalty, and shall determine the amount of any assessment, interest, or penalty.

5. The order of the *hearing officer or* panel shall be final agency action.

Section 25. Subsection (5) of section 120.65, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

120.65 Hearing officers.—

(5) The director shall appoint, from among the full-time hearing officers of the division, a panel consisting of *one to* three members to be the hearing officer in all proceedings brought as provided in s. 120.575(1)(b). *The director shall have the discretion to determine the size of the panel based upon the complexity and precedential importance of the issues involved, and the amount of potential revenues in dispute.* Such appointments shall be made with due regard to the expertise required for determination of such proceedings. Service as a member of such panel shall be at the pleasure of the director, and such service may be in addition to other duties of employment by the division.

Section 26. Section 47 of chapter 87-6, Laws of Florida, is amended to read:

Section 47. The Department of Revenue is directed to undertake a study of service transactions for the purpose of identifying those transactions not taxable pursuant to the definition of service in s. 212.02, Florida Statutes. On or before March 1, *1989* ~~1988~~, the department shall report to the Governor and the Legislature all service transactions so identified.

Section 27. Section 48 of chapter 87-6, Laws of Florida, is amended to read:

Section 48. No later than January 1, 1988, the Department of Revenue shall develop and implement a tax amnesty program for taxpayers subject to the tax laws enumerated in s. 72.011(1), Florida Statutes, except those taxes governed by *ss.* ~~s.~~ 199.032, ~~and s.~~ 212.0505, *212.059-212.0595, and 212.0598,* Florida Statutes. The tax amnesty program shall be a one-time opportunity for eligible taxpayers to satisfy their tax liabilities under the revenue laws of this state and thereby avoid criminal prosecution and any penalties imposed under such laws. Eligible taxpayers shall have no more than a 6-month period during which to file returns or amended returns and to make full payment of the amount of tax and interest due. An eligible taxpayer may participate in the amnesty program whether or not the taxpayer is under audit or investigation; notwithstanding the fact that the amount due is included in a proposed assessment or an assessment, bill, notice, or demand for payment issued by the department; and without regard to whether the amount due is

subject to a pending administrative or judicial proceeding. However, participation in the program shall be conditioned upon the taxpayer's agreement *that the right to protest or initiate an administrative or judicial proceeding or to claim any refund of moneys paid under this amnesty program is barred with respect to the amounts paid except as provided in this section. No refund may be made of any 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 amnesty program shall be strictly limited to amounts determined by the department to have been paid in error. A taxpayer who is under a criminal investigation, indictment, information, or prosecution is not eligible to participate in the amnesty program. The department may prescribe such terms, conditions, and methods of payment as it deems necessary for fair and effective administration of the amnesty program, and may establish procedures and guidelines and adopt forms and rules to implement the program. With or without an audit, the department may issue a notice or demand for payment with respect to any tax or interest which it determines to be due with any return filed under the tax amnesty program; such notice and demand for payment shall be prima facie correct in any administrative, judicial, or quasi-judicial proceeding.*

Section 28. *There is hereby appropriated from the General Revenue Fund the sum of $364,757 to the Division of Administrative Hearings of the Department of Administration, for purposes of implementing the provisions of chapter 87-6, Laws of Florida, and this act.*

Section 29. Subsection (1) and paragraph (a) of subsection (3) of section 95.091, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

95.091 Limitation on actions to collect taxes.—

(1)(a) Except in the case of taxes for which certificates have been sold or of taxes enumerated in s. 72.011 , any tax lien granted by law to the state or any of its political subdivisions, any municipality, any public corporation or body politic, or any other entity having authority to levy and collect taxes shall expire 5 years after the date the tax is assessed or becomes delinquent, whichever is later. No action may be begun to collect any tax after the expiration of the lien securing the payment of the tax.

(b) Any tax lien granted by law to the state or any of its political subdivisions for any tax enumerated in s. 72.011 shall expire 20 years after the last date the tax may be assessed, after the tax becomes delinquent, or after the filing of a tax warrant, whichever is later. An action to collect any tax enumerated in s. 72.011 may not be commenced after the expiration of the lien securing the payment of the tax.

(3)(a) With the exception of taxes levied under chapter 198 and tax adjustments made pursuant to s. 220.23, the Department of Revenue may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011:

1. Within 5 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

2. Within 6 years after the date a taxpayer either makes a substantial underpayment of tax or files a substantially incorrect return;

3. At any time while the right to a refund or credit of the tax is available to the taxpayer;

4. At any time after the taxpayer has *fraudulently* failed to make any payment of the tax, has *fraudulently* failed to file a required return, or has filed a grossly false or fraudulent return; or

5. In any case in which there has been an erroneous refund of tax, within 5 years after making such refund, or at any time after making such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

(b) The limitations in this subsection shall be tolled for a period of 2 years if the Department of Revenue has issued a notice of intent to conduct an audit or investigation of the taxpayer's account within the applicable period of time as specified in this subsection.

Section 30. Effective July 1, 1988, subsection (1) of section 198.18, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

198.18 Failure to pay tax; penalties; delinquent or deficient taxes, interest.—

(1) If any part of a deficiency in tax due under the provisions of this chapter is due to negligence or intentional disregard of the provisions of this chapter or the rules and regulations issued pursuant hereto, with knowledge thereof but without intent to defraud, there shall be added as a penalty 5 percent per month of the total amount of the deficiency in tax to a maximum of *25* ~~100~~ percent of the tax due; and, if any part of such deficiency is willfully made with intent to defraud, there shall be added as a penalty 50 percent of the total amount of such deficiency, which penalty shall become due and payable upon notice and demand by the department. The personal representative shall be liable to the state personally and on his official bond, if any, for any loss to the state accruing under the provisions of this section through his negligence or willful neglect. No interest shall be collected upon the amount of any penalty. The department may settle or compromise such penalties pursuant to s. 213.21.

Section 31. Effective July 1, 1988, paragraph (c) of subsection (2) of section 211.33, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

211.33 Administration of the tax; returns; delinquency penalties and interest; departmental inspections of records.—

(2)

(c) If a tax return is not filed by April 1 for any taxes due for the preceding year or if any part of a deficiency in the tax due for the preceding tax year is due to negligence or intentional disregard of this part or the rules promulgated pursuant hereto, the department shall levy a delinquency penalty of 5 percent for each month, or portion thereof, on the amount of tax delinquent, not to exceed *25* ~~100~~ percent of the total tax due.

Section 32. Section 214.50, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

214.50 Liens; foreclosure.—In addition to any other remedy provided by the laws of this state, and provided that no hearing or proceedings for review provided by this chapter shall be pending and that the time for the taking of review shall have expired, the department may foreclose in any court of competent jurisdiction any lien on real or personal property for any tax, penalty, or interest to the same extent and in the same manner as in the enforcement of other liens. Any proceeding to foreclose shall be instituted not more than 20 years after the filing, or availability for filing, of the notice of lien under the provisions of s. 214.45.

Section 33. Subsection (1) of section 214.51, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

214.51 Collection procedures.—

(1) In addition to any other remedy provided by the laws of this state, if any tax imposed by laws made applicable to this chapter is not paid within the time required by this chapter, the department, or someone designated by it, may cause a demand to be made on the taxpayer for the payment thereof. If such tax remains unpaid for 10 days after such demand has been made and no proceedings have been taken to review the same, the department may issue a warrant directed to any sheriff or other person authorized to serve process, commanding said sheriff or other person to levy upon and sell the real and personal property of the taxpayer found within his jurisdiction for the payment of the amount thereof, including penalties, interest, and the cost of executing the warrant. Such warrant shall be returned to the department together with the money collected by virtue thereof within the time therein specified, which shall not be less than 20 nor more than 90 days from the date of the warrant. The sheriff or other person to whom such a warrant shall be directed shall proceed upon the same in all respects and with like effect as is prescribed by law for executions issued against property upon judgments of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. No proceedings for a levy under this section shall be commenced more than 20 years after the filing of the notice of lien under the provisions of this part.

Section 34. Effective July 1, 1988, paragraph (b) of subsection (5) of section 212.08, Florida Statutes, as amended by section 59 of chapter 87-6, Laws of Florida, is 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations and services directly related to the installation of such machinery and equipment, excluding construction services, are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state and services directly related to the installation of such machinery and equipment, excluding construction services, are exempt from any amount of tax imposed by this chapter in excess of $100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery, equipment, or services pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery, equipment, or services purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery, equipment, or services purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, printing or publishing firms, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; but in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

Section 35. Effective July 1, 1988, paragraphs (a) and (b) of subsection (8) of section 125.0104, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(8) PROHIBITED ACTS; ENFORCEMENT; PENALTIES.—

(a) Any person who is taxable hereunder who fails or refuses to charge and collect from the person paying any rental or lease the taxes herein provided, either by himself or through his agents or employees, is, in addition to being personally liable for the payment of the tax, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) 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, when added, that it 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 subsection is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 36. Effective July 1, 1988, section 198.37, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

198.37 Failure to make return; penalty.—Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, is, in addition to other penalties provided by law, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 37. Effective July 1, 1988, section 198.39, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

198.39 False statement in return; penalty.—Whoever knowingly makes any false statement in any notice or return required to be filed under this chapter is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 38. Effective July 1, 1988, paragraph (a) of subsection (3) and subsection (8) of section 199.282, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

199.282 Penalties for violation of this chapter.—

(3)(a) If any annual or nonrecurring tax is not paid 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* ~~100~~ percent of the total tax not timely paid.

(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 is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 39. Effective July 1, 1988, subsection (1) of section 201.17, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

201.17 Penalties for failure to pay tax required.—

(1) Whoever makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever, without the full amount of the tax herein imposed thereon being fully paid, or whoever makes use of any adhesive stamp to denote any tax imposed by this chapter without canceling or obliterating such stamps as herein provided, is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 40. Effective July 1, 1988, section 201.20, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

201.20 Penalties for illegally avoiding tax on notes.—Any person using the provisions of s. 201.09 to avoid the payment of any tax justly due is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 41. Effective July 1, 1988, subsection (7) of section 203.01, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

203.01 Tax on gross receipts for utility services.—

(7) Any person who provides such services and who fails, neglects, or refuses to collect or remit the tax imposed in this part, either by himself or through his agents or employees, is liable for the tax and is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 42. Effective July 1, 1988, section 203.03, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

203.03 Penalties.—

(1) Any officer, agent, or representative of any such person who receives any payment for the furnishing of the things or the services above mentioned without first complying with the provisions of this chapter as required, is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who willfully violates or fails to comply with any of the provisions of this chapter is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 43. Effective July 1, 1988, subsection (3) of section 203.63, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

203.63 Tax on interstate and international telecommunication services.—

(3) Any person who provides such services and who fails, neglects, or refuses to collect or remit the tax imposed in this part, either by himself or through his agents or employees, is liable for the tax and is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 44. Effective July 1, 1988, subsection (4) of section 206.18, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is renumbered as subsection (5) and amended, and new subsection (4) is added to said section to read:

206.18 Discontinuance or transfer of business; liability of tax, procedure; penalty for violation.—

(4) In the event any dealer is delinquent in the payment of the tax herein provided for, the department may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such dealer or owing any debts to such dealer at the time of receipt by them of such notice. All persons so notified shall within 5 days after receipt of the notice advise the department of all such credits, other personal property, or debts in their possession, under their control, or owing by them. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the department consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires earlier, except that the credits, other personal property, or debts which exceed the delinquent amount stipulated in the notice shall not be subject to the provisions of this section, wherever held, in any case in which such dealer does not have a prior history of tax delinquencies. All persons notified shall likewise within 5 days advise the department of any subsequent credits or other personal property belonging to such dealer or any debts incurred and owing to such dealer which may come within their possession or under their control during the time prescribed by the notice or until the department consents to a transfer or disposition, whichever expires earlier. If such notice seeks to prevent transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the office of such bank, at which such deposit is carried or at which such credits or personal property is held. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, he shall be liable to the state for any indebtedness due under this chapter from the person with respect to whose obligation the notice was given to the extent of the value of the property or the amount of the debts thus transferred or paid if, solely by reason of such transfer or disposition, the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given. All such credits or other personal property or debts are subject to garnishment by the department for satisfaction of the delinquent tax due.

(5)~~(4)~~ Any violation of the provisions of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 45. Effective July 1, 1988, subsection (1) of section 206.44, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

206.44 Penalty and interest for failure to report on time; penalty and interest on tax deficiencies.—

(1) If any refiner, importer, or wholesaler fails to make a report or pay the taxes due as required by this chapter, the department shall add a penalty in the amount of 5 percent of any unpaid tax if the failure is for not more than 1 month, with an additional 5 percent of any unpaid tax for each additional month or fraction thereof during which the failure continues. However, such penalty may not exceed *25* ~~100~~ percent in the aggregate of any unpaid tax. Furthermore, in no event may the penalty assessed be less than $5. The department shall collect the tax, together with the penalty and costs, in the same manner as other delinquent taxes are collected.

Section 46. Effective July 1, 1988, subsection (5) of section 206.877, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is 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.—

(5) Any person who violates the provisions of this section is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, any person who is liable for fueling a vehicle which does not have the proper decal affixed is subject to the provisions of this section and the provisions of s. 206.94.

Section 47. Effective July 1, 1988, subsection (1) of section 206.9931, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

206.9931 Administrative provisions.—

(1) Any person producing in, importing into, or causing to be imported into this state taxable pollutants for sale, use, or otherwise and who is not registered or licensed pursuant to other parts of this chapter is hereby required to register and become licensed for the purposes of this part. Such person shall register as either a producer or importer of pollu-

tants and shall be subject to all applicable registration and licensing provisions of this chapter, as if fully set out in this part and made expressly applicable to the taxes imposed herein, including, but not limited to, ss. 206.02, 206.021, 206.022, 206.025, 206.03, 206.04, and 206.05. For the purposes of this section, registrations required exclusively for this part shall be made within 90 days of July 1, 1986, for existing businesses, or prior to the first production or importation of pollutants for businesses created after July 1, 1986. The fee for registration shall be $30. Failure to timely register is a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 48. Effective July 1, 1988, subsection (1) of section 207.007, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

207.007 Offenses; penalties and interest.—

(1) If any motor carrier fails to file a return and pay any tax liability under this chapter within the time required hereunder, the department shall add a delinquency penalty of *10* ~~5~~ percent to the amount of the taxes due if the failure is for not more than 30 days, with an additional *10* ~~5~~ percent penalty for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed a total penalty of 100 percent in the aggregate. However, in no event shall the penalty be less than $5.

Section 49. Effective July 1, 1988, subsection (2) of section 211.076, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

211.076 Interest and penalties; failure to pay tax or file return; estimated tax underpayments.—

(2) Failure to file any return required by this part by the due date shall require payment of a delinquency penalty. If tax is due with the return, the delinquency penalty shall be 5 percent for each month, or portion thereof, of the amount of tax due with the return, not to exceed *25* ~~100~~ percent. If no tax is due with the return, the delinquency penalty shall be $25 for each month, or portion thereof, during which the return was not filed, not to exceed $150 in aggregate. The amount of tax due with a return shall be reduced by amounts properly creditable against the tax liability shown on the return on the date the return was due.

Section 50. Effective July 1, 1988, subsection (1) of section 211.25, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

211.25 Tax crimes; punishment for violation of this part.—

(1) Any person who willfully fails to file a return or keep books or records on production of taxable products, or who files a fraudulent return, or who willfully fails or refuses to produce books or records, or who willfully violates any provision of this part or any rule adopted by the department under this part is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 51. Effective July 1, 1988, paragraphs (i) and (j) of subsection (3) of section 212.0305, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(3) APPLICATION; ADMINISTRATION; PENALTIES.—

(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* ~~felony~~ of the *first* ~~third~~ 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* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 52. Effective July 1, 1988, paragraph (a) of subsection (1) of section 212.05, Florida Statutes, as amended by section 83 of chapter 87-6, Laws of Florida, 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 section, 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* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. 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 penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed after July 1, 1985, pursuant to this sub-subparagraph. 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 or airplane by or through a registered dealer under this chapter to a purchaser who removes such boat or airplane from this state within 10 days after the date of purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat or airplane 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 or airplane 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 or airplane from this state within 10 days after purchase or, when the boat or airplane is repaired or altered, within 10 days after completion of such repairs or alterations, or permits the boat or airplane 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 or airplane 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 53. Effective July 1, 1988, subsections (3) and (4) of section 212.07, Florida Statutes, as amended by section 85 of chapter 87-6, Laws of Florida, 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.—

(3) Any dealer who fails, neglects, or refuses to collect the tax herein provided, either by himself or through his agents or employees, is, in addition to the penalty of being liable for and paying the tax himself, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A dealer engaged in any business or in selling any services taxable under this chapter may not advertise or hold out to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that he will relieve the purchaser of the payment of all or any part of the tax, or that the tax will not be added to the selling price of the property or services sold or released or, when added, that it or any part thereof will be refunded either directly or indirectly by any method whatsoever. A person who violates this provision with respect to advertising or refund is guilty of a *misdemeanor* ~~felony~~ of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A second or subsequent offense constitutes a *misdemeanor* ~~felony~~ of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 54. Effective July 1, 1988, section 212.085, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

212.085 Fraudulent claim of exemption; penalties.—When any person shall *fraudulently* ~~knowingly~~, for the purpose of evading tax, issue to a vendor or to any agent of the state a certificate or statement in writing in which he claims exemption from sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 100 percent of the tax, shall be liable for fine and punishment as provided by law for a conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 55. Effective July 1, 1988, subsections (3) and (4) of section 212.10, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are reenacted, and subsection (5) of said section as amended by said chapter, is amended, to read:

212.10 Sale of business; liability for tax, procedure, penalty for violation.—

(3) In the event any dealer is delinquent in the payment of the tax herein provided for, the department may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such dealer or owing any debts to such dealer at the time of receipt by them of such notice. All persons so notified shall within 5 days after receipt of the notice advise the department of all such credits, other personal property, or debts in their possession, under their control, or owing by them. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the department consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier, except that the credits, other personal property, or debts which exceed the delinquent amount stipulated in the notice shall not be subject to the provisions of this section, wherever held, in any case in which such dealer does not have a prior history of sales tax delinquencies. All persons notified shall likewise within 5 days advise the department of any subsequent credits or other personal property belonging to such dealer or any debts incurred and owing to such dealer which may come within their possession or under their control during the time prescribed by the notice or until the department consents to a transfer or disposition, whichever expires the earlier. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the office of such bank at which such deposit is carried or at which such credits or personal property is held. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, he shall be liable to the state for any indebtedness due under this chapter from the person with respect to whose obligation the notice was given to the extent of the value of the property or the amount of the debts thus transferred or paid if, solely by reason of such transfer or disposition, the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given. All such credits or other personal property or debts are subject to garnishment by the department for satisfaction of the delinquent tax due.

(4) After notice by the department of a transferee liability under this section, the dealer shall have 60 days within which to file an action as provided in chapter 72.

(5)~~(3)~~ Any violation of the provisions of this section is a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 56. Effective July 1, 1988, paragraph (a) of subsection (2) and subsection (13) of section 212.12, Florida Statutes, as amended by section 88 of chapter 87-6, Laws of Florida, 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.—

(2)(a) When any person, firm, or corporation required hereunder to make any return or to pay any tax imposed by this chapter fails to timely file such return or fails to pay the tax due within the time required hereunder, in addition to all other penalties provided herein and by the laws of this state in respect to such taxes, a specific penalty shall be added to the tax in the amount of 5 percent of any unpaid tax if the failure is for not more than 30 days, with an additional 5 percent of any unpaid tax for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total penalty of *25* ~~100~~ percent, in the aggregate, of any unpaid tax. In no event may the penalty be less than $5 for failure to timely file a tax return required by s. 212.11. In the case of a false or fraudulent return or a willful intent to evade payment of any tax imposed under this chapter, in addition to the other penalties provided by law, the person making such false or fraudulent return or willfully attempting to evade the payment of such a tax shall be liable to a specific penalty of 50 percent of the tax bill and for fine and punishment as provided by law for a conviction of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree.

(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* ~~felony~~ of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for the first offense; and for subsequent offenses, they are each guilty of a *misdemeanor* ~~felony~~ of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 57. Effective 1, 1988, subsections (1) and (2) of section 212.13, Florida Statutes, as amended by section 89 of chapter 87-6, Laws of Florida, are amended to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(1) For the purpose of enforcing the collection of the tax levied by this chapter, the department is hereby specifically authorized and empowered to examine at all reasonable hours the books, records, and other documents of all transportation companies, agencies, or firms that conduct their business by truck, rail, water, aircraft, or otherwise, in order to determine what dealers, or other persons charged with the duty to report or pay a tax under this chapter, are importing or are otherwise shipping in articles or tangible personal property which are liable for said tax. In the event said transportation company, agency, or firm refuses to permit such examination of its books, records, or other documents by the department as aforesaid, it is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department shall have the right to proceed in any chancery

court to seek a mandatory injunction or other appropriate remedy to enforce its right against the offender, as granted by this section, to require an examination of the books and records of such transportation company or carrier.

(2) Each dealer, as defined in this chapter, shall secure, maintain, and keep for a period of 3 years a complete record of tangible personal property or services received, used, sold at retail, distributed or stored, leased or rented by said dealer, together with invoices, bills of lading, gross receipts from such sales, and other pertinent records and papers as may be required by the department for the reasonable administration of this chapter; and all such records which are located or maintained in this state shall be open for inspection by the department at all reasonable hours at such dealer's store, sales office, general office, warehouse, or place of business located in this state. Any dealer who maintains such books and records at a point outside this state must make such books and records available for inspection by the department where the general records are kept. Any dealer subject to the provisions of this chapter who violates these provisions is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 58. Effective July 1, 1988, subsection (3) of section 212.14, Florida Statutes, as amended by section 90 of chapter 87-6, Laws of Florida, is amended to read:

212.14 Departmental powers; hearings, subpoena; distress warrants; time for assessments.—

(3) The department may require all reports of taxes to be paid under this chapter to be accompanied with a written statement, of the person or by an officer of any firm or corporation required to pay such taxes setting forth such facts as the department may reasonably require in order to advise the department as to the amount of taxes that are due and payable upon said return. Filing of return not accompanied by payment is prima facie evidence of conversion of the money due. Any person or any duly authorized corporation officer or agent, members of any firm or incorporated society, or organization who refuses to make a return and pay the taxes due, as required by the department and in the manner and in the form that the department may require, or to state in writing that the return is correct to the best of his knowledge and belief, as so required by the department, shall be subject to a penalty of 6 percent per annum of the amount due and shall upon conviction, be guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The signing of a written return shall have the same legal effect as if made under oath without the necessity of appending such oath thereto.

Section 59. Effective July 1, 1988, subsections (2) and (3) of section 212.15, Florida Statutes, as amended by chapter 87-6, Laws of Florida, are amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes; due and delinquent dates; judicial review.—

(2) Any person who, with intent to unlawfully deprive or defraud the state of its moneys or the use or benefit thereof, fails to remit taxes collected pursuant to this chapter is guilty of theft of state funds, punishable as follows:

(a) If the total amount of stolen revenue is less than $100, the offense is a *misdemeanor* ~~felony~~ of the *second* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Upon a second ~~or subsequent~~ conviction within a 3-year period, the offender is guilty of a *misdemeanor* ~~felony~~ of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *Upon a third or subsequent conviction within a 3-year period, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) If the total amount of stolen revenue is $100 or more, the offense is a felony of the *third* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the total amount of stolen revenue is $20,000 or more, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) *Prosecution of a misdemeanor under this section shall commence no later than 2 years from the date of the offense.* Prosecution of a felony under this section shall commence no later than 5 years from the date of the offense.

Section 60. Effective July 1, 1988, subsection (3) of section 212.18, Florida Statutes, as amended by section 92 of chapter 87-6, Laws of Florida, 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, 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, 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 services 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, 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* ~~felony~~ of the *first* ~~third~~ 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 61. Effective July 1, 1988, subsection (1) of section 214.40, Florida Statutes, as amended by chapter 87-6, Laws of Florida, 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* ~~100~~ 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.

Section 62. Effective July 1, 1988, section 214.60, Florida Statutes, as amended by chapter 87-6, Laws of Florida, is amended to read:

214.60 Willful and fraudulent acts.—Any taxpayer who is subject to the provisions of this chapter and who willfully fails to file a return or keep required books and records, files a fraudulent return, willfully violates any rule or regulation of the department, or willfully attempts in any other manner to evade or defeat any tax imposed by laws made applicable to this chapter or the payment thereof, is, in addition to other penalties, guilty of a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 63. Sections 100, 101, 102, and 106 of chapter 87-6, Laws of Florida, are hereby repealed.

Section 64. Paragraph (c) of subsection (2) of section 213.73, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

213.73 Manner and conditions of sale of property subject of a levy by the Department of Revenue.—Whenever a levy is made as a result of an execution upon a tax warrant or lien:

~~(c) The extent to which methods additional to those prescribed in s. 213.72, including advertising, may be used in giving notice of the sale.~~

Section 65. Section 213.74, Florida Statutes, as created by chapter 87-6, Laws of Florida, is amended to read:

213.74 Certificate of sale; deed of real property; legal effect.—

(1) In the case of property sold *pursuant to a levy by the Department of Revenue* ~~as provided in s. 213.72~~, the executive director or his designee shall give to the purchaser a certificate of sale upon payment in full of the purchase price. Such certificate shall set forth a description of the property purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor.

(2) In the case of any real property sold *pursuant to a levy by the Department of Revenue* ~~as provided in s. 213.72~~, and not redeemed in the manner and within the time provided in s. 213.73, the executive director or his designee shall execute, in accordance with the laws of this state pertaining to the sale of real property under execution, to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(3) If real property is declared purchased for the state at a sale pursuant to *a levy by the Department of Revenue* ~~s. 213.72~~, the executive director or his designee shall present a certificate of sale and execute a deed therefor to the Board of Trustees of the Internal Improvement Trust Fund, and the board of trustees shall, without delay, cause such deed to be duly recorded in the proper clerk's office in the proper manner.

(4) In all cases of sale of tangible or intangible personal property pursuant to *a levy by the Department of Revenue* ~~s. 213.72~~, the certificate of sale shall be prima facie evidence of the right of the executive director or his designee to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale and shall transfer to the purchaser all right, title, and interest of the party delinquent in and to the property sold. If such property consists of intangibles such as stock and bonds, the certificate constitutes notice, when received, to any corporation, company, or association of such transfer, and constitutes authority to such corporation, company, or association to record the transfer on its books and records in the same manner as if the intangibles were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether canceled or not. If the subject of the sale is securities or other evidences of debt, the certificate constitutes a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt. If such property consists of a motor vehicle, the certificate constitutes notice when received, to any public official charged with the registration of title of motor vehicles, of such transfer and constitutes authority to such official to record the transfer on his books and records in the same manner as if the certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate of title, which shall be void whether canceled or not.

(5) In the case of the sale of real property pursuant to *a levy by the Department of Revenue* ~~s. 213.72~~, the deed of sale given pursuant to this section shall be prima facie evidence of the facts stated therein and if the proceedings by the executive director or his designee have been substantially in accordance with the provisions of this chapter and the rules of the department, such deed constitutes a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the Department of Revenue attached thereto.

Section 66. *Except for violations for which the period of time for bringing an action or enforcing a lien has expired prior to July 1, 1988, the penalties provided by sections 29 through 62 of this act are applicable to the failure to pay taxes which are due before and remain unpaid on July 1, 1988.*

Section 67. *Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 68. Section 9 of chapter 86-166, Laws of Florida, is hereby repealed.

Section 69. Except as otherwise provided herein, this act shall take effect July 1, 1987.

Conference Committee Amendment 2—Strike the title and insert: A bill to be entitled An act relating to taxation; amending s. 212.059, F.S., relating to the sales and use tax on services; revising provisions relating to computation, collection, and remittance of the tax and registration of dealers as service providers; requiring multistate purchasers that self-accrue the tax to file an annual supplementary tax return; revising provisions relating to apportionment of interstate or international transportation services; requiring applicants for specified permits to attest that applicable use taxes have been paid; amending s. 212.0591, F.S.; revising rules of construction relating to inclusion of a proportion of the sales or cost price under certain circumstances, transactions involving both taxable and exempt services, and determining where the benefit of a service is enjoyed; providing legislative intent regarding exemptions from the tax; amending s. 212.0592, F.S.; revising exemptions and conditions applicable thereto and providing additional exemptions; amending s. 212.0593, F.S., relating to administration of the exemption for services sold in this state for use outside this state; revising provisions relating to exempt purchase permits; revising time period for maintenance of dealers' monthly logs and a penalty applicable thereto; specifying inapplicability of certain refund provisions; repealing section 5 of chapter 87-6, Laws of Florida, and creating s. 212.0594, F.S.; revising special provisions applicable to the tax on construction services; amending s. 212.0595, F.S.; revising special provisions applicable to the tax on advertising; creating s. 212.0598, F.S.; specifying conditions under which certain air carriers may elect to be subject to the tax on services and tangible personal property; providing basis of the tax applicable to such air carriers; specifying application of such tax to air carriers who do not so elect; amending s. 212.02, F.S.; revising definitions applicable to chapter 212, F.S.; amending s. 212.031, F.S.; revising an exemption from the tax on rental, lease, or granting a license for use of real property for certain property leased to persons providing food and drink concessionaire services; amending s. 212.04, F.S.; exempting admissions, dues, and membership fees to certain athletic or other events sponsored by schools and other institutions or by governmental entities and certain admissions paid by students to places of sport or recreation; providing an exception; amending s. 212.05, F.S.; specifying application of a definition of "telecommunication service"; specifying application of the tax on sales, use and other transactions to sale of newspapers and magazines; amending s. 212.08, F.S.; providing a retroactive exemption from said tax for certain beverages; revising the exemptions for sales to political subdivisions and religious, scientific and educational institutions, film rentals, organizations providing special benefits to minors, and vehicles engaged in interstate or foreign commerce; amending s. 212.095, F.S.; removing a prohibition against dealers assisting in preparation of tax refund claims; amending s. 212.11, F.S.; revising provisions which authorize quarterly returns for certain dealers remitting the tax solely for the provision of services; amending section 17 of chapter 87-6, Laws of Florida; revising the effective date of an amendment relating to application of the dealer's credit to persons who remit taxes or fees reported on the same documents utilized for sales and use tax; amending s. 212.235, F.S., relating to the State Infrastructure Trust Fund; amending section 31 of chapter 87-6, Laws of Florida, revising an exemption from the tax on services for certain improvements to real property; requiring the Department of Revenue to report to the Legislature; amending section 32 of chapter 87-6, Laws of Florida, relating to certain conditions applicable to self-accrual; amending section 33 of chapter 87-6, Laws of Florida; specifying administrative provisions applicable to department rules implementing said chapter and this act; amending section 36 of chapter 87-6, Laws of Florida, relating to waiver of penalties and interest with respect to the tax on services for a specified period; amending section 37 of chapter 87-6, Laws of Florida; revising provisions relating to application of the tax to certain prepaid services; amending section 38 of chapter 87-6, Laws of Florida; revising provisions relating to construction of said chapter with respect to certain client confidentiality; amending ss. 120.575 and 120.65, F.S.; revising provisions relating to appointment of a panel to be hearing officer in certain administrative taxpayer contest proceedings; amending section 47 of chapter

87-6, Laws of Florida; revising a date for a department study of taxable services; amending section 48 of chapter 87-6, Laws of Florida; revising provisions relating to application of a tax amnesty program; providing an appropriation to the Division of Administrative Hearings; amending ss. 95.091, 198.18, 211.33, 214.50, 214.51, 212.08, 125.0104, 198.37, 198.39, 199.282, 201.17, 201.20, 203.01, 203.03, 203.63, 206.18, 206.44, 206.877, 206.9931, 207.007, 211.076, 211.25, 212.0305, 212.05, 212.07, 212.085, 212.10, 212.12, 212.13, 212.14, 212.15, 212.18, 214.40, and 214.60, F.S.; reducing certain penalties; repealing sections 100, 101, 102, and 106 of chapter 87-6, Laws of Florida, relating to priority of tax warrants, seizure of property for collection of taxes, sale of seized property, and freezing of assets and obligations, respectively; amending s. 213.73, F.S.; deleting an inapplicable notice provision; amending s. 213.74, F.S.; correcting cross-references; providing for applicability of certain penalties; providing for severability; repealing section 9 of chapter 86-166, Laws of Florida, which created a commission to review exemptions from the sales tax; providing effective dates.

On motion by Senator Deratany, the Conference Committee Report was adopted and CS for HB 1506 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—31

Mr. President	Dudley	Kirkpatrick	Peterson
Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Hill	McPherson	Weinstock
Crenshaw	Hollingsworth	Meek	Woodson
Deratany	Jennings	Myers	

Nays—8

Childers, D.	Jenne	Langley	Thurman
Frank	Johnson	Plummer	Weinstein

Vote after roll call:

Nay—Girardeau

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 4, to House Amendment 5, Senate Amendments 1, 2, 3, 4 to House Amendment 6 to CS for SB 145; has refused to concur in Senate Amendment 1 to House Amendment 7 and requests the Senate to recede.

John B. Phelps, Clerk

CS for SB 145—A bill to be entitled An act relating to fuel taxes; amending s. 206.01, F.S.; redefining the term "importer"; providing a definition; amending s. 206.02, F.S.; providing additional procedures for issuance of refiner's, importer's, and wholesaler's licenses; amending s. 206.09, F.S.; revising certain reporting requirements for carriers; amending s. 206.41, F.S.; redefining the events upon which the constitutional gas tax is levied; amending s. 212.62, F.S.; redefining the events on which the motor fuel and special fuel tax is levied; amending s. 206.60, F.S.; redefining the events on which the county motor fuel tax is levied; amending s. 206.605, F.S.; redefining the events on which the municipal motor fuel tax is levied; amending s. 206.62, F.S.; imposing taxes on sales to and by military post exchanges; amending s. 212.67, F.S.; providing for a credit of motor fuel taxes due to shrinkage of motor fuel; amending s. 206.86, F.S.; redefining the term "special fuel" and defining the terms "dual user" and "consumption"; amending s. 206.87, F.S.; redefining the events upon which the special fuels tax is imposed; revising exemptions from the special fuels tax and providing tax liability of dealers and other persons in specified circumstances; amending s. 206.9931, F.S.; revising reporting requirements for persons dealing in taxable pollutants; providing for quarterly, semiannual, or annual returns under certain circumstances; amending s. 206.9935, F.S.; redefining the events on which the tax on pollutants is levied; amending s. 206.9941, F.S.; exempting certain petroleum products from taxation; amending s. 206.9942, F.S.; clarifying the conditions under which a licensed refiner, importer, producer, wholesaler, or dealer may deduct or receive a refund of pollutant taxes; amending ss. 336.021, 336.025, 336.026, F.S.; providing for application and effect of certain local option gas taxes; correcting cross references; amending s. 206.05, F.S.; providing for certain securities in lieu of a surety bond; creating s. 206.065, F.S.; providing for certain wholesalers of motor fuel to self-accrue and remit motor fuel taxes under certain circumstances; specifying requirements; providing for revocation of such privilege; requiring hearings; amending s. 206.07, F.S.; providing for liability for defrauding the state of motor fuel taxes; amending s. 206.27, F.S.; providing for sharing certain Department of Revenue records; amending certain Department of Revenue records; amending s. 206.47, F.S.; providing for distribution of constitutional gas tax funds; amending s. 206.56, F.S.; defining conditions under which embezzlement of state moneys exists; amending s. 206.59, F.S.; authorizing the Department of Revenue to assess and collect taxes, penalties, and interest against certain persons; amending s. 206.91, F.S.; clarifying conditions under which a dealer collection allowance may be taken; creating s. 206.9865, F.S.; providing for licensing commercial air carriers as aviation fuel dealers; providing requirements; specifying when aviation fuel tax is due; creating s. 206.9875, F.S.; exempting certain purchases of the United States from the aviation fuel tax; providing for taxing motor fuel in inventory; amending s. 212.66, F.S.; providing applicability; providing an effective date.

On motion by Senator Deratany, the Senate receded from Senate Amendment 1 to House Amendment 7.

CS for SB 145 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	Frank	Kirkpatrick	Scott
Barron	Girardeau	Kiser	Stuart
Beard	Gordon	Lehtinen	Thomas
Brown	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hair	McPherson	Weinstock
Crenshaw	Hill	Meek	Woodson
Deratany	Jenne	Peterson	
Dudley	Jennings	Ros-Lehtinen	

Nays—6

Childers, D.	Johnson	Myers
Hollingsworth	Langley	Plummer

On motions by Senator Crawford, by two-thirds vote SB 1244 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Crawford, by unanimous consent—

SB 1244—A bill to be entitled An act relating to sales taxes; creating the "Fairness in Retail Sales Taxation Act"; providing legislative intent; creating s. 212.0592, F.S.; imposing sales taxes on mail order sales; amending s. 212.06, F.S.; redefining "dealer" to include retailers who transact mail order sales; imposing a tax on sales made in this state of property to be transported to "cooperating states," as defined; prescribing procedures for levying and administering the tax; amending s. 212.20, F.S.; providing for refund of unconstitutionally collected taxes; amending s. 212.02, F.S.; redefining "retail sale" and defining "mail order sale"; amending s. 212.05, F.S., to conform legislative intent; amending s. 212.12, F.S.; providing for negotiation of dealers' collection allowances; authorizing audit of dealers who make mail order sales; amending s. 212.15, F.S., to conform; amending s. 212.18, F.S.; providing that no registration fee is required of a person engaged in making mail order sales; providing an appropriation; providing severability; providing an effective date.

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

Senator Crawford moved the following amendments which were adopted:

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

Section 1. (1) *Short title.—Sections 1 through 11 may be cited as the "Fairness in Retail Sales Taxation Act."*

(2) *This section shall take effect October 1, 1987*

Section 2. *Findings and intent.—*

(1) The Legislature of the State of Florida finds:

(a) Millions of dollars of retail sales are made each year involving the transport of property from outside this state to purchasers in this state.

(b) Sales and use taxes to this state are not being paid on many, if any, of these sales.

(c) There is a substantial loss of revenue to this state as a result of failure or refusal to collect and remit to the treasury of this state sales and use taxes on these sales.

(d) Such failure or refusal is detrimental to the residents of and visitors to this state in two respects: First, the resulting loss of revenue increases the difficulty of carrying on essential state activities and maintaining and fostering a high quality of life for residents and visitors; and, second, retailers who, in compliance with laws of this state, collect and remit taxes on retail sales suffer from the unfair competition of those who do not do so, which is harmful to the business and economic climate of the state.

(e) Retailers who take advantage of the prosperity, market, laws, citizens and economy of this state by making retail sales to purchasers in this state are morally obligated to assume their fair share of the burden of maintaining this state's prosperity and quality of life by collecting and remitting taxes on sales to such purchasers.

(2) It is, therefore, the intent of this act to:

(a) Assure that those who make retail sales involving the transport of property from outside this state to purchasers in this state bear their fair share of this burden.

(b) Protect from unfair competition retailers who comply with the laws of this state by collecting and remitting tax on retail sales.

(c) Assure that the treasury of this state receives revenue needed to carry on essential state activities and to maintain and foster a high quality of life for its residents and visitors.

(3) This section shall take effect October 1, 1987.

Section 3. Effective October 1, 1987, section 212.0596, Florida Statutes, is created to read:

212.0596 Taxation of mail order sales.—

(1) For purposes of this part, a "mail order sale" is a sale of tangible personal property, ordered by mail or other means as described in paragraph (2)(e), to a purchaser who is in this state at the time the order is remitted, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property. For purposes of this definition, it will be presumed that every person resident in this state who remits an order shall have been in this state at the time the order was remitted.

(2) Every dealer as defined in s. 212.06(2)(c) who makes a mail order sale is subject to the power of this state to levy and collect the tax imposed by this part, when:

(a) The dealer is a corporation doing business under the laws of this state or a person domiciled in, a resident of, or a citizen of, this state;

(b) The dealer maintains retail establishments or offices in this state, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to the activities of such establishments or offices;

(c) The dealer has agents in this state who solicit business or transact business on behalf of the dealer, whether the mail order sales thus subject to taxation by this state result from or are related in any other way to such solicitation or transaction of business;

(d) The property was delivered in this state in fulfillment of a sales contract that was entered into in this state, in accordance with applicable conflict of laws rules, when a person in this state accepted an offer by ordering the property;

(e) The dealer, by purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including but not limited to direct mail advertising, unsolicited distribution of catalogues, computer-assisted shopping, television, radio or other electronic media, or magazine or newspaper advertisements or other media, creates nexus with this state;

(f) Through compact or reciprocity with another jurisdiction of the United States, that jurisdiction uses its taxing power and its jurisdiction over the retailer in support of this state's taxing power; or

(g) The dealer consents, expressly or by implication, to the imposition of the tax imposed by this part.

(3) Every dealer engaged in the business of making mail order sales is subject to the requirements of this part for cooperation of dealers in collection of taxes and in administration of this part, except that no fee shall be imposed upon such dealer for carrying out any required activity.

(4) The department shall, with the consent of another jurisdiction of the United States whose cooperation is needed, enforce this part in that jurisdiction, either directly or, at the option of that jurisdiction, through its officers or employees.

(5) The tax required under this section to be collected and any amount unreturned to a purchaser that is not tax but was collected from the purchaser under the representation that it was tax constitute funds of the State of Florida from the moment of collection.

Section 4. Effective October 1, 1987, paragraph (c) of subsection (2) and paragraph (a) of subsection (5) of section 212.06, Florida Statutes, 1986 Supplement, as amended by chapter 86-166, Laws of Florida, 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)

(c) The term "dealer" is further defined to mean every person, as used in this chapter, who sells at retail, or who offers for sale at retail, or who has in his possession for sale at retail, or for use, consumption, or distribution, or for storage to be used or consumed in this state tangible personal property as defined herein, *including a retailer who transacts a mail order sale.*

(5)(a) *1. Except as provided in subparagraph 2.,* 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 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.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d. However, a Florida dealer will be relieved from the requirements of collecting taxes pursuant to this subparagraph if the Florida dealer obtains from the purchaser an affidavit setting forth the purchaser's name, address, state taxpayer identification number, and a statement that the purchaser is aware of his state's use tax laws, is a registered dealer in Florida or another state, or is purchasing the tangible personal property for resale or is otherwise not required to pay the tax on the transaction. The department may, by rule, provide a form to be used for the purposes set forth herein.

b. For purposes of this subparagraph, "a cooperating state" is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on mail order sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on mail order sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this part.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make mail order sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own personnel.

(V) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, "sales of tangible personal property to be transported to a cooperating state" means mail order sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the rate at which such a sale would have been taxed pursuant to the cooperating state's tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state, and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the department or agency designated by it to act for it; however, such payment shall, in no event, be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service charge imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section 5. Effective October 1, 1987, subsection (1) of section 212.20, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; *refund of taxes adjudicated unconstitutionally collected.*—

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this chapter, to be credited to the account of the General Revenue Fund of the state, *except that funds collected under s. 212.06(5)(a)2. shall be held in trust in the State Treasury, as provided therein.*

(4) When there has been a final adjudication that any tax pursuant to s. 212.0596 was levied, collected, or both, contrary to the Constitution of the United States or the State Constitution, the department shall, in accordance with rules, determine, based upon claims for refund and other evidence and information, who paid such tax or taxes, and refund to each such person the amount of tax paid. For purposes of this subsection, a "final adjudication" is a decision of a court of competent jurisdiction from which no appeal can be taken or from which the official or officials of this state with authority to make such decisions has or have decided not to appeal.

Section 6. Effective October 1, 1987, paragraph (e) is added to subsection (3) of section 212.02, Florida Statutes, 1986 Supplement, 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)

(e) The term "retail sale" includes a mail order sale, as defined in s. 212.0596(1).

Section 7. Effective October 1, 1987, the introductory paragraph of section 212.05, Florida Statutes, 1986 Supplement, 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, *including the business of making mail order sales,* 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.

Section 8. (1) Effective October 1, 1987, subsection (1) and paragraph (a) of subsection (5) of section 212.12, Florida Statutes, 1986 Supplement, 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 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, person, lessor, dealer, and owner *(except dealers who make mail order sales)* 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. *The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.*

(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.

(5)(a) The department is authorized to audit or inspect the records and accounts of dealers defined herein, *including audits or inspections of dealers who make mail order sales to the extent permitted by another state,* and correct by credit any overpayment of tax; and, in the event of a deficiency, an assessment shall be made and collected. No administrative finding of fact is necessary prior to the assessment of any tax deficiency.

(2) It is the intent of the Legislature that the amendment of s. 212.12, Florida Statutes, by this section is supplemental to other amendments to said section that may be enacted at the 1987 Regular Session of the Legislature, unless a contrary intent is indicated in such other amendments.

Section 9. Effective October 1, 1987, subsection (1) of section 212.15, Florida Statues, is amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes; due and delinquent dates; judicial review.—

(1) The taxes imposed by this chapter shall, *except as provided in s. 212.06(5)(a)2.e.,* become state funds at the moment of collection and shall for each month be due to the department on the first day of the succeeding month and delinquent on the 21st day of such month. All returns postmarked after the 20th day of such month are delinquent.

Section 10. Effective October 1, 1987, subsection (3) of section 212.18, Florida Statutes, 1986 Supplement, 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, 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. *However, no registration fee is required to accompany an application to engage in or conduct business to make mail order sales.* 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, 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, 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 11. *There is hereby appropriated to the Department of Revenue from the General Revenue Fund the sum of $75,000 in order to retain legal consultants to assist in any litigation arising as a result of the Fairness in Retail Sales Taxation Act.*

(Renumber subsequent sections.)

Amendment 2—On page 1, line 2, after the semicolon (;) insert: creating the Fairness in Retail Sales Taxation Act; providing findings and intent; creating s. 212.0596, F.S.; providing application of the tax on sales, use and other transactions to mail order sales; specifying conditions under which dealers making such sales are subject to said tax; providing duties of such dealers; providing for enforcement in other jurisdictions; amending s. 212.06, F.S.; including such persons within the definition of "dealer"; providing for levy of tax on sales of tangible personal property to be transported to a cooperating state; specifying requirements applicable to cooperating states; providing for payment of taxes collected to cooperating states; providing duties of dealers selling tangible personal property for delivery in another state; amending s. 212.20, F.S.; providing for refund of certain taxes adjudicated unconstitutionally levied or collected; amending s.212.02, F.S; providing definitions; amending s. 212.05, F.S.; including mail order sales as a taxable privilege; amending s. 212.12, F.S.; excluding dealers making mail order sales from the dealer's credit; authorizing the executive director of the Department of Revenue to negotiate a collection allowance with such dealers; providing for audits and inspections; amending s. 212.15, F.S., relating to collection of taxes, to conform; amending s. 212.18, F.S.; excluding the business of making mail order sales from registration fees; providing an appropriation to the Department of Revenue.

On motion by Senator Crawford, by two-thirds vote SB 1244 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Girardeau	Kirkpatrick	Plummer
Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Hollingsworth	McPherson	Weinstein
Crenshaw	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

Nays—1

Deratany

ENROLLING REPORTS

CS for SB 143 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 5, 1987.

Joe Brown, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 941 and SB 1218 which he approved on June 4; CS for SB 143, SB 327 and SB 363 which he approved on June 5; and Senate Bills 39, 591, 623, 708, 720, 798, 888, 1292, 1306 and 1316 which became law without his signature on June 6, 1987.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB's 35, 437, 894 and 923, CS for SB 219, CS for SB 359, CS for SB 371, SB 380, CS for CS for SB 392, CS for CS for SB 501, CS for SB 550, SB 587, CS for SB's 693 and 561, CS for CS for SB 711, CS for SB 763, CS for SB 778, CS for SB 795, SB 861 CS for SB 988, SB 1063, CS for SB 1072, CS for SB's 1098 and 296, SB 1124, CS for SB 1181, Senate Bills 1244, 1262, 1330, 1368; reconsidered and withdrew House Amendments 1 and 2 and passed CS for SB 628.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment to House amendment and passed CS for SB 142, as amended; has concurred in Senate amendments to House amendments and passed CS for SB 177, as amended; has concurred in Senate amendments to House amendments and passed CS for SB's 799 and 132, as amended; has accepted the Conference Committee Report as an entirety and passed SB 1325 as amended by the Conference Committee Report; and has accepted the Conference Committee Report as an entirety and passed SB 1326 as amended by the Conference Committee Report.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered engrossed and then enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 36, CS for HB 226, CS for CS for HB 279, CS for HB 282, House Bills 441, 501, 535, CS for HB 577, House Bills 591, 673, CS for HB 798, House Bills 925, 953, 955, 957, CS for HB 992, House Bills 1108, 1251, 1262, 1272, 1308, 1453, 1466, CS for HB 1467 and HB 1479; and has accepted the Conference Committee Report as an entirety and passed CS for HB 1506 as amended by the Conference Committee Report.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 4 was corrected and approved.

The Journal of June 2 was further corrected and approved as follows:

Page 590, column 1, strike lines 23 and 24, and insert:

and the House was requested to recede.

CS for SB 55 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

Nays—None

VOTES RECORDED

As you know, I was excused on Thursday, 4 June 1987 to attend my son's high school graduation ceremonies in Ft. Myers.

I have now completely reviewed the Journal of the Senate for Thursday, 4 June 1987 and wish to be recorded as voting "yea" on all the roll calls taken; this would also include the roll call taken on Amendment 20 for CS for SB 2.

Fred R. Dudley, 38th District

Senator Hair was recorded as voting yea on the following which were considered June 2: CS for SB 683, HB 775; June 3: CS for SB 142, CS for SB 869, SB 912, CS for SB 1094, CS for HB 337, CS for HB 374; June 4: CS for SB 141, CS for CS for SB 501, CS for HB 619, CS for HB 1174, HB 1456; June 5: SB 283, SB 348, CS for CS for SB 392, CS for HB 379, CS for HB 763 and HCR 1502.

Senator Crawford was recorded as voting yea on the following: CS for SB 727 on April 15; Senate Bills 31, 92 and HB 97 on April 16; Senate Bills 82, 91, 99, 569 and 571 on April 21; Senate Bills 101 and 560 on April 28; SB 213 on April 30; Senate Bills 268 and 521 on May 6; Senate Bills 96, 134, 762 and HB 1239 on May 12; CS for SB 142 and CS for HB 373 on May 19; Senate Bills 332, 497, 658, 745, CS for SB 189, CS for SB 419, CS for SB 510, CS for SB 744, CS for SB 878 and CS for HB 211 on May 21; Senate Bills 91, 295, 539, CS for SB 496, CS for SB 564, CS for SB 1075, CS for SB 1193, CS for HB 170 and CS for CS for HB 1247 on May 27; Senate Bills 68, 776, 812, 1332, 1352, SJR 135, CS for SB 631, CS for CS for SB 399, CS for SB's 1096, 963 and 654, CS for SB 1264, House Bills 162, 371, 463, 1034, 1255, 1287, 1289, 1290, 1291, 1292, 1293, 1294, 1355, 1423, CS for HB 123, HJR 214, CS for HB 656, CS for HB 1384, and nay on CS for SB's 468, 549 and 648 on May 28; Senate Bills 233, 268, 436, 902, 967, 1029, 1046, CS for SB 167, CS for SB 383,CS for SB 401, CS for SB 413, CS for SB 515, CS for SB 593, CS for SB 628, CS for SB's 715, 664 and 850, CS for SB 750, CS for SB 982, CS for SB 976, CS for SB 1062, CS for SB's 1248 and 554, CS for SB 1268, House Bills 200, 380, 522, 646, 898 and 1438, CS for HB 124, CS for HB 935, CS for HB 1016 and CS for HB 1147 on May 29; Senate Bills 478, 762, 967, CS for SB 182, CS for SB 234, CS for SB 383, CS for SB 516, CS for SB 683, CS for SB 821, CS for SB 873, CS for SB 1130, House Bills 183, 358, 367, 645, 779, 830, 1108, 1299, 1316, 1359, 1398, CS for CS for HB 18, CS for HB 196, CS for HB 338, and CS for HB 703 on June 1; Senate Bills 58, 330, 529, 614, CS for SB 144, CS for SB 227, CS for SB 419, CS for SB 683, CS for SB's 799 and 132, CS for SB 986, CS for SB 1072, House Bills 512, 513, 549, 693, 716, 1276, CS for HB 992 and HCR 552 on June 2; Senate Bills 656, 842, 1202, CS for SB 141, CS for SB 242, CS for SB 287, CS for SB 359, CS for SB 371, CS for SB 546, CS for SB 744, CS for SB 795, CS for SB 1024, House Bills 59, 98, 252, 259, 350, 428, 501, 535, 740, 1163, 1376, CS for HB 54, CS for HB 114, CS for HB 123, CS for HB 198, CS for HB 270, CS for HB 278, CS for HB 337, CS for HB 364, CS for HB 577, CS for HB 802, CS for HB 1144, CS for CS for HB 761 on June 3; SB 1368, CS for SB's 35, 437, 894 and 923, CS for CS for SB 501, CS for SB 1081, CS for SB's 1289, 771 and 84, House Bills 441, 485, 591, 678, 747, 784, 890, 925, 951, 952, 1072, 1111, 1456, CS for HB 58, CS for HB 383, CS for HB 619 and CS for HB 1174 on June 4.

ADJOURNMENT

On motion by Senator Barron, the Senate adjourned sine die at 4:50 a.m., June 6.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1131, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Nineteenth Regular Session of the Legislature convened under the Constitution as Revised in 1968, held from April 7 through June 6, 1987. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.

JOE BROWN
Secretary of the Senate

Tallahassee, Florida
July 16, 1987